

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

SECOND REGULAR SESSION-2016

Legislative Document

No. 1643

H.P. 1118

House of Representatives, March 10, 2016

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

(EMERGENCY)

Reported by Representative HOBBS of Saco for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

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

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

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

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

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

14 **Sec. 1. 1 MRSA §408-A, sub-§4,** as amended by PL 2015, c. 248, §1 and c. 249,
15 §1, is repealed and the following enacted in its place:

16 **4. Refusals; denials.** If a body or an agency or official having custody or control of
17 any public record refuses permission to inspect or copy or abstract a public record, the
18 body or agency or official shall provide, within 5 working days of the receipt of the
19 request for inspection or copying, written notice of the denial, stating the reason for the
20 denial or the expectation that the request will be denied in full or in part following a
21 review. A request for inspection or copying may be denied, in whole or in part, on the
22 basis that the request is unduly burdensome or oppressive if the procedures established in
23 subsection 4-A are followed. Failure to comply with this subsection is considered failure
24 to allow inspection or copying and is subject to appeal as provided in section 409.

25 **Sec. 2. 3 MRSA §959, sub-§1, ¶K,** as amended by PL 2013, c. 505, §1, is further
26 amended to read:

27 K. The joint standing committee of the Legislature having jurisdiction over marine
28 resource matters shall use the following list as a guideline for scheduling reviews:

- 29 (1) Atlantic States Marine Fisheries Commission in 2021;
30 (2) Department of Marine Resources in 2021; and
31 (4) Lobster Advisory Council in 2015; ~~and,~~
32 ~~(5) Maine Sardine Council in 2015.~~

33 **Sec. 3. 5 MRSA §12004-I, sub-§5-B,** as amended by PL 1997, c. 742, §1, is
34 repealed.

35 **Sec. 4. 7 MRSA §3939-A, sub-§2,** as amended by PL 2015, c. 209, §1 and c.
36 223, §9, is repealed and the following enacted in its place:

1 **2. Detrimental to health.** If a licensed veterinarian or licensed veterinary technician
2 as defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or
3 that it would otherwise be detrimental to the health of the dog or cat to be spayed or
4 neutered within 30 days of placement, the animal shelter shall collect a deposit of not less
5 than \$50 and not more than \$150 at the time of sale or placement. The animal shelter
6 shall determine the amount of the deposit based on the cost of spaying or neutering within
7 the geographic area served by the animal shelter. A person accepting ownership of the
8 dog or cat under this subsection shall sign an agreement to have the animal sterilized as
9 soon as it is medically advisable.

10 Upon receipt of proof of sterilization, the animal shelter shall immediately and fully
11 refund the deposit.

12 **Sec. 5. 12 MRSA §6723, sub-§1,** as enacted by PL 2007, c. 607, Pt. A, §7, is
13 amended to read:

14 **1. Drag limit.** ~~Except as provided by rule pursuant to section 6727-A, subsection 2,~~
15 a person may not fish for or take scallops with any one combination of scallop drags in
16 excess of 8 feet, 6 inches in width, measured from the extreme outside edge of the mouth
17 of the drag or drags, in Blue Hill Bay above or north of a line drawn from Bass Harbor
18 Head in the Town of Tremont westerly to Pond Island and thence to Naskeag Point in the
19 Town of Brooklin.

20 **Sec. 6. 12 MRSA §11108, sub-§1,** as affected by PL 2015, C. 136, §12 and
21 amended by c. 281, Pt. E, §3 and c. 301, §11, is repealed and the following enacted in its
22 place:

23 **1. On certain land.** Notwithstanding section 11109, subsection 1 as it applies to this
24 subchapter, and subject to all other applicable laws and rules, a resident and a member of
25 the resident's immediate family, as long as the hunter's license to hunt is not under
26 suspension or revocation, may hunt without a license, including, but not limited to, an
27 archery hunting license, a crossbow permit and a muzzle-loading permit, on a single plot
28 of land:

29 A. To which they are legally entitled to possession;

30 B. On which they are actually domiciled;

31 C. That is used exclusively for agricultural purposes; and

32 D. That is in excess of 10 acres.

33 **Sec. 7. 12 MRSA §11109, sub-§9,** as amended by PL 2015, c. 245, §4 and c.
34 281, Pt. E, §6, is repealed and the following enacted in its place:

35 **9. Crossbow permits and fees.** Crossbow permits and fees are as follows:

36 A. A resident crossbow permit is \$26;

37 B. A nonresident crossbow permit is \$56; and

38 C. An alien crossbow permit is \$80.

1 **Sec. 8. 12 MRSA §12152, sub-§3**, as amended by PL 2015, c. 301, §27 and
2 repealed and replaced by c. 374, §6, is repealed and the following enacted in its place:

3 **3. Issuance.** The commissioner may issue a permit to a person permitting the
4 introduction, importation, possession and use of wildlife in accordance with the
5 provisions of subsection 5.

6 **Sec. 9. 12 MRSA §12506, sub-§8**, as enacted by PL 2015, c. 298, §8, is amended
7 to read:

8 **8. Reports required.** A person issued a permit under this section shall submit a
9 completed report on forms provided by the department with the following information:
10 water name and location, including the town and county of waters fished; date fished;
11 total catch; gear type and quantity; number of crew; amount of time the gear is set; total
12 gear in the water; water depth; total time the boat is on the water; species and pounds
13 harvested; license number of the dealer the catch was sold to or the disposition of the
14 catch; town where the catch was brought to shore; boat registration number; vessel name;
15 and the harvester's name, telephone number and permit number. A holder of an eel
16 permit must submit the report by the date specified on the permit. A holder of a sucker,
17 lamprey or yellow perch permit must submit the report by December 31st of each year.
18 All data submitted as part of the report are for scientific purposes only and are
19 confidential and not part of a public record within the meaning of Title 1, chapter 13,
20 subchapter 1, except that the commissioner may disclose data collected under this
21 subsection if ~~that~~ those data are released in a form that is statistical or general in nature.

22 If a person issued a permit under this section fails to provide information required under
23 this section, the commissioner may refuse to renew or may revoke that person's permit. If
24 a person becomes ineligible for a permit as a result of a violation of this section, that
25 person may request a hearing in accordance with section 10905.

26 **Sec. 10. 14 MRSA §6001, sub-§6, ¶F**, as enacted by PL 2015, c. 293, §5, is
27 amended to read:

28 F. Nothing in this section prohibits a landlord from instituting a forcible entry and
29 detainer action against the tenant of the premises who ~~perpetuated~~ perpetrated the
30 domestic violence, sexual assault or stalking or obtaining a criminal no trespass order
31 against a nontenant who ~~perpetuates~~ perpetrates such violence or abuse at the
32 premises.

33 **Sec. 11. 19-A MRSA §1653, sub-§2, ¶D**, as amended by PL 2009, c. 345, §1, is
34 further amended to read:

35 D. The order of the court awarding parental rights and responsibilities must include
36 the following:

- 37 (1) Allocated parental rights and responsibilities, shared parental rights and
38 responsibilities or sole parental rights and responsibilities, according to the best
39 interest of the child as provided in subsection 3. An award of shared parental
40 rights and responsibilities may include either an allocation of the child's primary
41 residential care to one parent and rights of parent-child contact to the other

1 parent, or a sharing of the child's primary residential care by both parents. If
2 either or both parents request an award of shared primary residential care and the
3 court does not award shared primary residential care of the child, the court shall
4 state in its decision the reasons why shared primary residential care is not in the
5 best interest of the child;

6 (2) Conditions of parent-child contact in cases involving domestic abuse as
7 provided in subsection 6;

8 (3) A provision for child support as provided in subsection 8 or a statement of
9 the reasons for not ordering child support;

10 (4) A statement that each parent must have access to records and information
11 pertaining to a minor child, including, but not limited to, medical, dental and
12 school records and other information on school activities, whether or not the
13 child resides with the parent, unless that access is found not to be in the best
14 interest of the child or that access is found to be sought for the purpose of causing
15 detriment to the other parent. If that access is not ordered, the court shall state in
16 the order its reasons for denying that access;

17 (5) A statement that violation of the order may result in a finding of contempt
18 and imposition of sanctions as provided in subsection 7; and

19 (6) A statement of the definition of shared parental rights and responsibilities
20 contained in section 1501, subsection 5, if the order of the court awards shared
21 parental rights and responsibilities; and

22 ~~(7) If the court appoints a parenting coordinator pursuant to section 1659, a~~
23 ~~parenting plan defining areas of parental rights and responsibilities within the~~
24 ~~scope of the parenting coordinator's authority.~~

25 An order modifying a previous order is not required to include provisions of the
26 previous order that are not modified.

27 **Sec. 12. 20-A MRSA §7408, sub-§2**, as amended by PL 2011, c. 683, §10, is
28 further amended to read:

29 **2. Enrollment.** The executive director shall work with ~~superintendents from other~~
30 ~~school administrative units, pursuant to section 7405, subsection 1~~ 7405-A, to enroll
31 students.

32 **Sec. 13. 20-A MRSA §15688, sub-§3-A, ¶B**, as amended by PL 2007, c. 240,
33 Pt. XXXX, §30, is further amended to read:

34 B. ~~Except as provided in paragraph B-1, for~~ For a school administrative district,
35 community school district or regional school unit composed of more than one
36 municipality, each municipality's contribution to the total cost of education is the
37 lesser of:

38 (1) The municipality's total cost as described in subsection 2; and

39 (2) The total of the full-value education mill rate calculated in section 15671-A,
40 subsection 2 multiplied by the property fiscal capacity of the municipality.

1 **Sec. 14. 22 MRSA §42, sub-§3-A**, as amended by PL 1999, c. 86, §1 and c. 547,
2 Pt. B, §78 and affected by c. 547, Pt. B, §80, is further amended to read:

3 **3-A. Licensing of persons to evaluate soils for subsurface wastewater disposal**
4 **systems.** The department shall adopt rules providing for professional qualification and
5 competence, ethical standards, licensing and relicensing and revocation of licenses of
6 persons to evaluate soils for the purpose of designing subsurface wastewater disposal
7 systems. The hearings provided for in subsection 3 must include consideration of the
8 adoption or change of those rules.

9 The department shall investigate or cause to be investigated all cases or complaints of
10 noncompliance with or violations of this section and the rules adopted pursuant to this
11 section. The department has the authority to grant or amend, modify or refuse to issue or
12 renew a license in accordance with the Maine Administrative Procedure Act, Title 5,
13 chapter 375, subchapter ~~5~~ 5. The District Court has the exclusive jurisdiction to suspend
14 or revoke the license of any person who is found guilty of noncompliance with or
15 violation of the rules adopted pursuant to this subsection or subsection 3.

16 The department may charge applicants no more than \$100 for examination to become a
17 licensed site evaluator. The department shall by rule charge a biennial site evaluator
18 license fee of not more than \$150. A licensed site evaluator who is employed by the
19 department to administer this section and does not practice for the public is exempt from
20 the ~~license~~ license fee requirement. Appropriate rules must be adopted by the
21 department defining the appropriate financial procedure. The fees are paid to the
22 Treasurer of State to be maintained as a permanent fund and used by the department for
23 carrying out its plumbing and subsurface wastewater disposal rules and site evaluation
24 program.

25 **Sec. 15. 22 MRSA §1717, sub-§2**, as amended by PL 2015, c. 196, §4 and c.
26 299, §4, is repealed and the following enacted in its place:

27 **2. Registration of personal care agencies and placement agencies.** Beginning
28 August 1, 1998, a personal care agency not otherwise licensed by the department shall
29 register with the department. Beginning January 1, 2008, a placement agency not
30 otherwise licensed by the department shall register with the department. The department
31 shall adopt rules establishing the annual registration fee, which must be between \$25 and
32 \$250. Rules adopted pursuant to this subsection are routine technical rules as defined in
33 Title 5, chapter 375, subchapter 2-A.

34 **Sec. 16. 22 MRSA §1812-G, sub-§6**, as amended by PL 2015, c. 196, §9 and
35 repealed and replaced by c. 299, §9, is repealed and the following enacted in its place:

36 **6. Prohibited employment based on disqualifying offenses.** An individual with a
37 disqualifying offense, including a substantiated complaint or a disqualifying criminal
38 conviction, may not work as a certified nursing assistant or a direct care worker, and an
39 employer is subject to penalties for employing a disqualified or otherwise ineligible
40 person in accordance with applicable federal or state laws.

41 **Sec. 17. 22 MRSA §1812-G, sub-§6-A, ¶B**, as enacted by PL 2015, c. 196, §9
42 and c. 299, §10, is repealed and the following enacted in its place:

1 B. Pursuant to sections 1717, 1724, 2137, 2149-A, 7706, 8606 and 9005 and Title
2 34-B, section 1225, licensed, certified or registered providers shall secure and pay for
3 a background check prior to hiring an individual who will work in direct contact with
4 clients, patients or residents, including a certified nursing assistant or a direct care
5 worker.

6 **Sec. 18. 22 MRSA §1812-G, sub-§6-A, ¶D**, as enacted by PL 2015, c. 196, §9
7 and c. 299, §10, is repealed and the following enacted in its place:

8 D. A person or other legal entity that is not otherwise licensed by the department and
9 that employs or places a certified nursing assistant or direct care worker to provide
10 services allowing direct access shall secure and pay for a background check in
11 accordance with state law and rules adopted by the department.

12 **Sec. 19. 22 MRSA §2138, first ¶**, as enacted by PL 2015, c. 196, §11 and c. 299,
13 §19, is repealed and the following enacted in its place:

14 A temporary nurse agency shall conduct a comprehensive background check for
15 direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in
16 accordance with state law and rules adopted by the department and is subject to the
17 employment restrictions set out in section 1812-G and other applicable federal and state
18 laws when hiring, employing or placing direct access personnel, including a certified
19 nursing assistant or a direct care worker.

20 **Sec. 20. 22 MRSA §2149-A, sub-§2**, as amended by PL 2015, c. 196, §12 and
21 repealed and replaced by c. 299, §20, is repealed and the following enacted in its place:

22 **2. Prohibited employment based on disqualifying offenses.** A home health care
23 provider shall conduct a comprehensive background check for direct access personnel, as
24 defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and
25 rules adopted by the department and is subject to the employment restrictions set out in
26 section 1812-G and other applicable federal and state laws when hiring, employing or
27 placing direct access personnel, including a certified nursing assistant or a direct care
28 worker.

29 The department may adopt rules necessary to implement this subsection. Rules adopted
30 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
31 subchapter 2-A.

32 **Sec. 21. 22 MRSA §4008, sub-§2, ¶K**, as amended by PL 2015, c. 194, §2 and
33 c. 198, §2, is further amended to read:

34 K. The local animal control officer or the animal welfare program of the Department
35 of Agriculture, Conservation and Forestry established pursuant to Title 7, section
36 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For
37 purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as
38 provided in Title 34-B, section 1901, subsection 1, paragraph B; ~~and~~

39 **Sec. 22. 22 MRSA §4008, sub-§2, ¶L**, as enacted by PL 2015, c. 194, §3 and c.
40 198, §3, is repealed and the following enacted in its place:

1 L. A person, organization, employer or agency for the purpose of carrying out
2 background or employment-related screening of an individual who is or may be
3 engaged in:

4 (1) Child-related activities or employment; or

5 (2) Activities or employment relating to adults with intellectual disabilities,
6 autism, related conditions as set out in 42 Code of Federal Regulations, Section
7 435.1010 or acquired brain injury; and

8 **Sec. 23. 22 MRSA §4008, sub-§2, ¶M** is enacted to read:

9 M. The personal representative of the estate of a child named in a record who is
10 reported to be abused or neglected.

11 **Sec. 24. 22 MRSA §4310, first ¶,** as amended by PL 2013, c. 368, Pt. OO, §9, is
12 further amended to read:

13 Whenever an eligible person becomes an applicant for general assistance and states to
14 the administrator that the applicant is in an emergency situation and requires immediate
15 assistance to meet basic necessities, the overseer shall, pending verification, issue to the
16 applicant either personally or by mail, as soon as possible but in no event later than 24
17 hours after application, sufficient benefits to provide the basic necessities needed
18 immediately by the applicant, as long as the following conditions are met.

19 **Sec. 25. 22 MRSA §7851, sub-§4,** as amended by PL 2015, c. 196, §14 and c.
20 299, §22, is repealed and the following enacted in its place:

21 **4. Prohibited employment based on disqualifying offenses.** A licensed assisted
22 housing program must conduct a comprehensive background check for direct access
23 personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with
24 state law and rules adopted by the department and is subject to the employment
25 restrictions set out in section 1812-G and other applicable federal and state laws when
26 hiring, employing or placing direct access personnel, including a certified nursing
27 assistant or a direct care worker.

28 The department may adopt rules necessary to implement this subsection. Rules adopted
29 pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375,
30 subchapter 2-A.

31 **Sec. 26. 22 MRSA §8704, sub-§7,** as amended by PL 2013, c. 560, §3, is further
32 amended to read:

33 **7. Annual report.** The board shall prepare and submit an annual report on the
34 operation of the organization ~~and the Maine Health Data Processing Center as authorized~~
35 ~~in Title 10, section 684,~~ including any activity contracted for by the organization ~~or~~
36 ~~contracted services provided by the center,~~ with resulting net earnings, as well as on
37 collaborative activities with other health data collection and management organizations
38 and stakeholder groups on their efforts to improve consumer access to health care quality
39 and price information and price transparency initiatives, to the Governor and the joint
40 standing committee of the Legislature having jurisdiction over health and human services

1 matters and the joint standing committee of the Legislature having jurisdiction over
2 insurance and financial services matters no later than February 1st of each year. The
3 report must include an annual accounting of all revenue received and expenditures
4 incurred in the previous year and all revenue and expenditures planned for the next year.
5 The report must include a list of persons or entities that requested data from the
6 organization in the preceding year with a brief summary of the stated purpose of the
7 request.

8 **Sec. 27. 23 MRSA §2103**, as enacted by PL 1971, c. 288, is amended to read:

9 **§2103. Lost or unrecorded boundaries**

10 When a highway survey has not been properly recorded, or preserved or the
11 termination and boundaries cannot be ascertained, the board of selectmen or municipal
12 officers of any municipality may use and control for highway purposes 1 1/2 rods on each
13 side of the center of the traveled portion of such way.

14 When any real estate is damaged by the use and control for highway purposes of such
15 land outside the existing improved portion and within the limits of 1 1/2 rods on each side
16 of the center of the traveled portion, they shall award damages to the owner as provided
17 in section ~~3005~~ 3029.

18 **Sec. 28. 24-A MRSA §2762, sub-§2, ¶¶A and B**, as enacted by PL 2007, c.
19 452, §2, are amended to read:

20 A. The hearing loss must be documented by a physician or audiologist licensed
21 pursuant to Title 32, chapter ~~77~~ 137.

22 B. The hearing aid must be purchased from an audiologist ~~licensed pursuant to Title~~
23 ~~32, chapter 77~~ or a hearing aid dealer licensed pursuant to Title 32, chapter ~~23-A~~ 137.

24 **Sec. 29. 24-A MRSA §2847-O, sub-§2, ¶¶A and B**, as reallocated by PL 2007,
25 c. 695, Pt. A, §29, are amended to read:

26 A. The hearing loss must be documented by a physician or audiologist licensed
27 pursuant to Title 32, chapter ~~77~~ 137.

28 B. The hearing aid must be purchased from an audiologist ~~licensed pursuant to Title~~
29 ~~32, chapter 77~~ or a hearing aid dealer licensed pursuant to Title 32, chapter ~~23-A~~ 137.

30 **Sec. 30. 24-A MRSA §4255, sub-§2, ¶¶A and B**, as reallocated by PL 2007, c.
31 695, Pt. A, §30, are amended to read:

32 A. The hearing loss must be documented by a physician or audiologist licensed
33 pursuant to Title 32, chapter ~~77~~ 137.

34 B. The hearing aid must be purchased from an audiologist ~~licensed pursuant to Title~~
35 ~~32, chapter 77~~ or a hearing aid dealer licensed pursuant to Title 32, chapter ~~23-A~~ 137.

36 **Sec. 31. 28-A MRSA §10, sub-§2-B** is enacted to read:

1 **2-B. Access exception.** Notwithstanding subsection 2, there may be access between
2 the 2 licensed areas by the public as provided by this subsection.

3 A. There may be access between the 2 licensed areas when there is a clear
4 delineation of space, by a wall or permanent barrier that separates the 2 licensed areas
5 and allows only one clearly defined and controlled point of access for patrons
6 between the licensed establishments. The controlled point of access is not required to
7 include a door that must be physically opened and closed.

8 B. When access between the 2 licensed areas exists for patrons of either
9 establishment, all malt liquor and wine sold for on-premises consumption must be
10 served by an employee of the licensed establishment and may be served only when
11 accompanying a full meal prepared in a separate and complete kitchen on the
12 premises. For the purposes of this paragraph, "full meal" means a diversified
13 selection of food that cannot ordinarily be consumed without the use of tableware and
14 cannot be conveniently consumed while standing or walking.

15 C. Malt liquor or wine sold or served on the premises may not be transported by a
16 patron or employee of either establishment from one licensed area to another. The
17 licensee shall ensure that easily readable signs are conspicuously posted to inform the
18 public that transfer of alcoholic beverages from one licensed area to another is strictly
19 prohibited.

20 **Sec. 32. 28-A MRSA §453, sub-§2-A,** as amended by PL 2015, c. 128, §1 and c.
21 221, §1, is repealed and the following enacted in its place:

22 **2-A. Limitation on number of agency liquor stores.** Beginning July 1, 2009, the
23 bureau may license up to 10 agency liquor stores in a municipality with a population over
24 45,000; up to 9 agency liquor stores in a municipality with a population over 30,000 but
25 less than 45,001; up to 8 agency liquor stores in a municipality with a population over
26 20,000 but less than 30,001; up to 5 agency liquor stores in a municipality with a
27 population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a
28 municipality with a population of at least 5,001 but less than 10,001; up to 3 agency
29 liquor stores in a municipality with a population of at least 2,000 but less than 5,001; and
30 one agency liquor store in a municipality where the population is less than 2,000. The
31 bureau may issue one additional liquor store license beyond those otherwise authorized
32 by this subsection in a municipality with a population of less than 10,000. The bureau
33 may consider the impact of seasonal population or tourism and other related information
34 provided by the municipality requesting an additional agency liquor store license.

35 Nothing in this subsection may be construed to reduce the number of agency stores the
36 bureau may license in a municipality as of June 30, 2009.

37 **Sec. 33. 28-A MRSA §709, sub-§2, ¶K,** as amended by PL 2015, c. 142, §1 and
38 c. 214, §4, is repealed and the following enacted in its place:

39 K. Donations authorized under section 708-C;

40 **Sec. 34. 28-A MRSA §709, sub-§2, ¶L,** as enacted by PL 2015, c. 142, §2 and c.
41 214, §5, is repealed and the following enacted in its place:

1 L. Licensees offering complimentary samples of wine under section 1055; or

2 **Sec. 35. 28-A MRSA §709, sub-§2, ¶M** is enacted to read:

3 M. Product supplied by licensees authorized under section 1052-D for the purposes
4 of providing taste-testing samples under a taste-testing event license.

5 **Sec. 36. 30-A MRSA §6054, sub-§2**, as enacted by PL 2013, c. 269, Pt. B, §2, is
6 amended to read:

7 **2. Funding.** ~~Notwithstanding section 85, subsection 1, beginning~~ Beginning July 1,
8 2014, there must be deposited directly into the fund any amounts received pursuant to
9 Title 28-A, section 90 and Title 22-A, section 216 and any other money or funds
10 transferred or made available to the bond bank only for the purposes of the fund from any
11 other source including without limitation amounts required to be deposited in the fund by
12 the terms of any ancillary obligation or other agreement related to liquor operation
13 revenue bonds.

14 **Sec. 37. 32 MRSA §17201, 2nd ¶**, as enacted by PL 2007, c. 369, Pt. C, §3 and
15 affected by §5, is amended to read:

16 Appointments are for 3-year terms. Appointments of members must comply with
17 Title 10, section 60 8009. A board member may be removed by the Governor for cause.

18 **Sec. 38. 34-A MRSA §1403, sub-§2, ¶D**, as amended by PL 2015, c. 267, Pt.
19 VVV, §1 and repealed by c. 291, §3, is repealed.

20 **Sec. 39. 34-B MRSA §1225, first ¶**, as amended by PL 2015, c. 196, §17 and c.
21 299, §28, is repealed and the following enacted in its place:

22 Beginning October 1, 2010, a facility or health care provider subject to the licensing
23 provisions of section 1203-A, prior to hiring an individual who will work in direct contact
24 with a consumer or who has direct access to a consumer's property, personally
25 identifiable information, financial information or resources, shall obtain a comprehensive
26 background check in accordance with applicable federal and state laws. The
27 comprehensive background check must include, at a minimum, criminal history record
28 information from the Department of Public Safety, State Bureau of Identification. A
29 facility or provider licensed under section 1203-A is subject to the employment
30 restrictions set out in Title 22, section 1812-G and other applicable federal and state laws
31 when employing direct access personnel, as defined in Title 22, section 1717, subsection
32 1, paragraph A-2. The facility or health care provider shall pay for the criminal
33 background check required by this section.

34 **Sec. 40. 35-A MRSA §10110, sub-§2, ¶B**, as amended by PL 2013, c. 369, Pt.
35 A, §18, is further amended to read:

36 B. The trust, with regard to funds available to the trust under this section, shall:

- 1 (1) Target at least 10% of funds for electricity conservation collected under
2 subsection ~~4~~ 4-A or \$2,600,000, whichever is greater, to programs for low-
3 income residential consumers, as defined by the board by rule;
- 4 (2) Target at least 10% of funds for electricity conservation collected under
5 subsection ~~4~~ 4-A or \$2,600,000, whichever is greater, to programs for small
6 business consumers, as defined by the board by rule; and
- 7 (3) To the greatest extent practicable, apportion remaining funds among
8 customer groups and geographic areas in a manner that allows all other customers
9 to have a reasonable opportunity to participate in one or more conservation
10 programs.

11 **Sec. 41. 35-A MRSA §10110, sub-§6**, as amended by PL 2013, c. 369, Pt. A,
12 §22, is further amended to read:

13 **6. Transmission and subtransmission voltage level.** After July 1, 2007, electricity
14 customers receiving service at transmission and subtransmission voltage levels are not
15 eligible for conservation programs undertaken under this section, and those customers are
16 not required to pay in rates ~~any amount associated with the assessment imposed on~~
17 ~~transmission and distribution utilities under subsection 4, or any amount associated with~~
18 any procurement of energy efficiency resources by transmission and distribution utilities
19 ordered under subsection 4-A. ~~To remove the amount of the assessment under subsection~~
20 ~~4, the commission shall reduce the rates of such customers by 0.145 cent per kilowatt-~~
21 ~~hour.~~ For the purposes of this section, "transmission voltage levels" means 44 kilovolts
22 or more, and "subtransmission voltage levels" means 34.5 kilovolts.

23 **Sec. 42. 36 MRSA §191, sub-§2, ¶YY**, as amended by PL 2015, c. 300, Pt. A,
24 §6 and c. 344, §6, is further amended to read:

25 YY. The inspection and disclosure of information by the board to the extent
26 necessary to conduct appeals procedures pursuant to this Title and issue a decision on
27 an appeal to the parties. The board may make available to the public redacted
28 decisions that do not disclose the identity of a taxpayer or any information made
29 confidential by state or federal statute; ~~and~~

30 **Sec. 43. 36 MRSA §191, sub-§2, ¶ZZ**, as enacted by PL 2015, c. 300, Pt. A, §7
31 and c. 344, §7, is repealed and the following enacted in its place:

32 ZZ. The disclosure by the State Tax Assessor to a qualified Pine Tree Development
33 Zone business that has filed a claim for reimbursement under section 2016 of
34 information related to any insufficiency of the claim, including records of a
35 contractor or subcontractor that assigned the claim for reimbursement to the qualified
36 Pine Tree Development Zone business and records of the vendors of the contractor or
37 subcontractor; and

38 **Sec. 44. 36 MRSA §191, sub-§2, ¶AAA** is enacted to read:

39 AAA. The disclosure of information by the State Tax Assessor or the Associate
40 Commissioner for Tax Policy to the Office of Program Evaluation and Government

1 Accountability under Title 3, section 991 for the review and evaluation of tax
2 expenditures pursuant to Title 3, chapter 37.

3 **Sec. 45. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 2015, c. 150, §1 and
4 c. 300, Pt. A, §13, is repealed and the following enacted in its place:

5 B. "Sale price" does not include:

6 (1) Discounts allowed and taken on sales;

7 (2) Allowances in cash or by credit made upon the return of merchandise
8 pursuant to warranty;

9 (3) The price of property returned by customers, when the full price is refunded
10 either in cash or by credit;

11 (4) The price received for labor or services used in installing or applying or
12 repairing the property sold, if separately charged or stated;

13 (5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically
14 stated service charge, when that amount is to be disbursed by a hotel, restaurant
15 or other eating establishment to its employees as wages;

16 (6) The amount of any tax imposed by the United States on or with respect to
17 retail sales, whether imposed upon the retailer or the consumer, except any
18 manufacturers', importers', alcohol or tobacco excise tax;

19 (7) The cost of transportation from the retailer's place of business or other point
20 from which shipment is made directly to the purchaser, provided that those
21 charges are separately stated and the transportation occurs by means of common
22 carrier, contract carrier or the United States mail;

23 (8) Any amount charged or collected by a person engaged in the rental of living
24 quarters as a forfeited room deposit or cancellation fee if the prospective
25 occupant of the living quarters cancels the reservation on or before the scheduled
26 date of arrival;

27 (9) Any amount charged for the disposal of used tires;

28 (10) Any amount charged for a paper or plastic single-use carry-out bag; or

29 (11) Any charge, deposit, fee or premium imposed by a law of this State.

30 **Sec. 46. 36 MRSA §5125, sub-§3, ¶C**, as amended by PL 2015, c. 267, Pt. DD,
31 §15, is further amended to read:

32 C. Reduced by any amount of deduction attributable to income taxable to financial
33 institutions under chapter 819; ~~and~~

34 **Sec. 47. 36 MRSA §5125, sub-§3, ¶D**, as amended by PL 2015, c. 340, §1, is
35 repealed and the following enacted in its place:

36 D. Reduced by any amount attributable to interest or expenses incurred in the
37 production of income exempt from tax under this Part; and

1 **Sec. 48. 36 MRSA §5125, sub-§3, ¶E**, as repealed by PL 2015, c. 267, Pt. DD,
2 §17 and amended by c. 340, §2 and affected by c. 340, §5, is repealed.

3 **Sec. 49. 36 MRSA §5217-D, sub-§1, ¶B-1**, as amended by PL 2015, c. 300, Pt.
4 A, §42 and c. 328, §5, is repealed and the following enacted in its place:

5 B-1. "Financial aid package" means financial aid obtained by a student for
6 attendance at an accredited Maine community college, college or university. For
7 purposes of a qualified individual claiming a credit under this section for tax years
8 beginning on or after January 1, 2013, the financial aid package may include financial
9 aid obtained for up to 30 credit hours of course work at an accredited non-Maine
10 community college, college or university earned prior to transfer to an accredited
11 Maine community college, college or university, if the 30 credit hours were earned
12 after December 31, 2007 and the transfer occurred after December 31, 2012. For
13 purposes of a qualified individual claiming a credit under this section for tax years
14 beginning on or after January 1, 2016 who is eligible for a credit under paragraph G,
15 subparagraph (1), division (b), the financial aid package may include financial aid
16 obtained by a student for attendance at an accredited non-Maine community college,
17 college or university after December 31, 2007. For purposes of a qualified individual
18 claiming a credit under this section for tax years beginning on or after January 1,
19 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (c),
20 the financial aid package may include financial aid obtained by a student for
21 attendance at an accredited Maine college or university after December 31, 2007. For
22 purposes of an employer claiming a credit under this section for tax years beginning
23 on or after January 1, 2013, the financial aid package may include financial aid
24 obtained by a qualified employee for attendance at an accredited non-Maine
25 community college, college or university. The financial aid package may include
26 private loans or less than the full amount of loans under federal programs, depending
27 on the practices of the accredited Maine or non-Maine community college, college or
28 university. Loans are includable in the financial aid package only if entered into prior
29 to July 1, 2023.

30 **Sec. 50. 38 MRSA §341-G, sub-§1**, as amended by PL 2015, c. 267, Pt. NNNN,
31 §1 and c. 319, §7, is repealed and the following enacted in its place:

32 **1. Transfer funds.** The amount transferred from each fund must be proportional to
33 that fund's contribution to the total special revenues received by the department under
34 chapter 2, subchapter 2; section 551; chapter 13, subchapter 4; and section 1364. Any
35 funds received by the board from the General Fund must be credited towards the amount
36 owed by the Maine Environmental Protection Fund, chapter 2, subchapter 2.

37 **Sec. 51. PL 2015, c. 267, Pt. OOOO, §7** is amended to read:

38 **Sec. OOOO-7. Application date.** This Part applies to sales occurring on or after
39 January 1, 2016 except that the section of this Part that amends the Maine Revised
40 Statutes, Title 36, section 1811, first paragraph, applies to sales occurring on or after ~~July,~~
41 July 1, 2015 and the sections that enact Title 36, section 1760, subsections 98 and 99,
42 apply to sales occurring on or after October 1, 2015.

1 Section 14 corrects a clerical error and updates a cross-reference.

2 Section 15 corrects a conflict created by Public Law 2015, chapters 196 and 299,
3 which affected the same provision of law, by repealing the provision and replacing it with
4 the chapter 299 version.

5 Section 16 corrects a conflict created by Public Law 2015, chapters 196 and 299,
6 which affected the same provision of law, by incorporating the changes made by both
7 laws.

8 Section 17 corrects a conflict created by Public Law 2015, chapters 196 and 299,
9 which affected the same provision of law, by repealing the provision and replacing it with
10 the chapter 299 version.

11 Section 18 corrects a conflict created by Public Law 2015, chapters 196 and 299,
12 which affected the same provision of law, by repealing the provision and replacing it with
13 the chapter 299 version. It also corrects a clerical error.

14 Section 19 corrects a conflict created by Public Law 2015, chapters 196 and 299,
15 which affected the same provision of law, by repealing the provision and replacing it with
16 the chapter 299 version.

17 Section 20 corrects a conflict created by Public Law 2015, chapters 196 and 299,
18 which affected the same provision of law, by repealing the provision and replacing it with
19 the chapter 299 version.

20 Sections 21, 22 and 23 correct a numbering problem created by Public Law 2015,
21 chapters 194 and 198, which enacted 2 substantively different provisions with the same
22 paragraph letter, and make a technical change.

23 Section 24 corrects a clerical error.

24 Section 25 corrects a conflict created by Public Law 2015, chapters 196 and 299,
25 which affected the same provision of law, by repealing the provision and replacing it with
26 the chapter 299 version.

27 Section 26 strikes references to the Maine Health Data Processing Center as the law
28 authorizing the center is repealed.

29 Section 27 corrects a grammatical error and a cross-reference.

30 Section 28 corrects cross-references.

31 Section 29 corrects cross-references.

32 Section 30 corrects cross-references.

33 Public Law 2015, chapter 162 amended Title 28-A, section 10, subsection 2-A to
34 remove language repealing subsection 2-A on September 30, 2015. Public Law 2015,
35 chapter 162 did not take effect until October 15, 2015, after the repeal took effect.

1 Section 31 enacts Title 28-A, section 10, subsection 2-B to reflect the intent of the
2 Legislature to maintain the provisions of Title 28-A, section 10, subsection 2-A.

3 Section 32 corrects a conflict created by Public Law 2015, chapters 128 and 221,
4 which affected the same provision of law, by incorporating the changes made by both
5 laws.

6 Sections 33, 34 and 35 correct conflicts created by Public Law 2015, chapters 142
7 and 214, which affected the same provisions of law, making technical corrections and
8 incorporating the changes made by both laws.

9 Section 36 removes a cross-reference.

10 Section 37 corrects a cross-reference.

11 Section 38 corrects a conflict created when Public Law 2015, chapter 267 amended
12 Title 34-A, section 1403, subsection 2, paragraph D and chapter 291 repealed the
13 paragraph. This section corrects the conflict by repealing Title 34-A, section 1403,
14 subsection 2, paragraph D.

15 Section 39 corrects a conflict created by Public Law 2015, chapters 196 and 299,
16 which affected the same provision of law, by repealing the provision and replacing it with
17 the chapter 299 version.

18 Section 40 corrects cross-references.

19 Section 41 removes references to a repealed provision of law.

20 Sections 42 to 44 correct a conflict created by Public Law 2015, chapters 300 and
21 344, which affected the same provisions of law. Section 42 makes a technical correction.
22 Section 43 repeals the provision in conflict and replaces it with the chapter 300 version,
23 including a technical correction, and section 44 enacts a new provision based on the
24 chapter 344 version.

25 Section 45 corrects a conflict created by Public Law 2015, chapters 150 and 300,
26 which affected the same provision of law, by incorporating the changes made by both
27 laws.

28 Sections 46, 47 and 48 correct a conflict created when Public Law 2015, chapter 267
29 repealed Title 36, section 5125, subsection 3, paragraph E and chapter 340 amended the
30 paragraph. Sections 46 and 47 make technical corrections. Section 48 corrects the
31 conflict by repealing Title 36, section 5125, subsection 3, paragraph E.

32 Section 49 corrects a conflict created by Public Law 2015, chapters 267, 300 and 328,
33 which affected the same provision of law, by incorporating the changes made by all 3
34 laws. It also corrects a grammatical error.

35 Section 50 corrects a conflict created by Public Law 2015, chapters 267 and 319,
36 which affected the same provision of law, by incorporating the changes made by both
37 laws.

- 1 Section 51 corrects clerical errors.
- 2 Section 52 corrects a cross-reference.