

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

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Legislative Document

No. 1868

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H.P. 1383

House of Representatives, March 12, 2012

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

(EMERGENCY)

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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, reading "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 **PART A**

15 **Sec. A-1. 1 MRSA §551**, as amended by PL 1973, c. 625, §4, is further amended  
16 to read:

17 **§551. Designation of paper**

18 The ~~Daily~~ Kennebec Journal, a newspaper printed at Augusta, shall be is the state  
19 paper of this State, in which shall must be published all advertisements, notices and  
20 orders required by law to be published in the state paper.

21 **Sec. A-2. 10 MRSA §1383, sub-§2**, as enacted by PL 1993, c. 263, §1, is  
22 amended to read:

23 **2. Exclusion.** This chapter does not create a lien on a documented vessel subject to a  
24 preferred ship mortgage or other preferred maritime lien pursuant to 46 United States  
25 Code, Chapter ~~434~~ 313.

26 **Sec. A-3. 10 MRSA §2630, sub-§7**, as enacted by PL 2007, c. 336, §1, is  
27 repealed.

28 **Sec. A-4. 10 MRSA §8004-A**, as enacted by PL 2001, c. 323, §10 and amended  
29 by PL 2011, c. 286, Pt. B, §5, is further amended to read:

30 **§8004-A. Legislative reports**

31 The Director of the Office of Professional and Occupational Regulation shall report  
32 annually to the joint standing committee of the Legislature having jurisdiction over  
33 professional ~~licensing and registration~~ and occupational regulation on the status of  
34 licensing fees and fee caps.

1           **Sec. A-5. 11 MRSA §2-1303, sub-§(2)**, as amended by PL 1999, c. 699, Pt. B,  
2 §12 and affected by §28, is further amended to read:

3           (2). Except as provided in subsection ~~(3)~~ (4) and section 9-1407, a provision in a  
4 lease agreement that: prohibits the voluntary or involuntary transfer, including a transfer  
5 by sale, sublease, creation or enforcement of a security interest, or attachment, levy or  
6 other judicial process, of an interest of a party under the lease contract or of the lessor's  
7 residual interest in the goods; or makes such a transfer an event of default, gives rise to  
8 the rights and remedies provided in subsection (5), but a transfer that is prohibited or is an  
9 event of default under the lease agreement is otherwise effective.

10           **Sec. A-6. 11 MRSA §2-1303, sub-§(5)**, as amended by PL 1999, c. 699, Pt. B,  
11 §14 and affected by §28, is further amended to read:

12           (5). Subject to subsection ~~(3)~~ (4) and section 9-1407:

13           (a). If a transfer is made which is made an event of default under a lease agreement,  
14 the party to the lease contract not making the transfer, unless that party waives the  
15 default or otherwise agrees, has the rights and remedies described in section 2-1501,  
16 subsection (2); and

17           (b). If paragraph (a) is not applicable and if a transfer is made that is prohibited  
18 under a lease agreement or materially impairs the prospect of obtaining return  
19 performance by, materially changes the duty of, or materially increases the burden or  
20 risk imposed on, the other party to the lease contract, unless the party not making the  
21 transfer agrees at any time to the transfer in the lease contract or otherwise, then,  
22 except as limited by contract:

23                   (i) The transferor is liable to the party not making the transfer for damages  
24 caused by the transfer to the extent that the damages could not reasonably be  
25 prevented by the party not making the transfer; and

26                   (ii) A court having jurisdiction may grant other appropriate relief, including  
27 cancellation of the lease contract or an injunction against the transfer.

28           **Sec. A-7. 12 MRSA §6728, sub-§3**, as repealed and replaced by PL 2007, c. 557,  
29 §9 and repealed by c. 607, Pt. A, §10, is repealed.

30           **Sec. A-8. 12 MRSA §10902, sub-§6, ¶E**, as amended by PL 2011, c. 253, §15  
31 and c. 309, §1, is repealed and the following enacted in its place:

32           E. Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding  
33 the bag limit on bear, in violation of section 11217, 11351 or 12260;

34           **Sec. A-9. 12 MRSA §10902, sub-§9, ¶F**, as amended by PL 2005, c. 626, §1, is  
35 further amended to read:

36           F. Operating an ATV on the land of another without permission, as prohibited under  
37 section 13157-A, subsection + 1-A.

38           **Sec. A-10. 12 MRSA §11301, sub-§1**, as amended by PL 2011, c. 253, §19 and  
39 c. 432, §3, is repealed and the following enacted in its place:

1           **1. Bear baiting.** A person may not place bait to entice, hunt or trap black bear,  
2 unless:

3           A. The bait is placed at least 50 yards from a travel way that is accessible by a  
4 conventional 2-wheel-drive or 4-wheel-drive vehicle;

5           B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with  
6 the name and address of the baiter;

7           C. The bait is placed more than 500 yards from a site permitted or licensed for the  
8 disposal of solid waste or a campground;

9           D. The bait is placed more than 500 yards from an occupied dwelling, unless written  
10 permission is granted by the owner or lessee;

11           E. The bait is placed not more than 30 days before the opening day of the season and  
12 not after October 31st;

13           F. The bait areas will be cleaned up by November 10th, as defined by the state litter  
14 laws; and

15           G. The person hunting from a stand or blind of another person has permission of the  
16 owner of that stand or blind.

17 A person may not use bait to hunt or trap black bear without the oral or written  
18 permission of the landowner.

19           **Sec. A-11. 16 MRSA §614, sub-§1**, as amended by PL 2011, c. 210, §1 and c.  
20 356, §1, is repealed and the following enacted in its place:

21           **1. Limitation on dissemination of intelligence and investigative information.**  
22 Reports or records that contain intelligence and investigative information and that are  
23 prepared by, prepared at the direction of or kept in the custody of a local, county or  
24 district criminal justice agency; the Bureau of State Police; the Department of the  
25 Attorney General; the Maine Drug Enforcement Agency; the Office of the State Fire  
26 Marshal; the Department of Corrections; the criminal law enforcement units of the  
27 Department of Marine Resources, the Department of Inland Fisheries and Wildlife or the  
28 Department of the Secretary of State, Bureau of Motor Vehicles, office of investigations;  
29 the Department of Conservation, Division of Forest Protection when the reports or  
30 records pertain to arson; or the Department of Agriculture, Food and Rural Resources  
31 when the reports or records pertain to animal cruelty are confidential and may not be  
32 disseminated if there is a reasonable possibility that public release or inspection of the  
33 reports or records would:

34           A. Interfere with law enforcement proceedings;

35           B. Result in public dissemination of prejudicial information concerning an accused  
36 person or concerning the prosecution's evidence that will interfere with the ability of  
37 a court to impanel an impartial jury;

38           C. Constitute an unwarranted invasion of personal privacy;

39           D. Disclose the identity of a confidential source;

40           E. Disclose confidential information furnished only by the confidential source;

1 F. Disclose trade secrets or other confidential commercial or financial information  
2 designated as such by the owner or source of the information or by the Department of  
3 the Attorney General;

4 G. Disclose investigative techniques and procedures or security plans and procedures  
5 not generally known by the general public;

6 H. Endanger the life or physical safety of any individual, including law enforcement  
7 personnel;

8 I. Disclose conduct or statements made or documents submitted by any person in the  
9 course of any mediation or arbitration conducted under the auspices of the  
10 Department of the Attorney General;

11 J. Disclose information designated confidential by some other statute; or

12 K. Identify the source of complaints made to the Department of the Attorney General  
13 involving violations of consumer or antitrust laws.

14 **Sec. A-12. 17-A MRSA §2, sub-§10**, as repealed and replaced by PL 1977, c.  
15 510, §11, is amended to read:

16 **10.** "Dwelling place" means a structure ~~which that~~ is adapted for overnight  
17 accommodation of persons, or sections of any structure similarly ~~adapted~~ adapted. A  
18 dwelling place does not include garages or other structures, whether adjacent or attached  
19 to the dwelling place, ~~which that~~ are used solely for the storage of property or structures  
20 formerly used as dwelling places ~~which that~~ are uninhabitable. It is immaterial whether a  
21 person is actually present.

22 **Sec. A-13. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2011, c. 341, §6  
23 and c. 464, §4, is repealed and the following enacted in its place:

24 A. Any person who the officer has probable cause to believe has committed or is  
25 committing:

26 (1) Murder;

27 (2) Any Class A, Class B or Class C crime;

28 (3) Assault while hunting;

29 (4) Any offense defined in chapter 45;

30 (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably  
31 believes that the person may cause injury to others unless immediately arrested;

32 (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief,  
33 obstructing the report of a crime or injury or reckless conduct if the officer  
34 reasonably believes that the person and the victim are family or household  
35 members, as defined in Title 19-A, section 4002, subsection 4;

36 (5-B) Domestic violence assault, domestic violence criminal threatening,  
37 domestic violence terrorizing, domestic violence stalking or domestic violence  
38 reckless conduct;

- 1                   (6) Theft as defined in section 357, when the value of the services is \$1,000 or  
2                   less if the officer reasonably believes that the person will not be apprehended  
3                   unless immediately arrested;
- 4                   (7) Forgery, if the officer reasonably believes that the person will not be  
5                   apprehended unless immediately arrested;
- 6                   (8) Negotiating a worthless instrument if the officer reasonably believes that the  
7                   person will not be apprehended unless immediately arrested;
- 8                   (9) A violation of a condition of probation when requested by a probation officer  
9                   or juvenile community corrections officer;
- 10                  (10) Violation of a condition of release in violation of Title 15, section 1026,  
11                  subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051,  
12                  subsection 2; and Title 15, section 1092;
- 13                  (11) Theft involving a detention under Title 17, section 3521;
- 14                  (12) Harassment, as set forth in section 506-A;
- 15                  (13) Violation of a protection order, as specified in Title 5, section 4659,  
16                  subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769,  
17                  subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011,  
18                  subsection 3; and Title 19-A, section 4012, subsection 5;
- 19                  (14) A violation of a sex offender registration provision under Title 34-A,  
20                  chapter 15;
- 21                  (15) A violation of a requirement of administrative release when requested by the  
22                  attorney for the State;
- 23                  (16) A violation of a condition of supervised release for sex offenders when  
24                  requested by a probation officer;
- 25                  (17) A violation of a court-imposed deferment requirement of a deferred  
26                  disposition when requested by the attorney for the State;
- 27                  (18) A violation of a condition of release as provided in Title 15, section  
28                  3203-A, subsection 9;
- 29                  (19) A violation of a condition of supervised community confinement granted  
30                  pursuant to Title 34-A, section 3036-A when requested by a probation officer;
- 31                  (20) A violation of a condition of placement on community reintegration status  
32                  granted pursuant to Title 34-A, sections 3810 and 4112 when requested by a  
33                  juvenile community corrections officer;
- 34                  (21) A violation of a condition of furlough or other rehabilitative program  
35                  authorized under Title 34-A, section 3035 when requested by a probation officer  
36                  or juvenile community corrections officer;
- 37                  (22) A violation of preconviction or post-conviction bail pursuant to Title 15,  
38                  section 1095, subsection 2 or section 1098, subsection 2 upon request of the  
39                  attorney for the State;

1                   (23) Failure to appear in violation of Title 15, section 1091, subsection 1,  
2                   paragraph A;

3                   (24) A Class D or Class E crime committed while released on preconviction or  
4                   post-conviction bail; or

5                   (25) A violation of a condition of release from a community confinement  
6                   monitoring program pursuant to Title 30-A, section 1659-A; and

7                   **Sec. A-14. 17-A MRSA §253, sub-§2, ¶I**, as amended by PL 2011, c. 423, §1  
8                   and c. 464, §5, is repealed and the following enacted in its place:

9                   I. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports  
10                  to be a psychiatrist, a psychologist or licensed as a social worker to the other person  
11                  and the other person, not the actor's spouse, is a current patient or client of the actor.  
12                  Violation of this paragraph is a Class C crime;

13                  **Sec. A-15. 17-A MRSA §255-A, sub-§1, ¶U**, as amended by PL 2011, c. 423,  
14                  §5 and c. 464, §10, is repealed and the following enacted in its place:

15                  U. The actor is a psychiatrist, a psychologist or licensed as a social worker or  
16                  purports to be a psychiatrist, a psychologist or licensed as a social worker to the other  
17                  person and the other person, not the actor's spouse, is a current patient or client of the  
18                  actor. Violation of this paragraph is a Class D crime;

19                  **Sec. A-16. 17-A MRSA §255-A, sub-§1, ¶V**, as amended by PL 2011, c. 423,  
20                  §5 and c. 464, §11, is repealed and the following enacted in its place:

21                  V. The actor is a psychiatrist, a psychologist or licensed as a social worker or  
22                  purports to be a psychiatrist, a psychologist or licensed as a social worker to the other  
23                  person and the other person, not the actor's spouse, is a current patient or client of the  
24                  actor and the sexual contact includes penetration. Violation of this paragraph is a  
25                  Class C crime;

26                  **Sec. A-17. 17-A MRSA §260, sub-§1, ¶K**, as amended by PL 2011, c. 423, §8  
27                  and c. 464, §12, is repealed and the following enacted in its place:

28                  K. The actor is a psychiatrist, a psychologist or licensed as a social worker or  
29                  purports to be a psychiatrist, a psychologist or licensed as a social worker to the other  
30                  person and the other person, not the actor's spouse, is a current patient or client of the  
31                  actor. Violation of this paragraph is a Class D crime;

32                  **Sec. A-18. 17-A MRSA §1057, sub-§5**, as amended by PL 2011, c. 298, §3 and  
33                  c. 366, §3, is repealed and the following enacted in its place:

34                  5. For purposes of this section, "under the influence of intoxicating liquor or drugs or  
35                  a combination of liquor and drugs or with an excessive alcohol level" has the same  
36                  meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401,  
37                  subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of  
38                  alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and  
39                  procedures applicable in determining whether a person is under the influence or has an  
40                  excessive alcohol level within the meaning of this section are those applicable pursuant to



1 Title 29-A, sections 2411 and 2431; except that the suspension of a permit to carry  
2 concealed handguns issued pursuant to Title 25, chapter 252, or of the authority of a  
3 professional investigator licensed to carry a concealed handgun pursuant to Title 32,  
4 chapter 89, is as provided in those chapters.

5 **Sec. A-19. 20-A MRSA §1506, sub-§4**, as amended by PL 2007, c. 668, §24 and  
6 c. 695, Pt. A, §22, is repealed and the following enacted in its place:

7 **4. Debt of original education units.** After July 1st of the first operational year of  
8 the new unit for each original education unit with existing debt that has reorganized into a  
9 new unit, if the new unit has not agreed to assume liability to pay that existing debt, the  
10 regional school unit board shall serve as agent for purposes of that existing debt and has  
11 full authority to:

12 A. Sue and be sued in the name of the original education unit with respect to the  
13 existing debt;

14 B. Determine the debt service due each fiscal year on any existing debt;

15 C. As applicable, allocate to each member of the original education unit the  
16 member's share of the annual debt service for the existing debt of the original  
17 education unit in addition to each member's share of costs of the new unit;

18 D. Collect the allocation for debt service on the existing debt from the original  
19 education unit or, as applicable, from each member of the original education unit in  
20 addition to each member's share of costs of the new unit;

21 E. Pay the debt service on the existing debt of the original education unit when due;  
22 and

23 F. Take all other actions necessary and proper with respect to the existing debt.

24 Allocations between members of the original education unit to pay the debt service for  
25 the existing debt must be made on the basis of the cost-sharing formula of the original  
26 education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of  
27 state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the  
28 debt service on the existing debt of the original education units must be included in the  
29 budget that the regional school unit board of a new unit submits for approval. If the  
30 original education unit is divided between different new units that have not agreed to  
31 assume liability to pay the existing debt, the commissioner shall require that the  
32 reorganization plan of one of those new units provide for that new unit to serve as agent  
33 for purposes of the existing debt of the original education unit. That new unit, as agent,  
34 has the authority provided by this subsection, except that the new unit shall notify the  
35 other new units containing members of the original education unit of the amounts they  
36 must assess and collect from their members who were members of the original education  
37 unit, and those other new units shall perform the functions in paragraphs C and D with  
38 respect to their members, and shall pay the appropriate amounts over to the new unit  
39 -serving as agent.

40 **Sec. A-20. 21-A MRSA §1059, sub-§2, ¶A**, as amended by PL 2011, c. 367, §2  
41 and c. 389, §44, is repealed and the following enacted in its place:

1           A. All committees shall file quarterly reports:

2                   (1) On January 15th, and the report must be complete as of December 31st;

3                   (2) On April 10th, and the report must be complete as of March 31st;

4                   (3) On July 15th, and the report must be complete as of June 30th; and

5                   (4) On October 5th, and the report must be complete as of September 30th.

6           **Sec. A-21. 22 MRSA §1711-C, sub-§18**, as enacted by PL 2011, c. 347, §8 and  
7 c. 373, §3, is repealed and the following enacted in its place:

8           **18. Participation in a state-designated statewide health information exchange.**

9           The following provisions apply to participation in a state-designated statewide health  
10 information exchange.

11           A. A health care practitioner may not deny a patient health care treatment and a  
12 health insurer may not deny a patient a health insurance benefit based solely on the  
13 provider's or patient's decision not to participate in a state-designated statewide health  
14 information exchange. Except when otherwise required by federal law, a payor of  
15 health care benefits may not require participation in a state-designated statewide  
16 health information exchange as a condition of participating in the payor's provider  
17 network.

18           B. Recovery for professional negligence is not allowed against any health care  
19 practitioner or health care facility on the grounds of a health care practitioner's or a  
20 health care facility's nonparticipation in a state-designated statewide health  
21 information exchange arising out of or in connection with the provision of or failure  
22 to provide health care services. In any civil action for professional negligence or in  
23 any proceeding related to such a civil action or in any arbitration, proof of a health  
24 care practitioner's, a health care facility's or a patient's participation or  
25 nonparticipation in a state-designated statewide health information exchange is  
26 inadmissible as evidence of liability or nonliability arising out of or in connection  
27 with the provision of or failure to provide health care services. This paragraph does  
28 not prohibit recovery or the admission of evidence of reliance on information in a  
29 state-designated statewide electronic health information exchange when there was  
30 participation by both the patient and the patient's health care practitioner.

31           C. A state-designated statewide health information exchange to which health care  
32 information is disclosed under this section shall provide an individual protection  
33 mechanism by which an individual may opt out from participation to prohibit the  
34 state-designated statewide health information exchange from disclosing the  
35 individual's health care information to a health care practitioner or health care facility.

36           D. At point of initial contact, a health care practitioner, health care facility or other  
37 entity participating in a state-designated statewide health information exchange shall  
38 provide to each patient, on a separate form, at minimum:

39                   (1) Information about the state-designated statewide health information  
40 exchange, including a description of benefits and risks of participation in the  
41 state-designated statewide health information exchange;

1                   (2) A description of how and where to obtain more information about or contact  
2                   the state-designated statewide health information exchange;

3                   (3) An opportunity for the patient to decline participation in the state-designated  
4                   statewide health information exchange; and

5                   (4) A declaration that a health care practitioner, health care facility or other  
6                   entity may not deny a patient health care treatment based solely on the provider's  
7                   or patient's decision not to participate in a state-designated statewide health  
8                   information exchange.

9                   The state-designated statewide health information exchange shall develop the form  
10                  for use under this paragraph, with input from consumers and providers. The form  
11                  must be approved by the office of the state coordinator for health information  
12                  technology within the Governor's office of health policy and finance.

13                  E. A health care practitioner, health care facility or other entity participating in a  
14                  state-designated statewide health information exchange shall communicate to the  
15                  exchange the decision of each patient who has declined participation and shall do so  
16                  within a reasonable time frame, but not more than 2 business days following the  
17                  receipt of a signed form, as described in paragraph D, from the patient, or shall  
18                  establish a mechanism by which the patient may decline participation in the  
19                  state-designated statewide health information exchange at no cost to the patient.

20                  F. A state-designated statewide health information exchange shall process the  
21                  request of a patient who has decided not to participate in the state-designated  
22                  statewide health information exchange within 2 business days of receiving the  
23                  patient's decision to decline, unless additional time is needed to verify the identity of  
24                  the patient. A signed authorization from the patient is required before a patient is  
25                  newly entered or reentered into the system if the patient chooses to begin  
26                  participation at a later date.

27                  Except as otherwise required by applicable law, regulation or rule or state or federal  
28                  contract, or when the state-designated statewide health information exchange is  
29                  acting as the agent of a health care practitioner, health care facility or other entity, the  
30                  state-designated statewide health information exchange shall remove health  
31                  information of individuals who have declined participation in the exchange. In no  
32                  event may health information retained in the state-designated statewide health  
33                  information exchange as set forth in this paragraph be made available to health care  
34                  practitioners, health care facilities or other entities except as otherwise required by  
35                  applicable law, regulation or rule or state or federal contract, or when the health care  
36                  practitioner, health care facility or other entity is the originator of the information.

37                  G. A state-designated statewide health information exchange shall establish a secure  
38                  website accessible to patients. This website must:

39                         (1) Permit a patient to request a report of who has accessed that patient's records  
40                         and when the access occurred. This report must be delivered to the patient within  
41                         2 business days upon verification of the patient's identity by the state-designated  
42                         statewide health information exchange;

1           (2) Provide a mechanism for a patient to decline participation in the  
2           state-designated statewide health information exchange; and

3           (3) Provide a mechanism for the patient to consent to participation in the  
4           state-designated statewide health information exchange if the patient had  
5           previously declined participation.

6           H. A state-designated statewide health information exchange shall establish for  
7           patients an alternate procedure to that provided for in paragraph F that does not  
8           require Internet access. A health care practitioner, health care facility or other entity  
9           participating in the state-designated statewide health information exchange shall  
10           provide information about this alternate procedure to all patients. The information  
11           must be included on the form identified in paragraph D.

12           I. A state-designated statewide health information exchange shall maintain records  
13           regarding all disclosures of health care information by and through the  
14           state-designated statewide health information exchange, including the requesting  
15           party and the dates and times of the requests and disclosures.

16           J. A state-designated statewide health information exchange may not charge a patient  
17           or an authorized representative of a patient any fee for access or communication as  
18           provided in this subsection.

19           K. Notwithstanding any provision of this subsection to the contrary, a health care  
20           practitioner, health care facility or other entity shall provide the form and  
21           communication required by paragraphs D and F to all existing patients following the  
22           effective date of this subsection.

23           L. A state-designated statewide health information exchange shall meet or exceed all  
24           applicable federal laws and regulations pertaining to privacy, security and breach  
25           notification regarding personally identifiable protected health information, as defined  
26           in 45 Code of Federal Regulations, Part 160. If a breach occurs, the state-designated  
27           statewide health information exchange shall arrange with its participants for  
28           notification of each individual whose protected health information has been, or is  
29           reasonably believed by the exchange to have been, breached. For purposes of this  
30           paragraph, "breach" has the same meaning as in 45 Code of Federal Regulations, Part  
31           164, as amended.

32           M. The state-designated statewide health information exchange shall develop a  
33           quality management plan, including auditing mechanisms, in consultation with the  
34           office of the state coordinator for health information technology within the  
35           department, who shall review the plan and results.

36           **Sec. A-22. 22 MRSA §2425, sub-§5**, as amended by PL 2011, c. 383, §2 and c.  
37           407, Pt. B, §24, is repealed and the following enacted in its place:

38           **5. Registry identification card issuance.** The department shall issue registry  
39           identification cards to registered patients, to registered primary caregivers and to staff of  
40           hospice providers and nursing facilities designated by registered patients as primary  
41           caregivers within 5 days of approving an application or renewal under this section.  
42           Registry identification cards expire one year after the date of issuance except that the date  
43           of issuance and expiration date of a registered primary caregiver's registry identification

1 card must be the same as the issuance and expiration dates on the patient's registry  
2 identification card. Registry identification cards must contain:

3 A. The name of the cardholder;

4 C. The date of issuance and expiration date of the registry identification card;

5 D. A random identification number that is unique to the cardholder; and

6 F. A clear designation showing whether the cardholder is allowed under this chapter  
7 to cultivate marijuana.

8 **Sec. A-23. 22 MRSA §2425, sub-§8, ¶G**, as amended by PL 2011, c. 383, §3  
9 and c. 407, Pt. B, §27, is repealed and the following enacted in its place:

10 G. Records maintained by the department pursuant to this chapter that identify  
11 applicants for a registry identification card, registered patients, registered primary  
12 caregivers and registered patients' physicians are confidential and may not be  
13 disclosed except as provided in this subsection and as follows:

14 (1) To department employees who are responsible for carrying out this chapter;

15 (2) Pursuant to court order or subpoena issued by a court;

16 (3) With written permission of the registered patient or the patient's guardian, if  
17 the patient is under guardianship, or a parent, if the patient has not attained 18  
18 years of age;

19 (4) As permitted or required for the disclosure of health care information  
20 pursuant to section 1711-C;

21 (5) To a law enforcement official for verification purposes. The records may not  
22 be disclosed further than necessary to achieve the limited goals of a specific  
23 investigation; and

24 (6) To a registered patient's treating physician and to a registered patient's  
25 primary caregiver for the purpose of carrying out this chapter.

26 **Sec. A-24. 22 MRSA §2499, first ¶**, as amended by PL 2011, c. 193, Pt. B, §9  
27 and c. 295, §1, is repealed and the following enacted in its place:

28 Notwithstanding any other provisions of this chapter, in order to ensure statewide  
29 uniformity in health standards, health inspector certification and the maintenance of  
30 inspection report records, a municipality must have been delegated authority by the  
31 department to conduct inspections and demonstrated adherence to requirements under this  
32 section prior to performing any municipal inspections under such authority. A  
33 municipality that has not been delegated authority is prohibited from licensing or  
34 inspecting establishments. The department may issue a license to an establishment as  
35 defined in section 2491 on the basis of an inspection performed by a health inspector who  
36 works for and is compensated by the municipality in which such an establishment is  
37 located, but only if the following conditions have been met.

38 **Sec. A-25. 24-A MRSA §4317, sub-§6**, as enacted by PL 2011, c. 443, §6, is  
39 amended to read:

1           **6. Pharmacy benefits manager duties.** All contracts must provide that, when the  
2 pharmacy benefits manager receives payment for the services of a pharmacist or  
3 pharmacy, the pharmacy benefits manager shall distribute the funds in accordance with  
4 the time frames provided in ~~Title 22, section 2699-A~~ this subchapter.

5           **Sec. A-26. 25 MRSA §2001-A, sub-§2,** as amended by PL 2011, c. 298, §§4 and  
6 5; c. 394, §3; and c. 396, §1 to 3, is repealed and the following enacted in its place:

7           **2. Exceptions.** The provisions of this section concerning the carrying of concealed  
8 weapons do not apply to:

9           A. A handgun carried by a person to whom a valid permit to carry a concealed  
10 handgun has been issued as provided in this chapter;

11           B. Disabling chemicals as described in Title 17-A, section 1002;

12           C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

13           D. A handgun carried by a law enforcement officer, a corrections officer or a  
14 corrections supervisor as permitted in writing by the officer's or supervisor's  
15 employer;

16           E. A firearm carried by a person engaged in conduct for which a state-issued hunting  
17 or trapping license is required and possessing the required license, or a firearm  
18 carried by a resident person engaged in conduct expressly authorized by Title 12,  
19 section 11108 and section 12202, subsection 1. This paragraph does not authorize or  
20 permit the carrying of a concealed or loaded firearm in a motor vehicle;

21           F. A handgun carried by a person to whom a valid permit to carry a concealed  
22 handgun has been issued by another state if a permit to carry a concealed handgun  
23 issued from that state has been granted reciprocity. The Chief of the State Police may  
24 enter into reciprocity agreements with any other states that meet the requirements of  
25 this paragraph. Reciprocity may be granted to a permit to carry a concealed handgun  
26 issued from another state if:

27                   (1) The other state that issued the permit to carry a concealed handgun has  
28 substantially equivalent or stricter requirements for the issuance of a permit to  
29 carry a concealed handgun; and

30                   (2) The other state that issued the permit to carry a concealed handgun observes  
31 the same rules of reciprocity regarding a person issued a permit to carry a  
32 concealed handgun under this chapter;

33           G. A handgun carried by an authorized federal, state or local law enforcement officer  
34 in the performance of the officer's official duties;

35           H. A handgun carried by a qualified law enforcement officer pursuant to 18 United  
36 States Code, Section 926B. The qualified law enforcement officer must have in the  
37 law enforcement officer's possession photographic identification issued by the law  
38 enforcement agency by which the person is employed as a law enforcement officer;  
39 and

1 I. A handgun carried by a qualified retired law enforcement officer pursuant to 18  
2 United States Code, Section 926C. The qualified retired law enforcement officer must  
3 have in the retired law enforcement officer's possession:

4 (1) Photographic identification issued by the law enforcement agency from  
5 which the person retired from service as a law enforcement officer that indicates  
6 that the person has, not less recently than one year before the date the person  
7 carries the concealed handgun, been tested or otherwise found by that agency to  
8 meet the standards established by that agency for training and qualification for an  
9 active law enforcement officer to carry a handgun of the same type as the  
10 concealed handgun; or

11 (2) Photographic identification issued by the law enforcement agency from  
12 which the person retired from service as a law enforcement officer and a  
13 certification issued by the state in which the person resides that indicates that the  
14 person has, not less recently than one year before the date the person carries the  
15 concealed handgun, been tested or otherwise found by that state to meet the  
16 standards established by that state for training and qualification for an active law  
17 enforcement officer to carry a handgun of the same type as the concealed  
18 handgun.

19 **Sec. A-27. 25 MRSA §2452, first ¶**, as amended by PL 2011, c. 349, §1 and c.  
20 398, §1, is repealed and the following enacted in its place:

21 The Commissioner of Public Safety shall adopt and may amend rules governing the  
22 safety to life from fire in or around all buildings or other structures and mass outdoor  
23 gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's  
24 jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial  
25 places of assembly. Noncommercial places of assembly include those facilities used for  
26 such purposes as deliberation, worship, entertainment, amusement or awaiting  
27 transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems  
28 may not be required in existing commercial places of assembly that are open for no more  
29 than 50 days per calendar year. "Commercial places of assembly" includes bars with live  
30 entertainment, dance halls, nightclubs, assembly halls with large open areas in which  
31 patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules  
32 adopted pursuant to this section are routine technical rules, except that rules pertaining to  
33 fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter  
34 375, subchapter 2-A.

35 **Sec. A-28. 26 MRSA §1043, sub-§11, ¶A-1**, as amended by PL 1997, c. 293,  
36 §2, is further amended to read:

37 A-1. After December 31, 1971, employment ~~shall include~~ includes:

38 (1) Notwithstanding paragraph F, except as herein provided, service performed  
39 by an individual, prior to January 1, 1978, in the employ of this State or any of its  
40 instrumentalities, or in the employ of this State and one or more states or their  
41 instrumentalities, for a hospital or institution of higher education located in this  
42 State, provided that such service is excluded from employment as defined in the  
43 Federal Unemployment Tax Act solely by reason of ~~section~~ Section 3306 (c)(7)

1 of that Act and service performed after December 31, 1977, in the employ of this  
2 State or any of its instrumentalities or any political subdivision thereof or any of  
3 its instrumentalities or any instrumentality of more than one of the foregoing or  
4 any instrumentality of any of the foregoing and one or more other ~~States~~ states or  
5 political subdivisions; provided that such service is excluded from "employment"  
6 as defined in the Federal Unemployment Tax Act by ~~section~~ Section 3306 (c)(7)  
7 of that Act and is not excluded under paragraph F, subparagraph ~~(21)~~ (17);

8 (2) Any service performed by an individual as an agent-driver or commission-  
9 driver engaged in laundry or dry-cleaning services, or in distributing meat  
10 products, vegetable products, fruit products, bakery products, beverages, other  
11 than milk, for ~~his~~ that individual's principal; as a traveling or city ~~salesman~~ sales  
12 representative, other than as an agent-driver or commission-driver, engaged upon  
13 a full-time basis in the solicitation on behalf of, and the transmission to, ~~his~~ that  
14 individual's principal, except for side-line sales activities on behalf of some other  
15 person, of orders from wholesalers, retailers, contractors or operators of hotels,  
16 restaurants or other similar establishments for merchandise for resale or supplies  
17 for use in their business operations;

18 (3) Notwithstanding paragraph F, except as herein provided, service performed  
19 in the employ of a religious, charitable, educational or other organization that is  
20 excluded from the term employment as defined in the Federal Unemployment  
21 Tax Act solely by reason of Section 3306 (c)(8) of that Act; and the organization  
22 had 4 or more individuals in employment for some portion of a day in each of 20  
23 different weeks, whether or not such weeks were consecutive, within either the  
24 current or preceding calendar year, regardless of whether they were employed at  
25 the same moment of time; and such services are not excluded under paragraph F,  
26 subparagraph ~~(21)~~ (17), divisions (a) through (i);

27 (4) The service of an individual who is a citizen of the United States, performed  
28 outside the United States, after December 31, 1971, except in Canada, in the  
29 employ of an American employer, other than service ~~which~~ that is deemed  
30 employment under paragraph A, if:

31 (a) The employer's principal place of business in the United States is located  
32 in this State;

33 (b) The employer has no place of business in the United States, but the  
34 employer is an individual who is a resident of this State; or the employer is a  
35 corporation ~~which~~ that is organized under the laws of this State; or the  
36 employer is a partnership or a trust and the number of the partners or trustees  
37 who are residents of this State is greater than the number who are residents of  
38 any other state;

39 (c) None of the criteria of divisions (a) and (b) is met but the employer has  
40 elected coverage in this State or, the employer having failed to elect coverage  
41 in any ~~State~~ state, the individual has filed a claim for benefits, based on such  
42 service, under the law of this State; or

43 (d) An American employer, for purposes of this subparagraph, means a  
44 person who is an individual who is a resident of the United States; or a



1 partnership if 2/3 or more of the partners are residents of the United States; or  
2 a trust, if all of the trustees are residents of the United States; or a corporation  
3 organized under the laws of the United States or of any state.

4 **Sec. A-29. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 2011, c. 66, §1  
5 and c. 70, §1, is repealed and the following enacted in its place:

6 F. The term "employment" does not include:

7 (1) Service performed in the employ of this State, or of any political subdivision  
8 thereof, or of any instrumentality of this State or its political subdivisions, except  
9 as provided by this subsection;

10 (2) Service performed in the employ of the United States Government or an  
11 instrumentality of the United States immune under the Constitution of the United  
12 States from the contributions imposed by this chapter, except that on and after  
13 January 1, 1940 to the extent that the Congress of the United States has permitted  
14 states to require any instrumentalities of the United States to make payments into  
15 an unemployment compensation fund under a state unemployment compensation  
16 or employment security law, all of the provisions of this chapter are applicable to  
17 such instrumentalities and to services performed for such instrumentalities in the  
18 same manner, to the same extent and on the same terms as to all other employers,  
19 employing units, individuals and services. If this State is not certified for any  
20 year by the Secretary of Labor under the federal Internal Revenue Code, Section  
21 3304, the payments required of such instrumentalities with respect to that year  
22 must be refunded by the commissioner from the fund in the same manner and  
23 within the same period as is provided in section 1225, subsection 5, with respect  
24 to contributions erroneously collected;

25 (3) Service with respect to which unemployment compensation is payable under  
26 an unemployment compensation system or employment security system  
27 established by an Act of Congress. The commissioner is authorized and directed  
28 to enter into agreements with the proper agencies under such an Act of Congress,  
29 which agreements become effective 10 days after publication thereof in the  
30 manner provided in section 1082, subsection 2, for regulations, to provide  
31 reciprocal treatment to individuals who have, after acquiring potential rights to  
32 benefits under this chapter, acquired rights to unemployment compensation under  
33 such an Act of Congress, or who have, after acquiring potential rights to  
34 unemployment compensation under such an Act of Congress, acquired rights to  
35 benefits under this chapter;

36 (4) Agricultural labor as defined in subsection 1, except as provided in paragraph  
37 A-2;

38 (5) Service performed by an individual who is an alien admitted to the United  
39 States to perform agricultural labor pursuant to the United States Immigration  
40 and Nationality Act, Sections 214(c) and 101(a) (15) (H);

41 (6) Domestic service in a private home, except as provided in paragraph A-3;

42 (7) Service performed by an individual in the employ of that individual's son,  
43 daughter or spouse and service performed by a child under 18 years of age in the

- 1 employ of that child's father or mother, except for periods of such service for  
2 which unemployment insurance contributions are paid;
- 3 (8) Service performed by a student attending an elementary, secondary or  
4 postsecondary school while participating in a cooperative program of education  
5 and occupational training or on-the-job training that is part of the school  
6 curriculum;
- 7 (9) Service performed with respect to which unemployment compensation is  
8 payable under the federal Railroad Unemployment Insurance Act, 52 Stat. 1094  
9 (1938);
- 10 (10) Service performed in the employ of any other state or any political  
11 subdivision thereof or any instrumentality of any one or more of the foregoing  
12 that is wholly owned by one or more states or political subdivisions and any  
13 services performed in the employ of any instrumentality of one or more other  
14 states or their political subdivisions to the extent that the instrumentality is, with  
15 respect to such a service, immune under the Constitution of the United States  
16 from the tax imposed by Section 3301 of the federal Internal Revenue Code,  
17 except as provided in paragraph A-1, subparagraph (1);
- 18 (11) Service performed in any calendar quarter in the employ of any  
19 organization exempt from income tax under the federal Internal Revenue Code,  
20 Section 501(a) other than an organization described in the federal Internal  
21 Revenue Code, Section 401(a), or under Section 521, if the remuneration for such  
22 service is less than \$150;
- 23 (12) Service performed in the employ of a foreign government, including service  
24 as a consular or other officer or employee or a nondiplomatic representative;
- 25 (13) Service performed in the employ of an instrumentality wholly owned by a  
26 foreign government:
- 27 (a) If the service is of a character similar to that performed in foreign  
28 countries by employees of the United States Government or an  
29 instrumentality thereof; and
- 30 (b) If the commissioner finds that the United States Secretary of State has  
31 certified to the United States Secretary of the Treasury that the foreign  
32 government, with respect to whose instrumentality exemption is claimed,  
33 grants an equivalent exemption with respect to similar service performed in  
34 the foreign country by employees of the United States Government and of  
35 instrumentalities thereof;
- 36 (14) Service performed as a student nurse in the employ of a hospital or a nurses'  
37 training school by an individual who is enrolled and is regularly attending classes  
38 in a nurses' training school chartered or approved pursuant to state law and  
39 service performed as an intern in the employ of a hospital by an individual who  
40 has completed a 4-year course in a medical school chartered or approved  
41 pursuant to state law;
- 42 (15) Service performed by an individual for a person as a real estate broker, a  
43 real estate sales representative, an insurance agent or an insurance solicitor, if all

1 such service performed by that individual for that person is performed for  
2 remuneration solely by way of commission;

3 (16) Service performed by an individual under 18 years of age in the delivery or  
4 distribution of newspapers or shopping news, except delivery or distribution to  
5 any point for subsequent delivery or distribution;

6 (17) Service performed in the employ of any organization that is excluded from  
7 the term "employment" as defined in the Federal Unemployment Tax Act solely  
8 by reason of 26 United States Code, Section 3306(c)(7) or (8) if:

9 (a) Service is performed in the employ of a church or convention or  
10 association of churches or an organization that is operated primarily for  
11 religious purposes and that is operated, supervised, controlled or principally  
12 supported by a church or convention or association of churches;

13 (b) Service is performed by a duly ordained, commissioned or licensed  
14 minister of a church in the exercise of that minister's ministry or by a member  
15 of a religious order in the exercise of duties required by that order;

16 (c) Prior to January 1, 1978, service is performed in the employ of a school  
17 primarily operated as an elementary, secondary or preparatory school for  
18 higher education that is not an institution of higher education;

19 (d) Service is performed in a facility conducted for the purpose of carrying  
20 out a program of rehabilitation for individuals whose earning capacity is  
21 impaired by age or physical or mental disability or injury or providing  
22 remunerative work for individuals who, because of their impaired physical or  
23 mental capacity, cannot be readily absorbed in the competitive labor market  
24 by an individual receiving such rehabilitation or remunerative work;

25 (e) Service is performed as part of an unemployment work-relief or  
26 work-training program assisted or financed in whole or in part by any federal  
27 agency or an agency of a state or political subdivision thereof by an  
28 individual receiving that work relief or work training;

29 (f) Service is performed in the employ of a hospital, as defined in subsection  
30 26, by a patient of that hospital;

31 (g) Service is performed prior to January 1, 1978 for a hospital in a state  
32 prison or other state correctional institution by an inmate of that prison or  
33 correctional institution and after December 31, 1977 by an inmate of a  
34 custodial or penal institution;

35 (h) Service is performed in the employ of a school, college or university if  
36 that service is performed by a student who is enrolled and is regularly  
37 attending classes at such a school, college or university; or

38 (i) Prior to January 1, 1978, service is performed in the employ of a school  
39 that is not an institution of higher education and after December 31, 1977,  
40 service is performed in the employ of a governmental entity referred to in  
41 paragraph A-1, subparagraph (1) if that service is performed by an individual  
42 in the exercise of duties;

- 1                   (i) As an elected official;
- 2                   (ii) As a member of a legislative body or a member of the judiciary of a  
3                   state or political subdivision of a state;
- 4                   (iii) As a member of the State National Guard or Air National Guard;
- 5                   (iv) As an employee serving on a temporary basis in case of fire, storm,  
6                   snow, earthquake, flood or similar emergency;
- 7                   (v) In a position that, under or pursuant to the laws of this State, is  
8                   designated as a major nontenured policy-making or advisory position or a  
9                   policy-making or advisory position the performance of the duties of  
10                   which ordinarily does not require more than 8 hours per week; or
- 11                   (vi) As an election official or election worker if the amount of  
12                   remuneration received by the individual during the calendar year for  
13                   services as an election official or election worker is less than \$1,000;
- 14                   (18) Service performed under a booth rental agreement or other rental agreement  
15                   by:
- 16                   (a) A hairdresser who holds a booth license and operates within another  
17                   hairdressing establishment; or
- 18                   (b) A tattoo artist if the service performed by the tattoo artist is not subject to  
19                   federal unemployment tax;
- 20                   (19) Service performed by a barber who holds a booth license and operates  
21                   within another barbering establishment if operated under a booth rental  
22                   agreement or other rental agreement;
- 23                   (20) Service performed by a contract interviewer engaged in marketing research  
24                   or public opinion interviewing when such interviewing is conducted in the field  
25                   or over the telephone on premises not used or controlled by the person for whom  
26                   such contract services are being provided;
- 27                   (21) After December 31, 1981, service performed by an individual on a boat  
28                   engaged in catching fish or other forms of aquatic animal life, unless those  
29                   services would be included in the definition of "employment" for federal  
30                   unemployment tax purposes under the Federal Unemployment Tax Act, 26  
31                   United States Code, Section 3306(c), as amended. Also included in this  
32                   exemption are services performed in harvesting shellfish for depuration from  
33                   designated areas as authorized by Title 12, section 6856;
- 34                   (22) Service performed by a member or leader of a musical group, band or  
35                   orchestra or an entertainer when the services are performed under terms of a  
36                   contract entered into by the leader or an agent of the musical group, band,  
37                   orchestra or entertainer with an employing unit for whom the services are being  
38                   performed, if the leader or agent is not an employer by reason of subsection 9 or  
39                   of section 1222, subsection 3;
- 40                   (23) Service performed in the delivery or distribution of newspapers or  
41                   magazines to the ultimate consumer by an individual who is compensated by

- 1 receiving or retaining a commission or profit on the sale of the newspaper or  
2 magazine;
- 3 (24) Service performed by a homemaker in the knitted outerwear industry as  
4 those terms are defined, on September 19, 1985, in 29 Code of Federal  
5 Regulations, Part 530, Section 530.1;
- 6 (25) Service performed by a full-time student, as defined in subsection 30, in the  
7 employ of a youth camp licensed under Title 22, section 2495 if the full-time  
8 student performed services in the employ of the camp for less than 13 calendar  
9 weeks in the calendar year and the camp:
- 10 (a) Did not operate for more than 7 months in the calendar year and did not  
11 operate for more than 7 months in the preceding calendar year; or
- 12 (b) Had average gross receipts for any 6 months in the preceding calendar  
13 year that were not more than 33 1/3% of its average gross receipts for the  
14 other 6 months in the preceding calendar year;
- 15 (26) Service performed by an individual as a home stitcher as long as that  
16 employment is not subject to federal unemployment tax;
- 17 (27) Service performed by a person licensed as a guide as required by Title 12,  
18 section 12853, as long as that employment is not subject to federal  
19 unemployment tax;
- 20 (28) Service performed by a direct seller as defined in 26 United States Code,  
21 Section 3508(b)(2). This subparagraph does not include a person selling major  
22 improvements or renovations to the structure of a home, business or property;
- 23 (29) Service performed by lessees of taxicabs, as long as that employment is not  
24 subject to federal unemployment tax. This subparagraph may not be construed to  
25 affect a determination regarding a lessee's status as an independent contractor for  
26 workers' compensation purposes;
- 27 (30) Service provided by a dance instructor to students of a dance studio when  
28 there is a contract between the instructor and the studio under which the  
29 instructor's services are not offered exclusively to the studio, the studio does not  
30 control the scheduling of the days and times of classes other than beginning and  
31 end dates, the instructor is paid by the class and not on an hourly or salary basis,  
32 the compensation rate is the result of negotiation between the instructor and the  
33 studio and the instructor is given the freedom to develop the curriculum;
- 34 (31) Service performed by participants enrolled in programs or projects under the  
35 national service laws including the federal National and Community Service Act  
36 of 1990, as amended, 42 United States Code, Section 12501 et seq. and the  
37 federal Domestic Volunteer Service Act, as amended, 42 United States Code,  
38 Section 4950 et seq.;
- 39 (32) Service of an author in furnishing text or other material to a publisher who:
- 40 (a) Does not control the author's work except to propose topics or to edit  
41 material submitted;

- 1                    (b) Does not restrict the author from publishing elsewhere;
- 2                    (c) Furnishes neither a place of employment nor equipment for the author's
- 3                    use;
- 4                    (d) Does not direct or control the time devoted to the work; and
- 5                    (e) Pays only for material that is accepted for publication.

6                    This exception does not apply if the employment is subject to federal  
7                    unemployment tax;

8                    (33) Service provided by an owner-operator of a truck or truck tractor while it is  
9                    leased to a motor carrier, as defined in 49 Code of Federal Regulations, Section  
10                   390.5 (2000), as long as that employment is not subject to federal unemployment  
11                   tax; and

12                   (34) Service performed by a professional investigator, as defined in Title 32,  
13                   section 8103, subsection 5, as long as that employment is not subject to federal  
14                   unemployment tax and the following requirements are met:

15                   (a) There is a written contract between the professional investigator and the  
16                   party requesting services;

17                   (b) The professional investigator offering the services operates  
18                   independently of the party requesting services, except for the time frame and  
19                   quality of finished work as specified in the contract;

20                   (c) Compensation for services is negotiated between the 2 parties and is paid  
21                   for each service performed; and

22                   (d) The party requesting services furnishes neither equipment nor the place  
23                   of employment to the professional investigator.

24                   **Sec. A-30. 26 MRSA §1043, sub-§19, ¶C**, as amended by PL 1987, c. 338, §1,  
25 is further amended to read:

26                   C. With respect to weeks of unemployment beginning on or after January 1, 1978,  
27 wages for insured work ~~shall include~~ includes wages paid for previously uncovered  
28 services. For the purposes of this paragraph, the term "previously uncovered services"  
29 means services:

30                   (1) ~~Which~~ That were not employment as defined in subsection 11, and were not  
31 services covered pursuant to section 1222, at any time during the one-year period  
32 ending December 31, 1975; and

33                   (2) ~~Which~~ That:

34                   (a) Are agricultural labor, as defined in subsection 11, paragraph A-2 or  
35 domestic service as defined in subsection 11, paragraph A-3; or

36                   (b) Are services performed by an employee of this State or a political  
37 subdivision thereof, or any of their instrumentalities as provided in  
38 subsection 11, paragraph A-1, subparagraph (1), or by an employee of a  
39 nonprofit educational institution ~~which~~ that is not an institution of higher

1 education, as provided in subsection 11, paragraph F, subparagraph ~~(24)~~ (17),  
2 division (i);

3 except to the extent that assistance under Title II of the Emergency Jobs and  
4 Unemployment Assistance Act of 1974 was paid on the basis of such services;

5 **Sec. A-31. 26 MRSA §1221-B, sub-§1, ¶B**, as enacted by PL 2001, c. 381, §1,  
6 is amended to read:

7 B. "Employment" includes service performed in the employ of an Indian tribe, as  
8 defined in the Federal Unemployment Tax Act, 26 United States Code, Chapter 23,  
9 Section 3306(u), 2000, referred to in this section as "FUTA," as long as that service is  
10 excluded from the definition of employment as defined in 26 United States Code,  
11 Section 3306(c) solely by reason of 26 United States Code, Section 3306(c)(7) and is  
12 not otherwise excluded from the definition of employment under this chapter. For  
13 purposes of this paragraph, the exclusions from employment in section 1043,  
14 subsection 11, paragraph F, subparagraph ~~(24)~~ (17), division (i), subdivisions (i), (ii),  
15 (iii), (iv) and (v) are applicable to services performed in the employ of an Indian  
16 tribe.

17 **Sec. A-32. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2009, c. 317, Pt.  
18 F, §1 and c. 421, §4, is repealed and the following enacted in its place:

19 B. "Authorized emergency vehicle" means any one of the following vehicles:

20 (1) An ambulance;

21 (2) A Baxter State Park Authority vehicle operated by a Baxter State Park  
22 ranger;

23 (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

24 (4) A Department of Conservation vehicle operated by a forest ranger;

25 (5) A Department of Conservation vehicle used for forest fire control;

26 (6) A Department of Corrections vehicle used for responding to the escape of or  
27 performing the high-security transfer of a prisoner, juvenile client or juvenile  
28 detainee;

29 (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

30 (8) A Department of Public Safety vehicle operated by a police officer appointed  
31 pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug  
32 Enforcement Agency officer;

33 (9) An emergency medical service vehicle;

34 (10) A fire department vehicle;

35 (11) A hazardous material response vehicle, including a vehicle designed to  
36 respond to a weapon of mass destruction;

37 (12) A railroad police vehicle;

38 (13) A sheriff's department vehicle;

- 1                   (14) A State Police or municipal police department vehicle;
- 2                   (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when
- 3                   authorized by the sheriff;
- 4                   (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an
- 5                   assistant or deputy chief or a town forest fire warden;
- 6                   (17) A vehicle operated by a qualified deputy sheriff or other qualified
- 7                   individual to perform court security-related functions and services as authorized
- 8                   by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- 9                   (18) A Federal Government vehicle operated by a federal law enforcement
- 10                  officer;
- 11                  (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant
- 12                  chief;
- 13                  (20) An Office of the Attorney General vehicle operated by a detective
- 14                  appointed pursuant to Title 5, section 202;
- 15                  (21) A Department of the Secretary of State vehicle operated by a motor vehicle
- 16                  investigator; and
- 17                  (22) A University of Maine System vehicle operated by a University of Maine
- 18                  System police officer.

19                  **Sec. A-33. 30-A MRSA §5223, sub-§3, ¶D,** as amended by PL 2011, c. 101, §8  
 20                  and c. 287, §1, is repealed and the following enacted in its place:

21                  D. The aggregate value of municipal and plantation general obligation indebtedness  
 22                  financed by the proceeds from tax increment financing districts within any county  
 23                  may not exceed \$50,000,000 adjusted by a factor equal to the percentage change in  
 24                  the United States Bureau of Labor Statistics Consumer Price Index, United States  
 25                  City Average from January 1, 1996 to the date of calculation.

26                  (1) The commissioner may adopt rules necessary to allocate or apportion the  
 27                  designation of captured assessed value of property within proposed tax increment  
 28                  financing districts to permit compliance with the condition in this paragraph.  
 29                  Rules adopted pursuant to this paragraph are routine technical rules as defined in  
 30                  Title 5, chapter 375, subchapter 2-A.

31                  (2) The acquisition, construction and installment of all real and personal property  
 32                  improvements, buildings, structures, fixtures and equipment included within the  
 33                  development program and financed through municipal or plantation bonded  
 34                  indebtedness must be completed within 8 years of the commissioner's approval of  
 35                  the designation of the tax increment financing district.

36                  **Sec. A-34. 30-A MRSA §5225, sub-§1, ¶C,** as amended by PL 2011, c. 101,  
 37                  §14 and c. 102, §1, is repealed and the following enacted in its place:

38                  C. Costs related to economic development, environmental improvements,  
 39                  recreational trails or employment training within the municipality or plantation,  
 40                  including, but not limited to:



1                   (1) Costs of funding economic development programs or events developed by  
2                   the municipality or plantation or funding the marketing of the municipality or  
3                   plantation as a business or arts location;

4                   (2) Costs of funding environmental improvement projects developed by the  
5                   municipality or plantation for commercial or arts district use or related to such  
6                   activities;

7                   (3) Funding to establish permanent economic development revolving loan funds  
8                   or investment funds;

9                   (4) Costs of services to provide skills development and training for residents of  
10                  the municipality or plantation. These costs may not exceed 20% of the total  
11                  project costs and must be designated as training funds in the development  
12                  program;

13                  (5) Quality child care costs, including finance costs and construction, staffing,  
14                  training, certification and accreditation costs related to child care;

15                  (6) Costs associated with new or existing recreational trails determined by the  
16                  department to have significant potential to promote economic development,  
17                  including, but not limited to, costs for multiple projects and project phases that  
18                  may include planning, design, construction, maintenance, grooming and  
19                  improvements with respect to new or existing recreational trails, which may  
20                  include bridges that are part of the trail corridor, used all or in part for all-terrain  
21                  vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related  
22                  multiple uses; and

23                  (7) Costs associated with a new or expanded transit service, limited to:

24                         (a) Transit service capital costs, including but not limited to: transit vehicles  
25                         such as buses, ferries, vans, rail conveyances and related equipment; bus  
26                         shelters and other transit-related structures; and benches, signs and other  
27                         transit-related infrastructure; and

28                         (b) In the case of transit-oriented development districts, ongoing costs of  
29                         adding to an existing transit system or creating a new transit service and  
30                         limited strictly to transit operator salaries, transit vehicle fuel and transit  
31                         vehicle parts replacements; and

32                  **Sec. A-35. 31 MRSA §1677, sub-§2**, as amended by PL 2011, c. 113, Pt. B, §16,  
33                  is further amended to read:

34                  **2. Party to action.** If a petitioner under subsection 1 is not the limited liability  
35                  company or foreign limited liability company to whom the record pertains, the petitioner  
36                  shall make the ~~domestic~~ limited liability company or foreign limited liability company a  
37                  party to the action. A person aggrieved under subsection 1 may seek the remedies  
38                  provided in subsection 1 in a separate action against the person required to sign the record  
39                  or as a part of any other action concerning the limited liability company in which the  
40                  person required to sign the record is made a party.

1           **Sec. A-36. 32 MRSA §1102-A**, as amended by PL 2011, c. 272, §§1 to 3 and  
2 repealed by c. 286, Pt. F, §5, is repealed.

3           **Sec. A-37. 32 MRSA §1201-A, sub-§§10 and 11**, as enacted by PL 2011, c.  
4 286, Pt. F, §12, are amended to read:

5           **10. Pump installers.** A person licensed under chapter 69-C, except that this  
6 exception applies only to disconnection and connection of electrical conductors required  
7 in the replacement of water pumps of the same or smaller size in residential properties  
8 and the installation of new water pumps and associated equipment of 3 horsepower or  
9 smaller; ~~or~~

10           **11. Wastewater treatment plants.** Wastewater treatment plants, as defined in  
11 section 4171, and regular employees of wastewater treatment plants making electrical  
12 installations in or about wastewater treatment plants; ~~or~~

13           **Sec. A-38. 32 MRSA §1201-A, sub-§12** is enacted to read:

14           **12. Incidental work.** Regular employees of an owner or a lessee of real property  
15 doing incidental electrical work on that property or incidental electrical work by a person  
16 whose occupation involves miscellaneous jobs of manual labor. For purposes of this  
17 subsection, "incidental electrical work" means minor electrical work, limited to light  
18 fixtures and switches, that occurs by chance and that does not require electrical  
19 installation calculations.

20           **Sec. A-39. 32 MRSA §8113, sub-§8**, as amended by PL 2011, c. 366, §44, is  
21 further amended to read:

22           **8. Representations that licensee is sworn peace officer.** Representation by the  
23 licensee that suggests, or that would reasonably cause another person to believe, that the  
24 licensee is a sworn peace officer of this State, any political subdivision of this State, any  
25 other state or the Federal Government; ~~or~~

26           **Sec. A-40. 32 MRSA §8113, sub-§9**, as enacted by PL 2011, c. 161, §3, is  
27 amended to read:

28           **9. Unpermitted contact with a child.** Contact or communication with a child who  
29 has not attained 14 years of age regarding a private investigation if that contact or  
30 communication includes conduct with the intent to harass, torment, intimidate or threaten  
31 a child; ~~or~~

32           **Sec. A-41. 33 MRSA §507**, as reallocated by RR 2005, c. 1, §16, is amended to  
33 read:

34           **§507. Disclosure regarding private mortgage insurance**

35           With respect to a mortgage loan on residential real property for which the processor  
36 or underwriter of that loan also engages in the business of private mortgage insurance, a  
37 supervised lender, as defined in Title 9-A, section 1-301, subsection 39, or a ~~credit~~  
38 ~~services organization~~ loan broker, as defined in Title 9-A, section 10-102, shall disclose

1 to the loan applicant at the time of application the fact that the processor or underwriter is  
2 also in the business of private mortgage insurance. Failure to provide the disclosure  
3 required by this section does not annul, alter or affect the validity or enforceability of the  
4 mortgage loan.

5 **Sec. A-42. 34-B MRSA §1207, sub-§1, ¶F**, as amended by PL 2011, c. 420, Pt.  
6 C, §6, is further amended to read:

7 F. Nothing in this subsection precludes the disclosure or use of any information,  
8 including recorded or transcribed diagnostic and therapeutic interviews, concerning  
9 any client in connection with any educational or training program established  
10 between a public hospital and any college, university, hospital, psychiatric or  
11 counseling clinic or school of nursing, ~~provided that~~ as long as, in the disclosure or  
12 use of the information as part of a course of instruction or training program, the  
13 client's identity remains undisclosed; ~~and~~

14 **Sec. A-43. 34-B MRSA §1207, sub-§1, ¶G**, as amended by PL 2011, c. 347, §9  
15 and repealed by c. 420, Pt. C, §7, is repealed.

16 **Sec. A-44. 35-A MRSA §3210-C, sub-§3, ¶C**, as amended by PL 2011, c. 273,  
17 §1 and affected by §3 and amended by c. 413, §2, is repealed and the following enacted  
18 in its place:

19 C. Any available renewable energy credits associated with capacity resources  
20 contracted under paragraph A. The price paid by the investor-owned transmission  
21 and distribution utility for the renewable energy credits must be lower than the price  
22 received for those renewable energy credits at the time they are sold by the  
23 investor-owned transmission and distribution utility.

24 **Sec. A-45. 36 MRSA §151**, as amended by PL 2011, c. 380, Pt. J, §5 and repealed  
25 and replaced by c. 439, §2 and affected by §12, is repealed and the following enacted in  
26 its place:

27 **§151. Review of decisions of State Tax Assessor**

28 **1. Petition for reconsideration.** A person who is subject to an assessment by the  
29 State Tax Assessor or entitled by law to receive notice of a determination of the assessor  
30 and who is aggrieved as a result of that action may request in writing, within 60 days after  
31 receipt of notice of the assessment or the determination, reconsideration by the assessor  
32 of the assessment or the determination. If a person receives notice of an assessment and  
33 does not file a petition for reconsideration within the specified time period, a review is  
34 not available in Superior Court regardless of whether the taxpayer subsequently makes  
35 payment and requests a refund.

36 **2. Reconsideration by division.** If a petition for reconsideration is filed within the  
37 specified time period, the assessor shall reconsider the assessment or the determination as  
38 provided in this subsection.

1 A. Upon receipt by the assessor, all petitions for reconsideration must be forwarded  
2 for review and response to the division in the bureau from which the determination  
3 issued.

4 B. Within 90 days of receipt of the petition for reconsideration by the responding  
5 division, the division shall approve or deny, in whole or in part, the relief requested.  
6 Prior to rendering its decision and during the 90 days, the division may attempt to  
7 resolve issues with the petitioner through informal discussion and settlement  
8 negotiations with the objective of narrowing the issues for an appeals conference or  
9 court review, and may concede or settle individual issues based on the facts and the  
10 law, including the hazards of litigation. By mutual consent of the division and the  
11 petitioner, the 90 days may be extended for good cause, such as to allow further  
12 factual investigation or litigation of an issue by that or another taxpayer pending in  
13 court.

14 C. If the matter between the division and the petitioner is not resolved within the  
15 90-day period, and any extension thereof, the matter must be forwarded to the appeals  
16 office.

17 D. A reconsideration by the division is not an adjudicatory proceeding within the  
18 meaning of that term in the Maine Administrative Procedure Act.

19 **Sec. A-46. Effective date.** That section of this Part that repeals and replaces the  
20 Maine Revised Statutes, Title 36, section 151 takes effect July 1, 2012.

21 **Sec. A-47. 36 MRSA §191, sub-§2, ¶SS,** as enacted by PL 2011, c. 380, Pt. Q,  
22 §4 and affected by §7, is amended to read:

23 SS. The disclosure of information to the Finance Authority of Maine necessary for  
24 the administration of the new markets capital investment credit in sections ~~2531~~ 2533  
25 and ~~5219-GG~~ 5219-HH and to the Commissioner of Administrative and Financial  
26 Services as necessary for the execution of the memorandum of agreement pursuant to  
27 section ~~5219-GG~~ 5219-HH, subsection 3-;

28 **Sec. A-48. 36 MRSA §191, sub-§2, ¶TT,** as reallocated by RR 2011, c. 1, §50,  
29 is amended to read:

30 TT. The disclosure to tax officials of other states, and to clearinghouses and other  
31 administrative entities acting on behalf of participating states, of information  
32 necessary for the administration of a multistate agreement entered into pursuant to  
33 section 2532-;

34 **Sec. A-49. 36 MRSA §2531,** as enacted by PL 2011, c. 331, §14 and affected by  
35 §§16 and 17 and enacted by c. 380, Pt. Q, §5 and affected by §7 and enacted by c. 453,  
36 §4, is repealed and the following enacted in its place:

37 **§2531. Taxation of nonadmitted insurance coverage**

38 1. Generally. All gross direct insurance premiums and annuity considerations paid  
39 to insurers that do not have certificates of authority to do business in this State issued by  
40 the Superintendent of Insurance pursuant to Title 24-A are subject to taxation in

1 accordance with this section if this State is the insured's home state, as defined in the  
2 federal Nonadmitted and Reinsurance Reform Act of 2010, Public Law 111-203, Section  
3 527. This section does not apply to reinsurance premiums paid by an authorized  
4 domestic insurer.

5 **2. Rate and incidence of tax.** Except as otherwise provided in section 2519 or  
6 2532, the rate of taxation is 3% of the premiums subject to tax under this section. For all  
7 coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the  
8 surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the  
9 insured.

10 **3. Returns.** Except as otherwise provided in accordance with a multistate agreement  
11 entered into pursuant to section 2532, every producer holding surplus lines authority in  
12 this State shall file a return and pay the tax due in accordance with section 2521-A and  
13 every insured subject to tax in accordance with this section shall file a return and pay the  
14 tax due subject to the same requirements as provided in section 2521-A. An insurance  
15 agency may elect to collect and pay the tax on surplus lines premiums on behalf of all of  
16 its employees who are surplus lines producers and file a single return.

17 **Sec. A-50. 36 MRSA §§2533 and 2534** are enacted to read:

18 **§2533. New markets capital investment credit**

19 A taxpayer subject to tax under this chapter that holds a qualified equity investment  
20 certified by the Finance Authority of Maine pursuant to Title 10, section 1100-Z,  
21 subsection 3, paragraph G is allowed a credit equal to the amount determined in  
22 accordance with section 5219-HH against the tax otherwise due under this chapter. The  
23 provisions in section 5219-HH govern the allowance of the credit and limitations on the  
24 credit amount, refundability, carry-over and recapture.

25 **§2534. Credit for rehabilitation of historic properties**

26 A taxpayer is allowed a credit against the tax otherwise due under this chapter as  
27 determined under section 5219-BB.

28 **Sec. A-51. Application.** That section of this Part that repeals and replaces the  
29 Maine Revised Statutes, Title 36, section 2531 applies retroactively to taxes on all  
30 premiums received on or after July 1, 2011. That section of this Part that enacts Title 36,  
31 section 2533 applies to tax years beginning on or after January 1, 2012. That section of  
32 this Part that enacts Title 36, section 2534 applies retroactively to September 28, 2011.

33 **Sec. A-52. 36 MRSA §5219-BB, sub-§4,** as amended by PL 2011, c. 453, §9, is  
34 further amended to read:

35 **4. Maximum credit.** The credit allowed pursuant to this section and section ~~2531~~  
36 ~~2534~~ may not exceed \$5,000,000 for each certified rehabilitation project under Section 47  
37 of the Code placed into service in the State during the taxable year for which a credit is  
38 claimed under this section.

1           **Sec. A-53. 36 MRSA §5219-GG**, as enacted by PL 2011, c. 380, Pt. O, §17 and  
2 affected by §18 and enacted by Pt. Q, §6 and affected by §7, is repealed and the following  
3 enacted in its place:

4           **§5219-GG. Maine capital investment credit**

5           **1. Credit allowed.** A taxpayer that claims a depreciation deduction under the Code,  
6 Section 168(k) for property placed in service in the State during the taxable year  
7 beginning in 2011 or 2012 is allowed a credit against the taxes imposed by this Part in an  
8 amount equal to 10% of the amount claimed for the taxable year under the Code, Section  
9 168(k) with respect to such property, except for excluded property under subsection 2.

10           **2. Certain property excluded.** The following property is not eligible for the credit  
11 under this section:

12           A. Property owned by a public utility as defined by Title 35-A, section 102;

13           B. Property owned by a person that provides radio paging services as defined by  
14 Title 35-A, section 102;

15           C. Property owned by a person that provides mobile telecommunications services as  
16 defined by Title 35-A, section 102;

17           D. Property owned by a cable television company as defined by Title 30-A, section  
18 2001;

19           E. Property owned by a person that provides satellite-based direct television  
20 broadcast services; and

21           F. Property owned by a person that provides multichannel, multipoint television  
22 distribution services.

23           **3. Limitations; carry-forward.** The credit allowed under subsection 1 may not  
24 reduce the tax under this Part to less than zero. Any unused portion of the credit may be  
25 carried forward to the following year or years not to exceed 20 years.

26           **4. Recapture.** The credit allowed under this section is subject to recapture to the  
27 extent claimed by the taxpayer if the property forming the basis of the credit is not used  
28 in the State for the entire 12-month period following the date it is placed in service in the  
29 State. If any portion of the credit is recaptured pursuant to this subsection, the income  
30 modifications under section 5122, subsection 1, paragraph FF, section 5122, subsection 2,  
31 paragraph II, section 5200-A, subsection 1, paragraph Y and section 5200-A, subsection  
32 2, paragraph V must be amended for the tax year during which the failure occurs to  
33 reflect the recapture of the credit and the recaptured credit amount must be added to the  
34 tax due on the amended return.

35           **Sec. A-54. 36 MRSA §5219-HH** is enacted to read:

36           **§5219-HH. New markets capital investment credit**

37           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
38 following terms have the following meanings.

1 A. "Applicable percentage" means 0% for each of the first 2 credit allowance dates,  
2 7% for the 3rd credit allowance date and 8% for the next 4 credit allowance dates.

3 B. "Authority" means the Finance Authority of Maine.

4 C. "Commissioner" means the Commissioner of Administrative and Financial  
5 Services.

6 D. "Credit allowance date" means, with respect to any qualified equity investment,  
7 the date on which the investment is initially made and each of the 6 anniversary dates  
8 of the date thereafter.

9 E. "Long-term debt security" means any debt instrument issued by a qualified  
10 community development entity, at par value or a premium, with an original maturity  
11 date of at least 7 years from the date of its issuance, with no acceleration of  
12 repayment, amortization or prepayment features prior to its original maturity date.  
13 The qualified community development entity that issues the debt instrument may not  
14 make cash interest payments on the debt instrument during the period commencing  
15 with its issuance and ending on its final credit allowance date in excess of the  
16 cumulative operating income, as defined in the regulations adopted pursuant to the  
17 Code, Section 45D, of the qualified community development entity for the same  
18 period prior to giving effect to interest expense on such debt instrument. This  
19 paragraph does not limit the holder's ability to accelerate payments on the debt  
20 instrument in situations when the qualified community development entity has  
21 defaulted on covenants designed to ensure compliance with this section; section 191,  
22 subsection 2, paragraph SS; section 2533; and Title 10, section 1100-Z or the Code,  
23 Section 45D.

24 F. "Purchase price" means the amount of the investment in the qualified community  
25 development entity for the qualified equity investment.

26 G. "Qualified active low-income community business" has the same meaning as in  
27 the Code, Section 45D.

28 H. "Qualified community development entity" has the same meaning as in the Code,  
29 Section 45D, except that the entity must have entered into or be controlled by or  
30 under common control of an entity that has entered into an allocation agreement with  
31 the Community Development Financial Institutions Fund of the United States  
32 Department of the Treasury with respect to credits authorized by the Code, Section  
33 45D.

34 I. "Qualified equity investment" means any equity investment in, or long-term debt  
35 security issued by, a qualified community development entity that:

36 (1) Has at least 85% of its cash purchase price used by the issuer to make  
37 qualified low-income community investments in qualified active low-income  
38 community businesses located in the State by the 2nd anniversary of the initial  
39 credit allowance date;

40 (2) Is acquired after December 31, 2011 at its original issuance solely in  
41 exchange for cash; and

1 (3) Is designated by the issuer as a qualified equity investment and is certified by  
2 the authority pursuant to Title 10, section 1100-Z, subsection 3, paragraph G.  
3 "Qualified equity investment" includes any qualified equity investment that does  
4 not meet the provisions of Title 10, section 1100-Z, subsection 3, paragraph G if  
5 the investment was a qualified equity investment in the hands of a prior holder.  
6 The qualified community development entity shall keep sufficiently detailed  
7 books and records with respect to the investments made with the proceeds of the  
8 qualified equity investments to allow the direct tracing of the proceeds into  
9 qualified low-income community investments in qualified active low-income  
10 community businesses in the State.

11 J. "Qualified low-income community investment" means any capital or equity  
12 investment in, or loan to, any qualified active low-income community business made  
13 after June 20, 2011. With respect to any one qualified active low-income community  
14 business, the maximum amount of qualified low-income community investments that  
15 may be made in the business, on a collective basis with all of its affiliates, with the  
16 proceeds of qualified equity investments that have been certified under Title 10,  
17 section 1100-Z, subsection 3, paragraph G is \$10,000,000 whether made by one or  
18 several qualified community development entities.

19 **2. Credit allowed.** A person that holds a qualified equity investment certified by the  
20 authority pursuant to Title 10, section 1100-Z, subsection 3, paragraph G on a credit  
21 allowance date that falls within the taxable year is allowed a credit equal to the applicable  
22 percentage that applies to the credit allowance date multiplied by the purchase price paid  
23 for the qualified equity investment. Notwithstanding any other provision of law, other  
24 than the recapture provisions of subsection 7, the person, and any subsequent person, that  
25 is the holder of the credit certificate issued by the authority for a qualified equity  
26 investment is entitled, in the aggregate, to the entire 39% credit amount computed with  
27 respect to the 7 credit allowance dates. In no event may the credit amount in the  
28 aggregate exceed 39% for any single qualified equity investment certified by the  
29 authority.

30 **3. Memorandum of agreement.** Upon receipt of the authority's written notice of  
31 the certification of a qualified equity investment's tax credit eligibility, the commissioner  
32 shall enter into an agreement on behalf of the State with the person eligible to claim the  
33 credit pursuant to Title 10, section 1100-Z, subsection 3, paragraph G. That agreement  
34 must provide that the State shall, with the exception of recapture pursuant to subsection 7,  
35 allow the tax credit as provided for in subsection 2 and recognize that the person named  
36 as eligible for tax credit pursuant to Title 10, section 1100-Z, subsection 3, paragraph G is  
37 entitled to claim the tax credits and the respective tax credit amounts in the aggregate, to  
38 the entire 39% credit amount computed with respect to the 7 credit allowance dates.

39 **4. Carry-over to succeeding year.** Any unused portion of the credit may be carried  
40 over to the following taxable year or years, except that the carry-over period for unused  
41 credit amounts may not exceed 20 years.

42 **5. Pass-through entity; allocation of the credit.** Credits allowed pursuant to this  
43 section to a partnership, limited liability company, S corporation or other similar pass-  
44 through entity must be allocated to the partners, members, shareholders or other owners



1 in accordance with section 5219-G or pursuant to an executed agreement among the  
2 partners, members or shareholders or other owners documenting an alternate allocation  
3 method.

4 **6. Credit refundable.** The credit allowed under this section is fully refundable.

5 **7. Recapture of credits.** The assessor may recapture all of the credit allowed under  
6 this section if:

7 A. Any amount of federal tax credits available with respect to a qualified equity  
8 investment that is eligible for a tax credit under this section is recaptured under the  
9 Code, Section 45D. In such case, the recapture must be proportionate to the federal  
10 recapture with respect to the qualified equity investment;

11 B. The qualified community development entity redeems or makes a principal  
12 repayment with respect to the qualified equity investment that generated the tax credit  
13 prior to the final credit allowance date of the qualified equity investment. In such  
14 case, the recapture must be proportionate to the amount of the redemption or  
15 repayment with respect to the qualified equity investment; or

16 C. The qualified community development entity fails to invest at least 85% of the  
17 purchase price of the qualified equity investment in qualified low-income community  
18 investments in qualified active low-income community businesses located in the  
19 State within 24 months of the issuance of the qualified equity investment and  
20 maintain this level of investment in qualified low-income community investments in  
21 qualified active low-income community businesses located in the State until the last  
22 credit allowance date for the qualified equity investment. For purposes of calculating  
23 the amount of qualified low-income community investments held by a qualified  
24 community development entity, an investment is considered held by the qualified  
25 community development entity even if the investment has been sold or repaid as long  
26 as the qualified community development entity reinvests an amount equal to the  
27 capital returned to or recovered from the original investment, exclusive of any profits  
28 realized, in another qualified active low-income community business in this State  
29 within 12 months of the receipt of the capital. A qualified community development  
30 entity may not be required to reinvest capital returned from qualified low-income  
31 community investments after the 6th anniversary of the issuance of the qualified  
32 equity investment, the proceeds of which were used to make the qualified low-  
33 income community investment, and the qualified low-income community investment  
34 is considered to be held by the issuer through the qualified equity investment's final  
35 credit allowance date.

36 The assessor shall provide written notice to the qualified community development entity  
37 of any proposed recapture of tax credits pursuant to this subsection. The qualified  
38 community development entity must be provided 90 days to cure any deficiency indicated  
39 in the authority's original recapture notice and avoid such recapture. If the entity fails or  
40 is unable to cure the deficiency within the 90-day period, the assessor shall provide the  
41 qualified community development entity and the person from whom the credit is to be  
42 recaptured with a final order of recapture. Any amount of tax credits for which a final  
43 recapture order has been issued must be recaptured from the person that actually claimed  
44 the tax credit.



1           **Sec. B-2. 3 MRSA §901-A, sub-§2, ¶C**, as enacted by PL 1989, c. 410, §9, is  
2 amended to read:

3           C. The Director of the Bureau of ~~Public Improvements~~ General Services;

4           **Sec. B-3. 3 MRSA §902-A, sub-§2**, as amended by PL 2001, c. 468, §2, is  
5 further amended to read:

6           **2. Immediate grounds.** The immediate grounds, including Capitol Park, the area  
7 bounded on the east by the Kennebec River, on the north by Capitol Street, on the south  
8 by Union Street and on the west by State Street, except that the private office of the  
9 Governor, at the Governor's discretion, ~~shall be~~ is exempt from this chapter.

10           A. To ensure that the portion of Capitol Park that is controlled by the City of  
11 Augusta remains integrated with the portion of Capitol Park that is controlled by the  
12 State, the commission may, in consultation with the City of Augusta, plan for the  
13 preservation and development of a unified park area.

14           B. Any action taken with respect to Capitol Park must be consistent with the plan for  
15 Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the  
16 Pressley firm in 1990.

17           The Bureau of ~~Public Improvements~~ General Services ~~shall~~ may make no architectural,  
18 aesthetic or decorative addition, deletion or change to any external or internal part of the  
19 State House or its immediate grounds under the jurisdiction of the Legislative Council  
20 unless the council has approved the change in writing in conformance with the plan  
21 adopted by the council. The Governor ~~shall~~ must be notified before the council votes on  
22 any change. The commission may make recommendations to the council in regard to any  
23 proposed architectural, aesthetic or decorative addition, deletion or change to the internal  
24 or external part of the State House.

25           **Sec. B-4. 4 MRSA §162**, as amended by PL 2009, c. 415, Pt. B, §1, is further  
26 amended to read:

27           **§162. Place for holding court; suitable quarters**

28           In each division, the place for holding court must be located in a state, county or  
29 municipal building designated by the Chief Judge; who, with the advice and approval of  
30 the Bureau of ~~Public Improvements~~ General Services, is empowered to negotiate on  
31 behalf of the State; the leases, contracts and other arrangements the Chief Judge considers  
32 necessary, within the limits of the budget and the funds available, to provide suitable  
33 quarters, adequately furnished and equipped for the District Court in each division.

34           The facilities of the Superior Court in each county when that court is not in session  
35 must be available for use by the District Court of that division in which such facilities are  
36 located. Arrangements for such use must be made by the Chief Judge.

37           If the Chief Judge is unable to negotiate the leases, contracts and other arrangements  
38 as provided in ~~the preceding paragraph~~ this section, the Chief Judge may, with the advice  
39 and approval of the Bureau of ~~Public Improvements~~ General Services, negotiate on behalf  
40 of the State, the leases, contracts and other arrangements the Chief Judge considers

1 necessary, within the limits of the budget and funds available, to provide suitable  
2 quarters, adequately furnished and equipped for the District Court in privately owned  
3 buildings.

4 **Sec. B-5. 5 MRSA §7-A, sub-§1, ¶D**, as enacted by PL 1989, c. 501, Pt. P, §6, is  
5 amended to read:

6 D. A vehicle may be temporarily garaged off state grounds when certified by the  
7 Bureau of ~~Public Improvements~~ General Services that there is no space available on  
8 state grounds or certified by the Department of Public Safety that the space available  
9 does not provide adequate protection for the vehicle; or

10 **Sec. B-6. 5 MRSA §304**, as amended by PL 1975, c. 647, §5, is further amended  
11 to read:

12 **§304. Approval of construction projects**

13 ~~No~~ A construction ~~projects shall~~ project may not be initiated in the Capitol Area for  
14 the development of state buildings and grounds following the adoption of the plan or  
15 amendments and additions thereto by the Legislature without the approval of the  
16 Legislative Council, the Bureau of ~~Public Improvements~~ General Services and the  
17 commission of the proposals and plans for ~~such projects~~ the project.

18 **Sec. B-7. 5 MRSA §1507, sub-§3**, as repealed and replaced by PL 1975, c. 771,  
19 §67, is amended to read:

20 **3. Purchase of real estate.** The Governor may allocate funds from such account to  
21 provide funds in accordance with Title 1, section 814. Allocations may be made from this  
22 fund by the Governor only upon the written request of the Director of the Bureau of  
23 ~~Public Improvements~~ General Services and upon consultation with the State Budget  
24 Officer.

25 **Sec. B-8. 5 MRSA §1665, sub-§5**, as enacted by PL 1991, c. 376, §20 and  
26 amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

27 **5. Maine Community College System; public improvements budgetary estimate.**  
28 In accordance with Title 20-A, section 12706, subsection 4-A, the Board of Trustees of  
29 the Maine Community College System shall submit a prioritized public improvements  
30 budget estimate to the State Budget Officer in the manner prescribed in subsection 1.  
31 This budgetary estimate must be separate from any prioritized public improvements  
32 budget developed by the Bureau of ~~Public Improvements~~ General Services for the  
33 departments and agencies of State Government. This estimate must be prepared by  
34 project title in descending order of priority including for each project the total amount of  
35 the request, the accumulative total request and the type of capital improvement.

36 **Sec. B-9. 5 MRSA §1742-C, sub-§1**, as enacted by PL 1989, c. 483, Pt. A, §16,  
37 is amended to read:

1           **1. University of Maine System.** Notwithstanding section 1742, the Bureau of  
2 ~~Public Improvements~~ General Services is not required to provide services to the  
3 University of Maine System.

4           **Sec. B-10. 5 MRSA §1742-C, sub-§3,** as enacted by PL 1991, c. 376, §22 and  
5 amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

6           **3. Public improvements budget submission; Maine Community College System.**  
7 In accordance with section 1665, subsection 5 and Title 20-A, section 12706, subsection  
8 4-A, the Bureau of ~~Public Improvements~~ General Services shall advise and assist the  
9 Maine Community College System in developing a prioritized public improvements  
10 budget for the system. This budget must be presented to the Governor and the  
11 Legislature as separate from the public improvements budget developed by the Bureau of  
12 ~~Public Improvements~~ General Services for the departments and agencies of State  
13 Government.

14           **Sec. B-11. 5 MRSA §1743-A, first ¶,** as amended by PL 2011, c. 352, §1, is  
15 further amended to read:

16           Any contract for the construction, major alteration or repair of school buildings  
17 involving a total cost in excess of \$250,000, except contracts for professional,  
18 architectural and engineering services and contracts for energy conservation services in  
19 accordance with Title 20-A, section 15915, must be awarded by competitive bids. The  
20 school district directors, school committee, building committee or whatever agency has  
21 responsibility for the construction, major alteration or repair shall, after consultation with  
22 the Director of the Bureau of ~~Public Improvements~~ General Services, seek sealed  
23 proposals. Sealed proposals must be addressed to the responsible agency and must remain  
24 sealed until publicly opened in the presence of the responsible agency or a committee  
25 ~~thereof~~ of the responsible agency at such time as the responsible agency may direct.  
26 Competitive bids may be waived in individual cases involving unusual circumstances  
27 with the written approval of the Director of the Bureau of ~~Public Improvements~~ General  
28 Services and the Commissioner of Education.

29           **Sec. B-12. 5 MRSA §1745,** as amended by PL 1989, c. 483, Pt. A, §18, is further  
30 amended to read:

31           **§1745. Advertisement for sealed proposals; bonds**

32           The trustees, commissioners or other persons in charge of any public improvement in  
33 an amount in excess of \$100,000, which is subject to chapters 141 to 155 shall, after  
34 consultation with the Director of the Bureau of ~~Public Improvements~~ General Services,  
35 advertise for sealed proposals not less than 2 weeks in such papers as the Governor may  
36 direct. The last advertisement ~~shall~~ must be at least one week before the time named  
37 ~~therein~~ in the advertisement for the closing of such bids. Sealed proposals for any public  
38 improvements ~~shall~~ must be addressed to the trustees, commissioners or such other  
39 persons having the construction in charge and ~~shall~~ remain sealed until opened at the time  
40 and place stated in the advertisement or as the Governor may direct.

1 If a public improvement has been properly advertised in accordance with this chapter,  
2 and no proposals have been received from a qualified person who has been bonded in  
3 accordance with the requirements of Title 14, section 871, the Director of the Bureau of  
4 ~~Public Improvements~~ General Services is authorized to accept proposals from persons  
5 that are not bonded in accordance with the requirements of Title 14, section 871. The  
6 Director of the Bureau of ~~Public Improvements~~ General Services is authorized to set  
7 reasonable standards to ensure the interest of the State in the consideration of persons  
8 mentioned in this paragraph.

9 **Sec. B-13. 5 MRSA §1746, last ¶**, as enacted by PL 1989, c. 483, Pt. A, §19, is  
10 amended to read:

11 The Director of the Bureau of ~~Public Improvements~~ General Services may approve  
12 contracts with a provision for daily financial incentive for projects completed before the  
13 scheduled date when it can be demonstrated that the early completion will result in a  
14 financial savings to the owner or to the State. The financial incentive may not be greater  
15 than the projected daily rate of savings to the owner or the State.

16 **Sec. B-14. 5 MRSA §1752**, as enacted by PL 1989, c. 501, Pt. P, §15, is amended  
17 to read:

18 **§1752. Centrally leased space and food vending**

19 The Bureau of ~~Public Improvements~~ General Services may establish a dedicated  
20 revenue account for the management of space leased by the bureau for state offices and  
21 facilities. Charges levied to state agencies for centrally leased space ~~shall~~ must be  
22 deposited to the dedicated revenue account. A dedicated revenue account may be  
23 established for operations related to food vending services.

24 **Sec. B-15. 5 MRSA §1762-A, first and last ¶¶**, as enacted by PL 1991, c. 246,  
25 §1, are amended to read:

26 After January 1, 1992, unless otherwise required by law, or for reasons of health or  
27 safety, the Bureau of ~~Public Improvements~~ General Services and the following  
28 departments and agencies may not purchase or install any faucet, shower head, toilet or  
29 urinal that is not a low-flow faucet, a low-flow shower head, a water-saving toilet or a  
30 water-saving urinal:

31 By January 1, 1992, the Bureau of ~~Public Improvements~~ General Services shall adopt  
32 rules defining a "low-flow faucet," a "low-flow shower head," a "water-saving toilet" and  
33 a "water-saving urinal" that minimize water use to the maximum extent economically and  
34 technologically feasible.

35 **Sec. B-16. 5 MRSA §1766, first and 4th ¶¶**, as enacted by PL 1983, c. 803, are  
36 amended to read:

37 For the purposes of the installation, development or operation of any energy  
38 production improvement at or in connection with a state facility, and ~~notwithstanding~~  
39 notwithstanding any other provision of law, any department or agency of the State,

1 subject to approval of the Bureau of ~~Public Improvements~~ General Services, may enter  
2 into an agreement with a private party under which the private party may, for  
3 consideration, lease or otherwise acquire property interest, exclusive of ownership in fee,  
4 in land, buildings or other existing heating facilities and right of access thereto; ~~provided~~  
5 ~~that as long as~~ any improvement to the land, buildings or other existing heating facility  
6 installed, erected, owned, developed or operated by the private party utilizes biomass,  
7 solid waste or some combination of biomass and solid waste for at least 50% of its total  
8 energy input. The duration of the agreement ~~shall~~ may not exceed 20 years.

9 Any department or agency of the State, subject to approval by the Bureau of ~~Public~~  
10 ~~Improvements~~ General Services, at the termination of the agreement with the private  
11 party pursuant to this section, may acquire, operate and maintain the improvement, may  
12 renew the agreement with the private party or may make an agreement with another  
13 private party to operate and maintain the improvement.

14 **Sec. B-17. 5 MRSA §1768**, as enacted by PL 1991, c. 246, §2 and c. 481, §1 and  
15 corrected by RR 1991, c. 1, §6, is amended to read:

16 **§1768. Shared savings program; state agencies**

17 The Bureau of ~~Public Improvements~~ General Services shall develop an energy  
18 efficiency incentive program in which an eligible department or agency of the State may  
19 retain a portion of any first-year energy cost savings demonstrably attributable to energy  
20 efficiency improvements undertaken by that department or agency. A condition of the  
21 program is that the portion of energy cost savings not retained by the department or  
22 agency must be credited to the General Fund. The bureau shall submit the proposed  
23 program to the joint standing committee of the Legislature having jurisdiction over state  
24 and local government matters by January 1, 1992.

25 **Sec. B-18. 5 MRSA §1769, sub-§2, ¶C**, as enacted by PL 1991, c. 481, §1, is  
26 amended to read:

27 C. The Director of the Bureau of ~~Public Improvements~~ General Services ensures  
28 that consideration is given to minimizing glare and light trespass.

29 **Sec. B-19. 5 MRSA §1769, sub-§3, ¶B**, as enacted by PL 1991, c. 481, §1, is  
30 amended to read:

31 B. The Director of the Bureau of ~~Public Improvements~~ General Services determines  
32 that there is a compelling safety interest that can not be addressed by any other  
33 method.

34 **Sec. B-20. 5 MRSA §13090-F, sub-§1**, as amended by PL 2009, c. 211, Pt. B,  
35 §2, is further amended to read:

36 **1. Maine Tourism Commission.** The Maine Tourism Commission, established by  
37 section 12004-I, subsection 87 and referred to in this section as the "commission," shall  
38 assist and advise the Office of Tourism to achieve its purpose under section 13090-C.  
39 The commission consists of 25 voting members appointed by the Governor as follows:

- 1           A. Three members representing the outdoor sporting interests of the State, including:
  - 2               (1) One member representing a statewide organization of hunters, anglers and
  - 3               trappers;
  - 4               (2) One member representing the interests of large landowners; and
  - 5               (3) One member representing a statewide organization of licensed Maine guides;
- 6           B. Eight public members who represent their respective regions and have experience
- 7           in the field or have demonstrated concern for the travel industry;
- 8           C. Thirteen members of major tourism trade associations, including:
  - 9               (1) At least one member representing a statewide organization of hotels, motels
  - 10              and inns;
  - 11              (2) At least one member representing a statewide organization of restaurants;
  - 12              (3) At least one member representing a statewide organization of campground
  - 13              owners;
  - 14              (4) At least one member representing the retail sector in the State;
  - 15              (5) At least one member representing the motorcoach industry;
  - 16              (6) At least one member representing the air transportation industry;
  - 17              (7) At least one member representing arts and cultural organizations; and
  - 18              (8) At least one member representing a statewide organization of youth camps;
  - 19              and
- 20           D. One member representing a statewide organization of agricultural producers.

21           The terms of the voting members are for 4 years each. The Governor shall fill a vacancy  
22           in the membership for any unexpired term. The commissioners, directors or designees of  
23           the following state departments or offices shall serve as ex officio, nonvoting members of  
24           the commission: the department; the State Planning Office; the Department of  
25           Conservation; the Department of Transportation; the Department of Inland Fisheries and  
26           Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of  
27           Education; and the Bureau of ~~Public Improvements~~ General Services. The Canadian  
28           Affairs Coordinator shall also serve as an ex officio, nonvoting member of the  
29           commission. A chair and vice-chair of the commission must be elected annually from the  
30           appointed membership.

31           **Sec. B-21. 20 MRSA §3458, 2nd ¶**, as amended by PL 1973, c. 625, §104, is  
32           further amended to read:

33           Any eligible administrative unit qualifying for school construction aid under section  
34           3457 which, after April 27, 1967, has authorized a school construction project and the  
35           financing ~~thereof~~ of the school construction project may apply to the State Board of  
36           Education for such aid. ~~Such~~ The application shall must be accompanied by an attested  
37           copy of the vote or resolution authorizing ~~such~~ the project and financing and by such  
38           additional information, drawings, preliminary plans and estimates of cost as the state



1 board may require. ~~Such~~ The drawings, plans and specifications ~~shall~~ must bear the  
2 approval of the Bureau of ~~Public Improvements~~ General Services.

3 **Sec. B-22. 20 MRSA §3460, 7th ¶** is amended to read:

4 Upon completion of the project and the submission to the commissioner of a full  
5 report of the major capital outlay expenditures on the project, together with proof that the  
6 project was completed in accordance with plans approved by the commissioner and the  
7 Bureau of ~~Public Improvements~~ General Services, and upon issuance by the Bureau of  
8 ~~Public Improvements~~ General Services of its certificate of acceptance of the completed  
9 project, the eligible unit ~~shall~~ must be paid the difference between the total amount of aid  
10 finally determined to be due under the project and the accumulated amount of all prior  
11 payments.

12 **Sec. B-23. 20-A MRSA §12706, sub-§4-A**, as enacted by PL 1991, c. 376, §33,  
13 is amended to read:

14 **4-A. Public improvements budgetary submission.** To prepare and adopt a  
15 biennial capital improvements budget for presentation to the Governor and the  
16 Legislature, incorporating all projected expenditures and all resources expected or  
17 proposed to be made available to fund public improvements, as defined by Title 5, section  
18 1741, for the system. In accordance with Title 5, section 1665, subsection 5 and Title 5,  
19 section 1742-C, subsection 3, the system's public improvements budget must be  
20 developed with the advice and assistance of the Bureau of ~~Public Improvements~~ General  
21 Services and must represent the capital improvement priorities within the system;

22 **Sec. B-24. 20-A MRSA §15903, sub-§3, ¶A**, as amended by PL 1985, c. 785,  
23 Pt. A, §93, is further amended to read:

24 A. The Bureau of ~~Public Improvements~~ General Services, Department of  
25 ~~Administration~~ Administrative and Financial Services;

26 **Sec. B-25. 20-A MRSA §15908, sub-§§1 and 3**, as enacted by PL 1981, c. 693,  
27 §§5 and 8, are amended to read:

28 **1. Technical assistance.** In order to provide the technical assistance required by the  
29 state board in assessing proposed school construction projects, the Bureau of ~~Public~~  
30 ~~Improvements~~ General Services may contract for the services of a professional engineer  
31 whenever the bureau is not employing qualified personnel on a full-time basis.

32 **3. Life-cycle costs.** The department and the Bureau of ~~Public Improvements~~ General  
33 Services may not approve the plans and specifications of a project ~~which~~ that does not  
34 meet the requirements of Title 5, chapter 153, subchapter ~~I-A~~ 1-A.

35 **Sec. B-26. 20-A MRSA §15910, sub-§4**, as enacted by PL 1981, c. 693, §§5 and  
36 8 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

37 **4. Time of signing.** A school administrative unit may not sign a contract for  
38 construction or begin construction until the final plans and specifications have been

1 approved by the commissioner, the Bureau of ~~Public Improvements~~ General Services, the  
2 Department of Health and Human Services and the State Fire Marshal.

3 **Sec. B-27. 22 MRSA §8307, sub-§2**, as corrected by RR 2009, c. 2, §62, is  
4 amended to read:

5 **2. Feasibility study of other child care facilities and programs.** Prior to the  
6 creation of new or additional state financed or operated child care facilities provided  
7 primarily for the benefit of state employees, except the initial facility to be located in the  
8 Augusta area, the Office of Child Care Coordination, in cooperation with the Bureau of  
9 ~~Public Improvements~~ General Services, shall conduct a feasibility study of the proposed  
10 child care facility, which must be located in a state-owned facility or in a facility located  
11 conveniently near the workplaces of state employees. This feasibility study, at a  
12 minimum, must include:

13 A. The location of the site and the reasons justifying the location, including reasons  
14 justifying or not justifying using state-owned facilities;

15 B. An analysis of the benefits and liabilities of contracting with the private sector to  
16 provide child care programs under this section;

17 C. An analysis of the benefits and liabilities of State Government operation of child  
18 care programs and facilities for children of state employees;

19 D. The number and ages of children proposed for the site;

20 E. The type of assistance to be made available to children of state employees  
21 classified as low-income households;

22 F. The types of activities and programs to be provided, including preschool and ~~after~~  
23 ~~school~~ after-school programs;

24 G. A time schedule for the commencement of programs at each facility;

25 H. Sources of income, including fees, if any, for funding each facility; and

26 I. Any other information ~~deemed~~ determined important by the Office of Child Care  
27 Coordination and the Bureau of ~~Public Improvements~~ General Services.

28 The report required by this subsection must be provided to the joint standing committee  
29 of the Legislature having jurisdiction over human resources matters in a timely manner  
30 preceding the selection of the site.

31 **Sec. B-28. 26 MRSA §565-A**, as amended by PL 1991, c. 181, §3, is further  
32 amended to read:

33 **§565-A. Air quality and ventilation; evaluation of buildings; standards**

34 **1. Advise and propose standards.** The board shall work with the Bureau of ~~Public~~  
35 ~~Improvements~~ General Services with respect to evaluation of indoor air quality and  
36 ventilation in public school buildings and buildings occupied by state employees and the  
37 preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

1 A. The board may advise the Bureau of ~~Public Improvements~~ General Services and  
2 propose for consideration by the bureau air quality and ventilation standards that are  
3 more stringent than the minimum standards as defined in Title 5, section 1742,  
4 subsection 24.

5 **Sec. B-29. 27 MRSA §452, sub-§3-A**, as enacted by PL 1987, c. 469, §2, is  
6 amended to read:

7 **3-A. Construction.** "Construction" means the construction or renovation of a public  
8 building or public facility, the cost of which is at least \$100,000, but does not include  
9 repairs or minor alterations. In ~~their~~ its rulemaking and decisions regarding construction  
10 projects governed by this Act, the commission ~~shall be~~ is guided by the determinations of  
11 the Director of the Bureau of ~~Public Improvements~~ General Services.

12 **Sec. B-30. 30-A MRSA §4752, sub-§2**, as enacted by PL 1989, c. 48, §§3 and  
13 31, is amended to read:

14 **2. Land and buildings of political subdivisions.** Each municipality shall report to  
15 the Bureau of ~~Public Improvements~~ General Services any municipally owned land or  
16 buildings and any land or buildings within the jurisdiction of any other political  
17 subdivisions, except school administrative districts, that may be suitable for the  
18 construction, reconstruction or rehabilitation of affordable housing for low-income and  
19 moderate-income households.

20 A. School administrative districts shall report to the Bureau of ~~Public Improvements~~  
21 General Services any land and buildings owned by or within the jurisdiction of the  
22 district that may be suitable for the construction, reconstruction or rehabilitation of  
23 affordable housing for low-income and moderate-income households.

24 B. The Maine State Housing Authority shall adopt rules under the Maine  
25 Administrative Procedure Act, Title 5, chapter 375, ~~which that~~ which establish standards by  
26 which land and buildings are ~~deemed~~ considered suitable for the construction,  
27 reconstruction or rehabilitation of affordable housing for low-income and  
28 moderate-income households to be used by municipalities and school administrative  
29 districts under this section.

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

## 32 SUMMARY

33 Part A does the following.

34 Section 1 corrects the name of a newspaper, removes an incorrect reference to the  
35 city where that newspaper is printed and makes grammatical changes.

36 Section 2 corrects a cross-reference.

37 Section 3 repeals the contingency language of Title 10, section 2630, since the  
38 contingency has been met.

1 Public Law 2011, chapter 286, Part B, section 5 contains a revision clause that  
2 changed "Office of Licensing and Registration" to "Office of Professional and  
3 Occupational Regulation." Section 4 makes changes to Title 10, section 8004-A to  
4 comport with the revision clause.

5 Sections 5 and 6 correct cross-references.

6 Section 7 corrects a conflict created when Public Law 2007, chapter 557 repealed and  
7 replaced Title 12, section 6728, subsection 3 and Public Law 2007, chapter 607 repealed  
8 that subsection, by repealing Title 12, section 6728, subsection 3.

9 Section 8 corrects a conflict created by Public Law 2011, chapters 253 and 309,  
10 which affected the same provision of law. This section repeals the provision and replaces  
11 it with the chapter 309 version.

12 Section 9 corrects a cross-reference.

13 Section 10 corrects a conflict created by Public Law 2011, chapters 253 and 432,  
14 which affected the same provision of law, by incorporating the changes made by both  
15 laws.

16 Section 11 corrects a conflict created by Public Law 2011, chapters 210 and 356,  
17 which affected the same provision of law, by incorporating the changes made by both  
18 laws.

19 Section 12 corrects a clerical error and makes grammatical changes.

20 Section 13 corrects a numbering problem created by Public Law 2011, chapters 341  
21 and 464, which enacted 2 substantively different provisions with the same subparagraph  
22 number.

23 Sections 14 to 17 correct conflicts created by Public Law 2011, chapters 423 and 464,  
24 which affected the same provisions of law, by incorporating the changes made by both  
25 laws.

26 Section 18 corrects a conflict created by Public Law 2011, chapters 298 and 366,  
27 which affected the same provision of law, by incorporating the changes made by both  
28 laws.

29 Section 19 corrects a conflict created by Public Law 2007, chapters 668 and 695,  
30 which affected the same provision of law, by incorporating the changes made by both  
31 laws.

32 Section 20 corrects a conflict created by Public Law 2011, chapters 367 and 389,  
33 which affected the same provision of law, by incorporating the changes made by both  
34 laws and also makes technical corrections.

35 Section 21 corrects a conflict created by Public Law 2011, chapters 347 and 373,  
36 which enacted the same provision of law. This section repeals the provision and replaces  
37 it with the chapter 373 version.

1           Section 22 corrects a conflict created by Public Law 2011, chapters 383 and 407,  
2 which affected the same provision of law, by incorporating the changes made by both  
3 laws.

4           Section 23 corrects a conflict created by Public Law 2011, chapters 383 and 407,  
5 which affected the same provision of law, by incorporating the changes made by both  
6 laws and also makes a technical correction.

7           Section 24 corrects a conflict created by Public Law 2011, chapters 193 and 295,  
8 which affected the same provision of law. This section repeals the provision and replaces  
9 it with the chapter 295 version.

10          Section 25 corrects a cross-reference.

11          Section 26 corrects a conflict created by Public Law 2011, chapters 298, 394 and 396,  
12 which affected the same provision of law, by incorporating the changes made by all 3  
13 laws.

14          Section 27 corrects a conflict created by Public Law 2011, chapters 349 and 398,  
15 which affected the same provision of law, by incorporating the changes made by both  
16 laws.

17          Sections 28 to 31 correct a conflict created by Public Law 2011, chapters 66 and 70,  
18 which affected the same provision of law, by incorporating the changes made by both  
19 laws. They change the term "private investigator" to "professional investigator" to reflect  
20 the change made by Public Law 2011, chapter 366. They correct the name and citation of  
21 a federal act. They also correct cross-references and make technical corrections.

22          Section 32 corrects a conflict created by Public Law 2009, chapters 317 and 421,  
23 which affected the same provision of law, by incorporating the changes made by both  
24 laws.

25          Section 33 corrects a conflict created by Public Law 2011, chapters 101 and 287,  
26 which affected the same provision of law, by incorporating the changes made by both  
27 laws.

28          Section 34 corrects a conflict created by Public Law 2011, chapters 101 and 102,  
29 which affected the same provision of law, by incorporating the changes made by both  
30 laws.

31          Section 35 corrects a clerical error by removing a word that was inadvertently  
32 included in the original public law.

33          Sections 36 to 38 correct a conflict created by Public Law 2011, chapter 272, which  
34 enacted new language within Title 32, section 1102-A, and Public Law 2011, chapter  
35 286, which repealed Title 32, section 1102-A and enacted Title 32, section 1201-A.  
36 These sections resolve the conflict by repealing section 1102-A and enacting new  
37 language in section 1201-A.

38          Sections 39 and 40 make a technical correction and correct punctuation.

1 Section 41 replaces the term "credit services organization" with "loan broker" to  
2 reflect the change made by Public Law 2005, chapter 274, section 4.

3 Sections 42 and 43 correct a conflict created when Public Law 2011, chapter 347  
4 amended Title 34-B, section 1207, subsection 1, paragraph G and chapter 420 repealed  
5 Title 34-B, section 1207, subsection 1, paragraph G. This section corrects the conflict by  
6 repealing paragraph G. It also makes technical corrections to Title 34-B, section 1207,  
7 subsection 1, paragraph F.

8 Section 44 corrects a conflict created by Public Law 2011, chapters 273 and 413,  
9 which affected the same provision of law. This section repeals the provision and replaces  
10 it with the chapter 413 version.

11 Section 45 corrects a conflict created by Public Law 2011, chapters 380 and 439,  
12 which affected the same provision of law, by repealing the provision and replacing it with  
13 the chapter 439 version. Section 46 provides an effective date of July 1, 2012.

14 Sections 47 and 48 correct punctuation and cross-references.

15 Sections 49 to 51 correct a numbering problem created by Public Law 2011, chapter  
16 331, chapter 380 and chapter 453, which enacted 3 substantively different provisions with  
17 the same section number.

18 Section 52 corrects a cross-reference.

19 Sections 53 to 55 correct a numbering problem created by Public Law 2011, chapter  
20 380, Part O, section 17 and Part Q, section 6, which enacted 2 substantively different  
21 provisions with the same section number.

22 Section 56 removes a reference to the laws governing the Great Pond Task Force,  
23 which were repealed by their own terms December 31, 1998.

24 Section 57 corrects a conflict created by Public Law 2011, chapters 211 and 243,  
25 which affected the same provision of law, by incorporating the changes made by both  
26 laws. Section 58 provides an effective date of December 31, 2012.

27 Section 59 corrects a conflict created when Public Law 2011, chapter 211 amended  
28 Title 38, section 570-H and chapter 243 repealed Title 38, section 570-H. This section  
29 corrects the conflict by repealing the section.

30 Section 60 corrects a cross-reference.

31 Part B does the following.

32 Public Law 1991, chapter 780, Part Y consolidated the Department of Finance with  
33 the Department of Administration to form the Department of Administrative and  
34 Financial Services. This Part makes changes to the statutes to reflect that consolidation;  
35 it corrects one reference to the Department of Administration and several references to  
36 the Bureau of Public Improvements, which is now the Bureau of General Services. This

1 Part also makes grammatical corrections and technical changes and corrects a  
2 cross-reference.