

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2006

Legislative Document

No. 2055

H.P. 1449

House of Representatives, March 9, 2006

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

(EMERGENCY)

Reported by Representative 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-§2**, as amended by PL 2005, c. 405, Pt.
26 D, §1 and c. 412, §1, is repealed and the following enacted in
its place:

28 **2. Range 90. The salaries of the following state officials**
30 **and employees are within salary range 90:**

32 Superintendent of Financial Institutions;

34 State Tax Assessor;

36 Superintendent of Insurance;

38 Executive Director of the Maine Consumer Choice Health Plan;

40 Deputy Commissioner, Department of Administrative and
42 Financial Services;

44 Associate Commissioner for Adult Services, Department of
Corrections;

46 Associate Commissioner for Juvenile Services, Department of
48 Corrections;

50 Public Advocate;

2 Deputy Commissioner of Integrated Services, Department of Health and Human Services;

4 Deputy Commissioner of Health, Integrated Access and Strategy, Department of Health and Human Services;

6 Chief Information Officer;

8 Associate Commissioner for Legislative and Program Services, Department of Corrections; and

10 Chief of the State Police.

12 **Sec. 2. 2 MRSA §6, sub-§3**, as amended by PL 2005, c. 397, Pt. A, §2; c. 405, Pt. D, §2; and c. 412, §2, is repealed and the following enacted in its place:

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

16 Director, Bureau of General Services;

18 Director, Bureau of Alcoholic Beverages and Lottery Operations;

20 State Budget Officer;

22 State Controller;

24 Director of the Bureau of Forestry;

26 Director, State Planning Office;

28 Director, Energy Resources Office;

30 Director of Human Resources;

32 Director, Bureau of Parks and Lands; and

34 Director of Econometric Research.

36 **Sec. 3. 4 MRSA §807-A, 2nd ¶**, as amended by PL 2005, c. 218, §1 and c. 332, §1, is repealed and the following enacted in its place:

38 Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of Administrative and Financial Services, Bureau of Revenue Services may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter

2 502, ancillary to the collection of taxes for which warrants have
3 been issued pursuant to Title 36, and may represent the State Tax
4 Assessor in arraignment proceedings in District Court in cases in
5 which a criminal complaint has been filed alleging violation of a
6 provision of Title 36.

7 **Sec. 4. 5 MRSA §95, sub-§10-C**, as amended by PL 1991, c. 837,
8 Pt. A, §9, is further amended to read:

9 **10-C. Legislative records.** To receive Legislative
10 legislative records,--the, The Secretary of the Senate and the
11 Clerk of the House of Representatives shall obtain the noncurrent
12 records of the Legislature and of each legislative committee at
13 the close of each Legislature and transfer them to the Maine
14 State Archives for preservation, subject to the orders of the
15 Senate or the House of Representatives, respectively, and subject
16 to schedules established in consultation with the Executive
17 Director of the Legislative Council;

18 **Sec. 5. 5 MRSA §957, sub-§4**, as repealed and replaced by PL
19 1991, c. 591, Pt. III, §10, is amended to read:

20 **4. Funds.** The Department of ~~Administration~~ Administrative
21 and Financial Services shall receive and disburse funds made
22 available to the program through the provisions of section
23 286-A. The Director of the Bureau of Human Resources shall
24 oversee the implementation and administration of the program.
25 Funds made available to the department for the purposes of this
26 section, from any source, may not lapse, but must be carried
27 forward to the next fiscal year to be expended for the same
28 purpose.

29 **Sec. 6. 5 MRSA §1507, sub-§6**, as amended by PL 1987, c. 395,
30 Pt. A, §18, is further amended to read:

31 **6. Claims.** The Governor shall allocate funds from the
32 account for the payment of claims approved or partially approved
33 by the State Claims Commission under section ~~1510~~ 1510-A.

34 **Sec. 7. 5 MRSA c. 372**, as amended, is further amended by
35 repealing the chapter headnote and enacting the following in its
36 place:

37 **PART 17-A**

38 **CIVIL SERVICE**

39 **CHAPTER 372**

40 **STATE CIVIL SERVICE SYSTEM**

1. **Commission empowered to establish prices; public hearing.** The commission is vested with the power to establish and change, after investigation and public hearing, the minimum wholesale and retail prices to be paid to producers, dealers and stores for milk received, purchased, stored, manufactured, processed, distributed or otherwise handled within the State. The commission shall hold a public hearing prior to the establishing or changing of such minimum prices. The commission may proceed, however, under the emergency rule-making provisions of Title 5, section 8054 without making findings of emergency when the only changes to be made in the minimum prices are to conform with the orders of any federal or other agency duly authorized by law to establish or negotiate producer prices, are to respond to other conditions affecting prevailing Class I, Class II and Class III prices in southern New England or are to reflect the milk handling fee levied and imposed by Title 36, chapter 721. Title 5, section 8054, subsection 3, the 2nd sentence, does not apply to minimum prices adopted under ~~the~~ this subsection. Due notice of the public hearing must be given by publishing notice as provided in Title 5, chapter 375. The commission shall hold such a public hearing not less frequently than once every 12 months to determine whether the minimum wholesale and retail prices then established should be changed. In addition to the data received through the implementation of the information gathering procedures of its rules as a basis for its determinations, the commission shall solicit and seek to receive oral and written testimony at hearings to determine whether the minimum wholesale and retail prices then established should be changed and whether the proposed minimum wholesale and retail prices are just and reasonable.

Sec. 14. 10 MRSA §1013, sub-§14, as amended by PL 1997, c. 732, §2, is repealed.

Sec. 15. 12 MRSA §8011, as enacted by PL 2001, c. 439, Pt. KKKK, §1, is amended to read:

There is established a certified forest resource manager grant fund, referred to in this chapter as the "grant fund," from which the bureau may award grants. A grant may be awarded to a licensed ~~professional~~ forester to assist that forester in obtaining initial independent 3rd-party certification as a forest resource manager. Forest land managed by a certified forest resource manager may achieve certification as a well-managed forest through clear review and acceptance procedures.

Sec. 16. 12 MRSA §8012, sub-§4, as enacted by PL 2001, c. 439, Pt. KKKK, §1, is amended to read:

2 **4. Licensed forester.** "Licensed professional forester"
means a person licensed pursuant to Title 32, chapter ~~75~~ 76.

4 **Sec. 17. 12 MRSA §8013**, as enacted by PL 2001, c. 439, Pt.
KKKK, §1, is amended to read:

6 **§8013. Administration of grant fund; procedure**

8 The bureau shall administer the grant fund pursuant to this
10 section.

12 **1. Eligibility.** The bureau may award grants to a licensed
14 professional forester seeking initial independent 3rd-party
certification as a forest resource manager in order that the
16 forester's client landowners may obtain the benefits accruing
from such certification.

18 **2. Amount of grant.** The bureau may provide a grant to a
20 licensed professional forester in an amount equal to 50% of the
cost of obtaining independent 3rd-party certification as a forest
22 resource manager or \$1,000, whichever is less.

24 **3. Repayment.** A licensed professional forester who accepts
a grant but who fails to qualify as a certified forest resource
26 manager within one year of receiving the grant or who fails to
retain certification for the full certification period shall
28 repay the amount of the grant to the bureau. The bureau may
impose a reasonable interest rate on the amount of the grant.

30 **4. Forms; rulemaking.** The bureau shall provide application
forms for licensed professional foresters seeking grants pursuant
32 to this chapter. The bureau shall adopt rules to implement the
purposes of this chapter. Rules adopted pursuant to this chapter
34 are routine technical rules as defined in Title 5, chapter 375,
subchapter ~~II~~-A 2-A.

36 **5. Report.** By January 2, 2007, the director of the bureau
38 shall submit a report to the joint standing committee of the
Legislature having jurisdiction over forestry matters outlining
40 the costs and benefits of the certified forest resource manager
grant fund.

42 This subsection is repealed January 31, 2007.

44 **Sec. 18. 12 MRSA §8879, sub-§1-A**, as enacted by PL 2001, c.
46 564, §2, is amended to read:

48 **1-A. Report on changes in ownership of forest land.** Using
information received under Title 36, section ~~581-E~~- 581-G, the
50 director shall monitor changes in ownership of parcels of forest

2 land that are 1,000 acres or greater in area within the
3 municipalities of the State and classified under the Maine Tree
4 Growth Tax Law. Using information received under Title 36,
5 sections ~~581-E and 581-F~~ and 581-G, the director shall monitor
6 the number of parcels classified under the Maine Tree Growth Tax
7 Law and the distribution of parcels by size. The biennial report
8 must include information on the number of parcels, classified by
9 size categories, for the organized and unorganized territories of
10 the State. The information must be presented in a manner that
facilitates comparison from year to year.

12 In assessing changes in forest land ownership, the director shall
13 also consider information reported pursuant to Title 36, sections
14 305 and 2728. The director shall provide a summary of changes in
ownership of forest land in the biennial report.

16 **Sec. 19. 12 MRSA §12506, sub-§1**, as affected by PL 2003, c.
18 614, §9 and repealed and replaced by c. 655, Pt. B, §253 and
affected by §422, is amended to read:

20 **1. Permit required.** Except as otherwise authorized
22 pursuant to this Part and except as provided in ~~subsections 5 and~~
24 subsection 5-A, a person may not fish for or possess the
following fish using the harvesting methods listed in subsection
2 without a valid permit issued under this section:

- 26 A. Alewives;
28 B. Eels;
30 C. Suckers;
32 D. Lampreys; or
34 E. Yellow perch.

36 Each day a person violates this subsection, that person commits a
38 Class E crime for which a minimum fine of \$50 and an amount equal
to twice the applicable license fee must be imposed.

40 **Sec. 20. 12 MRSA §12506, sub-§5**, as repealed and replaced by
42 PL 2005, c. 397, Pt. E, §8, is repealed.

44 **Sec. 21. 12 MRSA §12506, sub-§5-A** is enacted to read:

46 **5-A. Exception to permit requirement.** Notwithstanding
48 subsection 1:

50 A. A person may fish for alewives by use of a dip net or
single hook and line for consumption by that person or

2 members of that person's family, provided that the person
3 takes or possesses no more than one bushel in any day and
4 provided also that the alewives are not taken from any
5 waters in which a municipality or other person has been
6 granted exclusive rights under section 6131;

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

10 C. A person may take suckers for use as bait for fishing in
11 inland waters as provided in section 12551-A without a
12 permit under subsection 2.

13 **Sec. 22. 14 MRSA §251, sub-§3,** as amended by PL 1979, c. 663,
14 §76, is further amended to read:

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

23 **Sec. 23. 14 MRSA §6521, first ¶** is amended to read:

24 Commissioners in all cases shall make and sign a written
25 return of their proceedings, and make return thereof with their
26 warrant to the court from which it issued. Their report may be
27 confirmed, recommitted or set aside, and new proceedings be had
28 as before. When ~~confirmed~~ confirmed, judgment shall must be
29 entered accordingly and recorded by the clerk and by the register
30 of deeds of the district where the estate is.

31 **Sec. 24. 17-A MRSA §1348-B, sub-§2,** as amended by PL 2005, c.
32 265, §12 and c. 288, §2, is repealed and the following enacted in
33 its place:

34 2. If during the period of deferment the attorney for the
35 State has probable cause to believe that a person who was granted
36 deferred disposition pursuant to section 1348-A has violated a
37 court-imposed deferment requirement, the attorney for the State
38 may move the court to terminate the remainder of the period of
39 deferment and impose sentence. Following notice and hearing, if
40 the attorney for the State proves by a preponderance of the
41 evidence that the person has inexcusably failed to comply with a
42 court-imposed deferment requirement, the court may continue the
43 running of the period of deferment with the requirements

2 unchanged, modify the requirements, add further requirements or
4 terminate the running of the period of deferment and impose a
6 sentencing alternative authorized for the crime to which the
8 person pled guilty. When a person fails to pay the
10 administrative supervision fee as required under section 1348-A,
12 subsection 1, the court may terminate the running of the period
14 of deferment and impose sentence unless the person shows that
failure to pay was not attributable to a willful refusal to pay
or to a failure on that person's part to make a good faith effort
to obtain the funds required for the payment. If the court finds
that the person has not inexcusably failed to comply with a
court-imposed deferment requirement, the court may order that the
running of the period of deferment continue or, after notice and
hearing, take any other action permitted under this chapter.

16 **Sec. 25. 20-A MRSA §1305-A, first ¶**, as enacted by PL 1999, c.
18 710, §5, is amended to read:

20 Notwithstanding section 1302, 1305, 1306, 1307 or ~~15617~~
22 ~~15693~~, after January 31, 2001, the format of the annual budget of
a school administrative district may be changed only in
accordance with this section and section 1305-B.

24 **Sec. 26. 20-A MRSA §1305-B, first ¶**, as enacted by PL 1999, c.
26 710, §5, is amended to read:

28 Notwithstanding sections 1302, 1305, 1306, 1307 and ~~15617~~
30 ~~15693~~, after January 31, 2001, the procedure for approval of the
annual budget of a school administrative district provided under
sections 1304 and 1305 may be changed only in accordance with
this section and section 1305-A. The budget validation
32 referendum process provided in this section may not be adopted
for use in a school administrative district unless the cost
center summary budget format provided in section 1305-A is also
34 adopted. A school administrative district using the alternative
voting procedures established in section 1305 may reconsider that
36 use only if as part of that reconsideration the voters adopt use
of the cost center summary budget format provided in section
38 1305-A or the cost center summary budget format and the budget
validation referendum process provided in this section.
40

42 **Sec. 27. 20-A MRSA §1403, sub-§16**, as amended by PL 1983, c.
44 364, §1, is further amended to read:

46 **16. General purpose aid.** When a school administrative
district dissolves, the general purpose aid for the individual
municipalities shall must be computed in accordance with chapter
48 ~~605~~ 606-B.

2 **Sec. 28. 20-A MRSA §6051, sub-§1, ¶E**, as amended by PL 2001,
c. 344, §7, is further amended to read:

4 E. A determination as to whether the school administrative
unit has complied with applicable provisions of the ~~School~~
6 ~~Finance Act of 1985 and the School Finance Act of 1995~~
Essential Programs and Services Funding Act; and

8 **Sec. 29. 20-A MRSA §6051, sub-§4, ¶E**, as enacted by PL 2001,
10 c. 344, §8, is amended to read:

12 E. A written determination as to whether the school
administrative unit has complied with applicable provisions
14 of the ~~School Finance Act of 1985 and the School Finance Act~~
~~of 1995~~ Essential Programs and Services Funding Act.

16 **Sec. 30. 20-A MRSA §6651, sub-§6**, as enacted by PL 1989, c.
18 414, §17, is amended to read:

20 **6. Subsidizable cost of operating programs in private**
secondary schools. The cost of salaries and educational
22 materials attributable to the child care services shall ~~shall~~ **must** be
calculated on a per-child basis. One hundred percent of the cost
24 per child times the number of children whose parents attend
school in the private school shall ~~shall~~ **must** be subsidizable as
26 program costs under the ~~School Finance Act of 1985~~ Essential
Programs and Services Funding Act if these costs are paid for by
28 the school administrative unit responsible for educating the
student parents.

30 **Sec. 31. 20-A MRSA §9703, sub-§5**, as amended by PL 1989, c.
32 911, §2, is further amended to read:

34 **5. Line-item budget.** A line-item budget submitted no later
than 90 days prior to the fiscal year in which the program will
36 operate. The proposed budget request may not exceed, on a per
student basis, the state average tuition rate for a total of 12
38 students as provided in sections 5804, 5805 and ~~15612~~ 15689.

40 **Sec. 32. 20-A MRSA §9706**, as corrected by RR 1993, c. 1, §50,
is amended to read:

42 **§9706. Rule-making authority**

44 The commissioner shall adopt rules to implement this chapter
and the funding scheme under the ~~School Finance Act of 1985~~
46 Essential Programs and Services Funding Act.

48 **Sec. 33. 20-A MRSA §12733**, as repealed and replaced by PL
50 2005, c. 178, §4 and amended by c. 294, §21, is repealed and the
following enacted in its place:

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§12733. Activities

To assist the State in increasing higher education attainment and developing a skilled workforce, the program shall provide career and college transition services to young adults who are not currently enrolling in higher education and who could benefit from enrolling in a community college. These services may include scholarships, internships and other work-based learning experiences; career exploration and planning; assistance in completing the community college application and financial aid processes; academic planning; and information related to continuing higher education beyond the certificate, diploma and associate degree levels, consistent with the student's educational and career objectives. These services must be provided either directly by the program or through referrals to other programs and services available within the Maine Community College System or by other education and service providers. To participate in any of these services, young adults must be enrolled in a public secondary school or a state community college or have recently completed a public secondary education program. The program shall provide those activities and services that best serve the goals of the program as defined in this chapter and the needs of students and the State and that are consistent with the Maine Community College System's goals and resources.

Sec. 34. 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 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.

Sec. 35. 20-A MRSA §13506, sub-§3-A, ¶B, as corrected by RR 1993, c. 1, §51, is amended to read:

B. The impact on local communities of the ~~School-Finance Act of 1985~~ Essential Programs and Services Funding Act and of implementing increased curriculum and graduation requirements, including recommended ways to meet increased local needs. The commissioner shall estimate projected local costs, including catastrophic costs, and propose alternative methods for meeting those costs, including recommendations for additional state funding of education costs; and

2 **Sec. 36. 21-A MRSA §191, sub-§4**, as enacted by PL 2005, c.
364, §6, is repealed.

4 **Sec. 37. 21-A MRSA §191**, as amended by PL 2005, c. 364, §6
6 and c. 453, §40, is further amended by adding a new paragraph
before the last paragraph to read:

8 For the purposes of generating an incoming voting list, the
10 central voter registration system must be capable of being sorted
12 so that the Address Confidentiality Program voter codes and the
14 address assigned each voter by the program appear at the end of
the alphabetized list and are printed on a separate page of the
list.

16 **Sec. 38. 22 MRSA §661**, as amended by PL 2005, c. 254, Pt. B,
§2, is further amended to read:

18 **§661. Public policy**

20 In the interests of the public health and welfare of the
22 people of this State, it is the declared public policy of this
State that a facility licensed by the United States Nuclear
24 Regulatory Commission and situated in the State must be
accomplished in a manner consistent with protection of the public
26 health and safety and in compliance with the environmental
protection policies of this State. It is the purpose of this
28 chapter, in conjunction with sections 671 to 690; Title 25,
sections 51 and 52; and Title 35-A, sections ~~4331~~ 4351 to 4393,
30 to exercise the jurisdiction of the State to the maximum extent
permitted by the United States Constitution and federal law.
32 Nothing in this chapter may be construed as an attempt by the
State to regulate radiological health and safety reserved to the
34 Federal Government by reason of the United States Atomic Energy
Act of 1954, as amended.

36 **Sec. 39. 22 MRSA §2700-A, sub-§4**, as enacted by PL 2005, c.
38 392, §1, is amended to read:

40 **4. Fees.** Beginning April 1, 2006, each manufacturer of
42 prescription drugs that are provided to Maine residents through
the MaineCare program under section 3174-G or the elderly
44 low-cost drug program under section ~~254~~ 254-D shall pay a fee of
\$1,000 per calendar year to the department. Fees collected under
46 this subsection must be used to cover the cost of overseeing
implementation of this section, including but not limited to
48 maintaining links to publicly accessible websites to which
manufacturers are posting clinical trial information under
subsection 3 and other relevant sites, assessing whether and the
50 extent to which Maine residents have been harmed by the use of a

2 particular drug and undertaking the public education initiative
under subsection 5. Revenues received under this subsection must
4 be deposited into an Other Special Revenue Funds account to be
used for the purposes of this subsection.

6 **Sec. 40. 22 MRSA §3174-T, sub-§11**, as repealed and replaced by
PL 1999, c. 522, §1 and affected by §2, is amended to read:

8
10 **11. Cub Care drug rebate program.** Effective October 1,
1999, the department shall enter into a drug rebate agreement
12 with each manufacturer of prescription drugs that results in a
rebate equal to that which would be achieved under the federal
14 Social Security Act, Section 1927. ~~These rebate agreements do
not include the additional 6 percentage points required under
section 3174-R.~~

16
18 **Sec. 41. 22 MRSA §3174-KK, sub-§3**, as reallocated by RR 2005,
c. 1, §7, is amended to read:

20 **3. Fund purposes.** Allocations from the fund must prevent
any loss of services or increased cost of services to a MaineCare
22 member or a person receiving benefits under the elderly low-cost
drug program under section ~~254~~ 254-D that would otherwise result
24 from insufficient General Fund appropriations, insufficient
federal matching funds or any other shortage of funds, changes in
26 federal or state law, rule or policy or the implementation of the
federal Medicare Prescription Drug, Improvement, and
28 Modernization Act of 2003.

30 **Sec. 42. 22 MRSA §4038-C, sub-§10**, as enacted by PL 2005, c.
372, §6, is amended to read:

32
34 **10. Limitation.** The District Court does not have authority
to provide a guardianship subsidy for permanency guardianship
under section ~~4308-D~~ 4038-D.

36
38 **Sec. 43. 23 MRSA c. 19, sub-c. 5-A**, as amended, is further
amended by repealing the subchapter headnote.

40 **Sec. 44. 24 MRSA §2332-A, sub-§2**, as amended by PL 1997, c.
777, Pt. B, §1, is further amended to read:

42
44 **2. Medicaid and Cub Care programs.** Nonprofit service
organizations may not consider the availability or eligibility
46 for medical assistance under 42 United States Code, Section
13969, referred to as "Medicaid," or Title 22, section ~~3174-R~~
48 3174-T, referred to as the "Cub Care program," when considering
coverage eligibility or benefit calculations for subscribers and
covered family members.

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2 A. To the extent that payment for coverage expenses has
4 been made under the Medicaid program or the Cub Care program
6 for health care items or services furnished to an
8 individual, the State is considered to have acquired the
10 rights of the covered subscriber or family member to payment
12 by the nonprofit service organization for those health care
items or services. Upon presentation of proof that the
Medicaid program or the Cub Care program has paid for
covered items or services, the nonprofit service
organization shall make payment to the Medicaid program or
the Cub Care program according to the coverage provided in
the contract or certificate.

14 B. A nonprofit service organization may not impose
16 requirements on a state agency that has been assigned the
18 rights of an individual eligible for Medicaid or Cub Care
coverage and covered by a subscriber contract that are
different from requirements applicable to an agent or
assignee of any other covered individual.

20 **Sec. 45. 24-A MRSA §2744**, as amended by PL 2005, c. 121, Pt.
22 I, §§1 and 2 and c. 213, §1 and affected by §3 and amended by c.
24 214, §1 and affected by §3, is repealed and the following enacted
in its place:

26 **§2744. Mental health services**

28 1. Notwithstanding any provision of a health insurance
30 policy subject to this chapter, whenever the policy provides for
32 payment or reimbursement for services that are within the lawful
34 scope of practice of a professional listed in subsection 2-A, any
36 person covered by the policy is entitled to reimbursement for
38 these services if the services are performed by a physician or a
40 professional listed in subsection 2-A. Payment or reimbursement
for services rendered by a professional listed in subsection 2-A,
paragraph B, C, D, E or F may not be conditioned upon prior
diagnosis or referral by a physician or other health care
professional, except when diagnosis of the condition for which
the services are rendered is beyond the scope of their licensure.

42 2. Nothing in subsection 1 may be construed to require a
44 health insurance policy subject to this chapter to provide for
reimbursement of services that are within the lawful scope of
practice of a professional listed in subsection 2-A.

46 2-A. Subsections 1 and 2 apply with respect to the following
48 types of professionals:

50 A. A psychologist licensed to practice in this State;

2 B. A certified social worker licensed for the independent
3 practice of social work in this State;

4 C. A licensed clinical professional counselor licensed for
5 the independent practice of counseling in this State;

6 D. A licensed nurse who is certified by the American
7 Nurses' Association as a clinical specialist in adult
8 psychiatric and mental health nursing or as a clinical
9 specialist in child and adolescent psychiatric and mental
10 health nursing;

11 E. A marriage and family therapist licensed as a marriage
12 and family therapist in this State; and

13 F. A licensed pastoral counselor licensed as a pastoral
14 counselor in this State.

15 3. Mental health services provided by counseling
16 professionals. Except as provided in subsection 1 with regard to
17 reimbursement of clinical professional counselors, pastoral
18 counselors and marriage and family therapists licensed in this
19 State, an insurer that issues individual health care contracts
20 providing coverage for mental health services shall offer
21 coverage for those services when performed by a counseling
22 professional who is licensed by the State pursuant to Title 32,
23 chapter 119 to assess and treat interpersonal and intrapersonal
24 problems, has at least a master's degree in counseling or a
25 related field from an accredited educational institution and has
26 been employed as a counselor for at least 2 years. Any contract
27 providing coverage for the services of counseling professionals
28 pursuant to this section may be subject to any reasonable
29 limitations, maximum benefits, coinsurance, deductibles or
30 exclusion provisions applicable to overall benefits under the
31 contract. This subsection applies to all contracts executed,
32 delivered, issued for delivery, continued or renewed in this
33 State on or after January 1, 1997. For purposes of this
34 subsection, all contracts are deemed renewed no later than the
35 next yearly anniversary of the contract date.

36 Sec. 46. 24-A MRS §2835, as amended by PL 2005, c. 121, Pt.
37 I, §§3 to 5 and c. 213, §2 and affected by §3 and amended by c.
38 214, §1 and affected by §3, is repealed and the following enacted
39 in its place:

40 §2835. Mental health services

41 1. Notwithstanding any provision of a health insurance
42 policy or certificate issued under a group policy subject to this
43 chapter, whenever the policy provides for payment or
44 reimbursement for the services of a licensed professional
45 in the field of mental health services, the insurer shall
46 offer coverage for those services when performed by a
47 licensed professional who is licensed by the State pursuant to
48 Title 32, chapter 119 to assess and treat interpersonal and
49 intrapersonal problems, has at least a master's degree in
50 counseling or a related field from an accredited educational
 institution and has been employed as a counselor for at least 2
 years. Any contract providing coverage for the services of
 counseling professionals pursuant to this section may be
 subject to any reasonable limitations, maximum benefits,
 coinsurance, deductibles or exclusion provisions applicable
 to overall benefits under the contract. This subsection
 applies to all contracts executed, delivered, issued for
 delivery, continued or renewed in this State on or after
 January 1, 1997. For purposes of this subsection, all
 contracts are deemed renewed no later than the next yearly
 anniversary of the contract date.

2 reimbursement for services that are within the lawful scope of
4 practice of a professional listed in subsection 2-A, any person
6 covered by the policy is entitled to reimbursement for these
8 services if the services are performed by a physician or a
10 professional listed in subsection 2-A. Payment or reimbursement
12 for services rendered by a professional listed in subsection 2-A,
14 paragraph B, C, D, E or F may not be conditioned upon prior
16 diagnosis or referral by a physician or other health care
18 professional, except when diagnosis of the condition for which
20 the services are rendered is beyond the scope of their licensure.

22 2. Nothing in subsection 1 may be construed to require a
24 health insurance policy subject to this chapter to provide for
26 reimbursement of services that are within the lawful scope of
28 practice of a professional listed in subsection 2-A.

30 2-A. Subsections 1 and 2 apply with respect to the following
32 types of professionals:

34 A. A psychologist licensed to practice in this State;

36 B. A certified social worker licensed for the independent
38 practice of social work in this State;

40 C. A licensed clinical professional counselor licensed for
42 the independent practice of counseling in this State;

44 D. A licensed nurse who is certified by the American
46 Nurses' Association as a clinical specialist in adult
48 psychiatric and mental health nursing or as a clinical
50 specialist in child and adolescent psychiatric and mental
health nursing;

E. A marriage and family therapist licensed as a marriage
and family therapist in this State; and

F. A licensed pastoral counselor licensed as a pastoral
counselor in this State.

3. Mental health services provided by counseling
professionals. Except as provided in subsection 1 with regard to
reimbursement of clinical professional counselors, pastoral
counselors and marriage and family therapists licensed in this
State, an insurer that issues group health care contracts
providing coverage for mental health services shall make
available coverage for those services when performed by a
counseling professional who is licensed by the State pursuant to
Title 32, chapter 119 to assess and treat interpersonal and
intrapersonal problems, has at least a master's degree in
counseling or a related field from an accredited educational

2 institution and has been employed as a counselor for at least 2
3 years. Any contract providing coverage for the services of
4 counseling professionals pursuant to this section may be subject
5 to any reasonable limitations, maximum benefits, coinsurance,
6 deductibles or exclusion provisions applicable to overall
7 benefits under the contract. This subsection applies to all
8 policies, contracts and certificates executed, delivered, issued
9 for delivery, continued or renewed in this State. For purposes
10 of this subsection, all contracts are deemed renewed no later
11 than the next yearly anniversary of the contract date.

12 **Sec. 47. 24-A MRSA §2844, sub-§2,** as amended by PL 1997, c.
13 777, Pt. B, §3, is further amended to read:

14 **2. Medicaid and Cub Care programs.** Insurers may not
15 consider the availability or eligibility for medical assistance
16 under 42 United States Code, Section 13969, referred to as
17 "Medicaid," or Title 22, section ~~3174-R~~ 3174-T, referred to as
18 the "Cub Care program," when considering coverage eligibility or
19 benefit calculations for insureds and covered family members.

20
21 A. To the extent that payment for coverage expenses has
22 been made under the Medicaid program or the Cub Care program
23 for health care items or services furnished to an
24 individual, the State is considered to have acquired the
25 rights of the insured or family member to payment by the
26 insurer for those health care items or services. Upon
27 presentation of proof that the Medicaid program or the Cub
28 Care program has paid for covered items or services, the
29 insurer shall make payment to the Medicaid program or the
30 Cub Care program according to the coverage provided in the
31 contract or certificate.

32
33 B. An insurer may not impose requirements on a state agency
34 that has been assigned the rights of an individual eligible
35 for Medicaid or Cub Care coverage and covered by a
36 subscriber contract that are different from requirements
37 applicable to an agent or assignee of any other covered
38 individual.

39
40 **Sec. 48. 24-A MRSA §2849-B, sub-§3, ¶C-1,** as enacted by PL
41 1997, c. 777, Pt. B, §6, is amended to read:

42
43 C-1. That person was covered by the Cub Care program under
44 Title 22, section ~~3174-R~~ 3174-T, and the request for
45 replacement coverage is made while coverage is in effect or
46 within 30 days from the termination of coverage; or

47
48 **Sec. 49. 24-A MRSA §6908, sub-§12,** as enacted by PL 2005, c.
49 400, Pt. A, §5, is reallocated to 12 MRSA §6908, sub-§13.

2 **Sec. 50. 24-A MRSA §6913, sub-§3, ¶E**, as enacted by PL 2005,
c. 400, Pt. A, §11, is amended to read:

4 E. Savings offset payments may not begin until 12 months
6 after Dirigo Health begins providing health insurance
 coverage.

8 **Sec. 51. 24-A MRSA §6913, sub-§3, ¶G**, as enacted by PL 2005,
10 c. 400, Pt. A, §11, is amended to read:

12 G. Savings offset payments received by Dirigo Health must be
 pooled with other revenues of the agency in the Dirigo
14 Health Fund established in section 6915~~+~~and.

16 **Sec. 52. 27 MRSA §69, sub-§3**, as enacted by PL 1977, c. 546,
 §1, is amended to read:

18 **3. Surplus.** The State Librarian may sell copies of each
20 history that are not distributed under subsection 2. The State
 Librarian shall fix the price of sale at the retail price of the
22 history. The Maine State Museum may sell these copies through its
 museum sales program, ~~provided except~~ that the proceeds from the
24 sale of these town histories shall ~~may~~ not be used as required
 under section 89, ~~and the complimentary publications required by~~
26 ~~that section shall not be required~~ 89-A. All proceeds from the
 sales of these town histories shall ~~shall~~ must be used to pay the costs
28 of the distribution required under subsection 2, and any proceeds
 beyond these costs shall ~~shall~~ must be used to meet the costs of
30 purchase under subsection 1.

32 **Sec. 53. 28-A MRSA §1361, sub-§4**, as amended by PL 1997, c.
34 373, §116, is further amended to read:

36 **4. No sales of malt liquor or wine to person without**
 wholesale license. No certificate of approval holder, except a
38 small Maine brewery or Maine farm winery licensee allowed to sell
 directly to retailers, may sell or cause to be transported into
40 the State any malt liquor or wine to any person to whom a Maine
 wholesale license has not been issued by the bureau. Malt liquor
42 or wine must be delivered to the place of business of the
 wholesaler as shown in the wholesaler's license, must be unloaded
 and inventoried at the wholesaler's premises upon the
44 wholesaler's receipt of the shipment and must come to rest before
 delivery is made to any retailer to enable the bureau to inspect
46 and inventory wholesale warehouses for the purpose of verifying
 taxes that are required to be paid on malt liquor and wine
48 purchased by importers.

2 **Sec. 54. 29-A MRSA §523, sub-§5, ¶Q**, as amended by PL 2005, c.
420, §1 and c. 433, §8 and affected by §28, is repealed and the
following enacted in its place:

4 O. Kosovo Service Medal;

6 **Sec. 55. 29-A MRSA §523, sub-§5, ¶R**, as enacted by PL 2005, c.
8 420, §2 and c. 433, §9 and affected by §28, is repealed and the
following enacted in its place:

10 R. Korea Defense Service Medal;

12 **Sec. 56. 29-A MRSA §752-A**, as enacted by PL 2005, c. 433,
14 §11 and affected by §28, is repealed and the following enacted in
its place:

16 §752-A. Exempted odometer information

18 A vehicle's odometer reading is not required to be disclosed
20 on transfers of the following vehicles:

22 1. Not self-propelled. A vehicle that is not
24 self-propelled; or

26 2. Ten years old. A vehicle that is 10 years old or older.

28 Notwithstanding any other provisions of this Title, the
Secretary of State may require odometer information for any
30 vehicle, as set forth in section 752, upon showing by records or
other sufficient evidence that vehicle mileage discrepancies
exist.

32 **Sec. 57. 30-A MRSA §66-A, sub-§2, ¶C**, as enacted by PL 2003,
34 c. 291, §2, is amended to read:

36 C. Commissioner District Number 3, in the County of
Aroostook, consists of the minor civil divisions of
38 Allagash, Caswell, Cyr Plantation, Eagle Lake, Fort Kent,
Frenchville, Grand Isle, Hamlin, Limestone, Madawaska,
40 Nashville Plantation, New Canada, New Sweden, Perham,
Portage Lake, St. Agatha, St. Francis, St. John Plantation,
42 Stockholm, Van Buren, Wade, Wallagrass, Westmanland,
Winterville Plantation and Woodland and the unorganized
44 territories of Connor and Square Lake. The term of office
of the county commissioner from this district expires in
46 2004 and every 4 years thereafter.

48 **Sec. 58. 30-A MRSA §3754-A, sub-§5, ¶D**, as amended by PL 2005,
c. 247, §2 and c. 424, §4, is repealed and the following enacted
50 in its place:

2 D. Junkyard and automobile graveyard owners must
3 demonstrate at the time of licensing that the facility or
4 facilities for which they seek permits are, or are part of,
5 a viable business entity and the facility or facilities are
6 actively engaged in the business of salvaging, recycling,
7 dismantling, processing, repairing or rebuilding junk or
8 vehicles for the purpose of sale or trade;

10 **Sec. 59. 30-A MRSA §3755-A, sub-§3, ¶H,** as amended by PL 2005,
11 c. 247, §5 and affected by §7, is further amended to read:

12

13 H. Dismantling of a vehicle must be performed in accordance
14 with the following standards.

15

16 (1) Batteries must be removed.

17

18 (2) All fluids, including but not limited to engine
19 lubricant, transmission fluid, brake fluid, power
20 steering fluid, hydraulic fluid, engine coolant,
21 gasoline, diesel fuel and oil, must be drained into
22 watertight, covered containers and must be recycled or
23 disposed of in accordance with applicable federal and
24 state laws, rules and regulations.

25

26 (3) Fluids from a vehicle may not be permitted to flow
27 or be discharged into or onto the ground.

28

29 (4) Storage, recycling or disposal of all fluids,
30 refrigerant, batteries and mercury switches must comply
31 with all applicable federal and state laws, rules and
32 regulations.

33

34 (5) A log must be maintained of all motor vehicles
35 handled that includes the date each vehicle was
36 acquired, a copy of the vehicle's title or bill of sale
37 and the date or dates upon which all fluids,
38 refrigerant, batteries and mercury switches were
39 removed.

40

41 (6) All fluids, refrigerant, batteries and mercury
42 switches must be removed from motor vehicles that lack
43 engines or other parts that render the vehicles
44 incapable of being driven under their own motor power
45 or that are otherwise incapable of being driven under
46 their own motor power within 180 days of acquisition.
47 Motor vehicles acquired by and on the premises of an
48 automobile recycling business prior to October 1, 2005
49 must have all fluids, refrigerant, batteries and
50 mercury switches removed by January 1, 2007. Fluids

2 required to be removed under this subparagraph must be
removed to the greatest extent practicable.

4 (7) All fluids, refrigerant, batteries and mercury
6 switches must be removed from vehicles before crushing
or shredding. Fluids required to be removed under this
8 subparagraph must be removed to the greatest extent
practicable.

10 **Sec. 60. 30-A MRSA §6006-F, sub-§3, ¶G,** as amended by PL 2005,
c. 386, Pt. L, §2, is further amended to read:

12 G. To invest as a source of revenue or security for the
14 payment of principal and interest on general or special
obligations of the bank if the proceeds of the sale of the
16 obligations have been deposited in the fund, or if the
proceeds of the sale of the obligations are used for the
18 purposes authorized in paragraph A and certified under
subsection 5, or as a source of revenue to subsidize the
20 school administrative unit loan payment obligations; and

22 **Sec. 61. 30-A MRSA §6006-F, sub-§3, ¶H,** as amended by PL 2005,
c. 272, §1 and c. 386, Pt. L, §2, is repealed and the following
24 enacted in its place:

26 H. To pay the costs of the bank and the Department of
28 Education associated with the administration of the fund and
projects financed by the fund, except that no more than the
30 lesser of 2% of the aggregate of the highest fund balances
in any fiscal year and 4% of the combined value of any
32 capitalization grants provided by the United States for
deposit in the fund may be used for these purposes. The
34 Commissioner of Education is authorized to receive revenue
from the fund administered by the bank. Funds provided to
36 the Department of Education from the fund must be deposited
in a nonlapsing dedicated account to be used to carry out
38 the purposes of this section; and

40 **Sec. 62. 30-A MRSA §6006-F, sub-§3, ¶I,** as amended by PL 2005,
c. 272, §1 and repealed by c. 386, Pt. L, §3, is repealed.

42 **Sec. 63. 31 MRSA c. 3,** as amended, is further amended by
repealing the chapter headnote.

44 **Sec. 64. 34-A MRSA §3001-A** is enacted to read:

46 **§3001-A. Boards of visitors**

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

2 A. The terms of the members of the boards of visitors are
3 for 3 years.

4 B. Members of the boards of visitors are eligible for
5 reappointment at the expiration of their terms.

6 C. A member of the Legislature or an employee of the
7 department may not serve on any board of visitors.

8 D. At least one member of each board must be a person
9 licensed by this State to provide mental health services.

10 E. Each member of the boards of visitors must be
11 compensated according to the provisions of Title 5, chapter
12 379.

13 F. The Governor shall appoint a chair from the membership.

14 2. Duties. Boards of visitors have the following duties.

15 A. Each board of visitors shall inspect the correctional
16 facility to which it is assigned. Each board of visitors
17 must be provided open access to all physical areas of the
18 correctional facility, including access to areas housing
19 clients. Each board of visitors must be provided the
20 opportunity to speak to clients and to staff. Members of
21 the board shall comply with all departmental policies and
22 procedures and facility security practices regarding access
23 to the correctional facility, shall adhere to all federal
24 and state law regarding confidentiality and shall refer
25 concerns or complaints regarding specific individuals to the
26 chief administrative officer or advocate.

27 B. Each board of visitors shall review the management of
28 the correctional facility to which it is assigned to
29 determine whether that management is consistent with the
30 philosophy, mission and policy goals of the department and
31 facility. Each board of visitors shall prepare an annual
32 report including its recommendations and shall provide
33 copies of its report to the chief administrative officer of
34 the facility, the commissioner and the joint standing
35 committee of the Legislature having jurisdiction over
36 criminal justice and public safety matters. The
37 commissioner shall provide copies with the department's
38 response to the reports to the joint standing committee of
39 the Legislature having jurisdiction over criminal justice
40 and public safety matters within one month of receiving the
41 annual reports.

42

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.

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

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

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

28 **4. Volunteer activities.** Volunteer activities of a member
29 of a board of visitors may be prescribed by departmental policies
30 regarding volunteer activities generally.

32 **Sec. 65. 34-A MRSA §3002,** as repealed and replaced by PL
33 2005, c. 216, §1, is repealed.

35 **Sec. 66. 34-B MRSA §1207, sub-§1, ¶H,** as enacted by PL 2003,
36 c. 563, §3, is amended to read:

38 H. The names and dates of death of individuals who died
39 while patients at the Augusta Mental Health Institute, the
40 Bangor Mental Health Institute, the Dorothea Dix Psychiatric
41 Center or the Riverview Psychiatric Center may be made
42 available to the public in accordance with rules adopted by
43 the department. The rules must require the department to
44 notify the public regarding the release of the information
45 and to maintain the confidentiality of information
46 concerning any deceased individual whose surviving relatives
47 notify the department that they object to public
48 disclosure. Rules adopted pursuant to this paragraph are
49 routine technical rules as defined in Title 5, chapter 375,
50 subchapter 2-A.

2 **Sec. 67. 34-B MRSA §1217**, as enacted by PL 1991, c. 9, Pt. E,
§18, is amended to read:

4
6 **§1217. Application of consent decree**

8 It is the intent of the Legislature that the principles of
the consent decree issued on August 2, 1990 by the Superior
10 Court, Kennebec County, in Civil Action Docket No. 89-88 as they
relate to the development of a comprehensive mental health system
12 apply to all persons with severe and prolonged mental illness.
The individualized support plan process as contained in the
14 decree in paragraphs 49 through 74, to the extent possible and
within available resources, must be applicable to current and
16 future patients of the former Bangor Mental Health Institute and
the Dorothea Dix Psychiatric Center. In addition, patient
18 assessments must be provided to Bangor Mental Health Institute
and Dorothea Dix Psychiatric Center patients beginning July 1,
20 1991 and must be completed quarterly until individualized support
plan implementation is developed.

22 **Sec. 68. 35-A MRSA §7104, sub-§5**, as amended by PL 2005, c.
305, §1 and c. 336, §3, is repealed and the following enacted in
24 its place:

26 **5. Funds for Communications Equipment Fund.** The commission
shall annually transfer \$85,000 from a state universal service
28 fund established pursuant to this section to the Communications
Equipment Fund established under Title 26, section 1419-A.

30
32 If the Department of Labor, Bureau of Rehabilitation Services
does not receive from federal or other sources funds in addition
to the \$85,000 sufficient to carry out the purposes of Title 26,
34 section 1419-A, the commission, at the request of the Department
of Labor, Bureau of Rehabilitation Services, may transfer from
36 the state universal service fund to the Communications Equipment
Fund an additional \$37,500.

38
40 The commission may, upon the request of the Department of Labor,
Bureau of Rehabilitation Services and after a finding that the
funds are necessary and that sufficient attempts have been made
42 by the Bureau of Rehabilitation Services to maximize federal
support to support emergency alert telecommunications service,
44 transfer up to \$60,000 in fiscal year 2005-06, up to \$90,000 in
fiscal year 2006-07 and up to \$120,000 in any subsequent fiscal
46 year from the state universal service fund established by this
section to the Communications Equipment Fund established under
48 Title 26, section 1419-A for the exclusive purpose of supporting
the discount program established under Title 26, section 1419-A,
50 subsection 6.

2 The commission may require contributions to the state universal
3 service fund in an amount necessary to collect amounts
4 transferred pursuant to this subsection.

6 **Sec. 69. 36 MRSA §191, sub-§2, ¶BB**, as amended by PL 2005, c.
7 332, §7; c. 395, §1; and c. 396, §5, is repealed and the
8 following enacted in its place:

10 BB. The disclosure to an authorized representative of the
11 Department of Health and Human Services, Office of Child
12 Care and Head Start of taxpayer information directly
13 relating to the certification of investments eligible for or
14 the eligibility of a taxpayer for the quality child care
15 investment credit provided by section 5219-Q;

16 **Sec. 70. 36 MRSA §191, sub-§2, ¶CC**, as amended by PL 2005, c.
17 332, §8; c. 395, §2; and c. 396, §6, is repealed and the
18 following enacted in its place:

20 CC. The disclosure to an authorized representative of the
21 Department of Professional and Financial Regulation of
22 information necessary for the administration of Title 10,
23 chapter 222;

26 **Sec. 71. 36 MRSA §191, sub-§2, ¶FF**, as enacted by PL 2005, c.
27 332, §9, is amended to read:

28 FF. The disclosure to the Department of the Secretary of
29 State, Bureau of Motor Vehicles of whether the person
30 seeking registration of a vehicle has paid the tax imposed
31 by Part 3 with respect to that vehicle; and

34 **Sec. 72. 36 MRSA §191, sub-§2, ¶GG**, as enacted by PL 2005, c.
35 332, §9, is amended to read:

36 GG. The disclosure to the Department of Inland Fisheries and
37 Wildlife, Bureau of Administrative Services of whether the
38 person seeking registration of a snowmobile, all-terrain
39 vehicle or watercraft has paid the tax imposed by Part 3
40 with respect to that snowmobile, all-terrain vehicle or
41 watercraft.

44 **Sec. 73. 36 MRSA §191, sub-§2, ¶HH**, as reallocated by RR 2005,
45 c. 1, §18, is amended to read:

46 HH. The disclosure to an authorized representative of a
47 municipality that has adopted a municipal property tax
48 assistance program under chapter 907-A of information
49 related to a claimant's receipt of benefits under chapter
50

2 907. This paragraph does not authorize the disclosure of a
claimant's income. A municipality receiving information
4 under this paragraph shall keep the information
confidential; and

6 **Sec. 74. 36 MRSA §1603, sub-§1, ¶A**, as amended by PL 1995, c.
565, §1, is further amended to read:

8
10 A. The cost of education, as would be determined by the
~~Maine--School--Finance--Act--of--1995~~ Essential Programs and
12 Services Funding Act if the unorganized territory were a
municipality;

14 **Sec. 75. PL 2005, c. 12, Pt. III, §35, amending clause** is amended to
read:

16 **Sec. III-35. 12 MRSA §12953, sub-§7**, as affected by PL 2003, c.
18 614, §9 and amended by c. 655, Pt. B, §346 and affected by §422,
is further amended to read:

20 **Sec. 76. PL 2005, c. 109, §1, amending clause** is amended to read:

22 **Sec. 1. 8 MRSA §1036, sub-§2, ¶F**, as enacted by PL 2003, c.
24 687, Pt. A, §5 and affected by Pt. D B, §11, is amended to read:

26 **Sec. 77. PL 2005, c. 216, §2** is amended to read:

28 **Sec. 2. Staggered terms.** Notwithstanding the Maine Revised
Statutes, Title 34-A, section ~~3002~~ 3001-A, the terms of members
30 of boards of visitors appointed pursuant to Title 34-A, section
~~3002~~ 3001-A during the first year following the effective date of
32 this Act must be staggered and be for 1, 2 or 3 years.

34 **Sec. 78. PL 2005, c. 216, §3** is amended to read:

36 **Sec. 3. Application.** Notwithstanding the Maine Revised
Statutes, Title 34-A, section ~~3002~~ 3001-A, subsection 1,
38 paragraph C, a current member of a board of visitors who is an
employee of the Department of Corrections may continue to serve
40 on a board until March 15, 2006 or until a new member is
appointed, whichever is sooner.

42 **Sec. 79. PL 2005, c. 397, Pt. A, §31, amending clause** is amended to
44 read:

46 **Sec. A-31. 30-A MRSA §4314, sub-§3, ¶E**, as amended by PL 2003,
c. 595, §1 and c. ~~614~~ 641, §4, is repealed and the following
48 enacted in its place:

2 **Sec. 80. PL 2005, c. 397, Pt. B, §3** is amended to read:

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

6
8 **1. Permit required.** The commissioner may require a person
10 who imports animals into the State to obtain a permit before the
12 time of entry. When a permit is required, the permit or permit
14 number must accompany the shipment. The commissioner may refuse
16 to grant a permit or may issue one subject to quarantine at
18 destination if the animals do not meet importation requirements
20 or do not comply with the inland fisheries and wildlife laws and
22 rules adopted by the Commissioner of Inland Fisheries and
Wildlife under Title 12, chapter ~~707~~ 915, subchapter ~~7~~ 15 or
Title 12, section 12102 or 12704. The commissioner may require
the owner to have those animals tested or examined by a
veterinarian at the owner's expense. The commissioner may
release those animals from quarantine only after the commissioner
is satisfied that they are not a disease threat to other animals
or humans.

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

28 **Sec. 81. PL 2005, c. 401, Pt. C, §6** is amended to read:

30 **Sec. C-6. 22 MRSA §3174-G, sub-§1-C**, as enacted by PL 2001,
c. 650, §3, is amended to read:

32 **1-C. Prescription drug waiver program.** Except as provided
34 in paragraph G, the department shall apply to the federal Centers
for Medicare and Medicaid Services for a waiver or amend a
36 pending or current waiver under the Medicaid program authorizing
the department to use federal matching dollars to enhance the
38 prescription drug benefits available to persons who qualify for
the elderly low-cost drug program established under section ~~254~~
40 254-D. The program created pursuant to the waiver is the
prescription drug waiver program, referred to in this subsection
42 as the "program."

44 **A.** As funds permit, the department has the authority to
46 establish income eligibility levels for the program up to
and including 200% of the federal nonfarm income official
48 poverty level, except that for individuals in households
that spend at least 40% of income on unreimbursed direct
50 medical expenses for prescription medications, the income
eligibility level is increased by 25%.

2 B. To the extent reasonably achievable under the federal
4 waiver process, the program must include the full range of
6 prescription drugs provided under the Medicaid program on
8 the effective date of this subsection and must limit
10 copayments and cost sharing for participants. If cost
sharing above the nominal cost sharing for the Medicaid
program is determined to be necessary, the department may
use a sliding scale to minimize the financial burden on
lower-income participants.

12 C. Coverage under the program may not be less beneficial to
14 persons who meet the qualifications of former section 254
than the coverage available under that section on September
30, 2001.

16 D. In determining enrollee benefits under the program, to
18 the extent possible, the department shall give equitable
20 treatment to coverage of prescription medications for
cancer, Alzheimer's disease and behavioral health.

22 E. The department is authorized to provide funding for the
24 program by using funds appropriated or allocated to provide
prescription drugs under sections ~~254~~ 254-D and 258.

26 F. The department is authorized to amend the waiver or
28 adjust program requirements as necessary to take advantage
of enhanced federal matching funds that may become available.

30 G. If, upon thorough analysis, the department determines
32 that a waiver under this subsection is not feasible or would
not significantly benefit participants in the elderly
34 low-cost drug program, the department may decide not to
pursue the waiver. Within 30 days of a decision not to
36 proceed with a waiver and before taking action on that
decision, the department shall report to the joint standing
38 committee of the Legislature having jurisdiction over health
and human services matters and shall provide a detailed
analysis of the reasons for reaching that decision.

40 **Sec. 82. Resolve 2005, c. 16, §2** is amended to read:

42 **Sec. 2. Report. Resolved:** That the Department of
44 ~~Administration~~ Administrative and Financial Services, Division of
Purchases shall report to the Joint Standing Committee on State
46 and Local Government by January 15, 2006 on the information
obtained pursuant to section 1.

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

2

SUMMARY

4

Section 1 corrects a conflict created by Public Law 2005, chapters 405 and 412, which affected the same provision of law, by incorporating changes made by both laws.

8

Section 2 corrects a conflict created by Public Law 2005, chapters 397, 405 and 412, which affected the same provision of law, by incorporating the changes made by all 3 laws.

12

Section 3 corrects a conflict created by Public Law 2005, chapters 218 and 332, which affected the same provision of law, by incorporating the changes made by both laws.

16

Section 4 corrects clerical errors.

18

Section 5 corrects a reference to a department.

20

Section 6 corrects a cross-reference.

22

Section 7 corrects structural errors by enacting a new Part heading to reflect the intent of the Maine Revised Statutes, Title 5, chapter 372.

26

Section 8 corrects structural errors by enacting a new Part heading to reflect the intent of the Maine Revised Statutes, Title 5, chapter 373.

30

Section 9 corrects a cross-reference.

32

Section 10 repeals and replaces a Part headnote.

34

Section 11 corrects a cross-reference and strikes a reference to an annual plan prepared by the former Maine Potato Quality Control Board.

38

Section 12 corrects a numbering problem created by Public Law 2005, chapters 172 and 270, which enacted 2 substantively different provisions with the same subsection number.

42

Section 13 corrects a clerical error.

44

Section 14 removes a reference to the University of Maine System Scholarship Fund in a list of scholarship funds administered by the Finance Authority of Maine because jurisdiction over this fund was transferred to the Board of Trustees of the University of Maine System pursuant to Public Law 2005, chapter 109.

50

2 Sections 15, 16 and 17 correct a cross-reference and change
"licensed professional forester" to "licensed forester" to
4 reflect the changes made by Public Law 2001, chapter 261, section
4.
6
8 Section 18 corrects cross-references.
10
12 Sections 19, 20 and 21 correct an error made when a unit of
law was repealed and replaced by repealing the Maine Revised
Statutes, Title 12, section 12506, subsection 5 and enacting a
new subsection 5-A. Section 19 corrects a cross-reference to the
repealed subsection 5.
14
16 Section 22 corrects spelling and grammatical errors.
18 Section 23 corrects spelling and grammatical errors.
20 Section 24 corrects a conflict created by Public Law 2005,
chapters 265 and 288, which affected the same provision of law,
by incorporating the changes made by both laws.
22 Sections 25 and 26 correct cross-references.
24 Section 27 corrects a cross-reference and grammar.
26 Sections 28 and 29 correct cross-references.
28 Section 30 corrects a cross-reference and grammar.
30 Section 31 corrects a cross-reference.
32 Section 32 corrects a cross-reference.
34 Section 33 corrects a conflict created by Public Law 2005,
chapters 178 and 294, which affected the same provision of law.
This section repeals the provision and replaces it with the
chapter 178 version.
38
40 Section 34 corrects a cross-reference by adding a subsection
reference that was omitted.
42 Section 35 corrects a cross-reference.
44 Sections 36 and 37 correct a formatting error.
46 Section 38 corrects cross-references.
48 Section 39 corrects a cross-reference.
50

2 Section 40 corrects an error that was created when Public
4 Law 2005, c. 397 repealed and replaced the Maine Revised
6 Statutes, Title 22, section 3174-R and repealed the reference to
8 the 6 percentage point requirement, by striking the reference to
10 the 6 percentage point requirement in this section.

12 Section 41 corrects a cross-reference.

14 Section 42 corrects a cross-reference.

16 Section 43 repeals the subchapter headnote of a repealed
18 subchapter.

20 Section 44 corrects a cross-reference.

22 Section 45 corrects a conflict created by Public Law 2005,
24 chapters 121, 213 and 214, which affected the same provision of
26 law, by incorporating changes made by all 3 laws. It also makes
28 technical changes.

30 Section 46 corrects a conflict created by Public Law 2005,
32 chapters 121, 213 and 214, which affected the same provision of
34 law, by incorporating changes made by all 3 laws. It also makes
36 technical changes.

38 Section 47 corrects a cross-reference.

40 Section 48 corrects a cross-reference.

42 Section 49 corrects a numbering problem created by Public
44 Law 2005, chapters 394 and 400, which enacted 2 substantively
46 different provisions with the same subsection number.

48 Section 50 corrects punctuation, and section 51 deletes a
50 conjunction and corrects punctuation.

 Section 52 corrects a cross-reference, makes grammatical
 changes and strikes a reference to complimentary publications
 that are not required under the Maine Revised Statutes, Title 27,
 section 89-A.

 Section 53 changes the term "Maine farm winery" to "farm
 winery" to reflect the change that was made by Public Law 1993,
 c. 730, which repealed the provision of law that defined "Maine
 farm winery" and enacted a new provision of law that defines
 "farm winery."

 Sections 54 and 55 correct a conflict created by Public Law
 2005, chapters 420 and 433, which affected the same provisions of
 law. This section repeals the provisions and replaces them with
 the chapter 433 version.

2 Section 56 corrects a formatting error by repealing and
replacing a section of law.

4
6 Section 57 corrects the names of Cyr Plantation, St. John
Plantation, Nashville Plantation and Winterville Plantation.

8 Section 58 corrects a conflict created by Public Law 2005,
10 chapters 247 and 424, which affected the same provision of law,
by incorporating the changes made by both laws.

12 Section 59 corrects a punctuation error.

14 Sections 60, 61 and 62 correct several errors created by
16 Public Law 2005, chapters 272 and 386, which affected the same
provision of law, by placing the conjunction in the proper place
18 and repealing the Maine Revised Statutes, Title 30-A, section
6006-F, subsection 3, paragraph I as amended by Public Law 2005,
chapter 272.

20 Section 63 repeals a chapter headnote. Public Law 1969,
22 chapter 324, section 2 repealed the Maine Revised Statutes, Title
31, sections 51 to 60, which encompassed all of Title 31, chapter
24 3.

26 Sections 64 and 65 correct an error that was created by
Public Law 2005, chapter 216, which improperly repealed and
28 replaced the Maine Revised Statutes, Title 34-A, section 3002.
These sections repeal section 3002 and enact a new section 3001-A.

30 Section 66 adds the phrase "Dorothea Dix Psychiatric Center"
32 to implement the revision clause in Public Law 2005, chapter 236,
section 3.

34 Section 67 adds the word "former" before "Bangor Mental
36 Health Institute" and also adds references to the Dorothea Dix
Psychiatric Center to implement the revision clause in Public Law
38 2005, chapter 236, section 3.

40 Section 68 corrects a conflict created by Public Law 2005,
chapters 305 and 336, which affected the same provision of law.
42 This section repeals the provision and replaces it with the
chapter 336 version.

44 Section 69 corrects a conflict created by Public Law 2005,
46 chapters 332, 395 and 396, which affected the same provision of
law. This section repeals the provision and replaces it with the
48 chapter 332 version.

2 Section 70 corrects a conflict created by Public Law 2005,
3 chapters 332, 395 and 396, which affected the same provision of
4 law. This section repeals the provision and replaces it with the
5 chapter 332 version.

6 Sections 71, 72 and 73 correct punctuation and conjunction
7 errors that were created when the Revisor's Report 2005, chapter
8 1 reallocated provisions of law that were enacted by Public Law
9 2005, chapters 332, 395 and 396.

10 Section 74 corrects a cross-reference.

12 Section 75 corrects an amending clause.

14 Section 76 corrects an amending clause.

16 Sections 77 and 78 correct a cross-reference.

18 Section 79 corrects an amending clause.

20 Section 80 corrects an error that was created when a blocked
21 paragraph to the Maine Revised Statutes, Title 7, section 1809,
22 subsection 1 was not included in Public Law 2005, chapter 397,
23 Part B, section 3 when section 1809, subsection 1 was amended.

26 Section 81 corrects an error that was created when 2
27 paragraphs were not included in Public Law 2005, chapter 401,
28 Part C, section 6 when the Maine Revised Statutes, Title 22,
29 section 3174-G, subsection 1-C was amended.

30 Section 82 corrects a clerical error.

32