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(Filing No. H-1085)

JUDICIARY

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12 the House.

14 **STATE OF MAINE**
16 **HOUSE OF REPRESENTATIVES**
18 **122ND LEGISLATURE**
20 **SECOND REGULAR SESSION**

22 COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055, Bill, "An
24 Act To Correct Errors and Inconsistencies in the Laws of Maine"

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

30 **'PART A'**

32 Further amend the bill by striking out sections 15 to 17.

34 Further amend the bill by striking out section 22.

36 Further amend the bill by striking out section 34.

38 Further amend the bill by striking out section 39.

40 Further amend the bill by striking out section 49.

42 Further amend the bill by striking out sections 64 and 65.

44 Further amend the bill by inserting after section 82 the
46 following:

'PART B'

Sec. B-1. 5 MRSA §1753, sub-§4, as enacted by PL 1993, c. 606,
§2, is amended to read:

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2 4. Owner's representative an allowable cost. For purposes
of this section, the owner's representative is a subsidizable
4 cost eligible for subsidy in accordance with Title 20-A, sections
15603 15672 and 15901, only if the local unit pays 50% of the
costs of the employment of an owner's representative.

6 Sec. B-2. 9-A MRSA §1-301, sub-§22-A, as enacted by PL 2005,
8 c. 164, §1, is amended to read:

10 22-A. "Loan officer" means an individual who is employed or
retained and supervised by a licensed supervised lender that is
12 not a supervised financial organization, or by a registered
~~credit-services-organization~~ licensed loan broker, whose primary
14 job responsibilities include direct contact with mortgage
applicants and who accepts applications for and originates,
16 negotiates, solicits, arranges for or obtains mortgage loans.
"Loan officer" does not include employees who conduct purely
18 administrative or clerical tasks. "Loan officer" does not
include a sole proprietor licensed as and acting solely as a
20 supervised lender pursuant to section 2-302, subsection 1 or
registered licensed as and acting solely as a ~~credit-services~~
22 ~~organization~~ loan broker pursuant to section 10-201.

24 Sec. B-3. 9-A MRSA art. X, as amended, is further amended by
repealing the headnote and enacting the following in its place:

26 Article X

28 LOAN BROKERS

30 Sec. B-4. 9-A MRSA §10-201, as amended by PL 2005, c. 164, §9
32 and c. 274, §5, is repealed and the following enacted in its
place:

34 §10-201. Licensing and biennial relicensing

36 A person desiring to engage or continue in business in this
38 State as a loan broker shall apply to the administrator for a
license under this article on or before January 31st of each
40 even-numbered year. The application must be in a form prescribed
by the administrator. The administrator may refuse the
42 application if it contains erroneous or incomplete information.
At the time of application and on an ongoing basis during the
44 term of any such license, the applicant shall apply to the
administrator for registration of all loan officers employed or
46 retained by the applicant. An application for registration as a
loan officer must be filed in a manner prescribed by the
48 administrator and include the name, address and work location of
the loan officer and such additional information as is reasonably
50 requested by the administrator. An applicant's registration of a

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2 loan officer within 90 days of the date that registration would
3 otherwise be required does not constitute a violation of this
4 section. A license may not be issued unless the administrator,
5 upon investigation, finds that the financial responsibility,
6 character and fitness of the applicant, and where applicable, its
7 partners, officers or directors and the character and fitness of
8 its loan officers, warrant belief that the business will be
9 operated honestly and fairly within the purposes of this Title.
10 The administrator may adopt rules requiring that applicants,
11 applicants' partners, officers or directors and employees of
12 applicants satisfy initial and continuing educational
13 requirements. The reasonable costs of meeting such educational
14 requirements are assessed to applicants. Rules adopted pursuant
15 to this section are routine technical rules pursuant to Title 5,
16 chapter 375, subchapter 2-A.

17 The initial application for a license as a loan broker must
18 include a fee of \$400. The biennial relicensing application must
19 include a fee of \$200. Initial applicants and biennial
20 relicensing applicants must pay an additional fee of up to \$20
21 for registration of each loan officer, up to a maximum of \$200 in
22 total.

23 A licensee may conduct business only at or from a place of
24 business for which the licensee holds a license and not under any
25 other name than that on the license.

26 A licensed loan broker may conduct business only through a
27 loan officer who possesses a current, valid registration. A loan
28 officer must be registered at the loan officer's principal
29 licensed work location and may then work from any licensed
30 location of the loan broker. The registration of a loan officer
31 is valid only when that person is employed or retained and
32 supervised by a licensed loan broker. When a loan officer ceases
33 to be employed by a licensed loan broker, the loan broker shall
34 promptly notify the administrator in writing.

35 **Sec. B-5. 9-A MRS §10-401, first ¶,** as amended by PL 2005, c.
36 164, §10 and c. 274, §14, is repealed and the following enacted
37 in its place:

38 Any loan broker or loan officers of any loan broker that
39 violate any provision of this Title or any rule issued by the
40 administrator, or that through any unfair, unconscionable or
41 deceptive practice cause actual damage to a consumer, are subject
42 to the following:

43 **Sec. B-6. 9-A MRS §10-401, sub-§4,** as amended by PL 2005, c.
44 164, §11 and c. 274, §14, is repealed and the following enacted
45 in its place:

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2 4. A civil action by an aggrieved consumer in which that
3 consumer has the right to recover actual damages from the loan
4 broker or its loan officers in an amount determined by the court,
5 plus costs of the action together with reasonable attorney's
6 fees; and

8 **Sec. B-7. 10 MRSA §9097, sub-§10**, as enacted by PL 1989, c.
9 104, Pt. B, §9 and Pt. C, §10, is amended to read:

10 **10. Discrimination against tenants with children**
11 **prohibited.** Discrimination against any tenant with children is
12 prohibited in accordance with Title 14 5, ~~section-6027~~ chapter
13 337.

14 **Sec. B-8. 14 MRSA §251, sub-§3**, as amended by PL 1979, c. 663,
15 §76, is further amended to read:

16 **3. Trial by jury.** Upon demand, the right to a speedy and
17 public trial by an impartial jury of the county wherein the
18 contempt was allegedly committed. This requirement shall may not
19 be construed to apply to contempts committed in the presence of
20 the court or so near thereto as to interfere directly with the
21 administration of justice or to apply to the misbehavior,
22 misconduct or disobedience of any officer of the court in respect
23 to the writs, orders or process of the court.

24 **Sec. B-9. 19-A MRSA §1507, sub-§3**, as amended by PL 1997, c.
25 257, §3 and affected by §6, is further amended to read:

26 **3. Duties.** The guardian ad litem has both mandatory and
27 optional duties.

28 A. A guardian ad litem shall:

29 (1) Interview the child face-to-face with or without
30 another person present; and

31 (3) Make a written report of investigations, findings
32 and recommendations as ordered by the court, with
33 copies of the report to each party and the court.

34 B. The court shall specify the optional duties of the
35 guardian ad litem. The optional duties of the guardian ad
36 litem may include:

37 (1) Interviewing the parents, teachers and other
38 people who have knowledge of the child or family;

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- (2) Reviewing mental health, medical and school records of the child;
- (3) Reviewing mental health and medical records of the parents;
- (4) Having qualified people perform medical and mental evaluations of the child;
- (5) Having qualified people perform medical and mental evaluations of the parents;
- (6) Procuring counseling for the child;
- (7) Retaining an attorney to represent the guardian ad litem in the pending proceeding, with approval of the court;
- (8) Subpoenaing witnesses and documents and examining and cross-examining witnesses;
- (9) Serving as a contact person between the parents and the child; or
- (10) Other duties that the court determines necessary, including, but not limited to, filing pleadings.

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If, in order to perform the duties, the guardian ~~as~~ ad litem needs information concerning the child or parents, the court may order the parents to sign an authorization form allowing the release of the necessary information. The guardian ad litem must be allowed access to the child by caretakers of the child, whether the caretakers are individuals, authorized agencies or child care providers.

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Sec. B-10. 20-A MRSA §6651, sub-§4, as amended by PL 1989, c. 414, §16, is further amended to read:

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4. Cost to teachers and other employees. A school administrative unit or private school may offer school-based child care services to teachers and other employees of the unit or private school in accordance with a policy established by the local school board ~~which~~ that establishes the basis for participation. The school administrative unit or private school shall charge a fee for provision of such services ~~which is at least equal to the per-child cost defined in subsection 3.~~

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Sec. B-11. 20-A MRSA §11805, as amended by PL 1991, c. 824, Pt. A, §36 and repealed by c. 832, §5 and affected by §§13 and 14, is repealed.

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2 **Sec. B-12. 20-A MRSA §15901, sub-§4**, as amended by PL 1999, c.
31, §6, is further amended to read:

4 **4. School construction project.** "School construction
5 project" means:

6 A. On-site additions to existing schools;

7 B. New schools;

8 C. The cost of land acquired in conjunction with projects
9 otherwise defined by this subsection;

10 D. The building of or acquisition of other facilities
11 related to the operation of school administrative units;

12 E. The complete restoration of existing school buildings in
13 lieu of replacement when in the judgment of the commissioner
14 the action is in the best interest of the State and local
15 unit; and

16 F. Off-site construction may only be ~~included within the~~
17 ~~meaning of this term~~ if, in the judgment of the
18 commissioner, it is economically in the best interests of
19 the State or there is no other practical way to complete a
20 project.

21 "School construction project" does not mean the purchase,
22 lease-purchase or construction of portable temporary classroom
23 space, as defined in section ~~15603~~ 15672, subsection 19-A- 21-B,
24 the lease-purchase of bus garage and maintenance facilities, ~~as~~
25 ~~defined in section 15603, subsection 6-A-~~ or a permanent space
26 lease-purchase project as defined in section 15901, subsection
27 4-B.

28 **Sec. B-13. 20-A MRSA §15901, sub-§4-A**, as amended by PL 1991,
29 c. 268, §6, is further amended to read:

30 **4-A. Small scale school construction project.** "Small scale
31 school construction project" means a project that will not be
32 eligible for state subsidy and is limited to:

33 A. New buildings not exceeding 600 square feet in gross
34 area to be utilized solely for storage or custodial work, or
35 both; or

36 B. On-site additions to existing school buildings not
37 exceeding 600 square feet in gross area.

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2 "Small scale school construction project" does not mean the
purchase, lease-purchase or construction of portable temporary
4 classroom space, as defined in section ~~15603~~ 15672, subsection
~~19-A- 21-B,~~ or the lease-purchase of bus garage and maintenance
6 facilities, ~~as defined in section 15603, subsection 6-A.~~

8 **Sec. B-14. 20-A MRSA §15901, sub-§4-B,** as enacted by PL 1999,
c. 81, §7, is amended to read:

10 **4-B. Permanent space lease-purchase project.** "Permanent
space lease-purchase project" means the lease-purchase of
12 permanent administrative space or permanent small
nonadministrative or instructional space whose costs are wholly
14 or partially eligible as debt service costs for subsidy purposes
under section ~~15603~~ 15672, subsection ~~--8-~~ 2-A, paragraph B,
16 subparagraph (1) or subparagraph (3). "Permanent space
lease-purchase project" does not mean the purchase,
18 lease-purchase or construction of portable temporary classroom
space, as defined in section ~~15603~~ 15672, subsection ~~19-A- 21-B,~~
20 or the lease-purchase of bus garage and maintenance facilities,
~~as defined in section 15603, subsection 6-A.~~

22 **Sec. B-15. 20-A MRSA §15904, sub-§6,** as enacted by PL 1999, c.
24 81, §12, is amended to read:

26 **6. Permanent space lease-purchase projects.** A permanent
space lease-purchase project, as defined in section 15901,
28 subsection 4-B, whose costs are wholly eligible as debt service
costs for subsidy purposes under section ~~15603~~ 15672,
30 subsection ~~-8-~~ 2-A, paragraph B must receive a favorable vote of
the legislative body of the school administrative unit. A
32 permanent space lease-purchase project whose lease-purchase costs
are not eligible as debt service costs for subsidy purposes under
34 section ~~15603~~ 15672, subsection ~~-8-~~ 2-A, paragraph B must receive
a favorable vote of the legislative body conducted in accordance
36 with this section, except that subsection 4 does not apply. The
vote may authorize the school board or school committee to enter
38 into a mortgage, security interest or other encumbrance on the
permanent space lease-purchase project determined to be necessary
40 for the permanent space lease-purchase project.

42 **Sec. B-16. 20-A MRSA §15905, sub-§7,** as enacted by PL 1997, c.
397, §1, is amended to read:

44 **7. Interest-only interim local financing.** Notwithstanding
46 any provision of law or rule to the contrary, the state board may
accelerate the dates on which it grants concept approval and
48 funding approval for a school construction project that has been
placed on the special priority list of the state board on the
50 condition that the school administrative unit provide

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2 interest-only interim local financing for the project in
3 accordance with this subsection. The period of interest-only
4 interim local financing must be determined by the state board at
5 the time concept approval is granted for a project and must be
6 based on the time difference between the date that final funding
7 approval is expected to be granted on an accelerated basis and
8 the date that final funding approval would have been expected to
9 be granted in the normal course. The period of interim local
10 financing for a project may not exceed 5 years.

11 Notwithstanding any provision of law or rule to the contrary, a
12 school administrative unit, including a school administrative
13 unit established by private and special law, authorized to issue
14 securities for school construction purposes may issue its
15 securities for school construction purposes on an interest-only
16 basis during a period of interest-only interim local financing
17 approved by the state board in accordance with this subsection.
18 The period of interest-only interim local financing must precede,
19 and be in addition to, the periods for interest payments and
20 principal payments otherwise established pursuant to the school
21 construction rules of the state board. The length of the period
22 of interest-only interim local financing and the length of the
23 debt service schedule otherwise established must be clearly
24 stated on the face of the securities.

25 The interest-only payments made by a school administrative unit
26 during the period of interim financing must be paid from local
27 funds without state participation and may not be included in the
28 unit's debt service costs for state subsidy purposes under
29 section ~~15603~~ 15672, subsection --8- 2-A. Such interest-only
30 payments during the period of interim local financing may not be
31 considered debt service costs as defined in section ~~15603~~ 15672,
32 subsection --8--~~paragraph--~~A 2-A for purposes of calculating
33 amounts subject to the debt service limit established by this
34 section ~~15905, subsection 1, paragraph A.~~

35 The referendum question that is submitted to the voters for a
36 project subject to interest-only interim local financing under
37 this subsection must include, in addition to the information
38 required by section 15904, an informational statement that sets
39 forth the length of the period of interest-only interim financing
40 established by the state board, an estimate of the annual
41 interest cost during the period of interest-only interim local
42 financing and a statement that the interest-only payments during
43 the period of interim local financing is not eligible for
44 inclusion in the debt service allocation of the school
45 administrative unit for purposes of calculating state school
46 construction subsidy to the unit.
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2 The maximum period that securities for a school construction
3 project may be outstanding under any applicable statute or rule
4 must be extended by the length of the period of interest-only
5 interim local financing approved by the state board under this
6 subsection.

7 If the voters of a school administrative unit do not vote to
8 approve a school construction project subject to interest-only
9 interim local financing under this subsection, the unit's school
10 construction project remains eligible for concept and funding
11 approval from the state board at the time that the project would
12 be eligible for such approval without interest-only interim
13 location funding.

14 **Sec. B-17. 22 MRSA §2700-A, sub-§4**, as amended by PL 2005, c.
15 589, §2, is further amended to read:

16 **4. Fees.** Beginning April 1, 2006, each manufacturer of
17 prescription drugs that are provided to Maine residents through
18 the MaineCare program under section 3174-G or the elderly
19 low-cost drug program under section 254 ~~254-D~~ shall pay a fee of
20 \$1,000 per calendar year to the State. Fees collected under this
21 subsection must be used to cover the cost of overseeing
22 implementation of this section, including but not limited to
23 maintaining links to publicly accessible websites to which
24 manufacturers are posting clinical trial information under
25 subsection 3 and other relevant sites, assessing whether and the
26 extent to which Maine residents have been harmed by the use of a
27 particular drug and undertaking the public education initiative
28 under subsection 5. Revenues received under this subsection must
29 be deposited into an Other Special Revenue Funds account to be
30 used for the purposes of this subsection.

31 **Sec. B-18. 22 MRSA §7703, sub-§4, ¶F**, as enacted by PL 1983, c.
32 691, §2, is amended to read:

33 **F.** The Protection and Advocacy Agency for the
34 Developmentally Disabled in Maine in connection with
35 investigations conducted in accordance with Title 5, chapter
36 961 511. The determination of what information and records
37 are relevant to the investigation shall must be made by
38 agreement between the department and the agency; and

39 **Sec. B-19. 24-A MRSA §3703, sub-§5**, as amended by PL 1997, c.
40 661, §5, is further amended to read:

41 **5. Composition of the board.** The board consists of up to 9
42 members. Six members must be officers, directors, employees,
43 partners or members of policyholders who purchase workers'
44 compensation coverage from the Maine Employers' Mutual Insurance
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2 Company. Two members must be persons who represent the public
3 interest of the company and must be appointed by the Governor
4 within 30 days after a new board member is authorized or a
5 vacancy occurs, subject to review and comment by the joint
6 standing committee of the Legislature having jurisdiction over
7 banking and insurance matters. The designated committee shall
8 complete its review within 15 days of the Governor's written
9 notice of appointment. If the designated committee fails to act
10 within the required 15 days, then the appointees put forward by
11 the Governor become the required board members. One member must
12 be an at-large policyholder member elected by the board. The
13 remaining board member is the president and chief executive
14 officer who shall serve on the board of directors while employed
15 as president and chief executive officer. The reduction in the
16 number of board members from 13 to 9 must be done by attrition.
17 The first 4 appointments to expire after September 1, 1998 may
18 not be filled.

19
20 A member of the board may not be a lobbyist required to be
21 registered with the Secretary-of-State Commission on Governmental
22 Ethics and Election Practices, a service provider to the workers'
23 compensation system or a representative of a service provider to
24 the workers' compensation system.

25 **Sec. B-20. 24-A MRSA §6908, sub-§12**, as enacted by PL 2005, c.
26 400, Pt. A, §5, is reallocated to 24-A MRSA §6908, sub-§13.

27 **Sec. B-21. 28-A MRSA §1551, sub-§3, ¶F**, as amended by PL 2005,
28 c. 377, §2, is further amended to read:

29 F. ~~Maine--farm~~ Farm winery, includes bottling (one
30 year).....\$50;

31
32 **Sec. B-22. 28-A MRSA §2077-A**, as amended by PL 1997, c. 373,
33 §§157 and 158 and repealed by c. 501, §5, is repealed.

34
35 **Sec. B-23. 29-A MRSA §2413, sub-§3**, as amended by PL 2005, c.
36 12, Pt. JJ, §2 and c. 441, §2, is repealed and the following
37 enacted in its place:

38
39 **3. Penalties.** In addition to any other penalty, the court
40 shall suspend the driver's license of a person convicted under
41 subsection 1 for not less than 30 days nor more than 180 days,
42 which minimum may not be suspended. In addition to any other
43 penalty, the court shall suspend the driver's license of a person
44 convicted under subsection 1-A for not less than 180 days nor
45 more than 2 years, which minimum may not be suspended. If the
46 court fails to suspend the license, the Secretary of State shall
47 impose the minimum period of suspension. The court shall impose
48

a sentencing alternative that involves a fine of not less than \$575, which may not be suspended.

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Sec. B-24. 30-A MRSA §5703, sub-§2, ¶B, as amended by PL 1989, c. 700, Pt. A, §129, is further amended to read:

B. For school construction projects approved by the State Board of Education after July 1, 1985, by multiplying the outstanding amount of each issue of debt incurred for school purposes by the municipality in connection with a project which that qualifies for state school construction subsidy under Title 20-A and the state share percentage of operating costs for that municipality as defined in Title 20-A, section ~~15609~~ 15672, subsection ~~1,--paragraph--A-~~ 31, ~~subparagraph-(1)~~, for the year in which the project received concept approval from the State Board of Education.

(1) The certificate of the Commissioner of Education that a project qualifies for state school construction aid and as to the state share percentage of operating costs for that municipality as defined in Title 20-A, section ~~15609~~ 15672, subsection ~~1,--paragraph--A-~~ 31, ~~subparagraph-(1)~~ 31, for the year in which the project received concept approval ~~shall--be~~ is conclusive evidence of the facts stated therein.

Sec. B-25. 34-A MRSA §1402, sub-§4, ¶A, as enacted by PL 1983, c. 459, §6 and amended by PL 2005, c. 397, Pt. D, §3, is further amended to read:

A. The commissioner shall establish and maintain suitable courses for career and technical education in the correctional facilities.

(1) The commissioner shall install equipment necessary to carry out this duty.

(2) The commissioner shall employ suitable and qualified instructors necessary to carry out this duty, subject to the approval of the ~~Associate-Commissioner of--the--Bureau--of--Vocational--Education~~ Department of Education.

Sec. B-26. 34-A MRSA §3001-A is enacted to read:

§3001-A. Boards of visitors

1. Appointment. The Governor shall appoint a board of 5 visitors for each correctional facility under the department, as authorized by Title 5, section 12004-I, subsection 5.

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- 2 A. The terms of the members of the boards of visitors are
3 for 3 years.
- 4
- 5 B. Members of the boards of visitors are eligible for
6 reappointment at the expiration of their terms.
- 7
- 8 C. A member of the Legislature or an employee of the
9 department may not serve on any board of visitors.
- 10
- 11 D. At least one member of each board must be a person
12 licensed by this State to provide mental health services.
- 13
- 14 E. Each member of the boards of visitors must be
15 compensated according to the provisions of Title 5, chapter
16 379.
- 17
- 18 F. The Governor shall appoint a chair from the membership.
- 19
- 20 2. Duties. Boards of visitors have the following duties.
- 21
- 22 A. Each board of visitors shall inspect the correctional
23 facility to which it is assigned. Each board of visitors
24 must be provided open access to all physical areas of the
25 correctional facility, including access to areas housing
26 clients. Each board of visitors must be provided the
27 opportunity to speak to clients and to staff. Members of
28 the board shall comply with all departmental policies and
29 procedures and facility security practices regarding access
30 to the correctional facility, shall adhere to all federal
31 and state law regarding confidentiality and shall refer
32 concerns or complaints regarding specific individuals to the
33 chief administrative officer or advocate.
- 34
- 35 B. Each board of visitors shall review the management of
36 the correctional facility to which it is assigned to
37 determine whether that management is consistent with the
38 philosophy, mission and policy goals of the department and
39 facility. Each board of visitors shall prepare an annual
40 report including its recommendations and shall provide
41 copies of its report to the chief administrative officer of
42 the facility, the commissioner and the joint standing
43 committee of the Legislature having jurisdiction over
44 criminal justice and public safety matters. The
45 commissioner shall provide copies with the department's
46 response to the reports to the joint standing committee of
47 the Legislature having jurisdiction over criminal justice
48 and public safety matters within one month of receiving the
49 annual reports.
- 50

2 C. Each board of visitors shall appear before the joint
3 standing committee of the Legislature having jurisdiction
4 over criminal justice and public safety matters upon request.

5 D. Boards of visitors shall meet regularly and at least 4
6 times a year. At each meeting, a board of visitors may
7 request and must receive information from the chief
8 administrative officer as the board determines will assist
9 in the review of the management of the facility. To the
10 extent that a board of visitors is not discussing matters
11 made confidential by federal or state law, meetings of
12 boards are public proceedings and must be conducted in
13 accordance with Title 1, section 403. Boards of visitors
14 may meet jointly.

15 E. Each board of visitors shall share copies of that
16 board's annual report with the other boards.

17 **3. Visit to correctional facilities and communications with**
18 **clients and staff.** A member of a board of visitors may visit the
19 correctional facility to which that board is assigned and may
20 speak with clients and with staff. The member shall comply with
21 all departmental policies and procedures and facility security
22 practices regarding access to the correctional facility, shall
23 adhere to all federal and state law regarding confidentiality and
24 shall refer concerns or complaints regarding specific individuals
25 to the chief administrative officer or advocate.

26 **4. Volunteer activities.** Volunteer activities of a member
27 of a board of visitors may be proscribed by departmental policies
28 regarding volunteer activities generally.

29 **Sec. B-27. 34-A MRSA §3002,** as amended by PL 2005, c. 488,
30 §10, is repealed.

31 **Sec. B-28. 34-A MRSA §11222, sub-§1-A, ¶A,** as amended by PL
32 2005, c. 423, §14, is further amended to read:

33 A. If the registrant is sentenced to a wholly suspended
34 sentence with probation or administrative release, or to a
35 punishment alternative not involving imprisonment, the duty
36 to register is triggered at the time the person commences an
37 in actual execution of the wholly suspended sentence or at
38 the time of sentence imposition when no punishment
39 alternative involving imprisonment is imposed, unless the
40 court orders a stay of execution, in which event the duty is
41 triggered by the termination of the stay.

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transact business therein in the State, as sureties, in the penal sum of not less than \$500,000. Each surety company shall give bond for only a fractional part of the total penal sum and shall be held responsible for its proportional share of any loss.

6 The Treasurer of State shall may not receive no other fee, emolument or perquisite in addition to his the salary.

8
10 The chief clerk in the office of the Treasurer of State shall ~~be~~ is designated as "deputy treasurer of state." In the event of a vacancy in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State until a Treasurer of State is elected by the Legislature, and the deputy treasurer shall give bond to the State, with sureties, to the satisfaction of the Governor for the faithful discharge of the trust. During In the event of the absence or disability of the Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State to perform the duties of the office, including the exercise of all the Treasurer of State's rights and obligations as a member or ex officio member of any governing board of directors. ~~When a vacancy occurs, he shall give bond to the State, with sureties, to the satisfaction of the Governor, for the faithful discharge of his trust.~~

24
26 **Sec. C-2. 5 MRSA §2031, sub-§1**, as amended by PL 2005, c. 343, §1, is further amended to read:

28 **1. Council established.** The Pharmaceutical Cost Management Council, referred to in this chapter as "the council," is established and consists of ~~15~~ 16 voting members appointed by the Governor as follows:

32
34 A. The Commissioner of Administrative and Financial Services or the commissioner's designee;

36 B. The Commissioner of Health and Human Services or the commissioner's designee;

38
40 C. The Executive Director of the Workers' Compensation Board or the executive director's designee;

42 D. One representative of private payors who join the council;

44
46 E. ~~One member from each of~~ Four members representing the following publicly funded groups:

48 (1) The Two members from the Maine state employees health insurance program, one member representing labor and one member representing management;

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- 2 (2) The One member from the University of Maine
System; and
- 4
- 6 (3) The One member from the Maine Community College
System;
- 8 F. The director of the Governor's Office of Health Policy
and Finance or the director's designee or the director of a
10 successor agency;
- 12 G. Two public purchasers not listed above;
- 14 H. A health care provider;
- 16 I. A clinical pharmacist; and
- 18 J. Three consumers of health care services, one of whom
represents a statewide organization that advocates for
20 enrollees in a publicly funded health program that includes
comprehensive prescription drug benefits.

22 Representatives of municipal or county governments, the Maine
24 Education Association's benefits trust, the Maine School
Management Association's benefits trust and other public
26 purchasers not listed in this subsection and private purchasers
may be allowed to join the council as nonvoting members and to
28 participate in savings opportunities.

30 **Sec. C-3. 8 MRSA §300-A, sub-§1,** as enacted by PL 2005, c.
304, §1, is amended to read:

32 **1. Illegal wagering on horse races.** A person is liable for
34 the damages specified in this section if that person accepts a
wager ~~concerning harness racing~~ from a person located within this
36 State ~~unless the person accepting the wager is licensed to do so~~
~~under this chapter.~~ and:

38 A. A license is required under this chapter to accept the
40 wager; and

42 B. The person who accepts the wager is not licensed to do
44 so under this chapter.

46 **Sec. C-4. 10 MRSA §1415-C, sub-§6,** as amended by PL 1991, c.
824, Pt. A, §14, is further amended to read:

48 **6. Waiver application.** A request for a waiver under
subsection 4 must be submitted to the ~~Department of Economic and~~
50 ~~Community Development~~ commission in writing and must contain the

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location of the renovation, the intended use of the building and the names of the owner, designer and contractor or builder. If applying for a waiver under the historic preservation provisions of subsection 4, information on the historic character of the building must be provided to the ~~commissioner~~ commission. If applying for a waiver under the economic hardship provisions of subsection 4, information on the economic infeasibility must be provided to the ~~commissioner~~ commission.

Sec. C-5. 18-A MRSA §3-108, as repealed and replaced by PL 1983, c. 256, is amended to read:

§3-108. Probate, testacy and appointment proceedings; ultimate time limit

(a) For ~~decedent's~~ a decedent dying on or after January 1, 1981, no informal probate or appointment proceeding or formal testacy or appointment proceeding, other than a proceeding to probate a will previously probated at the testator's domicile and appointment proceedings relating to an estate in which there has been a prior appointment, may be commenced more than 3 years after the decedent's death, except:

(1) If a previous proceeding was dismissed because of doubt about the fact of the decedent's death, appropriate probate, appointment or testacy proceedings may be maintained at any time thereafter upon a finding that the decedent's death occurred prior to the initiation of the previous proceeding and the applicant or petitioner has not delayed unduly in initiating the subsequent proceeding;

(2) Appropriate probate, appointment or testacy proceedings may be maintained in relation to the estate of an absent, disappeared or missing person for whose estate a conservator has been appointed, at any time within 3 years after the conservator becomes able to establish the death of the protected person; and

(3) A proceeding to contest an informally probated will and to secure appointment of the person with legal priority for appointment in the event the contest is successful, may be commenced within the later of 12 months from the informal probate or 3 years from the decedent's death. ~~These limitations do not apply to proceedings to construe probated wills or determine heirs of an intestate. In cases under paragraph (1) or (2), the date on which a testacy or appointment proceeding is properly commenced shall be deemed to be the date of the decedent's death for purposes of other limitations provisions of this code which relate to the date of death.~~

2 These limitations do not apply to proceedings to construe
3 probated wills or determine heirs of an intestate. In cases
4 under paragraph (1) or (2), the date on which a testacy or
5 appointment proceeding is properly commenced is deemed to be the
6 date of the decedent's death for purposes of other limitations
7 provisions of this Code that relate to the date of death.

8
9 (b) For ~~decedent's~~ a decedent dying before January 1, 1981,
10 no informal probate or appointment proceeding or formal testacy
11 or appointment proceeding, other than a proceeding to probate a
12 will previously probated at the testator's domicile and
13 appointment proceedings relating to an estate in which there has
14 been a prior appointment, may be commenced more than 20 years
15 after the decedent's death, except:

16
17 (1) If a previous proceeding was dismissed because of doubt
18 about the fact of the decedent's death, appropriate probate,
19 appointment or testacy proceedings may be maintained at any
20 time thereafter upon a finding that the decedent's death
21 occurred prior to the initiation of the previous proceeding
22 and the applicant or petitioner has not delayed unduly in
23 initiating the subsequent proceeding;

24
25 (2) Appropriate probate, appointment or testacy proceedings
26 may be maintained in relation to the estate of an absent,
27 disappeared or missing person for whose estate a conservator
28 has been appointed at any time within the applicable
29 limitation period, as set forth in this section, which shall
30 begin to run after the conservator becomes able to establish
31 the death of the protected person; and

32
33 (3) A proceeding to contest an informally probated will,
34 and to secure appointment of the person with legal priority
35 for appointment in the event the contest is successful, may
36 be commenced within the later of 12 months from the informal
37 probate or the running of the applicable limitation period.
38 ~~These limitations do not apply to proceedings to construe~~
39 ~~probated wills or determine heirs of an intestate. In cases~~
40 ~~under paragraph (1) or (2), the date on which a testacy or~~
41 ~~appointment proceeding is properly commenced shall be deemed~~
42 ~~to be the date of the decedent's death for purposes of the~~
43 ~~limitations provisions of this Code which relate to the date~~
44 ~~of death.~~

45 These limitations do not apply to proceedings to construe
46 probated wills or determine heirs of an intestate. In cases
47 under paragraph (1) or (2), the date on which a testacy or
48 appointment proceeding is properly commenced is deemed to be the

2 date of the decedent's death for purposes of the limitations
3 provisions of this Code that relate to the date of death.

4 **Sec. C-6. 18-A MRSA §3-703, sub-§(a)**, as amended by PL 1997, c.
5 73, §§1 and 2 and affected by §4, is further amended to read:

6
7 (a) A personal representative is under a duty to settle and
8 distribute the estate of the decedent in accordance with the
9 terms of any probated and effective will and this Code, and as
10 expeditiously and efficiently as is consistent with the best
11 interests of the estate. The personal representative shall use
12 the authority conferred upon the personal representative by this
13 Code, the terms of the will, if any, and any order in proceedings
14 to which the personal representative is party for the best
15 interests of successors to the estate. A personal representative
16 is a fiduciary who shall observe the standards of care applicable
17 to trustees as described in ~~section 7-302~~ Title 18-B, sections
18 802, 803, 805, 806 and 807 and Title 18-B, chapter 9, except as
19 follows.

20
21 (1) A personal representative, in developing an investment
22 strategy, shall take into account the expected duration of
23 the period reasonably required to effect distribution of the
24 estate's assets.

25
26 (2) Except as provided in section 3-906, subsection (a),
27 paragraphs (1) and (2), a personal representative may make
28 distribution of an estate's assets in cash or in kind, in
29 accordance with the devisees' best interests, and is not
30 required either to liquidate the estate's assets or to
31 preserve them for distribution.

32
33 (3) If all devisees whose devises are to be funded from the
34 residue of an estate agree, in a written instrument signed
35 by each of them and presented to the personal
36 representative, on an investment manager to direct the
37 investment of the estate's residuary assets, the personal
38 representative may, but need not, rely on the investment
39 advice of the investment manager so identified or delegate
40 the investment management of the estate's residuary assets
41 to such manager and, in either case, may pay reasonable
42 compensation to the manager from the residue of the estate.
43 A personal representative who relies on the advice of, or
44 delegates management discretion to, an investment manager in
45 accordance with the terms of this section is not liable for
46 the investment performance of the assets invested in the
47 discretion of, or in accordance with the advice of, such
48 investment manager.

1 or modifying the duties of a trustee under section 813,
2 subsection 1 or 2. The first alternative under subsection 3
4 allows the settlor to waive or modify the trustee's duty to give
6 notice, information and reports to qualified beneficiaries during
8 the lifetime of the settlor or the lifetime of the settlor's
10 surviving spouse. For example, if the settlor creates an inter
12 vivos irrevocable trust for the benefit of his descendants, the
14 settlor may direct the trustee not to provide information about
16 the trust or its existence to any of the descendants, regardless
of age, during the settlor's lifetime. Or, if the settlor's will
or revocable trust creates a trust for the benefit of his spouse,
with the remainder to be distributed to his descendants at the
death of his spouse, the settlor may direct the trustee not to
provide information about the trust or its existence to any of
his descendants, regardless of age, during the lifetime of his
surviving spouse.

18 The alternative means available for a settlor to waive or modify
20 the duties of a trustee under section 813, subsection 1 or 2 to
22 give notice, information and reports to qualified beneficiaries
24 is for the settlor to name a person or persons to receive trustee
26 reports on behalf of the qualified beneficiary as--provided--in
28 subsection-3. The "protector" named in subsection 3 must act in
30 good faith to protect the interests of the qualified beneficiary
32 on whose behalf the protector is receiving trust information.
34 Subsection 3 is not a uniform provision of the Uniform Trust
36 Code. Maine added subsection 3 as a means to provide settlors
38 with an option to prevent disclosure of the existence of the
trust and details of the trust administration to qualified
beneficiaries. A settlor has the power to prohibit the
disclosure of the existence of the trust and details of the trust
administration to all non-qualified beneficiaries without the
need to name a third person to receive such information on behalf
of the beneficiaries. Note that a settlor may not name a
protector to receive notice, information or reports in lieu of
providing the notice, information or reports directly to the
settlor's surviving spouse.

40 The UTC has built into its default provisions a hierarchy of
42 rights relating to providing various beneficiaries with
44 information about a trust. The default provisions will govern
unless the settlor chooses to modify them by the terms of the
trust document:

- 46 i. Some classes of beneficiaries have a right to
48 information whether they request it or not (e.g., under
section 813, subsection 3 distributees or permissible
distributees of trust income or principal have a right to
receive annual reports without request).

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ii. Other beneficiaries have a right to be affirmatively told of their right to request information (e.g., under section 813, subsection 2, paragraph C qualified beneficiaries have to be informed of their right to request a copy of the trust instrument and of trustee's reports).

iii. Nonqualified beneficiaries have a right to obtain a copy of the trust instrument only if they request a copy, but a trustee is under no affirmative obligation to inform them of the existence of the trust or of their right to request a copy; the non-qualified beneficiaries are on their own to learn of the existence of the trust (see section 813, subsection 2, paragraph A).

Section 105 permits the settlor, by the terms of the trust, to alter the beneficiaries' rights and trustee's duties under section 813, except as specified in section 105, subsection 2, paragraphs H and I.

Sec. C-8. 30-A MRSA §2652, sub-§1, ¶¶C and D, as amended by PL 1993, c. 405, §1, are further amended to read:

C. Affidavit establishing or correcting a record of birth, marriage or death as provided by Title 22, sections 2705 and 2764, §4;

(1) Issuance of a copy of the record to the applicant, \$7 \$10 for the first copy and \$3 \$5 for each additional copy;

D. Affidavit legitimating a birth as provided by Title 22, section 2765, §4;

(1) Issuance of a copy of the amended birth record to the applicant, \$7 \$10 for the first copy and \$3 \$5 for each additional copy;

Sec. C-9. 32 MRSA §82, sub-§1, as amended by PL 1995, c. 161, §1-A, is further amended to read:

1. Licenses required. An ambulance service, ambulance, nontransporting emergency medical service or emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter, except as stated in subsection 2.

~~An ambulance, ambulance service, nontransporting emergency medical service or emergency medical services person that fails to obtain licensure is subject to a fine of not more than \$500 or~~

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~~imprisonment for not more than 6 months, unless other penalties are specified.~~

Sec. C-10. 32 MRSA §82, sub-§3 is enacted to read:

3. Violation. An ambulance, ambulance service, nontransporting emergency medical service or emergency medical services person that fails to obtain licensure under subsection 1 commits a Class E crime, unless other penalties are specified.

Sec. C-11. PL 2005, c. 519, Pt. GGG, §1 is amended to read:

Sec. GGG-1. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Purchased Social Services 0228

Initiative: Appropriates funds for grants to ~~build-new~~ newly built or to be built hospices and ~~to establish new hospice services to support in-patient hospice facilities.~~ These funds must be awarded through ~~a competitive bidding process, the funds being awarded~~ equally among ~~the following 2 areas of the State: Lewiston and Auburn, and Scarborough and South Portland~~ to Hospice of Southern Maine located in Portland and Androscoggin Home Care and Hospice located in Lewiston. Grantees must have ~~plans submitted~~ submit their detailed plans to the Department of Health and Human Services by July 1, 2006 to qualify for these grants. The plans must include but are not restricted to a description of the business relationship between the grantee and other for-profit or nonprofit organizations, the construction plan of the facility built or to be built, the expected cost of the facility, the number of people to be employed at the facility and the services to be offered from the facility.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$250,000
GENERAL FUND TOTAL	\$0	\$250,000

Sec. C-12. PL 2005, c. 519, Pt. GGG, §2 is enacted to read:

Sec. GGG-2. Report. The Department of Health and Human Services must submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 15, 2007 identifying how the grant funds awarded under section 1 were utilized by the grantees.

R.O.S.

2 **Sec. C-13. PL 2005, c. 519, Pt. UUU, §2** is amended to read:

4 **Sec. UUU-2. Appropriations and allocations.** The following
appropriations and allocations are made.

6

EDUCATION, DEPARTMENT OF

8

Education in the Unorganized Territory 0220

10

Initiative: Provides for a one-time deappropriation of funds to
12 the Education in the Unorganized Territory program in fiscal year
2005-06.

14

GENERAL FUND	2005-06	2006-07
All-Other <u>Personal Services</u>	(\$400,000)	\$0
GENERAL FUND TOTAL	(\$400,000)	\$0

16

18

20 **Sec. C-14. Resolve 2005, c. 183, §1, sub-§§23 and 24** are amended to
read:

22

23. Language is added regarding the verification of habitat
24 value for shorebird nesting, feeding and staging areas that
provides that:

26

A. An individual may voluntarily submit documentation to
28 the Department of Environmental Protection or the Department
of Inland Fisheries and Wildlife regarding the value of a
30 shorebird nesting, feeding or staging area;

32

B. Documentation must be completed by an individual who has
experience and training in either wetland ecology or
34 wildlife ecology, and therefore has qualifications
sufficient to identify and document a high- or
36 moderate-value shorebird nesting, feeding or staging area,
or the documentation must be field-verified by the
38 Department of Inland Fisheries and Wildlife;

40

C. Following review of the documentation, the Department of
Inland Fisheries and Wildlife may modify the boundary of a
42 high- or moderate-value shorebird nesting, feeding or
staging area depicted on the applicable geographic
44 information system data layer; and

46

D. A landowner will receive written confirmation of the
documentation from the Department of Environmental
48 Protection; and

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24. The section regarding department determinations of shorebird nesting, feeding and staging areas in the provisionally adopted rule is deleted and replaced with a provision that provides that if, upon request from a landowner, the Department of Environmental Protection staff provides a written field determination or advisory opinion regarding the presence or absence of a high- or moderate-value shorebird nesting, feeding or staging area, a landowner acting on that determination or advisory opinion by carrying out an activity subsequently found to be in violation is not required to obtain a permit for that activity and will not be subject to enforcement action if jurisdiction or a penalty would be based solely on that activity; and ~~be-it-further~~

Sec. C-15. Resolve 2005, c. 183, §1, sub-§25 is enacted to read:

25. Language is amended to provide that one of the criteria for determining whether a shorebird feeding or staging site qualifies as significant shorebird habitat is that the mean number of shorebirds for a single species since 1987 at a site is 10% or more of the overall or total mean number observed of that species in the encompassing shorebird survey unit; and be it further

Sec. C-16. Retroactivity. Those sections of this Part that amend Resolve 2005, chapter 183, section 1 apply retroactively to April 12, 2006.

PART D

Sec. D-1. 25 MRSA §1534, as enacted by PL 2005, c. 519, Pt. OO, §1, is amended to read:

§1534. Consolidated Emergency Communications Fund

The Consolidated Emergency Communications Fund is created as an enterprise fund for the deposit of any payments made by municipal, county and state governmental entities ~~in-Kennebec County~~. The fund may not lapse but must be carried forward to carry out the purposes of this chapter.

Sec. D-2. PL 2005, c. 519, Pt. OO, §§2 and 3 are amended to read:

Sec. OO-2. Transfer budget and positions. Notwithstanding any other provision of law, the State Budget Officer at the request of the Commissioner of Public Safety and the Maine Communications System Policy Board may transfer position counts

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and available balances by financial order to the Consolidated
Emergency Services-~~Communication~~ Communications Bureau within the
Department of Public Safety. These transfers are considered
adjustments to authorized position counts, appropriations and
allocations in fiscal year 2006-07. The State Budget Officer
shall provide the Joint Standing Committee on Appropriations and
Financial Affairs a report of the transferred amounts no later
than September 1, 2006.

Sec. OO-3. Establish positions. Notwithstanding any other
provision of law, the Consolidated Emergency Services
~~Communication~~ Communications Bureau within the Department of
Public Safety may establish positions by financial order when
municipal, county and state governmental entities in ~~Kennebec~~
~~County~~ voluntarily consolidate communications systems with the
bureau's communications systems. The financial order must
identify the entity entering the consolidation and the position
or positions being eliminated by that entity. In order for a
position that is established by financial order to become
permanent, it must be presented to the next session of the
Legislature through the normal budgetary process. These
positions must be funded by the entity and reimbursement funds
for Personal Services, All Other and Capital Expenditures must be
made to the Consolidated Emergency Communications Fund
established in the Maine Revised Statutes, Title 25, section 1534.

Sec. D-3. Retroactivity. This Part applies retroactively to
March 29, 2006.

PART E

Sec. E-1. 20-A MRSA §13101, sub-§2, as enacted by PL 2005, c.
457, Pt. GG, §1, is amended to read:

2. Appointments. The Governor shall appoint the ~~22~~ 23
members of the board specified in subsection 1, paragraphs A to M
from nominations submitted by the education profession and
interested persons. Members representing practitioner groups
must be active practitioners and are appointed from a list of
nominees presented by the largest organization in the State
representing education paraprofessionals, elementary and
secondary teachers, university faculty and each administrator
specialty.'

Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
consecutively.

SUMMARY

2 This amendment strikes several sections from the bill.

4 This amendment designates the sections in the bill as Part
6 A. Part B consists of technical corrections. Parts C, D and E
8 contain changes that are or may be considered substantive.

10 Part B does the following.

12 Section 1 corrects a cross-reference and a punctuation error.

14 Section 2 replaces the term "registered credit services
16 organization" with the term "licensed loan broker" to reflect the
18 change made by Public Law 2005, chapter 274.

20 Section 3 replaces an article headnote.

22 Section 4 corrects a conflict created by Public Law 2005,
24 chapters 164 and 274, which affected the same provision of law by
26 incorporating the changes made by both laws.

28 Sections 5 and 6 correct a conflict created by Public Law
30 2005, chapters 164 and 274, which affected the same provision of
32 law, by incorporating the changes made by both laws.

34 Section 7 corrects a cross-reference.

36 Section 8 corrects an error in usage.

38 Section 9 corrects a typographical error in the guardian ad
40 litem statute.

42 Section 10 strikes language that refers to the Maine Revised
44 Statutes, Title 20-A, section 6651, subsection 3, which was
46 repealed by Public Law 2005, chapter 2, Part D, section 20. It
48 also corrects a grammatical error.

Section 11 repeals the Maine Revised Statutes, Title 20-A,
section 11805 to correct a conflict created by Public Law 1991,
chapter 824, Part A, section 36 and chapter 832, section 5.
Section 11805 addressed positions at accredited medical schools.
That topic is now covered by Title 20-A, section 12103.

Sections 12 to 14 correct cross-references and make a
grammatical correction.

Section 15 corrects a cross-reference.

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2 Section 16 corrects cross-references to defined terms in the
4 Maine Revised Statutes, Title 20-A, section 15603, which was
6 repealed by Public Law 2005, chapter 2. These terms are now
 defined in Title 20-A, section 15672. This section also corrects
 an internal cross-reference.

8 Section 17 corrects a cross-reference.

10 Section 18 corrects a cross-reference and an error in usage.

12 Section 19 changes a reference to the Secretary of State in
14 connection with lobbyist registration to a reference to the
 Commission on Governmental Ethics and Election Practices.

16 Section 20 corrects a numbering problem created by Public
18 Law 2005, chapters 394 and 400, which enacted 2 substantively
 different provisions with the same number.

20 Section 21 corrects the farm winery license name in the
22 section in the liquor laws establishing licensing fees. Public
24 Law 1993, chapter 730 changed the name from "Maine farm winery"
 to "farm winery."

26 Section 22 corrects a conflict created by Public Law 1997,
28 chapter 373, sections 157 and 158, which made technical changes
30 to the Maine Revised Statutes, Title 28-A, section 2077-A, and
 Public Law 1997, chapter 501, section 5, which repealed the same
 provision of law, by repealing section 2077-A.

32 Section 23 corrects a conflict created by Public Law 2005,
34 chapters 12 and 441, which affected the same provision of law, by
 incorporating changes made by both laws.

36 Section 24 corrects a grammatical error and cross-references
 to the definition of state share percentage.

38 Public Law 2005, chapter 397, Part D, section 3 directs the
40 Revisor of Statutes to replace "vocational education" with
42 "career and technical education," and section 25 changes a
44 reference to Associate Commissioner of the Bureau of the
 Vocational Education to the Department of Education to reflect
 the change.

46 Section 26 enacts the Maine Revised Statutes, Title 34-A,
48 section 3001-A to correct an improper repeal and replacement of
50 Title 34-A, section 3002 by Public Law 2005, chapter 216. This
 section also includes a correction made by Public Law 2005,
 chapter 488.

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1.013

2 Section 27 repeals the Maine Revised Statutes, Title 34-A,
3 section 3002, which was improperly repealed and replaced by
4 Public Law 2005, chapter 216. The substance of the law is
5 enacted in section 26 as Title 34-A, section 3001-A. Public Law
6 2005, chapter 488 amended Title 34-A, section 3002, subsection 4.
7 That change is incorporated into section 26.

8 Section 28 corrects a drafting error.

10 Sections 29 and 30 correct a conflict created by Public Law
11 2005, chapter 256, which amended the Maine Revised Statutes,
12 Title 34-B, section 1409, subsection 1, paragraph C by adding the
13 Homestead facility to the definition of "state institution" and
14 chapter 457, which repealed paragraph C to reflect the removal of
15 Freeport Towne Square as a state institution. These sections
16 correct the conflict by repealing paragraph C and enacting
17 paragraph D, which does not refer to Freeport Towne Square.

18 Section 31 corrects a conflict created by Public Law 2005,
19 chapters 260 and 332, which affected the same provision of law.
20 This section repeals the provision and replaces it with the
21 chapter 332 version.

22 Part C does the following.

24 Section 1 clarifies the capacity of the deputy treasurer of
25 state to vote on boards when the Treasurer is absent and makes
26 grammatical changes.

28 Section 2 corrects inconsistencies that were created by
29 Public Law 2005, chapter 343, which changed the composition of
30 the Pharmaceutical Cost Management Council but did not change the
31 number of members to coincide with the change in the composition
32 of the council.

34 Section 3 amends the law creating a private right of action
35 for damages for illegal wagering to cover all wagers for which a
36 license is required. This covers all horse racing for which
37 wagers may be accepted by a licensee in this State. The current
38 law limits the illegal wagering to harness racing.

40 Section 4 corrects an error in the laws governing mandatory
41 building standards for residential construction. Public Law
42 2005, chapter 350 moved the authority for administering the Maine
43 Revised Statutes, Title 10, chapter 214 from the Department of
44 Economic and Community Development to the Public Utilities
45 Commission and replaced all references to the Department of
46 Economic and Community Development in that chapter with
47 references to the Public Utilities Commission. However, Title
48 10, section 1415-C, subsection 6 was overlooked. As a result,
49

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2 that section is currently internally inconsistent, authorizing
the Public Utilities Commission to grant waivers from the
4 building standards but requiring applications for such waivers to
be submitted to the Department of Economic and Community
6 Development. This section corrects this error by changing the
references to the Department of Economic and Community
8 Development in section 1415-C, subsection 6 to references to the
Public Utilities Commission.

10 Section 5 corrects formatting errors to reflect the intent
of the original law and also corrects grammatical errors.

12 Section 6 corrects a cross-reference.

14 Section 7 amends the Maine Uniform Trust Code to carry out
16 the original intent behind the Maine Revised Statutes, Title
18 18-B, section 105, subsection 3 concerning a trust settlor's
options regarding the provision of information to beneficiaries.

20 Section 8 amends the fee schedule for copies of certain
documents provided by municipal clerks.

22 Public Law 2005, chapter 112 amended the Maine Revised
24 Statutes, Title 30-A, section 2652, subsection 3 to allow a
municipal clerk to charge up to \$10 for the first copy and up to
26 \$5 for each additional copy of a certificate of birth, marriage
or death.

28 The Maine Revised Statutes, Title 30-A, section 2652,
30 subsection 1, paragraph C provides the fee for issuance of copies
of an amended birth, marriage or death record once an affidavit
32 establishing or correcting one of those records is recorded. The
current fee is \$7 for the first copy and \$3 for each additional
34 copy.

36 The Maine Revised Statutes, Title 30-A, section 2652,
38 subsection 1, paragraph D provides the fee for issuance of copies
of an amended birth record after an affidavit legitimating the
40 birth is recorded. The current fee is \$7 for the first copy and
\$3 for each additional copy.

42 Section 8 amends the Maine Revised Statutes, Title 30-A,
44 section 2652, subsection 1, paragraphs C and D to make the fees
for copies of these amended records consistent with the fees that
46 may be charged for unamended certificates of birth, marriage or
death under section 2652, subsection 3.

48 Sections 9 and 10 conform language to technical drafting
standards and classify a violation as a Class E crime.

50

BOB

COMMITTEE AMENDMENT "A" to H.P. 1449, L.D. 2055

2 Section 11 clarifies the appropriation in Public Law 2005,
chapter 519, Part GGG, section 1, which appropriated funds to 2
4 newly built hospice facilities and identifies certain details of
the plan grantees must submit to the Department of Health and
6 Human Services. Section 12 requires the Department of Health and
Human Services to submit a report to certain joint standing
8 committees of the Legislature identifying how the grant funds
were utilized by the grantees.

10 Section 13 corrects an error in Public Law 2005, chapter
519, Part UUU, section 2, which deappropriated funds from the All
12 Other line category in fiscal year 2005-06. The funds should
have been deappropriated from the Personal Services line category.
14

16 Sections 14 to 16 direct the Board of Environmental
Protection to amend chapter 335: Significant Wildlife Habitat, a
major substantive rule, by changing a date contained in one of
18 the criteria for determining whether a shorebird feeding or
staging site qualifies as significant shorebird habitat from 1989
20 to 1987. The amendment will make the rules of the Department of
Environmental Protection and the rules of the Department of
22 Inland Fisheries and Wildlife regarding significant wildlife
habitat consistent with each other. The changes are retroactive
24 to the date the resolve took effect.

26 Part D clarifies that the Consolidated Emergency
Communications Fund created in Public Law 2005, chapter 519, Part
28 OO applies to all municipal, county and state governmental units,
not just Kennebec County and allows for the establishment of
30 positions when any governmental unit voluntarily consolidates
communications systems. This amendment also corrects the name of
32 the Consolidated Emergency Communications Bureau. This Part is
retroactive to the effective date of the public law.
34

36 Part E corrects a reference to the number of members of the
Professional Standards Board and corrects a cross-reference by
adding a subsection reference that was omitted.

COMMITTEE AMENDMENT