

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

171
172
173
174

L.D. 2334

DATE: 4-12-00

(Filing No. H-1121)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause and before section 1 the following:

'PART A'

Further amend the bill by striking out all of sections 1, 5, 6, 12 and 13.

Further amend the bill by striking out all of section 16 and inserting in its place the following:

'Sec. 16. 12 MRSA §6193, as enacted by PL 1977, c. 661, §5, is amended to read:

§6193. Exemption from requirement to supply copies

Emergency regulations ~~rules~~ authorized under section 6172 shall-be-exempted are exempt from the requirement that they be supplied to persons ~~that~~ who have requested them, as required under Title 5, section ~~8055~~ 8056, subsection 1.'

Further amend the bill by striking out sections 17, 18 and 29.

Further amend the bill in section 39 in subsection 5-A in the last line (page 11, line 25 in L.D.) by striking out the following: "established in former subsection 2-A" and inserting in its place the following: '~~established-in-subsection-2-A~~'

COMMITTEE AMENDMENT

Further amend the bill in section 47 in that part designated
"§13777." in the next to the last line (page 13, line 34 in L.D.)
by striking out the following: "of 1986" and inserting in its
place the following: 'ef-1986'

Further amend the bill by striking out all of sections 49
and 51.

Further amend the bill by inserting after section 72 the
following:

PART B

Sec. B-1. 12 MRSA §6421, sub-§5, ¶D, as repealed and replaced
by PL 1999, c. 643, §3, is amended to read:

D. Did not possess a Class I, Class II or Class III lobster
and crab fishing license in the previous calendar year
because the commissioner had suspended the person's license
privileges for a length of time that included the previous
calendar year; or

Sec. B-2. 22 MRSA §3501-B, as enacted by PL 1993, c. 707, Pt.
Z, §2 and repealed by c. 708, Pt. G, §2, is repealed.

Sec. B-3. 22 MRSA c. 960 is enacted to read:

CHAPTER 960

EYE CARE

§3521. Medical eye care program

The department shall provide medical eye services, within
the amounts appropriated by the Legislature, including corrective
glasses, to individuals who have an annual income not exceeding
80% of the State's median income adjusted for family size and who
have:

1. Eye disorder. A significant eye disorder that, if
untreated, may progress to blindness; or

2. Visual acuity of 20/70 or worse. A visual acuity after
correction of 20/70 or worse in the better eye.

The department shall, after hearing, in a manner consistent
with the Maine Administrative Procedure Act, adopt rules
governing eligibility, application procedures, services covered
and reimbursement procedures. The authority to adopt rules

2 granted by this paragraph is deemed to be the same authority
3 granted by former section 3501-B.

4 **Sec. B-4. 32 MRSA §13852, sub-§1**, as enacted by PL 1989, c.
5 465, §3, is amended to read:

6 **1. Establishment.** The Board of Counseling Professionals
7 Licensure within the Department of Professional and Financial
8 Regulation as established by Title 5, section 12004-A, subsection
9 9-A 9-C, shall carry out the purposes of this chapter.

12 **Sec. B-5. 32 MRSA §14807, sub-§7**, as repealed and replaced by
13 PL 1999, c. 133, §2 and repealed by c. 386, Pt. V, §10, is
14 repealed and the following enacted in its place:

16 **7. Exceptions.** The licensing provisions of this section do
17 not apply to:

18 A. A highway transport driver who delivers propane to bulk
19 plants or industrial customers;

22 B. An individual user of a self-service propane or natural
23 gas dispenser as defined by section 14802, subsection 10;

24 C. Regular employees of industrial plants installing and
25 servicing propane or natural gas-fired equipment of greater
26 than 10,000,000 BTUs per hour input; or

28 D. Persons working on internal combustion engines and
29 associated gas trains.

32 **Sec. B-6. 32 MRSA §14807-A**, as enacted by PL 1999, c. 386,
33 Pt. V, §11, is repealed.

36 **PART C**

38 **Sec. C-1. 29-A MRSA §457, sub-§7**, as amended by PL 1995, c.
39 645, Pt. C, §4 and affected by §16, is further amended to read:

42 **7. Registration fee.** The fee for registration of an
43 antique auto, horseless carriage or antique motorcycle is ~~§13~~
44 §15. The fee for registration of a street rod is ~~§28~~ §30.

46 **Sec. C-2. 29-A MRSA §458, sub-§2**, as amended by PL 1995, c.
47 645, Pt. C, §5 and affected by §16, is repealed.

48 **Sec. C-3. 29-A MRSA §501, sub-§1**, as amended by PL 1997, c.
49 437, §8, is further amended to read:

1. **Automobiles; pickup trucks.** The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is ~~\$23~~ \$25.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

Notwithstanding any other provision of law, a combination of vehicles consisting of a pickup truck as defined in section 101, subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be registered under this section for the combined gross weight of the pickup truck and the semitrailer.

Sec. C-4. 29-A MRSA §501, sub-§2-A, ¶A, as enacted by PL 1999, c. 660, §3, is amended to read:

A. Notwithstanding subsection 1, an automobile may be registered for an annual fee of ~~\$2~~ \$4. A low-speed vehicle may be registered for an annual fee of \$4. The registrant must show evidence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4 fee annually to defray the cost of removing abandoned vehicles.

Sec. C-5. 29-A MRSA §501, sub-§7, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The fee for the temporary registration permit is ~~\$10~~ \$12.

Sec. C-6. 29-A MRSA §501, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. Special permit. The Secretary of State may issue, on application and the payment of a fee of ~~\$2~~ \$4, a special

2 registration permit authorizing the limited operation on the
highway of self-propelled golf carts, lawn mowers, ATV's and
4 other similar vehicles with restrictions and limitations of use
that minimize the danger to the operator. The following
6 provisions apply to special registration permits.

8 A. A special registration permit is valid until March 1st
of the next calendar year.

10 B. A driver's license is not required for operation under
this subsection.

12 C. Vehicles registered under this subsection are exempt
14 from the laws regulating the inspection of motor vehicles.

16 D. A person under the age of 15 years may not operate a
vehicle under this subsection on a public way.

18 E. Operation of an ATV is limited to agricultural purposes
20 in connection with a farm and to operation from or to the
premises where kept, from or to a farm lot or between farm
22 lots used for farm purposes by the ATV owner.

24 **Sec. C-7. 29-A MRSA §501, sub-§10**, as amended by PL 1995, c.
65, Pt. A, §89 and affected by §153 and Pt. C, §15, is further
26 amended to read:

28 **10. Off-highway vehicles.** The Secretary of State may
issue, on application and the payment of a fee of ~~\$25~~ \$27, a
30 special registration permit authorizing the limited operation on
a way of trucks, truck tractors and Class B special mobile
32 equipment that are otherwise used exclusively for off-highway
purposes. The following provisions apply to registration permits
34 issued pursuant to this subsection.

36 A. A registration permit may not be granted unless the
applicant presents a written certificate from the tax
38 collector of the municipality from which the vehicle is
being moved identifying the vehicle and stating that all
40 personal property taxes applicable to the vehicle, including
those for the current year, have been paid or that the
42 vehicle is exempt from those taxes.

44 B. Highway use is limited to travel to and from garages for
the purpose of obtaining repairs or maintenance or travel
46 from one job site to another job site.

48 C. The registration permit may not authorize transporting
property or passengers.
50

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

- 2 D. A registration permit is valid until March 1st of the next calendar year.
- 4 E. A vehicle issued a registration permit pursuant to this subsection is exempt from inspection requirements.
- 6 F. The registration permit must be in the vehicle when the
- 8 vehicle is operated on the highway.
- 10 **Sec. C-8. 29-A MRSA §504, sub-§1**, as amended by PL 1995, c. 645, Pt. C, §9 and affected by §16, is further amended to read:
- 12 **1. Truck or truck tractor.** For a truck or truck tractor
- 14 equipped with pneumatic tires, the following annual registration
- 16 fee schedule applies.
- 18 A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$23~~
\$25.
- 20 B. For gross weight from 6,001 to 9,000 pounds, the fee is
~~\$29~~ \$31.
- 22 C. For gross weight from 9,001 to 12,000 pounds, the fee is
~~\$46~~ \$48.
- 24 D. For gross weight from 12,001 to 14,000 pounds, the fee
is ~~\$79~~ \$81.
- 28 E. For gross weight from 14,001 to 16,000 pounds, the fee
is ~~\$103~~ \$105.
- 30 F. For gross weight from 16,001 to 18,000 pounds, the fee
is ~~\$128~~ \$130.
- 32 G. For gross weight from 18,001 to 20,000 pounds, the fee
is ~~\$159~~ \$161.
- 34 H. For gross weight from 20,001 to 23,000 pounds, the fee
is ~~\$186~~ \$188.
- 38 I. For gross weight from 23,001 to 26,000 pounds, the fee
is ~~\$218~~ \$220.
- 40 J. For gross weight from 26,001 to 28,000 pounds, the fee
is ~~\$265~~ \$267.
- 42 K. For gross weight from 28,001 to 32,000 pounds, the fee
is ~~\$306~~ \$308.

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

- 2 L. For gross weight from 32,001 to 34,000 pounds, the fee
is ~~\$340~~ \$342.
- 4 M. For gross weight from 34,001 to 38,000 pounds, the fee
is ~~\$377~~ \$379.
- 6 N. For gross weight from 38,001 to 40,000 pounds, the fee
8 is ~~\$401~~ \$403.
- 10 O. For gross weight from 40,001 to 42,000 pounds, the fee
12 is ~~\$424~~ \$426.
- 14 P. For gross weight from 42,001 to 45,000 pounds, the fee
is ~~\$448~~ \$450.
- 16 Q. For gross weight from 45,001 to 48,000 pounds, the fee
18 is ~~\$495~~ \$497.
- 20 R. For gross weight from 48,001 to 51,000 pounds, the fee
is ~~\$531~~ \$533.
- 22 S. For gross weight from 51,001 to 54,000 pounds, the fee
24 is ~~\$566~~ \$568.
- 26 T. For gross weight from 54,001 to 55,000 pounds, the fee
is ~~\$578~~ \$580.
- 28 U. For gross weight from 55,001 to 60,000 pounds, the fee
30 is ~~\$638~~ \$640.
- 32 V. For gross weight from 60,001 to 65,000 pounds, the fee
is ~~\$697~~ \$699.
- 34 W. For gross weight from 65,001 to 69,000 pounds, the fee
36 is ~~\$760~~ \$762.
- 38 X. For gross weight from 69,001 to 72,000 pounds, the fee
is ~~\$795~~ \$797.
- 40 Y. For gross weight from 72,001 to 75,000 pounds, the fee
42 is ~~\$819~~ \$821.
- 44 Z. For gross weight from 75,001 to 78,000 pounds, the fee
is ~~\$855~~ \$857.
- 46 AA. For gross weight from 78,001 to 80,000 pounds, the fee
48 is ~~\$875~~ \$877.
- 50 BB. For gross weight from 80,001 to 90,000 pounds, the fee
is ~~\$980~~ \$982.

2 **Sec. C-9. 29-A MRSA §505, sub-§2**, as amended by PL 1999, c.
472, §1, is further amended to read:

4
6 **2. Annual registration fee.** For a farm truck, the following
annual registration fee schedule applies.

8 A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$19~~
\$21.

10 B. For gross weight from 6,001 to 9,000 pounds, the fee is
12 ~~\$22~~ \$24.

14 C. For gross weight from 9,001 to 11,000 pounds, the fee is
~~\$25~~ \$27.

16 D. For gross weight from 11,001 to 14,000 pounds, the fee
18 is ~~\$37~~ \$39.

20 E. For gross weight from 14,001 to 16,000 pounds, the fee
is ~~\$48~~ \$50.

22 F. For gross weight from 16,001 to 18,000 pounds, the fee
24 is ~~\$70~~ \$72.

26 G. For gross weight from 18,001 to 20,000 pounds, the fee
is ~~\$82~~ \$84.

28 H. For gross weight from 20,001 to 23,000 pounds, the fee
30 is ~~\$99~~ \$101.

32 I. For gross weight from 23,001 to 26,000 pounds, the fee
is ~~\$117~~ \$119.

34 J. For gross weight from 26,001 to 29,000 pounds, the fee
36 is ~~\$144~~ \$146.

38 K. For gross weight from 29,001 to 32,000 pounds, the fee
is ~~\$164~~ \$166.

40 L. For gross weight from 32,001 to 35,000 pounds, the fee
42 is ~~\$240~~ \$242.

44 M. For gross weight from 35,001 to 38,000 pounds, the fee
is ~~\$263~~ \$265.

46 N. For gross weight from 38,001 to 42,000 pounds, the fee
48 is ~~\$286~~ \$288.

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

2 O. For gross weight from 42,001 to 46,000 pounds, the fee
is ~~\$309~~ \$311.

4 P. For gross weight from 46,001 to 50,000 pounds, the fee
is ~~\$332~~ \$334.

6 Q. For gross weight from 50,001 to 54,000 pounds, the fee
8 is ~~\$355~~ \$357.

10 R. For gross weight from 54,001 to 58,000 pounds, the fee
12 is ~~\$378~~ \$380.

14 S. For gross weight from 58,001 to 62,000 pounds, the fee
is ~~\$401~~ \$403.

16 T. For gross weight from 62,001 to 66,000 pounds, the fee
18 is ~~\$446~~ \$448.

20 U. For gross weight from 66,001 to 69,000 pounds, the fee
is ~~\$467~~ \$469.

22 **Sec. C-10. 29-A MRSA §508, first ¶**, as enacted by PL 1993, c.
24 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

26 Upon receiving an application and the payment of a fee of
28 \$10 ~~\$12~~, the Secretary of State may issue an annual registration
permit for truck campers.

30 **Sec. C-11. 29-A MRSA §509**, as amended by PL 1995, c. 645,
Pt. C, §11 and affected by §16, is further amended to read:

32 **§509. Tractors**

34 1. **Tractors.** The annual fee for the registration of a
36 tractor must accompany an application for registration and is as
follows.

38 Tractors equipped with:

40 A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100
42 pounds of weight;

44 B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100
pounds of weight; and

46 C. Iron, steel or other hard tires, 25¢ per horsepower and
48 80¢ per 100 pounds of weight.

50 The minimum fee is ~~\$3~~ \$5.

2 **2. Tractors used for farming.** The fee for a tractor used
for agricultural purposes or not customarily used on public ways
is ~~\$3~~ \$5, except as provided in section 510, subsection 1.

4
6 **3. Old homemade tractors used for farming.** The fee for a
homemade tractor used for agricultural purposes with motor and
8 chassis at least 10 years old that has a body capacity of not
more than 1 1/2 cubic yards and that is used exclusively for
10 agricultural purposes is ~~\$3~~ \$5. Such a vehicle may not be
operated on the highway more than 10 miles from the place where
the vehicle is customarily kept.

12 **Sec. C-12. 29-A MRSA §511, sub-§1, ¶A,** as affected by PL 1995,
14 c. 65, Pt. A, §153 and amended by Pt. B, §4 and affected by Pt.
C, §15, is further amended to read:

16 A. The fee is ~~\$8.50~~ \$10.50 for a:

18 (1) Trailer, camp trailer or semitrailer not exceeding
20 2,000 pounds gross vehicle weight; or

22 (3) Mobile home.

24 **Sec. C-13. 29-A MRSA §511, sub-§1, ¶¶B and C,** as enacted by PL
1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to
26 read:

28 B. The fee is ~~\$16~~ \$18 for a camp trailer exceeding 2,000
pounds.

30 C. The fee is ~~\$16~~ \$18 for a semitrailer exceeding 2,000
32 pounds.

34 **Sec. C-14. 29-A MRSA §513, sub-§2, ¶¶A and B,** as amended by PL
1995, c. 645, Pt. C, §12 and affected by §16, are further amended
36 to read:

38 A. Class A special mobile equipment must be operated under
an annual registration. The fee for a Class A special
40 mobile equipment registration permit is as follows.

42 (1) For gross weight from 0 to 54,000 pounds, the fee
is as in section 505, subsection 2.

44 (2) For gross weight from 54,001 to 60,000 pounds, the
46 fee is ~~\$385~~ \$387.

48 (3) For gross weight from 60,001 to 65,000 pounds, the
fee is ~~\$415~~ \$417.

50

2 (4) For gross weight from 65,001 to 70,000 pounds, the
fee is ~~\$445~~ \$447.

4 (5) For gross weight from 70,001 to 75,000 pounds, the
6 fee is ~~\$475~~ \$477.

8 (6) For gross weight from 75,001 to 80,000 pounds, the
fee is ~~\$505~~ \$507.

10 (7) For gross weight from 80,001 to 90,000 pounds, the
12 fee is ~~\$565~~ \$567.

14 B. The fee for Class B special mobile equipment is ~~\$18~~ \$20.

16 **Sec. C-15. 29-A MRSA §515, sub-§§1 and 2**, as amended by PL
1995, c. 645, Pt. C, §13 and affected by §16, are further amended
18 to read:

20 1. **Motorcycle.** A motorcycle or a parking control vehicle
is ~~\$19~~ \$21; and

22 2. **Moped.** A moped is ~~\$7~~ \$9.

24 **Sec. C-16. 29-A MRSA §516**, as enacted by PL 1993, c. 683,
26 Pt. A, §2 and affected by Pt. B, §5, is amended to read:

28 **§516. Stock car**

30 The annual fee for registering a stock race car is ~~\$5~~ \$7.

32 **Sec. C-17. 29-A MRSA §520, sub-§1**, as amended by PL 1995, c.
645, Pt. C, §14 and affected by §16, is further amended to read:

34 1. **Registration fee.** The annual registration fee for
36 special equipment, based on gross weight, is ~~\$8~~ \$10 for equipment
weighing one to 2,000 pounds; ~~\$13~~ \$15 for 2,001 to 5,000 pounds;
38 and ~~\$18~~ \$20 for over 5,000 pounds.

40 **Sec. C-18. 29-A MRSA §526**, as enacted by PL 1999, c. 473,
Pt. J, §1, is repealed.

42 **PART D**

44 **Sec. D-1. 3 MRSA §731, sub-§5**, as enacted by PL 1985, c. 507,
46 §1, is amended to read:

48 5. **Quorum.** Each voting trustee shall-be is entitled to one
vote on the board of trustees. ~~Four~~ Five trustees shall

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

constitute a quorum for the transaction of any business. ~~Four~~
2 Five votes shall be are necessary for any resolution or action by
the board of trustees at any meeting of the board.

4 **Sec. D-2. 3 MRSA §959, sub-§1, ¶H,** as enacted by PL 1995, c.
6 488, §2, is amended to read:

8 H. The joint standing committee of the Legislature having
jurisdiction over judiciary matters shall use the following
10 list as a guideline for scheduling reviews:

- 12 ~~(1)--Maine-Court-Facilities-Authority-in-1999;~~
14 (2) Maine Human Rights Commission in 2001;
16 (3) Maine Indian Tribal-State Commission in 2003; and
18 (4) Department of the Attorney General in 2003.

20 **Sec. D-3. 3 MRSA §959, sub-§1, ¶M,** as amended by PL 1999, c.
22 603, §2, is further amended to read:

24 M. The joint standing committee of the Legislature having
jurisdiction over state and local government matters shall
26 use the following list as a guideline for scheduling reviews:

- 28 (1) Capitol Planning Commission in 1997;
30 (1-A) Maine Governmental Facilities Authority in 1999;
32 (2) State Civil Service Appeals Board in 1999;
34 (3) State Claims Commission in 1999;
36 (4) Maine Municipal Bond Bank in 2001;
38 (5) Office of Treasurer of State in 2001;
40 (6) Department of Administrative and Financial
Services, except for the Bureau of Revenue Services in
2003;
42 (7) Department of the Secretary of State, except for
44 the Bureau of Motor Vehicles, in 2003; and
46 (9) State Planning Office, except for the Land for
Maine's Future Board, in 2001.

48 **Sec. D-4. 4 MRSA §1231, sub-§5,** as enacted by PL 1983, c. 863,
50 Pt. B, §§13 and 45, is amended to read:

2 **5. Quorum.** Each voting trustee shall-be is entitled to one
4 vote in the board of trustees. ~~Four~~ Five trustees shall
6 constitute a quorum for the transaction of any business. ~~Four~~
Five votes shall-be are necessary for any resolution or action by
the board of trustees at any meeting of the board.

8 **Sec. D-5. 5 MRSA §12004-A, sub-§9-C** is enacted to read:

10 9-C. Board of \$35/Day 32 MRSA §13852
12 Counseling Professionals
Licensure

14 **Sec. D-6. 17-A MRSA §1326**, as amended by PL 1995, c. 502,
Pt. F, §16, is repealed.

16 **Sec. D-7. 24-A MRSA §2723-A, sub-§2, ¶B**, as enacted by PL
18 1999, c. 256, Pt. N, §1, is amended to read:

20 B. The policy may not coordinate benefits with Medicare
Part B unless:

22 (1) The insured is enrolled in Medicare Part B;

24 (2) The insured was previously enrolled in Medicare
26 Part B and voluntarily disenrolled;

28 (3) The insured stated on an application or other
30 document that the insured was enrolled in Medicare Part
B; or

32 (4) The insured is eligible for Medicare Part B ~~A~~
34 without paying a premium and the insurer provided
36 prominent notification to the insured both when the
policy was issued and, if applicable, when the insured
38 becomes eligible for Medicare due to age. The
notification must state that the policy will not pay
40 benefits that would be payable under Medicare even if
the insured fails to enroll in Medicare Part B.

42 **Sec. D-8. 25 MRSA §2958**, as enacted by PL 1991, c. 837, Pt.
B, §16 and c. 841, §14, is repealed and the following enacted in
44 its place:

46 **§2958. Prosecution protocol**

48 The Attorney General, after consultation with the 8 district
attorneys, the United States Attorney for the District of Maine
and the board, shall establish by rule a protocol that governs

the selection of the state or federal court system for prosecution of drug cases investigated by the agency.

Sec. D-9. 29-A MRSA §2605, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Rescission of suspension. On appearances or payment of the fine, whichever was the basis for the suspension, and on the condition of payment of a ~~\$25~~ \$30 reinstatement fee to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the ~~\$25~~ \$30 reinstatement fee, shall delete any record of the suspension from that person's driving record.

Sec. D-10. 29-A MRSA §2608, 3rd ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

The clerk shall immediately notify that person of the suspension by regular mail or personal service. The suspension has the same force and effect as a suspension by the Secretary of State. The suspension remains in effect until the person answers or appears, either in person or by counsel, or pays the fine. On answer, appearance or payment of the fine, whichever was the basis for the suspension, and on condition of payment of a ~~\$25~~ \$30 reinstatement fee to the Secretary of State, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the Secretary of State who, upon receipt of the ~~\$25~~ \$30 reinstatement fee, shall delete any record of the suspension from that person's driving record.

Sec. D-11. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 1999, c. 517, §1 and c. 531, Pt. D, §1 and affected by §2, is repealed and the following enacted in its place:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) Served in the active United States Armed Forces and who:

2 (i) If discharged, received an honorable
4 discharge or a general discharge under
6 honorable conditions, provided that the
discharge was not upgraded through a program
of general amnesty; and

8 (ii) Was a resident of the State at the time
10 of entering military service, death or the
death of an eligible dependent;

12 (b) Served in the Maine National Guard and died
14 as a result of injury, disease or illness
sustained while serving on active state service as
provided in chapter 3, subchapter III; or

16 (d) Served in the Reserve Components of the
18 United States Armed Forces and was entitled to
20 retired pay under 10 United States Code, chapter
22 1223 or would have been entitled to retired pay
under chapter 1223 except that the person was
under 60 years of age.

24 **Sec. D-12. Resolve 1997, c. 105, §4,** as amended by PL 1999, c.
26 451, §5 and affected by §6, is further amended to read:

28 **Sec. 4. Reports. Resolved:** That the MCJUSTIS Board shall
30 submit an interim ~~report~~ reports and proposed legislation to the
32 joint standing ~~committee~~ committees of the Legislature having
34 jurisdiction over criminal justice matters, ~~with regard to issues~~
36 ~~pertaining to the Maine Criminal Code, and to the joint standing~~
38 ~~committee of the Legislature having jurisdiction over~~ and
40 judiciary matters regarding all other issues by January 1, 1999
42 and January 1, 2000. The MCJUSTIS Board shall submit a final
44 report and proposed legislation to the Legislature and the joint
standing committee committees of the Legislature having
jurisdiction over criminal justice matters, ~~with regard to issues~~
pertaining to the Maine Criminal Code, ~~and to the joint standing~~
~~committee of the Legislature having jurisdiction over~~ and
judiciary matters ~~regarding all other issues~~ by ~~December 15, 1999~~
January 31, 2001. The proposed legislation must accomplish the
purpose of this resolve without making additional substantive
changes to the Maine Revised Statutes. The MCJUSTIS Board may
recommend additional legislation. Each committee may report out
additional legislation related to the report.

46 **Sec. D-13. Retroactivity.** That section of this Part that
48 amends Resolve 1997, chapter 105, section 4 applies retroactively
50 to December 15, 1999.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

PART E

Sec. E-1. 12 MRSA §6440, first ¶, as enacted by PL 1977, c. 661, §5, is amended to read:

It ~~shall--be~~ is unlawful to raise, haul or transfer any lobster trap ~~from-the-coastal-waters~~:

PART F

Sec. F-1. 5 MRSA §13122-J, first ¶, as enacted by PL 1999, c. 401, Pt. BBB, §1, is amended to read:

The foundation shall develop and submit to the Governor and the Legislature by December 31, ~~1999~~ 2000 and on the first day of each legislative session every 5 years thereafter an evaluation of state investments in research and development. The evaluation must:

Sec. F-2. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 5, section 13122-J, first paragraph applies retroactively to June 4, 1999.'

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment deletes several sections of the original bill because they are included in other bills. It also amends 3 sections to clarify the laws and avoid potential conflicts.

Additional technical corrections are included in Part B.

Section B-1 corrects a grammatical error created when 2 laws, Public Law 1999, chapters 643 and 658, amended the same subsection governing lobster and crab fishing licenses.

Sections B-2 and B-3 correct a conflict created when the medical eye care program was reinstated by Public Law 1993, chapter 707, and the entire chapter the program was in was repealed and located elsewhere in Public Law 1993, chapter 708. This amendment repeals the old section and enacts a new chapter with the current language.

2 Section B-4 corrects a cross-reference to the Board of
Counseling Professionals Licensure.

4 Sections B-5 and B-6 correct a conflict created by 2 laws
6 amending the licensing exceptions under the Propane and Natural
Gas Act. Section B-5 places all the exceptions in one subsection
and B-6 repeals the separate section of exceptions.

8 Part C amends the motor vehicle registration fees to reflect
10 the \$2 surcharge added by Public Law 1999, chapter 473, Part J,
12 section 1. It incorporates changes made this year concerning
low-speed vehicles. It then repeals the separate surcharge
section.

14 Parts D and E contain changes the Joint Standing Committee
16 on Judiciary determined to be substantive.

18 Sections D-1 and D-4 amend the quorum and voting
20 requirements for the boards of trustees of the Maine Legislative
Retirement System and the Maine Judicial Retirement System,
22 respectively. The boards are the same as the Board of Trustees
of the Maine State Retirement System. Public Law 1997, chapter
24 625 gave the Treasurer of State full voting rights on the Board
of Trustees of the Maine State Retirement System and increased
26 the quorum requirement and the minimum vote to take action by
one, from 4 to 5. Sections D-1 and D-4 make the same changes to
the Maine Legislative Retirement System and the Maine Judicial
28 Retirement System.

30 Sections D-2 and D-3 revise the State Government Evaluation
Act to reflect the transformation of the Maine Court Facilities
32 Authority into the Maine Governmental Facilities Authority.
Section D-2 repeals the Maine Court Facilities Authority from the
34 list of agencies under the review of the judiciary committee.
Section D-3 adds the Maine Governmental Facilities Authority to
36 the list of agencies under the review of the state and local
government committee. That committee reviewed the authority in
38 1999.

40 Section D-5 reestablishes the Board of Counseling
Professionals Licensure, which was inadvertently repealed.

42 Section D-6 repeals the section of the Maine Criminal Code
44 dealing with collection and disbursement of court-ordered
restitution, which was replaced but inadvertently not repealed.

46 Section D-7 corrects a reference to the appropriate part of
48 Medicare for individual health insurance policies.

COMMITTEE AMENDMENT "A" to H.P. 1665, L.D. 2334

2 Section D-8 corrects a conflict created when Public Law
4 1991, chapter 837 and chapter 841 each enacted a new section
6 governing prosecution protocol for the Maine Drug Enforcement
8 Agency. This section repeals the Maine Revised Statutes, Title
25, section 2958, as enacted by both chapters, and reenacts the
section using the chapter 841 version. Chapter 841 was the
product of a review focused on only intergovernmental drug
prosecutions.

10 Sections D-9 and D-10 raise the driver's license
12 reinstatement fees from \$25 to \$30 in 2 places in the motor
14 vehicle laws. The fee was raised in a 3rd section in Public Law
1997, chapter 25, the Highway Fund bill. These sections make the
fee consistent in all 3 places.

16 Section D-11 corrects a conflict in the eligibility criteria
18 for burial in the Veterans' Memorial Cemetery. Public Law 1999,
chapter 517 and chapter 531 both amended the criteria in slightly
different ways.

20 Section D-12 extends the reporting deadline and makes other
22 reporting modifications to the work of the MCJUSTIS Policy Board
24 to make criminal and civil violations compatible with
computerized data bases. Section D-13 makes those changes
retroactive to the earlier reporting date.

26 Section E-1 deletes the words "from the coastal waters" in
28 the section of the lobster harvesting laws that establishes
closed periods. A recent Superior Court decision ruled that
30 "coastal waters" in a particular rule is limited to the waters up
to 3 miles offshore. "Coastal waters" has been used and
32 interpreted to mean any waters off the coast. This section
amends Title 12, section 6440 to ensure that the restrictions on
34 lobster harvesting at night and on Sunday stay intact.

36 Section F-1 corrects an error that was made when Part L of
38 L.D. 2243 from the First Regular Session of the 119th Legislature
was incorporated into the budget bill, Public Law 1999, chapter
40 401. In Part L of L.D. 2243, a 2-step process was contemplated
to require the Maine Science and Technology Foundation to submit
42 a plan for the comprehensive evaluation of state investments in
research and development and then one year later and every 5
44 years thereafter to submit the actual evaluation. The language
was then incorporated into the budget bill, Public Law 1999,
chapter 401, Part BBB, but a clerical error was made in the
46 evaluation date. Section F-2 applies the correction
retroactively to the effective date of the budget bill.