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L.D. 1622

DATE: 6/14/15

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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1145, L.D. 1622, Bill, "An Act To Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following:

'PART A'

Further amend the bill by striking out all of sections 9 to 15, 17 to 32, 40, 47, 49, 55 to 57, 71, 72, 80 and 82 to 87.

Further amend the bill by inserting at the end before the summary the following:

'PART B'

Sec. B-1. 1 MRSA §148, as enacted by PL 2005, c. 20, §1, is reallocated to 1 MRSA §149.

Sec. B-2. Effective date. That section of this Part that reallocates the Maine Revised Statutes, Title 1, section 148 takes effect June 29, 2005.

Sec. B-3. 7 MRSA §1809, sub-§1, as repealed and replaced by PL 2001, c. 572, §38, is amended to read:

1. Permit required. The commissioner may require a person who imports animals into the State to obtain a permit before the

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time of entry. When a permit is required, the permit or permit number must accompany the shipment. The commissioner may refuse to grant a permit or may issue one subject to quarantine at destination if the animals do not meet importation requirements or do not comply with the inland fisheries and wildlife laws and rules adopted by the Commissioner of Inland Fisheries and Wildlife under Title 12, chapter 707 915, subchapter 7 15 or Title 12, section 12102 or 12704. The commissioner may require the owner to have those animals tested or examined by a veterinarian at the owner's expense. The commissioner may release those animals from quarantine only after the commissioner is satisfied that they are not a disease threat to other animals or humans.

Sec. B-4. 20-A MRSA §11435, as enacted by PL 1987, c. 807, §3, is amended to read:

§11435. Review of authority

For purposes of the ~~Maine Sunset Act~~, Title 3, chapter 23 35, the authority shall ~~be considered~~ is an independent agency, ~~with its first justification report in accordance with Title 3, section 504, due in 1991, and the evaluation and analysis in accordance with Title 3, section 505, by the joint standing committee of the Legislature having jurisdiction over audit and program review due no later than December 31, 1992, but notwithstanding Title 3, sections 506 and 507, the authority shall not terminate~~ subject to the review requirements specified in Title 3, section 959.

Sec. B-5. 22 MRSA §4041, sub-§2, ¶C, as amended by PL 1997, c. 715, Pt. B, §11, is further amended to read:

C. If the department discontinues efforts to return the child to a parent but does not seek termination of parental rights, then subsection 1 1-A, paragraph A, subparagraph (1), division (e) (c), subdivision (v) and subsection 1 1-A, paragraph A, subparagraph (2) still apply.

Sec. B-6. 22 MRSA §4058, as enacted by PL 1985, c. 739, §17, is amended to read:

§4058. Review

The provision in this chapter ~~1971~~ dealing with family rehabilitation and reunification shall must be reviewed in accordance with the ~~Maine Sunset Act~~, Title 3, chapter 23, ~~no later than June 30, 1989~~ 35.

Sec. B-7. PL 2003, c. 673, Pt. TT, §3 is repealed.

Sec. B-8. Retroactivity. That section of this Part that repeals Public Law 2003, chapter 673, Part TT, section 3 applies retroactively to July 1, 2004.

Sec. B-9. PL 2005, c. 21, §2 is amended to read:

Sec. 2. PL 2001, c. 442, §5, as amended by PL 2003, c. 387, §14, is further amended to read:

Sec. 5. Status of employees who have retired and returned to covered employment under Maine State Retirement System; choice to retire rather than continue to work. Notwithstanding the Maine Revised Statutes, Title 5, section 17651 and section 17652, recipients of a service retirement benefit from the Maine State Retirement System who have returned to covered employment under the retirement system in a position that would otherwise be covered by the retirement plan for state employees and teachers may not rejoin the retirement system, do not earn creditable service for their employment after retirement and do not earn any additional retirement benefits as a result of that employment. By retiring from a position covered under the retirement system, an employee exercises that employee's choice between continuing to work and thereby continuing to accrue retirement service credit and, potentially, an increased earnable compensation, and retiring, with both service credit and earnable compensation thereby becoming fixed. The employee's retirement constitutes the employee's knowing and voluntary waiver of any claim of any nature under federal or state law with respect to retirement system service credit or earnable compensation related to return to employment after retirement. Recipients of a service retirement benefit from the retirement system may participate in other retirement options available to similar employees, including the state program of tax-deferred arrangements under Title 5, chapter 67, at the discretion of their employer. For purposes of participation in the state employee health insurance program pursuant to the Maine Revised Statutes, Title 5, section 285 or in dental health insurance coverage offered by the State, recipients of a service retirement benefit under the Maine State Retirement System who are retired state employees and who are reemployed as state employees must be treated as retirees under section 285, subsection 1-A for purposes of eligibility for coverage under the group plan. A recipient of a service retirement benefit under the Maine State Retirement System who is a retired teacher and who returns to work as a teacher under this Act is eligible for coverage under the group health insurance plan for active teachers in the school administrative unit in which newly employed. For purposes of participation in the group accident and sickness or health insurance for retired teachers pursuant to Title 20-A, section 13451, a recipient of a service

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retirement benefit under the Maine State Retirement System who is a retired teacher who returns to work under this Act is eligible upon ceasing work to return to coverage under the group health insurance plan in effect for active teachers in the school unit from which the teacher originally retired, including state payment of a percentage of the premium cost under section 13451.

PART C

Sec. C-1. 2 MRSA §101, sub-§1, ¶A, as enacted by PL 2003, c. 469, Pt. B, §1, is amended to read:

A. Develop and issue the biennial State Health Plan, referred to in this chapter as "the plan," pursuant to section 103. ~~The first plan must be issued by May 2004 by December 1, 2005 and every 2 years thereafter;~~

Sec. C-2. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 2, section 101, subsection 1, paragraph A takes effect 90 days after the adjournment of the First Special Session of the 122nd Legislature.

Sec. C-3. 3 MRSA §959, sub-§1, ¶F, as amended by PL 2003, c. 600, §1, is further amended to read:

F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

(2) Office of Substance Abuse in 2005;

(3) Maine Advisory Committee on Mental Retardation in 2007;

(6) Department of Health and Human Services in 2009;

(7) Board of the Maine Children's Trust Incorporated in 2011;

(9) Maine Developmental Disabilities Council in 2011; and.

~~(10) Department of Behavioral and Developmental Services in 2005.~~

Sec. C-4. 4 MRSA §153, first ¶, as amended by PL 2003, c. 673, Pt. JJJ, §1, is further amended to read:

The State is divided into 29 28 judicial divisions, named and defined as follows, and with places for holding court in

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those divisions as follows:

2 **Sec. C-5. 4 MRSA §153, sub-§11**, as amended by PL 1993, c. 675,
4 Pt. B, §2, is further amended to read:

6 **11. Hancock.** ~~Central Hancock consists of the entire County~~
of Hancock, ~~--except--Bar--Harbor,--Mount--Desert,--Cranberry--Isles,~~
8 ~~Southwest--Harbor,--Trenton,--Swan's--Island,--Long--Island--Plantation~~
and ~~Tremont.~~ The District Court for Central Hancock must be held
10 at Ellsworth, ~~--except--that--one--session--per--week--may--be--held--at~~
~~Bucksport--at--the--discretion--of--the--Chief--Judge.~~

12 **Sec. C-6. 4 MRSA §153, sub-§12** is repealed.

14 **Sec. C-7. 4 MRSA §154, sub-§5** is amended to read:

16 **5. Fifth District.** The 5th district consists of the
18 divisions of Central Hancock (Ellsworth), ~~--Southern--Hancock--(Bar~~
~~Harbor)~~ and Waldo (Belfast).

20 **Sec. C-8. Effective date.** Those sections of this Act that amend
22 the Maine Revised Statutes, Title 4, section 153, first paragraph
and subsection 11 and section 154, subsection 5 and that repeal
24 section 153, subsection 12 take effect June 30, 2005.

26 **Sec. C-9. 12 MRSA §6431, sub-§1-A**, as enacted by PL 2005, c.
6, §2, is amended to read:

28 **1-A. Most restrictive minimum size.** A person possessing a
30 valid lobster and crab fishing license and who also owns or is
incorporated or partnered in a vessel ~~holding-a~~ or vessels that
32 hold federal limited access lobster permit ~~permits~~ must comply
with the most restrictive minimum lobster size for all federal
34 lobster management areas declared on the federal permit, ~~--as~~
designated on that person's Maine lobster and crab fishing
36 license application, whenever the fishing activity occurs. The
applicable most restrictive minimum lobster size is contained in
38 the Atlantic States Marine Fisheries Commission Interstate
Fishery Management Plan for American Lobster, ~~--wherever--the~~
40 ~~fishing-activity-occurs.~~

42 **Sec. C-10. 12 MRSA §10853, sub-§7, ¶A**, as enacted by PL 2003,
c. 414, Pt. A, §2, and affected by c. 614, §9, is repealed and
44 the following enacted in its place:

46 A. Clients of the Department of Health and Human Services
who reside in licensed facilities for persons with mental
48 retardation or licensed facilities for the treatment of
mental illness;

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Sec. C-11. 13-B MRSA §202, sub-§1, ¶T, as enacted by PL 1989, c. 857, §52, is amended to read:

T. To engage in legislative liaison activities, including gathering information regarding legislation, analyzing the effect of legislation, communicating with Legislators and attending and giving testimony at legislative sessions, public hearings or committee hearings, notwithstanding any rule adopted by the Department of Finance Health and Human Services.

Sec. C-12. 20-A MRSA §11415, sub-§1, as amended by PL 1999, c. 443, §6, is further amended to read:

1. Composition. There are 7 voting members of the authority, 5 of whom must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and confirmation by the Legislature.

Sec. C-13. 22 MRSA §3741-M, as enacted by PL 1997, c. 284, §1, is repealed.

Sec. C-14. 22 MRSA §3762, sub-§2, ¶G, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

G. Statewide organizations that work with women on self-sufficiency and employment opportunities, including a statewide nonprofit corporation that provides training and placement in trade and technical occupations that are not traditional for the persons served;

Sec. C-15. 24 MRSA §2506, first ¶, as amended by PL 2005, c. 221, §1, is further amended to read:

A health care provider or health care entity shall, within 60 days, report in writing to the disciplined practitioner's board or authority the name of any licensed, certified or registered employee or person privileged by the provider or entity whose employment or privileges have been revoked, suspended, limited or terminated or who resigned while under investigation or to avoid investigation for reasons related to clinical competence or unprofessional conduct, together with pertinent information relating to that action. Pertinent information includes: a description of the adverse action; the name of the practitioner involved; the date, the location and a description of the event or events giving rise to the adverse action; and identification of the complainant involved-in giving rise to the adverse action. Upon written request, the following information must be released to the board or authority within 20

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days of receipt of the request: the names of the patients whose care by the disciplined practitioner gave rise to the adverse action; medical records relating to the event or events giving rise to the adverse action; written statements signed or prepared by any witness or complainant to the event; and related correspondence between the practitioner and the provider or entity. The report must include situations in which employment or privileges have been revoked, suspended, limited or otherwise adversely affected by action of the health care practitioner while the health care practitioner was the subject of disciplinary proceedings, and it also must include situations where employment or privileges have been revoked, suspended, limited or otherwise adversely affected by act of the health care practitioner in return for the health care provider's or health care entity's terminating such proceeding. Any reversal, modification or change of action reported pursuant to this section must be reported immediately to the practitioner's board or authority, together with a brief statement of the reasons for that reversal, modification or change. If the adverse action requiring a report as a result of a reversal, modification or change of action consists of the revocation, suspension or limitation of clinical privileges of a physician, physician assistant or advanced practice registered nurse by a health care provider or health care entity for reasons relating to clinical competence or unprofessional conduct and is taken pursuant to medical staff bylaws or other credentialing and privileging policies, whether or not the practitioner is employed by that health care provider or entity, then the provider or entity shall include in its initial report to the disciplined practitioner's licensing board or authority the names of all patients whose care by the disciplined practitioner gave rise to the adverse action. The failure of any health care provider or health care entity to report as required is a civil violation for which a fine of not more than \$5,000 may be adjudged.

Sec. C-16. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 24, section 2506, first paragraph takes effect 90 days after the adjournment of the First Special Session of the 122nd Legislature.

Sec. C-17. 25 MRSA §2803-B, sub-§2, as amended by PL 2003, c. 656, §4 and c. 677, §4, is repealed and the following enacted in its place:

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003; policies for death investigations under subsection 1, paragraph I

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must be established no later than January 1, 2004; policies for public notification regarding persons in the community required to register under Title 34-A, chapter 15 under subsection 1, paragraph J must be established no later than January 1, 2006; and policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be established no later than January 1, 2005.

Sec. C-18. 25 MRSA §3701, sub-§7 is enacted to read:

7. Solicitation agent. "Solicitation agent" means a person or entity that receives payment for or retains any portion of the proceeds from soliciting. "Solicitation agent" includes, but is not limited to, a person or entity that receives or retains reimbursement for expenses related to soliciting.

Sec. C-19. 25 MRSA §3702-C is enacted to read:

§3702-C. Solicitation unlawful

A law enforcement agency, law enforcement association, law enforcement officer or solicitation agent may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.

Sec. C-20. 34-B MRSA §15004, sub-§1, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is amended to read:

1. Membership. The committee consists of the following 17 members:

A. Three representatives of the joint standing committee of the Legislature having jurisdiction over health and human services matters who must serve on the committee at the time of their appointments and who may continue to serve while they are Legislators until they are replaced by a new appointment. One member is appointed by the President of the Senate. Two members are appointed by the Speaker of the House, representing each major political party;

B. One representative of the joint standing committee of the Legislature having jurisdiction over criminal justice matters, appointed by the Speaker of the House;

C. One representative of the joint standing committee of the Legislature having jurisdiction over education and cultural

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affairs, appointed by the President of the Senate;

D. One representative of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs, appointed jointly by the President of the Senate and the Speaker of the House;

E. The ~~commissioner~~,--the Commissioner of Corrections, the Commissioner of Education and the Commissioner of Health and Human Services, or designees of the commissioners who have authority to participate in full and to make decisions as required of committee members;

F. Three representatives of families whose children receive services for mental health, 2 of whom are appointed by the President of the Senate and one of whom is appointed by the Speaker of the House. One of the appointments of the President of the Senate to the initial committee must be for 2 years. All other appointments are for 3 years;

G. Three representatives of providers of children's mental health services who have clinical experience in children's mental health services, one of whom is appointed by the President of the Senate and 2 of whom are appointed by the Speaker of the House. One of the appointments of the Speaker of the House to the initial committee must be for 2 years. All other appointments are for 3 years; and

H. One representative of a statewide organization that advocates for children, appointed jointly by the President of the Senate and the Speaker of the House for a 3-year term.

Sec. C-21. 36 MRSA §4641-C, sub-§11, as amended by PL 1993, c. 398, §4, is further amended to read:

11. Deeds of distribution. Deeds of distribution made pursuant to Title 18-A or Title 18-B;

Sec. C-22. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 36, section 4641-C, subsection 11 takes effect July 1, 2005.

Sec. C-23. 38 MRSA §438-B, sub-§5, as enacted by PL 2005, c. 226, §5, is amended to read:

5. Effective date for statewide standards. Except as provided in subsection 4, rules adopted by the Commissioner of Conservation under Title 12, section 8867-B apply statewide beginning on the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines

that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1999-2003 have either accepted the statewide standards in accordance with subsection 2 or have adopted an ordinance identical to the statewide standards in accordance with subsection 3. Within 30 days of making the determination that the ~~251-municipality~~ 252-municipality threshold has been met, the Commissioner of Conservation shall notify the Secretary of State in writing and advise the secretary of the effective date for the statewide standards.

Sec. C-24. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 38, section 438-B, subsection 5 takes effect 90 days after the adjournment of the First Special Session of the 122nd Legislature.

Sec. C-25. PL 1999, c. 706, §9 is amended to read:

Sec. 9. Transition to 4-year terms for Maine State Museum Commission members. The limit of 2 consecutive terms for members of the Maine State Museum Commission applies to full terms beginning after the effective date of this Act. Members holding office on the Maine State Museum Commission on the effective date of this Act or successors appointed to serve the remainder of those terms remain in office until expiration of the terms. ~~After the effective date of this Act, the first 8 terms that expire must be filled by appointments, including reappointment of the incumbent, that expire on the anniversary date of that position in the year 2006. When the remaining 7 positions expire, they must be filled by appointments, including reappointment of the incumbent, that expire on the anniversary date of that position in the year 2008.~~

Sec. C-26. PL 2005, c. 65, Pt. A, §3 is enacted to read:

Sec. A-3. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 32, chapter 105 takes effect December 31, 2005.

PART D

Sec. D-1. 20-A MRSA §8601-A, sub-§2-A is enacted to read:

2-A. Career and technical education. "Career and technical education" has the same meaning as in section 8301-A, subsection 2-A.

Sec. D-2. 20-A MRSA §8601-A, sub-§11, as enacted by PL

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1991, c. 518, §33, is repealed.

2 **Sec. D-3. Revision clause.** Wherever in the Maine Revised
4 Statutes the words "vocational education" appear or reference is
6 made to those words, those words are amended to read or mean, as
8 appropriate, "career and technical education," and the Revisor of
Statutes shall implement this revision when updating, publishing
or republishing the statutes.'

SUMMARY

14 This amendment strikes out several sections in the bill
16 because the provisions they concern are addressed by other
18 legislation or because further amendment is needed. The sections
of the bill that are retained are designated Part A.

PART B

20 Part B of this amendment consists of technical corrections.
22 Several sections are corrections to provisions in the bill. The
24 remaining sections are additional technical corrections.

26 Public Law 2005, chapter 8 and Public Law 2005, chapter 20
each enacted a new section with the same section number. Chapter
8 enacted Family Reunion Day as Title 1, section 148 and chapter
20 enacted Community Giving Week as Title 1, section 148.
Section 1 reallocates the section enacted by chapter 20 to Title
1, section 149.

32 Section 2 makes section 1 take effect 90 days after the
adjournment of the First Regular Session of the 122nd
Legislature, which is June 29, 2005.

36 Section 3 corrects a cross-reference.

38 Section 4 corrects a cross-reference. The Maine Sunset Act
was repealed in 1989; in 1995, the State Government Evaluation
Act was enacted to provide a systematic review of agencies of
State Government. Section 4 changes the reference from Maine
Sunset Act to the statutory cross-reference for the State
Government Evaluation Act.

44 Section 5 corrects an internal cross-reference with the
46 child protection statutes governing family reunification and
rehabilitation.

48 Section 6 corrects a cross-reference. The Maine Sunset Act
50 was repealed in 1989; in 1995, the State Government Evaluation

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Act was enacted to provide a systematic review of agencies of State Government. Section 6 changes the reference from Maine Sunset Act to the statutory reference for the State Government Evaluation Act.

Section 7 corrects an error created when Public Law 2003, chapter 673, which in its original form as L.D. 1919 was an emergency, was changed to a nonemergency. A version of Title 29-A, section 2411, subsection 5 scheduled to be repealed on July 1, 2004 was included in L.D. 1919 because it appeared that the L.D. would take effect prior to the repeal of that version of Title 29-A, section 2411, subsection 5. When L.D. 1919 was enacted as Public Law 2003, chapter 673, the effective date was after the scheduled repeal of that version of Title 29-A, section 2411, subsection 5. Section 8 corrects that error by repealing that section of Public Law 2003, chapter 673 that amended that version of Title 29-A, section 2411, subsection 5, and section 8 provides a retroactive effective date of July 1, 2004, the original repeal date of that version of subsection 5.

Section 9 corrects an error whereby the original version of unallocated law was amended and correctly makes changes to the current version of that unallocated law as it has been amended.

PART C

Part C consists of provisions that are substantive or may be considered substantive.

Section 1 clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every 2 years thereafter. Section 2 establishes an effective date for section 1 of 90 days after adjournment of the First Special Session of the 122nd Legislature.

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both the "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services." The Maine Revised Statutes, Title 3, section 959, subsection 1, paragraph F provides for the review of both departments by the joint standing committee of the Legislature having jurisdiction over health and human services matters, with the Department of Behavioral and Developmental Services scheduled for review in 2005 and the Department of Human Services scheduled for review in 2009. Section 3 changes the review scheduled for the Department of Human Services to apply to the Department of Health and Human Services.

Sections 4 to 8 carry out the intent of the Legislature in closing the Bar Harbor District Court. This language reflects the savings contained in the Part 1 Budget, Public Law 2005, chapter 12 and has an effective date of June 30, 2005.

Section 9 amends the newly enacted law required to achieve compliance with the interstate lobster fishery management plan. It provides that the "most restrictive minimum size" requirement for all federal lobster management areas on the federal permit applies when a person has a lobster and crab fishing license issued under the laws of this State and the federal lobster management areas as well as the federal permit number are designated on the person's Maine license application.

Section 10 replaces the paragraph providing complimentary fishing licenses to residents of institutions under the control of the Department of Behavioral and Developmental Services because that department is now part of the Department of Health and Human Services. The new language covers clients of the new department who reside in licensed facilities for persons with mental retardation or licensed facilities for the treatment of mental illness. These are the types of facilities formerly under the control of the Department of Behavioral and Developmental Services.

Section 11 amends the nonprofit corporation laws concerning general powers to update the reference to the state department that administers the Maine Uniform Accounting and Auditing Practices Act for Community Agencies, which is now the Department of Health and Human Services.

Section 12 corrects an error in the section establishing the membership of the Maine Educational Loan Authority. Public Law 1999, chapter 728 changed the membership by removing one ex officio member and adding an additional member to be appointed by the Governor but neglected to include the same change to the subsection that sets out the composition of the board.

Section 12 also corrects the language to reflect that not all 7 members are voting members.

Sections 13 and 14 correct a conflict by repealing the provision requiring the Department of Health and Human Services to contract with a statewide nonprofit organization to provide nontraditional job training and placement services for women receiving assistance under TANF, which was added to a chapter in 1997 that was repealed that same year. Section 14 adds the concept into existing law.

Section 15 revises language describing information that must

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be reported to a health care practitioner's professional board or authority following an adverse action against a practitioner. This section limits the information reported to complainants giving rise to the adverse action, instead of any complainant involved in the adverse action. The reporting requirement was added by Public Law 2005, chapter 221.

Section 16 makes the change in section 15 take effect when Public Law 2005, chapter 221 takes effect as a nonemergency measure.

Section 17 corrects the cross-reference to minimum law enforcement policy standards for the recording and preservation of interviews of suspects in serious crimes. It also inserts a cross-reference to policies concerning public notification regarding persons who must register under the Sex Offender Registration and Notification Act of 1999, and puts the references in order.

Section 17 also changes the date by which the Maine Criminal Justice Academy must adopt the model policy on public notification to January 1, 2006. This is consistent with Public Law 2005, chapter 331, section 16.

Section 18 enacts Title 25, section 3701, subsection 7 to reflect the intent of the Legislature to maintain the provisions of Title 25, section 3701, subsection 6. Public Law 2003, chapter 560 amended Title 25, section 3701, subsection 6 to remove language repealing subsection 6 on February 1, 2004. Public Law 2003, chapter 560, though an emergency, did not take effect until March 17, 2004, after the repeal took effect.

Section 19 enacts Title 25, section 3702-C to reflect the intent of the Legislature to maintain the provisions of Title 25, section 3702-A. Public Law 2003, chapter 560 amended Title 25, section 3702-A to remove language repealing section 3702-A on February 1, 2004. Public Law 2003, chapter 560, though an emergency, did not take effect until March 17, 2004, after the repeal took effect.

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services." Title 34-B, section 15004, subsection 1 specifies that there are 17 members of the Children's Mental Health Oversight Committee, including the Commissioner of Human Services and the Commissioner of Behavioral and Developmental Services. Section 20 removes a reference to the Commissioner of Behavioral and Developmental Services and revises the title to refer to the Commissioner of

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Health and Human Services to eliminate the redundancy created by the revision clause and reduces the membership on the oversight committee to 16.

Section 21 amends the real estate transfer tax exemptions concerning deeds of distribution to include a reference to the Maine Uniform Trust Code, enacted by the 121st Legislature. Section 22 provides an effective date of July 1, 2005, which is the date the Maine Trust Code goes into effect.

Section 23 corrects a drafting error. Title 38, section 438-B, subsection 5 was enacted by Public Law 2005, chapter 226, section 5 and this section enacted a threshold number of 252 municipalities adopting standards for timber harvesting in shoreland areas to trigger the effective date for statewide standards. When drafted, the 2nd reference in subsection 5 was not changed from 251 to 252 to reflect the committee's action. Section 23 corrects that error.

Section 24 adds an effective date of 90 days after adjournment of the First Special Session of the 122nd Legislature.

Section 25 amends an unallocated transition section of Public Law 1999, chapter 706 pertaining to appointments and terms of members of the Maine State Museum Commission. Chapter 706 changed the terms of the members from 6 years to 4 years and included the transition section to continue the staggering of the expiration of the terms. As applied, however, the transition section will actually cause the terms to which members have been appointed since 2000 to be of varying length. This section deletes the requirements concerning the expiration of 8 terms in 2006 and 7 terms in 2008. The 4-year terms and the limit on consecutive terms still apply.

Section 26 provides an effective date of December 31, 2005 for the repeal of the Revised Maine Securities Act. This date is the same as the effective date of the Maine Uniform Securities Act, as enacted by Public Law 2005, chapter 65.

PART D

Part D updates terminology concerning "career and technical education."

Section 1 amends the definition section of laws concerning adult education to include a definition of "career and technical education" consistent with Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

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2 Section 2 repeals the definition of "vocational education"
consistent with Public Law 2003, chapter 545.

4 Section 3 provides a revision clause to carry out the
revisions intended in Public Law 1991, chapter 716, section 5 and
6 Public Law 2003, chapter 545, which changed "vocational
education" to "applied technology education" to "career and
8 technical education."