

MAINE STATE LEGISLATURE

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



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



122nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2005

Legislative Document

No. 1622

H.P. 1145

House of Representatives, May 3, 2005

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

(EMERGENCY)

Reported by Representative PELLETIER-SIMPSON of Auburn 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 **Whereas,** acts of this and previous Legislatures have
6 resulted in certain technical errors and inconsistencies in the
laws of Maine; and

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

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

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

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

24 **Sec. 1. 2 MRSA §6, sub-§1,** as amended by PL 2003, c. 608, §1
26 and c. 689, Pt. C, §1, is repealed and the following enacted in
its place:

28 1. Range 91. The salaries of the following state officials
30 and employees are within salary range 91:

32 Commissioner of Transportation;

34 Commissioner of Conservation;

36 Commissioner of Administrative and Financial Services;

38 Commissioner of Education;

40 Commissioner of Environmental Protection;

42 Executive Director of Dirigo Health;

44 Commissioner of Public Safety;

46 Commissioner of Professional and Financial Regulation;

48 Commissioner of Labor;

50 Commissioner of Agriculture, Food and Rural Resources;

2 Commissioner of Inland Fisheries and Wildlife;

4 Commissioner of Marine Resources;

6 Commissioner of Corrections;

8 Commissioner of Economic and Community Development;

10 Commissioner of Defense, Veterans and Emergency Management;
12 and

14 Executive Director, Workers' Compensation Board.

16 **Sec. 2. 2 MRSA §6, sub-§3**, as amended by PL 2005, c. 12, Pt.
SS, §2, is further amended to read:

18 **3. Range 89.** The salaries of the following state
officials and employees are within salary range 89:

20 Director, Bureau of General Services;

22

24 Director, Bureau of Alcoholic Beverages and Lottery
Operations;

26 State Budget Officer;

28 State Controller;

30 Director of the Bureau of Forestry;

32 Chief of the State Police;

34 Director, State Planning Office;

36 Director, Energy Resources Office;

38 Director of Human Resources;

40 Director, Bureau of Children with Special Needs;

42 ~~Commissioner of Defense, Veterans and Emergency Management;~~

44 Director, Bureau of Parks and Lands; and

46 Director of Econometric Research.

48 **Sec. 3. 5 MRSA §1589, sub-§3**, as amended by PL 1995, c. 368,
Pt. HH, §3 and c. 464, §10, is repealed and the following enacted
50 in its place:

2 **3. Total quality management initiatives.** Amounts
3 appropriated or allocated to each departmentwide and statewide
4 account in accordance with subsection 2 must be used for the
5 payment of nonrecurring expenditures representing total quality
6 management initiatives in the same department or agency or on a
7 statewide basis, respectively.

8
9 **Sec. 4. 5 MRSA §1589, sub-§3-A,** as repealed by PL 1995, c.
10 368, Pt. HH, §4 and amended by c. 464, §11, is repealed.

11 **Sec. 5. 5 MRSA §1589, sub-§3-C,** as repealed by PL 1995, c.
12 368, Pt. HH, §4 and amended by c. 464, §12, is repealed.

13 **Sec. 6. 5 MRSA §1660-D, sub-§3,** as corrected by RR 1995, c. 2,
14 §5 and amended by PL 2001, c. 354, §3, is further amended to read:

15 **3. Commissioner.** "Commissioner" means the Commissioner of
16 Health and Human Services and the Commissioner of Behavioral and
17 Developmental Services, who ~~share--joint~~ has responsibility for
18 the administration of this chapter.

19
20 **Sec. 7. 5 MRSA §19131, sub-§2, ¶C,** as enacted by PL 1999, c.
21 785, §3, is amended to read:

22 C. The Commissioner of Health and Human Services;

23 **Sec. 8. 5 MRSA §19131, sub-§2, ¶D,** as amended by PL 2003, c.
24 576, §1, is repealed.

25 **Sec. 9. 7 MRSA §1809, sub-§1,** as repealed and replaced by PL
26 2001, c. 572, §38, is amended to read:

27 **1. Permit required.** The commissioner may require a person
28 who imports animals into the State to obtain a permit before the
29 time of entry. When a permit is required, the permit or permit
30 number must accompany the shipment. The commissioner may refuse
31 to grant a permit or may issue one subject to quarantine at
32 destination if the animals do not meet importation requirements
33 or do not comply with the inland fisheries and wildlife laws and
34 rules adopted by the Commissioner of Inland Fisheries and
35 Wildlife under Title 12, chapter ~~707~~ 915, subchapter 7 15. The
36 commissioner may require the owner to have those animals tested
37 or examined by a veterinarian at the owner's expense. The
38 commissioner may release those animals from quarantine only after
39 the commissioner is satisfied that they are not a disease threat
40 to other animals or humans.

2 When an animal is brought into the State without a required
3 permit, the commissioner or the Commissioner of Inland Fisheries
4 and Wildlife may condemn the animal and order it euthanized
5 without indemnity.

6 **Sec. 10. 7 MRSA §2954, sub-§2, ¶B**, as amended by PL 1995, c.
7 2, §2, is further amended to read:

8
9 B. The minimum wholesale prices paid to dealers must be
10 established to reflect the lowest prices at which milk
11 purchased from producers in this State at minimum prices in
12 the State can be received, processed, packaged and
13 distributed within the State at a just and reasonable
14 return, ~~and in addition must include the amount of any tax
15 determined by Title 36, chapter 716.~~

16 **Sec. 11. 7 MRSA §2954, sub-§13**, as amended by PL 1995, c. 2,
17 §3, is repealed.

18 **Sec. 12. 12 MRSA §10206, sub-§1, ¶B**, as affected by PL 2003,
19 c. 614, §9; amended by c. 655, Pt. B, §47 and affected by §422;
20 and repealed by c. 695, Pt. B, §3 and affected by Pt. C, §1, is
21 repealed.

22 **Sec. 13. 12 MRSA §10853, sub-§7, ¶A**, as enacted by PL 2003, c.
23 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

24
25 A. Residents or groups of residents at any state mental
26 health institution under the control of the Department of
27 Behavioral and Developmental Health and Human Services;

28 **Sec. 14. 12 MRSA §10902, sub-§9**, as corrected by RR 2003, c.
29 2, §19, is amended to read:

30
31 **9. Suspension for certain ATV violations; training.** The
32 commissioner shall suspend all licenses and permits issued by the
33 department pursuant to this Part and may suspend any registration
34 issued pursuant to subpart 6 of this Part to any person convicted
35 or adjudicated of:

36
37 A. Operating an ATV on a temporarily closed trail as
38 prohibited under section ~~13157~~ 13157-A, subsection 5-A 24;

39
40 B. Abuse of another person's property as prohibited under
41 section ~~13157~~ 13157-A, subsection 22;

42
43 C. Operating an ATV under the influence under 21 years of
44 age, as prohibited under section 10701, subsection 1-A,
45 paragraph D, subparagraph (3);

2 D. Operating an ATV to endanger, as prohibited under section
13157 13157-A, subsection 11;

4 E. Reckless operation of an ATV, as prohibited under section
13157 13157-A, subsection 10;

6 F. Operating an ATV on the land of another without
8 permission, as prohibited under section 13157 13157-A,
subsection 1-A 1; or

10 G. Failure or refusal to stop an ATV or attempting to elude
12 an officer, as prohibited under section 10651, subsection 1,
14 paragraphs D and E.

16 The commissioner shall reinstate licenses, permits and
18 registrations that have been suspended pursuant to this
20 subsection only if the person satisfactorily completes, in
22 accordance with procedures established by the commissioner by
24 rule, a training program approved by the department relating to
26 safety and ethics in the operation of ATVs. The costs of this
28 training program are borne by the person undertaking the
30 training. The commissioner shall establish by rule the
procedures for completion of mandatory training pursuant to this
subsection. A person who satisfactorily completes a training
program approved by the department pursuant to this subsection is
deemed to have satisfied the outdoor ethics training course
requirements established under section 10903. Rules adopted
pursuant to this subsection are routine technical rules as
defined in Title 5, chapter 375, subchapter 2-A.

32 **Sec. 15. 12 MRSA §12506, sub-§5, as affected by PL 2003, c.**
34 **614, §9 and repealed and replaced by c. 655, Pt. B, §253 and**
affected by §422, is repealed and the following enacted in its
place:

36 **5. Exception to permit requirement. Notwithstanding**
38 **subsection 1:**

40 **A. A person may fish for alewives by use of a dip net or**
42 **single hook and line for consumption by that person or**
44 **members of that person's family, provided that the person**
46 **takes or possesses no more than one bushel in any day and**
48 **provided also that the alewives are not taken from any**
50 **waters in which a municipality or other person has been**
granted exclusive rights under section 6131;

C. A person may fish for or possess alewives from inland
waters if that person has been granted fishing rights under
section 6131; and

2 D. A person may take suckers for use as bait for fishing in
3 inland waters as provided in section 12551-A without a
4 permit under subsection 2.

6 **Sec. 16. 12 MRSA §12661, sub-§3**, as enacted by PL 2003, c.
7 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

8 **3. Removal of abandoned ice fishing shacks.**
9 Notwithstanding the provisions of Title 33, chapter 41, a
10 landowner on whose property an ice fishing shack is left in
11 violation of Title 17, section 2264 ~~2263-A~~ may remove or destroy
12 the shack. The landowner may recover any costs of removing or
13 destroying the shack from the owner of the shack in a civil
14 action.

16 **Sec. 17. 12 MRSA §13058, sub-§1**, as affected by PL 2003, c.
17 614, §9 and amended by c. 627, §1 and c. 655, Pt. B, §362 and
18 affected by §422, is repealed and the following enacted in its
19 place:

20 **1. Prohibition.** A person may not place or operate a
21 motorboat or personal watercraft on the inland waters of the
22 State unless a valid lake and river protection sticker issued
23 annually under subsection 3 is affixed to both sides of the bow
24 above the water line and approximately 3 inches behind the
25 validation sticker required under section 13056.

28 **Sec. 18. 12 MRSA §13058, sub-§2**, as affected by PL 2003, c.
29 614, §9; amended by c. 627, §1; and repealed and replaced by c.
30 655, Pt. B, §363 and affected by §422, is repealed and the
31 following enacted in its place:

32 **2. Violation.** A person who violates subsection 1 is
33 subject to the provisions of this subsection.

36 A. A person who violates subsection 1 commits a civil
37 violation for which a fine of not less than \$100 and not
38 more than \$250 per violation may be adjudged. A fine
39 imposed under this subsection may not be suspended by the
40 court.

42 B. A person who violates subsection 1 after having been
43 adjudicated as having committed 3 or more civil violations
44 under this Part within the previous 5-year period commits a
45 Class E crime.

46 **Sec. 19. 12 MRSA §13068, sub-§15**, as affected by PL 2003, c.
47 614, §9 and repealed and replaced by c. 627, §3 and repealed by
48 c. 655, Pt. B, §379 and affected by Pt. B, §422, is repealed.

50

2 **Sec. 20. 12 MRSA §13152, sub-§2**, as affected by PL 2003, c.
614, §9; repealed and replaced by c. 655, Pt. B, §401 and
4 affected by §422; and repealed and replaced by c. 695, Pt. B, §10
and affected by Pt. C, §1, is repealed and the following enacted
in its place:

6
8 **2. Training.** A person over 9 years of age and under 16
years of age must successfully complete a training program
approved by the department prior to operating an ATV except on:

10 A. Land on which that person is domiciled;

12 B. Land owned or leased by that person's parent or guardian;

14 C. A safety training site approved by the department; or

16 D. Land where permission for the use has been granted to the
18 person's parent or guardian.

20 A person under 16 years of age must attend the training program
with that person's parent or guardian. The training program must
22 include instruction on the safe operation of ATVs, the laws
pertaining to ATVs, the effect of ATVs on the environment and
24 ways to minimize that effect, courtesy to landowners and other
recreationists and landowners and other materials as determined
26 by the department.

28 **Sec. 21. 12 MRSA §13154-A, sub-§6, ¶B**, as enacted by PL 2003,
c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695,
30 Pt. B, §12 and affected by Pt. C, §1, is amended to read:

32 B. Land owned or leased by the operator's parent or
guardian; ~~or~~

34 **Sec. 22. 12 MRSA §13154-A, sub-§6, ¶C**, as enacted by PL 2003,
c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695,
36 Pt. B, §12 and affected by Pt. C, §1, is repealed and the
38 following enacted in its place:

40 C. A safety training site approved by the department; or

42 **Sec. 23. 12 MRSA §13154-A, sub-§6, ¶D** is enacted to read:

44 D. Land where permission for use has been granted to the
operator's parent or guardian.

46 **Sec. 24. 12 MRSA §13157**, as repealed by PL 2003, c. 655, Pt.
48 B, §413 and affected by §422 and amended by c. 695, Pt. B, §§15
to 23 and affected by Pt. C, §1, is repealed.

50

2 **Sec. 25. 12 MRSA §13157-A, sub-§1**, as enacted by PL 2003, c.
655, Pt. B, §414 and affected by §422, is repealed and the
following enacted in its place:

4
6 1. **Permission required.** A person may not operate an ATV on
7 the land of another without the permission of the landowner or
8 lessee. Permission is presumed on ATV trails that are
9 conspicuously posted or in areas open to ATVs by landowner
10 policy. Written permission of the landowner or lessee is
11 required on cropland or pastureland or in an orchard. As used in
12 this subsection, "cropland" means acreage in tillage rotation,
13 land being cropped and land in bush fruits, and "pastureland"
14 means acreage devoted to the production of forage plants used for
animal production.

16 A. A person who violates this subsection commits a civil
17 violation for which a fine of not less than \$100 nor more
18 than \$500 may be adjudged.

20 B. A person who violates this subsection after having been
21 adjudicated of having committed 3 or more civil violations
22 under this Part within the previous 5-year period commits a
23 Class E crime.

24
26 **Sec. 26. 12 MRSA §13157-A, sub-§15, ¶A**, as enacted by PL 2003,
c. 655, Pt. B, §414 and affected by §422, is repealed and the
following enacted in its place:

28 A. Except as provided in section 13159, a person may not:

30 (1) Operate an ATV that is not equipped at all times
31 with an effective and suitable muffling device on its
32 engine to effectively deaden or muffle the noise of the
33 exhaust;

34 (2) Modify the exhaust system of an ATV in any manner
35 that will increase the noise emitted above the
36 following emission standard:

37 (a) Each ATV must meet noise emission standards
38 of the United States Environmental Protection
39 Agency and in no case exceed 96 decibels of sound
40 pressure when measured from a distance of 20
41 inches using test procedures established by the
42 commissioner; or

43 (3) Operate an ATV without a working spark arrester.

2 **Sec. 27. 12 MRSA §13157-A, sub-§21, ¶A**, as enacted by PL 2003,
c. 655, Pt. B, §414 and affected by §422, is repealed and the
4 following enacted in its place:

6 A. A person may not operate an ATV:

8 (1) On a salt marsh, intertidal zone, marine sand
10 beach, sand dune or any cemetery, burial place or
12 burying ground; or

14 (2) When the ground is not frozen and sufficiently
16 covered with snow to prevent direct damage to the
18 vegetation:

20 (a) On alpine tundra;

22 (b) On a freshwater marsh or bog, river, brook,
24 stream, great pond, nonforested wetland or vernal
26 pool; or

28 (c) In a source water protection area as defined
30 in Title 30-A, section 2001, subsection 20-A.

32 The provisions of this subparagraph do not apply to a
34 trail designated for ATV use by the Department of
36 Conservation. The provisions of this subparagraph also
38 do not apply to a person accessing land for maintenance
40 or inspection purposes with the landowner's permission
42 or to local, state or federal government personnel in
44 the performance of official duties, provided there is
46 no significant ground disturbance or sedimentation of
48 water bodies.

50 **Sec. 28. 12 MRSA §13157-A, sub-§22**, as enacted by PL 2003, c.
655, Pt. B, §414 and affected by §422, is repealed and the
following enacted in its place:

22. Abuse of another person's property. A person may not
while operating an ATV:

A. Tear down or destroy a fence or wall on another person's
land;

B. Leave open a gate or bars on another person's land;

C. Trample or destroy crops on another person's land; or

D. Remove or destroy signs or posted notices.

A person who violates this subsection commits a Class E crime.

2 **Sec. 29. 12 MRSA §13157-A, sub-§23**, as enacted by PL 2003, c.
655, Pt. B, §414 and affected by §422, is repealed.

4 **Sec. 30. 12 MRSA §13157-A, sub-§§24 and 25** are enacted to read:

6 **24. Unlawful operating ATV on temporarily closed trail.** A
8 person may not operate an ATV on any section of a trail posted
with a notice of temporary closure in accordance with this
10 subsection. The notice must specify the section of trail that is
closed and the period of the closure and must be conspicuously
12 posted at each end of the closed section of the trail.

14 A. A person who violates this subsection commits a civil
16 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

18 B. A person who violates this subsection after having been
20 adjudicated of having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
22 Class E crime.

24 **25. Prohibited equipment.** A person may not operate an ATV
that is equipped with a snorkel kit or other equipment designed
26 to allow the ATV to be used in deep water except with the
permission of the owner of the land on which the ATV is operated
or as provided in section 13159.

28 A. A person who violates this subsection commits a civil
30 violation for which a fine of not less than \$100 nor more
than \$500 may be adjudged.

32 B. A person who violates this subsection after having been
34 adjudicated of having committed 3 or more civil violations
under this Part within the previous 5-year period commits a
36 Class E crime.

38 **Sec. 31. Retroactivity.** Those sections of this Act that repeal
the Maine Revised Statutes, Title 12, section 13157; repeal and
40 replace Title 12, section 13157-A, subsection 1, Title 12,
section 13157-A, subsection 15, paragraph A, Title 12, section
42 13157-A, subsection 21, paragraph A and Title 12, section
13157-A, subsection 22; repeal Title 12, section 13157-A,
44 subsection 23; and enact Title 12, section 13157-A, subsections
24 and 25 apply retroactively to August 31, 2004.

46 **Sec. 32. 12 MRSA §13159**, as amended by PL 2003, c. 655, Pt.
48 B, §417 and affected by §422 and amended by c. 695, Pt. B, §24

2 and affected by Pt. C, §1, is repealed and the following enacted
in its place:

4 **§13159. Racing meets**

6 Notwithstanding section 13155 and section 13157-A,
7 subsection 15; subsection 16, paragraph A; subsection 17; and
8 subsection 25, ATVs used exclusively for scheduled racing meets
9 and operated solely on predefined race courses are exempt from
10 the provisions of this chapter concerning registration, mufflers,
11 snorkel kits and lights during the time of operation at these
12 meets and at all prerace practices at the location of the meets.

14 **Sec. 33. 14 MRSA §1256**, as amended by PL 1979, c. 57, §6, is
further amended to read:

16 **§1256. New jurors**

18 If for any reason a grand jury or a traverse jury is
19 dismissed before completing its work, the clerk of courts shall
20 proceed to draw and notify new jurors in accordance with section
21 ~~1255~~ 1255-A.

24 **Sec. 34. 17 MRSA §2802**, as corrected by RR 2003, c. 2, §24,
is amended to read:

26 **§2802. Miscellaneous nuisances**

28 The erection, continuance or use of any building or place
29 for the exercise of a trade, employment or manufacture that, by
30 noxious exhalations, offensive smells or other annoyances,
31 becomes injurious and dangerous to the health, comfort or
32 property of individuals or of the public; causing or permitting
33 abandoned wells or tin mining shafts to remain unfilled or
34 uncovered to the injury or prejudice of others; causing or
35 suffering any offal, filth or noisome substance to collect or to
36 remain in any place to the prejudice of others; obstructing or
37 impeding, without legal authority, the passage of any navigable
38 river, harbor or collection of water; corrupting or rendering
39 unwholesome or impure the water of a river, stream, pond or
40 aquifer; imprudent operation of a watercraft as defined in Title
41 12, section ~~13068~~ 13068-A, subsection 8; unlawfully diverting the
42 water of a river, stream, pond or aquifer from its natural course
43 or state to the injury or prejudice of others; and the
44 obstructing or encumbering by fences, buildings or otherwise of
45 highways, private ways, streets, alleys, commons, common landing
46 places or burying grounds are nuisances within the limitations
47 and exceptions mentioned. Any places where one or more old,
48 discarded, worn-out or junked motor vehicles as defined in Title
49 29-A, section 101, subsection 42, or parts thereof, are gathered

2 together, kept, deposited or allowed to accumulate, in such
3 manner or in such location or situation either within or without
4 the limits of any highway, as to be unsightly, detracting from
5 the natural scenery or injurious to the comfort and happiness of
6 individuals and the public, and injurious to property rights, are
7 public nuisances.

8 **Sec. 35. 18-A MRSA §5-601, sub-§(b)**, as amended by PL 1995, c.
9 560, Pt. K, §4 and affected by §83 and amended by PL 2001, c.
10 354, §3, is further amended to read:

11 (b) The Department of ~~Behavioral-and-Developmental~~ Health
12 and Human Services shall act as the public guardian or
13 conservator for persons with mental retardation and ~~the~~
14 ~~Department-of-Human-Services-shall-act-as-the-public-guardian-or~~
15 ~~conservator~~ for other incapacitated persons in need of protective
16 services.

17 **Sec. 36. 18-A MRSA §5-613, sub-§(1)**, as amended by PL 1995, c.
18 560, Pt. K, §6 and affected by §83; amended by PL 2001, c. 354,
19 §3; and amended by PL 2003, c. 689, Pt. B, §6, is further amended
20 to read:
21

22 (1) When the following occur, the costs of the guardian ad
23 litem or any other special costs may be paid by the Department of
24 Health and Human Services, within the limits of the department's
25 budget, ~~if the person involved is mentally retarded, and the~~
26 ~~costs may, in all other cases, be paid by the Department of~~
27 ~~Health and Human Services, within the limits of the department's~~
28 ~~budget:~~
29

30 (a) An allegedly incapacitated person is in need of
31 protective services and:

32 (1) A guardian ad litem is appointed under the
33 provisions of this Code; or

34 (2) A court incurs special costs in a proceeding
35 concerning such a person; and

36 (b) Appointment of a public guardian or conservator is
37 sought or the allegedly incapacitated person, within 3
38 months prior to the filing of the petition:

39 (1) Is or has been a client of the Department of
40 ~~Behavioral-and-Developmental~~ Health and Human Services;
41 or

42 (2) ~~Is or has been a client of the Department of Human~~
43 ~~Services, or~~

2 (3) Has received services from a worker from the
3 Department of Behavioral--and--Developmental Health and
4 Human Services ~~or the Department of Human Services.~~

6 **Sec. 37. 19-A MRSA §4013, sub-§1, ¶A**, as amended by PL 2001,
7 c. 240, §2 and c. 354, §3, is further amended to read:

8 A. The Governor shall name the chair from among the
9 following members:

12 (1) Two members, appointed by the Governor, who are
13 representatives of the statewide coalition of domestic
14 violence projects;

16 (1-A) Two members, appointed by the Governor, who are
17 representatives of the statewide coalition of sexual
18 assault centers;

20 (2) One member, appointed by the Governor, who is a
21 representative of the mental health profession;

22 (3) One member, appointed by the Governor, who is a
23 representative of victims of domestic violence;

26 (3-A) One member, appointed by the Governor, who is a
27 representative of victims of sexual assault;

28 (4) Two members, appointed by the Governor, one of
29 whom has experience representing victims of domestic
30 abuse, who are attorneys with experience in domestic
31 relations cases;

34 (5) One member, appointed by the Governor, who was a
35 victim of domestic abuse and used the court system;

36 (5-A) One member, appointed by the Governor, who was a
37 victim of sexual assault and used the court system;

40 (6) One member, appointed by the Governor, who is a
41 district attorney or assistant district attorney;

42 (7) One member, appointed by the Governor, who is
43 chief of a municipal police department;

44 (8) One member, appointed by the Governor, who is a
45 county sheriff;

48

- 2 (8-A) One member, appointed by the Governor, who is
the statewide coordinator of a statewide coalition to
4 end domestic violence;
- 6 (8-B) One member, appointed by the Governor, who is
the executive director of a statewide coalition against
8 sexual assault;
- 10 (8-C) The Attorney General or the Attorney General's
designee;
- 12 (8-D) The Chief of the Maine State Police or the
14 chief's designee;
- 16 (9) The Commissioner of Public Safety or the
commissioner's designee;
- 18 (9-A) The Commissioner of Health and Human Services or
20 the commissioner's designee;
- 22 ~~(9-B) The Commissioner of Behavioral and Developmental
Services or the commissioner's designee;~~
- 24 (9-C) The Commissioner of Education or the
26 commissioner's designee;
- 28 (9-D) The Commissioner of Labor or the commissioner's
designee;
- 30 (9-E) The Commissioner of Corrections or the
32 commissioner's designee;
- 34 (9-F) One member, appointed by the Governor, who has
experience working in batterers' intervention programs;
36 and
- 38 (10) Up to 8 members-at-large, appointed by the
Governor.

40 **Sec. 38. 20-A MRSA §5152, sub-§3, ¶H**, as enacted by PL 1985,
c. 774, §5, is amended to read:

42 H. Department of Health and Human Services;

44 **Sec. 39. 20-A MRSA §5152, sub-§3, ¶I**, as enacted by PL 1985, c.
46 774, §5; amended by PL 1995, c. 560, Pt. K, §82 and affected by
§83; and amended by PL 2001, c. 354, §3, is repealed.

48 **Sec. 40. 20-A MRSA §11435**, as enacted by PL 1987, c. 807, §3,
50 is amended to read:

2 **§11435. Sunset review**

4 For purposes of the ~~Maine Sunset Act~~, Title 3, chapter 23
6 ~~35, the authority shall be considered is an independent agency,~~
8 ~~with its first justification report in accordance with Title 3,~~
10 ~~section 504, due in 1991, and the evaluation and analysis in~~
12 ~~accordance with Title 3, section 505, by the joint standing~~
14 ~~committee of the Legislature having jurisdiction over audit and~~
16 ~~program review due no later than December 31, 1992, but~~
18 ~~notwithstanding Title 3, sections 506 and 507, the authority~~
20 ~~shall not terminate subject to the review requirements specified~~
22 ~~in Title 3, section 959.~~

24 **Sec. 41. 20-A MRSA §12302, sub-§3, ¶¶A and B**, as enacted by PL
26 1999, c. 401, Pt. NN, §2 and affected by §4 and enacted by PL
28 1999, c. 496, §2, are repealed and the following enacted in their
30 place:

32 A. Applicants under subsection 1, paragraph A who meet
34 eligibility criteria established by rule of the authority,
36 which at a minimum must require:

38 (1) That the student be a Maine resident;

40 (2) That the student be enrolled in a dental school;
42 and

44 (3) That priority be given to a student:

46 (a) Who previously received a loan pursuant to
48 this section;

50 (b) Who exhibits financial need; and

(c) Who demonstrates an interest in serving an
 underserved population area; and

B. Applicants under subsection 1, paragraph B who meet
 eligibility criteria established by rule of the authority,
 which at a minimum must require:

(1) That the applicant be eligible for licensure to
 practice dental medicine in Maine;

(2) That the applicant have outstanding dental
 education loans; and

(3) That the applicant be willing to serve an
 underserved population area.

2 **Sec. 42. 22 MRSA §6-A, last ¶**, as corrected by RR 1995, c. 2,
39 and amended by PL 2001, c. 354, §3, is repealed.

4 **Sec. 43. 22 MRSA §6-C**, as amended by PL 1999, c. 401, Pt. L,
51 and affected by §2 and amended by PL 2001, c. 354, §3, is
repealed and the following enacted in its place:

8 **§6-C. Community Services Center**

10 **1. Establishment.** The Community Services Center, referred
12 to in this section as "the service center," is established as an
14 agency within the department to provide auditing, licensing and
16 contracting services to the department. Auditing, contracting
18 and licensing services include, but are not limited to, program
20 audits, performance-based contracting, federal grant management,
22 licensing, complaint investigations and other functions as may be
24 determined by the commissioner, except that administrative
26 hearing functions may not be transferred to the service center.
The service center's purpose is to provide a single point of
access for purchasing and coordinating administration of
contracted community services and to coordinate licensing and
auditing visits for social service providers in a cost-effective
manner to the department. The service center is under the
authority and direction of the commissioner or the commissioner's
designee. The commissioner shall employ a director of the
service center, who is subject to the Civil Service Law.

28 **2. Transfer of property.** The commissioner shall approve
30 the transfer of property and equipment as needed for the
operation of the service center.

32 **3. Contracting function.** The Division of Contracted
34 Community Services of the service center shall provide technical
36 assistance to the bureaus of the department in procuring,
38 distributing and monitoring all state and federal funds. The
bureaus of the department retain responsibility for policy
direction and decision-making authority regarding funding and
services.

40 **5. Licensing function.** The department retains
42 responsibility for policy direction and decision-making authority
44 regarding licensing decisions concerning facilities providing
mental health, mental retardation or substance abuse services.

46 **Sec. 44. 22 MRSA §3174-R**, as amended by PL 2003, c. 510, Pt.
A, §17 and c. 611, §2, is repealed and the following enacted in
its place:

50 **§3174-R. Medicaid drug rebate program**

2 The department shall enter into a drug rebate agreement with
4 each manufacturer of prescription drugs under the Medicaid
6 program, in accordance with the federal Social Security Act,
8 Section 1927, as long as the agreements are consistent with state
 and federal law and result in a net increase in rebate revenue
 available to the Maine Medicaid Program. Individual rebate
 agreements may vary.

10 **Sec. 45. 22 MRSA §3472, sub-§4**, as amended by PL 2003, c. 653,
 §2, is further amended to read:

12 **4. Commissioner.** "Commissioner" means the Commissioner of
14 Health and Human Services or a designated representative in the
 geographical area in which the person resides or is present ~~or,~~
16 ~~in the case of adults with mental retardation, the Commissioner~~
 ~~of Behavioral and Developmental Services or a designated~~
18 ~~representative in the geographical area in which the person~~
 ~~resides or is present.~~

20 **Sec. 46. 22 MRSA §3472, sub-§5**, as amended by PL 2003, c. 653,
22 §2, is repealed.

24 **Sec. 47. 22 MRSA §3741-M**, as enacted by PL 1997, c. 284, §1,
 is reallocated to 22 MRSA §3769-D.

26 **Sec. 48. 22 MRSA §3762, sub-§2, ¶C**, as enacted by PL 1997, c.
28 530, Pt. A, §16 and amended by PL 2001, c. 354, §3, is repealed.

30 **Sec. 49. 22 MRSA §4058**, as enacted by PL 1985, c. 739, §17,
 is amended to read:

32 **§4058. Sunset provision**

34 The provision in this chapter ~~1071~~ dealing with family
36 rehabilitation and reunification ~~shall~~ must be reviewed in
 accordance with ~~the Maine Sunset Act~~, Title 3, chapter ~~23~~, ~~no~~
38 ~~later than June 30, 1989~~ 35.

40 **Sec. 50. 22 MRSA §7924, sub-§1**, as corrected by RR 2003, c. 2,
42 §82, is amended to read:

44 **1. Alleged violations reported and investigated.** Any
 person who believes that any of those rules governing the
46 licensure of long-term care facilities or the operation of
 assisted living programs and services authorized pursuant to
 section 7853 adopted by the ~~Department of Health and Human~~
48 ~~Services~~ department pertaining to residents' rights and conduct
 of resident care has been violated may report the alleged

2 violation to the protection and advocacy agency designated
3 pursuant to Title 5, section 19501; the long-term care ombudsman
4 pursuant to section 5106, subsection 11-C and section 5107-A; the
5 Office of Advocacy pursuant to Title 34-A, section 1203; and any
6 other agency or person whom the ~~Commissioner of Health and Human
Services~~ commissioner may designate.

8 **Sec. 51. 22 MRSA §7924, sub-§2**, as enacted by PL 1981, c. 445
9 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to
10 read:

12 **2. Professionals to report.** Any professional who provides
13 health care, social services or mental health services or who
14 administers a long-term care facility or program and who knows of
15 or has reasonable cause to suspect that there has been a
16 violation of any of those ~~regulations-premulgated rules adopted~~
17 by the ~~Department of Health and Human Services~~ department
18 governing the licensure of long-term care facilities pertaining
19 to residents' rights or conduct of resident care shall
20 immediately report or cause a report to be made to an agency or
21 person referred to in subsection 1.

22 **Sec. 52. 22 MRSA §7924, sub-§3**, as corrected by RR 1995, c. 2,
23 §45 and amended by PL 2001, c. 354, §3, is further amended to
24 read:

26 **3. Written report of findings.** Any agency or person
27 investigating a situation pursuant to subsection 1 or 2 shall
28 submit a written report of the findings and results of the
29 investigation to the administrator of the long-term care facility
30 in which the residents' rights allegedly have been violated, and
31 to the ~~Commissioner of Human Services; and, if the resident is~~
32 ~~mentally ill or mentally retarded or has a related condition, to~~
33 ~~the Commissioner of Behavioral and Developmental Services~~
34 commissioner.

36 **Sec. 53. 22 MRSA §7933, sub-§2**, as amended by PL 1997, c. 610,
37 §2 and PL 2001, c. 354, §3, is further amended to read:

38 **2. Who may bring action.** The commissioner or acting
39 commissioner may bring an action in Superior Court requesting the
40 appointment of a receiver. ~~In an action brought regarding a~~
41 ~~private psychiatric hospital, prior to or at the time of bringing~~
42 ~~the action, the commissioner shall consult and work~~
43 ~~collaboratively with the Commissioner of Behavioral and~~
44 ~~Developmental Services.~~

46 **Sec. 54. 22 MRSA §8104, sub-§1**, as corrected by RR 1995, c. 2,
47 §46 and amended by PL 2001, c. 354, §3, is further amended to
48 read:
49
50

2 **1. Interagency licensing method.** The Commissioner of
Education,~~---the---Commissioner---of---Human---Services~~ and the
4 Commissioner of ~~Behavioral--and--Developmental~~ Health and Human
Services, or their designees, shall jointly establish a method
6 for interagency licensing of residential child care facilities
subject wholly or partly to licensing by ~~at-least-2~~ both of the
8 departments. The method must provide for the following:

- 10 A. Development of common licensing rules;
- 12 B. Periodic review of licensing rules;
- 14 C. Delegation of departmental responsibilities; and
- 16 D. Determination of licensing fees.

18 **Sec. 55. 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
20 its place:

22 **2. Minimum policy standards.** The board shall establish
24 minimum standards for each law enforcement policy no later than
June 1, 1995, except that policies for expanded requirements for
26 domestic violence under subsection 1, paragraph D, subparagraphs
(1) to (3) must be established no later than January 1, 2003;
28 policies for death investigations under subsection 1, paragraph I
must be established no later than January 1, 2004; and policies
30 for the recording and preservation of interviews of suspects in
serious crimes under subsection 1, paragraph J and policies for
32 public notification regarding persons in the community required
to register under Title 34-A, chapter 15 must be established no
later than January 1, 2005.

34 **Sec. 56. 25 MRSA §3701, sub-§7** is enacted to read:

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

42 **Sec. 57. 25 MRSA §3702-C** is enacted to read:

44 **§3702-C. Solicitation unlawful**

46 A law enforcement agency, law enforcement association, law
48 enforcement officer or solicitation agent may not solicit
property from the general public when the property or any part of
50 that property in any way tangibly benefits, is intended to

2 tangibly benefit or is represented to be for the tangible benefit
3 of any law enforcement officer, law enforcement agency or law
4 enforcement association. Any violation of this chapter
5 constitutes a violation of the Maine Unfair Trade Practices Act.

6 **Sec. 58. 30-A MRSA §401, sub-§1**, as enacted by PL 1987, c.
7 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c.
8 9, §2; and c. 104, Pt. C, §§8 and 10, is amended to read:

10 **1. Sheriff's duties.** The sheriff shall act as the chief
11 county law enforcement officer and is responsible for
12 administering and directing the sheriff's department as
13 authorized by the county budget. The sheriff shall inform the
14 county commissioners of sheriff's department activities on a
15 regular basis ~~and shall meet with the commissioners as required~~
16 ~~under subsection 3.~~

18 **Sec. 59. 30-A MRSA §3821, sub-§3**, as amended by PL 1995, c.
19 88, §1, is further amended to read:

20 **3. Availability for inspection.** Both the register and the
21 record must be kept for 2 years and be available at all
22 reasonable times to the inspection of any lawful agent of the
23 licensing authority or any full-time law enforcement officer as
24 defined in Title 25, section 2805 2801-A, subsection 4. The
25 guest register may be "kept," within the meaning of this section,
26 when reproduced on any photographic, microfilm or other process
27 that reproduces the original record.

30 **Sec. 60. 30-A MRSA §4314, sub-§3, ¶E**, as amended by PL 2003,
31 c. 595, §1 and c. 614, §4, is repealed and the following enacted
32 in its place:

34 E. The ordinance or portion of the ordinance conflicts with
35 a newly adopted comprehensive plan or plan amendment adopted
36 in accordance with the procedures, goals and guidelines
37 established in this subchapter, in which case the ordinance
38 or portion of the ordinance remains in effect for a period
39 of up to 24 months immediately following adoption of the
40 comprehensive plan or plan amendment;

42 **Sec. 61. 30-A MRSA §4349-A, sub-§3**, as amended by PL 2003, c.
43 641, §17, is repealed.

44 **Sec. 62. Effective date.** That section of this Act that repeals
45 the Maine Revised Statutes, Title 30-A, section 4349-A,
46 subsection 3, takes effect July 1, 2005.

48

2 **Sec. 63. 31 MRSA §526, sub-§20**, as amended by PL 2003, c. 631,
§47 and c. 673, Pt. WWW, §21 and affected by §37, is repealed and
the following enacted in its place:

4 **20. Certificate of conversion.** Certificate of conversion
6 of a limited partnership to another type of business entity as
provided by section 418, a fee in the amount of \$145; and

8 **Sec. 64. Retroactivity.** That section of this Act that repeals
10 and replaces the Maine Revised Statutes, Title 31, section 526,
subsection 20 applies retroactively to August 1, 2004.

12 **Sec. 65. 31 MRSA §751, sub-§25**, as amended by PL 2003, c. 631,
14 §62 and c. 673, Pt. WWW, §29 and affected by §37, is repealed and
the following enacted in its place:

16 **25. Certificate of conversion.** Certificate of conversion
18 of a limited liability company to another type of business entity
as provided by section 746, a fee of \$145; and

20 **Sec. 66. Retroactivity.** That section of this Act that repeals
22 and replaces the Maine Revised Statutes, Title 31, section 751,
subsection 25 applies retroactively to August 1, 2004.

24 **Sec. 67. 31 MRSA §871, sub-§18**, as amended by PL 2003, c. 631,
26 §75 and c. 673, Pt. XXX, §8 and affected by §10, is repealed and
the following enacted in its place:

28 **18. Annual report.** For filing of an annual report under
30 section 873, a fee of \$85;

32 **Sec. 68. Retroactivity.** That section of this Act that repeals
and replaces the Maine Revised Statutes, Title 31, section 871,
34 subsection 18 applies retroactively to January 1, 2005.

36 **Sec. 69. 32 MRSA §94**, as amended by PL 1995, c. 488, §4, is
further amended to read:

38 **§94. Sunset**

40 The operations and conduct of Maine Emergency Medical
42 Services must be reviewed in accordance with the ~~Maine Sunset~~
~~Act~~, Title 3, chapter 35, ~~no later than June 30, 2003.~~

44 **Sec. 70. 34-A MRSA §9881, sub-§4**, as enacted by PL 2003, c.
46 495, §1, is repealed.

2 **Sec. 71. 34-A MRSA §11203, sub-§6, ¶A**, as amended by PL 2003,
c. 371, §2, is repealed.

4 **Sec. 72. 34-A MRSA §11203, sub-§6, ¶C**, as enacted by PL 1999,
c. 437, §2, is amended to read:

6 C. A violation of an offense in another jurisdiction,
8 including, but not limited to, a state, federal, military or
tribal court, that includes the essential elements of an
10 offense listed in paragraph A-~~or~~ B.

12 **Sec. 73. 34-B MRSA §1201-A, last ¶**, as enacted by PL 1991, c.
781, Pt. D, §2 and affected by §4, is repealed.

14 **Sec. 74. 34-B MRSA §1205, sub-§1**, as amended by PL 1995, c.
16 560, Pt. K, §18, is further amended to read:

18 1. **Establishment.** The Office of Advocacy is established
within the Office of Advocacy and Consumer Affairs of the
20 department solely to investigate the claims and grievances of
clients of the department, to investigate ~~with the Department of~~
22 ~~Human Services, as appropriate,~~ all allegations of adult and
child abuse in state institutions and to advocate on behalf of
24 clients for compliance by any institution, other facility or
agency administered, licensed or funded by the department with
26 all laws, administrative rules and institutional and other
policies relating to the rights and dignity of clients.

28 **Sec. 75. 34-B MRSA §1205, sub-§3, ¶E**, as repealed and replaced
30 by PL 1989, c. 7, Pt. N, §3, is amended to read:

32 E. Act as an information source regarding the rights of all
clients, keeping itself informed about all laws,
34 administrative rules and institutional and other policies
relating to the rights and dignity of the clients and about
36 relevant legal decisions and other developments related to
the field of mental health and mental retardation, both in
38 this State and in other parts of the country; and

40 **Sec. 76. 34-B MRSA §1205, sub-§3, ¶F**, as enacted by PL 1989, c.
7, Pt. N, §3, is amended to read:

42 F. Make and publish reports necessary to the performance of
44 the duties described in this section. The chief advocate may
report findings of the office to groups outside the
46 department, such as legislative bodies, advisory committees,
commissions, law enforcement agencies and the press, and may
48 authorize the advocates in the Office of Advocacy to so
communicate. At least annually, the chief advocate shall
50 report both in person and in writing to the joint standing

2 committee of the Legislature having jurisdiction over mental
health and mental retardation, and.

4 **Sec. 77. 34-B MRSA §1205, sub-§3, ¶G**, as enacted by PL 1989,
c. 7, Pt. N, §3, is repealed.

6 **Sec. 78. 34-B MRSA §1207, sub-§1, ¶B**, as amended by PL 1995,
8 c. 691, §4 and PL 2001, c. 354, §3, is further amended to read:

10 B. Information may be disclosed if necessary to carry out
12 any of the statutory functions of the department, the
hospitalization provisions of chapter 3, subchapter IV 4,
14 the purposes of sections 3607 and 3608, the purposes of
Title 22, section 3554, or the purposes of United States
16 Public Law 99-319, dealing with the investigatory function
of the independent agency designated with advocacy and
18 investigatory functions under United States Public Law
88-164, Title I, Part C or United States Public Law 99-319,
20 ~~or the purposes of Title 18-A, section 5-601, subsection~~
~~(b), when the Department of Human Services is requested by~~
22 ~~the Department of Behavioral and Developmental Services to~~
~~act as public guardian or public conservator;~~

24 **Sec. 79. 34-B MRSA §1207, sub-§1, ¶B-1**, as amended by PL 1991,
c. 250, is repealed.

26 **Sec. 80. 36 MRSA §1752, sub-§1-B**, as amended by PL 1995, c.
28 281, §11 and affected by §42, is repealed.

30 **Sec. 81. 36 MRSA §2903-D, sub-§2, ¶B**, as enacted by PL 2001,
c. 693, §7 and affected by §11, is amended to read:

32 B. The Snowmobile Trail Fund of the Department of
34 Conservation, Bureau of Parks and Lands, ~~established under~~
described in Title 12, section 7824 ~~1893~~, subsection 3,
36 receives 85.07% of that amount.

38 **Sec. 82. 36 MRSA §6652, sub-§1-B, ¶B**, as amended by PL 2003,
c. 625, §1 and affected by §3 and amended by c. 687, Pt. A, §10
40 and affected by Pt. B, §11, is further amended to read:

42 B. Lamps and lighting fixtures; and

44 **Sec. 83. 36 MRSA §6652, sub-§1-B, ¶C**, as enacted by PL 2003,
c. 625, §2 and affected by §3 and enacted by c. 687, Pt. A, §11
46 and affected by Pt. B, §11, is repealed and the following enacted
in its place:

48

2 C. All gambling machines or devices, including, but not
4 limited to, electronic video machines, specifically designed
6 or manufactured for use in the operation of any gambling or
8 wagering activity. As used in this paragraph, "gambling
10 machine or device" means any device, machine, paraphernalia
12 or equipment that is used or usable in the playing phases of
 any gambling activity, whether that activity consists of
 gambling between persons or gambling by a person involving
 the playing of a machine, including equipment used in the
 playing phases of lottery schemes. "Electronic video
 machine" has the same meaning as in Title 17, section 330,
 subsection 1-A; and

14 **Sec. 84. 36 MRSA §6652, sub-§1-B, ¶D** is enacted to read:

16 D. A slot machine and associated equipment, as those terms
18 are defined in Title 8, section 1001, and any part thereof,
20 and any device or machine used directly and primarily in the
22 operation or use of a slot machine, including but not
 limited to printing mechanisms, video display monitors,
 metering devices and computer equipment.

24 **Sec. 85. Application.** That section of this Act that repeals
26 and replaces the Maine Revised Statutes, Title 36, section 6652,
 subsection 1-B, paragraph C applies to property tax years
 beginning on or after April 1, 2004.

28 **Sec. 86. Retroactivity.** Those sections of this Act that amend
30 the Maine Revised Statutes, Title 36, section 6652, subsection
32 1-B, paragraph B; repeal and replace Title 36, section 6652,
 subsection 1-B, paragraph C; and enact Title 36, section 6652,
 subsection 1-B, paragraph D apply retroactively to January 3,
 2004.

34 **Sec. 87. 38 MRSA §480-U, sub-§2, ¶A,** as amended by PL 1999, c.
36 401, Pt. BB, §18, is further amended to read:

38 A. The application must contain written certification by a
40 knowledgeable professional that the cranberry cultivation
 project will not be located in a wetland that has one or
 more of the following characteristics:

42 (1) Is a coastal wetland or is located within 250 feet
44 of a coastal wetland;

46 (2) Is a great pond;

48 (3) Contains endangered or threatened plant species
50 ~~listed under Title 5, section 3315~~ as defined in Title
 12, section 544, subsection 2, paragraphs C and G;

- 2 (4) Contains any type of palustrine natural community
of which there are 20 or fewer occurrences in the State;
4
- 6 (5) Contains any of the following resources:
- 8 (a) Habitat for species appearing on the official
state or federal lists of endangered or threatened
species when there is evidence that the species is
10 present;
- 12 (b) As defined by rule by the Commissioner of
Inland Fisheries and Wildlife, whether or not the
14 resource has been mapped, high-value and
moderate-value deer wintering areas; deer travel
16 corridors; high-value and moderate-value waterfowl
or wading bird habitats, including nesting and
18 feeding areas; shorebird nesting, feeding or
staging areas; or seabird nesting islands; or
20
- 22 (c) Critical spawning and nesting areas for
Atlantic salmon as defined by rule by the Atlantic
Salmon Commission whether or not mapped;
24
- 26 (6) Is located within 250 feet of the normal high
water line and within the same watershed of any lake or
pond classified as GPA under section 465-A;
28
- 30 (7) Is a bog dominated by ericaceous shrubs, sedges
and sphagnum moss and usually having a saturated water
regime, except that applications proposing reclamation
32 of previously mined peat bogs may be considered;
- 34 (8) Is land adjacent to the main stem of a major
river, as classified in section 467, that is inundated
36 with floodwater during a 100-year flood event and that
under normal circumstances supports a prevalence of
38 wetland vegetation, typically adapted for life in
saturated soils; or
40
- 42 (9) Contains at least 20,000 square feet of aquatic
vegetation, emergent marsh vegetation or open water,
except for artificial ponds or impoundments, during
44 most of the growing season in most years; except that
cranberry cultivation is allowed more than 250 feet
46 from the edge of the area of aquatic vegetation,
emergent marsh vegetation or open water.
48

50 A project to cultivate indigenous cranberries may be located
in wetlands described in subparagraphs (6) and (7) only if

2 the project location is a natural cranberry bog and
provisions of paragraph D are met. For purposes of this
4 paragraph, "natural cranberry bog" means an area with
indigenous large cranberries, *Vaccinium macrocarpon* Ait.,
6 comprising more than 50% of the cover in the herbaceous
layer; and "cover in the herbaceous layer" means all
herbaceous or woody vegetation less than 10 inches in height.

8
10 **Sec. 88. PL 2003, c. 20, Pt. FFF, §1, sub-§1**, as amended by PL
2003, c. 507, Pt. A, §1 and affected by §3 and amended by c. 673,
Pt. K, §2, is repealed and the following enacted in its place:

12
14 1. The Commissioner of Administrative and Financial
Services, referred to in this section as "the commissioner," and
any insurance company or 3rd-party administrator, referred to in
this section as "the carrier," insuring or administering the
state employee health plan, referred to in this section as "the
plan," shall jointly negotiate agreements with hospitals
participating in the carrier's provider network to reduce the
expense incurred by the plan in state fiscal year 2003-04 by the
amount of at least \$18,020,851. In undertaking such negotiations
the carrier must be deemed at all times to be the agent of the
State. The commissioner and the carrier acting at the direction
of the commissioner may offer or negotiate such terms and
conditions as the commissioner considers to be in the best
interest of the State to reduce the expense of the state employee
health plan, including, but not limited to, offering or
negotiating reductions in standard hospital reimbursement rates,
rebates and refunds and uniform terms relating to such
reductions, rebates or refunds. The commissioner may not affect
or seek to affect amounts paid to hospitals relating to any other
customer of the carrier.

34 **Sec. 89. PL 2003, c. 414, Pt. B, §26** is repealed and the following
enacted in its place:

36
38 **Sec. B-26. 14 MRSA §3142, sub-§1, ¶C**, as amended by PL 2001,
c. 471, Pt. A, §20, is further amended to read:

40 C. The suspension of any license, certification,
42 registration, permit, approval or other similar document
evidencing the granting of authority to hunt, fish or trap
44 or to engage in a profession, occupation, business or
industry, not including a registration, permit, approval or
46 similar document evidencing the granting of authority to
engage in the business of banking pursuant to Title 9-B.
Licenses and registration subject to suspension include, but
48 are not limited to:

- 2 (1) Licenses issued by the Commissioner of Marine
Resources, as provided in Title 12, section 6409;
- 4 (2) Licenses issued by the Commissioner of Inland
6 Fisheries and Wildlife, as provided in Title 12,
section 7077 10902, subsection 1-C 3;
- 8 (3) Watercraft, snowmobile and all-terrain vehicle
10 registrations, as provided in Title 12, section 7077
10902, subsection 1-C 3; and
- 12 (4) Motor vehicle licenses or permits issued by the
14 Secretary of State, the right to operate a motor
vehicle in this State and the right to apply for or
16 obtain a license or permit, as provided in Title 29-A,
section 2605.

18 **Sec. 90. Effective date.** That section of this Act that repeals
and replaces Public Law 2003, chapter 414, Part B, section 26
20 takes effect August 31, 2004.

22 **Sec. 91. PL 2003, c. 451, Pt. Z, §1, sub-§1,** as amended by PL 2003,
c. 507, Pt. A, §2 and affected by §3 and amended by c. 673, Pt.
24 K, §1, is repealed and the following enacted in its place:

26 1. The Chancellor of the University of Maine System,
28 referred to in this section as "the chancellor," and any
insurance company or 3rd-party administrator acting at the
30 direction of the State, referred to in this section as "the
carrier," insuring or administering the University of Maine
32 System health plan for employees and retirees, referred to in
this section as "the plan," shall negotiate agreements with
34 hospitals participating in the carrier's provider network to
reduce the expense incurred by the plan in state fiscal year
36 2003-04 by the amount of \$2,250,000. It is not the intent of the
Legislature to require negotiations to reduce such expenses
38 beyond state fiscal year 2004. In undertaking such negotiations,
the carrier is deemed at all times to be the agent of the State
40 of Maine and the University of Maine System. The chancellor and
the carrier, acting at the direction of the State, may offer or
42 negotiate such terms and conditions as the chancellor considers
to be in the best interest of the university to reduce the
44 expense of the plan, including, but not limited to, offering or
negotiating reductions in standard hospital reimbursement rates,
46 rebates and refunds and uniform terms relating to such
reductions, rebates or refunds. The chancellor may not affect or
48 seek to affect amounts paid to hospitals relating to any other
customer of the carrier. The hospital discount rate resulting
from this specific arrangement is not intended to affect the

2 underlying premium rates for any purpose. This pooling of funds
3 by the State is not intended to affect plan cost recoveries, plan
4 cost structures or the university's ability to negotiate with
5 carriers regarding the plan.

6 **Sec. 92. Retroactivity.** That section of this Act that repeals
7 and replaces Public Law 2003, chapter 451, Part Z, section 1,
8 subsection 1 applies retroactively to June 12, 2003.

10 **Sec. 93. RR 2003, c. 1, §10** is amended to read:

12 **Sec. 10. Effective date.** That section of this report that
13 corrects the Maine Revised Statutes, Title 12, section 13056,
14 subsection 2, paragraph G takes effect ~~90--days--after--the~~
15 ~~adjournment--of--the--Second--Regular--Session--of--the--121st~~
16 Legislature August 31, 2004.

18 **Sec. 94. Retroactivity.** That section of this Act that amends
19 Revisor's Report 2003, chapter 1, section 10, applies
20 retroactively to April 30, 2004.

22 **Emergency clause.** In view of the emergency cited in the
23 preamble, this Act takes effect when approved, except as
24 otherwise indicated.

26 SUMMARY

28 Section 1 corrects a conflict created by Public Law 2003,
29 chapters 608 and 689, which affected the same provision of law,
30 by incorporating the changes made by both laws.

32 Public Law 1997, chapter 643, Part Q increased the salary
33 grade of the Commissioner of Defense, Veterans and Emergency
34 Management from Range 89 to Range 91; however, in amending Range
35 89 in Part H of the same public law, the position of Commissioner
36 of Defense, Veterans and Emergency Management was still
37 included. Section 2 removes the position of Commissioner of
38 Defense, Veterans and Emergency Management from Range 89, leaving
39 it in Range 91.

42 Sections 3 to 5 correct a conflict created by Public Law
43 1995, chapter 368, which amended Title 5, section 1589,
44 subsection 3 and repealed subsections 3-A and 3-C, and chapter
45 464, which amended subsection 3, 3-A and 3-C, by repealing
46 subsection 3 and replacing it with the chapter 464 version of
47 that subsection and repealing subsections 3-A and 3-C.

48 Public Law 2003, chapter 689, Part B, section 7 directs the
50 Revisor of Statutes to replace both "Commissioner of Human

2 Services" and "Commissioner of Behavioral and Developmental
3 Services" with "Commissioner of Health and Human Services." Since
4 reference is made to both of the commissioners in Title 5,
5 section 1660-D, subsection 3, section 6 corrects the references
6 to avoid redundancy.

7 Section 7 changes "Commissioner of Human Services" to
8 "Commissioner of Health and Human Services", and section 8
9 removes a reference to the Commissioner of Behavioral and
10 Developmental Services. Public Law 2003, chapter 689, Part B,
11 section 7 directs the Revisor of Statutes to change "Commissioner
12 of Human Services" and "Commissioner of Behavioral and
13 Developmental Services" to "Commissioner of Health and Human
14 Services"; changing both references to "Commissioner of Health
15 and Human Services" in this section of statute is not necessary.

16 Section 9 corrects a cross-reference.

17 Sections 10 and 11 remove references to a repealed provision
18 of law.

19 Section 12 corrects a conflict created by Public Law 2003,
20 chapter 655, which amended Title 12, section 10206, subsection 1,
21 paragraph B, and Public Law 2003, chapter 695, which repealed the
22 paragraph, by repealing the paragraph.

23 Public Law 2003, chapter 689, Part B, section 6 directs the
24 Revisor of Statutes to replace both "Department of Human
25 Services" and "Department of Behavioral and Developmental
26 Services" with "Department of Health and Human Services" to
27 reflect the consolidation of the departments. Section 13 amends
28 a reference to the Department of Behavioral and Developmental
29 Services to reflect the change.

30 Section 14 corrects cross-references to reflect changes made
31 by Public Law 2003, chapter 695 and this bill.

32 Section 15 corrects an error that occurred when Title 12,
33 section 12506, subsection 5 was repealed and replaced in Public
34 Law 2003, chapter 655, Part B, section 253. Paragraph B of
35 subsection 5 was supposed to have been excluded, reflecting its
36 previous repeal, but the subsection was mislettered to read
37 consecutively.

38 Section 16 corrects a cross-reference.

39 Section 17 corrects a conflict created when 2 public laws,
40 Public Law 2003, chapters 627 and 655, amended the same
41 subsection of law by incorporating the changes made by both
42 public laws.

2 Section 18 corrects a conflict created by Public Law 2003,
4 chapters 627 and 655, which affected the same provision of law,
by incorporating the changes made by both laws.

6 Section 19 corrects a conflict created by Public Law 2003,
8 chapter 627, which repealed and replaced Title 12, section 13068,
subsection 15, and chapter 655, which repealed the entire section
10 and enacted section 13068-A. Section 19 corrects the conflict by
repealing Title 12, section 13068, subsection 15.

12 Section 20 corrects a conflict created by Public Law 2003,
14 chapters 655 and 695, which affected the same provision of law,
by incorporating the changes made by both laws.

16 Sections 21 to 23 correct a conflict created by Public Law
18 2003, chapter 655 and chapter 695, which affected the same
provision of law, by incorporating the changes made by both laws.

20 Sections 24 to 30 correct a conflict created by Public Law
22 2003, chapters 655 and 695. Chapter 655 repealed Title 12,
section 13157 and enacted a new section 13157-A. Chapter 695
24 affected many provisions of section 13157. Sections 24 to 30
correct the conflict by repealing section 13157 and incorporating
26 the language from the former section 13157 into section 13157-A.
Section 31 makes those changes retroactive to August 31, 2004.

28 Section 32 corrects a conflict created by Public Law 2003,
30 chapters 655 and 695, which affected the same provision of law,
by incorporating the changes made by both laws. Section 32 also
32 corrects a cross-reference to reflect a change made in this bill.

34 Section 33 corrects a cross-reference.

36 Section 34 corrects a cross-reference.

38 Public Law 2003, chapter 689, Part B, section 6 directs the
Revisor of Statutes to replace both "Department of Human
40 Services" and "Department of Behavioral and Developmental
Services" with "Department of Health and Human Services." Title
42 18-A, section 5-601, subsection (b) divides public guardianship
duties for certain persons between the Department of Human
44 Services and the Department of Behavioral and Developmental
Services. Section 35 assigns to the Department of Health and
46 Human Services public guardianship responsibility for all those
persons.

48 Public Law 2003, chapter 689, Part B, section 6 directs the
Revisor of Statutes to replace both "Department of Human
50 Services" and "Department of Behavioral and Developmental

Services" with "Department of Health and Human Services." Title
2 18-A, section 5-613, subsection (1) allows the costs of a
4 guardian ad litem for certain persons to be paid either by the
6 Department of Human Services or the Department of Behavioral and
8 Developmental Services. Section 36 allows the Department of
Health and Human Services to pay the costs of the guardian ad
litem for those persons and removes language made duplicative by
this revision.

10 Public Law 2003, chapter 689, Part B, section 7 directs the
12 Revisor of Statutes to replace both "Commissioner of Human
14 Services" and "Commissioner of Behavioral and Developmental
16 Services" with "Commissioner of Health and Human Services." Title
18 19-A, section 4013, subsection 1, paragraph A includes both the
Commissioner of Human Services and the Commissioner of Behavioral
and Developmental Services in the Maine Commission on Domestic
and Sexual Abuse. Section 37 repeals one of the positions to
negate redundancy created by the revision clause.

20 Public Law 2003, chapter 689, Part B, section 6 directs the
22 Revisor of Statutes to replace both "Department of Human
24 Services" and "Department of Behavioral and Developmental
26 Services" with "Department of Health and Human Services." Title
28 20-A, section 5152, subsection 3 specifies that membership on the
30 advisory committee on truancy, dropouts and alternative education
includes representation from the Department of Human Services and
the Department of Behavioral and Developmental Services. Section
38 makes the Department of Health and Human Services change and
section 39 repeals one of the positions to negate redundancy
created by the revision clause.

32 Section 40 corrects a cross-reference. The Maine Sunset Act
34 was repealed in 1989; in 1995 the State Government Evaluation Act
36 was enacted to provide a systematic review of agencies of State
Government. Section 40 changes the reference from "Maine Sunset
38 Act" to the statutory cross-reference for the State Government
Evaluation Act.

40 Section 41 corrects a conflict created by Public Law 1999,
42 chapters 401 and 496, which enacted slightly different versions
44 of the Maine Dental Education Loan Program by repealing the
differing paragraphs and replacing them with the chapter 401
version.

46 Public Law 2003, chapter 689, Part B, section 7 directs the
48 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
22, section 6-A requires the Commissioner of Human Services to

2 work with the Commissioner of Behavioral and Developmental
3 Services. Section 42 repeals that requirement.

4 Public Law 2003, chapter 689, Part B, section 6 directs the
5 Revisor of Statutes to replace both "Department of Human
6 Services" and "Department of Behavioral and Developmental
7 Services" with "Department of Health and Human Services." Title
8 22, section 6-C contains numerous references to both departments
9 and requires joint direction by the Commissioner of Human
10 Services and the Commissioner of Behavioral and Developmental
11 Services. Section 43 repeals and replaces section 6-C to make
12 the changes required by the revision clause and to ensure that
13 the section makes sense.

14 Section 44 corrects a conflict created by Public Law 2003,
15 chapters 510 and 611, which both amended the same provision of
16 law, by repealing the provision of law and replacing it with the
17 chapter 611 version.

18 Public Law 2003, chapter 689, Part B, section 6 directs the
19 Revisor of Statutes to replace both "Department of Human
20 Services" and "Department of Behavioral and Developmental
21 Services" with "Department of Health and Human Services." Title
22 22, section 3472 defines "department" as the Department of Human
23 Services or the Department of Behavioral and Developmental
24 Services and "commissioner" as the commissioners of those
25 departments, depending on specified circumstances. Section 45
26 eliminates redundancy that would result from implementing the
27 revision clause by eliminating the reference to the Department of
28 Behavioral and Developmental Services, and section 46 repeals the
29 definition of "department" since it is defined for Title 22 as
30 the Department of Health and Human Services.

31 Section 47 resolves a conflict created by Public Law 1997,
32 chapter 284, which enacted new language within Title 22, chapter
33 1053, and Public Law 1997, chapter 530, which repealed Title 22,
34 chapter 1053 and enacted chapter 1053-B. Section 47 resolves the
35 conflict by reallocating Title 22, section 3741-M to section
36 3769-D under new chapter 1053-B, which governs temporary
37 assistance for needy families.

38 Public Law 2003, chapter 689, Part B, section 6 directs the
39 Revisor of Statutes to replace both "Department of Human
40 Services" and "Department of Behavioral and Developmental
41 Services" with "Department of Health and Human Services." Title
42 22, section 3762, subsection 2, paragraph C requires the
43 Department of Human Services to collaborate with the Department
44 of Behavioral and Developmental Services. Section 48 repeals
45 that paragraph to eliminate the redundancy created by the
46 revision clause.

2 Section 49 corrects a cross-reference. The Maine Sunset Act
3 was repealed in 1989; in 1995 the State Government Evaluation Act
4 was enacted to provide a systematic review of agencies of State
5 Government. Section 49 changes the reference from "Maine Sunset
6 Act" to the statutory reference for the State Government
7 Evaluation Act.

8 Public Law 2003, chapter 689, Part B, section 7 directs the
9 Revisor of Statutes to replace both "Commissioner of Human
10 Services" and "Commissioner of Behavioral and Developmental
11 Services" with "Commissioner of Health and Human Services." Title
12 22, section 7924 requires written reports of certain violations
13 to be made to both of those commissioners. Sections 50 and 51
14 change a reference from "Department of Health and Human Services"
15 to "department," since "department" is defined for Title 22 as
16 the Department of Health and Human Services. Section 50 also
17 changes a reference from "Commissioner of Health and Human
18 Services" to "commissioner," since "commissioner" is defined for
19 Title 22 as the Commissioner of Health and Human Services.
20 Section 51 also makes a technical change. Section 52 changes
21 references from "Commissioner of Human Services" and
22 "Commissioner of Behavioral and Developmental Services" to
23 "commissioner," since "commissioner" is defined in Title 22 as
24 the Commissioner of Health and Human Services.

25 Public Law 2003, chapter 689, Part B, section 7 directs the
26 Revisor of Statutes to replace both "Commissioner of Human
27 Services" and "Commissioner of Behavioral and Developmental
28 Services" with "Commissioner of Health and Human Services." Title
29 22, section 7933, subsection 2 requires the Commissioner of Human
30 Services to work with the Commissioner of Behavioral and
31 Developmental Services in bringing an action to request the
32 appointment of a receiver to operate a private psychiatric
33 hospital. Section 53 repeals that requirement.

34 Public Law 2003, chapter 689, Part B, section 7 directs the
35 Revisor of Statutes to replace both "Commissioner of Human
36 Services" and "Commissioner of Behavioral and Developmental
37 Services" with "Commissioner of Health and Human Services." Title
38 22, section 8104, subsection 1 requires the Commissioner of Human
39 Services, the Commissioner of Behavioral and Developmental
40 Services and the Commissioner of Education to jointly establish a
41 method for interagency licensing of residential child care
42 facilities. Section 54 repeals one of the references to the
43 Commissioner of Health and Human Services to eliminate the
44 redundancy created by the revision clause.
45

46 Section 55 corrects a conflict created by Public Law 2003,
47 chapters 656 and 677, which affected the same provision of law,
48 by incorporating the changes made by both laws.
49
50

2 Public Law 2003, chapter 560 amended Title 25, section 3701,
4 subsection 6 to remove language repealing subsection 6 on
6 February 1, 2004. Public Law 2003, chapter 560, though an
8 emergency, did not take effect until March 17, 2004, after the
repeal took effect. Section 56 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.

10 Public Law 2003, chapter 560 amended Title 25, section
12 3702-A to remove language repealing section 3702-A on February 1,
2004. Public Law 2003, chapter 560, though an emergency, did not
14 take effect until March 17, 2004, after the repeal took effect.
Section 57 enacts Title 25, section 3702-C to reflect the intent
16 of the Legislature to maintain the provisions of Title 25,
section 3702-A.

18 Section 58 repeals language that makes reference to a
20 provision of law that was repealed by Public Law 2003, chapter
696, section 5.

22 Section 59 corrects a cross-reference.

24 Section 60 corrects a conflict created by Public Law 2003,
26 chapters 595 and 641, which affected the same provision of law.
Chapter 595 removed a conjunction from the end of the paragraph,
and chapter 641 made technical changes to the provision. Section
28 60 corrects the conflict by incorporating the changes made by
both laws.

30 Section 61 corrects a conflict created by Public Law 2003,
32 chapter 604, which repealed Title 30-A, section 4349-A,
subsection 3, and chapter 641, which amended the same provision,
34 by repealing the provision. Section 62 makes the repeal
effective July 1, 2005, which is the date the repeal of the
36 subsection by chapter 604 takes effect.

38 Section 63 corrects a conflict created by Public Law 2003,
40 chapters 631 and 673, which affected the same provision of law.
This section repeals the provision and replaces it with the
42 chapter 673 version with minor revisions. Section 64 provides
for a retroactive effective date of August 1, 2004, the effective
44 date of the fee increase made by chapter 673.

46 Section 65 corrects a conflict created by Public Law 2003,
48 chapters 631 and 673, which affected the same provision of law.
Section 65 repeals the provision and replaces it with the chapter
673 version with minor revisions. Section 66 provides for a
50 retroactive effective date of August 1, 2004, the effective date
of the fee increase made by chapter 673.

2 Section 67 corrects a conflict created by Public Law 2003,
3 chapters 631 and 673, which affected the same provision of law.
4 Section 67 repeals the provision and replaces it with the chapter
5 673 version with minor revisions. Section 68 provides for a
6 retroactive effective date of January 1, 2005, the effective date
7 of the fee increase made by chapter 673.

8
9 Section 69 corrects a cross-reference. The Maine Sunset Act
10 was repealed in 1989; in 1995 the State Government Evaluation Act
11 was enacted to provide a systematic review of agencies of State
12 Government. Section 69 changes the reference from the "Maine
13 Sunset Act" to the statutory cross-reference for the State
14 Government Evaluation Act.

15 Section 70 deletes language that makes reference to a
16 provision of law that was repealed by Public Law 2003, chapter
17 706, Part B, section 5.

18
19 Section 71 removes cross-references to provisions of law
20 that were repealed by Public Law 2003, chapter 711, Part B,
21 section 1. Section 72 removes a cross-reference to the provision
22 of law that was repealed in section 71.

23
24 Public Law 2003, chapter 689, Part B, section 7 directs the
25 Revisor of Statutes to replace both "Commissioner of Human
26 Services" and "Commissioner of Behavioral and Developmental
27 Services" with "Commissioner of Health and Human Services." Title
28 34-B, section 1201-A requires the Commissioner of Behavioral and
29 Developmental Services to coordinate regional service delivery
30 with the Commissioner of Human Services. Section 73 repeals that
31 requirement.

32
33 Public Law 2003, chapter 689, Part B, section 6 directs the
34 Revisor of Statutes to replace both "Department of Human
35 Services" and "Department of Behavioral and Developmental
36 Services" with "Department of Health and Human Services." Title
37 34-B, section 1205, subsection 1 requires the Department of
38 Behavioral and Developmental Services, Office of Advocacy to
39 investigate with the Department of Human Services allegations of
40 adult and child abuse in state institutions. Section 74 repeals
41 that reference to the Department of Human Services to eliminate
42 the redundancy created by the revision clause.

43
44 Public Law 2003, chapter 689, Part B, section 6 directs the
45 Revisor of Statutes to replace both "Department of Human
46 Services" and "Department of Behavioral and Developmental
47 Services" with "Department of Health and Human Services." Title
48 34-B, section 1205, subsection 3, paragraph G requires the
49 Department of Behavioral and Developmental Services, Office of
50

2 Advocacy to negotiate joint working agreements with the
3 Department of Human Services. Sections 75 to 77 repeal that
4 requirement to eliminate the redundancy created by the revision
5 clause and make punctuation changes to reflect the repeal.

6 Public Law 2003, chapter 689, Part B, section 6 directs the
7 Revisor of Statutes to replace both "Department of Human
8 Services" and "Department of Behavioral and Developmental
9 Services" with "Department of Health and Human Services." Title
10 34-B, section 1207, subsection 1, paragraphs B and B-1 allow for
11 the disclosure of certain information by the Department of
12 Behavioral and Developmental Services under certain
13 circumstances, including when requested to do so by the
14 Department of Human Services. Sections 78 and 79 repeal the
15 requirement that information be disclosed to the Department of
16 Human Services and eliminate references to the Department of
17 Human Services to eliminate the redundancy created by the
18 revision clause.

20 Section 80 repeals a provision of law that makes reference
21 to a repealed provision of law.

22 Section 81 corrects a cross-reference.

24 Sections 82 to 84 correct a numbering problem created by
25 Public Law 2003, chapters 625 and 687, which enacted 2
26 substantively different provisions with the same paragraph
27 designation. Section 85 makes the change apply to property tax
28 years beginning on or after April 1, 2004. Section 86 makes the
29 provisions retroactive to January 3, 2004, the effective date of
30 chapter 687.

32 Section 87 corrects a cross-reference.

34 Section 88 corrects a conflict created by Public Law 2003,
35 chapters 507 and 673, which affected the same provision of law,
36 by incorporating the changes made by both laws.

38 Section 89 corrects an error created by the omission of
39 Title 14, section 3142, subsection 1, paragraph C, subparagraph
40 (4) in the law that recodified the fish and wildlife laws.
41 Section 90 adds an effective date.

44 Section 91 corrects a conflict created by Public Law 2003,
45 chapters 507 and 673, which affected the same provision of law,
46 by incorporating the changes made by both laws. Section 92 makes
47 the provision retroactive to June 12, 2003, the effective date of
48 Public Law 2003, chapter 507, Part A.

2 The Revisor's Report 2003, chapter 1 corrected a clerical
error in Title 12, section 13056, subsection 2, paragraph G and
provided for an effective date of the correction of 90 days
4 following adjournment of the Second Regular Session of the 121st
Legislature, which was the original effective date of the law
6 that enacted Title 12, section 13056. Public Law 2003, chapter
655, Part B, section 422 changed the effective date to August 31,
8 2004. Section 93 changes the date of the correction to August
31, 2004, and section 94 makes the change retroactive to April
10 30, 2004, the original effective date of Title 12, section 13056.