

MAINE STATE LEGISLATURE

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Date 7/5/23

L D 2010
(Filing No H-718)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H P 1289, L D 2010, "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine"

Amend the bill in Part A by striking out all of section 28 and inserting the following

'Sec. A-28. 12 MRSA §10157, sub-§1-A, as enacted by PL 2015, c 277, §3, is amended to read

1-A. Appointment and composition. The Landowners and ~~Sportsmen~~ Land Users Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of the following members

A Eleven members, appointed by the Commissioner of Inland Fisheries and Wildlife

- (1) One representative of a statewide small woodland owners association,
- (2) One representative of a large landowners association,
- (3) One representative of a statewide farmers organization,
- (4) Three representatives ~~of sportsmen who hunt, fish or trap,~~
- (5) Two representatives of outdoor recreationists,
- (6) Two representatives of environmentalist organizations, and
- (7) One representative of land trust organizations '

Amend the bill in Part A by striking out all of section 52 and inserting the following

'Sec. A-52. 22 MRSA c. 405-C, as amended, is repealed '

Amend the bill in Part A by striking out all of section 86 and inserting the following

'Sec. A-86. 24-A MRSA §2482, sub-§1, as enacted by PL 2003, c 680, §1, is amended to read

1. Appeal to review panel appointed by commission. Not later than 30 days after the commission has given notice of a disapproved product or advertisement filed with the

COMMITTEE AMENDMENT

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1 commission, the insurer or 3rd-party filer whose filing was disapproved may appeal the
2 determination to a review panel appointed by the commission The commission shall
3 promulgate rules to establish procedures for appointing a review panel and provide for
4 notice and hearing An allegation that the commission, in disapproving a product or
5 advertisement filed with the commission, acted arbitrarily, capriciously or in a manner that
6 is an abuse of discretion or otherwise not in accordance with the law is subject to judicial
7 review in accordance with section 2474, subsection ~~5~~ 4 '

8 Amend the bill in Part A by striking out all of section 108 and inserting the following
9 'Sec. A-108. 29-A MRSA §255, sub-§1, ¶A, as enacted by PL 1995, c 645, Pt
10 B, §6 and affected by §24, is amended to read

11 A The Secretary of State has received a written request along with a copy of a
12 protection order that has been issued under Title 5, section 4654 or 4655, Title 15,
13 section 321, Title ~~19~~ 19-A, section ~~765~~ 4108 or ~~766~~ 4110, or Title 22, chapter 1071 to
14 protect the requestor from harassment or abuse; or'

15 Amend the bill in Part A by striking out all of section 115

16 Amend the bill in Part A by striking out all of section 118

17 Amend the bill in Part A by striking out all of section 134 and inserting the following

18 'Sec. A-134. 38 MRSA §440, 3rd ¶, as amended by PL 1987, c 737, Pt C, §§86
19 and 106 and PL 1989, c 6, c 9, §2 and c 104, Pt C, §§8 and 10, is further amended to
20 read

21 Zoning ordinances adopted or extended pursuant to this section need not depend upon
22 the existence of a zoning ordinance for all of the land and water area within a municipality,
23 despite the provisions of Title 30-A, section 4503, ~~4352~~ to the contrary, ~~provided such~~
24 ~~ordinances are~~ except that an ordinance is required for entrance of the municipality into the
25 Federal Flood Insurance Program Ordinances or amendments adopted by authority of this
26 section ~~shall~~ may not extend beyond an area greater than that necessary to comply with the
27 requirements of the Federal Flood Insurance Program '

28 Amend the bill by inserting after Part A the following

29 **PART B**

30 **Sec. B-1. 14 MRSA §8813** is enacted to read

31 **§8813. Recognition of judgments under prior law**

32 An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign
33 judgment that would have been valid under former chapter 753 is valid For purposes of
34 this section, "foreign judgment" has the same meaning as in former section 8502,
35 subsection 2.

36 **Sec. B-2. 14 MRSA §8913** is enacted to read

37 **§8913. Recognition of judgments under prior law**

38 An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign
39 judgment that would have been valid under former chapter 753 is valid For purposes of
40 this section, "foreign judgment" has the same meaning as in former section 8502,
41 subsection 2.

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PART C

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Sec. C-1. 5 MRSA §1642, sub-§3, as repealed and replaced by PL 1985, c 96 and amended by PL 1997, c 530, Pt A, §34, is further amended to read

3. Income supplementation programs. "Income supplementation programs" means programs designed to supplement the income of a person or family and includes Temporary Assistance for Needy Families, ~~food-stamps~~ the Supplemental Nutrition Assistance Program, food distribution, general assistance, supplemental security income or any other income related program utilizing state-administered funds

Sec. C-2. 7 MRSA §412, sub-§2, as enacted by PL 1977, c 505, is amended to read

2. Practical information. Prepare practical information concerning the establishment and operation of various methods of direct-marketing, including promotion, advertisement, management, ~~food-stamp~~ Supplemental Nutrition Assistance Program purchases and liability insurance,

Sec. C-3. 19-A MRSA §2001, sub-§5, ¶G, as enacted by PL 1995, c 694, Pt B, §2 and affected by Pt E, §2 and amended by PL 1997, c 530, Pt A, §34, is further amended to read

G Gross income does not include the amount of money received from means-tested public assistance programs, including, but not limited to, Temporary Assistance for Needy Families, supplemental security income, ~~food-stamps~~ the Supplemental Nutrition Assistance Program and general assistance

Sec. C-4. 19-A MRSA §2154, sub-§8, as enacted by PL 1997, c 537, §39 and affected by §62, is amended to read

8. Use of new hire information. The department shall use the information it receives under this section to locate persons and identify sources of income for purposes of

- A Establishing, enforcing and modifying child support obligations,
- B Collecting overpayments of public assistance and overissue of ~~food-stamps~~ Supplemental Nutrition Assistance Program benefits when benefits are no longer being paid, and
- C Determining eligibility and enforcing eligibility rules for cash assistance, ~~food stamps~~ Supplemental Nutrition Assistance Program benefits, Medicaid and other benefit programs funded or administered by the department

Sec. C-5. 22 MRSA §21, sub-§5, as enacted by PL 1995, c 675, §1, is repealed

Sec. C-6. 22 MRSA §21, sub-§10, as amended by PL 2017, c 284, Pt NNNNNNN, §4, is further amended to read

10. Program. "Program" means ~~the food-stamps~~ SNAP or the Medicaid program or another program

Sec. C-7. 22 MRSA §21, sub-§11, as amended by PL 2017, c 284, Pt NNNNNNN, §4, is further amended to read

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1 11. **Recipient.** "Recipient" means a recipient of benefits under ~~the food stamp SNAP~~
2 or ~~the Medicaid programs program~~ or another program

3 **Sec. C-8. 22 MRSA §21, sub-§11-B** is enacted to read

4 **11-B. Supplemental Nutrition Assistance Program or SNAP.** "Supplemental
5 Nutrition Assistance Program" or "SNAP" means the Supplemental Nutrition Assistance
6 Program established pursuant to section 3104

7 **Sec. C-9. 22 MRSA §42, sub-§8, ¶A,** as amended by PL 2019, c 343, Pt YY, §2,
8 is further amended to read

9 A The Office of MaineCare Services is authorized to adopt rules that have retroactive
10 application when necessary to maximize available federal revenue sources, specifically
11 regarding the federal Medicaid program, or to conform to the state Medicaid plan as
12 filed with the Federal Government The Bureau of Family Independence is authorized
13 to adopt rules in the MaineCare program, Temporary Assistance for Needy Families
14 program and ~~food stamp programs~~ Supplemental Nutrition Assistance Program that
15 have retroactive application to comply with federal requirements or to conform to the
16 state Medicaid plan as filed with the Federal Government

17 **Sec. C-10. 22 MRSA §42, sub-§8, ¶C,** as enacted by PL 2003, c 612, §1, is
18 amended to read

19 C For any benefits or services in the MaineCare program, Temporary Assistance for
20 Needy Families program or ~~food stamp programs~~ Supplemental Nutrition Assistance
21 Program that beneficiaries have received prior to the date of adoption of retroactive
22 rules adopted pursuant to this subsection, such rules may not reduce or otherwise
23 negatively affect the reimbursement or other payments, benefits or services that those
24 beneficiaries are entitled to have covered or paid under the previously applicable rules
25 The reimbursement or other payments, benefits or services under the amended rules
26 must be equal to or greater than under the rules previously in effect

27 **Sec. C-11. 22 MRSA §42, sub-§8, ¶D,** as enacted by PL 2003, c 612, §1, is
28 amended to read

29 D This subsection does not give the department the authority to adopt retroactively
30 any rule that has an adverse financial impact on any MaineCare provider or member,
31 Temporary Assistance for Needy Families program or ~~food stamp~~ Supplemental
32 Nutrition Assistance Program recipient or the beneficiary or recipient of any other
33 program administered by the department Specific statutory authority is required for
34 adoption of a retroactive rule that has an adverse financial impact on any MaineCare
35 provider or member, Temporary Assistance for Needy Families program or ~~food stamp~~
36 Supplemental Nutrition Assistance Program recipient or the beneficiary or recipient of
37 any other program administered by the department

38 **Sec. C-12. 22 MRSA §3811, sub-§4,** as corrected by RR 2015, c 1, §22, is
39 amended to read

40 **4. Program benefits.** "Program benefits" means money payments or food coupons
41 issued by the department pursuant to an application for benefits made by an individual to
42 Aid to Families with Dependent Children established in former chapter 1053, the ~~food~~
43 ~~stamp program~~ Supplemental Nutrition Assistance Program established in chapter 851 or

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1 the Temporary Assistance for Needy Families program established in chapter 1053-B, or
2 money payments or vouchers issued by a municipal general assistance program established
3 pursuant to chapter 1161, or payments for medical services issued by the department
4 pursuant to the MaineCare program established pursuant to chapter 855

5 **Sec. C-13. 22 MRSA §3825, sub-§1, ¶C** is enacted to read

6 C "SNAP" means the Supplemental Nutrition Assistance Program established under
7 chapter 851

8 **Sec. C-14. 22 MRSA §3825, sub-§2,** as enacted by PL 2001, c 551, §2, is amended
9 to read

10 **2. TANF and ~~food stamps~~ SNAP.** To the extent allowable by federal law, a TANF
11 or ~~food stamp~~ SNAP overpayment may not be collected from a person who was a minor
12 dependent in the household at the time the overpayment accrued

13 **Sec. C-15. 22 MRSA §5304, sub-§11, ¶C,** as enacted by PL 1973, c 793, §12, is
14 amended to read

15 C Any income maintenance, income supplement, public assistance, general
16 assistance, welfare, or donated food program or ~~food stamp program~~ the Supplemental
17 Nutrition Assistance Program

18 **Sec. C-16. 26 MRSA §1191, sub-§9, ¶D,** as enacted by PL 1995, c 554, §1, is
19 amended to read

20 D Amounts may be deducted and withheld under this subsection only after amounts
21 are deducted and withheld for any overpayments, child support obligations, ~~food stamp~~
22 Supplemental Nutrition Assistance Program overissues or any other amounts required
23 to be deducted and withheld under this chapter

24 **PART D**

25 **Sec. D-1. 35-A MRSA §307,** as amended by PL 2023, c 145, §1 and repealed and
26 replaced by c 168, §1, is repealed and the following enacted in its place

27 **§307. Changes in schedules; notice; suspension; rate increase limit**

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

30 A "Final determination of the public utility's revenue requirement" means a decision
31 by the commission on the merits of a public utility's request after consideration of at
32 least the public utility's direct case in support of its request

33 B "General increase in rates" means a change in a rate, toll or charge of a public utility,
34 the effect of which is to increase the annual operating revenue of the public utility by
35 more than 1% "General increase in rates" does not include a rate change made for the
36 sole purpose of implementing a gas cost adjustment rate pursuant to section 4703 or a
37 rate change made for the sole purpose of implementing an energy conservation
38 adjustment rate pursuant to section 3154.

39 **2. Notice requirements.** A public utility may not change a schedule, including a
40 schedule of joint rates, unless the public utility provides notice to the commission 30 days
41 prior to the time the changes are to take effect. The public utility must indicate all proposed

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changes on the schedule in effect at the time notice is provided For good cause shown, the commission may allow changes after less than the notice specified in this subsection or modify the requirements of this section and section 308 with respect to publishing, posting and filing of a schedule, either in a particular instance or by rule applicable to a special circumstance or condition.

At the commission's discretion, the commission may require the information relating to changes described in this subsection to be filed in a general increase in rates at the same time as the schedules are filed The commission may require a public utility whose gross revenues exceed \$5,000,000 annually to notify the commission not more than 2 months in advance of filing a general increase in rates under this section that a filing is planned and to disclose the approximate amount of the increase and the approximate rate of return and include a general statement of the major issues that might be presented and the approximate rate of return the utility would be seeking

3. Suspension pending investigation. Pending an investigation and order pursuant to section 310, subsection 1, at any time within the period preceding the effective date of the schedule, the commission may suspend the operation of the schedule or any part of the schedule by filing with the schedule and delivering to the public utility affected a statement of its reasons for the suspension The suspension may not be for a period longer than 12 months from the effective date of the order of suspension unless

A All parties agree to extend the suspension beyond 12 months, or

B The commission determines that the party seeking the extension would be unreasonably disadvantaged because of circumstances beyond that party's control unless the extension were granted, as long as the party prior to the request for extension had prosecuted its case in good faith and with due diligence

4. General rate increase case limitation. A public utility may not file a schedule for a general increase in rates pursuant to this section within one year of a prior filing for a general increase in rates pursuant to this section, unless the proceeding initiated by a prior filing was terminated without a final determination of the public utility's revenue requirement or with approval of the commission The limitation of this subsection does not prevent a public utility, at any time, from notifying the commission in advance, either voluntarily or in accordance with a commission requirement under this section, of plans by the public utility to file a general increase in rates

Nothing in this subsection may be construed to limit a public utility's right, at any time, to petition pursuant to section 1322 for temporary rate relief

5. General rate increase notice requirement. A public utility seeking a general increase in rates shall send a notice of the increase to its customers by either first-class mail or the method by which the customer receives bills from the utility The commission shall prepare the notice in consultation with the utility If, after the notice of the general increase in rates is sent, the utility seeks a rate increase greater than what was stated in the notice, the utility shall promptly notify the commission If the utility demonstrates good cause, the commission may allow the utility to seek an increase greater than what was stated in the notice subject to reasonable conditions established by the commission, including, but not limited to, requiring the utility to send a new notice to its customers describing the revised proposed increase

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PART E

Sec. E-1. 15 MRSA §1026, sub-§3, ¶B-1, as enacted by PL 2021, c 397, §4, is amended by amending subparagraph (2) to read

(2) That was committed against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E or a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection 3-A 4,

Sec. E-2. 15 MRSA §1026, sub-§3, ¶B-1, as enacted by PL 2021, c 397, §4, is amended by amending subparagraph (3) to read

(3) That is a violation of a condition of release committed while the defendant is released on bail for a charge that involves a violation of Title 17-A, chapter 11, a crime against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E, or a crime against a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection 3-A 4.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively

SUMMARY

This amendment makes the following changes to Part A of the bill

1 It replaces gender-specific language to include recognition of all persons engaged in outdoor recreation activities regulated by the Department of Inland Fisheries and Wildlife

2 It repeals an outdated chapter relating to the establishment of tuberculosis sanatoriums by the Department of Health and Human Services

3 It corrects a cross-reference in a provision related to judicial review of decisions of the Interstate Insurance Product Regulation Commission to deny approval of an insurance product

4 It corrects cross-references to provisions that govern the process for protection from abuse orders to reflect the new chapter of law that became effective January 1, 2023 The cross-references used in the bill refer to provisions repealed on January 1, 2023

5 It removes sections related to the conditional effective date of the Occupational Therapy Licensure Compact and the Psychology Interjurisdictional Compact

6 It corrects a clerical error in a cross-reference used in the bill

Part B adds language to provide that that any action that complied with the former Uniform Foreign Money-judgments Recognition Act under the Maine Revised Statutes, Title 14, former chapter 753 and that was taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment is valid Public Law 2021, chapter 689 did not include a specific effective date of January 1, 2023 for the repeal of the former Uniform Foreign Money-judgments Recognition Act to coincide with the January 1, 2023 effective date of the new Uniform Foreign-country Money Judgments Recognition Act in Title 14, chapter 759 and the new Uniform Registration of Canadian Money Judgments Act in Title 14, chapter 761

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COMMITTEE AMENDMENT "A" to H P 1289, L D 2010

1 Part C updates references to food stamps to reflect that the program is no longer called
2 the food stamp program and is called the Supplemental Nutrition Assistance Program or
3 SNAP

4 Part D corrects a conflict, created by the enactment of Public Law 2023, chapter 145
5 and Public Law 2023, chapter 168, by incorporating the changes from both laws

6 Part E corrects cross-references in the Maine Bail Code to the updated definitions of
7 "family or household members" and "dating partners" in the current chapter governing
8 protection from abuse proceedings