

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

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Legislative Document

No. 1475

H.P. 1028

House of Representatives, May 6, 2009

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

(EMERGENCY)

Reported by Representative PRIEST of Brunswick 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 pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

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

5 **Whereas**, these errors and inconsistencies create uncertainties and confusion in
6 interpreting legislative intent; and

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

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

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

14 **PART A**

15 **Sec. A-1. 3 MRSA §753**, as repealed and replaced by PL 2007, c. 240, Pt. U, §1,
16 is amended to read:

17 **§753. Expenses**

18 All administrative operating expenses of the Maine Legislative Retirement System
19 Program must be charged to the assets of the Maine Legislative Retirement System
20 Program.

21 **Sec. A-2. 4 MRSA §1301, first ¶**, as enacted by PL 1983, c. 853, Pt. C, §§15 and
22 18, is amended to read:

23 Every judge serving on the court on or after December 1, 1984, ~~shall~~ must be a
24 member of the Maine Judicial Retirement System Program as a condition of employment.

25 **Sec. A-3. 4 MRSA §1357, sub-§3**, as amended by PL 2007, c. 491, §58 and c.
26 523, §1, is repealed and the following enacted in its place:

27 **3. Change of beneficiary.** If the recipient of a service retirement benefit has elected
28 an optional method of payment under subsection 2, paragraphs B to H, and has
29 designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is
30 permitted a one-time change in the designated beneficiary except as provided in
31 paragraph D, but may not change the already elected payment option or the amount of the
32 benefits under that option, by filing a written designation of the new beneficiary, duly
33 notarized, with the executive director on a form provided or specified by the Maine
34 Public Employees Retirement System. The change of beneficiary permitted by this
35 subsection may only be made prior to the death of the prior designated beneficiary.

1 A. The benefit payable to the recipient and the new beneficiary must be paid under
2 the same payment option. The amount of the recipient's benefit may not change, and
3 the amount of the new beneficiary's benefit must be the same as the amount of the
4 prior beneficiary's benefit.

5 B. The effective date of the designation of the new beneficiary is the date the
6 designation is received by the executive director. As of the first day of the month
7 following the effective date of the designation of the new beneficiary, the prior
8 beneficiary is no longer entitled to any benefit payment and, if concurrent payment
9 under subsection 2, paragraph E has been elected, the new beneficiary's benefit must
10 become effective on the same date.

11 C. The new beneficiary's entitlement to benefits ceases on the earlier of:

12 (1) The date of the new beneficiary's death; or

13 (2) The date established when the amount of the prior beneficiary's benefit was
14 established, which is the initial commencement date of benefits to the retiree
15 increased by the life expectancy of the prior beneficiary computed in years and
16 months using actuarial equivalence assumptions recommended by the system's
17 actuary.

18 Payment of benefits to the new beneficiary must cease as of the first day of the month
19 following the earlier of subparagraph (1) or (2).

20 D. A recipient who exercises a one-time option under this subsection may revert
21 back to the original designated beneficiary, who will be treated as the new
22 beneficiary for purposes of paragraphs A to C.

23 **Sec. A-4. 5 MRSA §7051, sub-§6**, as amended by PL 2007, c. 466, Pt. A, §15, is
24 further amended to read:

25 **6. Temporary and provisional appointments.** Whenever it is impossible to certify
26 eligible persons for appointment to a vacancy in the classified service, the appointing
27 authority may nominate a person to be the director. If the nominee is found by the
28 director to have had experience and training that appear to qualify the nominee for the
29 position, the nominee may be temporarily appointed to fill the vacancy in accordance
30 with policies and procedures developed by the director.

31 A. The director may make a provisional appointment to fill a technical or
32 professional position that requires a specialized knowledge or training to carry out the
33 duties of the position and that cannot be filled from the eligible register.

34 B. The director shall establish a policy to protect persons in temporary positions
35 from remaining in a temporary position for an unreasonable period of time, not to
36 exceed one year.

37 C. The director may authorize, without requiring competitive tests, the appointment
38 of unskilled laborers or persons engaged in custodial and domestic work in state
39 institutions or departments.

40 **Sec. A-5. 5 MRSA §18252**, as amended by PL 2007, c. 490, §1 and c. 491, §191,
41 is repealed and the following enacted in its place:

1 §18252. Membership in districts with Social Security coverage

2 A person who is or would be covered by the United States Social Security Act as a
3 result of employment by a participating local district with Social Security coverage may
4 elect to join, not to join, to cease contributions to or to withdraw from the Participating
5 Local District Retirement Program under the following conditions.

6 1. Membership. An employee may join the Participating Local District Retirement
7 Program at the beginning of employment or at any time after beginning employment, as
8 long as that person is still an employee of the participating local district and the district
9 continues to be a participating local district.

10 A. Purchase of service credit for the period during which the person was not a
11 member of the Participating Local District Retirement Program is governed by
12 section 18305-A.

13 2. Employee who is participating member. A person who is a participating
14 member of the Participating Local District Retirement Program may elect to cease
15 contributions to that program and, at that person's discretion, may withdraw accumulated
16 contributions in accordance with section 18306-A.

17 3. Person who has previously ceased contributions. A person who has previously
18 elected to cease contributions to the Participating Local District Retirement Program,
19 whether or not accumulated contributions have been withdrawn, may choose to rejoin
20 that program at any time under the following conditions.

21 B. The employer must still be a participating local district allowing new membership
22 in the Participating Local District Retirement Program.

23 C. Purchase of service credit for the period during which the person was not a
24 member of the Participating Local District Retirement Program is governed by
25 section 18305-A. Repayment of withdrawn accumulated contributions is governed
26 by section 18304.

27 5. Limit on right to rejoin. The right of a person to rejoin under subsection 3 is
28 limited to 2 occurrences.

29 6. Restoration to service. If any person who is the recipient of a service retirement
30 benefit is covered by the United States Social Security Act upon being restored to service,
31 continuation of that person's benefit is governed by the following.

32 A. The person may elect to have the service retirement benefit continued during the
33 period of time the person is restored to service and the person may not accumulate
34 any additional service credits.

35 B. The person may elect to have the service retirement benefit terminated, again
36 become a member of the Participating Local District Retirement Program and begin
37 contributing at the current rate.

38 (1) The person is entitled to accumulate additional service credits during the
39 period of time the person is restored to service.

1 (2) When the person again retires, the person is entitled to receive benefits
2 computed on the person's entire creditable service and in accordance with the law
3 in effect at the time.

4 C. Upon being restored to service, the person must elect to have benefits either
5 continued or terminated. If written notification of the person's election is not
6 received by the executive director within 60 days of restoration to service, the person
7 is deemed to have elected the provisions of paragraph A. The election, regardless of
8 how it is made, is irrevocable during the period of restoration to service.

9 **Sec. A-6. 5 MRSA §18252-A, sub-§1**, as amended by PL 2007, c. 490, §2 and c.
10 491, §192, is repealed and the following enacted in its place:

11 **1. Membership.** An employee of a participating local district that does not have
12 Social Security coverage and that has a plan provided by the employer under section
13 18252-B may elect to be a member under the Participating Local District Retirement
14 Program or to be covered under the plan provided by the employer in accordance with the
15 following.

16 A. A person hired by a participating local district, or rehired following a break in
17 service, after the date on which the employer provides a plan under section 18252-B
18 must elect at the time of hiring or rehiring whether to be a member under the
19 retirement system or to be covered under a plan provided by the employer under
20 section 18252-B.

21 (1) If the person elects to be a member under the retirement system, the election
22 is effective as of the date of hire or rehire.

23 (a) A person who elects to be a member of the retirement system may later
24 elect to be covered under a plan provided by the employer under section
25 18252-B. The person who so elects may, at that person's discretion,
26 withdraw accumulated contributions in accordance with section 18306-A.

27 (b) A person who elects under division (a) to be covered under a plan
28 provided by the employer under section 18252-B may later elect to again
29 become a member under the retirement system, unless to so elect would have
30 the effect of requiring the employer, without the employer's agreement, to
31 make an employer contribution to both the retirement system and the plan
32 provided by the employer under section 18252-B.

33 (c) A person who elects under division (b) to again become a member of the
34 retirement system may, in accordance with section 18305-A, purchase
35 service credit for the period during which the person elected not to be a
36 member of the retirement system. The person may, in accordance with
37 section 18304, repay contributions withdrawn under division (a) and may, as
38 permitted under other relevant retirement system law, rule and policy, repay
39 other refunded contributions.

40 (d) A person who, having elected to again become a member under the
41 retirement system under division (c), later elects again not to be a member
42 may not thereafter become a member under the retirement system while
43 employed by the same participating local district.

1 (2) A person who elects to be covered under a plan provided by the employer
2 under section 18252-B may later elect to become a member under the retirement
3 system.

4 (a) Membership service credit for a person joining the retirement system
5 under this subparagraph begins as of the effective date of first contributions
6 or pick-up contributions to the retirement system following that person's
7 election under this subparagraph.

8 (b) A person who joins the retirement system under this subparagraph may,
9 in accordance with section 18305-A, purchase service credit for the period
10 during which the person elected not to be a member of the retirement system.

11 (c) A person who, having elected to become a member under the retirement
12 system under this subparagraph, later elects again not to be a member may, at
13 the employee's discretion, withdraw accumulated contributions in accordance
14 with applicable requirements of law and rule and retirement system
15 procedures and may not thereafter become a member under the retirement
16 system while employed by the same participating local district.

17 B. An employee of the participating local district who is a member under the
18 retirement system on the date on which the employer provides a plan under section
19 18252-B may elect to remain a member under the retirement system or to become
20 covered under a plan provided by the employer under section 18252-B.

21 (1) If that person elects not to remain a member, the election is effective as of the
22 first day of the month in which no contributions or pick-up contributions are
23 made to the retirement system by that person. A person who elects not to remain
24 a member may, at that person's discretion, withdraw accumulated contributions in
25 accordance with section 18306-A.

26 (2) A person who elects not to remain a member under the retirement system
27 may later elect to again become a member.

28 (a) Membership service credit for a person who elects to again become a
29 member under the retirement system under this subparagraph begins as of the
30 effective date of the first contributions or pick-up contributions to the
31 retirement system following that person's election under this subparagraph.

32 (b) A person who rejoins the retirement system under this subparagraph
33 may, in accordance with section 18305-A, purchase service credit for the
34 period during which that person elected not to be a member of the retirement
35 system. The person may, in accordance with section 18304, repay
36 contributions refunded under subparagraph (1), unless to so elect would have
37 the effect of requiring the employer, without the employer's agreement, to
38 make an employer contribution to both the retirement system and the plan
39 provided by the employer under section 18252-B.

40 (c) A person who, having elected to again become a member under the
41 retirement system under this subparagraph, later elects again not to be a
42 member may, at that person's discretion, withdraw accumulated contributions
43 in accordance with section 18306-A and may not thereafter become a

1 member under the retirement system while employed by the same
2 participating local district.

3 D. If the participating local district does not have a plan provided under section
4 18252-B, the employees do not have the elections provided under paragraphs A and
5 B.

6 **Sec. A-7. 7 MRSA §3916, sub-§2-A**, as enacted by PL 2007, c. 119, §1, is
7 amended to read:

8 **2-A. Notice to department.** A veterinarian who issues a certificate of rabies
9 vaccination for a dog pursuant to subsection 2 shall, within 30 days of issuing the
10 certificate, forward by mail, e-mail or ~~fax~~ facsimile transmission a copy of that certificate
11 to the department. The department shall send a copy of the certificate by mail, e-mail or
12 ~~fax~~ facsimile transmission to the clerk of the municipality in which the owner resides. If
13 the owner resides in the unorganized territory, the department shall send a copy of the
14 certificate to the dog recorder in that unorganized territory or, in the absence of a duly
15 authorized dog recorder, to the dog recorder in the nearest municipality or unorganized
16 territory in the same county in which the owner resides. The department may retain a
17 copy or electronic record of the rabies certificate. The department may accumulate
18 certificates received and distribute them periodically to the appropriate municipalities and
19 dog recorders. Distributions must be made no fewer than 4 times a year.

20 **Sec. A-8. 12 MRSA §6702, sub-§6**, as amended by PL 2007, c. 607, Pt. A, §2
21 and Pt. B, §2, is repealed and the following enacted in its place:

22 **6. Violation.** A person who violates this section commits a civil violation for which
23 the following penalties apply:

24 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on
25 board may be seized;

26 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on
27 board may be seized; and

28 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all
29 scallops on board may be seized. This penalty is imposed in addition to the penalty
30 imposed under section 6728-B.

31 **Sec. A-9. 12 MRSA §10001, sub-§53**, as amended by PL 2007, c. 651, §2, is
32 further amended to read:

33 **53. Resident.** ~~For the purposes of this subsection, "resident"~~ "Resident" means a
34 citizen of the United States or an alien who has been domiciled in the State for one year
35 who:

36 A. If registered to vote, is registered in this State;

37 B. If licensed to drive a motor vehicle, has made application for or possesses a motor
38 vehicle operator's license issued by the State;

1 C. If owning a motor vehicle located within the State, has registered each such
2 vehicle in the State; and

3 D. Is in compliance with the state income tax laws.

4 A person who is a full-time student at a college or university in the State and has satisfied
5 the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State
6 during that period.

7 **Sec. A-10. 13-C MRSA §1331, sub-§2**, as amended by PL 2007, c. 323, Pt. C,
8 §17 and affected by Pt. G, §4, is further amended to read:

9 **2. Appropriate court.** A corporation shall commence the proceeding under
10 subsection 1 in the appropriate court of the county where the corporation's principal
11 office is located or, if there is no principal office, in Kennebec County. If the
12 corporation is a foreign corporation, the corporation shall commence the proceeding in
13 the county in this State where the principal office of the domestic corporation merged
14 with the foreign corporation was located or, if the domestic corporation did not have its
15 principal office in this State at the time of the transaction, in Kennebec County.

16 **Sec. A-11. 14 MRSA §3572, sub-§12**, as enacted by PL 1985, c. 641, §3, is
17 amended to read:

18 **12. Transfer.** "Transfer" means every mode, direct or indirect, absolute or
19 conditional, voluntary or involuntary, or of disposing of or parting with an asset or an
20 interest in an asset, and includes payment of money, release, lease or creation of a lien or
21 other encumbrance.

22 **Sec. A-12. 22 MRSA §1971, sub-§1**, as amended by PL 2007, c. 539, Pt. EE, §1
23 and c. 572, Pt. A, §16, is repealed and the following enacted in its place:

24 **1. Establishment.** The position of school nurse consultant is established jointly
25 within the department and the Department of Education. The Director of the Maine
26 Center for Disease Control and Prevention and the Policy Director of Special Services
27 within the Department of Education shall jointly supervise the school nurse consultant.

28 **Sec. A-13. 22 MRSA §3173-C, sub-§7**, as amended by PL 2003, c. 451, Pt. H,
29 §1 and affected by §3, is further amended to read:

30 **7. Copayments.** Notwithstanding any other provision of law, the following
31 copayments per service per day are imposed and reimbursements are reduced, or both, to
32 the following levels:

33 A. Outpatient hospital services, \$3;

34 B. Home health services, \$3;

35 C. Durable medical equipment services, \$3;

36 D. Private duty nursing and personal care services, \$5 per month;

37 E. Ambulance services, \$3;

- 1 F. Physical therapy services, \$2;
- 2 G. Occupational therapy services, \$2;
- 3 H. Speech therapy services, \$2;
- 4 I. Podiatry services, \$2;
- 5 J. Psychologist services, \$2;
- 6 K. Chiropractic services, \$2;
- 7 L. Laboratory and x-ray services, \$1;
- 8 M. Optical services, \$2;
- 9 N. Optometric services, \$3;
- 10 O. Mental health clinic services, \$2;
- 11 P. Substance abuse services, \$2;
- 12 Q. Hospital inpatient services, \$3 per patient day;
- 13 R. Federally qualified health center services, \$3 per patient day, effective July 1,
- 14 2004; and
- 15 S. Rural health center services, \$3 per patient day.

16 The department may adopt rules to adjust the copayments set forth in this subsection.
 17 The rules may adjust amounts to ensure that copayments are deemed nominal in amount
 18 and may include monthly limits or exclusions per service category. The need to maintain
 19 provider participation in the Medicaid program to the extent required by 42 United States
 20 Code, Section ~~1392(a)(30)(A)~~ 1396(a)(30)(A) or any successor provision of law must be
 21 considered in any reduction in reimbursement to providers or imposition of copayments.

22 **Sec. A-14. 24-A MRSA §3007, sub-§5, ¶B**, as amended by PL 2005, c. 114, §4,
 23 is further amended to read:

24 B. Nonrenewal subject to this section is not effective prior to 30 days after receipt of
 25 ~~notice~~ written notice by the insured. Prior to the date of renewal of a policy that has
 26 been transferred by an insurer to an affiliate, the insured must receive notice of any
 27 changes to the terms of the policy that are less favorable to the insured.

28 **Sec. A-15. 26 MRSA §1419, sub-§1, ¶B-2**, as amended by PL 2003, c. 553, Pt.
 29 A, §1, is further amended to read:

30 B-2. "Specialized customer communications equipment" means communications
 31 equipment used by persons with disabilities to conduct telephone communications or
 32 equipment that provides or assists in providing emergency alert notification to deaf
 33 persons or hard-of-hearing persons. "Specialized customer communications
 34 equipment" includes but is not limited to teletypewriters, artificial larynges, signaling
 35 devices, amplified handsets, large number dial overlays, direct telephone dialing, ~~fax~~
 36 facsimile transmission machines, equipment necessary to use short message services
 37 or text message services and other equipment used by persons with disabilities to

1 provide access to telephone networks and equipment that provides or facilitates
2 emergency alert notification to deaf persons or hard-of-hearing persons.

3 **Sec. A-16. 30-A MRSA §701, sub-§2**, as amended by PL 2007, c. 653, Pt. A, §7
4 and c. 663, §1, is repealed and the following enacted in its place:

5 **2. Preparation of noncorrectional services-related estimates.** In order to assess a
6 county tax for noncorrectional services-related expenses, the county commissioners, prior
7 to November 7th in each year for counties on a January to December fiscal year and April
8 15th for counties on a July to June fiscal year, shall prepare estimates of the sums
9 necessary to pay the noncorrectional services-related expenses that have accrued or may
10 probably accrue for the coming year, including the building and repairing of courthouses
11 and appurtenances, with the noncorrectional services-related debts owed by their
12 counties.

13 The estimates must be drawn so as to authorize the appropriations to be made to each
14 department or agency of the county government for the year. The estimates must provide
15 specific amounts for personal services, contractual services, commodities, debt service
16 and capital expenditures made or provided by the county for noncorrectional-related
17 services. The estimates must include specific amounts for each noncorrectional service
18 expenditure.

19 **Sec. A-17. 31 MRSA §714, sub-§2**, as amended by PL 2007, c. 231, §28 and
20 repealed by c. 323, Pt. D, §19 and affected by Pt. G, §4, is repealed.

21 **Sec. A-18. 32 MRSA §220, sub-§2, ¶B**, as repealed and replaced by PL 2007, c.
22 390, §1 and amended by c. 402, Pt. F, §12, is repealed and the following enacted in its
23 place:

24 **B. A landscape architect must meet the qualifications established in this paragraph.**

25 (1) To be qualified for admission to the examination to practice landscape
26 architecture in this State, an applicant must submit evidence that:

27 (a) The applicant has completed a course of study in a school or college of
28 landscape architecture approved by the board, with graduation evidenced by
29 a diploma setting forth a satisfactory degree and 2 years of practical
30 experience in landscape architectural work of a grade and character
31 satisfactory to the board; or

32 (b) The applicant has training or practical experience, or a combination of
33 both, that in the opinion of the board is fully equivalent to that required in
34 division (a).

35 (2) An applicant for licensure as a landscape architect in this State who has a
36 current and valid license from another jurisdiction and a certificate from a
37 recognized council of landscape architecture registration board may offer to
38 render landscape architectural services in the State prior to licensure by the board
39 as long as the applicant first notifies the board in writing that the applicant will be
40 present in the State to offer to render landscape architectural services. The

1 applicant may not render landscape architectural services until duly licensed by
2 the board.

3 (3) An applicant for renewal of a license issued pursuant to this section shall
4 submit evidence that the applicant meets the qualifications established by the
5 board.

6 **Sec. A-19. 32 MRSA §1101, sub-§1**, as amended by PL 1999, c. 386, Pt. F, §1,
7 is further amended to read:

8 **1. Apprentice electrician.** "Apprentice electrician" means ~~a person~~ an apprentice, as
9 defined in Title 26, ~~chapter 11~~ section 2006, subsection 5-A, paragraph A, subparagraph
10 (1), who is engaged in a written agreement to work at and learn the trade of an electrician
11 under the direct supervision of a master, journeyman or limited electrician.

12 **Sec. A-20. 32 MRSA §3824, sub-§5**, as amended by PL 2007, c. 10, §1 and c.
13 402, Pt. Q, §8, is repealed and the following enacted in its place:

14 **5. Temporary licensure.** The board shall adopt rules for the granting of a
15 temporary license to enable psychologists to practice in this State under supervision
16 pending such examination as the board may require. An applicant who possesses at least
17 1,500 hours of postdoctoral experience and fulfills all the requirements for licensure, with
18 the exception of any required examination, may apply to the board for a temporary
19 license. Upon receiving a completed application and fee as set under section 3833-A, the
20 board shall issue a temporary license that entitles the applicant to practice as a
21 psychologist or psychological examiner under supervision while completing the
22 requirements for permanent licensure. The temporary license is effective for one year.

23 **Sec. A-21. 32 MRSA §12251, sub-§4-A**, as repealed by PL 2007, c. 384, §9 and
24 amended by c. 402, Pt. Z, §16, is repealed.

25 **Sec. A-22. 32 MRSA §13723, sub-§7, ¶A**, as amended by PL 2007, c. 344, §10
26 and c. 402, Pt. DD, §10, is repealed and the following enacted in its place:

27 A. Prescriptions, orders and records required by this chapter and stocks of
28 prescription and legend drugs are open only to the board, the board's authorized
29 representatives, federal and state law enforcement officers whose duty it is to enforce
30 the laws of this State or of the United States relating to scheduled drugs or controlled
31 substances or to enforce conditions of probation or other supervision imposed by a
32 court relating to scheduled drugs or controlled substances and other law enforcement
33 officers authorized by the board, the Attorney General or the district attorney for the
34 purposes of inspecting, investigating and gathering evidence of violations of law or
35 any rule of the board. A person having knowledge by virtue of the person's office of
36 any such prescription, order or record may not divulge that knowledge, except before
37 a licensing board or representative or in connection with a prosecution or proceeding
38 in court.

39 **Sec. A-23. 32 MRSA §13753, sub-§1**, as amended by PL 2007, c. 402, Pt. DD,
40 §26, is further amended to read:

1 **1. Changes.** All licensed pharmacies shall report to the board, by mail or fax
2 facsimile transmission, the occurrence of any of the following changes:

3 A. Permanent closing which requires 14 days' prior notice to the public and to the
4 board;

5 B. Change of ownership which requires 7 days' prior notice to the board;

6 C. Change of pharmacist in charge which requires notice no later than 7 days after
7 the change; and

8 D. Any other matters and occurrences as the board may require by rule.

9 **Sec. A-24. 34-B MRSA §1207, sub-§1, ¶B**, as amended by PL 2007, c. 609, §1
10 and c. 670, §17, is repealed and the following enacted in its place:

11 B. Information may be disclosed if necessary to carry out the statutory functions of
12 the department; the hospitalization provisions of chapter 3, subchapter 4; the
13 provisions of section 1931; the purposes of sections 3607-A and 3608; the purposes
14 of Title 5, section 19506; the purposes of United States Public Law 99-319, dealing
15 with the investigatory function of the independent agency designated with advocacy
16 and investigatory functions under United States Public Law 88-164, Title I, Part C or
17 United States Public Law 99-3 9; or the investigation and hearing pursuant to Title
18 15, section 393, subsection 4-A;

19 **Sec. A-25. 35-A MRSA §3210-C, sub-§3**, as amended by PL 2007, c. 575, §2
20 and c. 656, Pt. B, §2, is repealed and the following enacted in its place:

21 **3. Commission authority.** The commission may direct investor-owned
22 transmission and distribution utilities to enter into long-term contracts for:

23 A. Capacity resources; and

24 B. Any available energy associated with capacity resources contracted under
25 paragraph A:

26 (1) To the extent necessary to fulfill the policy of subsection 2, paragraph A; or

27 (2) If the commission determines appropriate for purposes of supplying or
28 lowering the cost of standard-offer service or otherwise lowering the cost of
29 electricity for the ratepayers in the State. Available energy contracted pursuant to
30 this subparagraph may be sold into the wholesale electricity market in
31 conjunction with solicitations for standard-offer supply bids.

32 The commission may direct investor-owned transmission and distribution utilities to enter
33 into contracts under this subsection only as agents for their customers and only in
34 accordance with this section. The commission may permit, but may not require, investor-
35 owned transmission and distribution utilities to enter into contracts for differences that are
36 designed and intended to buffer ratepayers in the State from potential negative impacts
37 from transmission development. To the greatest extent possible, the commission shall
38 develop procedures for long-term contracts for investor-owned transmission and
39 distribution utilities under this subsection having the same legal and financial effect as the

1 procedures used for standard-offer service pursuant to section 3212 for investor-owned
2 transmission and distribution utilities.

3 The commission may enter into contracts for interruptible, demand response or energy
4 efficiency capacity resources. These contracts are not subject to the rules of the State
5 Purchasing Agent. In a competitive solicitation conducted pursuant to subsection 6, the
6 commission shall allow transmission and distribution utilities to submit bids for
7 interruptible, demand response or energy efficiency capacity resources.

8 Capacity resources contracted under this subsection may not exceed the amount
9 necessary to ensure the reliability of the electric grid of this State or to lower customer
10 costs as determined by the commission pursuant to rules adopted under subsection 10.

11 Unless the commission determines the public interest requires otherwise, a capacity
12 resource may not be contracted under this subsection unless the commission determines
13 that the capacity resource is recognized as a capacity resource for purposes of any
14 regional or federal capacity requirements.

15 The commission shall ensure that any long-term contract authorized under this subsection
16 is consistent with the State's goals for greenhouse gas reduction under Title 38, section
17 576 and the regional greenhouse gas initiative as described in the state climate action plan
18 required in Title 38, section 577.

19 **Sec. A-26. 35-A MRSA §3210-C, sub-§7,** as amended by PL 2007, c. 575, §3
20 and c. 656, Pt. B, §3, is repealed and the following enacted in its place:

21 **7. Disposition of resources.** An investor-owned transmission and distribution utility
22 shall sell capacity resources and energy purchased pursuant to subsection 3 or take other
23 action relative to such capacity resources and energy as directed by the commission.

24 **Sec. A-27. 35-A MRSA §3210-C, sub-§8,** as amended by PL 2007, c. 575, §4
25 and c. 656, Pt. B, §4, is repealed and the following enacted in its place:

26 **8. Cost recovery.** The commission shall ensure that an investor-owned transmission
27 and distribution utility recovers in rates all costs of contracts entered into pursuant to
28 subsection 3, including but not limited to any impacts on the utility's costs of capital. A
29 price differential existing at any time during the term of the contract between the contract
30 price and the prevailing market price at which the capacity resource is sold or any gains
31 or losses derived from contracts for differences must be reflected in rates and may not be
32 deemed to be imprudent.

33 **Sec. A-28. 36 MRSA §191, sub-§2, ¶JJ,** as amended by PL 2007, c. 539, Pt. M,
34 §3 and Pt. OO, §6; c. 693, §8; and c. 694, §2, is further amended to read:

35 JJ. The disclosure to the State Purchasing Agent of a person's sales tax standing as
36 necessary to enforce Title 5, section 1825-B, subsection 14; and

37 **Sec. A-29. 36 MRSA §191, sub-§2, ¶KK,** as enacted by PL 2007, c. 539, Pt. M,
38 §4, is amended to read:

39 KK. The disclosure of information necessary to administer the setoff of liquidated
40 tax debts pursuant to section 185, subsection 3;

1 **Sec. A-30. 36 MRSA §191, sub-§2, ¶KK**, as enacted by PL 2007, c. 539, Pt.
2 OO, §7, is reallocated to 36 MRSA §191, sub-§2, ¶LL.

3 **Sec. A-31. 36 MRSA §191, sub-§2, ¶KK**, as enacted by PL 2007, c. 693, §9, is
4 reallocated to 36 MRSA §191, sub-§2, ¶MM.

5 **Sec. A-32. 36 MRSA §191, sub-§2, ¶KK**, as enacted by PL 2007, c. 694, §3, is
6 reallocated to 36 MRSA §191, sub-§2, ¶NN.

7 **Sec. A-33. 36 MRSA §1487, sub-§2**, as amended by PL 2007, c. 541, Pt. E, §1
8 and c. 693, §13, is repealed and the following enacted in its place:

9 **2. State Tax Assessor.** The State Tax Assessor shall appoint agents to collect the
10 excise tax in the unorganized territory. Agents, including municipalities designated as
11 agents, are allowed a fee of \$6 for each tax receipt issued. The State Tax Assessor may
12 authorize the offset of credit card fees incurred in the collection of the excise taxes
13 against the receipts from those collections. Agents shall deposit the remainder on or
14 before the 20th day of each month following receipt with the Treasurer of State. The
15 Treasurer of State shall make quarterly payments to each county in an amount that is
16 equal to the receipts for that period from each county. Those payments must be made at
17 the same time as payments under section 1606. County receipts under this section must
18 be deposited in the county's unorganized territory fund.

19 **Sec. A-34. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 2007, c. 627, §42
20 and affected by §96 and amended by c. 693, §14, is repealed and the following enacted in
21 its place:

22 **B. "Retail sale" does not include:**

23 (1) Any casual sale;

24 (2) Any sale by a personal representative in the settlement of an estate, unless the
25 sale is made through a retailer, or unless the sale is made in the continuation or
26 operation of a business;

27 (3) The sale, to a person engaged in the business of renting automobiles, of
28 automobiles, integral parts of automobiles or accessories to automobiles, for
29 rental or for use in an automobile rented on a short-term basis;

30 (4) The sale, to a person engaged in the business of renting video media and
31 video equipment, of video media or video equipment for rental;

32 (5) The sale, to a person engaged in the business of renting or leasing
33 automobiles, of automobiles for rental or lease for one year or more;

34 (6) The sale, to a person engaged in the business of providing cable or satellite
35 television services, of associated equipment for rental or lease to subscribers in
36 conjunction with a sale of extended cable or extended satellite television services;

37 (7) The sale, to a person engaged in the business of renting furniture, or audio
38 media and audio equipment, of furniture, audio media or audio equipment for

1 rental pursuant to a rental-purchase agreement as defined in Title 9-A, section
2 11-105;

3 (8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant
4 to Title 29-A, section 953;

5 (9) The sale of automobile repair parts used in the performance of repair services
6 on an automobile pursuant to an extended service contract sold on or after
7 September 20, 2007 that entitles the purchaser to specific benefits in the service
8 of the automobile for a specific duration;

9 (10) The sale, to a retailer that has been issued a resale certificate pursuant to
10 section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in
11 the form of tangible personal property, except resale as a casual sale;

12 (11) The sale, to a retailer that has been issued a resale certificate pursuant to
13 section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except
14 resale as a casual sale;

15 (12) The sale, to a retailer that is not required to register under section 1754-B,
16 of tangible personal property for resale outside the State in the form of tangible
17 personal property, except resale as a casual sale; or

18 (13) The sale, to a retailer that is not required to register under section 1754-B,
19 of a taxable service for resale outside the State, except resale as a casual sale.

20 **Sec. A-35. 36 MRSA §2552, sub-§1, ¶J,** as amended by PL 2007, c. 539, Pt.
21 DDD, §7 and c. 627, §67, is repealed and the following enacted in its place:

22 J. Home support services; and

23 **Sec. A-36. 36 MRSA §2552, sub-§1, ¶K,** as repealed by PL 2007, c. 539, Pt.
24 DDD, §8 and amended by c. 627, §68, is repealed.

25 **Sec. A-37. 36 MRSA §2559,** as amended by PL 2007, c. 539, Pt. DDD, §9, is
26 further amended to read:

27 **§2559. Application of revenues**

28 Revenues derived by the tax imposed by this chapter must be credited to a General
29 Fund suspense account. On or before the last day of each month, the State Controller
30 shall transfer a percentage of the revenues received by the State Tax Assessor during the
31 preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A
32 to F and L to the Local Government Fund as provided by Title 30-A, section 5681,
33 subsection 5. The balance remaining in the General Fund suspense account must be
34 transferred to service provider tax General Fund revenue. On or before the 15th day of
35 each month, the State Controller shall transfer all revenues received by the assessor
36 during the preceding month pursuant to the tax imposed by section 2552, subsection 1,
37 paragraphs G to J to the Medical Care Services Other Special Revenue Funds account,
38 the Other Special Revenue Funds Mental Health Services - Community Medicaid
39 program, the Medicaid Services - Mental Retardation program and the Office of

1 Substance Abuse - Medicaid Seed program within the Department of Health and Human
2 Services.

3 **Sec. A-38. 36 MRSA §5219-BB**, as enacted by PL 2007, c. 690, §1, is reallocated
4 to 36 MRSA §5219-DD.

5 **Sec. A-39. 37-B MRSA §505, sub-§1-A, ¶A**, as amended by PL 2007, c. 521,
6 §2 and c. 678, §1, is repealed and the following enacted in its place:

7 A. The bureau may provide a grant of temporary assistance not to exceed \$600 to a
8 veteran currently a resident of this State who has filed a valid claim for a veteran's
9 pension, pending notification of the award of such a pension, if that veteran is not
10 incarcerated or a permanent resident of a nursing home and requests such assistance.
11 For purposes of this paragraph, "claim for a veteran's pension" means a claim filed
12 with the federal Veterans' Administration pursuant to 38 United States Code, Chapter
13 15.

14 **Sec. A-40. 37-B MRSA §505, sub-§1-A, ¶B**, as amended by PL 2007, c. 521,
15 §2 and c. 678, §1, is repealed and the following enacted in its place:

16 B. The bureau may provide a grant of emergency assistance not to exceed \$500 to a
17 veteran currently a resident of this State who demonstrates to the bureau's satisfaction
18 a financial need and suffers an emergency, such as damage to that veteran's home due
19 to fire, flood or hurricane, that is not fully compensable by insurance; illness or the
20 illness of an immediate family member; or a similar emergency. In the case of a
21 veteran with terminal illness or catastrophic injury, the director may provide a grant
22 of up to \$1,000. No more than \$1,000 in emergency assistance may be provided to a
23 veteran in any 12-month period. For the purposes of this paragraph, "veteran" has the
24 same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1.
25 Grants may not be issued for fuel assistance or due to loss of income due to
26 unemployment while the veteran is receiving other unemployment benefits.

27 **Sec. A-41. PL 2007, c. 695, Pt. L, §1**, as corrected by RR 2007, c. 2, §32, is
28 repealed.

29 **Sec. A-42. Maine Revised Statutes headnote amended; revision clause.** In
30 the Maine Revised Statutes, Title 22, chapter 1054-A, in the chapter headnote, the words
31 "additional support for people in retraining and education program" are amended to read
32 "additional support for people in retraining and employment program" and the Revisor of
33 Statutes shall implement this revision when updating, publishing or republishing the
34 statutes.

35 PART B

36 **Sec. B-1. 25 MRSA §2351**, as corrected by RR 1995, c. 2, §56 and amended by
37 PL 2007, c. 699, §7 and affected by §26, is repealed and the following enacted in its
38 place:

1 **§2351. Building official; compensation; jurisdiction; deputy**

2 In every town and city of more than 2,000 inhabitants, and in every town of 2,000
3 inhabitants or less, if such a town so votes at a town meeting, and in each village
4 corporation, if such a corporation so votes at the annual meeting of the corporation, the
5 municipal officers shall annually in the month of April appoint a building official, who
6 must be a person skilled in the construction of buildings, and shall determine the building
7 official's compensation. The municipal officers shall define the limits within which the
8 building official has jurisdiction, which includes the thickly settled portion of each such
9 city or of each village in each such city or town. Whenever the building official becomes
10 incapacitated, the municipal officers may appoint or authorize the building official to
11 appoint a deputy building official, who shall serve until removed by the municipal
12 officers, but in no event beyond the term for which the building official was appointed.
13 The deputy building official shall perform such duties as may be required of the deputy
14 building official by the building official. The compensation of the deputy building
15 official is determined by the municipal officers.

16 This section is repealed July 1, 2010.

17 **Sec. B-2. 25 MRSA §2351-A** is enacted to read:

18 **§2351-A. Building official; compensation; deputy**

19 In every town and city of more than 2,000 inhabitants, and in every town of 2,000
20 inhabitants or less, if such a town so votes at a town meeting, and in each village
21 corporation, if such a corporation so votes at the annual meeting of the corporation, the
22 municipal officers shall annually in the month of April appoint a building official, who
23 must be a person certified in building standards pursuant to Title 30-A, section 4451,
24 subsection 2-A, paragraph E, and shall determine the building official's compensation.
25 Whenever the building official becomes incapacitated, the municipal officers may
26 appoint or authorize the building official to appoint a deputy building official, who shall
27 serve until removed by the municipal officers, but in no event beyond the term for which
28 the building official was appointed. The deputy building official shall perform such
29 duties as may be required of the deputy building official by the building official. The
30 compensation of the deputy building official is determined by the municipal officers.

31 This section takes effect July 1, 2010.

32 **Sec. B-3. 25 MRSA §2352**, as amended by PL 1975, c. 623, §34, is further
33 amended to read:

34 **§2352. Right to enter buildings**

35 ~~An inspector of buildings~~ A building official in the performance of his ~~the building~~
36 official's official duty may enter any building for the purpose of making the inspection
37 required by chapters 313 to 321.

38 **Sec. B-4. 25 MRSA §2353**, as amended by PL 2007, c. 699, §8 and affected by
39 §26, is repealed and the following enacted in its place:

1 **§2353. Duty to inspect buildings under construction**

2 The building official shall inspect each new building during the process of
3 construction, so far as may be necessary, to see that all proper safeguards against the
4 catching or spreading of fire are used, that the chimneys and flues are made safe and that
5 proper cutoffs are placed between the timbers in the walls and floorings where fire would
6 be likely to spread, and may give such directions in writing to the owner or contractor as
7 the building official considers necessary concerning the construction of such building so
8 as to render the same safe from the catching and spreading of fire.

9 This section is repealed July 1, 2010.

10 **Sec. B-5. 25 MRSA §2353-A** is enacted to read:

11 **§2353-A. Duty to inspect buildings under construction**

12 The building official shall inspect each building during the process of construction
13 for compliance with the Maine Uniform Building and Energy Code adopted pursuant to
14 Title 10, chapter 1103 and so far as may be necessary to see that all proper safeguards
15 against the catching or spreading of fire are used, that the chimneys and flues are made
16 safe and that proper cutoffs are placed between the timbers in the walls and floorings
17 where fire would be likely to spread, and may give such directions in writing to the owner
18 or contractor as the building official considers necessary concerning the construction of
19 the building so as to render the building safe from the catching and spreading of fire.

20 This section takes effect July 1, 2010.

21 **Sec. B-6. 25 MRSA §2354**, as amended by PL 1991, c. 714, §6, is further
22 amended to read:

23 **§2354. Inspection of buildings being repaired**

24 Subject to Title 32, chapter 33, the ~~inspector of buildings~~ building official shall
25 inspect all buildings while in process of being repaired and see that all reasonable
26 safeguards are used against the catching and spreading of fire and that the chimneys and
27 flues are made safe. The ~~inspector~~ building official may give directions in writing to the
28 owner as necessary concerning such repairs to render the building safe from the catching
29 and spreading of fire.

30 **Sec. B-7. 25 MRSA §2356** is amended to read:

31 **§2356. Appeals**

32 An appeal in writing may be taken from any order or direction of the ~~inspector of~~
33 ~~buildings~~ building official to the municipal officers, whose order thereon shall be is final.

34 **Sec. B-8. 25 MRSA §2357**, as amended by PL 1999, c. 725, §5 and PL 2007, c.
35 699, §9 and affected by §26, is repealed and the following enacted in its place:

1 **§2357. No occupancy without certificate; appeal**

2 Subject to the provisions of Title 10, chapter 951, a new building may not be
3 occupied until the building official has given a certificate that the same has been built in
4 accordance with section 2353, and so as to be safe from fire. If the owner permits it to be
5 so occupied without such certificate, the owner must be penalized in accordance with
6 Title 30-A, section 4452. In case the building official for any cause declines to give that
7 certificate and the builder has in the builder's own judgment complied with section 2353,
8 an appeal may be taken to the municipal officers and, if on such appeal it is decided by
9 them that the section has been complied with, the owner of the building is not liable to a
10 fine for want of the certificate of the building official.

11 This section is repealed July 1, 2010.

12 **Sec. B-9. 25 MRSA §2357-A** is enacted to read:

13 **§2357-A. No occupancy without certificate; appeal**

14 Subject to the provisions of Title 10, chapter 951, a building may not be occupied
15 until the building official has given a certificate of occupancy for compliance with the
16 Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103,
17 pursuant to the required inspections in section 2373 that the building has been built in
18 accordance with section 2353-A, and so as to be safe from fire. If the owner permits it to
19 be so occupied without such certificate, the owner must be penalized in accordance with
20 Title 30-A, section 4452. In case the building official for any cause declines to give that
21 certificate and the builder has in the builder's own judgment complied with section
22 2353-A, an appeal may be taken to the municipal officers and, if on such appeal it is
23 decided by them that the section has been complied with, the owner of the building is not
24 liable to a fine for want of the certificate of the building official.

25 This section takes effect July 1, 2010.

26 **Sec. B-10. 25 MRSA §2358**, as amended by PL 1989, c. 502, Pt. A, §102, is
27 further amended to read:

28 **§2358. Failure to comply with order of building official**

29 If the owner of any building neglects or refuses for more than 30 days to comply with
30 any direction of the ~~inspector of buildings~~ building official concerning the repairs on any
31 building as provided in section 2354, the owner ~~shall~~ must be penalized in accordance
32 with Title 30-A, section 4452.

33 **Sec. B-11. 25 MRSA §2359**, as repealed and replaced by PL 1995, c. 462, Pt. A,
34 §48, is amended to read:

35 **§2359. Refusing admission to building official**

36 An owner or occupant of a building, who refuses to permit an ~~inspector of buildings~~ a
37 building official to enter the ~~buildings~~ building or willfully obstructs the ~~inspector~~

1 building official in the inspection of such the building as required by chapters 313 to 321,
2 must be penalized in accordance with Title 30-A, section 4452.

3 **Sec. B-12. 25 MRSA §2360**, as amended by PL 1987, c. 35, §3, is further
4 amended to read:

5 **§2360. Authority to enter buildings; remedy of conditions appeals**

6 The ~~inspector of buildings~~ building official, the fire inspector and the municipal
7 officers of any city or town may at all reasonable hours, for the purpose of examination,
8 enter into and upon all buildings and premises within their jurisdiction. Whenever any of
9 ~~said those~~ those officers ~~shall~~ find in any building or upon any premises combustible material,
10 inflammable conditions or heating fixtures or apparatus so situated or constructed as to be
11 dangerous to the safety of such buildings or premises, they shall order the same to be
12 removed or remedied, and such order ~~shall~~ must be forthwith complied with by the owner
13 or occupant of ~~said those~~ those buildings or premises. ~~If the said~~ An owner or occupant shall
14 ~~deem himself~~ aggrieved by such order when made by the ~~inspector of buildings~~ building
15 official or the fire inspector, ~~he~~ may within 24 hours appeal to the municipal officers, and
16 the cause of the complaint ~~shall~~ must be at once investigated by the direction of the latter
17 and, unless by their authority ~~the that~~ that order above named is revoked, ~~such that~~ that order shall
18 ~~remain~~ remains in force and must be forthwith complied with by ~~said the~~ the owner or
19 occupant. The ~~inspector of buildings~~ building official, the fire inspector or the municipal
20 officers shall make, or cause to be made, an immediate investigation as to the presence of
21 combustible material or the existence of inflammable conditions in any building or upon
22 any premises under their jurisdiction, upon complaint of any person having an interest in
23 ~~said those~~ those buildings or premises or property adjacent thereto. Any owner or occupant of
24 buildings or premises, failing to comply with the orders of the authorities above specified,
25 ~~shall~~ must be punished by a fine of not less than \$5 for each day's neglect.

26 **Sec. B-13. 25 MRSA §2361, sub-§1**, as enacted by PL 1985, c. 101 and
27 amended by PL 2007, c. 699, §10 and affected by §26, is repealed and the following
28 enacted in its place:

29 **1. Municipal enforcement.** Duly appointed fire chiefs or their designees, municipal
30 building officials and code enforcement officers may bring a civil action in the name of
31 the municipality to enforce any of the state laws, duly promulgated state rules or local
32 ordinances enacted pursuant to chapters 313 to 321. This subsection is repealed July 1,
33 2010; and

34 **Sec. B-14. 25 MRSA §2361, sub-§1-A** is enacted to read:

35 **1-A. Municipal enforcement.** Effective July 1, 2010, duly appointed fire chiefs or
36 their designees, municipal building officials and code enforcement officers may bring a
37 civil action in the name of the municipality to enforce any of the state laws, duly adopted
38 state rules or local ordinances enacted pursuant to this Part and Title 10, chapter 1103;
39 and

1 **Sec. B-15. 30-A MRSA §7060, sub-§1, ¶B**, as enacted by PL 1987, c. 737, Pt.
2 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
3 10, is further amended to read:

4 B. Establishing adequate standards for all features of means of exit, fire protection,
5 fire prevention, accident prevention and structural safety of buildings ~~which that~~ are
6 used occasionally or regularly for public assembly; compelling the owners to make
7 improvements to bring these buildings up to the established standards; requiring the
8 owner or lessee of a building used for public assembly ~~which that~~ is regulated by an
9 ordinance authorized by this section and operated with the intent of financial gain to
10 obtain a permit for which a fee may be imposed commensurate with its size or
11 capacity; and requiring the owner or lessee of such a building to file a plan showing
12 all safety features as a condition precedent to the issue of a permit or the further use
13 of one already issued.

14 (1) The building ~~inspector~~ official shall send a written order to the owner or
15 lessee of a building used for public assembly requiring any conditions ~~which that~~
16 exist in violation of an ordinance to be corrected within 30 days after the order is
17 sent.

18 (2) After the 30-day period expires, the owner or lessee is strictly liable for all
19 injury caused by the failure to correct the violations and the building ~~inspector~~
20 official shall order the building vacated.

21 (3) As used in this section, "building used for public assembly" means a room or
22 space in or on any structure ~~which that~~ is used for the gathering of 100 or more
23 persons for any purpose and includes any room or space on the same level, above
24 or below, ~~which that~~ has a common entrance; and

25 **Sec. B-16. 30-A MRSA §7060, sub-§2**, as enacted by PL 1987, c. 737, Pt. A, §2
26 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. A, §56 and Pt. C,
27 §§8 and 10, is further amended to read:

28 **2. Additional provisions.** The provisions of this subsection apply to subsection 1.

29 A. The provisions pertaining to buildings apply equally to all structures and parts of
30 them, including mobile and modular homes.

31 B. The building ~~inspector~~ official is the licensing authority, unless otherwise
32 provided by the plantation.

33 C. Ordinances defining the duties of the building ~~inspector~~ official and other
34 enforcement officers, not contrary to Title 25, chapter 313, may be enacted. All
35 enforcement officers designated by ordinance ~~shall~~ must be given free access at
36 reasonable hours to all parts of buildings regulated by ordinance.

37 D. An application for a permit must be in writing and must be signed by the
38 applicant and directed to the building ~~inspector~~ official. The failure of the building
39 ~~inspector~~ official to issue a written notice of the decision, directed to the applicant
40 within 30 days from the filing of the application, constitutes a refusal of the permit.
41 The building ~~inspector~~ official ~~shall~~ may not issue any permit:

1 (1) For a building or use for which the applicant is required to obtain a license
2 under Title 38, section 413, until the applicant has obtained that license; ~~nor~~ or

3 (2) For a building or use within a land subdivision, as defined in section 4551
4 4401, unless that subdivision has been approved in accordance with that section.

5 E. An appeal may be taken from any order issued by the building ~~inspector~~ official
6 or from the licensing authority's refusal to grant a permit.

7 (1) A person aggrieved by an order of the building ~~inspector~~ official or a permit
8 applicant may appeal in writing to the plantation assessors. At their next meeting
9 following receipt of the appeal, the plantation assessors shall affirm, modify or
10 set aside the decision of the building ~~inspector~~ official according to the terms of
11 the pertinent ordinance. They may permit a variation from the terms of an
12 ordinance when necessary to avoid undue hardship, ~~provided that~~ as long as there
13 is no substantial departure from the intent of the ordinance. They may permit an
14 exception to an ordinance only when the terms of the exception have been
15 specifically set forth by the plantation. The failure of the plantation assessors to
16 issue a written notice of their decision, directed to the applicant, within 30 days
17 from the filing of the appeal constitutes a denial of the appeal. If a plantation has
18 by ordinance required that all such appeals be taken to a board of appeals, the
19 procedure ~~shall~~ must be the same as in appeals directed to the plantation
20 assessors, unless the plantation has provided otherwise.

21 (2) An appeal may be taken from the decision of the plantation assessors or the
22 board of appeals as provided in section 2691, subsection 3, paragraph G.

23 **Sec. B-17. 33 MRSA §592, sub-§7, ¶A**, as enacted by PL 1999, c. 478, §1, is
24 amended to read:

25 A. The escrow agreement must provide that the funds or other consideration may be
26 released only as provided in this paragraph.

27 (1) If the purchaser gives a valid notice of cancellation pursuant to this section or
28 is otherwise entitled to cancel the sale, the funds or other consideration received
29 from or on behalf of the purchaser must be returned to the purchaser.

30 (2) If the purchaser defaults in the performance of any obligation relating to the
31 purchase or ownership of the time-share following the expiration of the
32 cancellation period set out in subsection 1, the developer shall provide an
33 affidavit to the escrow agent requesting release of the escrowed funds or other
34 consideration and shall provide a copy of the affidavit to the purchaser who has
35 defaulted. If, within 7 calendar days of mailing the affidavit, the developer has
36 not received from the purchaser a written notice of a dispute between the
37 purchaser and the developer or a claim to the escrowed funds or other
38 consideration, the funds or other consideration received from or on behalf of the
39 purchaser must be immediately released to the developer.

40 (3) If no cancellation or default has occurred, the escrow agent may release the
41 funds or other consideration upon presentation of an affidavit by the developer
42 that:

- 1 (a) The cancellation period has expired; and
- 2 (b) A certificate or statement of substantial completion has been executed by
- 3 an engineer or architect or a certificate of occupancy has been issued by the
- 4 municipal ~~inspector of buildings~~ building official for the time-share unit
- 5 containing the time-share.

6 **Sec. B-18. 33 MRSA §1602-101, sub-§(b)**, as enacted by PL 1981, c. 699, is
7 amended to read:

8 (b) No interest in any unit may be conveyed to a purchaser until the unit is
9 substantially completed as evidenced by a certificate or statement of substantial
10 completion executed by an engineer or architect, or until a certificate of occupancy is
11 issued by the municipal ~~inspector of buildings~~ building official; ~~provided~~ except that this
12 limitation ~~shall~~ does not apply to contracts, options or reservations for sale of units later
13 to be so completed ~~nor~~ or to mortgages or transfers of units as security for an obligation,
14 deeds in lieu of foreclosure, foreclosures and foreclosure sales, conveyances to successor
15 declarants or to any person in the business of selling real estate for ~~his~~ that person's own
16 account, or to financial institutions.

17 **Emergency clause.** In view of the emergency cited in the preamble, this
18 legislation takes effect when approved.

19 **SUMMARY**

20 Part A does the following:

21 Section 1 changes references to the Maine Legislative Retirement System to the
22 Legislative Retirement Program to reflect the intent of Public Law 2007, chapter 491.

23 Section 2 corrects a reference to the Maine Judicial Retirement System to reflect the
24 intent of Public Law 2007, chapter 491.

25 Section 3 corrects a conflict created by Public Law 2007, chapters 491 and 523,
26 which both substantively affected the same provision of law. This section corrects the
27 conflict by incorporating the changes made by both laws.

28 Section 4 corrects a clerical error by removing a word that was inadvertently included
29 in the original public law.

30 Section 5 corrects a conflict created by Public Law 2007, chapters 490 and 491,
31 which both affected the same provision of law. This section corrects the conflict by
32 incorporating the changes made by both laws.

33 Section 6 corrects a conflict created by Public Law 2007, chapters 490 and 491,
34 which both affected the same provision of law. This section corrects the conflict by
35 incorporating the changes made by both laws.

36 Section 7 replaces the word "fax" with the preferred term "facsimile transmission."

1 Section 8 corrects a conflict created by Public Law 2007, chapter 607, Part A, which
2 made a technical change, and Part B, which made substantive changes to the same
3 provision of law. This section repeals the provision and replaces it with the Part B
4 version.

5 Section 9 corrects a definition so that it applies to the Maine Revised Statutes, Title
6 12, Part 13 and not just to the subsection. The original definition applied to all of Part 13.
7 The intent of the changes made in Public Law 2007, chapter 651 was to amend the
8 residency requirements but not alter the application of the definition.

9 Section 10 clarifies the meaning of a section of law by adding words to make it read
10 correctly.

11 Section 11 corrects a clerical error.

12 Section 12 corrects a conflict created by Public Law 2007, chapters 539 and 572,
13 which affected the same provision of law. This section repeals the provision and replaces
14 it with the chapter 572 version.

15 Section 13 corrects a cross-reference.

16 Section 14 corrects a clerical error created when 2 words were transposed.

17 Section 15 replaces the word "fax" with the preferred term "facsimile transmission."

18 Section 16 corrects a conflict created by Public Law 2007, chapters 653 and 663,
19 which both substantively affected the same provision of law. This section corrects the
20 conflict by incorporating the changes made by both laws.

21 Section 17 corrects a conflict created by Public Law 2007, c. 231, which amended the
22 Maine Revised Statutes, Title 31, section 714, subsection 2, paragraph B and chapter 323,
23 which repealed subsection 2. This section corrects the conflict by repealing Title 31,
24 section 714, subsection 2.

25 Section 18 corrects a conflict created by Public Law 2007, chapters 390 and 402,
26 which affected the same provision of law. This section corrects the conflict by repealing
27 the provision and replacing it with the chapter 390 version.

28 Section 19 clarifies and corrects a cross-reference.

29 Section 20 corrects a conflict created by Public Law 2007, chapters 10 and 402,
30 which both substantively affected the same provision of law. This section corrects the
31 conflict by incorporating the changes made by both laws.

32 Section 21 corrects a conflict created when Public Law 2007, chapter 384 repealed
33 the Maine Revised Statutes, Title 32, section 12251, subsection 4-A, and chapter 402
34 amended that subsection. This section corrects the conflict by repealing the subsection.

35 Section 22 corrects a conflict created by Public Law 2007, chapters 344 and 402,
36 which both substantively affected the same provision of law. This section corrects the
37 conflict by incorporating the changes made by both laws.

1 Section 23 replaces the word "fax" with the preferred term "facsimile transmission."

2 Section 24 corrects a conflict created by Public Law 2007, chapters 609 and 670,
3 which both substantively affected the same provision of law. This section corrects the
4 conflict by incorporating the changes made by both laws.

5 Sections 25, 26 and 27 correct a conflict created when Public Law 2007, chapters 575
6 and 656 affected the same provision of law. These sections correct the conflicts by
7 repealing the subsections and replacing them with the chapter 656 version of those
8 subsections, which made other substantive changes in addition to the changes made in
9 chapter 575.

10 Sections 28 to 32 correct a number of conflicts created when Public Law 2007,
11 chapter 539, Parts M and OO, chapter 693 and chapter 694 all enacted a section of law
12 with the same allocation.

13 Section 33 corrects a conflict created by Public Law 2007, chapters 541 and 693,
14 which both substantively affected the same provision of law. This section corrects the
15 conflict by incorporating the changes made by both laws.

16 Section 34 corrects a conflict created by Public Law 2007, chapters 627 and 693,
17 which affected the same provision of law. This section corrects the conflict by repealing
18 the Maine Revised Statutes, Title 36, section 1752, subsection 11, paragraph B and
19 replacing it with the version as amended by chapter 693, which made other substantive
20 changes in addition to the substantive change made in chapter 627.

21 Section 35 corrects a conflict created by Public Law 2007, chapters 539 and 627,
22 which affected the same provision of law in the same substantive way. This section
23 corrects the conflict by repealing the provision of law and replacing it with the chapter
24 539 version. It also corrects a punctuation error.

25 Section 36 corrects a conflict created by Public Law 2007, chapter 539, which
26 repealed the Maine Revised Statutes, Title 36, section 2552, subsection 1, paragraph K
27 and chapter 627, which amended the same provision of law in a nonsubstantive manner.
28 This section corrects that conflict by repealing Title 36, section 2552, subsection 1,
29 paragraph K.

30 Section 37 corrects an error made when the term "ancillary services," denoting
31 services associated with the provision of telecommunications services, was added to the
32 list of services upon which the service provider tax is imposed without adding the needed
33 cross-reference to the section of law that allocates the revenue from the service provider
34 tax.

35 Section 38 corrects a numbering problem created when Public Law 2007, chapters
36 539 and 690 enacted 2 substantively different provisions with the same section number.

37 Sections 39 and 40 correct a conflict created by Public Law 2007, chapters 521 and
38 678, which both substantively affected the same provision of law. These sections correct
39 the conflict by incorporating the changes made by both laws.

1 Public Law 2007, chapter 629, Part D was the subject of a people's veto and the veto
2 passed so any changes that were made by Part D never took effect. Section 41 repeals
3 Public Law 2007, chapter 695, Part L, section 1 because it amended a provision of law
4 that was amended by Public Law 2007, chapter 629, Part D, section 3.

5 Section 42 corrects a headnote to reflect the change of the name of the program from
6 "Additional Support for People in Retraining and Education Program" to "Additional
7 Support for People in Retraining and Employment Program."

8 Part B addresses errors and potential conflicts created by enactment of Public Law
9 2007, chapter 699, which through a revision clause attempted to change references to the
10 position of inspector of buildings with the position of building official. In some instances
11 a direct replacement by revision clause was impossible because the terminology to be
12 changed was not exactly the same as that specified in the revision clause. In some
13 instances where substantive changes were made in the public law in a section having a
14 postponed effective date, changing the terminology by revision clause would have created
15 a future conflict.