

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-1999

Legislative Document

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H.P. 1665

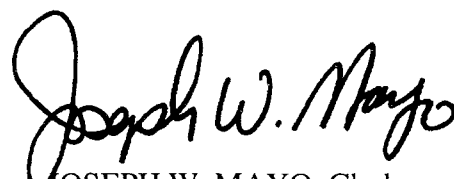
House of Representatives, December 29, 1999

An Act to Correct Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)

Reported by Representative THOMPSON for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Received by the Clerk of the House on December 27, 1999. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 218.


JOSEPH W. MAYO, Clerk

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** Acts of this and previous Legislatures have
6 resulted in certain technical errors and inconsistencies in the
laws of Maine; and

8 **Whereas,** these errors and inconsistencies create
10 uncertainties and confusion in interpreting legislative intent;
and

12 **Whereas,** it is vitally necessary that these uncertainties
14 and this confusion be resolved in order to prevent any injustice
or hardship to the citizens of Maine; and

16 **Whereas,** in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 3 MRSA §959, sub-§i, ¶H,** as enacted by PL 1995, c.
26 488, §2, is amended to read:

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

- 32 (1) Maine Court Governmental Facilities Authority in
1999;
- 34 (2) Maine Human Rights Commission in 2001;
- 36 (3) Maine Indian Tribal-State Commission in 2003; and
- 38 (4) Department of the Attorney General in 2003.

40 **Sec. 2. 5 MRSA §54, sub-§1,** as enacted by PL 1999, c. 446, §1,
42 is amended to read:

44 1. **Forms.** Shall have the filing forms available for
downloading from the Internet. This subsection takes effect June
46 1, 2000; and

48 **Sec. 3. 5 MRSA §12004-F, sub-§11,** as enacted by PL 1987, c.
786, §5, is amended to read:

11. Maine Court Expenses 4 MRSA @1602
2 Governmental Facilities Only
Authority

4

6 **Sec. 4. 5 MRSA §13070-J, sub-§6**, as enacted by PL 1997, c. 761, §2, is reallocated to 5 MRSA §13070-J, sub-§5.

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

10

12 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:

16

18 **Sec. 6. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 5, section 13122-J, first paragraph applies retroactively to June 4, 1999.

20

22 **Sec. 7. 7 MRSA §2171, sub-§1**, as enacted by PL 1999, c. 84, §3, is amended to read:

24 **1. Fees.** The following provisions apply to the fees payable for a license issued under this section.

26

28 A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

32

34 B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

36

C. Educational institutions are exempt from the license fee.

38

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

40

Sec. 8. 7 MRSA §2171, sub-§1-A is enacted to read:

42

44 1-A. Fees established by rule. No later than December 31, 1999, the Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Fees established by rules adopted under this subsection

2 may take effect no earlier than 90 days after the adjournment of
3 the Second Regular Session of the 119th Legislature.

4 **Sec. 9. Retroactivity.** That section of this Act that enacts
5 the Maine Revised Statutes, Title 7, section 2171, subsection 1-A
6 applies retroactively to December 31, 1999.

8 **Sec. 10. 7 MRSA §2171, sub-§2,** as enacted by PL 1999, c. 84,
9 §3, is amended to read:

10 **2. Violations.** Any person, firm or corporation engaged in
11 the business of selling nursery stock without a license commits a
12 civil violation for which a forfeiture not to exceed \$500 may be
13 adjudged. Licenses may be revoked by the Administrative Court,
14 as provided in the Maine Administrative Procedure Act, for
15 failure to comply with the requirements of chapter 405-A.

18 **Sec. 11. 8 MRSA §263-A,** as enacted by PL 1997, c. 527, §2, is
19 reallocated to 8 MRSA §263-C.

20 **Sec. 12. 8 MRSA §275-I,** as amended by PL 1997, c. 474, §4 and
21 affected by §6 and repealed by c. 528, §28, is repealed.

24 **Sec. 13. 8 MRSA §292,** as enacted by PL 1997, c. 528, §46, is
25 amended to read:

26 **§292. Horsemen's purse share**

28 Amounts calculated as horsemen's purse share under section
29 286 must be retained by the licensee to supplement purse money at
30 the track where the wager was placed. For wagers placed at a
31 racetrack in the State on a simulcast race conducted at another
32 racetrack in the State, 1.512% of regular wagers and 4.305% of
33 exotic wagers must be sent to the track in the state where the
34 harness race was conducted and .986% of regular wagers and .990%
35 of exotic wagers must be sent to the commission for distribution.

38 **Sec. 14. 9 MRSA §5008, sub-§1,** as amended by PL 1999, c. 146,
39 §2 and c. 386, Pt. A, §16, is repealed and the following enacted
40 in its place:

42 **1. Registration.** A person or entity may not act as a
43 professional fund-raising counsel, a professional solicitor or a
44 commercial co-venturer before that person or entity has
45 registered with the office. Applications for registration or
46 reregistration must be in writing, under oath, in the form
47 prescribed by the office and accompanied by an application fee in
48 the amount of \$50 and a registration fee in the amount of \$200.
49 Application fees are nonrefundable. The applicant shall, at the
50 time of making application for registration or reregistration,

2 file with and have approved by the office a bond, in which the
3 applicant must be the principal obligor, in the sum of \$25,000,
4 with one or more responsible sureties whose liability in the
5 aggregate as such sureties at least equals that sum. The bond
6 runs to any person or entity who may have a cause of action
7 against the principal obligor of the bond for any malfeasance or
8 misfeasance in the conduct of charitable solicitation in this
9 State. Registration is for a period of one year. The
10 registration fee and bond required by this chapter must be waived
11 for an auctioneer, when that auctioneer engages in conduct for
12 which that auctioneer is already bonded, who is licensed by the
13 Department of Professional and Financial Regulation and who has
14 otherwise complied with the requirements of Title 32, chapter 5-B.

15 **Sec. 15. 9-B MRSA §448, sub-§5,** as amended by PL 1999, c. 127,
16 Pt. A, §23 and c. 218, §23, is repealed and the following enacted
17 in its place:

18 **5. Rulemaking.** The superintendent, Superintendent of
19 Insurance and the Director of the Office of Consumer Credit
20 Regulation are authorized, pursuant to this subsection, Title
21 9-A, section 4-407 and Title 24-A, section 1443-A, subsection 3
22 to undertake joint rulemaking to carry out the purpose of
23 subsection 4, including issues regarding signs, the physical
24 location of sales of insurance and identification of producers
25 affiliated with financial institutions, credit unions, financial
26 institution holding companies or supervised lenders. In adopting
27 rules pursuant to this section, the superintendent, the
28 Superintendent of Insurance and the Director of the Office of
29 Consumer Credit Regulation shall consider the possibility of
30 confusion and perception of coercion among the insurance
31 consuming public, the need for cost-effective delivery of
32 insurance products to insurance consumers and the importance of
33 parity among producers affiliated with federally chartered and
34 state-chartered financial institutions and credit unions. Any
35 rule adopted may not interfere significantly with the ability of
36 a producer to solicit or negotiate the sale of an insurance
37 product, whether or not that producer is affiliated with a
38 financial institution, credit union, financial institution
39 holding company or supervised lender, except when no other
40 reasonable alternative exists to protect the insurance consuming
41 public. Rules adopted under this section are routine technical
42 rules pursuant to Title 5, chapter 375, subchapter II-A. Nothing
43 in this section is intended to restrict or interfere with the
44 ability of the bureau, the Bureau of Insurance or the Office of
45 Consumer Credit Regulation to adopt rules with respect to areas
46 in which the respective agencies have independent jurisdiction.

47 **Sec. 16. 12 MRSA §6193,** as enacted by PL 1977, c. 661, §5, is
48 amended to read:
49
50

2 **§6193. Exception for publication requirements**

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

12 **Sec. 17. 12 MRSA §6421, sub-§5, ¶D**, as repealed by PL 1999, c.
14 330, §2 and amended by c. 397, §1, is repealed.

16 **Sec. 18. 12 MRSA §6421-B, sub-§1**, as enacted by PL 1999, c.
18 330, §5, is amended to read:

20 **1. Appeal of license denial.** A person who is denied a Class
22 I, Class II or Class III lobster and crab fishing license because
24 that person does not meet the eligibility requirements of section
26 6421, subsection 5, paragraph A ~~or section 6421-A~~ may appeal to
28 the commissioner under this section for a review of that license
30 denial.

32 **Sec. 19. 12 MRSA §6431-F, sub-§2, ¶B**, as enacted by PL 1999, c.
34 397, §6, is amended to read:

36 **B.** If the license holder was issued a Class I, Class II or
38 Class III lobster and crab fishing license pursuant to
40 section 6421, subsection 5, paragraph H or former section
42 6421-A, subsection 1, paragraph D, the license holder may
44 not purchase more than 300 trap tags for the initial license
46 year. For each following year, the license holder may
48 purchase up to an increase of 100 trap tags each year as
50 long as the total number does not exceed the trap limit
 established by rule for the zone in which the person fishes
 a majority of that person's traps; and

Sec. 20. 12 MRSA §6749-R, sub-§1, as amended by PL 1999, c.
 244, §2 and c. 309, §3, is repealed and the following enacted in
 its place:

1. Uses of the fund. The commissioner shall use the fund
for research directly related to sea urchin fishery management
information needs and for reporting to licensed sea urchin
harvesters, boat tenders, processors and buyers on the results of
research and the use of fund revenues. The purpose of that
research must be to determine, with the highest reliability
possible given available resources, the greatest level of effort
that may be applied to the sea urchin fishery without harming the
long-term economic and biological sustainability of the sea
urchin fishery. The commissioner shall consult with the Sea
Urchin Zone Council under section 6749-X before deciding upon

2 research projects and awarding grants from the fund. The fund
3 may also be used to cover the costs associated with determining
4 eligibility for licenses under this subchapter, for law
5 enforcement and support for the Sea Urchin Zone Council. Up to
6 30% of allotted revenues may be used for law enforcement purposes.

7 **Sec. 21. 12 MRSA §7076, sub-§1**, as amended by PL 1999, c. 403,
8 §3 and c. 480, §1, is repealed and the following enacted in its
9 place:

10 **1. Residents over 70 years of age.** A complimentary license
11 to hunt, trap or fish, including an archery license under section
12 7102-A or 7102-B, a pheasant hunting permit under section 7106-B,
13 a muzzle-loading hunting license under section 7107-A, a
14 migratory waterfowl permit under section 7109 and a bear hunting
15 permit under section 7110 must be issued to any resident of Maine
16 who is 70 years of age or older upon application to the
17 commissioner. These complimentary licenses, upon issuance,
18 remain valid for the remainder of the life of the license holder,
19 provided the license holder continues to satisfy the residency
20 requirements set out in section 7001, subsection 32 and provided
21 the license is not revoked or suspended. Residents who apply for
22 these complimentary licenses at any time during the calendar year
23 of their 70th birthday must be issued a license upon application,
24 regardless of the actual date during that calendar year in which
25 they attain age 70. A guide license may be renewed without
26 charge for any resident of Maine who is 70 years of age or older
27 upon application to the commissioner. The application must be
28 accompanied by a birth certificate or other certified evidence of
29 the applicant's date of birth and residency. When the holder of
30 a license issued under this subsection no longer satisfies the
31 residency requirements set out in section 7001, subsection 32,
32 the license is no longer valid and further use of the license for
33 purposes of hunting, fishing or trapping constitutes a license
34 violation under section 7371, subsection 3.

35 **Sec. 22. 12 MRSA §7105, sub-§2**, as repealed by PL 1999, c.
36 325, §1 and amended by c. 403, §8, is repealed.

37 **Sec. 23. 12 MRSA §7464, sub-§3, ¶C**, as amended by PL 1999, c.
38 322, §13 and c. 403, §25, is repealed and the following enacted
39 in its place:

40 **C.** The person who killed the moose does not accompany the
41 moose while it is being moved or transported or allows the
42 moose to be transported while accompanied by another person
43 without obtaining the transportation permit required under
44 section 7531.

2 **Sec. 26. 17-A MRSA §1103, sub-§3, ¶B**, as amended by PL 1999,
c. 453, §6, is further amended to read:

4 B. Fourteen grams or more of cocaine or 4 grams or more of
cocaine in the form of cocaine base; or

6 **Sec. 27. 17-A MRSA §1103, sub-§3, ¶C**, as amended by PL 1999,
8 c. 422, §1 and repealed by c. 453, §7, is repealed.

10 **Sec. 28. 19-A MRSA §1768, sub-§4, ¶A**, as enacted by PL 1999,
12 c. 486, §3 and affected by §6, is amended to read:

14 A. The child custody determination has not been registered
and confirmed under section 1765 and that:

16 (1) The issuing court did not have jurisdiction under
18 subchapter II;

20 (2) The child custody determination for which
enforcement is sought has been vacated, stayed or
22 modified by a court having jurisdiction to do so under
subchapter II; or

24 (3) The respondent was entitled to notice, but notice
26 was not given in accordance with the standards of
section 1738, in the proceedings before the court that
28 issued the order for which enforcement is sought; or

30 **Sec. 29. 20-A MRSA §12502**, as amended by PL 1999, c. 401, Pt.
000, §6 and c. 441, §6, is repealed and the following enacted in
its place:

32 **§12502. Educators for Maine Program**

34 There is established the Educators for Maine Program to
36 provide financial assistance to college students, graduating high
38 school seniors and students pursuing postbaccalaureate
40 certification or child development associate certification or an
42 associate's degree in child development who demonstrate an
44 interest in pursuing a career in teaching in this State for
46 postsecondary education and to teachers and speech pathologists
48 for advanced-degree or continued study. The program recognizes
outstanding graduating high school seniors, college students and
students pursuing postbaccalaureate certification or child
development associate certification or an associate's degree in
child development. The chief executive officer shall administer
the program and shall establish by rule the rates of interest or
fees to be charged.

2 **Sec. 30. 21-A MRSA §303, sub-§4**, as amended by PL 1999, c.
426, §10 and c. 450, §8, is repealed and the following enacted in
its place:

4
6 **4. Municipal caucuses.** A party that has qualified under
subsections 1, 2 and 3 to participate in a primary election must
8 conduct municipal caucuses in at least one municipality in each
of the 16 counties during that election year as prescribed in
10 Article II. The chair of the municipal committee or a resident
voter in the municipality must file a copy of the notice required
12 by section 311, subsection 3 with the Secretary of State before 5
p.m. on March 20th.

14 **Sec. 31. 22 MRSA §1321, sub-§§3 and 4**, as amended by PL 1999,
c. 276, §13, are further amended to read:

16
18 **3. Notice to owner; removal.** The department shall give
notice of the existence of the environmental lead hazard to the
owner and order that the lead-based substances be removed,
20 replaced or securely and permanently covered within 30 days of
receipt of the notice. If the lead-based substances can not be
22 removed, replaced or securely and permanently covered within 30
days, the department may grant an extension of reasonable time.
24 All lead-based paint activities must be performed in accordance
with rules adopted by the Department of Environmental Protection
26 pursuant to Title 38, chapter 12-B. In the case of an
owner-occupied, single-family residence, the department may
28 provide technical assistance and guidance in lieu of enforcement
activity at the department's discretion; and

30
32 **4. Sale of dwelling, residential facility, day care center**
or nursery school. If, before the end of the 30-day period or
extension, the owner sells the dwelling, premises, day care
34 center or nursery school, the owner shall notify the prospective
buyer of the environmental lead hazard and the new owner must
36 assume the responsibility of carrying out the requirements of
this section within the specified time period; ~~and~~.

38
40 **Sec. 32. 22 MRSA §1696-H**, as repealed by PL 1989, c. 464, §2
and amended by c. 503, Pt. B, §87, is repealed.

42 **Sec. 33. 22 MRSA §3174-G, sub-§1-A**, as repealed and replaced
by PL 1999, c. 401, Pt. KKK, §2, is amended to read:

44
46 **1-A. Elderly prescription drug program.** The department
shall apply to the federal Health Care Financing Administration
for a waiver authorizing the department to provide Medicaid
48 prescription drug benefits to qualified persons who are 62 years
of age or older or who are 19 years of age or older and
50 determined by the department to be disabled under the standards

2 of the federal social security program and who have household
income up to and including 185% of the nonfarm income official
4 poverty line. If sufficient funds are not allocated or
appropriated to provide prescription drug coverage under this
6 subsection to eligible persons with household income up to and
including 185% of the nonfarm income official poverty line, the
8 department shall provide coverage under this section up to the
maximum income eligibility limit that can be achieved within the
10 funds appropriated and allocated. The waiver must include the
full range of prescription drugs provided under the current
12 Medicaid program. It may not include an asset limit. Copayments
for participants must be comparable to copayments in the current
14 Medicaid program. Coverage under this subsection must commence
July 1, 2000 or as soon thereafter ~~or~~ as possible.

16 **Sec. 34. 22 MRSA §3500-A**, as amended by PL 1993, c. 707, Pt.
Z, §1 and repealed by c. 708, Pt. G, §2, is repealed.

18 **Sec. 35. 24 MRSA §2317-B, sub-§§2, 4, 7, 10 and 17**, as enacted by
20 PL 1999, c. 256, Pt. M, §10, are amended to read:

22 **2. Title 24-A, section 2436.** Interest on overdue payments,
Title 24-A, section 2436;

24 **4. Title 24-A, sections 2438 to 2445.** Policy language
26 simplification, Title 24-A, sections 2438 to 2445;

28 **7. Title 24-A, section 2729-A.** Renewability, Title 24-A,
section 2729-A;

30 **10. Title 24-A, section 2749.** Arbitration of disputed
32 claims, Title 24-A, section 2749;

34 **17. Title 24-A, chapter 32.** Preferred provider
arrangements, Title 24-A, chapter 32;

36 **Sec. 36. 24 MRSA §2336**, as repealed by PL 1999, c. 256, Pt.
38 M, §17 and amended by c. 256, Pt. O, §2, is repealed.

40 **Sec. 37. 24-A MRSA §4435, sub-§7**, as amended by PL 1991, c.
42 885, Pt. E, §33 and affected by §47, is further amended to read:

44 **7. Net direct written premiums.** "Net direct written
premiums" means direct gross premiums written on insurance
46 policies to which this subchapter applies, less return premiums
thereon and dividends paid or credited to policyholders on such
48 direct business. "Net direct written premiums" does not include
premiums on contracts between insurers or reinsurers or premiums
written through the United States Government Flood Insurance
50 Program. ~~For purposes of assessment against insurers pursuant to~~

2 ~~section-4440-B,--"net-direct-written-premium"--means-the-average~~
3 ~~for-the-5-calendar-years-prior-to-the-year-of-assessment-of~~
4 ~~premiums-written-on-contracts-of-excess-workers'-compensation~~
5 ~~insurance-issued-to-workers'-compensation-self-insurers-approved~~
6 ~~under-former-Title-39,-section-23-or-Title-39-A,-section-403.~~

7 **Sec. 38. 25 MRSA §1542-A, sub-§1, ¶E,** as amended by PL 1999,
8 c. 110, §4 and c. 260, Pt. B, §5 and affected by §18, is repealed
9 and the following enacted in its place:

10 E. Who dies under circumstances of death constituting a
11 medical examiner case under Title 22, section 3025, if
12 sought pursuant to Title 22, section 3028, subsection 3 or
13 at the request of the Chief Medical Examiner or the Attorney
14 General;

15 **Sec. 39. 25 MRSA §2927, sub-§5-A,** as enacted by PL 1995, c.
16 672, §3, is amended to read:

17 **5-A. Committee recommendations; budget.** The joint standing
18 committee of the Legislature having jurisdiction over utilities
19 and energy matters shall make recommendations to the joint
20 standing committee of the Legislature having jurisdiction over
21 appropriations and financial affairs regarding all expenditures
22 from the E-9-1-1 fund established in former subsection 2-A.

23 **Sec. 40. 25 MRSA §2956, sub-§1,** as amended by PL 1991, c. 837,
24 Pt. B, §14 and c. 841, §12, is repealed and the following enacted
25 in its place:

26 1. Rules. The commissioner shall, with the advice of the
27 board, adopt rules, practices and policies respecting the
28 administration of the agency. The rules, practices and policies
29 of the agency must be in conformity with state law and must
30 accomplish the goal of an integrated drug enforcement effort.
31 These rules, practices and policies may include:

32 A. The qualifications, hiring, term of service and
33 disciplinary standards for commanders, supervisors and
34 agents;

35 B. Protection as to financial and employment security for
36 any law enforcement officer selected as any official of the
37 agency with respect to the person's position with any
38 municipal, county or state law enforcement policy or
39 political subdivision;

40 C. Standard operating procedures for the agency;

41 D. Procurement procedures; or

2 E. Procedures for dissemination of records.

4 **Sec. 41. 25 MRSA §2957**, as amended by PL 1991, c. 837, Pt. B,
6 §15 and c. 841, §13, is repealed and the following enacted in its
6 place:

8 §2957. Confidentiality

10 Notwithstanding any other provisions of law, the
12 investigative records of the agency are confidential and all
14 meetings of the board are subject to Title 1, sections 401 to
14 410, except that those meetings may be held in executive session
14 to discuss any case investigations or any disciplinary actions.

16 **Sec. 42. 28-A MRSA §1355, sub-§1-A, ¶E**, as amended by PL 1993,
18 c. 542, §2 and c. 730, §46, is repealed and the following enacted
18 in its place:

20 E. The holder of a brewery license may be issued one
22 license under chapter 43 per brewery location for the sale
22 of liquor to be consumed on the premises at the brewery.

24 (1) The retail license must be held exclusively by the
26 holder of the brewery license.

28 (2) This retail license authorizes the sale of
30 products of the brewery, other than the specialty
32 package under paragraph C, in addition to other liquor
32 permitted to be sold under the retail license, to be
32 consumed on the premises.

34 (3) Notwithstanding section 1361, the brewery licensee
36 may sell products of the brewery directly to the retail
36 licensee under this paragraph without selling to a
38 wholesale licensee. The brewery licensee shall keep and
38 maintain complete records on all sales to the retail
38 licensee.

40 (4) All records of the brewery licensee must be kept
42 separate from the records of the retail licensee.

44 **Sec. 43. 32 MRSA §63-A, sub-§1**, as amended by PL 1993, c. 600,
46 Pt. A, §28 and c. 659, Pt. A, §1, is repealed and the following
46 enacted in its place:

48 1. Membership. The Nursing Home Administrators Licensing
50 Board, as established by Title 5, section 12004-A, subsection 23,
50 and referred to in this section as the "board," consists of 7
50 members appointed by the Governor. The members must be citizens

2 of the United States and residents of this State. One member
3 must be a registered nurse with not less than 5 years of active
4 practice in nursing homes in the State. Two members must be
5 representatives of the public. Three members must be
6 administrators of nursing homes with not less than 5 years of
7 active experience in the State. One member must be an
8 administrator of an intermediate care facility for the mentally
9 retarded with not less than 5 years of active practice in that
10 capacity.

11 **Sec. 44. 32 MRSA §1901, sub-§1-A,** as repealed by PL 1999, c.
12 84, §5 and amended by c. 179, §1, is repealed.

13 **Sec. 45. 32 MRSA §1901, sub-§1-B,** as repealed by PL 1999, c.
14 84, §5 and enacted by c. 179, §2, is repealed.

15 **Sec. 46. 32 MRSA §1901, sub-§2,** as repealed by PL 1999, c. 84,
16 §5 and amended by c. 179, §3, is repealed.

17 **Sec. 47. 32 MRSA §13777,** as amended by PL 1989, c. 720, §2,
18 is further amended to read:

19 **§13777. Exceptions**

20 This Act does not apply to any medical assistance or public
21 health programs administered by the Department of Human Services,
22 including, but not limited to, the Medicaid program and the Low
23 Cost Drug Program; to any employee benefit plan that is subject
24 to the Employee Retirement Income Security Act of 1974, 29 United
25 States Code, Section 1001, et seq.; and to any 3rd-party
26 prescription programs administered in accordance with and subject
27 to the limitations of the former Nonprofit Service Organizations
28 Preferred Provider Arrangement Act of 1985, Title 24, chapter 19,
29 subchapter II, or the Preferred Provider Arrangement Act of 1986,
30 Title 24-A, chapter 32.

31 **Sec. 48. 33 MRSA §1669, sub-§6,** as enacted by PL 1987, c. 734,
32 §2, is amended to read:

33 **6. Removal of custodian.** A transferor, the legal
34 representative of a transferor, an adult member of the minor's
35 family, a guardian of the person of the minor, the conservator of
36 the minor or the minor, if the minor as has attained 14 years of
37 age, may petition the court to remove the custodian for cause and
38 to designate a successor custodian, other than a transferor under
39 section 1655, or to require the custodian to give appropriate
40 bond.

2 **Sec. 49. 36 MRS §142**, as amended by PL 1999, c. 414, §6 and
c. 521, Pt. A, §1, is repealed and the following enacted in its
place:

4 **§142. Cancellation and abatement**

6 The State Tax Assessor may, within 3 years from the date of
8 assessment, or whenever a written request has been submitted by a
10 taxpayer within 3 years of the date of assessment, cancel any tax
12 that has been levied illegally. In addition, if justice
14 requires, the assessor may, with the approval of the Governor or
16 the Governor's designee, abate within 3 years from the date of
 assessment, or whenever a written request has been submitted by a
 taxpayer within 3 years of the date of assessment, all or any
 part of any tax assessed by the assessor.

18 **Sec. 50. 36 MRS §177, sub-§4**, as amended by PL 1999, c. 414,
§8, is further amended to read:

20 **4. Revocation for nonsegregation.** ~~Upon the expiration of~~
22 ~~the 5-day period designated in subsection 3, --if~~ If any person who
24 is a "retailer" under Part 3 or a fuel supplier, distributor or
26 importer subject to Part 5 fails to make the required payments on
 account to the State Tax Assessor, the assessor may revoke any
 registration certificate that has been issued to that person.
 The revocation is reviewable in accordance with section 151.

28 **Sec. 51. 36 MRS §1752, sub-§11, ¶B**, as amended by PL 1999, c.
30 488, §3 and c. 516, §2 and affected by §7, is repealed and the
 following enacted in its place:

32 B. "Retail sale" does not include:

34 (1) Any casual sale;

36 (2) Any sale by a personal representative in the
38 settlement of an estate, unless the sale is made
40 through a retailer, or unless the sale is made in the
 continuation or operation of a business;

42 (3) The sale, to a person engaged in the business of
44 renting automobiles, of automobiles, integral parts of
46 automobiles or accessories to automobiles, for rental
 or for use in an automobile rented on a short-term
 basis;

48 (4) The sale, to a person engaged in the business of
50 renting audio or video tapes and audio or video
 equipment, of audio or video tapes or audio or video
 equipment for rental;

2 (5) The sale, to a person engaged in the business of
3 renting or leasing automobiles, of automobiles for
4 rental or lease for one year or more;

6 (6) The sale, to a person engaged in the business of
7 providing cable television services, of cable converter
8 boxes for rental or lease; or

10 (7) The sale, to a person engaged in the business of
11 renting furniture, of furniture for rental.

12 **Sec. 52. 36 MRSA §1752, sub-§17-A, ¶G**, as amended by PL 1999,
14 c. 414, §15; c. 488, §5; and c. 516, §3 and affected by §7, is
15 repealed and the following enacted in its place:

16 G. Rental of audio and video tapes and audio and video
18 equipment;

20 **Sec. 53. Retroactivity.** That portion of this Act that repeals
21 and replaces the Maine Revised Statutes, Title 36, section 1752,
22 subsection 17-A, paragraph G and relates to the rental of audio
23 equipment applies retroactively to rental-purchase agreements, as
24 defined by Title 9-A, section 11-105, subsection 7, entered into
25 on or after October 1, 1999. That portion does not apply to
26 rental-purchase agreements entered into before October 1, 1999.

28 **Sec. 54. 36 MRSA §1752, sub-§17-A, ¶H**, as amended by PL 1999,
29 c. 414, §16; c. 488, §6; and c. 516, §4 and affected by §7, is
30 further amended to read:

32 H. Rental or lease of an automobile; and

34 **Sec. 55. 36 MRSA §1752, sub-§17-A, ¶I**, as enacted by PL 1999,
35 c. 414, §17; c. 488, §7; and c. 516, §5 and affected by §7, is
36 repealed and the following enacted in its place:

38 I. Transmission and distribution of electricity;

40 **Sec. 56. 36 MRSA §1752, sub-§17-A, ¶¶J and K** are enacted to
41 read:

42 J. Prepaid calling arrangements; and

44 K. Rental of furniture.

46 **Sec. 57. Retroactivity.** That portion of this Act that enacts
47 the Maine Revised Statutes, Title 36, section 1752, subsection
48 17-A, paragraph K and relates to the rental of

2 furniture applies retroactively to rental-purchase agreements, as
defined in Title 9-A, section 11-105, subsection 7, entered into
4 on or after October 1, 1999. That portion does not apply to
rental-purchase agreements entered into before October 1, 1999.

6 **Sec. 58. 36 MRSA §1812, sub-§1, ¶A-1**, as enacted by PL 1999, c.
414, §25, is reallocated to 36 MRSA §1812, sub-§1, ¶A-2.

8
10 **Sec. 59. 36 MRSA §5122, sub-§2, ¶L**, as enacted by PL 1999, c.
521, Pt. C, §6 and affected by §9, is amended to read:

12 L. For income tax years beginning on or after January 1,
2000, an amount equal to the total premiums spent for
14 qualified long-term care insurance contracts as defined in
the Code, Section 7702B(b), as long as the amount subtracted
16 is reduced by the long-term care premiums claimed as an
itemized deduction pursuant to ~~Section~~ section 5125.

18 **Sec. 60. 38 MRSA §411, first ¶**, as amended by PL 1999, c. 243,
20 §3 and c. 375, §1, is repealed and the following enacted in its
place:

22 The commissioner may pay an amount not to exceed 80% of the
24 expense of a municipal or quasi-municipal pollution abatement
26 construction program or a pollution abatement construction
28 program in an unorganized township or plantation authorized by
30 the county commissioners. The commissioner may make payments to
32 the Maine Municipal Bond Bank to supply the State's share of the
34 revolving loan fund established by Title 30-A, section 6006-A.
36 The commissioner may pay up to 90% of the expense of a municipal
38 or quasi-municipal pollution abatement construction program or a
40 pollution abatement construction program in an unorganized
township or plantation authorized by the county commissioners in
which the construction cost of the project does not exceed
\$100,000 as long as total expenditures for the small projects do
not exceed \$1,000,000 in any fiscal year and not more than one
grant is made to any applicant each year, except that the
commissioner may pay a percentage of the cost of individual
projects serving single-family dwellings, seasonal dwellings or
commercial establishments according to the following schedule:

42

44	<u>ANNUAL INCOME</u>	<u>SINGLE- FAMILY DWELLING</u>	<u>SEASONAL DWELLING</u>
46	<u>\$0 to \$5,000</u>	<u>100%</u>	<u>50%</u>
	<u>\$5,001 to \$20,000</u>	<u>90%</u>	<u>50%</u>
48	<u>\$20,001 to \$30,000</u>	<u>50%</u>	<u>25%</u>
	<u>\$30,001 to \$40,000</u>	<u>25%</u>	<u>25%</u>
50	<u>\$40,001 or more</u>	<u>0%</u>	<u>0%</u>

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<u>GROSS PROFIT</u>	<u>COMMERCIAL ESTABLISHMENT</u>
<u>\$0 to \$50,000</u>	<u>50%</u>
<u>\$50,001 to \$100,000</u>	<u>25%</u>
<u>\$100,001 or more</u>	<u>0%</u>

Sec. 61. 38 MRSA §489-A, sub-§1, ¶A, as amended by PL 1999, c. 243, §17 and c. 468, §14, is repealed and the following enacted in its place:

A. Subdivisions as described in section 482, subsection 5 of more than 20 acres but less than 100 acres; or

Sec. 62. 38 MRSA §489-A, sub-§1, ¶G, as amended by PL 1999, c. 243, §17 and repealed by c. 468, §15, is repealed.

Sec. 63. 39-A MRSA §403, sub-§2, ¶D, as amended by PL 1995, c. 36, §1 and c. 277, §1, is repealed and the following enacted in its place:

D. Unless continued or modified by law, this subsection is repealed January 1, 2001.

Sec. 64. PL 1999, c. 167, §3 is enacted to read:

Sec. 3. Retroactivity. This Act applies retroactively to May 1, 1999.

Sec. 65. PL 1999, c. 342, §1, amending clause is amended to read:

Sec. 1. 17-A MRSA §1105, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 600, Pt. A, §§5 4 and 6, is repealed and the following enacted in its place:

Sec. 66. PL 1999, c. 396, §3, enacting clause is amended to read:

Sec. 3. ~~24~~ 24-A MRSA §2847-G is enacted to read:

Sec. 67. PL 1999, c. 401, Pt. R, §1, amending clause is amended to read:

Sec. R-1. 36 MRSA §6201, sub-§11-A, as amended by PL 1999, c. 16, Pt. D, §1 and affected by §2, is further amended to read:

Sec. 68. PL 1999, c. 512, Pt. A, §7 is enacted to read:

2 evaluation date. Section 6 applies the correction retroactively
to the effective date of the budget bill.

4 Section 7 and the section that repeals Title 32, section
6 1901, subsection 1-A correct a conflict created by Public Law
1999, chapters 84 and 179, which affected the same provision of
8 law. Chapter 84 repealed Title 32, chapter 29 and enacted Title
7, chapter 404. Chapter 179 enacted Title 32, section 1901,
10 subsection 1-A, which is in Title 32, chapter 29. These sections
correct that conflict by repealing Title 32, section 1901,
12 subsection 1-A and enacting a corresponding provision in Title 7,
chapter 404.

14 Section 8 and the section that repeals Title 32, section
16 1901, subsection 1-B correct a conflict created by Public Law
1999, chapters 84 and 179, which affected the same provision of
18 law. Chapter 84 repealed Title 32, chapter 29 and enacted Title
7, chapter 404. Chapter 179 enacted Title 32, section 1901,
20 subsection 1-B, which is in Title 32, chapter 29. These sections
correct that conflict by repealing Title 32, section 1901,
22 subsection 1-B and enacting a corresponding provision in Title 7,
chapter 404. Section 9 applies the changes made by section 8
retroactively to December 31, 1999.

24 Section 10 and the section that repeals Title 32, section
26 1901, subsection 2 correct a conflict created by Public Law 1999,
chapters 84 and 179, which affected the same provision of law.
28 Chapter 84 repealed Title 32, chapter 29 and enacted Title 7,
chapter 404. Chapter 179 enacted Title 32, section 1901,
30 subsection 2, which is in Title 32, chapter 29. These sections
correct that conflict by repealing Title 32, section 1901,
32 subsection 2 and enacting a corresponding provision in Title 7,
chapter 404.

34 Section 11 corrects a numbering problem created by Public
36 Law 1997, chapters 527 and 528, which enacted 2 substantively
different provisions with the same section number.

38 Sections 12 and 13 correct a conflict created by Public Law
40 1997, chapters 474 and 528, which both affected Title 8, section
275-I. Chapter 528 repealed the section and chapter 474 amended
42 that section to add language regarding the distribution of
certain wagers placed at racetracks. These sections repeal Title
44 8, section 275-I and amend Title 8, section 292 to add the
chapter 474 language.

46 Section 14 corrects a conflict created by Public Law 1999,
48 chapters 146 and 386, which affected the same provision of law,
by incorporating the changes made by both laws.

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2 Section 15 corrects a conflict created by Public Law 1999,
3 chapters 127 and 218, which affected the same provision of law.
4 Chapter 127 corrected a cross-reference and chapter 218 made
5 substantive changes and corrected a cross-reference. This
6 section repeals the provision and replaces it with the chapter
7 218 version.

8 Section 16 corrects a cross-reference and makes a technical
9 change and a grammatical change.

10 Section 17 corrects a conflict created by Public Law 1999,
11 chapter 330, which repealed the Maine Revised Statutes, Title 12,
12 section 6421, subsection 5, paragraph D, and Public Law 1999,
13 chapter 397, which amended that paragraph. This section corrects
14 that conflict by repealing the paragraph.

15 Section 18 corrects a cross-reference.

16 Section 19 corrects a cross-reference.

17 Section 20 corrects a conflict created by Public Law 1999,
18 chapters 244 and 309, which affected the same provision of law,
19 by incorporating the changes made by both laws.

20 Section 21 corrects a conflict created by Public Law 1999,
21 chapters 403 and 480, which affected the same provision of law,
22 by incorporating the changes made by both laws.

23 Section 22 corrects a conflict created by Public Law 1999,
24 chapter 325, which repealed the Maine Revised Statutes, Title 12,
25 section 7105, subsection 2, and Public Law 1999, chapter 403,
26 which amended that subsection. This section corrects the
27 conflict by repealing the subsection.

28 Section 23 corrects a conflict created by Public Law 1999,
29 chapters 322 and 403, which affected the same provision of law,
30 by incorporating the changes made by both laws.

31 Sections 24 and 25 correct the name of a program and make a
32 technical correction.

33 Section 26 corrects a punctuation error.

34 Section 27 corrects a conflict created by Public Law 1999,
35 chapter 422, which amended paragraph C and chapter 453, which
36 repealed paragraph C. This section corrects the conflict by
37 repealing the paragraph.

38

2 Section 28 corrects a grammatical error by adding a
3 conjunction that was inadvertently omitted when Title 19-A,
4 section 1768, subsection 4, paragraph A was enacted.

6 Section 29 corrects a conflict created by Public Law 1999,
7 chapters 401 and 441, which affected the same provision of law,
8 by incorporating the changes made by both laws.

10 Section 30 corrects a conflict created by Public Law 1999,
11 chapters 426 and 450, which affected the same provision of law,
12 by incorporating the changes made by both laws.

14 Section 31 corrects errors in punctuation.

16 Section 32 corrects a conflict created by Public Law 1989,
17 chapter 464, which repealed Title 22, section 1696-H, and chapter
18 503, which amended the same section. This section corrects the
19 conflict by repealing the section.

20 Section 33 corrects a clerical error.

22 Section 34 corrects a conflict created by Public Law 1993,
23 chapter 708, which repealed Title 22, section 3500-A, and chapter
24 707, which amended the same section. This section corrects the
25 conflict by repealing the section.

26 Section 35 corrects clerical errors by adding the necessary
27 cites to the Maine Revised Statutes where appropriate.

30 Section 36 corrects a conflict created by Public Law 1999,
31 chapter 256, Part M, section 17, which repealed Title 24, chapter
32 19, subchapter II, and Part O, section 2, which amended Title 24,
33 section 2336, subsection 3. This section corrects the conflict
34 by repealing the section.

36 Section 37 corrects a cross-reference to a repealed
37 provision of law.

38 Section 38 corrects a conflict created by Public Law 1999,
39 chapters 110 and 260, which amended the same provision of law.
40 Chapter 110 retained a comma in the provision while chapter 260
41 removed the same comma. This section repeals the provision and
42 replaces it with the chapter 260 version.

44 Section 39 corrects a cross-reference.

46 Section 40 corrects a conflict created by Public Law 1991,
47 chapters 837 and 841, which affected the same provision of law,
48 by incorporating the changes made by both laws.

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2 Section 41 corrects a conflict created by Public Law 1991,
3 chapters 837 and 841, which affected the same provision of law,
4 by incorporating the changes made by both laws and makes a
5 grammatical change.

6 Section 42 corrects a conflict created by Public Law 1993,
7 chapters 542 and 730, which affected the same provision of law,
8 by incorporating the changes made by both laws.

10 Section 43 corrects a conflict created by Public Law 1993,
11 chapters 600 and 659, which affected the same provision of law,
12 by incorporating the changes made by both laws.

14 Section 44 and the section that amends Title 7, section
15 2171, subsection 1, correct a conflict created by Public Law
16 1999, chapters 84 and 179, which affected the same provision of
17 law. Chapter 84 repealed Title 32, chapter 29 and enacted Title
18 7, chapter 404. Chapter 179 enacted Title 32, section 1901,
19 subsection 1-A, which is in Title 32, chapter 29. These sections
20 correct that conflict by repealing Title 32, section 1901,
21 subsection 1-A and amending the corresponding provision in Title
22 7, chapter 404.

24 Section 45 and the section that enacts Title 7, section
25 2171, subsection 1-A correct a conflict created by Public Law
26 1999, chapters 84 and 179, which affected the same provision of
27 law. Chapter 84 repealed Title 32, chapter 29 and enacted Title
28 7, chapter 404. Chapter 179 enacted Title 32, section 1901,
29 subsection 1-B, which is in Title 32, chapter 29. These sections
30 correct that conflict by repealing Title 32, section 1901,
31 subsection 1-B and enacting a corresponding provision in Title 7,
32 chapter 404.

34 Section 46 and the section that amends Title 7, section
35 2171, subsection 2 correct a conflict created by Public Law 1999,
36 chapters 84 and 179, which affected the same provision of law.
37 Chapter 84 repealed Title 32, chapter 29 and enacted Title 7,
38 chapter 404. Chapter 179 amended Title 32, section 1901,
39 subsection 2, which is in Title 32, chapter 29. These sections
40 correct that conflict by repealing Title 32, section 1901,
41 subsection 2 and amending the corresponding provision in Title 7,
42 chapter 404.

44 Section 47 corrects a cross-reference.

46 Section 48 corrects a clerical error.

48 Section 49 corrects a conflict created by Public Law 1999,
49 chapters 414 and 521, which affected the same provision of law,
50 by incorporating the changes made by both laws.

2 Section 50 makes technical changes to correct a reference to
language that was repealed by Public Law 1999, chapter 414,
4 section 8.

6 Section 51 corrects a conflict created by Public Law 1999,
chapters 488 and 516, which affected the same provision of law,
8 by incorporating the changes made by both laws.

10 Section 52 corrects a conflict created by Public Law 1999,
chapters 414, 488 and 516, which affected the same provision of
12 law, by incorporating the changes made by all 3 laws.

14 Section 53 applies the portion relating to the rental of
audio equipment retroactively to rental-purchase agreements
16 entered into on or after October 1, 1999.

18 Section 54 corrects a clerical error.

20 Sections 55 and 56 correct a lettering conflict created by
Public Law 1999, chapters 414, 488 and 516, which enacted 3
22 substantively different provisions with the same paragraph letter.

24 Section 57 applies the portion relating to the rental of
furniture retroactively to rental-purchase agreements entered
26 into on or after October 1, 1999.

28 Section 58 corrects a conflict created by Public Law 1999,
chapter 401, Part X, section 4 and chapter 414, section 25, which
30 both enacted a subsection 1, paragraph A-1, by changing the
subsection 1, paragraph A-1 enacted by PL 1999, chapter 414 to be
32 a new subsection 1, paragraph A-2.

34 Section 59 corrects a cross-reference to clarify that the
section referenced is in the Maine Revised Statutes and not in
36 the Internal Revenue Code.

38 Section 60 corrects a conflict created by Public Law 1999,
chapters 243 and 375, which affected the same provision of law,
40 by incorporating the changes made by both laws.

42 Section 61 corrects a conflict created by Public Law 1999,
chapters 243 and 468, which affected the same provision of law.
44 Chapters 243 and 468 both changed the punctuation of Title 38,
section 489-A, subsection 1, paragraph A. This section corrects
46 the punctuation of paragraph A to reflect the enactment of a
paragraph H.

48 Section 62 corrects a conflict created by Public Law 1999,
50 chapter 243, which amended Title 38, section 489-A, subsection 1,

2 paragraph G, and chapter 468, which repealed that paragraph.
This section corrects the conflict by repealing the paragraph.

4 Section 63 corrects a conflict created by Public Law 1995,
6 chapters 36 and 277, which amended the same provision of law, by
repealing the provision and replacing it with the chapter 277
version.

8
10 Section 64 corrects an error by applying retroactively the
repeal of a repealer to May 1, 1999.

12 Section 65 corrects an amending clause.

14 Section 66 corrects an enacting clause.

16 Section 67 corrects an amending clause.

18 Sections 68 to 70 correct a clerical error and make the
changes retroactive to January 1, 1999.

20
22 Sections 71 and 72 clarify that the Cub Care drug rebate
program is not contingent on funds for the Fund for a Healthy
Maine.