

# MAINE STATE LEGISLATURE

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MS

L.D. 30

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## JUDICIARY

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### STATE OF MAINE HOUSE OF REPRESENTATIVES 120TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 30, L.D. 30, 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 in section 3 in subsection 2 in the 2nd line (page 1, line 46 in L.D.) by striking out the following: "for petroleum products" and inserting in its place the following: '~~petroleum-products~~'

Further amend the bill by striking out all of section 19.

Further amend the bill by striking out all of section 28 and inserting in its place the following:

'Sec. 28. 24-A MRSA §1156, sub-§2, ¶H, as amended by PL 2001, c. 72, §14, is further amended to read:

H. Investments that do not qualify or are not permitted under any other paragraph of this subsection; as long as:

(1) After giving effect to any investment made under this paragraph, the aggregate amount of those investments does not exceed 14% of total admitted assets, except that investments made under this paragraph in institutions or property not located within the State may not exceed 10% of total admitted assets; and, if the insurer makes investments described in paragraphs A to G and elects to charge those

H. 915

COMMITTEE AMENDMENT "A" to H.P. 30, L.D. 30

2 investments against the quantitative limits in this  
paragraph instead of the quantitative limits in  
4 paragraphs A to G, then the aggregate amount invested  
under this paragraph in those types of investments may  
6 not exceed 5% of total admitted assets for any one of  
those types of investments;

8 (2) Investments that are neither interest bearing nor  
income entitled, ~~including the cost of outstanding bona~~  
10 ~~fide hedging transactions made under section 1153,~~  
12 ~~subsection 2,~~ are subject to all of the provisions of  
this paragraph; and the aggregate amount of those  
14 investments held at any one time may not exceed 3% of  
total admitted assets;

16 (3) The investment limitations contained in this  
chapter, qualitative or otherwise, do not apply to  
18 loans or investments made or acquired under this  
paragraph, provided that no loan or investment made or  
20 acquired under this paragraph may be represented by any  
asset determined to be nonadmitted pursuant to section  
22 901-A or rules adopted under that section; any loan or  
investment expressly prohibited under section 1160; or  
24 agents' balances, or amounts advanced to or owing by  
agents, except as to policy loans, mortgage loans and  
26 collateral loans to those agents otherwise authorized  
under this chapter; or

28 (4) The insurer shall keep a separate record of all  
30 loans and investments made or acquired under this  
paragraph. Any such loan or investment that,  
32 subsequent to the date of making or acquisition, has  
attained the standard of eligibility and qualifies  
34 under any other provision of this chapter may be  
considered to have been made or acquired under and in  
36 compliance with that provision and may no longer be  
considered to have been made or acquired under this  
38 paragraph.'

40 Further amend the bill by striking out all of sections 37,  
38 and 39.

42 Further amend the bill by inserting after section 42 the  
44 following:

46 **PART B**

48 **Sec. B-1. 5 MRSA §13076, sub-§3, ¶F, as enacted by PL 1999, c.**  
50 **592, §1, is repealed.**

2                   **Sec. B-2. 5 MRSA §13122-J, first ¶**, as amended by PL 1999, c.  
4 731, Pt. XXX, §1 and c. 790, Pt. F, §1 and affected by §2, is  
6 repealed and the following enacted in its place:

8                   The foundation shall develop and submit to the Governor and  
10 the Legislature by July 1, 2006 and on July 1st every 5 years  
thereafter an evaluation of state investments in research and  
development. The evaluation must:

12                   **Sec. B-3. Retroactivity.** That section of this Part that  
14 repeals and replaces the Maine Revised Statutes, Title 5, section  
13122-J, first paragraph applies retroactively to June 4, 1999.

16                   **Sec. B-4. 11 MRSA §9-1331, sub-§(1)**, as enacted by PL 1999, c.  
18 699, Pt. A, §2 and affected by §4, is amended to read:

20                   (1) This Article does not limit the rights of a holder in  
22 due course of a negotiable instrument, a holder to which a  
24 negotiable document of title has been duly negotiated or a  
protected purchaser of a security. These holders or purchasers  
take priority over an earlier security interest, even if  
perfected, to the extent provided in Articles 3 3-A, 7 and 8.

26                   **Sec. B-5. Effective date.** That section of this Part that amends  
28 the Maine Revised Statutes, Title 11, section 9-1331, subsection  
(1) takes effect July 1, 2001.

30                   **Sec. B-6. 12 MRSA §544, sub-§3, ¶F** is enacted to read:

32                   F. The Natural Areas Program shall maintain a database of  
34 areas designated as ecological reserves as defined in  
section 1801, subsection 4-A and other public lands  
36 designated and managed for equivalent purposes and shall  
provide scientific review of areas on state land proposed as  
ecological reserves.

38                   **Sec. B-7. 13-A MRSA §525**, as repealed and replaced by PL  
40 1977, c. 707, §4, is amended to read:

42                   **§525. Unclaimed dividends**

44                   All unclaimed dividends or other distributions to ~~share~~  
46 holders ~~shareholders~~ declared by a corporation shall must be  
disposed of according to Title 33, chapter 27 41.

48                   **Sec. B-8. 13-A MRSA §1121, first ¶**, as repealed and replaced by  
PL 1977, c. 707, §5, is amended to read:

2 Upon the voluntary or involuntary dissolution of a  
3 corporation, the portion of the assets distributable to a  
4 creditor or shareholder shall must be disposed of according to  
5 Title 33, chapter 27 41, whenever the creditor or shareholder is  
6 one who:

8 **Sec. B-9. 17-A MRSA §210-A, sub-§1, ¶C**, as enacted by PL 2001,  
9 c. 383, §12 and affected by §156, is amended to read:

10 C. The actor violates paragraph A and has 2 or more prior  
11 convictions ~~and the actor intentionally or knowingly engages~~  
12 ~~in a course of conduct directed at a specific person that~~  
13 ~~would in fact cause both a reasonable person and that~~  
14 ~~specific person.~~

15 (1) ~~To suffer intimidation or serious inconvenience,~~  
16 ~~annoyance or alarm;~~

17 (2) ~~To fear bodily injury or to fear bodily injury to~~  
18 ~~a member of that person's immediate family; or~~

19 (3) ~~To fear death or to fear the death of a member of~~  
20 ~~that person's immediate family.~~

21 Violation of this paragraph is a Class C crime. The court  
22 shall impose a sentencing alternative involving a term of  
23 imprisonment of at least 6 months, of which 14 days may not  
24 be suspended, and may order the person to attend an abuser  
25 education program approved by the court.

26 For the purposes of this paragraph, "prior conviction" means  
27 a conviction for a violation of this section; Title 5,  
28 section 4659; Title 15, section 321; former Title 19,  
29 section 769; Title 19-A, section 4011; any other temporary,  
30 emergency, interim or final protective order; an order of a  
31 tribal court of the Passamaquoddy Tribe or the Penobscot  
32 Nation; any similar order issued by any court of the United  
33 States or of any other state, territory, commonwealth or  
34 tribe; or a court-approved consent agreement. Section 9-A  
35 governs the use of prior convictions when determining a  
36 sentence.

37 **Sec. B-10. Effective date.** That section of this Part that  
38 amends the Maine Revised Statutes, Title 17-A, section 210-A,  
39 subsection 1, paragraph C takes effect January 1, 2003.

40 **Sec. B-11. 20-A MRSA §12301, sub-§4**, as enacted by PL 1999, c.  
41 401, Pt. NN, §2 and affected by §4 and enacted by c. 496, §2, is  
42 repealed and the following enacted in its place:

2           4. Underserved population area. "Underserved population  
3           area" means a population group or geographical area receiving  
4           insufficient oral health care, as determined by the Commissioner  
5           of Human Services and as defined in rules adopted by the  
6           Department of Human Services pursuant to section 12305. The  
7           rules must take into consideration factors that include, but are  
8           not limited to, family income levels, availability of dental care  
9           and percentage of families qualifying for Medicaid coverage.

10           Sec. B-12. 20-A MRSA §12304, sub-§2, ¶A, as enacted by PL  
11           1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by c.  
12           496, §2, is repealed and the following enacted in its place:

13           A. Ten voting members appointed by the President of the  
14           Senate and the Speaker of the House as follows:

15                   (1) One member appointed by the Speaker who represents  
16                   a major statewide organization representing dentists;

17                   (2) One member appointed by the Speaker who represents  
18                   a major statewide coalition dedicated to issues  
19                   concerning ambulatory care;

20                   (3) One member appointed by the Speaker who represents  
21                   a major statewide alliance dedicated to children's  
22                   issues;

23                   (4) One member appointed by the Speaker who represents  
24                   the Department of Human Services, Bureau of Health,  
25                   Oral Health Program;

26                   (5) Two members of the House of Representatives  
27                   appointed by the Speaker;

28                   (6) One member appointed by the President who  
29                   represents a major statewide organization of consumers  
30                   dedicated to the cause of affordable health care;

31                   (7) One member appointed by the President who  
32                   represents a major statewide organization dedicated to  
33                   ensuring equal justice;

34                   (8) One member appointed by the President who  
35                   represents the Department of Human Services, Bureau of  
36                   Medical Services; and

37                   (9) One Senator appointed by the President.

38           The chief executive officer may submit recommendations for

appointees under this paragraph to the President of the Senate and the Speaker of the House; and

**Sec. B-13. 24-A MRSA §1127, sub-§2**, as enacted by PL 1979, c. 458, §11, is amended to read:

2. In addition to investments otherwise permitted under this chapter, an insurer may invest in obligations, other than those of institutions as defined in section 1110, subsection 1 1-A, paragraph B H, which are secured by:

A. An assignment of a right to receive rental, charter, hire, purchase or other payments for the use or purchase of real or personal property ~~adequate~~ adequate to return the investments and payable or guaranteed by one or more governmental units or instrumentalities, whose obligations would qualify for investment under section 1107 or section 1108, or by one or more institutions whose obligations would qualify for investment under section 1109. The aggregate amount of investments made or acquired under this subsection ~~shall~~ may not exceed 2% of an insurer's total admitted assets; and

B. A mortgage or a security interest in that real or personal property.

**Sec. B-14. 28-A MRSA §124, sub-§1, ¶¶A and B**, as amended by PL 1997, c. 373, §31, are further amended to read:

A. A majority of the votes cast in any municipality ~~or unincorporated-place~~ on any local option question is in the affirmative, the bureau may issue licenses of the type authorized by the affirmative vote in that municipality ~~or unincorporated-place~~;

B. A majority of the votes cast in any municipality ~~or unincorporated-place~~ on any local option question is in the negative, the bureau may not issue licenses of the type denied by the negative vote in that municipality ~~or unincorporated-place~~; or

**Sec. B-15. 28-A MRSA §124, sub-§4**, as amended by PL 1991, c. 95, §5, is further amended to read:

**4. Repeal or reconsideration.** When a municipality ~~or unincorporated-place~~ has voted to accept or reject any local option question, the vote is effective until repealed by a new petition and vote as required by section 121 or 122. A negative vote on a question repeals existing privileges only if the petition clearly indicates an intent that it do so. No local

option vote may be taken on the same question more than once in any one-year period.

**Sec. B-16. 30-A MRSA §862, first ¶,** as amended by PL 2001, c. 170, §2, is further amended to read:

In Kennebec County there is established the Kennebec County Budget Committee to carry out the purposes of this article. The budget committee consists of 9 elected or appointed municipal officials and a subcommittee of 6 nonvoting members of the county legislative delegation or their designees as provided in this section.

**Sec. B-17. 30-A MRSA §862, sub-§1,** as amended by PL 2001, c. 170, §2 and repealed and replaced by c. 172, §1, is repealed and the following enacted in its place:

**1. Municipal representatives.** Prior to September 15th each year, municipal officers within each commissioner district shall caucus and elect members from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are municipal officers and one of whom may be a municipal official who is not a municipal officer as defined in section 2001. No more than one member may represent the same municipality at one time.

A. Members serve for 3-year terms, except that initially each district caucus selects one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget committee member ceases to be a municipal officer or official during the term of membership, that member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

**Sec. B-18. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 30-A, section 862 take effect 90 days after the adjournment of the First Regular Session of the 120th Legislature.

**Sec. B-19. PL 2001, c. 358, Pt. DD, §3, first 4 lines** are amended to read:

**Sec. DD-3. Allocation.** The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Part.

**2001-02 2000-01 2002-03 2001-02 2003-04 2002-03**



**Sec. B-20. Retroactivity.** That section of this Part that amends Public Law 2001, chapter 358, Part DD, section 3 applies retroactively to June 4, 2001.

## PART C

**Sec. C-1. 5 MRSA §12004-G, sub-§8-A,** as repealed by PL 1999, c. 668, §23, is reenacted to read:

<b>8-A.</b>	<b>Interde-</b>	<b>Expenses</b>	<b>20-A</b>
<u>Education</u>	<u>partmental</u>	<u>Only</u>	<u>MRSA</u>
	<u>Coordinating</u>		<u>§7733</u>
	<u>Council for</u>		
	<u>Early Inter-</u>		
	<u>vention</u>		

**Sec. C-2. 20-A MRSA §7724, sub-§1,** as amended by PL 1999, c. 668, §83, is further amended to read:

**1. Establishment.** The Child Development Services System is established for the purpose of maintaining a coordinated service delivery system for the provision of childfind activities for children, from birth to under age 6, early intervention services for eligible children, from birth to under age 3, and free, appropriate and public education services for eligible children, from age 3 to under age 6, who have a disability. The Child Development Services System consists of regional sites organized as intermediate educational units or as private nonprofit corporations and, one state-level intermediate educational unit and the Interdepartmental Coordinating Council for Early Intervention advisory board. The Child Development Services System shall ensure application of the provisions of this chapter statewide through a contractual or grant relationship between the Department of Education and each regional site.

**Sec. C-3. 20-A MRSA §7725, sub-§6,** as repealed by PL 1999, c. 668, §84, is reenacted to read:

**6. Council.** "Council" means the Interdepartmental Coordinating Council for Early Intervention established in section 7733.

**Sec. C-4. 20-A MRSA §7727, sub-§5,** as repealed by PL 1999, c. 668, §85, is reenacted to read:

**5. Implementation of early intervention and of free, appropriate public education services.** The department, through the Child Development Services System, shall ensure:

2        A. That screening, evaluation and referral services, at no  
4        cost to the family, are accessible to all children, from  
      birth to under age 6;

6        B. That preschool children with disabilities, from age 3 to  
8        under age 6, have free, appropriate public education  
      services available to them at no cost to the family;

10       C. That rules are developed, adopted and implemented  
12       describing minimum standards for the following:

14                (1) Least restrictive environment;

16                (2) Nondiscrimination;

18                (3) Rights of parents;

20                (4) Free and appropriate public services;

22                (5) Eligibility criteria;

24                (6) The federal "childfind" program;

26                (7) Program development, service descriptors and  
      service delivery;

28                (8) Early childhood team;

30                (9) Individualized family service plan;

32                (10) Statements of assurances;

34                (11) Procedural safeguards and appeals processes;

36                (12) Due process hearings;

38                (13) Confidentiality of information;

40                (14) Data collection, reporting and utilization;

42                (15) Surrogate parents;

44                (16) Standardized procedures and rates of payment for  
46        early intervention and free appropriate public  
      education services; and

48                (17) Frequency and intensity of developmental therapy  
50        and special instruction services; and

D. That infants and toddlers, from birth to under age 3, have early intervention services available to them by July 1, 1994 through 3rd-party payment or through a system of payments by families, including a schedule of sliding fees; and

E. That the nonsupplanting requirement under the federal Individuals with Disabilities Education Act and its implementing regulations is addressed with the Interdepartmental Coordinating Council for Early Intervention for purposes of reporting under section 7734-C.

**Sec. C-5. 20-A MRSA §7727, sub-§6,** as amended by PL 1999, c. 668, §86, is further amended to read:

**6. Regional site compliance.** The department, in consultation with regional sites and the Interdepartmental Coordinating Council for Early Intervention, shall develop an action plan with timelines to achieve compliance for regional sites that are not in compliance with federal or state law. The department may assume temporary responsibility for operations at a site that fails to meet compliance requirements.

**Sec. C-6. 20-A MRSA §7731, sub-§6,** as amended by PL 1999, c. 668, §87, is further amended to read:

**6. Contracts.** Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter, except that the board shall provide to the department copies of any contract for review upon the department's request and shall obtain prior department approval of the prototype for provider contracts, any multi-year leases and any memoranda of understanding with other entities. Regional site boards of directors shall consider collaboration with school administrative units that are operating or that wish to develop, pursuant to section 4253 or 7734-A, early childhood programs in the regional board's catchment area in order to:

A. Maximize the benefit of state interdepartmental agreements and efforts;

B. Maximize the effective use of qualified personnel, facilities and other resources;

C. Ensure consistent quality of early childhood programming; and

D. Facilitate the transition process, for children and families, from the Child Development Services System to the

public school system;

**Sec. C-7. 20-A MRSA §7733**, as repealed by PL 1999, c. 668, §88, is reenacted to read:

**§7733. Interdepartmental coordination**

The Interdepartmental Coordinating Council for Early Intervention, as established in Title 5, section 12004-G, subsection 8-A, is established as an advisory body to the commissioner regarding the coordination of policies and programs aimed at implementing the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. and 34 Code of Federal Regulations, 303.650 to 303.654, July 1993.

The obligations of the Interdepartmental Coordinating Council for Early Intervention, as set forth in this section, may be met at the commissioner's discretion by any other advisory body to the commissioner required under the federal Individuals with Disabilities Education Act for school-aged children with disabilities, provided that the federal membership requirements of the Interdepartmental Coordinating Council for Early Intervention are met.

Membership of the council must be in keeping with the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., contingent upon state participation in the federal Individuals with Disabilities Education Act, Parts B and H. Appointments to the council must be made by the Governor for terms defined in rules adopted by the commissioner. The council shall meet at least quarterly.

The commissioner shall adopt rules describing the composition of the council, selection process and duties of the members consistent with the purposes of this chapter.

The council shall designate from among its members a steering committee responsible to the council for carrying out the duties described in this section. The commissioner shall adopt rules describing the composition, selection process and responsibilities of the steering committee.

**1. Recommendations.** The council shall recommend to the department, with the advice of the regional site boards of directors, legislation that is needed to maintain or further develop the statewide system of quality early intervention services.

**2. Consider issues.** The council shall consider, with the advice of the regional site boards of directors and the state

intermediate education unit, contemporary issues affecting early intervention services in the State, including, but not limited to, the following:

A. Successful early intervention strategies;

B. Personnel preparation and continuing education;

C. Childfind activities and methods as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;

D. Public awareness as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.; and

E. Contemporary research.

3. Bylaws. The council shall develop and adopt bylaws for its conduct.

4. Advise. The council shall advise the department in the development and implementation of rules, to be carried out by the department, as necessary to carry out the duties and purposes of this chapter.

5. Chair. The council shall annually elect one member to serve as chair.

6. Compensation. The members of the council are entitled to compensation in accordance with Title 5, section 12004-G. Agency representatives on the council are entitled to reimbursement for expenses incurred in the performance of their council duties by the appointing agencies in accordance with the provisions for state employees. Consumer members are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

7. Staffing. The department and the state intermediate education unit shall provide to the council the equivalent of one full-time professional staff person from funds allocated to operation of the state intermediate education unit.

8. Committee and advisory activities. The council may establish committees composed of parents, professionals, advocacy group representatives, board representatives and employees in keeping with the bylaws adopted by the council.

9. Voting. The council shall adopt bylaws that define a quorum for the purpose of conducting business of the council.

2           **10. Dispute resolution.** The council shall assist the lead  
agency in dispute resolution in a manner consistent with 34 Code  
4   of Federal Regulations, Section 303.524, July 1993.

6           **Sec. C-8. 20-A MRSA §7734-C**, as repealed by PL 1999, c. 668,  
§89, is reenacted to read:

§7734-C. Annual report

The council shall provide to the joint standing committee of the Legislature having jurisdiction over educational matters and to the commissioner an annual report on the early intervention system in the State. This report must include a demonstration that: the funds provided under the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part H were used to supplement and increase, and not to supplant, the level of other federal, state and local funds that are available for children with disabilities; and the federal funds generated under the federal Individuals with Disabilities Education Act, Part B, Section 619 and Part H were not used to satisfy a financial commitment for services that would have been paid for by a health agency or another agency pursuant to policy or practice, but for the fact that these services are now listed on the individualized family service plans of children with disabilities.

28                   **Sec. C-9. 20-A MRSA §7735**, as repealed by PL 1999, c. 668,  
§90, is reenacted to read:

30      §7735. Conflict of interest

32           Notwithstanding Title 5, section 18, subsection 1, paragraph  
33           B, each member of the Interdepartmental Coordinating Council for  
34           Early Intervention and each employee, contractor, agent or other  
35           representative of the Child Development Services System is deemed  
36           an "executive employee" solely for the purposes of Title 5,  
37           section 18. The department shall provide training to  
38           participants to ensure compliance with conflict of interest  
39           requirements. Regional site boards of directors shall develop  
40           conflict of interest policies for employees and board members and  
41           may request assistance from the department in developing those  
42           policies.

44                   **Sec. C-10. Retroactivity.**   This Part applies retroactively to  
August 11, 2000.

48 **PART D**

50           **Sec. D-1. 1 MRSA §71, sub-§13** is enacted to read:

2        **13. Reporting dates.** If legislation or another legislative  
4        instrument requires a report to be filed by a date certain, and  
6        the date certain falls on a Saturday, Sunday or legal holiday,  
      the report is due by close of business on the next day that is  
      not a Saturday, Sunday or legal holiday.

8        **Sec. D-2. 1 MRSA §91, sub-§5,** as enacted by PL 1991, c. 336,  
10        is amended to read:

12        **5. Revisor's report.** "Revisor's report" means the  
14        post-update report made by the revisor pursuant to section 95.  
16        This report may be cited as Revisor's Report 19XX, c. X, §X or  
      Revisor's Report 2XXX, c. X, §X, RR 19XX, c. X, §X or RR 2XXX, c.  
      X, §X.

18        **Sec. D-3. 1 MRSA §1101, sub-§1, ¶¶A and B,** as enacted by PL  
1999, c. 613, §1, are amended to read:

20        A. The designation "nigger" or "squaw" as a separate word  
      or as part of a word; or

22        B. The designation "squaw"-er "squa" as a separate word.

24        **Sec. D-4. 3 MRSA §959, sub-§1, ¶G,** as enacted by PL 1995, c.  
26        488, §2, is amended to read:

28        G. The joint standing committee of the Legislature having  
30        jurisdiction over inland fisheries and wildlife matters  
      shall use the following list as a guideline for scheduling  
      reviews:

32                (1) Department of Inland Fisheries and Wildlife in  
34                1997; and

36                (2) Advisory Board for the Licensing of Taxidermists  
      in 2005; and

38                (3) Atlantic Salmon Commission in 2003.

40        **Sec. D-5. 3 MRSA §959, sub-§1, ¶K,** as amended by PL 1999, c.  
42        127, Pt. C. §12, is further amended to read:

44        K. The joint standing committee of the Legislature having  
46        jurisdiction over marine resource matters shall use the  
      following list as a guideline for scheduling reviews:

48                (1) Atlantic States Marine Fisheries Commission in  
50                1997;

(2) Department of Marine Resources in 1997;

(4) Lobster Advisory Council in 1999; and

(5) Maine Sardine Council in 1999; ~~and.~~

~~(6) --Atlantic Salmon Authority in 2001.~~

**Sec. D-6. 4 MRSA §184, sub-§§1, 2 and 6,** as enacted by PL 1999, c. 547, Pt. B, §10 and affected by §80, are amended to read:

**1. Notice and hearing.** In any action within the District Court's jurisdiction under section 152, subsection 9 ~~or 10~~, all parties must be afforded an opportunity for hearing after reasonable notice.

**2. Complaint filed.** On commencement of any case, a written complaint must be filed with the District Court. ~~-A- Except as provided in Title 22, section 1558, and Title 28-A, section 803,~~ a copy of the complaint and summons must be served on the defendant either by personal delivery in hand, by leaving it with a person of suitable age or discretion at the defendant's dwelling place or usual place of abode or by sending it by certified mail to the defendant's last known address. The If a summons is required, it must inform the defendant of the time limit for filing an answer to the complaint and the consequences of failing to do so. The complaint must contain a conclusion indicating the violation of a statute or rule, citing the statute or rule violated and stating the relief requested.

**6. Emergency proceedings.** The District Court has jurisdiction to revoke temporarily or suspend a license without notice or hearing upon the verified complaint or complaint accompanied by affidavits of a licensing agency or the Attorney General. ~~The verified complaint must be or complaint~~ accompanied by affidavits demonstrating must demonstrate that summary action is necessary to prevent an immediate threat to the public health, safety or welfare. Upon issuance of an order revoking or suspending a license under this section, the District Court shall promptly schedule an expedited hearing on the agency's complaint. Any order temporarily suspending or revoking a license expires within 30 days of issuance unless renewed by the court after such hearing as it may determine necessary.

This subsection may not be considered to abridge or affect the jurisdiction of the Superior Court or District Court to issue injunctive relief or to exercise such other powers as may be authorized by law or rule of the court.

**Sec. D-7. 5 MRSA §52,** as renumbered by RR 1993, c. 2, §2,



is repealed.

**Sec. D-8. 5 MRSA §19509, first ¶,** as enacted by PL 2001, c. 357, §16, is amended to read:

Notwithstanding any provision of law to the contrary, the following provisions apply to psychiatric hospitals, hospital units that are equipped to provide inpatient care and treatment for persons with mental illness, state mental health institutes and state-operated psychiatric treatment facilities. Notice provided under this section must be provided within 7 days of the date of the death, attempted suicide or the incident ~~resulting in injury~~ causing a serious injury resulting in significant impairment of physical condition. Notice provided under this section must include the name of the person with a disability; the name, address and telephone number of that person's legal guardian, conservator or legal representative and parent if that person is a minor; a detailed description of the occurrence and any injuries sustained; the name, street address and telephone number of the facility; and the name and job title of the person providing the notice.

**Sec. D-9. 5 MRSA §19509, sub-§1,** as enacted by PL 2001, c. 357, §16, is amended to read:

**1. Psychiatric hospitals; hospital units.** A psychiatric hospital or a hospital unit that is equipped to provide inpatient care and treatment for persons with mental illness shall provide the agency with access to information relating to the death of any person with a disability who died while in the ~~facility~~ psychiatric hospital or hospital unit in seclusion or restraint, whose death occurred within 24 hours of being in seclusion or restraint in the psychiatric hospital or hospital unit or when it is reasonable to conclude that the death is a result of having been in seclusion or restraint in the psychiatric hospital or hospital unit.

**Sec. D-10. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 5, section 19509 take effect 90 days after adjournment of the First Regular Session of the 120th Legislature.

**Sec. D-11. 12 MRSA §7801, sub-§35, ¶¶W and X,** as enacted by PL 1999, c. 697, §3, are amended to read:

W. Long Pond in the Town of Mount Desert and the Town of Southwest Harbor; ~~or~~

X. Little Long Pond in the Town of Mount Desert; ~~and~~

Sec. D-12. 12 MRSA §7801, sub-§35, ¶¶Y to CC are enacted to read:

Y. Meetinghouse Pond, Big Pond, Wat Tuh Lake, Center Pond and Silver Lake, also known as Silver Pond, in the Town of Phippsburg in Sagadahoc County;

Z. South Branch Lake in the Plantation of Seboeis and the Township of T2 R8 NWP in Penobscot County;

AA. Spring Lake in Spring Lake Township in Somerset County;

BB. Kennebago Lake and Kennebago River in Davis Township and Stetsontown Township in Franklin County; or

CC. Nicatous Lake in the Townships of T40 MD, T41 MD and T3 ND in Hancock County.

Sec. D-13. 14 MRSA §1602, sub-§1, ¶B, as enacted by PL 1987, c. 646, §3, is amended to read:

B. For other actions, equal to the coupon--issue--yield equivalent,--as--determined--by--the--United--States--Secretary--of--the--Treasury,--of--the--average--accepted--auction--price--for--the--last--auction--of--52--week--United--States--Treasury--bills--settled immediately weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the first calendar week of the month prior to the date from which the interest is calculated under section 1602-A, plus 1%.

Sec. D-14. 14 MRSA §1602-A, sub-§2, as amended by PL 1991, c. 489, is further amended to read:

2. Other action. For other actions, equal to the coupon issue--yield--equivalent,--as--determined--by--the--United--States Secretary--of--the--Treasury,--of--the--average--accepted--auction--price for--the--last--auction--of--52--week--United--States--Treasury--bills settled--immediately weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the first calendar week of the month prior to the date from which the interest is calculated, plus 7%.

Sec. D-15. 15 MRSA §101-B, sub-§4, ¶A, as amended by PL 1999, c. 503, §1, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care

and treatment. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to commence involuntary commitment proceedings pursuant to Title 34-B, chapter 3, subchapter IV or chapter 5, subchapter III. If the defendant is charged with offenses not listed in the previous sentence, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate authorities who may institute civil commitment procedures for the individual; or

**Sec. D-16. 15 MRSA §2111, sub-§1**, as enacted by PL 1999, c. 731, Pt. ZZZ, §15 and affected by §42, is amended to read:

**1. Appeal of judgment of conviction or order to the Law Court.** Except as otherwise specifically provided, in any criminal proceeding in the District Court, a defendant aggrieved by a judgment of conviction, ruling or order may appeal to the Supreme Judicial Court sitting as the Law Court.

**Sec. D-17. 20-A MRSA §1001, sub-§5-C**, as enacted by PL 2001, c. 341, §2, is amended to read:

5-C. Coverage under group health insurance plan for spouse and dependents after death of teacher. If the spouse or other dependents of a teacher as defined in Title 5, section 17001, subsection 42 are covered by a policy of group health insurance provided by the school board and the teacher dies while employed by the board, the board shall provide an opportunity for the spouse or dependent to continue coverage under the group policy after the death of the teacher by making the premium payment for the cost of that coverage. In the case of underage dependent children of the teacher, coverage must be provided available at least until the dependent children reach 19 years of age.

Sec. D-18. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 20-A, section 1001, subsection 5-C takes effect 90 days after adjournment of the First Regular Session of the 120th Legislature.

Sec. D-19. 20-A MRSA §15619, first ¶, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

All bonds, notes or other evidences of indebtedness issued for school purposes by a school administrative unit, ~~as defined in section 15603,~~ for major capital expenses, bus purchases or for current operating expenses, including tax or other revenue anticipation notes, ~~shall be~~ are general obligations of the unit.

Sec. D-20. 22 MRSA §2622, first ¶, as amended by PL 1999, c. 688, §3, is further amended to read:

The board, with the advice of the department, shall classify all community public water systems, all ~~noncommunity-nontransient~~ nontransient, noncommunity public water systems and the water treatment plants or collection, treatment or storage facilities or structures that are part of a system with due regard to the size and type of facilities, the character of water to be treated and any other physical conditions affecting such system or part thereof and specify the qualifications the operator of the system or of a part of a system must have to supervise successfully the operation of the system or parts thereof so as to protect the public health or prevent nuisance conditions.

Sec. D-21. 22 MRSA §2624-A, sub-§1, as amended by PL 1999, c. 688, §4, is further amended to read:

1. Membership; general qualifications. The board consists of 9 members appointed by the Governor as follows: 3 water system or water treatment plant operators, one holding a Class II license, one holding a Class III license and one holding a Class IV license; one member of the public who is a registered professional engineer; one person who is an educator in the field

of water supply or service; one person who is a water management representative; one person who represents consumers of public water systems; one person who is an owner or manager of a ~~noncommunity-nontransient~~ nontransient, noncommunity public water system; and one person from the department, as the commissioner may recommend, subject to appointment by the Governor.

**Sec. D-22. 23 MRSA §1803-B, sub-§1, ¶A**, as amended by PL 1999, c. 753, §3, is repealed and the following enacted in its place:

A. Rural Road Initiative funds must be distributed as follows.

(1) Funds are distributed at a rate of \$600 per year per lane mile for all rural state aid minor collector roads and all public roads maintained by a municipality located outside urban compact areas as defined in section 754, except that funds are distributed at a rate of \$300 per year per lane mile for all seasonal public roads.

(2) Effective July 1, 2000, funds must be used for capital improvements as defined by this chapter, or for capital improvements to state aid minor collector roads as described in subsection 5. Prior to July 1, 2000, funds may be used only for the maintenance and improvement of public roads.

**Sec. D-23. Retroactivity.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 23, section 1803-B, subsection 1, paragraph A applies retroactively to August 11, 2000.

**Sec. D-24. 24-A MRSA §1156, sub-§2, ¶F-1** is enacted to read:

F-1. Investment practices entered into under section 1153, subsection 4 or section 1160, subsection 6;

**Sec. D-25. 24-A MRSA §2851, first ¶**, as repealed and replaced by PL 1999, c. 256, Pt. H, §1, is amended to read:

All life insurance and all health insurance in connection with loans or other credit transactions, credit property insurance, credit involuntary unemployment insurance and other consumer credit insurance specifically authorized by the superintendent in rules adopted pursuant to section 2865 are subject to this chapter, except the following:

**Sec. D-26. 28-A MRSA §453-A, sub-§7**, as amended by PL 1997,

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c. 373, §47 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**7. Aggrieved applicants.** Any applicant aggrieved by a decision made by the bureau may appeal the decision by filing --a ~~complaint~~ an appeal with the District Court and serving a copy of the ~~complaint~~ appeal upon the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The ~~complaint~~ appeal must be filed and served within 15 30 days of the mailing of the bureau's decision.

**Sec. D-27. 28-A MRSA §458, sub-§5,** as amended by PL 1997, c. 373, §50 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**5. Aggrieved applicant.** Any agency liquor store licensee aggrieved by a decision of the bureau not to renew an agency liquor store license may appeal the decision by filing --a ~~complaint~~ an appeal with the District Court and serving a copy of that ~~complaint~~ the appeal on the bureau in accordance with the Maine Rules of Civil Procedure, Rule 80C. The ~~complaint~~ appeal must be filed and served within 15 30 days of notification of the agency liquor store licensee by the bureau that the license will not be renewed.

**Sec. D-28. PL 2001, c. 241** is repealed.

**Sec. D-29. PL 2001, c. 374, §9, sub-§6** is amended to read:

**6. Transferred employees.** All transferred employees who are represented by a bargaining agent on the effective date of this Act continue to be represented by that bargaining agent. Following the effective date of this Act, a petition for decertification or certification of a new bargaining agent for any newly created bargaining unit may be filed in accordance with Title 26, chapter 9-B 9-A and the rules of the Maine Labor Relations Board.

**PART E**

**Sec. E-1. 10 MRSA §1210,** as enacted by PL 2001, c. 210, §1, is amended to read:

**§1210. Charges after trial period**

In a sale agreed to by telephone, a merchant may not charge a consumer for a good or service after a trial period unless, prior to the charge, the consumer expressly agrees ~~agreed~~ to be charged for the good or service if the consumer does not cancel the sale. At least 15 days prior to any charge, ~~or-10-days-prior~~

2 ~~to any charge if the good or service for which the consumer will~~  
3 ~~be charged is physically delivered to the consumer on a weekly or~~  
4 ~~more frequent basis,~~ the merchant shall provide send a consumer  
5 with a clearly written description of the agreement, the good or  
6 service being purchased, the amount being charged and the  
7 calendar date the consumer will be charged for the good or  
8 service if the consumer does not cancel the sale. This notice  
9 also must provide the specific steps by which the consumer can  
10 cancel the agreement by both mail and telephone. The merchant  
11 has the burden of proving that the consumer expressly agreed to  
12 this arrangement and that the required written notices were  
provided within the time limits set forth in this section.

14 **Sec. E-2. 10 MRSA §1210-B** is enacted to read:

16 **§1210-B. Limitation**

18 This chapter does not apply to the following:

20 1. Sales under \$25. A sale where the gross sales price,  
21 including any interest or carrying charges, is less than \$25;

22 2. Home solicitation sales. A transaction regulated under  
24 Title 9-A, section 3-501 to 3-507;

26 3. Securities. A sale by a dealer or agent or salesman of  
27 a dealer registered pursuant to Title 32, chapter 105 of stocks,  
28 bonds, debentures or securities representing stocks, bonds or  
29 debentures registered pursuant to Title 32, chapter 105 or  
30 expressly exempt from registration pursuant to Title 32, chapter  
31 105;

32 4. Insurance policies. A sale of insurance regulated under  
34 Title 24-A, section 2515-A and 2717; or

36 5. Credit services. A sale of credit services by a  
37 supervised lender, as defined in Title 9-A, section 1-301,  
38 subsection 39, or an agent or affiliate of a supervised lender to  
39 the extent the affiliate or agent is selling or offering to sell  
40 the credit services of the supervised lender. For purposes of  
41 this paragraph, "credit services" includes any extension of  
42 credit and any product or service that a supervised lender is  
43 authorized by law or regulation to sell in connection with or  
44 relating to an extension of credit, such as credit insurance and  
45 a debt cancellation policy. For the purposes of this paragraph,  
46 "affiliate" has the same meaning as in Title 9-B, section 131,  
47 subsection 1-A. Transactions covered by this exemption are  
48 limited to those that become effective only after the consumer  
49 has affirmed the terms and conditions of the agreement by an  
50 acceptance initiated by the consumer.

2           **Sec. E-3. 12 MRSA §7824, sub-§8, ¶D**, as enacted by PL 2001, c.  
379, §10, is amended to read:

4           D. Whoever obtains an original resident snowmobile  
5 registration after March 31st, may pay \$30 \$37.50 and  
6 receive a registration covering the remainder of the  
7 registration period plus one additional year.

10           **Sec. E-4. Effective date.** That section of this Act that amends  
11 the Maine Revised Statutes, Title 12, section 7824, subsection 8,  
12 paragraph D takes effect 90 days after the adjournment of the  
13 First Regular Session of the 120th Legislature.

14           **Sec. E-5. 22 MRSA §2682, first ¶**, as enacted by PL 2001, c.  
15 379, §1, is amended to read:

18           A drug dispensed pursuant to prescription, including a drug  
19 dispensed without charge to the consumer, must ~~carry~~ be  
20 accompanied by program participation information prominently  
21 displayed on the label or on the packaging in a manner approved  
22 by the commissioner and as permitted by law.

24           **Sec. E-6. 22 MRSA §2682, sub-§3**, as enacted by PL 2001, c.  
25 379, §1, is repealed.

26           **Sec. E-7. 22 MRSA §2682, sub-§3-A** is enacted to read:

28           **3-A. Program participation information.** The rules must  
29 provide for the disclosure of program participation information,  
30 including, but not limited to, the following:

31           A. Notification that the manufacturer or labeler has not  
32 entered into an agreement with the Department of Human  
33 Services pursuant to section 2681, subsection 3; and

34           B. Advice to consult a health care provider or pharmacist  
35 about access to drugs at lower prices.

36           **Sec. E-8. Effective date.** Those sections of this Act that amend  
37 the Maine Revised Statutes, Title 22, section 2682 take effect 90  
38 days after adjournment of the First Regular Session of the 120th  
39 Legislature.

40           **Sec. E-9. PL 2001, c. 409, §§7, 8 and 9** are repealed.

41           **Sec. E-10. Effective date.** That section of this Part that  
42 repeals Public Law 2001, chapter 409, sections 7, 8 and 9 takes  
43 effect 90 days after adjournment of the First Regular Session of  
44 the 120th Legislature.'



## FISCAL NOTE

Any additional costs associated with correcting errors and inconsistencies in the Laws of Maine can be absorbed by all agencies.

## SUMMARY

This amendment corrects 2 sections in the bill, deletes 3 sections because they are dealt with in other legislation and adds additional technical as well as substantive corrections and changes to the Maine law.

Part A is the bill and the changes made to those sections in the bill. These are all technical changes. Part B consists of additional corrections. These are also technical changes. Parts C, D and E consist of changes that are or could be interpreted as substantive changes.

### Part A

Section 3 of the bill is amended to use the defined term of "primary storage facilities" and avoid the error in the laws governing reporting by owners and lessees of petroleum products storage facilities.

Section 19 of the bill is removed because the error has been fixed by Public Law 2001, chapter 286.

Section 28 of the bill is amended to reflect the changes in Maine law concerning hedging transactions. A companion to this amendment is Part D, section 24. The Maine Revised Statutes, Title 24-A, section 1156, subsection 2 lists classes of investments that insurers are permitted to make, and provides limits on the amount of insurer assets that may be invested in each class. Paragraph H of subsection 2 is the catch-all paragraph, for investments not listed in any other paragraph. Hedging transactions are currently mentioned in paragraph H, with a cross-reference to another law, Title 24-A, section 1153, subsection 2, that previously described those transactions. However, a comprehensive amendment was enacted last year that set forth specific rules and limits for hedging transactions and other derivatives in Title 24-A, sections 1153 and 1160. Section 28 of the bill proposes to update the cross-reference, but discussions with the Bureau of Insurance indicate that it would be more appropriate to take hedging transactions out of paragraph H entirely, include them in a separate paragraph and clarify that the investment limits relating to hedging transactions are found

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in Title 24-A, section 1153, not section 1156. That separate paragraph is included as Part D, section 24 of this amendment.

Sections 37, 38 and 39 are deleted from the bill because the conflicts are addressed in other bills.

Part B

During the Second Regular Session of the 119th Legislature, the Legislature added to the duties of the Natural Resources Information and Mapping Center to include data about ecological reserves, Public Law 1999, chapter 592. In the same session, the Legislature moved the entire chapter on natural areas from the Maine Revised Statutes, Title 5 to Title 12, Public Law 1999, chapter 556. Part B, section 1 deletes from Title 5 the language added by chapter 592. Part B, section 8 adds the language added by chapter 592 to the proper location in Title 12.

The Errors Bill for the 119th Second Regular Session, Public Law 1999, chapter 790, amended the initial reporting date for the Maine Science and Technology Foundation from December 31, 1999 to December 31, 2000. The change was made effective retroactive to June 4, 1999, when the section originally took effect. During the same session, Public Law 1999, chapter 731 amended the same reporting date to July 1, 2006 and changed the subsequent reports to July 1st every 5 years thereafter. It did not contain a special effective date. Part B, section 2 repeals and replaces the paragraph and reenacts it using the chapter 731 version. Part B, section 3 makes the change effective retroactive to June 4, 1999.

Part B, section 6 corrects a cross-reference within the Uniform Commercial Code, Article 9-A to another Uniform Commercial Code Article. Article 3 of the Uniform Commercial Code was repealed in 1993 and was replaced with Article 3-A. Part B, section 5 makes the correction effective on the date that Article 9-A takes effect, July 1, 2001.

Part B, sections 7 and 8 amend the Business Corporations Act to update cross-references to laws governing abandoned property. The sections also update language.

Part B, section 9 corrects the format in the stalking statute as revised by Public Law 2001, chapter 383. Part B, section 10 makes the correction effective on January 1, 2003 when chapter 383 takes effect.

Part B, sections 11 and 12 correct conflicts in the Maine dental education and recruitment program statutes created by the

enactment of 2 versions of the same chapter by Public Law 1999, chapter 401 and chapter 496. Both sections are repealed and replaced with the corrected language.

Part B, section 13 corrects a cross-reference and a spelling error and makes a grammatical correction in statutes governing insurance and investments.

Local option elections for the sale of liquor cannot be held in unincorporated places pursuant to the Maine Revised Statutes, Title 28-A, section 122. Part B, sections 14 and 15 amend Title 28-A, section 124 to remove references to votes in unincorporated places.

Part B, sections 16 and 17 correct a conflict created by the enactment of 2 chapters of the Public Laws of 2001 amending the statutes governing the Kennebec County Budget Committee. The lead-in paragraph of the Maine Revised Statutes, Title 30, from chapter 170 is amended to accommodate appointed officials. All the members must be municipal officials, either elected or appointed. The version of section 862, subsection 1 from chapter 172 is enacted. Part B, section 18 makes the corrections effective when chapters 170 and 172 take effect, 90 days after adjournment.

The Part I Budget, PL 2001, c. 358 includes an allocation section that covers the current year and the 2 years of the next biennium. The section was printed with the incorrect fiscal year headings. It lists the 2 years of the coming biennium and then the first year of the next biennium, which is not possible to do in the biennial budget. The allocation section allocates funds in the 2 years of the next budget biennium from the Federal Expenditures Fund to the Department of Human Services for payments to providers for medical care. It deallocates funds for this year and the 2 years of the next biennium for federal matching funds. Part B, section 19 corrects the listing of the 3 fiscal years. Part B, section 20 makes it effective retroactively to the effective date of chapter 358, June 4, 2001.

#### Part C

The Interdepartmental Coordinating Council for Early Intervention and all references to it were repealed by Public Law 1999, chapter 668. Some of the specific implementation responsibilities of the Department of Education concerning early intervention and free and appropriate public education and conflict of interest provisions were inadvertently repealed as well. Part C reenacts the council and related provisions, retroactive to the effective date of chapter 668, August 11, 2000.

Part D

Sections contained in Part D make changes that are or may be considered to be substantive changes.

Reporting dates for studies and other commissions have been interpreted as requiring a person to actually be in the office of the entity that is to receive the report on the actual reporting date in order to accept the report. Reporting dates that fall on Saturdays, Sundays or holidays have been amended to state a business day to overcome this scheduling problem. Part D, section 1 adds a new subsection to the rules of statutory construction to provide that when a reporting date stated in legislation or other legislative instrument falls on a Saturday, Sunday or legal holiday, the report is actually due on the next day that is not a Saturday, Sunday or holiday. The language is based on Rule 6 of the Maine Rules of Civil Procedure.

Current law provides the correct ways to cite the Revisor's Report. Years after 1999 are not included as examples. Part D, section 2 adds correct citation forms for Revisor's Reports beginning with the 120th Legislature.

The offensive names law adopted in the 119th Legislature prohibited the use of "squaw" and "squa" as a separate word. This was to take into account that those letter sequences may occur in other words, and that "squa" is sometimes interpreted differently than "squaw." Since enactment of that law, at least one community decided to rename "Squaw Point Road" and "Squaw Head" the following: "SquawPoint Road" and "SquawHead," i.e., using "squaw" as part of a word but maintaining its identification as a separate word. Part D, section 3 declares the use of "squaw" as part of a word or as a separate word an offensive name.

Part D, sections 4 and 5 shift the Governmental Evaluation Act review of the Atlantic Salmon Authority, now the Atlantic Salmon Commission, from the Marine Resources Committee in 2001 to the Inland Fisheries and Wildlife Committee in 2003.

Part D, section 6 is a recommendation of the Judicial Department's committee assigned with the task of merging the functions of the Administrative Court into the District Court. It amends the licensing and appellate jurisdiction provisions as they pertain to the District Court. In the Maine Revised Statutes, Title 4, section 184, subsection 1, the cross-reference to the Maine Revised Statutes, Title 4, section 152, subsection 10 is deleted because the procedures for the appellate review of decisions of licensing boards and commissions are governed by Title 5, chapter 375, subchapter VII. Maine Revised Statutes,

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Title 4, section 184, subsection 2 directs how a case is commenced. Title 22, section 1558 governs tobacco violations by licensees, and contains a specific procedure for the District Court to notify the subject of the complaint. Title 28-A, section 803 governs liquor violations by licensees, and contains a specific procedure for the District Court to notify the subject of the complaint. Neither of these provisions requires a summons. Maine Revised Statutes, Title 4, section 184, subsection 6 is amended to clarify that some proceedings require a verified complaint and others require a complaint accompanied by affidavits. It also clarifies that the subsection does not affect the jurisdiction of the District Court to exercise any other powers it possesses.

Part D, section 7 repeals an outdated section of law on Total Quality Management Coordinators.

The 120th Legislature enacted Public Law 2001, chapter 357. The new law amends laws pertaining to protection and advocacy for persons with developmental or learning disabilities or mental illness. Part D, sections 8 and 9 revise terminology concerning "injuries" for which reports must be made, and the specific facilities in which such incidents occur, to be internally consistent. Part D, section 10 makes the changes take effect when chapter 357 takes effect, which is 90 days after adjournment.

LD 1787 was reported out by the Joint Standing Committee on Inland Fisheries and Wildlife pursuant to its authority to propose legislation incorporating municipal recommendations regarding surface water use of great ponds. It is now Public Law 2001, chapter 241. The bill should have been enacted as an emergency in order to make the restrictions apply to this boating season. Part D, sections 11 and 12 enact the changes contained in chapter 241. Because this bill is an emergency, these changes will take effect immediately. Part D, section 28 repeals Public Law 2001, chapter 241.

Current law governing prejudgment and post-judgment interest ties the interest rates to 52-week Treasury bills. The United States Treasury no longer issues these instruments. Part D, sections 13 and 14 amend the laws to tie the prejudgment and post-judgment interest rates to the weekly average one-year constant maturity Treasury yield, as published monthly by the Board of Governors of the Federal Reserve System.

The 119th Legislature amended the law to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to initiate commitment proceedings for a defendant who has been charged with committing certain dangerous crimes and who has been determined by the court to be incompetent to stand trial. The section cross-referenced the commitment proceedings

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for only mental illness, not for mental retardation. Part D, section 15 adds in that cross-reference, so that defendants who are not competent to stand trial because they have mental retardation do not have to go through the mental illness commitment proceedings.

Part D, section 16 amends the laws governing appeals in criminal cases from District Court to include "rulings" in addition to convictions and orders. This is consistent with appeals from the Superior Court.

Part D, section 17 makes a correction in the new language, enacted by Public Law 2001, chapter 341, governing health insurance for the spouse and dependents of a teacher after the death of the teacher. The Joint Standing Committee on Labor intended to require that coverage be available for underage children of the teacher, not that it must be provided. Part D, section 18 makes the change effective when chapter 341 takes effect, which is 90 days after adjournment.

Part D, section 19 deletes an erroneous cross-reference in the school financing law.

Part D, sections 20 and 21 make consistent the references to nontransient, noncommunity public water systems.

Part D, section 22 corrects a clerical error in the Rural Roads Initiative Funds laws that was created when Public Law 1999, chapter 753, section 3 amended the Maine Revised Statutes, Title 23, section 1803-B, subsection 1, paragraph A but inadvertently omitted subparagraph (2) from the text. This section also corrects a cross-reference in subparagraph (2). Part D, section 23 makes the correction take effect retroactively on the date that chapter 753 took effect, which was August 11, 2000.

Part D, section 24 is the companion to Part A, section 28.

Part D, section 25 adds language concerning consumer credit insurance that was inadvertently left out of the committee Amendment to LD 1630, which is now Public Law 2001, chapter 138.

Part D, sections 26 and 27 are recommendations of the Judicial Department's committee assigned with the task of merging the functions of the Administrative Court into the District Court. These 2 sections make changes in the agency liquor store and liquor licensee violations statutes consistent with the District Court's jurisdiction to review final agency action pursuant to the Maine Administrative Procedure Act and Rule 80C of the Maine Rules of Civil Procedure.

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Part D, section 29 corrects a cross-reference to labor relations laws to apply the Municipal Public Employees Labor Relations Law to the employees of the Maine Military Authority.

Part E

Part E, sections 1 and 2 amend the "negative option sales" laws enacted by Public Law 2001, chapter 210 to be consistent with the laws regulating telemarketing as enacted by Public Law 2001, chapter 276. The new restrictions on telemarketing do not apply to sales under \$25, home solicitation sales regulated under the Maine Revised Statutes, Title 9-A, sales of securities regulated under Title 32, sales of certain insurance policies regulated under Title 24-A and sales of certain credit services. These sections exempt those sales from the negative option sales restrictions as well. In addition, the negative option sales laws are amended to clarify that the merchant can not charge a consumer for a good or service after a trial period unless the consumer agreed to be charged if the consumer does not cancel the sale, and that agreement was made prior to the imposition of the charge. The change allows the agreement to be made at the time of the sale. Another change to the negative option sales laws is to remove the provision creating a different time period in which the merchant must provide a clearly written description of the agreement when the goods or services are physically delivered to the consumer on a weekly or more frequent basis. The general period of 15 days applies to all sales agreed to by telephone, except for those specifically excepted.

Public Law 2001, chapter 254 increases snowmobile registration fees for residents and nonresidents by \$5 to fund a special fund for snowmobile trail grooming. Residents' registration fees changed from \$25 to \$30. Chapter 254 is an emergency, and will take effect July 1, 2001. Public Law 2001, chapter 294 adds a new paragraph in the snowmobile registration provisions to allow a resident who registers a snowmobile after March 31st to pay \$30, which was \$5 more than the regular registration fee for residents, and receive a registration for the remainder of the registration period plus one additional year. Chapter 294 is not an emergency, and will take effect 90 days after adjournment. Part E, section 3 increases the fee for the new extended registration from \$30 to \$37.50. Part E, section 4 makes the change effective coincident with the effective date of chapter 294, which is 90 days after adjournment.

Public Law 2001, chapter 379 adds requirements concerning the display of Maine Rx program participation information. Part E, sections 5, 6 and 7 revise the new language to clarify legislative intent. Part E, section 8 makes the revisions effective at the same time that Chapter 379 takes effect, which is 90 days after the adjournment of the First Regular Session of the 120th Legislature.

COMMITTEE AMENDMENT "A" to H.P. 30, L.D. 30

2           Part E, section 9 repeals unnecessary and contradictory  
provisions of Public Law 2001, chapter 409. Funding for the  
4       special retirement plan for certain Department of Environmental  
Protection employees is provided by the allocation section of  
6       chapter 409 that was added by the committee amendment to the  
bill. The provisions that are repealed would have provided a  
8       funding mechanism for the special retirement plan, but that  
additional funding is not necessary because there are sufficient  
10      funds available in the appropriate dedicated funds. Part E,  
section 10 makes the change effective when chapter 409 takes  
12      effect, which is 90 days after the adjournment of the First  
Regular Session of the 120th Legislature.