

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1805

H.P. 1292

House of Representatives, March 2, 2010

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 **Sec. 1. 5 MRSA §3331, sub-§6,** as enacted by PL 1997, c. 519, Pt. A, §3, is
15 amended to read:

16 **6. Lakes Heritage Trust Fund.** The Lakes Heritage Trust Fund is established in the
17 Executive Department for the purpose of protecting, preserving and enhancing the quality
18 and value of the State's lakes and great ponds. By majority vote of all members, the
19 council may accept monetary contributions to the fund from any public or private source
20 and may spend or disburse those funds in a manner consistent with law for the purposes
21 stated in this subsection. The council shall include an accounting of all donations to and
22 expenditures from the Lakes Heritage Trust Fund in its ~~annual~~ biennial report to the
23 Legislature under subsection 4.

24 **Sec. 2. 5 MRSA §12004-G, sub-§26-E,** as enacted by PL 2001, c. 439, Pt. T, §4,
25 is repealed.

26 **Sec. 3. 5 MRSA §12004-I, sub-§24,** as amended by PL 2009, c. 211, Pt. B, §1
27 and repealed by c. 369, Pt. A, §7, is repealed.

28 **Sec. 4. 5 MRSA §12004-J, sub-§17,** as enacted by PL 2009, c. 174, §3, is
29 amended to read:

30 **17.**
31 Labor: Commission ~~for the~~ Expenses Only 26 MRSA §1413-C
32 Rehabilitation Division for the
33 Services Deaf, Hard of
34 Hearing and Late
35 Deafened

1 **Sec. 5. 7 MRSA §353, sub-§6**, as enacted by PL 2005, c. 559, §2, is amended to
2 read:

3 **6. Biennial report.** The board shall submit a report on the sustainable agricultural
4 water source program to the joint standing committee of the Legislature having
5 jurisdiction over agricultural matters and the joint standing committee of the Legislature
6 having jurisdiction over natural resources matters by January 30th of odd-numbered years
7 beginning January 30, 2007. ~~The committees of jurisdiction shall review this report~~
8 ~~together with the annual report on all aspects of water use for that year required under~~
9 ~~Title 38, section 470-G.~~

10 **Sec. 6. 7 MRSA §3909, sub-§2**, as amended by PL 2009, c. 213, Pt. M, §2 and c.
11 343, §5, is repealed and the following enacted in its place:

12 **2. Designated employees of the department.** For purposes of prosecution under
13 this section, the commissioner may authorize humane agents and a state veterinarian who
14 have been certified in accordance with subsection 3-A to issue and serve civil violation
15 processes against offenders pursuant to the Maine Rules of Civil Procedure, Rule 80H
16 and any other applicable rules of court for violations of this Part. The commissioner may
17 authorize certified humane agents or a certified state veterinarian to represent the
18 department in District Court in the prosecution of civil violations of these laws. A
19 certified humane agent or a certified state veterinarian may seek civil penalties as
20 provided by law as well as a permanent or temporary injunction, restraining order or
21 other equitable relief as the court finds appropriate.

22 **Sec. 7. 10 MRSA §9416, sub-§4**, as amended by PL 2009, c. 324, Pt. B, §2 and
23 affected by §48 and amended by c. 325, Pt. B, §3 and affected by §27, is repealed and the
24 following enacted in its place:

25 **4. Holders.** Except as otherwise agreed, a person having control of a transferable
26 record is the holder, as defined in Title 11, section 1-1201, subsection (21), of the
27 transferable record and has the same rights and defenses as a holder of an equivalent
28 record or writing under the Uniform Commercial Code, including, if the applicable
29 statutory requirements under Title 11, section 3-1302, subsection (1); Title 11, section
30 7-1501; or Title 11, section 9-308 are satisfied, the rights and defenses of a holder in due
31 course, a holder to which a negotiable document of title has been duly negotiated or a
32 purchaser, respectively. Delivery, possession and indorsement are not required to obtain
33 or exercise any of the rights under this subsection.

34 **Sec. 8. Retroactivity.** That section of this Act that repeals and replaces the Maine
35 Revised Statutes, Title 10, section 9416, subsection 4 applies retroactively to February
36 15, 2010.

37 **Sec. 9. 11 MRSA §4-104, sub-§(3)**, as amended by PL 2009, c. 324, Pt. B, §23
38 and affected by §48 and amended by PL 2009, c. 325, Pt. B, §16 and affected by §27, is
39 repealed and the following enacted in its place:

40 **(3).** "Control" as provided in section 7-1106 and the following definitions in other
41 Articles apply to this Article:

1	<u>"Acceptance."</u>	<u>Section 3-1409.</u>
2	<u>"Alteration."</u>	<u>Section 3-1407.</u>
3	<u>"Cashier's check."</u>	<u>Section 3-1104.</u>
4	<u>"Certificate of deposit."</u>	<u>Section 3-1104.</u>
5	<u>"Certified Check."</u>	<u>Section 3-1409.</u>
6	<u>"Check."</u>	<u>Section 3-1104.</u>
7	<u>"Demand draft."</u>	<u>Section 3-1104.</u>
8	<u>"Draft."</u>	<u>Section 3-1104.</u>
9	<u>"Holder in due course."</u>	<u>Section 3-1102.</u>
10	<u>"Instrument."</u>	<u>Section 3-1104.</u>
11	<u>"Notice of dishonor."</u>	<u>Section 3-1503.</u>
12	<u>"Order."</u>	<u>Section 3-1103.</u>
13	<u>"Ordinary care."</u>	<u>Section 3-1103.</u>
14	<u>"Person entitled to enforce."</u>	<u>Section 3-1301.</u>
15	<u>"Presentment."</u>	<u>Section 3-1501.</u>
16	<u>"Promise."</u>	<u>Section 3-1103.</u>
17	<u>"Prove."</u>	<u>Section 3-1103.</u>
18	<u>"Teller's check."</u>	<u>Section 3-1104.</u>
19	<u>"Unauthorized signature."</u>	<u>Section 3-1403.</u>

20 **Sec. 10. Retroactivity.** That section of this Act that repeals and replaces the
21 Maine Revised Statutes, Title 11, section 4-104, subsection (3) applies retroactively to
22 February 15, 2010.

23 **Sec. 11. 11 MRSA §7-102,** as repealed by PL 2009, c. 324, Pt. A, §1 and affected
24 by §4 and amended by c. 325, Pt. B, §23 and affected by §27, is repealed.

25 **Sec. 12. Retroactivity.** That section of this Act that repeals the Maine Revised
26 Statutes, Title 11, section 7-102 applies retroactively to February 15, 2010.

27 **Sec. 13. 12 MRSA §6402, first ¶,** as amended by PL 2009, c. 151, §5 and c. 394,
28 §3, is repealed and the following enacted in its place:

29 The commissioner shall suspend the lobster and crab fishing license of a license
30 holder or the nonresident lobster and crab landing permit of a permit holder adjudicated
31 in court of violating section 6434. This suspension is for 3 years from the date of
32 adjudication. For a 3rd or subsequent adjudication, the commissioner may permanently
33 revoke the license holder's license.

34 **Sec. 14. 12 MRSA §10051, 2nd ¶,** as amended by PL 2009, c. 340, §1 and c.
35 369, Pt. A, §26, is repealed and the following enacted in its place:

36 The department consists of the Commissioner of Inland Fisheries and Wildlife, a
37 deputy commissioner, the Division of Licensing, Registration and Engineering, the
38 Bureau of Resource Management and the Bureau of Warden Service. The department
39 also includes the Advisory Board for the Licensing of Guides and whatever state agencies
40 that are designated. The department is under the control and supervision of the
41 commissioner.

1 **Sec. 15. 12 MRSA §10154**, as amended by PL 2009, c. 211, Pt. B, §5 and
2 repealed by c. 369, Pt. A, §27, is repealed.

3 **Sec. 16. 12 MRSA §10206, sub-§3, ¶C**, as amended by PL 2009, c. 213, Pt. OO,
4 §1 and c. 340, §8, is repealed and the following enacted in its place:

5 C. All revenues collected under the provisions of this Part relating to watercraft,
6 including chapter 935, including fines, fees and other available money deposited with
7 the Treasurer of State, must be distributed as undedicated revenue to the General
8 Fund and the Department of Marine Resources according to an allocation rate that
9 directly relates to the administrative costs of the Division of Licensing, Registration
10 and Engineering. Eight dollars of each motorized watercraft registration is dedicated
11 to the Department of Inland Fisheries and Wildlife and is not subject to the split with
12 another agency as required under this paragraph. The Legislature shall appropriate to
13 the department in each fiscal year an amount equal to the administrative costs
14 incurred by the department in collecting revenue under this subsection. Those costs
15 must be verified by the Department of Marine Resources and the Department of
16 Administrative and Financial Services. The allocation rate must also allow for any
17 necessary year-end reconciliation and accounting distribution. The allocation rate
18 must be jointly agreed to by the department and the Department of Marine Resources
19 and approved by the Department of Administrative and Financial Services, Bureau of
20 the Budget.

21 The fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft
22 operating on inland waters of the State each include a \$10 fee for invasive species
23 prevention and control. This fee is disposed of as follows:

24 (1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and
25 Nuisance Species Fund established within the Department of Environmental
26 Protection under Title 38, section 1863; and

27 (2) Forty percent of the fee must be credited to the Lake and River Protection
28 Fund established within the department under section 10257.

29 **Sec. 17. 12 MRSA §12860, sub-§5**, as amended by PL 2009, c. 211, Pt. B, §12
30 and c. 369, Pt. A, §28, is repealed and the following enacted in its place:

31 **5. Curriculum.** The commissioner shall review and adopt a youth camp trip leader
32 safety course curriculum that includes, but is not limited to:

33 A. Training in first aid;

34 B. Training in water safety, including lifesaving techniques as appropriate; and

35 C. Youth camp trip leader qualifications and required experience for the special
36 waiver procedure in subsection 4.

37 The commissioner shall publish the curriculum and a current list of courses, with the
38 approved curriculum, by name and address.

39 **Sec. 18. 14 MRSA §6030-C, sub-§1**, as enacted by PL 2005, c. 534, §1, is
40 amended to read:

1 **1. Energy efficiency disclosure.** A landlord or other lessor of residential property
2 that will be used by a tenant or lessee as a primary residence shall provide to potential
3 tenants or lessees a residential energy efficiency disclosure statement in accordance with
4 Title 35-A, section ~~40006~~ 10117, subsection 1 that includes, but is not limited to,
5 information about the energy efficiency of the property.

6 **Sec. 19. Effective date.** That section of this Act that amends the Maine Revised
7 Statutes, Title 14, section 6030-C, subsection 1 takes effect July 1, 2010.

8 **Sec. 20. 14 MRSA §8109, sub-§1,** as amended by PL 1991, c. 780, Pt. Y, §114,
9 is further amended to read:

10 **1. Procedures for State.** The State has authority to settle claims filed against it
11 pursuant to ~~section 8104~~ sections 8104-A, 8104-B, 8104-C and 8104-D in accordance
12 with the following procedures.

13 A. Any agency may settle any claim for an amount of \$1,500 or less when such
14 settlement is approved by the appropriate department or agency head in accordance
15 with rules adopted by the Commissioner of Administrative and Financial Services.

16 B. Any other claim may be settled when such settlement is approved by the head of
17 the department or agency against which the claim is filed, the Commissioner of
18 Administrative and Financial Services and the Attorney General.

19 **Sec. 21. 17-A MRSA §1175, first ¶,** as amended by PL 2009, c. 268, §8 and c.
20 391, §1, is repealed and the following enacted in its place:

21 Upon complying with subsection 1, a victim of a crime of murder or of a Class A,
22 Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the
23 defendant is committed to the Department of Corrections or to a county jail or is
24 committed to the custody of the Commissioner of Health and Human Services either
25 under Title 15, section 103 after having been found not criminally responsible by reason
26 of insanity or under Title 15, section 101-D after having been found incompetent to stand
27 trial must receive notice of the defendant's unconditional release and discharge from
28 institutional confinement upon the expiration of the sentence or upon release from
29 commitment under Title 15, section 101-D or upon discharge under Title 15, section
30 104-A and must receive notice of any conditional release of the defendant from
31 institutional confinement, including probation, supervised release for sex offenders,
32 parole, furlough, work release, intensive supervision, supervised community
33 confinement, home release monitoring or similar program, administrative release or
34 release under Title 15, section 104-A.

35 **Sec. 22. 18-A MRSA §5-944, sub-§(b), ¶(6),** as enacted by PL 2009, c. 292, §2
36 and affected by §6, is amended to read:

37 (6). Receive the financial proceeds of a claim described in ~~subsection~~ paragraph (4)
38 and conserve, invest, disburse or use for a lawful purpose anything so received.

39 **Sec. 23. 20-A MRSA §15689, sub-§1, ¶B,** as amended by PL 2009, c. 1, Pt. C,
40 §2 and c. 213, Pt. C, §8, is repealed and the following enacted in its place:

1 B. The school administrative unit's special education costs as calculated pursuant to
2 section 15681-A, subsection 2 multiplied by the following transition percentages:

3 (1) In fiscal year 2005-06, 84%;

4 (2) In fiscal year 2006-07, 84%;

5 (3) In fiscal year 2007-08, 84%;

6 (4) In fiscal year 2008-09, 45%;

7 (5) In fiscal year 2009-10, 45%; and

8 (6) In fiscal year 2010-11 and succeeding years, 84%.

9 **Sec. 24. 21-A MRSA §1011, 2nd ¶**, as amended by PL 2009, c. 190, Pt. A, §1
10 and repealed by c. 366, §1 and affected by §12, is repealed.

11 **Sec. 25. 21-A MRSA §1014, sub-§1**, as amended by PL 2009, c. 183, §1 and c.
12 190, Pt. A, §2, is repealed and the following enacted in its place:

13 **1. Authorized by candidate.** Whenever a person makes an expenditure to finance a
14 communication expressly advocating the election or defeat of a clearly identified
15 candidate through broadcasting stations, newspapers, magazines, campaign signs or other
16 outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or
17 other similar types of general public political advertising or through flyers, handbills,
18 bumper stickers and other nonperiodical publications, the communication, if authorized
19 by a candidate, a candidate's authorized political committee or their agents, must clearly
20 and conspicuously state that the communication has been so authorized and must clearly
21 state the name and address of the person who made or financed the expenditure for the
22 communication. The following forms of political communication do not require the
23 name and address of the person who made or authorized the expenditure for the
24 communication because the name or address would be so small as to be illegible or
25 infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing,
26 coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers,
27 matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic
28 tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar
29 items determined by the commission to be too small and unnecessary for the disclosures
30 required by this section. A communication financed by a candidate or the candidate's
31 committee is not required to state the address of the candidate or committee that financed
32 the communication. A communication in the form of a sign that clearly identifies the
33 name of the candidate and is lettered or printed individually by hand is not required to
34 include the name and address of the person who made or financed the communication.

35 **Sec. 26. 21-A MRSA §1056-B, first ¶**, as amended by PL 2009, c. 190, Pt. A,
36 §20 and c. 366, §7 and affected by §12, is repealed and the following enacted in its place:

37 Any person not defined as a political action committee who receives contributions or
38 makes expenditures, other than by contribution to a political action committee,
39 aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or
40 influencing in any way a ballot question must file reports with the commission in
41 accordance with this section. Within 7 days of receiving contributions or making

1 expenditures that exceed \$5,000, the person shall register with the commission as a ballot
2 question committee. For the purposes of this section, expenditures include paid staff time
3 spent for the purpose of influencing in any way a ballot question. The commission must
4 prescribe forms for the registration, and the forms must include specification of a
5 treasurer for the committee, any other principal officers and all individuals who are the
6 primary fund-raisers and decision makers for the committee. In the case of a municipal
7 election, the registration and reports must be filed with the clerk of that municipality.

8 **Sec. 27. 21-A MRSA §1058**, as amended by PL 2009, c. 190, Pt. A, §22 and c.
9 366, §8 and affected by §12, is repealed and the following enacted in its place:

10 **§1058. Reports; qualifications for filing**

11 A political action committee that is required to register under section 1053 or 1053-B
12 shall file reports with the commission on forms prescribed by the commission according
13 to the schedule in section 1059.

14 **Sec. 28. 21-A MRSA §1059, first ¶**, as amended by PL 2009, c. 190, Pt. A, §23
15 and c. 366, §9 and affected by §12, is repealed and the following enacted in its place:

16 Committees required to register under section 1053, 1053-B or 1056-B shall file an
17 initial campaign finance report at the time of registration and thereafter shall file reports
18 in compliance with this section. All reports must be filed by 11:59 p.m. on the filing
19 deadline, except that reports submitted to a municipal clerk in a town or city that has
20 chosen to be governed by this subchapter must be filed by the close of business on the
21 filing deadline.

22 **Sec. 29. 21-A MRSA §1125, sub-§8**, as amended by PL 2009, c. 286, §8 and
23 repealed by c. 302, §16 and affected by §24 and amended by c. 363, §§8 and 9, is
24 repealed.

25 **Sec. 30. Effective date.** That section of this Act that repeals the Maine Revised
26 Statutes, Title 21-A, section 1125, subsection 8 takes effect September 1, 2011.

27 **Sec. 31. 21-A MRSA §1125, sub-§9**, as amended by PL 2009, c. 302, §18 and
28 affected by §24 and amended by c. 363, §10, is repealed and the following enacted in its
29 place:

30 **9. Matching funds.** When any report required under this chapter or chapter 13
31 shows that the sum of a candidate's expenditures or obligations, contributions and loans,
32 or fund revenues received, whichever is greater, in conjunction with independent
33 expenditures reported under section 1019-B, exceeds the sum of an opposing certified
34 candidate's fund revenues, in conjunction with independent expenditures, the commission
35 shall issue immediately to the opposing certified candidate an additional amount
36 equivalent to the difference. Matching funds for certified candidates for the Legislature
37 are limited to 2 times the amount originally distributed under subsection 8-A. Matching
38 funds for certified gubernatorial candidates in a primary election are limited to half the
39 amount originally distributed under subsection 8-A. Matching funds for certified

1 gubernatorial candidates in a general election are limited to the amount originally
2 distributed under subsection 8-A.

3 **Sec. 32. Effective date.** That section of this Act that repeals and replaces the
4 Maine Revised Statutes, Title 21-A, section 1125, subsection 9 takes effect September 1,
5 2011.

6 **Sec. 33. 21-A MRSA §1125, sub-§10,** as amended by PL 2009, c. 302, §19 and
7 affected by §24 and amended by c. 363, §11, is repealed and the following enacted in its
8 place:

9 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature
10 who submits the required number of qualifying contributions and other required
11 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election
12 and who is certified is eligible for revenues from the fund in the same amounts and at the
13 same time as an uncontested primary election candidate and a general election candidate
14 as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the
15 Legislature must submit the required number of qualifying contributions and the other
16 required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general
17 election. If certified, the candidate is eligible for revenues from the fund in the same
18 amounts as a general election candidate, as specified in subsection 8-A. Revenues for the
19 general election must be distributed to the candidate no later than 3 days after
20 certification. An unenrolled candidate for Governor who submits the required number of
21 qualifying contributions and other required documents under subsections 2-B and 4. by
22 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for
23 revenues from the fund in the same amounts and at the same time as an uncontested
24 primary election gubernatorial candidate and a general election gubernatorial candidate as
25 specified in subsections 7 and 8-A. Revenues for the general election must be distributed
26 to the candidate for Governor no later than 3 days after the primary election results are
27 certified.

28 **Sec. 34. Effective date.** That section of this Act that repeals and replaces the
29 Maine Revised Statutes, Title 21-A, section 1125, subsection 10 takes effect September 1,
30 2011.

31 **Sec. 35. 22 MRSA §329, sub-§6,** as repealed and replaced by PL 2009, c. 429, §1
32 and c. 430, §1, is repealed and the following enacted in its place:

33 **6. Nursing facilities.** The obligation by a nursing facility, when related to nursing
34 services provided by the nursing facility, of any capital expenditures of \$510,000 or more
35 and, beginning January 1, 2010, the obligation by a nursing facility, when related to
36 nursing services provided by the nursing facility, of any capital expenditures of
37 \$1,000,000 or more.

38 A certificate of need is not required for the following:

39 A. A nursing facility converting beds used for the provision of nursing services to
40 beds to be used for the provision of residential care services. If such a conversion
41 occurs, MaineCare and other public funds may not be obligated for payment of

1 services provided in the converted beds unless approved by the department pursuant
2 to the provisions of sections 333-A and 334-A;

3 B. Capital expenditures in the case of a natural disaster, major accident or equipment
4 failure;

5 C. Replacement equipment, other than major medical equipment as defined in
6 section 328, subsection 16;

7 D. Information systems, communication systems, parking lots and garages; and

8 E. Certain energy-efficient improvements, as described in section 334-A, subsection
9 4.

10 **Sec. 36. 22 MRSA §1555-C, sub-§2, ¶E,** as enacted by PL 2003, c. 444, §2, is
11 amended to read:

12 E. A person who violates this subsection after having been previously adjudicated as
13 violating this subsection or subsection 1, 3 or 4 commits a civil violation for which a
14 fine of not less than \$1,000 and not more than \$5,000 may be adjudged.

15 **Sec. 37. 22 MRSA §5107-J,** as amended by PL 2009, c. 299, Pt. A, §4 and
16 repealed by c. 369, Pt. A, §32, is repealed.

17 **Sec. 38. 22 MRSA §7301, sub-§2, ¶F,** as enacted by PL 2009, c. 279, §2 and c.
18 420, §1, is repealed and the following enacted in its place:

19 F. To establish the most efficient, innovative and cost-effective system for delivering
20 a broad array of long-term care services.

21 **Sec. 39. 22 MRSA §7302, sub-§5,** as amended by PL 2009, c. 279, §3 and c.
22 420, §2, is repealed and the following enacted in its place:

23 **5. In-home and community support services.** "In-home and community support
24 services" means health and social services and other assistance required to enable adults
25 with long-term care needs to remain in their places of residence. These services include,
26 but are not limited to, self-directed care services; medical and diagnostic services;
27 professional nursing; physical, occupational and speech therapy; dietary and nutrition
28 services; home health aide services; personal care assistance services; companion and
29 attendant services; handyman, chore and homemaker services; respite care; hospice care;
30 counseling services; transportation; small rent subsidies; various devices that lessen the
31 effects of disabilities; and other appropriate and necessary social services.

32 **Sec. 40. 24-A MRSA §4303, sub-§1,** as amended by PL 2009, c. 357, §1, is
33 further amended to read:

34 **1. Demonstration of adequate access to providers.** Except as provided in
35 paragraphs A, B and C, a carrier offering or renewing a managed care plan shall provide
36 to its members reasonable access to health care services in accordance with standards
37 developed by rule by the superintendent. These standards must consider the geographical
38 and transportational problems in rural areas. All managed care plans covering residents

1 of this State must provide reasonable access to providers consistent with the access-to-
2 services requirements of any applicable bureau rule.

3 B. Upon approval of the superintendent, a carrier may offer a health plan that
4 includes financial provisions designed to encourage members to use designated-
5 providers in a network if:

6 (1) The entire network meets overall access standards pursuant to Bureau of
7 Insurance Rule Chapter 850;

8 (2) The health plan is consistent with product design guidelines for Bureau of
9 Insurance Rule Chapter 750, but only if the health plan is offered by a health
10 maintenance organization;

11 (3) The health plan does not include financial provisions designed to encourage
12 members to use designated providers of primary, preventive, maternity,
13 obstetrical, ancillary or emergency care services, as defined in Bureau of
14 Insurance Rule Chapter 850;

15 (4) The financial provisions may apply to all of the enrollees covered under the
16 carrier's health plan;

17 (5) The carrier establishes to the satisfaction of the superintendent that the
18 financial provisions permit the provision of better quality services and the quality
19 improvements either significantly outweigh any detrimental impact to covered
20 persons forced to travel longer distances to access services, or the carrier has
21 taken steps to effectively mitigate any detrimental impact associated with
22 requiring covered persons to travel longer distances to access services. The
23 superintendent may consult with other state entities, including the Department of
24 Health and Human Services, Bureau of Health and the Maine Quality Forum
25 established in section 6951, to determine whether the carrier has met the
26 requirements of this subparagraph. The superintendent shall adopt rules regarding
27 the criteria used by the superintendent to determine whether the carrier meets the
28 quality requirements of this subparagraph; and

29 (6) The financial provisions may not permit travel at a distance that exceeds the
30 standards established in Bureau of Insurance Rule Chapter 850 for mileage and
31 travel time by 100%.

32 C. A carrier may develop and file with the superintendent for approval a pilot
33 program that allows carriers to reward providers for quality and efficiency through
34 tiered benefit networks and providing incentives to members. The upper tier, or the
35 upper tiers if there are 3 or more tiers, under a pilot program approved pursuant to
36 this paragraph is exempt from geographic access requirements set forth in this
37 subsection or in rules adopted by the superintendent. Any carrier offering a health
38 plan under the pilot program must collect data on the impact of the pilot program on
39 premiums paid by enrollees, payments made to providers, quality of care received
40 and access to health care services by individuals enrolled in health plans under the
41 pilot program and must submit that data annually to the superintendent. The
42 superintendent shall report annually beginning January 15, 2010 to the joint standing
43 committee of the Legislature having jurisdiction over insurance and financial services
44 matters on any approval of a pilot program pursuant to this paragraph.

1 The basis for tiering benefits under a pilot program must be to provide incentives for
2 higher-quality care, improved patient safety or improved efficiency or a combination
3 of those factors. The superintendent shall consult with the Maine Quality Forum
4 under section 6951 in assessing quality. The superintendent shall disapprove or
5 withdraw approval of a pilot program if the superintendent finds that approval or
6 continued operation would cause undue hardship to enrollees in the pilot program or
7 reduce their quality of care.

8 The superintendent shall consider the experience of approved pilot programs,
9 including consumer complaints and examinations, provider behavior and efficiency,
10 in determining whether or not to reapprove subsequent pilot program applications.

11 **Sec. 41. 24-A MRSA §4603, sub-§3, ¶B**, as amended by PL 2009, c. 77, §1 and
12 c. 118, §2 and affected by §5, is repealed and the following enacted in its place:

13 **B. With respect to one life, regardless of the number of policies or contracts:**

14 (1) Three hundred thousand dollars in life insurance death benefits, but not more
15 than \$100,000 in net cash surrender and net cash withdrawal values for life
16 insurance;

17 (2) The following limits for health insurance benefits:

18 (a) Three hundred thousand dollars for coverages not defined as disability
19 insurance or basic hospital, medical and surgical insurance or major medical
20 insurance, including any net cash surrender and net cash withdrawal values;

21 (b) Three hundred thousand dollars for disability and long-term care
22 insurance; or

23 (c) Five hundred thousand dollars for basic hospital, medical and surgical
24 insurance or major medical insurance; or

25 (3) Two hundred fifty thousand dollars in the present value of annuity benefits,
26 including net cash surrender and net cash withdrawal values;

27 **Sec. 42. 24-A MRSA §4603, sub-§3, ¶C**, as amended by PL 2009, c. 77, §2 and
28 c. 118, §3 and affected by §5, is repealed and the following enacted in its place:

29 **C. With respect to each payee of a structured settlement annuity, or beneficiary or**
30 **beneficiaries of the payee if deceased, \$250,000 in present value annuity benefits, in**
31 **the aggregate, including net cash surrender and net cash withdrawal values; and**

32 **Sec. 43. 25 MRSA §2354**, as amended by PL 2009, c. 261, Pt. B, §5 and c. 344,
33 Pt. D, §1 and affected by Pt. E, §2, is repealed and the following enacted in its place:

34 **§2354. Inspection of buildings being repaired**

35 Subject to Title 32, chapter 139, the building official shall inspect all buildings while
36 they are in process of being repaired and see that all reasonable safeguards are used
37 against the catching and spreading of fire and that the chimneys and flues are made safe.
38 The building official may give directions in writing to the owner as necessary concerning
39 such repairs to render the building safe from the catching and spreading of fire.

1 **Sec. 44. 25 MRSA §2468, sub-§2**, as enacted by PL 2009, c. 162, §5, is amended
2 to read:

3 **2. Carbon monoxide detectors required.** The owner shall install, or cause to be
4 installed, by the manufacturer's requirements at least one approved carbon monoxide
5 detector in each area within, or giving access to, bedrooms in:

- 6 A. Each apartment in any building of multifamily occupancy;
- 7 B. Any addition to or restoration of an existing single-family dwelling that adds at
8 least one bedroom to the dwelling unit; and
- 9 C. Any conversion of a building to a single-family dwelling.

10 A carbon monoxide detector must be powered ~~both~~ by the electrical service in the
11 building or dwelling.

12 **Sec. 45. 25 MRSA §2468, sub-§4**, as enacted by PL 2009, c. 162, §5, is amended
13 to read:

14 **4. New construction.** A person who constructs a single-family dwelling shall install
15 at least one carbon monoxide detector in each area within, or giving access to, any
16 bedroom in the dwelling. The carbon monoxide detector must be powered ~~both~~ by the
17 electrical service in the dwelling.

18 **Sec. 46. 25 MRSA §2803-B, sub-§2**, as amended by PL 2009, c. 336, §18 and c.
19 451, §4, is repealed and the following enacted in its place:

20 **2. Minimum policy standards.** The board shall establish minimum standards for
21 each law enforcement policy no later than June 1, 1995, except that policies for expanded
22 requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1)
23 to (3) must be established no later than January 1, 2003; policies for death investigations
24 under subsection 1, paragraph I must be established no later than January 1, 2004;
25 policies for public notification regarding persons in the community required to register
26 under Title 34-A, chapter 15 under subsection 1, paragraph J must be established no later
27 than January 1, 2006; policies for the recording and preservation of interviews of suspects
28 in serious crimes under subsection 1, paragraph K must be established no later than
29 January 1, 2005; policies for the expanded use of physical force, including the use of
30 electronic weapons and less-than-lethal munitions under subsection 1, paragraph A, must
31 be established no later than January 1, 2010; and policies for mental illness and the
32 process for involuntary commitment under subsection 1, paragraph L must be established
33 no later than January 1, 2010.

34 **Sec. 47. 25 MRSA §2803-B, sub-§3**, as amended by PL 2009, c. 336, §18 and c.
35 451, §5, is repealed and the following enacted in its place:

36 **3. Agency compliance.** The chief administrative officer of each law enforcement
37 agency shall certify to the board no later than January 1, 1996 that the agency has adopted
38 written policies consistent with the minimum standards established by the board pursuant
39 to subsection 2, except that certification to the board for expanded policies for domestic
40 violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the

1 board no later than June 1, 2003; certification to the board for adoption of a death
2 investigation policy under subsection 1, paragraph I must be made to the board no later
3 than June 1, 2004; certification to the board for adoption of a public notification policy
4 under subsection 1, paragraph J must be made to the board no later than June 1, 2006;
5 certification to the board for adoption of a policy for the recording and preservation of
6 interviews of suspects in serious crimes under subsection 1, paragraph K must be made to
7 the board no later than June 1, 2005; certification to the board for adoption of an
8 expanded use of physical force policy under subsection 1, paragraph A must be made to
9 the board no later than June 1, 2010; and certification to the board for adoption of a
10 policy regarding mental illness and the process for involuntary commitment under
11 subsection 1, paragraph L must be made to the board no later than June 1, 2010. The
12 certification must be accompanied by copies of the agency policies. The chief
13 administrative officer of each agency shall certify to the board no later than June 1, 1996
14 that the agency has provided orientation and training for its members with respect to the
15 policies, except that certification for orientation and training with respect to expanded
16 policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) and (3)
17 must be made to the board no later than January 1, 2004; certification for orientation and
18 training with respect to policies regarding death investigations under subsection 1,
19 paragraph I must be made to the board no later than January 1, 2005; certification for
20 orientation and training with respect to policies regarding public notification under
21 subsection 1, paragraph J must be made to the board no later than January 1, 2007;
22 certification for orientation and training with respect to policies regarding the recording
23 and preservation of interviews of suspects in serious crimes under subsection 1,
24 paragraph K must be made to the board no later than January 1, 2006; certification for
25 orientation and training with respect to policies regarding expanded use of physical force
26 under subsection 1, paragraph A must be made to the board no later than January 1, 2011;
27 and certification for orientation and training with respect to policies regarding mental
28 illness and the process for involuntary commitment under subsection 1, paragraph L must
29 be made to the board no later than January 1, 2011.

30 **Sec. 48. 26 MRSA §1413-A, sub-§1-A**, as enacted by PL 2009, c. 174, §6, is
31 amended to read:

32 **1-A. Commission.** "Commission" means the Commission ~~for the Division~~ for the
33 Deaf, Hard of Hearing and Late Deafened.

34 **Sec. 49. 26 MRSA §1413-C, first ¶**, as amended by PL 2009, c. 174, §17, is
35 further amended to read:

36 Within the Department of Labor, Bureau of Rehabilitation Services, Division for the
37 Deaf, Hard of Hearing and Late Deafened, the Commission ~~for the Division~~ for the Deaf,
38 Hard of Hearing and Late Deafened as established under Title 5, section 12004-J,
39 subsection 17, consists of 24 members and 3 members-at-large appointed by the
40 Governor and representing equally consumers, professionals and the public. Members
41 are entitled to compensation in accordance with Title 5, chapter 379.

42 **Sec. 50. 28-A MRSA §2, sub-§12-A**, as enacted by PL 1997, c. 767, §1, is
43 amended to read:

1 **12-A. Hard cider.** "Hard cider" means liquor produced by fermentation of the juice
2 of apples, including, but not limited to, flavored, sparkling or carbonated cider, that
3 contains not less than 1/2 of 1% alcohol by volume and not more than 7% alcohol by
4 volume.

5 **Sec. 51. 28-A MRSA §1206**, as amended by PL 2009, c. 438, §4 and c. 459, §3, is
6 repealed and the following enacted in its place:

7 **§1206. Consumption prohibited on off-premises retail premises**

8 A person may not consume liquor on the premises of an off-premise retail licensee
9 licensed under this chapter except as provided in sections 460, 1205, 1207 and 1208.

10 **Sec. 52. 28-A MRSA §1207**, as enacted by PL 2009, c. 438, §5, is reallocated to
11 28-A MRSA §1208.

12 **Sec. 53. 29-A MRSA §2083, sub-§2**, as amended by PL 2009, c. 50, §3 and c.
13 55, §4, is repealed and the following enacted in its place:

14 **2. Compliance.** An operator of a motorcycle or auticycle or a parent or guardian
15 may not allow a passenger under the age of 18 years to ride in violation of this section.

16 **Sec. 54. 30-A MRSA §6006-G, sub-§2, ¶A**, as enacted by PL 2007, c. 470, Pt.
17 D, §1, is amended to read:

18 A. Sums that are transferred to the fund from time to time by the Treasurer of State
19 pursuant to Title 36, section 2903, subsection 5 6 and Title 36, section 3203,
20 subsection 4;

21 **Sec. 55. 32 MRSA §2402-A**, as amended by PL 2009, c. 250, §2 and repealed by
22 c. 344, Pt. C, §1 and affected by Pt. E, §2, is repealed.

23 **Sec. 56. 32 MRSA §4700-J**, as amended by PL 2009, c. 153, §21, is further
24 amended to read:

25 **§4700-J. Licensure; well drillers and pump installers**

26 Effective January 1, 1994, a person may not engage in the business of constructing
27 water wells within the State or engage in the installation, replacement or repair of a pump
28 in a water well unless licensed with the commission. After final adoption of initial rules
29 pursuant to section 4700-I, subsection 2-A, a person may not engage in the business of
30 constructing geothermal heat exchange wells or engage in the installation, replacement or
31 repair of a pump in a geothermal heat exchange well unless licensed with the
32 commission. An applicant for licensure must complete an application form supplied by
33 the commission; successfully complete any examination required by this chapter and pay
34 an annual license fee established by the commission. The person so licensed shall display
35 on each side of the drilling rig or the pump installer vehicle a seal issued by the
36 commission indicating that person's license number and the current year of licensure. A
37 person licensed under chapter 49 as a master plumber is not required to be licensed with
38 the commission to perform the work of a pump installer.

1 **Sec. 57. 32 MRSA §18107**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected
2 by Pt. E, §2, is amended to read:

3 **§18107. Installations to conform to standards**

4 Installation of oil, solid fuel, propane and natural gas burning equipment and
5 chimneys may not be made in this State unless the installation complies with all the
6 standards and rules adopted by the board. These standards and rules may not prohibit the
7 continued use of an existing connection of a solid fuel burning appliance to a chimney
8 flue to which another appliance burning oil or solid fuel is connected for any chimney
9 existing and in use prior to February 2, 1998 as long as sufficient draft is available for
10 each appliance, the chimney is lined and structurally intact and a carbon monoxide
11 detector is installed in the building near a bedroom. Whenever oil, solid fuel, propane
12 and natural gas burning equipment, accessory equipment or its installation are separately
13 contracted, the master oil and solid fuel burning technician or the propane and natural gas
14 technician in charge of the installation is responsible for ascertaining total conformance to
15 the standards and rules adopted by the board. Whenever a state fuel inspector authorized
16 under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or
17 natural gas installation, that person shall, on request of the state fuel inspector, provide
18 evidence of being properly licensed when required by this chapter and, if unable to
19 provide the evidence, shall furnish the state fuel inspector with that person's full name
20 and address and, if applicable, the full name and address of the master oil and solid fuel
21 burning technician or the propane and natural gas technician in charge.

22 **Sec. 58. 32 MRSA §18123, sub-§2**, as enacted by PL 2009, c. 344, Pt. C, §3 and
23 affected by Pt. E, §2, is amended to read:

24 **2. Rules.** The board may, in accordance with the Maine Administrative Procedure
25 Act, adopt rules commensurate with the authority vested in it by this chapter, including,
26 but not limited to, rules adopting technical standards for the proper installation and
27 servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted
28 pursuant to this subsection may not prohibit the continued use of an existing connection
29 of a solid fuel burning appliance to a chimney flue to which another appliance burning oil
30 or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as
31 long as sufficient draft is available for each appliance, the chimney is lined and
32 structurally intact and a carbon monoxide detector is installed in the building near a
33 bedroom. The board may adopt by rule national or other technical standards, in whole or
34 in part, that it considers necessary to carry out the provisions of this chapter. Rules
35 adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter
36 375, subchapter 2-A.

37 **Sec. 59. 35-A MRSA §8704, sub-§1, ¶B**, as amended by PL 2009, c. 174, §27,
38 is further amended to read:

39 B. The chair of the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and
40 Late Deafened established by Title 5, section 12004-J, subsection 17, or a designee;

41 **Sec. 60. 35-A MRSA §10119, sub-§1, ¶B**, as enacted by PL 2009, c. 372, Pt. B,
42 §3, is amended to read:

1 B. Federal funds and awards that may be used for the purposes of this section;

2 **Sec. 61. 36 MRSA §191, sub-§2, ¶LL**, as reallocated by PL 2009, c. 361, §14, is
3 amended to read:

4 LL. The disclosure to any state agency of information relating to the administration
5 and collection of any debt transferred to the bureau for collection pursuant to section
6 112-A;

7 **Sec. 62. 36 MRSA §191, sub-§2, ¶MM**, as amended by PL 2009, c. 470, §4, is
8 further amended to read:

9 MM. The disclosure to an authorized representative of the Department of Economic
10 and Community Development of information required for the administration of the
11 visual media production credit under section 5219-Y, the employment tax increment
12 financing program under chapter 917, the visual media production reimbursement
13 program under chapter 919-A or the Pine Tree Development Zone program under
14 Title 30-A, chapter 206, subchapter 4;

15 **Sec. 63. 36 MRSA §191, sub-§2, ¶NN**, as reallocated by PL 2009, c. 361, §16,
16 is amended to read:

17 NN. The disclosure to an authorized representative of the Wild Blueberry
18 Commission of Maine of any information required for or submitted to the assessor in
19 connection with the administration of the tax imposed under chapter 701; and

20 **Sec. 64. 36 MRSA §3203-C**, as amended by PL 2009, c. 413, Pt. W, §3 and
21 affected by §6 and amended by c. 434, §51 and affected by §84, is repealed and the
22 following enacted in its place:

23 **§3203-C. Inventory tax**

24 On the date that any increase in the rate of tax imposed under this chapter takes
25 effect, an inventory tax is imposed upon all distillates that are held in inventory by a
26 supplier, wholesaler or retail dealer as of the end of the day prior to that date on which the
27 tax imposed by section 3203 has been paid. The inventory tax is computed by
28 multiplying the number of gallons of tax-paid fuel held in inventory by the difference
29 between the tax rate already paid and the new tax rate. Suppliers, wholesalers and retail
30 dealers that hold such tax-paid inventory shall make payment of the inventory tax on or
31 before the 15th day of the next calendar month, accompanied by a form prescribed and
32 furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the
33 supplier, wholesaler or retail dealer is entitled to a refund or credit, which must be
34 claimed on a form designed and furnished by the assessor.

35 **Sec. 65. Retroactivity.** That section of this Act that repeals and replaces the
36 Maine Revised Statutes, Title 36, section 3203-C applies retroactively to July 18, 2008.

37 **Sec. 66. 36 MRSA §3321, sub-§1**, as amended by PL 2009, c. 413, Pt. W, §4 and
38 affected by §6 and amended by c. 434, §59, is repealed and the following enacted in its
39 place:

1 **1. Generally.** Beginning in 2003, and each calendar year thereafter, the excise tax
2 imposed upon internal combustion engine fuel pursuant to section 2903, subsection 1 and
3 the excise tax imposed upon distillates pursuant to section 3203 are subject to an annual
4 rate of adjustment pursuant to this section. On or about February 15th of each year, the
5 State Tax Assessor shall calculate the adjusted rates by multiplying the rates in effect on
6 the calculation date by an inflation index computed as provided in subsection 2. The
7 adjusted rates must then be rounded to the nearest 1/10 of a cent and become effective on
8 the first day of July immediately following the calculation. The assessor shall publish the
9 annually adjusted fuel tax rates and shall provide all necessary forms and reports.

10 **Sec. 67.** **36 MRSA §5122, sub-§1, ¶Z**, as amended by PL 2009, c. 213, Pt.
11 BBBB, §2 and c. 434, §66 and affected by §84, is repealed and the following enacted in
12 its place:

13 Z. For income tax years beginning on or after January 1, 2008, the amount of any
14 qualified state and local tax benefit and any qualified payment excluded from gross
15 income pursuant to the Code, Section 139B;

16 **Sec. 68.** **36 MRSA §5122, sub-§2, ¶AA**, as amended by PL 2009, c. 213, Pt.
17 BBBB, §6 and c. 434, §67, is repealed and the following enacted in its place:

18 AA. For taxable years beginning on or after January 1, 2009, an amount equal to the
19 net decrease in the depreciation deductions allowable under Sections 167 and 168 of
20 the Code that would have been applicable to that property had the depreciation
21 deduction under the Code, Section 168(k) not been claimed with respect to such
22 property placed in service on or after January 1, 2008 for which an addition was
23 required under subsection 1, paragraph AA in a prior year.

24 Upon the taxable disposition of property to which this paragraph applies, the amount
25 of any gain or loss includable in federal adjusted gross income must be adjusted for
26 Maine income tax purposes by an amount equal to the difference between the
27 addition modification for such property under subsection 1, paragraph AA and the
28 subtraction modifications allowed pursuant to this paragraph.

29 The total amount of subtraction claimed for property under this paragraph for all tax
30 years may not exceed the addition modification under subsection 1, paragraph AA for
31 the same property;

32 **Sec. 69.** **36 MRSA §5200-A, sub-§1, ¶T**, as amended by PL 2009, c. 213, Pt.
33 ZZZ, §6 and Pt. BBBB, §10, is repealed and the following enacted in its place:

34 T. For taxable years beginning on or after January 1, 2008, an amount equal to the
35 net increase in depreciation attributable to the depreciation deduction claimed by the
36 taxpayer under the Code, Section 168(k) arising from amendments to the Code
37 applicable to taxable years beginning on or after January 1, 2008;

38 **Sec. 70.** **36 MRSA §5200-A, sub-§1, ¶V**, as enacted by PL 2009, c. 213, Pt.
39 ZZZ, §8, is amended to read:

1 V. For any taxable year beginning in 2009, 2010 or 2011, an amount equal to the
2 absolute value of any net operating loss carry-forward claimed for purposes of the
3 federal income tax; and

4 **Sec. 71. 36 MRSA §5200-A, sub-§1, ¶V**, as enacted by PL 2009, c. 213, Pt.
5 BBBB, §12, is reallocated to 36 MRSA §5200-A, sub-§1, ¶W.

6 **Sec. 72. 36 MRSA §5200-A, sub-§2, ¶R**, as amended by PL 2009, c. 213, Pt.
7 ZZZ, §11 and Pt. BBBB, §13, is repealed and the following enacted in its place:

8 R. For taxable years beginning on or after January 1, 2009, an amount equal to the
9 net decrease in the depreciation deductions allowable under Sections 167 and 168 of
10 the Code that would have been applicable to that property had the depreciation
11 deduction under the Code, Section 168(k) not been claimed with respect to such
12 property placed in service on or after January 1, 2008 for which an addition was
13 required under subsection 1, paragraph T in a prior year.

14 Upon the taxable disposition of property to which this paragraph applies, the amount
15 of any gain or loss includable in federal adjusted gross income must be adjusted for
16 Maine income tax purposes by an amount equal to the difference between the
17 addition modification for such property under subsection 1, paragraph T and the
18 subtraction modifications allowed pursuant to this paragraph.

19 The total amount of subtraction claimed for property under this paragraph for all tax
20 years may not exceed the addition modification under subsection 1, paragraph T for
21 the same property;

22 **Sec. 73. 36 MRSA §5200-A, sub-§2, ¶T**, as enacted by PL 2009, c. 213, Pt.
23 ZZZ, §13 and Pt. BBBB, §15 and affected by §17, is repealed and the following enacted
24 in its place:

25 T. An amount equal to the value of any prior year addition modification under
26 subsection 1, paragraph V, but only to the extent that:

27 (1) Maine taxable income is not reduced below zero;

28 (2) The taxable year is within the allowable federal period for carry-over plus the
29 number of years that the net operating loss carry-over adjustment was not
30 deducted as a result of the restriction with respect to tax years beginning in 2009,
31 2010 and 2011;

32 (3) The amount has not been previously used as a modification pursuant to this
33 subsection; and

34 (4) The modification under this paragraph is not claimed for any tax year
35 beginning in 2009, 2010 or 2011; and

36 **Sec. 74. 36 MRSA §5200-A, sub-§2, ¶U** is enacted to read:

37 U. An amount equal to the gross income from discharge of indebtedness previously
38 deferred under the Code, Section 108(i) and included in federal taxable income. The
39 total subtraction for all years under this paragraph may not exceed the amount of the
40 addition modification under subsection 1, paragraph W for the same indebtedness.

1 **Sec. 75. Application.** That section of this Act that enacts the Maine Revised
2 Statutes, Title 36, section 5200-A, subsection 2, paragraph U applies to tax years
3 beginning on or after January 1, 2010.

4 **Sec. 76. 36 MRSA §6754, sub-§1, ¶D,** as amended by PL 2009, c. 434, §83 and
5 c. 461, §27, is repealed and the following enacted in its place:

6 D. For qualified Pine Tree Development Zone employees, as defined in Title 30-A,
7 section 5250-I, subsection 18, employed directly in the qualified business activity of
8 a qualified Pine Tree Development Zone business, as defined in Title 30-A, section
9 5250-I, subsection 17, for whom a certificate of qualification has been issued in
10 accordance with Title 30-A, section 5250-O, the reimbursement under this subsection
11 is equal to 80% of the withholding taxes withheld each year for which reimbursement
12 is requested and attributed to those qualified employees for a period of no more than
13 10 years for tier 1 locations and no more than 5 years for tier 2 locations. In no event
14 may reimbursement under this paragraph be paid for years beginning after December
15 31, 2028.

16 **Sec. 77. 37-B MRSA §601,** as amended by PL 2009, c. 299, Pt. A, §9 and c. 406,
17 §13, is repealed and the following enacted in its place:

18 **§601. Home established; purpose**

19 There must be public homes for veterans in Maine known as "Maine Veterans'
20 Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home
21 located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located
22 in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with
23 dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are
24 dedicated to patients with dementia, may be constructed if federal Veterans'
25 Administration funds are available to meet part of the costs of each facility for
26 construction or operation. In addition, a home located in Machias not to exceed 60 beds
27 may be constructed if federal Veterans' Administration funds or funds from any other
28 state, federal or private source are available to meet part of the costs of the facility for
29 construction or operation, except that the Machias home may not begin operation prior to
30 July 1, 1995 and the construction and funding of the Machias home may not in any way
31 jeopardize the construction, funding or financial viability of any other home. The Maine
32 Veterans' Homes also are authorized to provide nonnursing facility care and services to
33 Maine veterans if approved by appropriate state and federal authorities. The Board of
34 Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any
35 nonnursing facility care and services using any funds available for that purpose, except
36 for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are
37 authorized to construct community-based outpatient clinics for Maine veterans in
38 cooperation with the United States Department of Veterans Affairs and may construct and
39 operate veterans hospice facilities, veterans housing facilities and other facilities
40 authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds.
41 Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded
42 depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds
43 received by the Maine Veterans' Homes and available for that purpose. The primary
44 purpose of the Maine Veterans' Homes is to provide support and care for honorably

1 discharged veterans who served on active duty in the United States Armed Forces or who
2 served in the Reserves of the United States Armed Forces on active duty for other than
3 training purposes.

4 **Sec. 78. 38 MRSA §580-B, sub-§7**, as amended by PL 2009, c. 200, §7 and c.
5 372, Pt. B, §4, is repealed and the following enacted in its place:

6 **7. Allocation of carbon dioxide emissions allowances.** The department shall
7 allocate 100% of the annual carbon dioxide emissions allowances for public benefit to
8 produce funds for carbon reduction and energy conservation, as specified in Title 35-A,
9 section 10109. Except as provided in subsections 7-A and 8, the department shall sell the
10 carbon dioxide emissions allowances at public auction, in accordance with rules adopted
11 under subsection 4. Revenue resulting from the sale of allowances must be deposited in
12 the Regional Greenhouse Gas Initiative Trust Fund established under Title 35-A, section
13 10109.

14 **Sec. 79. 38 MRSA §580-B, sub-§10**, as amended by PL 2009, c. 200, §§8 to 10
15 and c. 372, Pt. B, §6, is repealed and the following enacted in its place:

16 **10. Annual report.** The department and the trustees of the Efficiency Maine Trust
17 established pursuant to Title 35-A, section 10103 shall submit a joint report to the joint
18 standing committees of the Legislature having jurisdiction over natural resources matters
19 and utilities and energy matters by March 15, 2009 and each year thereafter. The report
20 must assess and address:

21 A. The reductions of greenhouse gas emissions from carbon dioxide budget units,
22 conservation programs funded by the Regional Greenhouse Gas Initiative Trust Fund
23 pursuant to Title 35-A, section 10109 and carbon dioxide emissions offset projects;

24 B. The improvements in overall carbon dioxide emissions and energy efficiency
25 from sources that emit greenhouse gases including electrical generation and fossil
26 fuel fired units;

27 C. The maximization of savings through systemic energy improvements statewide;

28 D. Research and support of new carbon dioxide offset allowance categories for
29 development in the State;

30 E. Management and cost-effectiveness of the State's energy conservation and carbon
31 reduction programs and efforts funded by the Regional Greenhouse Gas Initiative
32 Trust Fund, established pursuant to Title 35-A, section 10109;

33 F. The extent to which funds from the Regional Greenhouse Gas Initiative Trust
34 Fund, established pursuant to Title 35-A, section 10109, serve customers from all
35 classes of the State's transmission and distribution utilities; and

36 G. The revenues and expenditures of the Regional Greenhouse Gas Initiative Trust
37 Fund, established pursuant to Title 35-A, section 10109.

38 The department and the trustees of the Efficiency Maine Trust may include in the report
39 any proposed changes to the program established under this chapter.

1 The joint standing committee of the Legislature having jurisdiction over natural resources
2 matters may submit legislation relating to areas within the committee's jurisdiction in
3 connection with the program. The joint standing committee of the Legislature having
4 jurisdiction over utilities and energy matters may submit legislation relating to areas
5 within the committee's jurisdiction in connection with the program.

6 **Sec. 80.** PL 2009, c. 174, §28 is amended to read:

7 **Sec. 28. Transition provisions.**

8 1. The Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late
9 Deafened, established pursuant to the Maine Revised Statutes, Title 5, section 12004-J,
10 subsection 17, is the successor in every way to the functions and duties of the former
11 Advisory Council to Division of Deafness, as established pursuant to Title 5, section
12 12004-I, subsection 54-B.

13 2. All records, property and equipment previously belonging to or for the use of the
14 former Advisory Council to Division of Deafness become part of the property of the
15 Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened.

16 3. All existing forms, licenses, letterheads and similar items bearing the name of or
17 referring to the former Advisory Council to Division of Deafness may be utilized by the
18 Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened until
19 existing supplies of these items are exhausted.

20 **Sec. 81.** PL 2009, c. 213, Pt. YYY, §2 is amended to read:

21 **Sec. YYY-2. Application.** That section of this Part that amends the Maine
22 Revised Statutes, Title 36, section 683, subsection 1 applies to property tax years
23 beginning on or after April 1, 2010.

24 **Sec. 82.** PL 2009, c. 261, Pt. A, §20 is repealed.

25 **Sec. 83.** PL 2009, c. 361, §37 is amended to read:

26 **Sec. 37. Retroactivity.** That section of this Act that enacts the Maine Revised
27 Statutes, Title 36, section 2557, subsection 3, paragraph ~~N~~ G-1 applies retroactively to
28 October 1, 2007. That section of this Act that amends Title 36, section 4641-C,
29 subsection 7 applies retroactively to July 1, 2003. Those sections of this Act that amend
30 Title 27, section 511, subsection 2; Title 30-A, section 4722, subsection 1, paragraphs BB
31 and CC; and Title 36, section 5219-BB; and that section that enacts Title 30-A, section
32 4722, subsection 1, paragraph DD apply retroactively to June 30, 2008. The portion of
33 this Act that enacts Title 36, section 1760, subsection 41, paragraph B applies
34 retroactively to January 1, 2008. The portion of this Act that enacts Title 36, section
35 1760, subsection 41, paragraph C applies retroactively to June 15, 2001.

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

SUMMARY

1
2 Section 1 corrects a reference to the biennial report of the Land and Water Resources
3 Council.

4 Section 2 repeals a reference to the Baxter Compensation Authority, which was
5 eliminated on July 1, 2007.

6 Section 3 corrects a conflict created by Public Law 2009, chapter 211, which changed
7 the name of the Junior Maine Guides and Trip Leaders Curriculum Advisory Board in the
8 Maine Revised Statutes, Title 5, section 12004-I, subsection 24, and chapter 369, which
9 repealed Title 5, section 12004-I, subsection 24. This section corrects the conflict by
10 repealing Title 5, section 12004-I, subsection 24.

11 Section 4 corrects the name of a commission.

12 Section 5 removes a reference to an annual report that is no longer required to be
13 prepared.

14 Section 6 corrects a conflict created by Public Law 2009, chapters 213 and 343,
15 which affected the same provision of law, by incorporating the changes made by both
16 laws.

17 Section 7 corrects a conflict created by Public Law 2009, chapters 324 and 325,
18 which affected the same provision of law, by incorporating the changes made by both
19 laws. Section 8 makes the changes retroactive to February 15, 2010.

20 Section 9 corrects a conflict created by Public Law 2009, chapters 324 and 325,
21 which affected the same provision of law, by incorporating the changes made by both
22 laws. Section 10 makes the changes retroactive to February 15, 2010.

23 Section 11 corrects a conflict created by Public Law 2009, chapter 324, which
24 repealed Title 11, article 7-A and chapter 325, which corrected a cross-reference in Title
25 11, section 7-102, subsection (1), paragraph (e), which is in the repealed article. This
26 section corrects the conflict by repealing Title 11, section 7-102. Section 12 makes the
27 change retroactive to February 15, 2010.

28 Section 13 corrects a conflict created by Public Law 2009, chapters 151 and 394,
29 which affected the same provision of law, by incorporating the changes made by both
30 laws.

31 Section 14 corrects a conflict created by Public Law 2009, chapters 340 and 369,
32 which affected the same provision of law, by incorporating the changes made by both
33 laws.

34 Section 15 corrects a conflict created when Public Law 2009, chapter 369 repealed
35 the Maine Revised Statutes, Title 12, section 10154 and chapter 211 amended the section.
36 This section corrects the conflict by repealing Title 12, section 10154.

1 Section 16 corrects a conflict created by Public Law 2009, chapters 213 and 340,
2 which affected the same provision of law, by incorporating the changes made by both
3 laws.

4 Section 17 corrects a conflict created by Public Law 2009, chapters 211 and 369,
5 which affected the same provision of law, by incorporating the changes made by both
6 laws.

7 Section 18 corrects a cross-reference, and section 19 adds an effective date.

8 Section 20 corrects a cross-reference.

9 Section 21 corrects a conflict created by Public Law 2009, chapters 268 and 391,
10 which affected the same provision of law, by incorporating the changes made by both
11 laws.

12 Section 22 corrects a cross-reference.

13 Section 23 corrects a conflict created by Public Law 2009, chapters 1 and 213, which
14 affected the same provision of law. This section repeals the provision and replaces it with
15 the chapter 213 version.

16 Section 24 corrects a conflict created when Public Law 2009, chapter 190 amended
17 Title 21-A, section 1011, 2nd paragraph and Public Law 2009, chapter 366 repealed the
18 paragraph. This section corrects the conflict by repealing the paragraph.

19 Section 25 corrects a conflict created by Public Law 2009, chapters 183 and 190,
20 which affected the same provision of law, by incorporating the changes made by both
21 laws.

22 Section 26 corrects a conflict created by Public Law 2009, chapters 190 and 366,
23 which affected the same provision of law. This section repeals the provision and replaces
24 it with the chapter 190 version.

25 Section 27 corrects a conflict created by Public Law 2009, chapters 190 and 366,
26 which affected the same provision of law. This section repeals the provision and replaces
27 it with the chapter 190 version.

28 Section 28 corrects a conflict created by Public Law 2009, chapters 190 and 366,
29 which affected the same provision of law, by incorporating the changes made by both
30 laws.

31 Section 29 corrects a conflict created when Public Law 2009, chapter 302 repealed
32 Title 21-A, section 1125, subsection 8 and Public Law 2009, chapters 286 and 363
33 amended that subsection. This section corrects the conflict by repealing the subsection.
34 Section 30 provides an effective date of September 1, 2011.

35 Section 31 corrects a conflict created by Public Law 2009, chapters 302 and 363,
36 which affected the same provision of law. This section repeals the provision and replaces

1 it with the chapter 302 version. Section 32 provides an effective date of September 1,
2 2011.

3 Section 33 corrects a conflict created by Public Law 2009, chapters 302 and 363,
4 which affected the same provision of law, by incorporating the changes made by both
5 laws. Section 34 provides an effective date of September 1, 2011.

6 Section 35 corrects a conflict created by Public Law 2009, chapters 429 and 430,
7 which affected the same provision of law. This section repeals the provision and replaces
8 it with the chapter 430 version.

9 Section 36 corrects a cross-reference.

10 Section 37 corrects a conflict created when Public Law 2009, chapter 299 amended
11 Title 22, section 5107-J, subsection 2, paragraph C and chapter 369 repealed Title 22,
12 section 5107-J. This section corrects the conflict by repealing the section.

13 Section 38 corrects a conflict created by Public Law 2009, chapters 279 and 420,
14 which affected the same provision of law. This section repeals the provision and replaces
15 it with the chapter 420 version.

16 Section 39 corrects a conflict created by Public Law 2009, chapters 279 and 420,
17 which both substantively affected the same provision of law. This section corrects the
18 conflict by incorporating the changes made by both laws.

19 Section 40 corrects a cross-reference.

20 Sections 41 and 42 correct a conflict created by Public Law 2009, chapters 77 and
21 118, which both substantively affected the same provisions of law. Sections 41 and 42
22 correct the conflict by incorporating the changes made by both laws.

23 Section 43 corrects a conflict created by Public Law 2009, chapters 261 and 344,
24 which both substantively affected the same provision of law. This section corrects the
25 conflict by incorporating the changes made by both laws and makes a grammatical
26 correction.

27 Sections 44 and 45 correct clerical errors.

28 Sections 46 and 47 correct a conflict created by Public Law 2009, chapters 336 and
29 451, which both substantively affected the same provision of law. Sections 46 and 47
30 correct the conflict by incorporating the changes made by both laws.

31 Section 48 corrects the name of a commission.

32 Section 49 corrects the name of a commission.

33 Section 50 corrects punctuation and a clerical error by adding a word that was
34 inadvertently omitted.

1 Section 51 corrects a conflict created by Public Law 2009, chapters 438 and 459,
2 which both substantively affected the same provision of law, by incorporating the
3 changes made by both laws.

4 Section 52 corrects a numbering problem created by Public Law 2009, chapters 438
5 and 459, which enacted 2 substantively different provisions of law with the same section
6 number.

7 Section 53 corrects a conflict created by Public Law 2009, chapters 50 and 55, which
8 affected the same provision of law, by incorporating the changes made by both laws.

9 Section 54 corrects a cross-reference.

10 Sections 55, 57 and 58 correct a conflict created when Public Law 2009, chapter 250
11 amended Title 32, section 2402-A and chapter 344 repealed the section. These sections
12 correct the conflict by repealing the section and adding the substance of the change made
13 by chapter 250 to the laws governing the Maine Fuel Board, which were enacted by
14 chapter 344.

15 Section 56 corrects a cross-reference.

16 Section 59 corrects the name of a commission.

17 Section 60 corrects a clerical error by adding a word that was inadvertently omitted.

18 Sections 61 to 63 correct punctuation errors.

19 Section 64 corrects a conflict created by Public Law 2009, chapters 413 and 434,
20 which affected the same provision of law, by incorporating the changes made by both
21 laws. Section 65 makes the changes retroactive to July 18, 2008.

22 Section 66 corrects a conflict created by Public Law 2009, chapters 413 and 434,
23 which affected the same provision of law, by incorporating the changes made by both
24 laws.

25 Section 67 corrects a conflict created by Public Law 2009, chapters 213 and 434,
26 which affected the same provision of law, by incorporating the changes made by both
27 laws.

28 Section 68 corrects a conflict created by Public Law 2009, chapters 213 and 434,
29 which affected the same provision of law. This section repeals the provision and replaces
30 it with the chapter 213 version and makes a technical correction.

31 Section 69 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ,
32 section 6 and Part BBBB, section 10, which affected the same provision of law. This
33 section repeals the provision and replaces it with the chapter 213, Part BBBB, section 10
34 version.

35 Sections 70 and 71 correct a numbering problem created by Public Law 2009, chapter
36 213, Part ZZZ, section 8 and Part BBBB, section 12, which enacted 2 substantively
37 different provisions with the same paragraph letter, and make a technical change.

1 Section 72 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ,
2 section 11 and Part BBBB, section 13, which affected the same provision of law. This
3 section repeals the provision and replaces it with the chapter 213, Part BBBB, section 13
4 version and makes a technical correction.

5 Sections 73 to 75 correct a numbering problem created by Public Law 2009, chapter
6 213, Part ZZZ, section 13 and Part BBBB, section 15, which enacted 2 substantively
7 different provisions with the same paragraph letter, make a technical change, correct a
8 cross-reference and add an application section.

9 Section 76 corrects a conflict created by Public Law 2009, chapters 434 and 461,
10 which affected the same provision of law, by incorporating the changes made by both
11 laws.

12 Section 77 corrects a conflict created by Public Law 2009, chapters 299 and 406,
13 which affected the same provision of law, by incorporating the changes made by both
14 laws.

15 Section 78 corrects a conflict created by Public Law 2009, chapters 200 and 372,
16 which affected the same provision of law, by incorporating the changes made by both
17 laws with a technical correction.

18 Section 79 corrects a conflict created by Public Law 2009, chapters 200 and 372,
19 which affected the same provision of law. This section repeals the provision and replaces
20 it with the chapter 372 version.

21 Section 80 corrects the name of a commission.

22 Section 81 corrects an application section to make it clear to what years the changes
23 to the Maine Revised Statutes, Title 36, section 683, subsection 1 apply.

24 Section 82 repeals a retroactivity section in a public law that referred to a section of
25 statute that was not included in the public law.

26 Section 83 corrects a reference in a retroactivity section.