

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1916

H.P. 1418

House of Representatives, March 9, 2004

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(EMERGENCY)

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

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

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

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

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

16
18 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
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. 4 MRSA §183, sub-§1, ¶D,** as amended by PL 2003, c. 39,
26 §1 and c. 84, §1, is repealed and the following enacted in its
place:

28 D. Family case management officers shall employ appropriate
30 case management techniques and have jurisdiction to hear and
32 dispose of the following matters:

34 (1) Interim orders in actions involving the
establishment, modification or enforcement of child
support;

36 (2) Interim orders in actions involving divorce, legal
38 separation, paternity or parental rights, including
interim orders in postjudgment proceedings arising out
40 of these actions, except that a contested motion
concerning interim parental rights and
42 responsibilities, excluding interim child support
orders, may be determined by the family case management
44 officer only if both parties consent to determination
of the issue or issues in dispute by the family case
46 management officer;

48 (2-A) Parental rights and responsibilities and
parent-child contact orders entered pursuant to Title
50 19-A, section 4007, subsection 1, paragraph G, to make

2 such orders consistent with subsequently entered orders
3 in matters included in subparagraphs (1), (2) and (3);

4 (3) Final orders in any of the matters included in
5 subparagraphs (1) and (2) when the proceeding is
6 uncontested;

8 (4) Final orders in a contested proceeding when child
9 support is the only contested issue;

10 (4-A) Applications for writs of habeas corpus to
11 facilitate the attendance of proceedings by and return
12 of a party who is incarcerated;

14 (4-B) Requests for access to confidential Department
15 of Human Services child protective records in
16 accordance with Title 22, section 4008. The family
17 case management officer may review records in camera to
18 determine whether to grant access; and

20 (5) Other actions assigned by the Chief Judge of the
21 District Court.

24 **Sec. 2. 5 MRSA §7-B**, as amended by PL 1999, c. 155, Pt. A,
25 §1, is further amended to read:

26 **§7-B. Use of state vehicles for commuting**

28 A state-owned or state-leased vehicle may not be used by any
29 employee to commute between home and work, except for those
30 vehicles authorized and assigned to employees of the Baxter State
31 Park Authority and to law enforcement officials within the
32 following organizational units: Bureau of State Police; Maine
33 Drug Enforcement Agency; Office of the State Fire Marshal; Bureau
34 of ~~Liquor Enforcement~~ the division within the Department of
35 Public Safety designated by the Commissioner of Public Safety to
36 enforce the law relating to the manufacture, importation,
37 storage, transportation and sale of all liquor and to administer
38 those laws relating to licensing and collection of taxes on malt
39 liquor and wine; Bureau of Motor Vehicles; Bureau of Marine
40 Patrol; Bureau of Forestry, Division of Forest Protection; Bureau
41 of Warden Service; and Bureau of Parks and Lands.

44 **Sec. 3. 5 MRSA §12004-K, sub-§9**, as enacted by PL 1987, c.
45 786, §5, is repealed.

46 **Sec. 4. 5 MRSA §13083-C, sub-§1, ¶C**, as enacted by PL 2001, c.
47 568, §1, is amended to read:

2 C. Exercise all of the general powers of corporations under
Title 13-A 13-C, section 302 302;

4 **Sec. 5. 5 MRSA §13120-G, sub-§2**, as enacted by PL 2001, c.
703, §6, is amended to read:

6
8 **2. Authority for transfers of interest in land to
authority.** Notwithstanding any other provision of law, upon the
10 authority's request, on reasonable and fair terms and conditions
and without the necessity for advertisement, order of court or
12 action or formality other than the regular and formal action of
the authorities concerned, counties, municipalities, public
14 agencies or instrumentalities of the State, public service
corporations and special districts may lease, lend, grant or
16 convey to the authority real or personal property or rights in
that property that may be necessary or convenient for the
18 effectuation of the authorized purposes of the authority,
including real and personal property or rights in that property
already devoted to public use. As used in this subsection, the
20 term "public service corporation" includes a public utility as
defined in Title 35-A, section 102, subsection 13 and a
22 corporation as defined in Title 13-A 13-C.

24 **Sec. 6. 5 MRSA §17001, sub-§40**, as amended by PL 2001, c. 239,
§2 and affected by §5 and amended by c. 374, §4 and amended by PL
26 2003, c. 20, Pt. 00, §2 and affected by §4, is repealed and the
following enacted in its place:

28
30 **40. State employee.** "State employee" means any regular
classified or unclassified officer or employee in a department,
any employee of the Maine Community College System except those
32 who make the election provided under Title 20-A, section 12722,
any employee of the Governor Baxter School for the Deaf except as
34 provided in Title 20-A, section 7407, subsection 3-A, any
employee of the Maine Military Authority, any employee of the
36 Northern New England Passenger Rail Authority and any employee
transferred from the Division of Higher Education Services to the
38 Finance Authority of Maine who elects to be treated as a state
employee, but does not include:

40
42 A. A judge, as defined in Title 4, section 1201 or 1301,
who is now or later may be entitled to retirement benefits
under Title 4, chapter 27 or 29;

44
46 B. A member of the State Police who is now entitled to
retirement benefits under Title 25, chapter 195; or

48
50 C. A Legislator who is now or later may be entitled to
retirement benefits under Title 3, chapter 29.

2 **Sec. 7. 7 MRSA §1333, sub-§1, ¶B**, as enacted by PL 2003, c.
386, §6, is amended to read:

4 B. "Discrepancy" means an instance in which a holder of a
license under subsection 3 2 has failed to comply with a
6 requirement under this Part.

8 **Sec. 8. 7 MRSA §1333, sub-§§3 to 6**, as enacted by PL 2003, c.
386, §6, are amended to read:

10 **3. Inspection.** The commissioner or commissioner's designee
12 shall conduct an inspection of an applicant's premises before the
initial issuance or renewal of a license under subsection 3 2 or
14 at any time during the pendency of a license under subsection 3 2
if the department believes the license holder is not in
16 compliance with the provisions of this Part.

18 **4. Renewal.** If an inspection for a renewal of a license
under subsection 3 2 reveals a discrepancy, the inspector shall
20 note the discrepancy on an inspection form. The commissioner may
issue a temporary license under subsection 3 2 and give the
22 license holder a reasonable amount of time to correct the
discrepancy. Upon a subsequent inspection of the premises of a
24 temporary license holder under this subsection, the commissioner
shall renew the license under subsection 3 2 if the license
26 holder has corrected all of the discrepancies noted on the
inspection form from the prior inspection.

28 **5. Penalties.** Any person engaged in the business of
30 propagating, possessing, buying or selling cervids without a
license under subsection 3 2 commits a civil violation for which
32 a fine not to exceed \$100 per day for each violation may be
adjudged, except that the total of the fines may not exceed
34 \$25,000.

36 **6. Records.** A holder of a license issued pursuant to
subsection 3 2 shall maintain records that include the date and
38 location of birth and the date of death or departure of each
cervid in the license holder's herd.

40 **Sec. 9. 7 MRSA §4209**, as amended by PL 2003, c. 283, §4 and
42 repealed by c. 452, Pt. B, §29 and affected by Pt. X, §2, is
repealed.

44 **Sec. 10. Effective date.** That section of this Act that repeals
46 the Maine Revised Statutes, Title 7, section 4209 takes effect
July 1, 2004.

48 **Sec. 11. 9 MRSA §2301**, as amended by PL 1987, c. 769, Pt. A,
50 §38, is further amended to read:

2 **§2301. Industrial loan companies**

4 All corporations chartered and doing business as "industrial
6 loan companies" pursuant to this section and former sections
8 2302, 2303, 2341 to 2345 and 2381 and 2382 and ~~which that~~ were
10 not accepting certificates of investment prior to June 1, 1967
12 are hereby made corporations organized under Title 13-A 13-C and
14 such "industrial loan companies" ~~shall-be~~ are subject to Title
16 9-A to the extent that the activities of such companies are
18 within the provisions of Title 9-A.

20 **Sec. 12. 9 MRSA §3201**, as amended by PL 1999, c. 127, Pt. A,
22 §17, is further amended to read:

24 **§3201. Loan companies**

26 All corporations chartered and doing business as "loan
28 companies" pursuant to sections 3201 to 3210 as repealed on June
30 2, 1975 are hereby made corporations organized under Title 13-A
32 13-C and such "loan companies" are subject to Title 9-A to the
34 extent that the activities of these companies are within the
36 provisions of Title 9-A.

38 **Sec. 13. 15 MRSA §3003, sub-§14-B, ¶B**, as amended by PL 2003,
40 c. 180, §2 and c. 410, §4, is repealed and the following enacted
42 in its place:

44 B. To provide appropriate services to juveniles committed
46 to a Department of Corrections juvenile correctional
48 facility who are on leave or in the community on community
50 reintegration; and

Sec. 14. 15 MRSA §3103, sub-§1, ¶G, as amended by PL 2003, c.
305, §3 and c. 410, §6, is repealed and the following enacted in
its place:

G. A violation of section 393, subsection 1, paragraph C or
section 393, subsection 1-A; and

Sec. 15. 17-A MRSA §1105-A, sub-§1, ¶¶I and J, as amended by PL
2003, c. 1, §7 and c. 476, §1, are repealed and the following
enacted in their place:

I. At the time of the offense, the person trafficks in 300
or more pills, capsules, tablets, vials, ampules, syringes
or units containing any narcotic drug other than heroin, or
any quantity of pills, capsules, tablets, units, compounds,
mixtures or substances that, in the aggregate, contain 8,000
milligrams or more of oxycodone or 1,000 milligrams or more

2 of hydromorphone. Violation of this paragraph is a Class A
3 crime;

4 J. At the time of the offense, the person trafficks in a
5 quantity of 300 or more pills, capsules, tablets or units
6 containing 3, 4-methylenedioxymethamphetamine, MDMA, or any
7 other drug listed in section 1102, subsection 1, paragraph
8 O. Violation of this paragraph is a Class A crime;

10 **Sec. 16. 17-A MRSA c. 49**, as amended, is further amended by
11 repealing the chapter headnote and enacting the following in its
12 place:

14 **CHAPTER 49**

16 **PROBATION**

18 **Sec. 17. 17-A MRSA §1252, sub-§4-A**, as amended by PL 2003, c.
19 143, §9 and c. 475, §1, is repealed and the following enacted in
20 its place:

22 4-A. If the State pleads and proves that, at the time any
23 crime, excluding murder, under chapter 9, 11, 13 or 27 or section
24 402-A, subsection 1, paragraph A was committed, the defendant had
25 been convicted of 2 or more crimes violating chapter 9, 11, 13 or
26 27 or section 402-A, subsection 1, paragraph A or essentially
27 similar crimes in other jurisdictions, the sentencing class for
28 the crime is one class higher than it would otherwise be. In the
29 case of a Class A crime, the sentencing class is not increased,
30 but the prior record must be given serious consideration by the
31 court when imposing a sentence. Section 9-A governs the use of
32 prior convictions when determining a sentence, except that, for
33 the purposes of this subsection, for violations under chapter 11,
34 the dates of prior convictions may have occurred at any time.
35 This subsection does not apply to section 210-A if the prior
36 convictions have already served to enhance the sentencing class
37 under section 210-A, subsection 1, paragraph C.

38 **Sec. 18. 20-A MRSA §10006, sub-§5, ¶A**, as enacted by PL 1999,
39 c. 511, §1 and amended by PL 2003, c. 20, Pt. OO, §2 and affected
40 by §4, is further amended to read:

42 A. For an appropriated amount of more than \$10,000,000:

- 44 (1) University of Maine System 70%;
- 46 (2) Maine Community College System 25%; and
- 48 (3) Maine Maritime Academy 5%; and
- 50

2 **Sec. 19. 20-A MRSA §15602, sub-§18, ¶A**, as enacted by PL 2003,
c. 20, Pt. C, §2, is amended to read:

4 A. A school administrative unit is eligible for a prorated
6 share of the tier 1 cushion of \$4,000,000 if the school
administrative unit meets the following criteria:

8 (1) The school administrative unit's fiscal year
10 2002-03 mills raised for education as calculated by the
department is equal to or greater than 9.97 mills;

12 (2) The school administrative unit's per pupil fiscal
14 capacity for operating costs in fiscal year 2003-04 is
equal to or less than \$837,548; and

16 (3) The school administrative unit's state share of
18 subsidy for fiscal year 2003-04 for operating costs and
program costs, excluding the state share of bus
20 purchases plus minimum subsidy, is less than the state
share of subsidy for fiscal year 2002-03 for operating
22 costs and program costs, excluding the state share of
bus purchases plus minimum subsidy, and the fiscal year
24 2002-03 cushion provision under former subsection 16.

26 **Sec. 20. 20-A MRSA §15602, sub-§19, ¶A**, as enacted by PL 2003,
c. 20, Pt. C, §2, is amended to read:

28 A. A school administrative unit is eligible for a prorated
30 share of the tier 2 cushion of \$1,000,000 if the school
administrative unit meets the following criteria:

32 (1) The school administrative unit's fiscal year
34 2002-03 mills raised for education as calculated by the
department is equal to or greater than 9.97 mills; and

36 (2) The school administrative unit's state share of
38 subsidy for fiscal year 2003-04 for operating costs and
program costs, excluding the state share of bus
40 purchases plus minimum subsidy and the fiscal year
2003-04 initial cushion set forth in subsection 18, is
42 less than the school administrative unit's state share
of subsidy for fiscal year 2002-03 for operating costs
44 and program costs, excluding the state share of bus
purchases plus minimum subsidy and the fiscal year
46 2002-03 cushion provision under former subsection 16.

48 **Sec. 21. 20-A MRSA §15604, sub-§1, ¶C**, as amended by PL 1997,
c. 326, §3, is further amended to read:

2 C. Special education tuition and board, excluding medical
costs, defined as follows:

4 (1) Tuition and board for pupils placed by school
administrative units;

6 (2) Tuition and board for pupils placed directly by
8 the State in accordance with rules adopted or amended
by the commissioner; and

10 (3) Special education tuition and other tuition for
12 institutional residents of state-operated institutions
attending programs in school administrative units or
14 private schools in accordance with rules adopted or
amended by the commissioner; and

16 ~~(4) -- Adjustments under section 15612, subsection 6;~~

18 **Sec. 22. 20-A MRSA §15607, sub-§3, ¶A**, as enacted by PL 1999,
20 c. 401, Pt. GG, §3, is amended to read:

22 A. Adjustments described in ~~section 15602, subsection 13;~~
24 section 15612; and section 15613, except section 15613,
subsection 13, including an appropriation for special
education pupils placed directly by the State for:

26 (1) Tuition and board for pupils placed directly by the
28 State in accordance with rules adopted or amended by
the commissioner; and

30 (2) Special educational tuition and other tuition for
32 residents of state-operated institutions attending
programs in school administrative units or private
34 schools in accordance with rules adopted or amended by
the commissioner;

36 **Sec. 23. 20-A MRSA §15610, sub-§1, ¶C**, as amended by PL 1989,
38 c. 875, Pt. E, §29, is further amended to read:

40 C. The state share of the foundation allocation for each
42 administrative unit is limited to the same proportion of the
maximum allocation as the local administrative unit raises
of its maximum local share of the foundation allocation.
44 ~~For the purpose of this subsection only and for fiscal year~~
46 ~~1990-91 only, the required local share must be reduced by~~
48 ~~the same percentage as the percentage reduction in the state~~
~~subsidy specified in section 15602, subsection 4.~~

50 **Sec. 24. 21-A MRSA §1125, sub-§8, ¶C**, as amended by PL 2003,
c. 453, §1, is further amended to read:

2 C. For contested legislative general elections, the amount
4 of revenues distributed is the average amount of campaign
6 expenditures made by each candidate during all contested
8 general election races for the immediately preceding 2
general elections, as reported in the initial filing period
subsequent to the general election, for, the respective
offices of State Senate and State House of Representatives.

10 **Sec. 25. 21-A MRSA §1125, sub-§9**, as amended by PL 2003, c.
12 448, §5 and c. 453, §2, is repealed and the following enacted in
its place:

14 **9. Matching funds.** When any campaign, finance or election
16 report shows that the sum of a candidate's expenditures or
obligations, or funds raised or borrowed, whichever is greater,
18 alone or in conjunction with independent expenditures reported
under section 1019-B, exceeds the distribution amount under
20 subsection 8, the commission shall issue immediately to any
opposing Maine Clean Election Act candidate an additional amount
22 equivalent to the reported excess. Matching funds are limited to
2 times the amount originally distributed under subsection 8,
24 paragraph A, C, E or F, whichever is applicable.

26 **Sec. 26. 21-A MRSA §1204, sub-§55, ¶A**, as repealed by PL 2003,
c. 44, §1 and amended by c. 62, §2 and affected by §§5 and 6, is
28 repealed.

30 **Sec. 27. 21-A MRSA §1204-A, sub-§61, ¶A**, as enacted by PL
2003, c. 289, §1, is amended to read:

32 A. In Lincoln County, the following undefined ocean
34 divisions: Block 0996 and Block 0997 of Tract 000000; and
the minor civil divisions of Boothbay, Boothbay Harbor,
36 Southport and Westport Island; and

38 **Sec. 28. 22 MRSA c. 1**, as amended, is further amended by
repealing the chapter headnote and enacting the following in its
40 place:

42 **CHAPTER 1**

44 **DEPARTMENT OF HUMAN SERVICES**

46 **Sec. 29. 25 MRSA §2801-B, sub-§1, ¶H**, as amended by PL 2003,
c. 400, §3, is further amended to read:

48 H. The State Fire Marshal; or

2 **Sec. 30. 25 MRSA §2801-B, sub-§1, ¶I**, as amended by PL 2003, c.
400, §3, is repealed.

4 **Sec. 31. 26 MRSA §833, sub-§1, ¶D**, as amended by PL 2003, c.
306, §1 and c. 357, §1, is repealed and the following enacted in
6 its place:

8 D. The employee acting in good faith has refused to carry
10 out a directive to engage in activity that would be a
12 violation of a law or rule adopted under the laws of this
14 State, a political subdivision of this State or the United
16 States or that would expose the employee or any individual
to a condition that would result in serious injury or death,
after having sought and been unable to obtain a correction
of the illegal activity or dangerous condition from the
employer; or

18 **Sec. 32. 27 MRSA c. 2, sub-c. 3**, as amended, is reallocated to
27 MRSA c. 1, sub-c. 4.

20 **Sec. 33. 27 MRSA §94**, as enacted by PL 1985, c. 754, §1, is
22 reallocated to 27 MRSA §71.

24 **Sec. 34. 27 MRSA §95**, as amended by PL 1989, c. 700, Pt. B,
§23, is reallocated to 27 MRSA §72.

26 **Sec. 35. 29-A MRSA §101, sub-§32-A**, as amended by PL 2003, c.
28 397, §1 and c. 414, Pt. B, §41 and affected by Pt. D, §7, is
repealed and the following enacted in its place:

30 **32-A. Low-speed vehicle.** "Low-speed vehicle" means a
32 4-wheeled automobile that is able to attain a speed of at least
34 20 miles per hour but not more than 25 miles per hour and does
not exceed 1,800 pounds in unloaded weight. "Low-speed vehicle"
36 does not include an ATV as defined in Title 12, section 13001. A
low-speed vehicle must be originally manufactured and maintained
38 in accordance with the Federal Motor Vehicle Safety Standards as
a low-speed vehicle pursuant to 49 Code of Federal Regulations,
Section 571.500, as amended.

40 **Sec. 36. Effective date.** That section of this Act that repeals
42 and replaces the Maine Revised Statutes, Title 29-A, section 101,
subsection 32-A takes effect 90 days after adjournment of the
44 Second Regular Session of the 121st Legislature.

46 **Sec. 37. 29-A MRSA §525, sub-§9**, as repealed by PL 2003, c.
48 434, §10 and affected by §37 and repealed and replaced by c. 452,
Pt. Q, §7 and affected by Pt. X, §2, is repealed.

2 **Sec. 38. 29-A MRSA §525, sub-§9-A**, as enacted by PL 2003, c.
434, §10 and affected by §37, is repealed and the following
enacted in its place:

4 **9-A. Violation.** The following penalties apply to
6 violations of this section.

8 A. Except as provided in paragraph B, a person who violates
10 this section commits a Class E crime.

12 B. A person who displays or causes or permits to be
14 displayed a false decal or permit or a decal or permit
issued to another person commits a Class D crime.

16 An owner or operator stopped for violating this section and
18 against whom enforcement action has been taken does not commit a
20 subsequent violation of this section involving the same vehicle
22 until after the close of business on the next business day
following the date of the violation.

24 The court shall impose a fine of at least \$250, which may not be
26 suspended.

28 Violation of this section is a strict liability crime as defined
30 in Title 17-A, section 34, subsection 4-A.

32 **Sec. 39. Effective date.** Those sections of this Act that repeal
34 the Maine Revised Statutes, Title 29-A, section 525, subsection 9
and repeal and replace Title 29-A, section 525, subsection 9-A
take effect July 1, 2004.

36 **Sec. 40. 29-A MRSA §1752, sub-§9**, as amended by PL 2003, c.
38 125, §3 and c. 397, §6, is repealed and the following enacted in
its place:

40 **9. Registered in this State.** A motor vehicle registered in
42 this State displaying a valid certificate of inspection from
44 another state or a federally approved commercial vehicle
46 inspection program until its normal expiration;

48 **Sec. 41. 29-A MRSA §2251, sub-§3, ¶A**, as amended by PL 2003,
c. 340, §9 and c. 434, §23 and affected by §37, is repealed and
the following enacted in its place:

A. Shall prepare and supply forms and approve the format
for electronic submission for reports that require
sufficiently detailed information to disclose the cause,
conditions, persons and vehicles involved, including
information to permit the Secretary of State to determine

2 whether the requirement for proof of financial
3 responsibility is inapplicable;

4 **Sec. 42. 29-A MRSA §2251, sub-§4, ¶B,** as amended by PL 2003,
5 c. 340, §10 and c. 434, §24 and affected by §37, is repealed and
6 the following enacted in its place:

8 B. Within 5 days from the time of notification of the
9 accident, transmit an electronic report or the original
10 written report containing all available information to the
11 Chief of the State Police.

12 **Sec. 43. 29-A MRSA §2251, sub-§11,** as amended by PL 2003, c.
13 414, Pt. B, §46 and affected by Pt. D, §7 and amended by c. 434,
14 §28 and affected by §37, is repealed and the following enacted in
15 its place:

18 11. Exemption. The operator of a snowmobile or an
19 all-terrain vehicle as defined by Title 12, section 13001, unless
20 the all-terrain vehicle is registered for highway use by the
21 Secretary of State under this Title, is exempt from the reporting
22 requirements of subsection 2.

24 **Sec. 44. Effective date.** That section of this Act that repeals
25 and replaces the Maine Revised Statutes, Title 29-A, section
26 2251, subsection 11 takes effect 90 days after the adjournment of
27 the Second Regular Session of the 121st Legislature.

28 **Sec. 45. 30-A MRSA c. 206, sub-c. 3,** as enacted by PL 2003, c.
29 451, Pt. NNN, §2, is repealed.

32 **Sec. 46. 30-A MRSA c. 206, sub-c. 4** is enacted to read:

34 **SUBCHAPTER 4**

36 **PINE TREE DEVELOPMENT ZONES**

38 **§5250-H. Findings and declaration of necessity**

40 1. Legislative finding. The Legislature finds that there
41 is a need to encourage development in economically distressed
42 areas of the State in order to:

44 A. Provide new employment opportunities;

46 B. Improve existing employment opportunities;

48 C. Improve and broaden the tax base; and

2 D. Improve the general economy of the State.

4 2. Authorization. For the reasons set out in subsection
6 1, a unit of local government, or 2 or more cooperating units of
 local government, may develop a program for improving a district
 within its collective boundaries:

8 A. To provide impetus for targeted business development;

10 B. To increase employment; and

12 C. To provide the facilities outlined in the development
14 program adopted by the participating units of local
 government.

16 3. Declaration of public purpose. The Legislature declares
18 that the actions required to assist the implementation of these
20 development programs are a public purpose and that the execution
 and financing of these programs are a public purpose.

22 §5250-I. Definitions

24 As used in this subchapter, unless the context otherwise
 indicates, the following terms have the following meanings.

26 1. Affiliated business. "Affiliated business" means a
28 member of a group of 2 or more businesses in which more than 50%
30 of the voting stock of each member corporation or more than 50%
32 of the ownership interest in a business other than a corporation
 is directly or indirectly owned by a common owner or owners,
 either corporate or noncorporate, or by one or more of the member
 businesses.

34 2. Applicant. "Applicant" means any unit of local
36 government and any group of cooperating units of local government
 in the State that apply for designation as a Pine Tree
 Development Zone under section 5250-J.

38 3. Average employment during base period. "Average
40 employment during base period" for a business means the total
42 number of qualified employees of that business on each of 6
44 consecutive measurement days in each of the 3 calendar years in
 the base period as chosen by the business divided by 18.

46 4. Base level of employment. "Base level of employment"
48 means the greater of either the total employment in the State of
50 a business and its affiliated businesses as of the December 31st
 immediately preceding its certification as a qualified Pine Tree
 Development Zone business or its average employment during the
 base period.

2 **5. Base period.** "Base period" means the 3 calendar years
4 prior to the year in which a business is certified as a qualified
 Pine Tree Development Zone business.

6 **6. Commissioner.** "Commissioner" means the Commissioner of
 Economic and Community Development.

8 **7. Department.** "Department" means the Department of
10 Economic and Community Development.

12 **8. Financial services.** "Financial services" means services
14 provided by an insurance company subject to taxation under Title
 36, chapter 357; a financial institution subject to taxation
16 under Title 36, chapter 819; or a mutual fund service provider as
 defined in Title 36, section 5212, subsection 1, paragraph E.

18 **9. Labor market average weekly wage.** "Labor market average
20 weekly wage" means the average weekly wage as published by the
 Department of Labor for the labor market or markets in which
22 potential qualified Pine Tree Development Zone employees are
 located for the 12 most recently reported months preceding the
24 date of application for zone designation.

26 **10. Labor market unemployment rate.** "Labor market
 unemployment rate" means the average unemployment rate as
28 published by the Department of Labor for the labor market or
 markets in which potential qualified Pine Tree Development Zone
30 employees are located for the 12 most recently reported months
 preceding the date of application for zone designation.

32 **11. Manufacturing.** "Manufacturing" means the production of
34 tangible personal property intended to be sold or leased
 ultimately for final use or consumption or the production of
36 tangible personal property pursuant to a contract with the
 Federal Government or any agency thereof.

38 **12. Person.** "Person" has the same meaning as defined in
40 Title 36, section 111, subsection 3.

42 **13. Pine Tree Development Zone.** "Pine Tree Development
 Zone" or "zone" means a specified area within the boundaries of a
44 unit of local government, or within the boundaries of cooperating
 units of local government in a multijurisdictional application,
46 that has been designated by the commissioner as a Pine Tree
 Development Zone in accordance with section 5250-J.

48 **14. Pine Tree Development Zone benefits.** "Pine Tree
50 Development Zone benefits" means:

2 A. The exclusion from the limitations established under
section 5223, subsection 3 of tax increment financing
4 districts included within a Pine Tree Development Zone;

6 B. Expanded employment tax increment financing benefits
under Title 36, chapter 917;

8 C. The sales tax exemptions under Title 36, section 1760,
10 subsections 86 and 87; and

12 D. The Pine Tree Development Zone tax credits provided by
Title 36, sections 2529 and 5219-W.

14 15. Production. "Production" has the same meaning as
16 defined in Title 36, section 1752, subsection 9-B.

18 16. Qualified business activity. "Qualified business
20 activity" means a business activity that is conducted within a
Pine Tree Development Zone and is directly related to financial
22 services, manufacturing or a targeted technology business for
which the business receives a certificate from the commissioner
pursuant to section 5250-O.

24 17. Qualified Pine Tree Development Zone business.
26 "Qualified Pine Tree Development Zone business" or "qualified
business" means any for-profit business in this State engaged in
28 financial services, manufacturing or a targeted technology
business that adds qualified Pine Tree Development Zone employees
30 above its base level of employment in this State and that meets
the following criteria:

32 A. It demonstrates that the establishment or expansion of
34 operations within the Pine Tree Development Zone would not
occur within the State absent the availability of the Pine
36 Tree Development Zone benefits. The department shall
investigate whether the business has met the requirements of
38 this paragraph and provide an advisory opinion to the
Executive Director of the Bureau of Revenue Services in the
40 Department of Administrative and Financial Services, who
shall make the final determination; and

42 B. It has received a certificate as a qualified business
44 pursuant to section 5250-O.

46 18. Qualified Pine Tree Development Zone employees.
"Qualified Pine Tree Development Zone employees" means new,
48 full-time employees hired in this State by a qualified Pine Tree
Development Zone business for work directly in one or more
50 qualified business activities for whom a retirement program
subject to the Employee Retirement Income Security Act of 1974,

29 United States Code, Sections 101 to 1461 (2003) and group
2 health insurance are provided and whose wages derived from
4 employment within the Pine Tree Development Zone are greater than
6 the average annual per capita wages in the local labor market
8 area in the county in which the qualified employee is employed.
Qualified Pine Tree Development Zone employees must be residents
of this State.

10 19. State average weekly wage. "State average weekly wage"
12 means the average weekly wage as published by the Department of
14 Labor for the State as a whole for the 12 most recently reported
16 months preceding the date of application for zone designation.

18 20. State unemployment rate. "State unemployment rate"
20 means the average unemployment rate published by the Department
22 of Labor for the State as a whole for the 12 most recently
24 reported months preceding the date of application for zone
26 designation.

28 21. Targeted technology business. "Targeted technology
30 business" means a business primarily involved in a targeted
32 technology as defined in Title 5, section 15301.

34 22. Unit of local government. "Unit of local government"
36 means a municipality, county, plantation, unorganized territory
38 or Indian tribe.

30 §5250-J. Pine Tree Development Zones

32 1. Creation. One or more units of local government, or an
34 organization representing one or more units of local government,
36 may apply to the commissioner for the designation of a Pine Tree
38 Development Zone within the boundaries of the unit or units of
40 local government in accordance with the requirements of this
42 subchapter. County governments may apply on behalf of
44 unorganized territories. Groups of units of local government may
46 apply for multijurisdictional or joint projects.
Multijurisdictional applications require designation of one unit
of local government as the lead applicant and consent for that
designation by each participating unit of local government.
Counties may also apply on behalf of a consortium of units of
local government. The designation of a Pine Tree Development Zone
may not conflict with the provisions of a municipal or other unit
of local government charter. Zones that meet the requirements of
subsection 2 are authorized for designation as follows:

48 A. Aroostook County, including up to 100 acres of land
50 reserved for the Aroostook Band of Micmacs and the Houlton
Band of Maliseet Indians;

2 B. The Androscoggin Valley region, including the Lewiston
3 Enterprise Community Zone as designated by the federal
4 Agriculture, Rural Development, Food and Drug
5 Administration, and Related Agencies, Appropriations Act,
6 Public Law 105-277 (1999);

7 C. The Penobscot Valley region, including up to 500 acres
8 of land reserved for the Penobscot Nation; and

9 D. Washington County and the Downeast region, including up
10 to 500 acres of land reserved for the Passamaquoddy Tribe.

11 No more than one zone may be established in each of the areas
12 specified in paragraphs A to D, except that the commissioner may
13 designate up to 4 additional zones through the process
14 established in section 5250-L.

15 2. Requirements for designation. The commissioner shall
16 adopt rules establishing the minimum requirements for the
17 designation of Pine Tree Development Zones. Additionally, each
18 participating unit of local government must agree to maintain at
19 least one prepermitted construction or development site available
20 within the zone on a continual basis throughout the term of the
21 zone.

22 3. Limitations. The designation of Pine Tree Development
23 Zones is subject to the following limitations:

24 A. The total area of a zone, including all noncontiguous
25 parcels, may not exceed 5,000 acres;

26 B. A zone located in Aroostook County as described in
27 subsection 1, paragraph A may include property that is also
28 included within the Aroostook County Empowerment Zone as
29 designated by the federal Community Renewal Tax Relief Act
30 of 2000, Public Law 106-554;

31 C. Pine Tree Development Zone benefits may not be used to
32 encourage or facilitate the transfer of existing positions
33 or property of a qualified business or affiliated businesses
34 into a zone from a location elsewhere in the State;

35 D. Pine Tree Development Zone benefits may not be provided
36 based upon any employees or positions transferred by the
37 business or affiliated businesses into a Pine Tree
38 Development Zone from a location elsewhere in the State;

39 E. A Pine Tree Development Zone may not consist of more
40 than 20 noncontiguous parcels of property;

2 F. All property included within the boundaries of a Pine
3 Tree Development Zone must be suitable for one or more
4 qualified Pine Tree Development Zone business activities;

5 G. All property included within a Pine Tree Development
6 Zone must meet one of the following:

7 (1) The property is located within a market area for
8 which the labor market unemployment rate is greater
9 than the state unemployment rate at the time of the
10 application; or

11 (2) The property is included within a county in which
12 the average weekly wage is below the state average
13 weekly wage at the time of the application.

14 In the case of a multijurisdictional or joint application,
15 the requirements of this paragraph are met if the combined
16 unemployment rate of the cooperating units of local
17 government meets the requirements of subparagraph (1) or the
18 average weekly wage of the cooperating units of local
19 government, on a per-employed-worker basis, meets the
20 requirements of subparagraph (2); and

21 H. The restrictions contained in paragraph G may be waived
22 for property that is contained within a labor market area
23 that has sustained a greater than 5% loss of population or
24 employed workers during the 3-year period immediately
25 preceding the time of application if the loss was caused by
26 business closings.

27 **4. Application.** An application for designation of a Pine
28 Tree Development Zone must include, but is not necessarily
29 limited to, the following:

30 A. A narrative description of the Pine Tree Development
31 Zone to be designated;

32 B. Maps and any other information necessary to clearly
33 identify the geographic boundaries of the Pine Tree
34 Development Zone and any subzones it may include;

35 C. Evidence that the Pine Tree Development Zone meets the
36 requirements of subsection 3;

37 D. Any information evidencing economic distress; and

38 E. A development plan that includes:

- 2 (1) Documentation of all municipal commitments required
3 under subsection 2;
- 4 (2) A description of how the Pine Tree Development Zone
5 will be administered, including any related interlocal
6 cooperative agreements;
- 7 (3) A description of the goals and objectives to be
8 accomplished through the Pine Tree Development Zone;
- 9 (4) A description of the resources to be committed to
10 the Pine Tree Development Zone by the applicant or
11 applicants; and
- 12 (5) Plans for accomplishing the goals and objectives,
13 including a marketing plan and related time line and
14 milestones.

15 **5. Termination.** All Pine Tree Development Zone
16 designations approved under this subchapter and all Pine Tree
17 Development Zone benefits are terminated on December 31, 2018.

18 **§5250-K. Procedure**

19 **1. Notice and hearing.** Before designating a Pine Tree
20 Development Zone or adopting a development plan, the legislative
21 body of each applicant unit of local government or the
22 legislative body's designee must hold at least one public
23 hearing. Notice of the hearing must be published at least 10
24 days before the hearing in a newspaper of general circulation
25 within the unit of local government.

26 **2. Vote of unit of local government legislative body.** Each
27 applicant unit of local government must designate that portion of
28 the Pine Tree Development Zone contained within its boundaries
29 and take all actions required to satisfy the requirements of
30 section 5250-J, subsection 2 by majority vote of its legislative
31 body.

32 **3. Effective date.** The establishment of a Pine Tree
33 Development Zone is effective upon designation by the
34 commissioner.

35 **4. Administration of zone.** The participating units of
36 local government may create an organization, designate an
37 existing department or agency or enter into a contractual
38 arrangement with a private entity to administer activities
39 authorized under this subchapter.

2 5. Amendments. A participating unit of local government
3 may amend the designation of that portion of a Pine Tree
4 Development Zone contained within its boundaries or an adopted
5 development plan only after meeting the requirements of this
6 section for designation of a Pine Tree Development Zone or
7 adoption of a development plan and with the concurrence of all
8 other participating units of local government. A participating
9 unit of local government may not amend the designation of a Pine
10 Tree Development Zone if the amendment would result in the zone's
11 being out of compliance with any of the requirements in section
12 5250-J.

12

13 **§5250-L. Selection criteria**

14

15 1. Review and selection. The commissioner shall review
16 applications and select zones for designation based upon the
17 following criteria:

18

19 A. Severity of economic distress within the region affected
20 by the Pine Tree Development Zone;

21

22 B. Viability of a development plan described under section
23 5250-J, subsection 4, paragraph E;

24

25 C. Commitment of local and regional financial resources;

26

27 D. Partnerships with public and private organizations; and

28

29 E. Impact on surrounding regions of the Pine Tree
30 Development Zone.

31

32 **§5250-M. Program administration; rules**

33

34 The commissioner shall administer this subchapter. The
35 commissioner shall adopt rules pursuant to the Maine
36 Administrative Procedure Act for implementation of Pine Tree
37 Development Zones, including, but not limited to, rules for
38 determining and certifying eligibility, selecting zones for
39 designation and evaluating on a periodic basis the progress and
40 success of each zone in achieving its goals. Rules adopted under
41 this section are routine technical rules as defined in Title 5,
42 chapter 375, subchapter 2-A.

43

44 **§5250-N. Unorganized territory**

45

46 For the purposes of this subchapter, a county may act as a
47 municipality for the unorganized territory within the county and
48 may designate development districts within the unorganized
49 territory. When a county acts under this section, the county
50 commissioners act as the municipality and as the municipal

2 legislative body, the State Tax Assessor acts as the municipal
3 assessor and the unorganized territory education and services
4 fund receives the funds designated for the municipal general fund.

6 **§5250-O. Certification of qualified business**

8 A business may apply to the commissioner for certification
9 as a qualified Pine Tree Development Zone business. Upon review
10 and determination by the commissioner that a business is a
11 qualified Pine Tree Development Zone business, the commissioner
12 shall issue a certificate of qualification to the business that
13 includes a description of the qualified business activity for
14 which the certificate is being issued.

16 **§5250-P. Report**

18 By January 15, 2004, the commissioner shall report to the
19 joint standing committee of the Legislature having jurisdiction
20 over economic development matters regarding rulemaking and
21 progress in implementing Pine Tree Development Zones. Not later
22 than April 1, 2005 and April 1st of each odd-numbered year
23 thereafter, the commissioner shall report to the joint standing
24 committee of the Legislature having jurisdiction over economic
25 development matters on the status of the Pine Tree Development
26 Zones.

28 **Sec. 47. 32 MRSA §3501, sub-§2, ¶B,** as amended by PL 1999, c.
386, Pt. L, §6, is further amended to read:

30 B. A minimum of 2,000 hours of work in the field of
31 plumbing installations as a journeyman-in-training under the
32 supervision of a licensed master plumber, as long as the
33 work experience is obtained within 4 years of the date upon
34 which the applicant was issued a journeyman-in-training
35 license. A journeyman-in-training license must be issued
36 upon sworn application to any person who has satisfactorily
37 completed one academic year of instruction in plumbing at a
38 board-approved technical college or community college and
39 who has obtained a passing grade, as determined by the board
40 on the journeyman's examination.

42 **Sec. 48. 32 MRSA §3501, sub-§2-B,** as amended by PL 2003, c.
250, Pt. B, §2, is further amended to read:

44 **2-B. Journeyman-in-training.** The board may issue a
45 journeyman-in-training license to a person who provides
46 satisfactory evidence of completion of a plumbing course
47 consisting of one year or 2 semesters at a board-approved
48 technical college or community college and who submits the
49 required fee set under section 3501-B. A journeyman-in-training

license is valid for a single nonrenewable period of 4 years and
may be issued only once to any individual.

Sec. 49. 32 MRSA §13787-A, sub-§3, ¶A, as enacted by PL 1993,
c. 394, §2, is amended to read:

A. A seller described in subsection 1 is "expressly
authorized" within the meaning of Title 17-A, section 1110,
subsection 1 1-B, paragraph A.

Sec. 50. 36 MRSA §1760, sub-§23-C, ¶A, as amended by PL 2003,
c. 390, §10 and c. 414, Pt. B, §61 and affected by Pt. D, §7, is
repealed and the following enacted in its place:

A. Motor vehicles, except automobiles rented for a period
of less than one year, all-terrain vehicles and snowmobiles
as defined in Title 12, section 13001;

Sec. 51. Effective date. That section of this Act that repeals
and replaces the Maine Revised Statutes, Title 36, section 1760,
subsection 23-C, paragraph A takes effect 90 days after
adjournment of the Second Regular Session of the 121st
Legislature.

Sec. 52. 36 MRSA §5122, sub-§1, ¶S, as enacted by PL 2003, c.
20, Pt. II, §2, is amended to read:

S. For tax years beginning in 2003, 2004 and 2005, the
amount received from the National Health Service Corps
Scholarship Program and the Armed Forces Health Professions
Scholarship and Financial Assistance program to the extent
excluded from federal gross income in accordance with the
Code, Section 117; and

Sec. 53. 36 MRSA §5122, sub-§1, ¶¶T and U, as repealed by PL
2003, c. 451, Pt. E, §6 and amended by c. 451, Pt. II, §1, are
repealed.

Sec. 54. 37-B MRSA §264, sub-§3, ¶I, as amended by PL 2003, c.
342, §3 and c. 404, §4, is repealed and the following enacted in
its place:

I. The Fort Fairfield Armory located at 25 Columbia Street,
Fort Fairfield by means of a quitclaim deed, subject to all
easements of record, to the inhabitants of the Town of Fort
Fairfield for the sum of \$1 as long as the inhabitants of
the Town of Fort Fairfield agree to indemnify and hold
harmless the State from all claims, including any
environmental clean-up costs that may arise from the land or
buildings constituting the Fort Fairfield Armory and this

2 transfer is determined to be a transfer for not less than
3 appraised value as specified in subsection 1 in view of the
4 economic conditions of northern Aroostook County, the
5 financial contributions made by the Town of Fort Fairfield
6 to the armory and the environmental conditions existing at
7 the site; and

8 **Sec. 55. 38 MRSA §423**, as amended by PL 2003, c. 277, §3 and
9 repealed and replaced by c. 452, Pt. W, §6 and affected by Pt. X,
10 §2, is repealed and the following enacted in its place:

11 **§423. Discharge of waste from watercraft**

12 **1. Discharge from watercraft prohibited.** A person, firm,
13 corporation or other legal entity may not discharge, spill or
14 permit to be discharged sewage, septic fluids, garbage or other
15 pollutants from watercraft:

16 A. Into inland waters of the State;

17 B. On the ice of inland waters of the State; or

18 C. On the banks of inland waters of the State in a manner
19 that the pollutants may fall or be washed into the waters or
20 in a manner in which the drainage from the banks may flow
21 into the waters.

22 **2. Holding tank required.** A person, firm, corporation or
23 other legal entity may not operate upon the inland waters of the
24 State a watercraft that has a permanently installed sanitary
25 waste disposal system if it does not have securely affixed to the
26 interior discharge opening of the sanitary waste disposal system
27 a holding tank or suitable container for holding sanitary waste
28 material so as to prevent its discharge or drainage into the
29 inland waters of the State.

30 **3. Watercraft defined.** For the purposes of this section,
31 "watercraft" has the same meaning as provided in Title 12,
32 section 13001, subsection 28, except that "watercraft" includes
33 houseboats.

34 **Sec. 56. Effective date.** That section of this Act that repeals
35 and replaces the Maine Revised Statutes, Title 38, section 423
36 takes effect July 1, 2004.

37 **Sec. 57. 38 MRSA §480-F, sub-§1, ¶F**, as repealed and replaced
38 by PL 1997, c. 364, §19, is amended to read:
39

2 F. Appointed a code enforcement officer, certified by the
3 ~~Department of Economic and Community Development~~ Executive
4 Department, State Planning Office.

6 **Sec. 58. PL 2003, c. 20, Pt. R, §4, amending clause** is amended to
7 read:

8 **Sec. R-4. 4 MRSA §1057-A**, as amended by PL 2001, c. 617, §3
9 and c. 698, §3 and affected by §7, is repealed.

10 **Sec. 59. PL 2003, c. 182, §1, amending clause** is amended to read:

11 **Sec. 1. 15 MRSA §1702**, as amended by PL 1987, c. 737, Pt. C,
12 §§29 and 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8
13 and 10, is repealed and the following enacted in its place:

14 **Sec. 60. PL 2003, c. 288, §2** is amended to read:

15 **Sec. 2. 30-A MRSA §5953-D, sub-§3, ~~¶¶D and E~~ ¶D**, as repealed
16 and replaced by PL 2001, c. 667, Pt. A, §49, is amended to read:

17 D. In the case of a ~~public-service-infrastructure~~ grant or
18 loan, the Department of Economic and Community Development
19 affirms that the applicant has met the conditions of this
20 paragraph.

21 (1) A municipality is eligible to receive a grant or a
22 loan, or a combination of both, if that municipality
23 has adopted a growth management program certified under
24 section 4347-A that includes a capital improvement
25 program composed of the following elements:

26 (a) An assessment of all public facilities and
27 services, such as, but not limited to, roads and
28 other transportation facilities, sewers, schools,
29 parks and open space, fire and police;

30 (b) An annually reviewed 5-year plan for the
31 replacement and expansion of existing public
32 facilities or the construction of such new
33 facilities as are required to meet expected growth
34 and economic development. The plan must include
35 projections of when and where those facilities
36 will be required; and

37 (c) An assessment of the anticipated costs for
38 replacement, expansion or construction of public
39 facilities, an identification of revenue sources

2 available to meet these costs and recommendations
for meeting costs required to implement the plan.

4 (2) A municipality is eligible to receive a loan if
that municipality:

6 (a) Has adopted a comprehensive plan that is
8 determined by the Executive Department, State
10 Planning Office to be consistent with section
4326, subsections 1 to 4.

12 (3) A municipality is eligible to receive a grant or a
loan if that municipality is a service center community.

14 Subject to the limitations of this subsection, 2 or more
16 municipalities that each meet the requirements of
subparagraph (1) ~~or~~, (2) or (3) may jointly apply for
18 assistance under this section; and

20 Sec. 2-A, 30-A MRSA §5953-D, sub-§3, ¶E, as enacted by PL
1999, c. 776, §13, is amended to read:

22 E. In the case of a downtown improvement grant or loan, the
24 Department of Economic and Community Development affirms
that the applicant has met the conditions of this
26 paragraph. A municipality is eligible to receive a downtown
improvement grant or loan if that municipality has:

28 (1) Shown broad-based support for downtown
30 revitalization;

32 (2) Established a comprehensive downtown revitalization
work plan, including a definition and a map of the
34 affected area;

36 (3) Developed measurable goals and objectives;

38 (4) Demonstrated an historic preservation ethic;

40 ~~(5) Established an ongoing board of directors, with~~
~~associated committees;~~

42 ~~(6) Provided an adequate operating budget;~~

44 ~~(7) Hired a professional downtown manager;~~

46 ~~(8) Established an ongoing training program for staff~~
48 ~~and volunteers;~~

2 (9) Developed the capacity to report on the progress of
the downtown program; and

4 (10) Established the ability and willingness to support
6 integrated marketing efforts for retailers, services,
activities and events.

8 **Sec. 61. PL 2003, c. 434, §1, amending clause** is amended to read:

10 **Sec. 1. 10 MRSA §1171-B, sub-§1, ¶¶A, B and D**, as enacted by PL
12 ~~1987~~ 1997, c. 521, §5, are amended to read:

14 **Sec. 62. PL 2003, c. 452, Pt. Q, §70, amending clause** is amended to
read:

16 **Sec. Q-70. 29-A MRSA §2380, sub-§3**, as repealed and replaced
18 by PL ~~1999~~ 1995, c. 78, §1, is amended to read:

20 **Sec. 63. P&SL 2003, c. 19, Pt. A, §1, amending clause** is amended to
read:

22 **Sec. A-1. P&SL 1947, c. 77, §2**, as enacted ~~repealed and~~
24 ~~replaced~~ by P&SL 1981, c. 103, is amended to read:

26 **Sec. 64. P&SL 2003, c. 19, Pt. B, §1, amending clause** is amended to
read:

28 **Sec. B-1. P&SL 1947, c. 77, §11**, as enacted ~~repealed and~~
30 ~~replaced~~ by P&SL 1981, c. 103, is repealed and the following
enacted in its place:

32 **Sec. 65. Resolve 1999, c. 56, §7-A** is enacted to read:

34 **Sec. 7-A. Proceeds from sale of Kennebec Arsenal property.**
36 **Resolved:** That any proceeds from the sale of the Kennebec
38 Arsenal property must be deposited in the Maine State Housing
Authority's Housing Opportunities for Maine Fund established in
the Maine Revised Statutes, Title 30-A, section 4853; and be it
40 further

42 **Sec. 66. Resolve 2003, c. 91, §2** is repealed.

44 **Sec. 67. RR 2003, c. 1, §33, amending clause** is amended to read:

46 **Sec. 33. 32 MRSA ~~§1228~~ 12228, sub-§4**, as amended by PL 2003,
c. 204, Pt. E, §1, is corrected to read:

2 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

4

SUMMARY

6

8 Section 1 corrects a conflict created by Public Law 2003,
chapters 39 and 84, which affected the same provision of law, by
incorporating the changes made by both laws.

10

12 Section 2 changes the reference to the Bureau of Liquor
Enforcement to the division within the Department of Public
14 Safety designated by the Commissioner of Public Safety to enforce
the law relating to the manufacture, importation, storage,
16 transportation and sale of all liquor and to administer those
laws relating to licensing and collection of taxes on malt liquor
and wine to reflect the changes intended by Public Law 2003,
18 chapter 451, Part T.

20

Section 3 repeals an obsolete provision of law.

22

Section 4 corrects a cross-reference.

24

Section 5 corrects a cross-reference.

26

28 Section 6 corrects a conflict created by Public Law 2001,
chapters 239 and 374, which affected the same provision of law,
by incorporating the changes made by both laws.

30

Sections 7 and 8 correct cross-references.

32

34 Section 9 corrects a conflict created by Public Law 2003,
chapter 283, which made technical changes to a provision of law,
and chapter 452, which repealed the same provision of law and
enacted substantively similar provisions in the Maine Revised
36 Statutes, Title 7, section 4204, subsections 9 and 10; section
4205, subsection 4; and section 4207. Section 9 corrects the
38 conflict by repealing Title 7, section 4209. Section 10 makes
the repeal effective July 1, 2004.

40

42 Section 11 corrects a cross-reference and makes grammatical
changes.

44

Section 12 corrects a cross-reference.

46

48 Section 13 corrects a conflict created by Public Law 2003,
chapters 180 and 410, which affected the same provision of law,
by incorporating the changes made by both laws.

2 Section 14 corrects a conflict created by Public Law 2003,
3 chapters 305 and 410, which affected the same provision of law,
4 by incorporating the changes made by both laws.

6 Section 15 corrects a conflict created by Public Law 2003,
7 chapters 1 and 476, which affected the same provision of law, by
8 incorporating the changes made by both laws.

10 Section 16 changes a chapter headnote to accurately reflect
11 the content of the chapter.

12 Section 17 corrects a conflict created by Public Law 2003,
13 chapters 143 and 475, which affected the same provision of law,
14 by incorporating the changes made by both laws.

16 Section 18 corrects a punctuation error.

18 Section 19 corrects a cross-reference.

20 Section 20 corrects a cross-reference.

22 Section 21 corrects a cross-reference by deleting reference
23 to a provision of law that was repealed by Public Law 2003,
24 chapter 504, Part B, section 19. This section also makes
25 technical changes.

26 Section 22 corrects a cross-reference by deleting a
27 reference to a provision of law that was repealed by Public Law
28 2003, chapter 504, Part B, section 12.

30 Section 23 deletes language that makes reference to a
31 provision of law that was repealed by Public Law 2003, chapter
32 504, Part B, section 3.

34 Section 24 corrects a punctuation error.

36 Section 25 corrects a conflict created by Public Law 2003,
37 chapters 448 and 453, which affected the same provision of law,
38 by incorporating the changes made by both laws.

40 Section 26 corrects a conflict that was created by Public
41 Law 2003, chapter 62, which made a technical change to the Maine
42 Revised Statutes, Title 21-A, section 1204, subsection 55,
43 paragraph A, and chapter 44, which repealed Title 21-A, section
44 1204. This section corrects the conflict by repealing Title
45 21-A, section 1204, subsection 55, paragraph A.

48 Section 27 reflects the name change to Westport Island
49 pursuant to Public Law 2003, chapter 62.

50

Section 28 corrects a chapter headnote.

2

Section 29 adds a conjunction. Section 30 repeals the Maine Revised Statutes, Title 25, section 2801-B, subsection 1, paragraph I, which refers to the Chief of the Bureau of Liquor Enforcement, to reflect the intent of Public Law 2003, chapter 451, Part T.

4

6

8

Section 31 corrects a conflict created by Public Law 2003, chapters 306 and 357, which affected the same provision of law, by incorporating the changes made by both laws.

10

12

Sections 32 to 34 correct an error in allocation in the laws relating to the Maine State Library.

14

Section 35 corrects a conflict created by Public Law 2003, chapters 397 and 414, which affected the same provision of law, by incorporating the changes made by both laws. Section 36 provides an effective date of 90 days after the adjournment of the Second Regular Session of the 121st Legislature.

16

18

20

Sections 37 and 38 correct a conflict created by Public Law 2003, chapters 434 and 452, which affected the same provision of law. Section 37 repeals the Maine Revised Statutes, Title 29-A, section 525, subsection 9, and section 38 repeals Title 29-A, section 525, subsection 9-A and replaces it with the text of the chapter 452 version of Title 29-A, section 525, subsection 9. Section 39 provides an effective date of July 1, 2004.

22

24

26

28

Section 40 corrects a conflict created by Public Law 2003, chapters 125 and 397, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 397 version.

30

32

34

Section 41 corrects a conflict created by Public Law 2003, chapters 340 and 434, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 434 version.

36

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Section 42 corrects a conflict created by Public Law 2003, chapters 340 and 434, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 434 version.

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Section 43 corrects a conflict created by Public Law 2003, chapters 414 and 434, which affected the same provision of law, by incorporating the changes made by both laws. Section 44 provides an effective date of 90 days after the adjournment of the Second Regular Session of the 121st Legislature.

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2 Sections 45 and 46 correct an error that was created when
Public Law 2003, chapters 426 and 451 both enacted a new Title
30-A, chapter 206, subchapter 3 with similar section numbers.
4 These sections correct that error by repealing subchapter 3 as
enacted by Public Law 2003, chapter 451, Part NNN, section 2 and
6 enacting it as subchapter 4 with new section numbers.

8 Section 47 adds the words "or community college" to the
Maine Revised Statutes, Title 32, section 3501, subsection 2,
10 paragraph B to reflect the intent of the revision clause in
Public Law 2003, chapter 20, Part OO, section 2.

12 Section 48 adds the words "or community college" to the
14 Maine Revised Statutes, Title 32, section 3501, subsection 2-B to
reflect the intent of the revision clause in Public Law 2003,
16 chapter 20, Part OO, section 2.

18 Section 49 corrects a cross-reference.

20 Section 50 corrects a conflict created by Public Law 2003,
chapters 390 and 414, which affected the same provision of law,
22 by incorporating the changes made by both laws. Section 51
provides an effective date of 90 days after the adjournment of
24 the Second Regular Session of the 121st Legislature.

26 Section 52 adds a conjunction. Section 53 corrects a
conflict created by Public Law 2003, chapter 451, Part E, section
28 6, which repealed the Maine Revised Statutes, Title 36, section
5122, subsection 1, paragraphs T and U, and Public Law 2003,
30 chapter 451, Part II, section 1, which made grammatical changes
to paragraphs T and U, by repealing those paragraphs.

32 Section 54 corrects a conflict created by Public Law 2003,
34 chapters 342 and 404, which affected the same provision of law,
by incorporating the changes made by both laws.

36 Section 55 corrects a conflict created by Public Law 2003,
38 chapters 277 and 452, which affected the same provision of law,
by incorporating the changes made by both laws. Section 56
40 provides an effective date of July 1, 2004.

42 Section 57 corrects a reference to the certification of
municipal code enforcement officers, a program that formerly was
44 administered by the Department of Economic and Community
Development but that is now administered by the Executive
46 Department, State Planning Office.

48 Section 58 corrects an amending clause.

50 Section 59 corrects an amending clause.

2 Section 60 corrects an amending clause and adds a new
section 2-A to the bill to correct an amending clause.
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6 Section 61 corrects an amending clause.
8 Section 62 corrects an amending clause.
10 Section 63 corrects an amending clause.
12 Section 64 corrects an amending clause.
14 Sections 65 and 66 correct an error that was created when an
attempt was made to amend Resolve 1999, chapter 56, section 7.
16 Section 67 corrects an amending clause.