

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

consists of 7 8 members, appointed by the Governor as follows: five members of the dental profession, one dental hygienist, one denturist and one representative of the public. After January 1, 2001, the board consists of 7 members, appointed by the Governor as follows: 5 members of the dental profession, one dental hygienist and one representative of the public.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Dental Examiners		
Personal Services	\$315	\$210
All Other	450	300
TOTAL	\$765	\$510

Provides funds for the additional per diem and expense costs that result from increasing the membership of the Board of Dental Examiners until January 1, 2001.

See title page for effective date.

CHAPTER 125

H.P. 776 - L.D. 1099

An Act to Exempt the Requirement that All Municipal Taxes Be Paid in Advance of Moving a Mobile Home

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

Sec. 1. 29-A MRSA §2382, sub-§10, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

10. Taxes paid. A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to

another location in the same municipality for purposes not related to the sale of the mobile home.

See title page for effective date.

CHAPTER 126

H.P. 1160 - L.D. 1671

An Act to Broaden Victim Notification of Release of Defendant Placed in Institutional Confinement Following a Verdict of Not Criminally Responsible by Reason of Insanity

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

Sec. 1. 17-A MRSA §1175, first ¶, as enacted by PL 1995, c. 680, §5, is amended to read:

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime for which the defendant is committed to the Department of Corrections or to a county jail, or ~~a victim of a crime of gross sexual assault who had not in fact attained 16 years of age at the time of the crime for which the defendant is placed in institutional confinement under Title 15, section 103 after having been~~ found not criminally responsible by reason of mental disease or defect ~~and is placed in institutional confinement under Title 15, section 103,~~ must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or similar program or release under Title 15, section 104-A.

See title page for effective date.

CHAPTER 127

S.P. 18 - L.D. 3

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

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

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

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

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

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

PART A

Sec. A-1. 4 MRSA §1231, sub-§4, as enacted by PL 1983, c. 863, Pt. B, §§13 and 45, is amended to read:

4. Oath. Each trustee shall, within 10 days after ~~the effective date of this Act and~~ December 1, 1984 or, thereafter, within 10 days after ~~his~~ that trustee's appointment or election, take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. ~~Such~~ The oath ~~shall~~ must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

Sec. A-2. 4 MRSA §1606, sub-§2, as amended by PL 1997, c. 752, §1 and c. 788, §2, is repealed and the following enacted in its place:

2. Limitation on securities issued. The authority may not issue securities in excess of \$83,000,000 outstanding at any one time, of which no less than \$30,000,000 must be specifically allocated to projects relating to the Judicial Branch, except for the issuance of revenue refunding securities authorized by section 1610 and securities issued under section 1610-A. The amount of securities that may be outstanding in the name of the authority may be increased by the Legislature upon a showing by the authority that its available revenues are sufficient to support additional issuance of securities and that the issuance of securities will not materially impair the credit standing of the authority, the investment status of securities issued by the authority or the ability of the authority to fulfill its commitments to holders of securities. Nothing in this chapter may be construed

to authorize the authority to issue securities to fund the construction, reconstruction, purchase or acquisition of facilities without a majority vote of approval in each House of the Legislature.

Sec. A-3. 5 MRSA §298, 2nd ¶, as enacted by PL 1977, c. 513, §1, is amended to read:

The commission ~~shall consist~~ consists of 7 9 members as follows:

Sec. A-4. 5 MRSA §1513, sub-§1-H, as enacted by PL 1997, c. 564, §1, is reallocated to 5 MRSA §1513, sub-§1-L.

Sec. A-5. 5 MRSA §1583-A, as amended by PL 1997, c. 643, Pt. Y, §1, is further amended to read:

§1583-A. Creation of positions

Notwithstanding any other provision of law, limited period, project or any other temporary positions may be established by financial order so long as the end date for such positions does not exceed the statutory adjournment date for the next regular session of the Legislature.

Sec. A-6. 5 MRSA §1665, sub-§7, as amended by PL 1997, c. 643, Pt. E, §3 and c. 655, §3, is repealed and the following enacted in its place:

7. General Fund and Highway Fund revenue and expenditure forecasts. By September 30th of each even-numbered year, the State Budget Officer shall prepare and deliver a report to the Governor, the Legislature and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs containing a forecast of revenue and expenditures for the following biennium. The forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. General Fund and Highway Fund revenue must be forecasted by income source as provided in chapter 151-B. Expenditure forecasts for the General Fund and the Highway Fund must be forecasted on the basis of current law and assumed inflation variables related to program operations. The forecast for the General Fund and the Highway Fund must be presented in a budget fund flow statement and a comparative statement showing each income source for revenue projections and expenditure estimates for each major program category.

Sec. A-7. Retroactivity. The section of this Act that repeals and replaces the Maine Revised Statutes, Title 5, section 1665, subsection 7 is retroactive to April 1, 1998.

Sec. A-8. 5 MRSA §1710-E, as amended by PL 1997, c. 655, §4, is further amended to read:

§1710-E. Revenue Forecasting Committee; established; membership

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the State Tax Assessor, the State Economist ~~and~~ an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and an analyst from the Office of Fiscal and Program Review designated by the director of that office. One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee.

Sec. A-9. 5 MRSA §12004-I, sub-§72, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. A-10. 5 MRSA §12004-I, sub-§72-A, as enacted by PL 1989, c. 168, §1, is repealed.

Sec. A-11. 5 MRSA §13082, sub-§1, ¶A, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is amended to read:

A. Money in the fund ~~which that~~ is not obligated on ~~the effective date of this Act shall~~ October 1, 1987 must be distributed between the 2 accounts, with 2/3 allocated to the rural account and 1/3 allocated to the urban account.

Sec. A-12. 5 MRSA §17851, sub-§11, as amended by PL 1997, c. 769, §10, is further amended to read:

11. Maine State Prison employees. Except as provided in section 17851-A, the warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees or as an advocate at the Maine State Prison qualifies for a service retirement benefit if that person:

A. Was employed in one of those capacities before September 1, 1984 and:

(1) Completes 20 years of creditable service in one or more of those capacities; and

(2) Retires upon or after reaching the age of 50 years; or

B. Was employed in one of those capacities after August 31, 1984 and completed 25 years of creditable service in one or more of those capacities.

Notwithstanding any other provision in this section, no person in the employ of the Bangor Pre-Release Center on ~~the effective date of this subsection~~ August 4, 1988 who would have qualified for a service retirement benefit if the Bangor Pre-Release Center had remained the administrative responsibility of the Maine State Prison may be denied such a benefit by virtue of the transfer of that responsibility to the Charleston Correctional Facility.

Sec. A-13. 5 MRSA §19203, sub-§7, as amended by PL 1997, c. 70, §1, is further amended to read:

7. Other agencies. To employees of, or other persons designated by, the Department of Corrections, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services, to the extent that those employees or other persons are responsible for the treatment or care of subjects of the test. Those agencies shall adopt rules, within 90 days of ~~the effective date of this subsection~~ August 4, 1988, pursuant to ~~the Maine Administrative Procedure Act~~, chapter 375, subchapter II, designating the persons or classes of persons to whom the test results may be disclosed. The rules of the Department of Corrections must designate those persons who may receive the results of an HIV test of a county jail inmate;

Sec. A-14. 7 MRSA §974-A, sub-§2, as repealed and replaced by PL 1987, c. 754, §2, is amended to read:

2. State loan interest rate. The interest rate for state loans ~~shall be~~ is 5%. Loans current ~~at the effective date of this subsection shall~~ on April 21, 1988 must be renegotiated to an interest rate of 5%.

A fee for administrative costs, which ~~shall~~ must be at a rate set by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee; but which ~~rate shall~~ may not exceed 1% of the loan, ~~shall~~ must be charged on all loans made for projects, the total cost of which exceeds \$50,000. This fee ~~shall~~ must be deposited in the fund.

Sec. A-15. 7 MRSA §1033, sub-§1, as amended by PL 1989, c. 503, Pt. B, §44, is further amended to read:

1. Board. The Maine Potato Quality Control Board established by Title 5, section 12004-H,

subsection 6, ~~shall consist~~ consists of the following members:

- A. Two representatives elected by the executive council of the ~~dealers~~ dealers' assembly established pursuant to Title 36, chapter 710;
- B. Seven representatives of growers of tablestock potatoes, one elected by the assembly of tablestock growers in each of the districts established pursuant to Title 36, section 4602, subsection 3;
- D. A representative of the department, appointed by the commissioner; and
- E. A person appointed by the Governor to represent consumers.

Members ~~shall~~ must be elected or appointed, as the case may be, within 30 days of ~~the effective date of this section as amended~~ September 29, 1987 and shall serve for staggered 2-year terms. In the initial membership, the board shall determine that 5 of its members ~~shall~~ serve for one-year terms. The board shall elect a chair and shall meet at the call of the chair and at the call of the Maine Potato Board. The members ~~shall be~~ are compensated as provided in Title 5, chapter 379.

Sec. A-16. 7 MRSA §3907, sub-§30, as repealed and replaced by PL 1997, c. 690, §8 and c. 704, §1, is repealed and the following enacted in its place:

30. Wolf hybrid. "Wolf hybrid" means a mammal that is the offspring of the reproduction between a species of wild canid or wild canid hybrid and a domestic dog or wild canid hybrid. "Wolf hybrid" includes a mammal that is represented by its owner to be a wolf hybrid, coyote hybrid, coydog or any other kind of wild canid hybrid.

Sec. A-17. 9 MRSA §3201, as repealed and replaced by PL 1975, c. 381, §2, is amended to read:

§3201. Loan companies

All corporations chartered and doing business as "loan companies" pursuant to sections 3201 to 3210; as repealed on ~~the effective date of this section, June 2, 1975~~ are hereby made corporations organized under Title 13-A and such "loan companies" ~~shall be~~ are subject to Title 9-A to the extent that the activities of ~~such these~~ such companies are within the provisions of ~~said~~ Title 9-A.

Sec. A-18. 9-A MRSA §4-403, sub-§5, as enacted by PL 1997, c. 315, §8, is amended to read:

5. Insurance consultant. "Insurance consultant" means a person engaged in the business of an

insurance consultant as defined in Title 24-A, section ~~4508~~ 1402, subsection 4, 8 or 11.

Sec. A-19. 9-A MRSA §4-407, as enacted by PL 1997, c. 315, §8, is amended to read:

§4-407. Rulemaking

The Superintendent of Banking, the Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation may undertake joint rulemaking, pursuant to this section, Title 9-B, section 448, subsection 5 and Title 24-A, section ~~4514-A~~ 1443-A, subsection ~~5~~ 3 to carry out the purposes of section 4-406, including issues regarding signs, the physical location of sales of insurance and identification of agents and brokers affiliated with financial institutions, credit unions, financial institution holding companies or supervised lenders. In adopting rules pursuant to this Part, the Superintendent of Banking, the Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation shall consider the possibility of confusion and perception of coercion among the insurance consuming public, the need for cost-effective delivery of insurance products to insurance consumers and the importance of parity among agents and brokers affiliated with federally chartered and state-chartered financial institutions and credit unions. Any rule adopted may not interfere significantly with the ability of an agent or broker to solicit or negotiate the sale of an insurance product, whether or not that agent or broker is affiliated with a financial institution, credit union, financial institution holding company or supervised lender, except when no other reasonable alternative exists that protects the insurance consuming public. Rules adopted under this Part are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Nothing in this section is intended to restrict or interfere with the ability of the Bureau of Insurance, the Bureau of Banking or the Office of Consumer Credit Regulation to adopt rules with respect to areas in which the respective agencies have independent jurisdiction.

Sec. A-20. 9-B MRSA §131, sub-§22-D, as enacted by PL 1997, c. 315, §9, is amended to read:

22-D. Insurance consultant. "Insurance consultant" means a person engaged in the business of an insurance consultant as defined in Title 24-A, section ~~4508~~ 1402, subsection 4, 8 or 11.

Sec. A-21. 9-B MRSA §161, sub-§2, ¶K, as amended by PL 1997, c. 315, §11; affected by c. 508, Pt. A, §3 and amended by Pt. B, §1, is repealed and the following enacted in its place:

K. The examination or furnishing of any financial records by a fiduciary institution to any officer, employee or agent of the Treasurer of State for use solely in the exercise of that officer's,

employee's or agent's duties under Title 33, chapter 41; or

Sec. A-22. 9-B MRSA §448, sub-§2, ¶A, as enacted by PL 1997, c. 315, §17, is amended to read:

A. "Affiliate" has the same meaning as defined in Title 24-A, section ~~1514-A~~ 1443-A, subsection 1, paragraph A.

Sec. A-23. 9-B MRSA §448, sub-§5, as enacted by PL 1997, c. 315, §17, is amended to read:

5. Rulemaking. The superintendent, Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation are authorized, pursuant to this subsection, Title 9-A, section 4-407 and Title 24-A, section ~~1514-A~~ 1443-A, subsection ~~5~~ 3 to undertake joint rulemaking to carry out the purpose of subsection 4, including issues regarding signs, the physical location of sales of insurance and identification of agents and brokers affiliated with financial institutions, credit unions, financial institution holding companies or supervised lenders. In adopting rules pursuant to this section, the superintendent, the Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation shall consider the possibility of confusion and perception of coercion among the insurance consuming public, the need for cost-effective delivery of insurance products to insurance consumers and the importance of parity among agents and brokers affiliated with federally chartered and state-chartered financial institutions and credit unions. Any rule adopted may not interfere significantly with the ability of an agent or broker to solicit or negotiate the sale of an insurance product, whether or not that agent or broker is affiliated with a financial institution, credit union, financial institution holding company or supervised lender, except when no other reasonable alternative exists to protect the insurance consuming public. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Nothing in this section is intended to restrict or interfere with the ability of the bureau, the Bureau of Insurance or the Office of Consumer Credit Regulation to adopt rules with respect to areas in which the respective agencies have independent jurisdiction.

Sec. A-24. 12 MRSA §598-A, sub-§2-A, ¶A, as enacted by PL 1995, c. 502, Pt. E, §17, is amended to read:

A. Lands that constitute a state park or historic site as those terms are defined in section ~~5046~~ 1801;

Sec. A-25. 12 MRSA §598-A, sub-§2-A, ¶B, as enacted by PL 1995, c. 502, Pt. E, §17, is amended to read:

B. Lands that constitute the Allagash Wilderness Waterway as defined in chapter ~~206~~ 220, subchapter VI;

Sec. A-26. 12 MRSA §598-A, sub-§2-A, ¶C, as enacted by PL 1995, c. 502, Pt. E, §17, is amended to read:

C. Lands used for public boat facilities under the provisions of ~~Title 38~~, chapter ~~4~~ 220, subchapter ~~VIII~~ IX, including launching ramps, locks, parking sites and access roads;

Sec. A-27. 12 MRSA §598-A, sub-§2-A, ¶E, as enacted by PL 1995, c. 502, Pt. E, §17, is amended to read:

E. Nonreserved public lands as defined in section ~~5046~~ 1801, subsection 6.

Sec. A-28. 12 MRSA §609, as amended by PL 1997, c. 641, §2, is repealed.

Sec. A-29. 12 MRSA §1825, sub-§1, as enacted by PL 1997, c. 678, §13, is repealed and the following enacted in its place:

1. Maine State Parks and Recreational Facilities Development Fund. The Maine State Parks and Recreational Facilities Development Fund is established within the bureau for the purpose of developing, maintaining and managing state parks and other recreational facilities on lands owned or leased by the bureau. Income from legislative appropriation, gifts, grants, bequests and other sources approved by the Legislature may be deposited into this fund. Any interest earned on money in the fund must also be credited to the fund. The Maine State Parks and Recreational Facilities Development Fund is nonlapsing and all funds are subject to allocation by the Legislature.

Sec. A-30. 12 MRSA §7802, sub-§3, as enacted by PL 1997, c. 277, §1, is amended to read:

3. Sanctioned water-skiing courses. The prohibition in subsection 1 does not apply to watercraft towing a water-skier on a water-skiing course for slalom, jump or trick events operated under a permit issued by the commissioner under this subsection. The commissioner may issue a permit for a water-skiing course that is located in whole or in part in the water safety zone if the commissioner determines that:

A. The course meets the following minimum dimensional requirements:

- (1) Eight hundred and fifty feet in length, plus 500 feet at each end for turning and other maneuvers;

(2) Seventy-five feet in width, except that the course must be at least 125 feet in width if a jump is combined with a slalom or trick ski course; and

(3) A five-foot water depth throughout the course; and

B. The applicant has obtained the written permission of any landowner whose property is less than 75 feet from any course buoy.

The commissioner may issue a permit under this subsection only if notice of the permit application is given to all municipalities that have jurisdiction over the body of water.

All buoys used to mark the water-skiing course must prominently display the permit number. Buoys marking a course may be placed no earlier than April 1st and must be removed no later than November 1st of each year. The number of buoys for any water-skiing course may not exceed 40. Buoys that are part of a permitted course are granted the same legal protection from vandalism as navigational buoys under ~~Title 38, section 329~~ 1899-C.

Water-skiing tow boats utilizing the course may not travel within 100 feet of the shore at any time. The commissioner, after giving a 10-day advance notice to an applicant, may suspend the use of the water-skiing course for up to 3 days for other permitted events, such as bass tournaments.

A course permitted under this subsection may be used for practice without a permit under section 7797. That use does not violate the provisions of section 7801, subsection 4. A permit under section 7797 is required for any water-skiing exhibition or tournament conducted at a course permitted under this subsection. The provisions of section 7801, subsection 5 do not apply to a course permitted under this subsection unless that course is also permitted under section 7797.

The commissioner may suspend or revoke a permit issued under this subsection if the commissioner determines that the presence of the course creates a safety concern or constitutes a nuisance.

The annual fee for a permit issued under this subsection is \$25.

This subsection is repealed March 31, 1999.

Sec. A-31. 12 MRSA §7825-B, as enacted by PL 1997, c. 739, §7, is reallocated to 12 MRSA §7825-C.

Sec. A-32. 15 MRSA §3203-A, sub-§5, as amended by PL 1997, c. 645, §8 and c. 752, §9, is repealed and the following enacted in its place:

5. Detention hearing. Upon petition by a juvenile caseworker who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within 48 hours following the detention, excluding Saturday, Sunday and legal holidays.

A. A detention hearing must precede and must be separate from a bind-over or adjudicatory hearing. Evidence presented at a detention hearing may include testimony, affidavits and other reliable hearsay evidence as permitted by the court and may be considered in making any determination in that hearing.

B. Following a detention hearing, a court shall order a juvenile's release, in accordance with subsection 4, unless it finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4.

C. Continued detention may not be ordered unless the Juvenile Court determines that there is probable cause to believe that the juvenile has committed a juvenile crime.

Sec. A-33. 17-A MRSA §15, sub-§1, ¶A, as repealed and replaced by PL 1997, c. 393, Pt. A, §17 and c. 464, §3, is repealed and the following enacted in its place:

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

(1) Murder;

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

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

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

(5-A) Assault or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$2,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by a probation officer or juvenile caseworker;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

(12) Harassment, as set forth in section 506-A;

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5; or

(14) A violation of a sex offender registration provision under Title 34-A, chapter 11 or 13; and

Sec. A-34. 20-A MRSA §15603, sub-§22, ¶E, as amended by PL 1989, c. 600, Pt. B, §2, is further amended to read:

E. The cost of tuition, books, fees and transportation for courses taken at ~~post secondary~~ post-secondary institutions under chapter ~~208~~ 208-A;

Sec. A-35. 22 MRSA §2383-B, sub-§1, as amended by PL 1995, c. 499, §3 and affected by §5, is further amended to read:

1. Lawfully prescribed drugs. ~~Subject to the additional restrictions contained in subsection 4, if applicable,~~ a person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed

veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance.

Sec. A-36. 22 MRSA §2648, first ¶, as amended by PL 1997, c. 739, §11, is further amended to read:

Any water utility or municipality is authorized, after consultation with the Commissioner of Inland Fisheries and Wildlife, the department and the Department of Conservation and after conducting a public hearing in the affected town, to designate by buoys in water or markers on the ice in an area on a lake or pond from which water is taken, with a radius commencing at its point of intake. The radius may not exceed 400 feet and within that area a person may not anchor or moor a boat or carry on ice fishing or carry on any other activity designated by the water utility or municipality when such restriction is necessary to comply with primary or secondary drinking water regulations applicable to public water systems. Any such buoys placed in the water must be plainly marked as required by the Director of the Bureau of Parks and Lands under Title ~~38~~ 12, section ~~323~~ 1894. Any person violating this section must, on conviction, be penalized in accordance with Title 30-A, section 4452.

Sec. A-37. 24-A MRSA §1493, sub-§5, ¶B, as enacted by PL 1997, c. 573, §1 and affected by §2, is amended to read:

B. The application for registration must include the name and address of the insurer with whom the producer has an appointment pursuant to section ~~1431~~ 1441-A and with whom the producer has a written contract pursuant to section 1494, a statement of the duties that the producer is expected to perform on behalf of the insurer, the lines of insurance for which the producer is to be authorized to act and any other information the superintendent requests.

Sec. A-38. Retroactivity. The section of this Act that amends the Maine Revised Statutes, Title 24-A, section 1493, subsection 5, paragraph B is retroactive to June 30, 1998.

Sec. A-39. 24-A MRSA §2168, sub-§1-A, as enacted by PL 1997, c. 315, §22, is amended to read:

1-A. Prohibition against unreasonable burdens. A creditor or lender may not, in connection with the extension of credit, interfere with the free choice of a borrower or purchaser under subsection 1 by imposing any unreasonable time or burden on an insurance agent or broker not affiliated with the lender or creditor that is not also imposed on an insurance

agent or broker who is affiliated with the lender or creditor. "Affiliate" has the same meaning as set forth in section ~~1514-A~~ 1443-A, subsection 1, paragraph A with respect to financial institutions and credit unions and in Title 9-A, section 4-403, with respect to supervised lenders.

Sec. A-40. 24-A MRSA §2168-B, last ¶, as enacted by PL 1997, c. 315, §25, is amended to read:

"Affiliate" has the same meaning as set forth in section ~~1514-A~~ 1443-A, subsection 1, paragraph A with respect to financial institutions and credit unions and in Title 9-A, section 4-403 with respect to supervised lenders.

Sec. A-41. 24-A MRSA §2169, first ¶, as amended by PL 1997, c. 315, §26, is further amended to read:

The creditor or lender at the time of application for the loan or at the outset of negotiations regarding the loan or sale shall inform the purchaser or borrower of that person's right of free choice in the selection of the agent and insurer through or by which the insurance in connection with the loan is to be placed, including the right to choose an agent or broker whether or not that agent or broker is affiliated with a creditor or lender. For purposes of this section, "affiliated" has the same meaning as set forth in section ~~1514-A~~ 1443-A, subsection 1, paragraph A, with respect to financial institutions and credit unions or in Title 9-A, section ~~4-403~~ 4-403 with respect to supervised lenders. In conjunction with this notice, a creditor or lender shall inform its purchasers or borrowers that obtaining insurance products from a particular agent or broker does not affect credit decisions by the creditor or lender regarding the purchaser or borrower, unless the insurance product selected violates the terms of the extension of credit regarding adequacy of coverage or is otherwise not approved under section 2168, subsection 2. Another person may not interfere either directly or indirectly with the borrower's, debtor's or purchaser's free choice of an agent and of an insurer that complies with the requirements set out in section 2168 and the creditor or lender may not refuse an adequate policy so tendered by the borrower, debtor or purchaser. A creditor or lender may not reject an insurance product selected by a purchaser or borrower because the product was not obtained from or through an insurance agent or broker affiliated with the institution. For purposes of this section, the term "policy" includes, but is not limited to, any temporary contract or binder, by whatever name known, under the terms of which insurance coverage commences at a specified time, and continues until a finished policy is issued or the risk is declined and coverage is terminated. Upon notice of any refusal of this tendered policy, the superintendent shall order the creditor or lender to

accept the tendered policy, if the superintendent determines that the refusal is not in accordance with the requirements set out in section 2168. Failure to comply with such an order of the superintendent is a violation of this section.

Sec. A-42. 24-A MRSA §2169-A, sub-§1, as enacted by PL 1997, c. 315, §27, is amended to read:

1. Prohibited use of information. If a lender or creditor requires a purchaser or borrower to provide insurance information in connection with the extension of credit, an insurance agent or broker affiliated with that lender or creditor may not later use the information obtained to solicit or offer insurance directly to the purchaser or borrower. "Insurance information" means copies of insurance policies, binders, rates and expiration dates not otherwise in the possession of the agent or broker. "Affiliate" has the same meaning as set forth in section ~~1514-A~~ 1443-A, subsection 1, paragraph A with respect to financial institutions and credit unions or in Title 9-A, section 4-403 with respect to supervised lenders.

Sec. A-43. 29-A MRSA §1304, sub-§1, ¶E, as amended by PL 1997, c. 737, §3 and c. 776, §36, is repealed and the following enacted in its place:

E. Unless the permittee is operating a motorcycle or motor-driven cycle, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has held a valid license for 2 consecutive years;
- (2) Is at least 20 years of age;
- (3) Is occupying a seat beside the driver; and
- (4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator.

Sec. A-44. 30-A MRSA §1658, 2nd ¶, as enacted by PL 1989, c. 321, §1, is amended to read:

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to Title 34-A, section ~~1210~~ 1210-A. Any facilities

used to house prisoners pursuant to the authority granted by this section ~~shall be~~ are subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A.

Sec. A-45. 30-A MRSA §3009, sub-§1, ¶D, as amended by PL 1997, c. 673, §3, is further amended to read:

D. The following provisions apply to the establishment and policing of parking spaces for handicapped persons.

(1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign must display the international symbol for accessibility.

(2-A) Enforcement of handicapped parking restrictions must be in accordance with Title 29-A, section 521, subsection ~~4~~ 9-A.

(3) Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and that does not bear a special registration plate or placard issued under Title 29-A, section 521 or 523, or a similar plate issued by another state, must be cited for a forfeiture of not less than \$100. "Clearly marked" includes painted signs on pavement and vertical standing signs that are visible in existing weather conditions.

Sec. A-46. 30-A MRSA §4452, sub-§5, ¶P, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10 and amended by c. 287, §3, is further amended to read:

P. ~~Waste water~~ Wastewater discharge licenses issued pursuant to Title 38, section 413, subsection ~~8~~ 353-B;

Sec. A-47. 36 MRSA §112, sub-§1, as amended by PL 1997, c. 495, §3 and c. 526, §7, is repealed and the following enacted in its place:

1. General powers and duties. The assessor shall administer and enforce the tax laws enacted under this Title and under Title 29-A, and may adopt rules and require such information to be reported as necessary. The assessor may investigate, enforce and prosecute activities defined as crimes in this Title and in Title 17-A, sections 358, 751 and 903. The assessor shall provide, at the time of issuance, to one or more entities that publish a monthly state tax service all

rules, bulletins, taxpayer notices or alerts, notices of rulemaking, any other taxpayer information issued by the assessor, and all substantive amendments or modifications of the same, for publication by that entity or entities. When a significant change has occurred in bureau policy or practice or in the interpretation by the bureau of any law, rule or instruction bulletin, the assessor shall, within 60 days of the change, provide to the same publishing entity or entities written notice, suitable for publication, of the change.

Sec. A-48. 36 MRSA §112, sub-§2, as amended by PL 1997, c. 459, §4 and c. 526, §7, is repealed and the following enacted in its place:

2. Organization. The assessor may employ deputies, assistants and employees as necessary, subject to the Civil Service Law unless otherwise provided, and distribute the duties given to the assessor or to the bureau among those persons or divisions in that bureau the assessor considers necessary for economy and efficiency in administration. An officer within each division of the bureau must be designated by the assessor as director of that division. Notwithstanding any other laws, the Director of Econometric Research serves at the pleasure of the assessor. The assessor, for enforcement and administrative purposes, may divide the State into a reasonable number of districts in which branch offices may be maintained.

Sec. A-49. 36 MRSA §112, sub-§4, as amended by PL 1997, c. 495, §4 and c. 526, §7, is repealed and the following enacted in its place:

4. Examination of records and premises. Whenever necessary to the administration of this Title, the assessor may make, or cause to be made by an employee, an examination or investigation of the place of business, books and other documents and any other relevant personal property of any person who the assessor has reason to believe is liable for any tax imposed by this Title. The assessor may also examine the books and records of a payroll processor, as defined in Title 10, section 1495, and client books and records in the possession of a payroll processor.

At the conclusion of an audit, the assessor or an agent shall conduct an audit conference with the taxpayer and shall give the taxpayer a written summary of the audit findings, including the legal basis for the audit findings and adjustments, along with copies of relevant bureau audit workpapers.

Sec. A-50. 36 MRSA §2903-A, as amended by PL 1989, c. 240, §1 and PL 1995, c. 502, Pt. E, §30, is further amended to read:

§2903-A. Finding of fact

The Legislature makes a finding of fact that the percentage relationship of "gasoline tax" paid by that segment of the nonhighway gasoline user, the motorboat user, is not less than 2.00% of the total "gasoline tax" revenue. Based on this legislative ~~finding of fact~~, there is set aside 2.00% of the total excise tax, not to exceed \$2,000,000, on internal combustion engine fuel sold or used within the State, but not including internal combustion engine fuel sold for use in the propulsion of aircraft. From this 2.00% allocation ~~shall be~~ is deducted the refunds paid out under section 2908 to purchasers and users of internal combustion engine fuel for commercial motorboats; 20% of the balance of 2.00% after paying out such refunds ~~shall must~~ be paid to the Treasurer of State to be made available to the Commissioner of Marine Resources for the purpose of conducting research, development and propagation activities by the department, and it is the responsibility of the Commissioner of Marine Resources to select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sports fisheries activities in the State; the remaining 80% of the balance of 2.00% after paying out such refunds ~~shall must~~ be credited to the Boating Facilities Fund, established under Title ~~38 12~~, section ~~322 1896~~, within the Maine State Bureau of Parks and Lands. The State Tax Assessor shall certify to the State Controller, on or before the 15th day of each month, the amounts to be credited under the previous sentence, as of the close of the State Controller's records for the previous month. When refunds paid to purchasers and users of internal combustion engine fuel for commercial motorboats in any month exceed 2.00% of gasoline tax revenues for that month, such excess ~~shall must~~ be carried forward in computing amounts to be credited to the Department of Marine Resources and to the Boating Facilities Fund under this section for the succeeding month or months. Funds credited to the Department of Marine Resources ~~shall must~~ be allocated by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The Bureau of Parks and Lands, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Transportation shall devise and agree to a system for determining the percentage of the gasoline tax and special fuels tax that results from fuel purchases for boating uses and whether those uses are for pleasure or commerce and for salt or ~~fresh water~~ freshwater boating. The Bureau of Parks and Lands shall ~~assure~~ ensure that proper records are kept to provide input for this system. Beginning February 1, 1991, and every 3 years thereafter on February 1st, the Bureau of Parks and Lands shall issue to the joint standing committee of the Legislature having jurisdiction over taxation matters a report based on an analysis of data according to this section. The Boating Facilities Fund ~~shall must~~ be used to fund the costs of this activity.

Sec. A-51. 36 MRSA §6758, sub-§2, as amended by PL 1997, c. 668, §41 and c. 766, §5, is repealed and the following enacted in its place:

2. Determination by assessor. On or before June 30th of each year, the assessor shall determine the employment tax increment of each qualified business for the preceding calendar year. A qualified business may receive up to 75% of the employment tax increment generated by that business as determined by the assessor, subject to the further limitations in section 6754, subsection 2. That amount is referred to as "retained employment tax increment revenues."

Sec. A-52. 36 MRSA §6855, as enacted by PL 1997, c. 449, §1, is amended to read:

§6855. Land

1. Public benefit. The Legislature, recognizing that the submerged and intertidal lands as those terms are defined in Title 12, chapters ~~202 and 202-A~~ and 220, respectively, are owned by the State for the benefit of the public and are impressed with a public trust and having considered all factors relevant to that public trust and the impact that conveying or leasing the submerged and intertidal land described in this subsection to a certified applicant would have on the public trust and the benefits to the State and its people from the conveyance or lease, finds that a conveyance or lease to a certified applicant of all or any part of the State's right, title and interest in and to no more than 15 acres of submerged and intertidal lands owned by the State, and located on the westerly side of the Kennebec River between the southerly side of the Carlton Bridge and a point 2 miles southerly of the Carlton Bridge, in order to construct, improve, modernize or expand a shipbuilding facility, is necessary to ensure the long-term survival of the shipbuilding industry in this State, to preserve numerous opportunities for jobs for the people of this State, to make the State more competitive in the shipbuilding industry and thus to ensure the preservation and betterment of the economy of the State for the benefit of its people and the Legislature further finds that the grant or lease will benefit a class of persons much greater than the certified applicant and that the impact, if any, on the public trust in what remains would be minimal and that the foregoing benefits to the State and its people resulting from the conveyance or lease far exceed any impact on the public trust in submerged and intertidal lands.

2. Conveyance by State. The State is authorized to lease to a certified applicant for a period of up to 5 years or until a qualified investment of \$150,000,000 is made, whichever is sooner, all or any part of the State's right, title and interest in the submerged and intertidal lands not exceeding 15 acres

located as described in subsection 1 as necessary or convenient for the certified applicant to construct, improve, modernize or expand a shipbuilding facility. At the end of the lease period, the State is authorized to convey to a certified applicant the same property that was leased. The conveyance must be made for consideration equal to the fair market value of submerged lands at the time of conveyance. The provisions of Title 12, chapters ~~202 and~~ 202-A and ~~220~~ do not apply to any conveyance or lease. Failure on the part of the certified applicant to purchase any submerged or intertidal lands under this subsection does not relieve the certified applicant of liability for violation of any state or federal environmental laws or regulations or local ordinances affecting submerged or intertidal lands during the lease period.

Sec. A-53. 38 MRSA §342, sub-§7, as amended by PL 1997, c. 296, §10, is further amended to read:

7. Representation in court. The commissioner may authorize certified employees of the department to serve civil process and represent the department in District Court in the prosecution of violations of those laws enforced by the department and set forth in Title 4, section 152, subsection ~~6~~ 6-A. Certification of these employees must be provided as under Title 30-A, section 4453.

Sec. A-54. 38 MRSA §347-A, sub-§2, as enacted by PL 1989, c. 311, §4 and as amended by c. 890, Pt. A, §31 and affected by §40, is further amended to read:

2. Hearings. The commissioner shall give at least 30 days' written notice to the alleged violator of the date, time and place of any hearing held pursuant to subsection 1, paragraph ~~C~~ A, subparagraph (3). The notice ~~shall~~ must specify the act or omission which is claimed to be in violation of law or regulation.

Any hearing conducted under the authority of this subsection ~~shall~~ must be in accordance with the provisions of ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter IV. At the hearing, the alleged violator may appear in person or by attorney and answer the allegations of violation and file a statement of the facts, including the methods, practices and procedures, if any, adopted or used by that person to comply with this chapter and present such evidence as may be pertinent and relevant to the alleged violation.

After hearing, or in the event of a failure of the alleged violator to appear on the date set for a hearing, the commissioner shall, as soon as practicable, make findings of fact based on the record and, if the commissioner finds that a violation exists, shall issue an order aimed at ending the violation. The person to

whom an order is directed shall immediately comply with the terms of that order.

Sec. A-55. PL 1997, c. 641, §4 is amended to read:

Sec. 4. Use of revenues. Revenues from the extraction of groundwater authorized by this Act must be deposited into the Maine State Parks and Recreational Facilities Development Fund established by the Maine Revised Statutes, Title 12, section 609 or its successor provision, Title 12, section 1825, subsection 1.

PART B

Sec. B-1. 5 MRSA §17851, sub-§4, ¶B, as amended by PL 1997, c. 740, §3 and c. 769, §2, is repealed and the following enacted in its place:

B. Except as provided in section 17851-A, became a state police officer after September 15, 1984 and completed 25 years of creditable service as a state police officer.

Sec. B-2. 12 MRSA §7827, sub-§26, as enacted by PL 1997, c. 739, §8, is repealed.

Sec. B-3. 12 MRSA §7827, sub-§27 is enacted to read:

27. Unlawfully renting or leasing a personal watercraft. A person is guilty of unlawfully renting or leasing a personal watercraft if that person rents or leases a personal watercraft in violation of section 7825-C.

Sec. B-4. 12 MRSA §7901, sub-§17, as enacted by PL 1997, c. 739, §9, is repealed.

Sec. B-5. 12 MRSA §7901, sub-§18 is enacted to read:

18. Unlawfully renting or leasing a personal watercraft. A violation of section 7827, subsection 27 is a civil violation for which a forfeiture of not less than \$200 must be adjudged. The \$200 minimum fine may not be waived by the court.

Sec. B-6. 15 MRSA §3316, as amended by PL 1997, c. 591, §2 and c. 752, §25, is repealed and the following enacted in its place:

§3316. Commitment to the Department of Corrections or the Department of Human Services

1. Sharing of information about a committed juvenile. Information regarding a committed juvenile must be shared as follows.

A. When a juvenile is committed to a Department of Corrections juvenile corrections facility or the Department of Human Services, the court shall transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports and other information pertinent to the care and treatment of the juvenile.

B. The Department of Corrections facility or the Department of Human Services shall provide the court with any information concerning a juvenile committed to its care that the court at any time may require.

2. Indeterminate disposition. The following provisions apply to indeterminate dispositions.

A. A commitment of a juvenile to a Department of Corrections juvenile corrections facility pursuant to section 3314 must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, as long as the court does not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday and as long as an order does not result in a commitment of less than one year, unless the commitment is for an indeterminate period not to extend beyond the juvenile's 21st birthday. Nothing in this Part may be construed to prohibit the provision to a juvenile following the expiration of the juvenile's term of commitment of services voluntarily accepted by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated; except that these services may not be extended beyond the juvenile's 21st birthday.

B. A commitment of a juvenile to the Department of Human Services pursuant to section 3314 must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits the commitment.

3. Provision of services. Nothing in this chapter may prevent juveniles who are receiving services from the Department of Corrections from receiving services from the Department of Human Services.

4. Voluntary services. The following applies to voluntary services agreement provisions.

A. This chapter does not prevent a juvenile from receiving services from the Department of Corrections pursuant to a voluntary agreement with the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated.

B. If a juvenile is placed in a residence outside the juvenile's home pursuant to a voluntary services agreement, the Commissioner of Corrections or the commissioner's designee may request the court to make a determination whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. If requested, the court shall make that determination prior to the expiration of 180 days from the start of the placement and shall review that determination not less than once every 12 months until the juvenile is no longer residing outside the juvenile's home.

Sec. B-7. 22 MRSA §1663, as enacted by PL 1983, c. 826, §1, is amended to read:

§1663. Rules

The Commissioner of Human Services is authorized and directed to adopt rules to implement this chapter to reflect widely accepted and current services ~~which~~ that are presently provided. The commissioner shall consult with organizations who counsel rape victims, the Maine Coalition ~~in Rape~~ Against Sexual Assault, and other appropriate parties and shall make allocations based on these recommendations.

Sec. B-8. 22 MRSA §8704, sub-§4, as amended by PL 1997, c. 525, §2, is further amended to read:

4. Rulemaking. The board shall adopt rules necessary for the proper administration and enforcement of the requirements of this chapter. All rules must be adopted in accordance with Title 5, chapter 375, ~~subchapter II-A~~ and unless otherwise provided are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. B-9. 36 MRSA §5219-K, sub-§1, as enacted by PL 1995, c. 368, Pt. GGG, §7, is amended to read:

1. Credit allowed. A taxpayer is allowed a credit against the tax due under this ~~chapter~~ Part equal to the sum of 5% of the excess, if any, of the qualified research expenses for the taxable year, over the base amount; and 7.5% of the basic research payments determined under subsection (e)(1)(A) of Section 41 of the Code. The term "base amount" means the average spent on qualified research expenses over the last 3 years by the taxpayer. The terms "qualified research expenses," "qualified organization base period amount," "basic research" and any other terms affecting the calculation of the credit, unless the context otherwise requires, have the same meanings as

under Section 41 of the Code, as amended and in effect on December 31, 1994, but only apply to expenditures for research conducted in this State. In determining the amount of the credit allowable under this section, the State Tax Assessor may aggregate the activities of all corporations that are members of a controlled group of corporations, as defined by subsection (f)(1)(A) of Section 41 of the Code, and in addition may aggregate the activities of all entities, whether or not incorporated, that are under common control, as defined by subsection (f)(1)(B) of Section 41 of the Code.

Sec. B-10. PL 1997, c. 795, §10 is amended to read:

Sec. 10. Medicaid for persons with disabilities. Beginning October 1, 1998 the Department of Human Services is authorized to implement the provisions of the Balanced Budget Act of 1997, Public Law 105-33, 111 Stat. 251, Section ~~4793~~ 4733 to create a Medicaid categorically needy eligibility group for individuals whose family income is less than 250% of the nonfarm income official poverty line and who, except for their earned income, would be considered to be receiving supplemental security income benefits.

PART C

Sec. C-1. 3 MRSA §959, sub-§1, ¶A, as enacted by PL 1995, c. 488, §2, is amended by amending subparagraph (5) to read:

(5) ~~Maine Blueberry Commission~~ Wild Blueberry Commission of Maine in 1999;

Sec. C-2. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by amending subparagraph (12) to read:

(12) ~~State Board of Barbers~~ Board of Barbering and Cosmetology in 1997;

Sec. C-3. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by repealing subparagraph (14).

Sec. C-4. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by amending subparagraph (18) to read:

(18) State Board of ~~Substance Abuse~~ Alcohol and Drug Counselors in 1997;

Sec. C-5. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by repealing subparagraph (20).

Sec. C-6. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by repealing subparagraph (44).

Sec. C-7. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by amending subparagraphs (48) and (49) to read:

(48) Board of Licensing of Dietetic Practice in 2005; ~~and~~

(49) Board of Complementary Health Care Providers in 2007;

Sec. C-8. 3 MRSA §959, sub-§1, ¶C, as amended by PL 1997, c. 727, Pt. A, §2, is further amended by enacting subparagraphs (50) to (52) to read:

(50) Maine Science and Technology Foundation in 2007;

(51) Board of Boiler Rules in 2007; and

(52) Board of Elevator and Tramway Safety in 2007.

Sec. C-9. 3 MRSA §959, sub-§1, ¶E, as enacted by PL 1995, c. 488, §2, is amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs ~~matters~~ shall use the following list as a guideline for scheduling reviews:

(1) Telecommunications Relay Services Advisory Council in 1997;

(2) Department of Education in 1997;

(2-A) State Board of Education in 1997;

(3) Maine Arts Commission in 1999;

(4) Maine Conservation School in 1999;

(5) Maine Historic Preservation Commission in 1999;

(5-A) Notwithstanding section 952, Maine Historical Society in 1999;

(6) Maine Library Commission in 1999;

(6-A) Maine State Cultural Affairs Council in 1999;

(6-B) Maine State Library in 1999;

(6-C) Maine State Museum in 1999;

(7) Maine State Museum Commission in 1999;

(8) Office of State Historian in 1999;

- (9) Board of Trustees of the Maine Maritime Academy in 2001;
- (10) Board of Trustees of the University of Maine System in 2001;
- (11) Educational Leave Advisory Board in 2001;
- (12) Maine Technical College System in 2001;
- (13) Maine Health and Higher Educational Facilities Authority in 2003; and
- (14) Maine Educational Loan Authority in 2003.

Sec. C-10. 3 MRSA §959, sub-§1, ¶F, as enacted by PL 1995, c. 488, §2 and amended by c. 560, Pt. K, §82 and affected by §83, is further amended to read:

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

- ~~(1) Alcohol and Drug Abuse Planning Committee in 1997;~~
- (2) Office of Substance Abuse in 1997;
- (3) Maine Advisory Committee on Mental Retardation in 1999;
- ~~(4) Maine Health Care Finance Commission in 1999;~~
- (5) Maine Emergency Medical Services in 2001;
- (6) Department of Human Services in 2001;
- (7) Board of the Maine Children's Trust Incorporated in 2003;
- (8) Governor's Committee on Employment of People with Disabilities in 2003;
- (9) Maine Developmental Disabilities Council in 2003; and
- (10) Department of Mental Health, Mental Retardation and Substance Abuse Services in 2005.

Sec. C-11. 3 MRSA §959, sub-§1, ¶J, as enacted by PL 1995, c. 488, §2 and as amended by PL 1997, c. 455, §31, is further amended to read:

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans' affairs shall use the following schedule as a guideline for scheduling reviews:

- ~~(1) Department of Defense, Veterans and Emergency Management in 2001;~~
- (2) State Liquor and Lottery Commission in 1999; ~~and~~
- (3) Bureau of Liquor Enforcement within the Department of Public Safety in 1999; ~~and~~
- (4) Department of Defense, Veterans and Emergency Management in 2001.

Sec. C-12. 3 MRSA §959, sub-§1, ¶K, as enacted by PL 1995, c. 488, §2, is amended to read:

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

- (1) Atlantic States Marine Fisheries Commission in 1997;
- (2) Department of Marine Resources in 1997;
- ~~(3) Atlantic Sea Run Salmon Commission in 1999;~~
- (4) Lobster Advisory Council in 1999; ~~and~~
- (5) Maine Sardine Council in 1999; ~~and~~
- (6) Atlantic Salmon Authority in 2001.

Sec. C-13. 3 MRSA §959, sub-§1, ¶L, as enacted by PL 1995, c. 488, §2, is amended to read:

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

- (1) Department of Environmental Protection in 1997;
- (2) Board of Environmental Protection in 1997;
- (3) Advisory Commission on Radioactive Waste in 1999; ~~and~~
- (4) Saco River Corridor Commission in 2005; ~~and~~
- (5) Board of Underground Oil Tank Installers in 2003.

Sec. C-14. 3 MRSA §959, sub-§1, ¶M, as enacted by PL 1995, c. 488, §2 and amended by PL 1997, c. 526, §14, is amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- ~~(8) Local Government Records Board in 2003; and~~
- (9) State Planning Office in 2005.

Sec. C-15. 3 MRSA §959, sub-§1, ¶O, as enacted by PL 1995, c. 488, §2, is amended to read:

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

- (1) Maine Turnpike Authority in 1997;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 1999; ~~and~~
- (3) The Department of Transportation in 1999; and
- (4) Maine State Pilotage Commission in 2001.

PART D

Sec. D-1. 12 MRSA §7406, sub-§10, as amended by PL 1997, c. 432, §40, is further amended to read:

10. Illegal possession. A person is guilty of illegal possession of wild animals or wild birds if that person possesses any wild animal or wild bird taken in violation of subsection 4, 5, 6, 7, ~~8, 9~~ 9-A, 9-B, 13, 16

or 17 or Title 17-A, section 402, except as otherwise provided in chapters 701 to 721.

Sec. D-2. 26 MRSA §843, sub-§3, ¶A, as enacted by PL 1987, c. 661, is amended to read:

A. Any person, sole proprietorship, partnership, corporation, association or other business entity that employs ~~25~~ 15 or more employees at one location in this State;

Sec. D-3. 36 MRSA §4695, 2nd ¶, as amended by PL 1997, c. 706, §9, is further amended to read:

An excise tax of 15¢ per case is levied and imposed upon the privilege of packing sardines and an excise tax of ~~15¢~~ 10¢ per case is levied and imposed upon the privilege of packing kippers, steaks or other canned herring products.

Sec. D-4. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 36, section 4695 applies retroactively to April 3, 1998.

Sec. D-5. PL 1997, c. 691, §10 is amended to read:

Sec. 10. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, sections ~~1 to 3~~ to 5 of this Act apply to all proceedings pending on the effective date of this Act except that Title 35-A, section 1311-A, subsections 1 and 2 do not apply to pending or future Public Utilities Commission proceedings in which the commission reviews a proposed sale of generation assets divested by an investor-owned electric utility pursuant to Title 35-A, section 3204.

Sec. D-6. Retroactivity. That section of this Act that amends Public Law 1997, chapter 691, section 10 applies retroactively to April 3, 1998.

Sec. D-7. Resolve 1997, c. 117, §1, sub-§6 is amended to read:

6. Report. The commission shall submit a report, together with any necessary implementing legislation, to the First Regular Session of the 120th Legislature by December 15, ~~2001~~ 2000.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 6, 1999.
