

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1480

H.P. 1089

House of Representatives, April 13, 2011

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

(EMERGENCY)

Reported by Representative NASS of Acton 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.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
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. 2 MRSA §6-A, sub-§3, ¶D,** as amended by PL 2009, c. 122, §2, is further
15 amended to read:

16 D. Director of electric and gas utility industries; and

17 **Sec. 2. 2 MRSA §6-A, sub-§3, ¶D-1,** as enacted by PL 2005, c. 23, §1, is
18 repealed.

19 **Sec. 3. 5 MRSA §1764-A, sub-§2,** as corrected by RR 2003, c. 1, §2, is amended
20 to read:

21 **2. Rules.** The Bureau of General Services, in consultation with ~~the Energy~~
22 ~~Resources Council and~~ the Public Utilities Commission, shall by rule require that all
23 planning and design for the construction of new or substantially renovated state-owned or
24 state-leased buildings and buildings built with state funds, including buildings funded
25 ~~through~~ through state bonds or the Maine Municipal Bond Bank:

26 A. Involve consideration of architectural designs and energy systems that show the
27 greatest net benefit over the life of the building by minimizing long-term energy and
28 operating costs;

29 B. Include an energy-use target that exceeds by at least 20% the energy efficiency
30 standards in effect for commercial and institutional buildings pursuant to Title 10,
31 section 1415-D; and

32 C. Include a life-cycle cost analysis that explicitly considers cost and benefits over a
33 minimum of 30 years and that explicitly includes the public health and environmental
34 benefits associated with energy-efficient building design and construction, to the
35 extent they can be reasonably quantified.

36 Rules adopted pursuant to this section apply to all new or substantially renovated state-
37 owned or state-leased buildings and buildings built with state funds, including buildings

1 funded through state bonds or the Maine Municipal Bond Bank, regardless of whether the
2 planning and design for construction is subject to approval by the department.

3 Rules adopted pursuant to this section may provide for exemptions, waivers or other
4 appropriate consideration for buildings with little or no energy usage, such as unheated
5 sheds or warehouses.

6 The Bureau of General Services shall adopt rules pursuant to this section by July 1, 2004.
7 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
8 chapter 375, subchapter 2-A.

9 **Sec. 4. 7 MRSA §2104-A**, as enacted by PL 2009, c. 393, §6, is amended to read:

10 **§2104-A. Arrears in payments to Seed Potato Board**

11 A person who on July 15th of any year is in arrears as to full payment for potato seed
12 purchased from the Seed Potato Board is not eligible for listing in the Maine certified
13 seed potatoes book for that year published by the department's ~~Division of Plant Industry~~
14 division of animal and plant health.

15 **Sec. 5. 7 MRSA §2106**, as amended by PL 2003, c. 578, §6, is further amended to
16 read:

17 **§2106. Working capital advance**

18 The State Controller is authorized to advance \$300,000 from the General Fund
19 unappropriated surplus to the Certified Seed Fund established in section 2107 during any
20 state fiscal year, if requested in writing by the ~~Director of the Division of Plant Industry~~
21 director of the division of animal and plant health, to be used to provide cash necessary to
22 meet current expenditures of the seed certification program. These funds must be
23 returned to the General Fund unappropriated surplus before the close of the state fiscal
24 year in which the advance was made. The State Controller shall report to the joint
25 standing committee of the Legislature having jurisdiction over appropriations and
26 financial affairs within 30 days of making any working capital advance for this purpose.

27 **Sec. 6. 7 MRSA §2157, sub-§5**, as enacted by PL 1987, c. 813, §1, is amended to
28 read:

29 **5. Challenge grants.** The commissioner shall establish a challenge grant program to
30 help in establishing field trials for new potato varieties. Grant proposals ~~shall~~ must be
31 approved by the commissioner after review and recommendation by the Potato Plant
32 Breeder at the Maine Agricultural Experiment Station in Presque Isle, the ~~Director of the~~
33 ~~Division of Plant Industry~~ director of the division of animal and plant health, the
34 ~~chairman~~ chair of the seed grower's executive council of the Maine Potato Board and the
35 Director of the Seed Potato Board. Grants may be given to farmers outside of this State.
36 Grants may consist of seed, and assistance in determining cultural practices, and a
37 percentage of the farmer's production costs to be determined by the commissioner. Those
38 receiving grants shall cooperate with the agronomist of the Maine Agricultural
39 Experiment Station in developing the best cultural practices and sharing production and
40 marketing information.

1 **Sec. 7. 7 MRSA §2701, first ¶**, as amended by PL 2009, c. 393, §7, is further
2 amended to read:

3 All persons owning honeybees within the State shall annually notify the
4 commissioner of the keeping of bees and the location of the bees and shall forward to the
5 commissioner for deposit with the Treasurer of State an annual license fee for all bees
6 kept on June 15th of each year. Fees must be established by rule. Notwithstanding Title
7 5, section 8071, subsection 3, rules adopted under this section are routine technical rules
8 as defined in Title 5, chapter 375, subchapter 2-A. License fees accrue as a dedicated
9 revenue to the ~~Division of Plant Industry~~ division of animal and plant health to fund the
10 cost of apiary inspection and licensing.

11 **Sec. 8. 7 MRSA §2754**, as amended by PL 1999, c. 401, Pt. H, §3, is further
12 amended to read:

13 **§2754. Registration fees**

14 A registration fee not to exceed \$2 per colony for all bees to be shipped or moved
15 into the State must be forwarded to the commissioner for deposit with the Treasurer of
16 State. Fees must be established by rule in accordance with the Maine Administrative
17 Procedure Act. The fees accrue as dedicated revenue to the ~~Division of Plant Industry~~
18 division of animal and plant health to fund the cost of apiary inspection and licensing.

19 **Sec. 9. 10 MRSA §8001, sub-§38, ¶E**, as enacted by PL 1995, c. 397, §11, is
20 repealed.

21 **Sec. 10. 12 MRSA §6301, sub-§2, ¶R**, as amended by PL 2009, c. 523, §2 and c.
22 561, §8, is repealed and the following enacted in its place:

23 R. A wholesale seafood license with a shrimp permit issued under section 6851
24 expires on March 31st of each year:

25 **Sec. 11. 17 MRSA §330**, as amended by IB 2009, c. 2, §50 and repealed by PL
26 2009, c. 487, Pt. A, §1, is repealed.

27 **Sec. 12. 17 MRSA §1831, sub-§5**, as amended by PL 2009, c. 599, §1, is further
28 amended to read:

29 **5. Game of chance.** "Game of chance" means a game, contest, scheme or device in
30 which:

31 A. A person stakes or risks something of value for the opportunity to win something
32 of value;

33 B. The rules of operation or play require an event the result of which is determined
34 by chance, outside the control of the contestant or participant; and

35 C. Chance enters as an element that influences the outcome in a manner that cannot
36 be eliminated through the application of skill.

1 For the purposes of this subsection, "an event the result of which is determined by
2 chance" includes but is not limited to a shuffle of a deck of cards, a roll of a die or dice or
3 a random drawing or generation of an object that may include, but is not limited to, a
4 card, a die, a number or simulations of any of these. A shuffle of a deck of cards, a roll of
5 a die, a random drawing or generation of an object or some other event the result of
6 which is determined by chance that is employed to determine impartially the initial order
7 of play in a game, contest, scheme or device does not alone make a game, contest,
8 scheme or device a game of chance. For purposes of this chapter, beano, bingo ~~and~~, a
9 savings promotion raffle and table games as defined in Title 8, section 1001, subsection
10 43-A are not games of chance.

11 **Sec. 13. 18-A MRSA §3-717**, as enacted by PL 1979, c. 540, §1, is amended to
12 read:

13 **§3-717. Corepresentatives; when joint action required**

14 If 2 or more persons are appointed corepresentatives and unless the will provides
15 otherwise, the concurrence of all is required on all acts connected with the administration
16 and distribution of the estate. This restriction does not apply when any corepresentative
17 receives and receipts for ~~property~~ property due the estate, when the concurrence of all
18 cannot readily be obtained in the time reasonably available for emergency action
19 necessary to preserve the estate, or when a corepresentative has been delegated to act for
20 the others. Persons dealing with a corepresentative if actually unaware that another has
21 been appointed to serve with ~~him~~ that corepresentative or if advised by the personal
22 representative with whom they deal that ~~he~~ the personal representative has authority to
23 act alone for any of the reasons mentioned herein, are as fully protected as if the person
24 with whom they dealt had been the sole personal representative.

25 **Sec. 14. 21-A MRSA §1203-A, sub-§28, ¶A**, as enacted by PL 2005, c. 13, §2
26 and affected by §3, is amended to read:

27 A. In Hancock County, the municipalities and unorganized territories of Bar Harbor;
28 Blue Hill; Brooklin; Brooksville; ~~Central Hancock Township, also known as T.S.D.~~
29 Fletchers Landing Township; Cranberry Isles; Deer Isle; Ellsworth; Frenchboro;
30 Gouldsboro; Hancock; Lamoine; Mount Desert; Sedgwick; Sorrento; Southwest
31 Harbor; Stonington; Sullivan; Surry; Swans Island; Tremont; Trenton; and Winter
32 Harbor; and

33 **Sec. 15. 22 MRSA §2383-B, sub-§3, ¶A-1**, as amended by PL 2001, c. 580, §1,
34 is repealed.

35 **Sec. 16. 22 MRSA §2383-B, sub-§3, ¶A-2**, as enacted by IB 1999, c. 1, §7, is
36 repealed.

37 **Sec. 17. 22 MRSA §2383-B, sub-§3, ¶E**, as amended by PL 2009, c. 631, §6
38 and affected by §51, is repealed.

39 **Sec. 18. 23 MRSA §4202**, as amended by PL 1971, c. 622, §77-C, is further
40 amended to read:

1 **§4202. Short title**

2 This ~~Act shall~~ chapter may be known as and ~~may be~~ cited as the Maine
3 Transportation Act.

4 **Sec. 19. 23 MRSA §4203, first ¶**, as amended by PL 1971, c. 622, §77-D, is
5 further amended to read:

6 The following terms, when used in this ~~Act~~ chapter, ~~shall~~ have the following
7 meanings, unless the context otherwise requires.

8 **Sec. 20. 24 MRSA §2317-B, sub-§12-F**, as enacted by PL 2009, c. 578, §1 and
9 affected by §4; enacted by c. 634, §1 and affected by §5; and enacted by c. 635, §1 and
10 affected by §6, is repealed and the following enacted in its place:

11 **12-F. Title 24-A, sections 2766 and 2847-R. Enrollment of dependent children in**
12 **dental coverage, Title 24-A, sections 2766 and 2847-R;**

13 **Sec. 21. 24 MRSA §2317-B, sub-§12-G** is enacted to read:

14 **12-G. Title 24-A, sections 2767, 2847-S and 4258. Coverage for children's early**
15 **intervention services, Title 24-A, sections 2767, 2847-S and 4258;**

16 **Sec. 22. 24 MRSA §2317-B, sub-§12-H** is enacted to read:

17 **12-H. Title 24-A, sections 2768, 2847-T and 4259. Coverage for diagnosis and**
18 **treatment of autism spectrum disorders, Title 24-A, sections 2768, 2847-T and 4259;**

19 **Sec. 23. 24 MRSA §2986, sub-§2**, as enacted by PL 1999, c. 719, §2 and
20 affected by §11, is amended to read:

21 **2. Victims' Compensation Board billing.** All licensed hospitals and licensed health
22 care practitioners that perform forensic examinations for alleged victims of gross sexual
23 assault shall submit a bill to the Victims' Compensation Board directly for payment of the
24 forensic examinations. The Victims' Compensation Board shall determine what a
25 forensic examination includes pursuant to Title 5, section 3360-M. The hospital or health
26 care practitioner that performs a forensic examination shall take steps necessary to ensure
27 the confidentiality of the alleged victim's identity. The bill submitted by the hospital or
28 health care practitioner may not identify the alleged victim by name but must be assigned
29 a tracking number that corresponds to the forensic examination kit. The tracking number
30 may not be the alleged victim's social security number. The Victims' Compensation
31 Board shall pay the actual cost of the forensic examination up to a maximum of ~~\$500~~
32 \$750. Licensed hospitals and licensed health care practitioners that perform forensic
33 examinations for alleged victims of gross sexual assault may not bill the alleged victim or
34 the alleged victim's insurer, nonprofit hospital or medical service organization or health
35 maintenance organization for payment for the examination.

36 **Sec. 24. 24-A MRSA §957, 2nd ¶**, as enacted by PL 1983, c. 346, §7, is
37 amended to read:

1 For any life insurance policy issued on or after January 1, 1987, for which the gross
2 premium in the first policy year exceeds that of the 2nd year and for which no
3 comparable additional benefit is provided in the first year for that excess and ~~which that~~
4 provides an endowment benefit or a cash surrender value or a combination thereof in an
5 amount greater than that excess premium, the foregoing provisions of this section ~~shall~~
6 must be applied as if the method actually used in calculating the reserve for that policy
7 were the method described in section 954, ignoring the 2nd paragraph of section 954.
8 The minimum reserve at each policy anniversary of such a policy ~~shall be~~ is the greater of
9 the minimum reserve calculated in accordance with section 954, including the 2nd
10 paragraph of that section, and the minimum reserve calculated in accordance with this
11 section ~~957~~.

12 **Sec. 25. 24-A MRSA §2736-A, first ¶**, as amended by PL 2009, c. 439, Pt. C,
13 §3, is further amended to read:

14 If at any time the superintendent has reason to believe that a filing does not meet the
15 requirements that rates not be excessive, inadequate, unfairly discriminatory or not in
16 compliance with section ~~6913~~ 6917 or that the filing violates any of the provisions of
17 chapter 23, the superintendent shall cause a hearing to be held. If a filing proposes an
18 increase in rates in an individual health plan as defined in section 2736-C, the
19 superintendent shall cause a hearing to be held at the request of the Attorney General. In
20 any hearing conducted under this section, the insurer has the burden of proving rates are
21 not excessive, inadequate or unfairly discriminatory and in compliance with section ~~6913~~
22 6917.

23 **Sec. 26. 24-A MRSA §2766**, as enacted by PL 2009, c. 634, §2 and affected by
24 §5, is reallocated to 24-A MRSA §2767.

25 **Sec. 27. 24-A MRSA §2766**, as enacted by PL 2009, c. 635, §2 and affected by
26 §6, is reallocated to 24-A MRSA §2768.

27 **Sec. 28. 24-A MRSA §2847-R**, as enacted by PL 2009, c. 634, §3 and affected by
28 §5, is reallocated to 24-A MRSA §2847-S.

29 **Sec. 29. 24-A MRSA §2847-R**, as enacted by PL 2009, c. 635, §3 and affected by
30 §6, is reallocated to 24-A MRSA §2847-T.

31 **Sec. 30. 24-A MRSA §4258**, as enacted by PL 2009, c. 635, §4 and affected by
32 §6, is reallocated to 24-A MRSA §4259.

33 **Sec. 31. 25 MRSA §2926, sub-§2-A**, as amended by PL 2009, c. 219, §2, is
34 further amended to read:

35 **2-A. Goal.** To the extent possible, the bureau shall establish a total of between 16
36 and 24 public ~~service~~ safety answering points. The bureau shall seek to coordinate any
37 reduction in the number of public ~~service~~ safety answering points to achieve this goal
38 with any contractual obligations it may have or may enter into that are or could be
39 affected by that reduction. Prior to implementing a reduction in the number of public
40 safety answering points, the bureau shall make a finding regarding the need for the

1 reduction based on an evaluation of the costs and benefits of the reduction, taking into
2 account impacts on ratepayers, each of the affected municipalities and the State.

3 **Sec. 32. 31 MRSA §1592, sub-§8**, as enacted by PL 2009, c. 629, Pt. A, §2 and
4 affected by §3, is amended to read:

5 **8. Delivery of notice.** The Secretary of State shall send notice of ~~its~~ the
6 determination under subsection 1 by regular mail or other medium as defined by rule by
7 the Secretary of State and the service upon the domestic limited liability company is
8 perfected 5 days after the Secretary of State deposits ~~its~~ the notice of the determination in
9 the United States mail, as evidenced by the postmark if mailed postpaid and correctly
10 addressed or delivered by a medium authorized by the Secretary of State to the registered
11 agent of the limited liability company.

12 **Sec. 33. 31 MRSA §1626, sub-§7**, as enacted by PL 2009, c. 629, Pt. A, §2 and
13 affected by §3, is amended to read:

14 **7. Delivery of notice.** The Secretary of State shall send notice of ~~its~~ the
15 determination under subsection 1 by regular mail and the service upon the foreign limited
16 liability company is perfected 5 days after the Secretary of State deposits ~~its~~ the notice of
17 the determination in the United States mail, as evidenced by the postmark, if mailed
18 postpaid and correctly addressed to the registered agent in this State and the registered or
19 principal office, wherever located, on file for the foreign limited liability company.

20 **Sec. 34. 34-B MRSA §9008, sub-§1**, as enacted by PL 1983, c. 459, §7, is
21 amended to read:

22 **1. Supplemental or substitute guardian.** Nothing in this compact ~~shall~~ may be
23 construed to abridge, diminish or in any way impair the rights, duties and responsibilities
24 of any patient's guardian on ~~his~~ the guardian's own behalf or in respect of any patient for
25 whom ~~he~~ the guardian may serve, except that, where the transfer of any patient to another
26 ~~jurisdiction~~ jurisdiction makes advisable the appointment of a supplemental or substitute
27 guardian, any court of competent jurisdiction in the receiving state may make such
28 supplemental or substitute appointment and the court ~~which~~ that appointed the previous
29 guardian shall, upon being duly advised of the new appointment, and upon the
30 satisfactory completion of such accounting and other acts as such court may by law
31 require, relieve the previous guardian of power and responsibility to whatever extent ~~shall~~
32 be is appropriate in the circumstances. In the case of any patient having settlement in the
33 sending state, the court of competent jurisdiction in the sending state ~~shall have~~ has the
34 sole discretion to relieve a guardian appointed by it or continue ~~his~~ the guardian's power
35 and responsibility, whichever ~~it shall deem~~ the court considers advisable. The court in
36 the receiving state may, in its discretion, confirm or reappoint the person or persons
37 previously serving as guardian in the sending state in lieu of making a supplemental or
38 substitute appointment.

39 **Sec. 35. 35-A MRSA §107, sub-§1, ¶A**, as amended by PL 2009, c. 122, §7, is
40 further amended to read:

1 A. An administrative director, a director of telephone and water utility industries, a
2 director of electric and gas utility industries, ~~a director of energy programs~~ and a
3 director of consumer assistance;

4 **Sec. 36. 35-A MRSA §107, sub-§2, ¶A**, as amended by PL 2009, c. 122, §7, is
5 further amended to read:

6 A. The general counsel, the administrative director, the assistant administrative
7 director, the director of telephone and water utility industries, the director of electric
8 and gas utility industries, ~~the director of energy programs~~ and the director of
9 consumer assistance serve at the pleasure of the commission and their salaries must
10 be set by the commission within the ranges established by Title 2, section 6-A.

11 **Sec. 37. 35-A MRSA §107, sub-§2, ¶C**, as amended by PL 2009, c. 122, §7, is
12 further amended to read:

13 C. The salaries of the other subordinate officials and employees of the commission,
14 other than those of the general counsel, the administrative director, the assistant
15 administrative director, the director of telephone and water utility industries, the
16 director of electric and gas utility industries, ~~the director of energy programs~~, the
17 director of consumer assistance and the staff attorney and utility analyst positions, are
18 subject to the Civil Service Law.

19 **Sec. 38. 35-A MRSA §1309, sub-§5**, as enacted by PL 1987, c. 141, Pt. A, §6, is
20 amended to read:

21 **5. Complaint received within 6 months after reparation or adjustment ordered.**
22 Within 6 months after an order has been made authorizing reparation or adjustment under
23 subsections 2 and 3, any person aggrieved may complain to the commission that ~~he~~ the
24 person is entitled to reparation from the same utility because ~~he~~ the person paid the rates
25 ~~which~~ that the utility admits are excessive or ~~reasonable~~ unreasonable or collected
26 through error, provided the utility might lawfully have made the reparation on its own
27 petition, and provided the person has made a written request for the utility to file its own
28 petition for authority to make the reparation or adjustment not less than 30 days before
29 filing a complaint with the commission.

30 **Sec. 39. 35-A MRSA §3132, sub-§6**, as amended by PL 2009, c. 615, Pt. A, §1
31 and c. 655, Pt. A, §4, is repealed and the following enacted in its place:

32 **6. Commission order; certificate of public convenience and necessity.** In its
33 order, the commission shall make specific findings with regard to the public need for the
34 proposed transmission line. Except as provided in subsection 6-A for a high-impact
35 electric transmission line, if the commission finds that a public need exists, it shall issue a
36 certificate of public convenience and necessity for the transmission line. In determining
37 public need, the commission shall, at a minimum, take into account economics,
38 reliability, public health and safety, scenic, historic and recreational values, state
39 renewable energy generation goals, the proximity of the proposed transmission line to
40 inhabited dwellings and alternatives to construction of the transmission line, including
41 energy conservation, distributed generation or load management. If the commission
42 orders or allows the erection of the transmission line, the order is subject to all other

1 provisions of law and the right of any other agency to approve the transmission line. The
2 commission shall, as necessary and in accordance with subsections 7 and 8, consider the
3 findings of the Department of Environmental Protection under Title 38, chapter 3,
4 subchapter 1, article 6, with respect to the proposed transmission line and any
5 modifications ordered by the Department of Environmental Protection to lessen the
6 impact of the proposed transmission line on the environment. A person may submit a
7 petition for and obtain approval of a proposed transmission line under this section before
8 applying for approval under municipal ordinances adopted pursuant to Title 30-A, Part 2,
9 Subpart 6-A; and Title 38, section 438-A and, except as provided in subsection 4, before
10 identifying a specific route or route options for the proposed transmission line. Except as
11 provided in subsection 4, the commission may not consider the petition insufficient for
12 failure to provide identification of a route or route options for the proposed transmission
13 line. The issuance of a certificate of public convenience and necessity establishes that, as
14 of the date of issuance of the certificate, the decision by the person to erect or construct
15 was prudent. At the time of its issuance of a certificate of public convenience and
16 necessity, the commission shall send to each municipality through which a proposed
17 corridor or corridors for a transmission line extends a separate notice that the issuance of
18 the certificate does not override, supersede or otherwise affect municipal authority to
19 regulate the siting of the proposed transmission line. The commission may deny a
20 certificate of public convenience and necessity for a transmission line upon a finding that
21 the transmission line is reasonably likely to adversely affect any transmission and
22 distribution utility or its customers.

23 **Sec. 40. 35-A MRSA §3210, sub-§7**, as amended by PL 2009, c. 329, Pt. B, §1,
24 is further amended to read:

25 **7. Information.** The commission shall inform electricity consumers in this State of
26 the benefits of electricity generated in this State using renewable resources and of the
27 opportunities available in this State to purchase electricity that is generated using those
28 resources, including, but not limited to, the green power offer and other green power
29 supply products and renewable energy credit products certified under section 3212-A.
30 The commission may not promote any renewable resources over others. The commission
31 may apply for, receive and expend grant money from the United States Department of
32 Energy and other government agencies for this purpose. Notwithstanding section ~~3211-A~~
33 10110, subsection ~~5~~ 7, the commission also may use up to \$100,000 per year from the
34 conservation program fund established under section ~~3211-A~~ 10110, subsection ~~5~~ 7 to
35 support the purposes of this subsection. The commission may create or cause to be
36 created a brand or logo to identify Maine renewable resources, including the green power
37 offer and other green power supply products and renewable energy credit products
38 certified under section 3212-A, to consumers. The commission shall register any mark or
39 logo created pursuant to this subsection with the United States Patent and Trademark
40 Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created
41 pursuant to this subsection may only be used in accordance with the purposes of this
42 subsection as approved by the commission.

43 **Sec. 41. 38 MRSA §346, sub-§4**, as amended by PL 2009, c. 615, Pt. E, §5 and c.
44 642, Pt. B, §4, is repealed and the following enacted in its place:

1 **4. Appeal of decision.** A judicial appeal of final action by the board or
2 commissioner regarding an application for an expedited wind energy development, as
3 defined in Title 35-A, section 3451, subsection 4, or a general permit pursuant to section
4 480-HH or section 636-A must be taken to the Supreme Judicial Court sitting as the Law
5 Court. The Law Court has exclusive jurisdiction over request for judicial review of final
6 action by the commissioner or the board regarding expedited wind energy developments
7 or a general permit pursuant to section 480-HH or section 636-A. These appeals to the
8 Law Court must be taken in the manner provided in Title 5, chapter 375, subchapter 7 and
9 the Maine Rules of Civil Procedure, Rule 80C.

10 **Sec. 42. 38 MRSA §1310-B, sub-§2,** as amended by PL 2009, c. 579, Pt. A, §1
11 and c. 610, §1, is repealed and the following enacted in its place:

12 **2. Hazardous waste information and information on mercury-added products**
13 **and electronic devices and mercury reduction plans; chemicals.** Information relating
14 to hazardous waste submitted to the department under this subchapter, information
15 relating to mercury-added products submitted to the department under chapter 16-B,
16 information relating to electronic devices submitted to the department under section 1610,
17 subsection 6-A, information relating to mercury reduction plans submitted to the
18 department under section 585-B, subsection 6, information related to priority toxic
19 chemicals submitted to the department under chapter 27 or information related to
20 products that contain the "deca" mixture of polybrominated diphenyl ethers submitted to
21 the department under section 1609 may be designated by the person submitting it as being
22 only for the confidential use of the department, its agents and employees, the Department
23 of Agriculture, Food and Rural Resources and the Department of Health and Human
24 Services and their agents and employees, other agencies of State Government, as
25 authorized by the Governor, employees of the United States Environmental Protection
26 Agency and the Attorney General and, for waste information, employees of the
27 municipality in which the waste is located. The designation must be clearly indicated on
28 each page or other portion of information. The commissioner shall establish procedures
29 to ensure that information so designated is segregated from public records of the
30 department. The department's public records must include the indication that information
31 so designated has been submitted to the department, giving the name of the person
32 submitting the information and the general nature of the information. Upon a request for
33 information, the scope of which includes information so designated, the commissioner
34 shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall
35 demonstrate to the satisfaction of the department that the designated information should
36 not be disclosed because the information is a trade secret or production, commercial or
37 financial information, the disclosure of which would impair the competitive position of
38 the submitter and would make available information not otherwise publicly available.
39 Unless such a demonstration is made, the information must be disclosed and becomes a
40 public record. The department may grant or deny disclosure for the whole or any part of
41 the designated information requested and within 15 days shall give written notice of the
42 decision to the submitter and the person requesting the designated information. A person
43 aggrieved by a decision of the department may appeal only to the Superior Court in
44 accordance with the provisions of section 346. All information provided by the
45 department to the municipality under this subsection is confidential and not a public
46 record under Title 1, chapter 13. In the event a request for such information is submitted

1 to the municipality, the municipality shall submit that request to the commissioner to be
2 processed by the department as provided in this subsection.

3 **Sec. 43. Maine Revised Statutes headnote enacted; revision clause.** In the
4 Maine Revised Statutes, Title 23, chapter 410, after the chapter headnote, the headnote
5 "subchapter 1, general provisions" is enacted and the Revisor of Statutes shall implement
6 this revision when updating, publishing or republishing the statutes.

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

9 SUMMARY

10 Sections 1 and 2 remove a reference to a position that no longer exists and make a
11 technical correction.

12 Section 3 removes a reference to a council that no longer exists and makes a technical
13 correction.

14 Sections 4 to 8 correct references to a division in the Department of Agriculture,
15 Food and Rural Resources and the division's director to reflect position changes enacted
16 in Public Law 2009, chapter 552.

17 Section 9 strikes a reference to the Maine Athletic Commission, which was
18 eliminated by Public Law 2007, chapter 621, section 13.

19 Section 10 corrects a conflict created by Public Law 2009, chapters 523 and 561,
20 which affected the same provision of law. This section repeals the provision and replaces
21 it with the chapter 561 version.

22 Sections 11 and 12 correct a conflict created when Public Law 2009, chapter 487,
23 Part A repealed a chapter of law and enacted the substance as a different chapter and
24 Initiated Bill 2009, chapter 2 amended a section of the repealed chapter. Section 12
25 incorporates the changes made in the Initiated Bill in the new section.

26 Section 13 corrects a spelling error and makes the language gender-neutral.

27 Section 14 corrects a reference to Fletchers Landing Township to reflect the name
28 change made by Private and Special Law 2005, chapter 3.

29 Sections 15 to 17 repeal definitions that were used only in the Maine Revised
30 Statutes, Title 22, section 2383-B, subsection 5, which was repealed by Initiated Bill
31 2009, chapter 1, section 4.

32 Sections 18 and 19 correct references and make grammatical changes.

33 Sections 20, 21 and 22 correct a numbering problem created by Public Law 2009,
34 chapters 578, 634 and 635, which enacted 3 substantively different provisions with the
35 same subsection number.

1 Section 23 corrects the maximum amount the Victim's Compensation Board may pay
2 for a forensic examination to make the provision consistent with Title 5, section 3360-M,
3 which was amended by Public Law 2009, chapter 79, section 4.

4 Section 24 corrects an internal reference and makes technical changes.

5 Section 25 corrects cross-references.

6 Sections 26 and 27 correct a numbering problem created by Public Law 2009,
7 chapters 578, 634 and 635, which enacted 3 substantively different provisions with the
8 same section number.

9 Sections 28 and 29 correct a numbering problem created by Public Law 2009,
10 chapters 578, 634 and 635, which enacted 3 substantively different provisions with the
11 same section number.

12 Section 30 corrects a numbering problem created by Public Law 2009, chapters 634
13 and 635, which enacted 2 substantively different provisions with the same section
14 number.

15 Section 31 replaces the term "public service answering points" with the term "public
16 safety answering points" to make Title 25, section 2926, subsection 2-A terminology
17 consistent with the rest of the chapter.

18 Section 32 corrects the imprecise use of a pronoun.

19 Section 33 corrects the imprecise use of a pronoun.

20 Section 34 corrects a spelling error, makes grammatical changes and removes gender-
21 specific language.

22 Sections 35, 36 and 37 remove references to a position that no longer exists.

23 Section 38 corrects a clerical error, corrects a grammatical error and removes gender-
24 specific language.

25 Section 39 corrects a conflict created by Public Law 2009, chapters 615 and 655,
26 which affected the same provision of law, by incorporating the changes made by both
27 laws.

28 Section 40 corrects a cross-reference.

29 Section 41 corrects a conflict created by Public Law 2009, chapters 615 and 642,
30 which affected the same provision of law, by incorporating the changes made by both
31 laws.

32 Section 42 corrects a conflict created by Public Law 2009, chapters 579 and 610,
33 which affected the same provision of law, by incorporating the changes made by both
34 laws.

1 Section 43 adds a subchapter headnote. Public Law 1977, chapter 341, section 2
2 enacted subchapters 2 and 3 of Title 23, chapter 410. Prior to this enactment, there were
3 no subchapters in chapter 410. This section adds a subchapter 1 headnote to chapter 410.