

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

2000-01

**EDUCATION,  
DEPARTMENT OF**

**School Renovation**

All Other \$1,000,000

Provides additional one-time funds for school renovations for the purpose of capitalizing a revolving school renovation fund. Any balance remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purpose.

See title page for effective date.

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**CHAPTER 790**

**H.P. 1665 - L.D. 2334**

**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. 5 MRSA §54, sub-§1,** as enacted by PL 1999, c. 446, §1, is amended to read:

**1. Forms.** Shall have the filing forms available for downloading from the Internet. This subsection takes effect June 1, 2000; and

**Sec. A-2. 5 MRSA §12004-F, sub-§11,** as enacted by PL 1987, c. 786, §5, is amended to read:

**11. Maine Court Expenses 4 MRSA §1602**  
Governmental Facilities Only  
Authority

**Sec. A-3. 5 MRSA §13070-J, sub-§6,** as enacted by PL 1997, c. 761, §2, is reallocated to 5 MRSA §13070-J, sub-§5.

**Sec. A-4. 7 MRSA §2171, sub-§1,** as enacted by PL 1999, c. 84, §3, is amended to read:

**1. Fees.** The following provisions apply to the fees payable for a license issued under this section.

A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

C. Educational institutions are exempt from the license fee.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

**Sec. A-5. 7 MRSA §2171, sub-§1-A** is enacted to read:

**1-A. Fees established by rule.** No later than December 31, 1999, the Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

**Sec. A-6. Retroactivity.** That section of this Act that enacts the Maine Revised Statutes, Title 7, section 2171, subsection 1-A applies retroactively to December 31, 1999.

**Sec. A-7. 7 MRSA §2171, sub-§2,** as enacted by PL 1999, c. 84, §3, is amended to read:

**2. Violations.** Any person, firm or corporation engaged in the business of selling nursery stock without a license commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Licenses may be revoked by the Administrative Court, as provided in the Maine Administrative Procedure Act, for failure to comply with the requirements of chapter 405-A.

**Sec. A-8. 8 MRSA §263-A**, as enacted by PL 1997, c. 527, §2, is reallocated to 8 MRSA §263-C.

**Sec. A-9. 9 MRSA §5008, sub-§1**, as amended by PL 1999, c. 146, §2 and c. 386, Pt. A, §16, is repealed and the following enacted in its place:

**1. Registration.** A person or entity may not act as a professional fund-raising counsel, a professional solicitor or a commercial co-venturer before that person or entity has registered with the office. Applications for registration or reregistration must be in writing, under oath, in the form prescribed by the office and accompanied by an application fee in the amount of \$50 and a registration fee in the amount of \$200. Application fees are nonrefundable. The applicant shall, at the time of making application for registration or reregistration, file with and have approved by the office a bond, in which the applicant must be the principal obligor, in the sum of \$25,000, with one or more responsible sureties whose liability in the aggregate as such sureties at least equals that sum. The bond runs to any person or entity who may have a cause of action against the principal obligor of the bond for any malfeasance or misfeasance in the conduct of charitable solicitation in this State. Registration is for a period of one year. The registration fee and bond required by this chapter must be waived for an auctioneer, when that auctioneer engages in conduct for which that auctioneer is already bonded, who is licensed by the Department of Professional and Financial Regulation and who has otherwise complied with the requirements of Title 32, chapter 5-B.

**Sec. A-10. 9-B MRSA §448, sub-§5**, as amended by PL 1999, c. 127, Pt. A, §23 and c. 218, §23, is repealed and the following enacted in its place:

**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 1443-A, subsection 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 producers 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 producers affiliated with federally chartered and state-chartered financial institutions and credit unions. Any rule adopted may not interfere significantly with the ability of a producer to solicit or negotiate the sale of an insurance product, whether or not that producer 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-11. 12 MRSA §6193**, as enacted by PL 1977, c. 661, §5, is amended to read:

**§6193. Exemption from requirement to supply copies**

Emergency regulations rules authorized under section 6172 shall be exempted are exempt from the requirement that they be supplied to persons that who have requested them, as required under Title 5, section 8055 8056, subsection 1.

**Sec. A-12. 12 MRSA §6431-F, sub-§2, ¶B**, as enacted by PL 1999, c. 397, §6, is amended to read:

B. If the license holder was issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph H or former section 6421-A, subsection 1, paragraph D, the license holder may not purchase more than 300 trap tags for the initial license year. For each following year, the license holder may purchase up to an increase of 100 trap tags each year as long as the total number does not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps; and

**Sec. A-13. 12 MRSA §6749-R, sub-§1**, as amended by PL 1999, c. 244, §2 and c. 309, §3, is repealed and the following enacted in its place:

**1. Uses of the fund.** The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of

that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may also be used to cover the costs associated with determining eligibility for licenses under this subchapter, for law enforcement and support for the Sea Urchin Zone Council. Up to 30% of allotted revenues may be used for law enforcement purposes.

**Sec. A-14. 12 MRSA §7076, sub-§1**, as amended by PL 1999, c. 403, §3 and c. 480, §1, is repealed and the following enacted in its place:

**1. Residents over 70 years of age.** A complimentary license to hunt, trap or fish, including an archery license under section 7102-A or 7102-B, a pheasant hunting permit under section 7106-B, a muzzle-loading hunting license under section 7107-A, a migratory waterfowl permit under section 7109 and a bear hunting permit under section 7110 must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

**Sec. A-15. 12 MRSA §7105, sub-§2**, as repealed by PL 1999, c. 325, §1 and amended by c. 403, §8, is repealed.

**Sec. A-16. 12 MRSA §7464, sub-§3, ¶C**, as amended by PL 1999, c. 322, §13 and c. 403, §25, is repealed and the following enacted in its place:

C. The person who killed the moose does not accompany the moose while it is being moved or

transported or allows the moose to be transported while accompanied by another person without obtaining the transportation permit required under section 7531.

**Sec. A-17. 12 MRSA c. 803** is amended by repealing the chapter headnote and enacting the following in its place:

### **CHAPTER 803**

#### **FOREST HEALTH AND MONITORING**

**Sec. A-18. 12 MRSA §8101**, as amended by PL 1987, c. 183, §1, is further amended to read:

#### **§8101. Forest Health and Monitoring program**

**1. Powers and duties.** The Director of the Bureau of Forestry shall maintain sufficient resources, both personnel and technical information, within the limit of funds available, ~~so as~~ in order to:

A. Maintain a statewide surveillance system to detect and monitor insects, diseases and abiotic agents, including air pollution and acid deposition potentially injurious to the forest resources of the State;

B. Provide information and technical advice and assistance to individuals and other state and federal agencies on the identification and control of forest insects and diseases;

C. Conduct and supervise control programs for forest diseases and insects where authorized;

D. Assist in the enforcement of federal and state quarantine laws relating to forest insects and diseases;

E. Conduct applied research related to the management of insects, diseases and abiotic agents potentially injurious to the forest resources of the State, including forest management strategies, insecticide and spray application technologies, integrated pest management techniques and other issues pertinent to the purposes of this chapter. The director shall maintain up-to-date information on the injurious impacts of insects, diseases and abiotic agents, including air pollution and acid deposition on the forests of the State; and

F. Consult and cooperate with other agencies of the United States, other state governments, the federal and provincial governments of Canada and public and private landowners in the State on applied research, survey and management of forest pest problems.

**Sec. A-19. 17-A MRSA §1103, sub-§3, ¶B,** as amended by PL 1999, c. 453, §6, is further amended to read:

B. Fourteen grams or more of cocaine or 4 grams or more of cocaine in the form of cocaine base; ~~or~~

**Sec. A-20. 17-A MRSA §1103, sub-§3, ¶C,** as amended by PL 1999, c. 422, §1 and repealed by c. 453, §7, is repealed.

**Sec. A-21. 19-A MRSA §1768, sub-§4, ¶A,** as enacted by PL 1999, c. 486, §3 and affected by §6, is amended to read:

A. The child custody determination has not been registered and confirmed under section 1765 and that:

- (1) The issuing court did not have jurisdiction under subchapter II;
- (2) The child custody determination for which enforcement is sought has been vacated, stayed or modified by a court having jurisdiction to do so under subchapter II; or
- (3) The respondent was entitled to notice, but notice was not given in accordance with the standards of section 1738, in the proceedings before the court that issued the order for which enforcement is sought; or

**Sec. A-22. 21-A MRSA §303, sub-§4,** as amended by PL 1999, c. 426, §10 and c. 450, §8, is repealed and the following enacted in its place:

**4. Municipal caucuses.** A party that has qualified under subsections 1, 2 and 3 to participate in a primary election must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article II. The chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3 with the Secretary of State before 5 p.m. on March 20th.

**Sec. A-23. 22 MRSA §1321, sub-§§3 and 4,** as amended by PL 1999, c. 276, §13, are further amended to read:

**3. Notice to owner; removal.** The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and permanently covered within 30 days of receipt of the notice. If the lead-based substances can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time. All lead-based paint

activities must be performed in accordance with rules adopted by the Department of Environmental Protection pursuant to Title 38, chapter 12-B. In the case of an owner-occupied, single-family residence, the department may provide technical assistance and guidance in lieu of enforcement activity at the department's discretion; and

**4. Sale of dwelling, residential facility, day care center or nursery school.** If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, day care center or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period; and.

**Sec. A-24. 22 MRSA §1696-H,** as repealed by PL 1989, c. 464, §2 and amended by c. 503, Pt. B, §87, is repealed.

**Sec. A-25. 22 MRSA §3174-G, sub-§1-A,** as repealed and replaced by PL 1999, c. 401, Pt. KKK, §2, is amended to read:

**1-A. Elderly prescription drug program.** The department shall apply to the federal Health Care Financing Administration for a waiver authorizing the department to provide Medicaid prescription drug benefits to qualified persons who are 62 years of age or older or who are 19 years of age or older and determined by the department to be disabled under the standards of the federal social security program and who have household income up to and including 185% of the nonfarm income official poverty line. If sufficient funds are not allocated or appropriated to provide prescription drug coverage under this subsection to eligible persons with household income up to and including 185% of the nonfarm income official poverty line, the department shall provide coverage under this section up to the maximum income eligibility limit that can be achieved within the funds appropriated and allocated. The waiver must include the full range of prescription drugs provided under the current Medicaid program. It may not include an asset limit. Copayments for participants must be comparable to copayments in the current Medicaid program. Coverage under this subsection must commence July 1, 2000 or as soon thereafter ~~or~~ as possible.

**Sec. A-26. 22 MRSA §3500-A,** as amended by PL 1993, c. 707, Pt. Z, §1 and repealed by c. 708, Pt. G, §2, is repealed.

**Sec. A-27. 24 MRSA §2317-B, sub-§§2, 4, 7, 10 and 17,** as enacted by PL 1999, c. 256, Pt. M, §10, are amended to read:

**2. Title 24-A, section 2436.** Interest on overdue payments, Title 24-A, section 2436;

**4. Title 24-A, sections 2438 to 2445.** Policy language simplification, Title 24-A, sections 2438 to 2445;

**7. Title 24-A, section 2729-A.** Renewability, Title 24-A, section 2729-A;

**10. Title 24-A, section 2749.** Arbitration of disputed claims, Title 24-A, section 2749;

**17. Title 24-A, chapter 32.** Preferred provider arrangements, Title 24-A, chapter 32;

**Sec. A-28. 24 MRSA §2336**, as repealed by PL 1999, c. 256, Pt. M, §17 and amended by c. 256, Pt. O, §2, is repealed.

**Sec. A-29. 24-A MRSA §4435, sub-§7**, as amended by PL 1991, c. 885, Pt. E, §33 and affected by §47, is further amended to read:

**7. Net direct written premiums.** "Net direct written premiums" means direct gross premiums written on insurance policies to which this subchapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers or premiums written through the United States Government Flood Insurance Program. ~~For purposes of assessment against insurers pursuant to section 4440-B, "net direct written premium" means the average for the 5 calendar years prior to the year of assessment of premiums written on contracts of excess workers' compensation insurance issued to workers' compensation self-insurers approved under former Title 39, section 23 or Title 39-A, section 403.~~

**Sec. A-30. 25 MRSA §1542-A, sub-§1, ¶E**, as amended by PL 1999, c. 110, §4 and c. 260, Pt. B, §5 and affected by §18, is repealed and the following enacted in its place:

E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section 3028, subsection 3 or at the request of the Chief Medical Examiner or the Attorney General;

**Sec. A-31. 25 MRSA §2927, sub-§5-A**, as enacted by PL 1995, c. 672, §3, is amended to read:

**5-A. Committee recommendations; budget.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over

appropriations and financial affairs regarding all expenditures from the E-9-1-1 fund ~~established in subsection 2-A.~~

**Sec. A-32. 25 MRSA §2956, sub-§1**, as amended by PL 1991, c. 837, Pt. B, §14 and c. 841, §12, is repealed and the following enacted in its place:

**1. Rules.** The commissioner shall, with the advice of the board, adopt rules, practices and policies respecting the administration of the agency. The rules, practices and policies of the agency must be in conformity with state law and must accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

A. The qualifications, hiring, term of service and disciplinary standards for commanders, supervisors and agents;

B. Protection as to financial and employment security for any law enforcement officer selected as any official of the agency with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;

C. Standard operating procedures for the agency;

D. Procurement procedures; or

E. Procedures for dissemination of records.

**Sec. A-33. 25 MRSA §2957**, as amended by PL 1991, c. 837, Pt. B, §15 and c. 841, §13, is repealed and the following enacted in its place:

**§2957. Confidentiality**

Notwithstanding any other provisions of law, the investigative records of the agency are confidential and all meetings of the board are subject to Title 1, sections 401 to 410, except that those meetings may be held in executive session to discuss any case investigations or any disciplinary actions.

**Sec. A-34. 28-A MRSA §1355, sub-§1-A, ¶E**, as amended by PL 1993, c. 542, §2 and c. 730, §46, is repealed and the following enacted in its place:

E. The holder of a brewery license may be issued one license under chapter 43 per brewery location for the sale of liquor to be consumed on the premises at the brewery.

(1) The retail license must be held exclusively by the holder of the brewery license.

(2) This retail license authorizes the sale of products of the brewery, other than the specialty package under paragraph C, in addi-

tion to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.

(4) All records of the brewery licensee must be kept separate from the records of the retail licensee.

**Sec. A-35. 32 MRSA §63-A, sub-§1**, as amended by PL 1993, c. 600, Pt. A, §28 and c. 659, Pt. A, §1, is repealed and the following enacted in its place:

**1. Membership.** The Nursing Home Administrators Licensing Board, as established by Title 5, section 12004-A, subsection 23, and referred to in this section as the "board," consists of 7 members appointed by the Governor. The members must be citizens of the United States and residents of this State. One member must be a registered nurse with not less than 5 years of active practice in nursing homes in the State. Two members must be representatives of the public. Three members must be administrators of nursing homes with not less than 5 years of active experience in the State. One member must be an administrator of an intermediate care facility for the mentally retarded with not less than 5 years of active practice in that capacity.

**Sec. A-36. 32 MRSA §1901, sub-§1-A**, as repealed by PL 1999, c. 84, §5 and amended by c. 179, §1, is repealed.

**Sec. A-37. 32 MRSA §1901, sub-§1-B**, as repealed by PL 1999, c. 84, §5 and enacted by c. 179, §2, is repealed.

**Sec. A-38. 32 MRSA §1901, sub-§2**, as repealed by PL 1999, c. 84, §5 and amended by c. 179, §3, is repealed.

**Sec. A-39. 32 MRSA §13777**, as amended by PL 1989, c. 720, §2, is further amended to read:

**§13777. Exceptions**

This Act does not apply to any medical assistance or public health programs administered by the Department of Human Services, including, but not limited to, the Medicaid program and the Low Cost Drug Program; to any employee benefit plan that is subject to the Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001, et

seq.; and to any 3rd-party prescription programs administered in accordance with and subject to the limitations of the former Nonprofit Service Organizations Preferred Provider Arrangement Act of 1985, Title 24, chapter 19, subchapter II, or the Preferred Provider Arrangement Act ~~of 1986~~, Title 24-A, chapter 32.

**Sec. A-40. 33 MRSA §1669, sub-§6**, as enacted by PL 1987, c. 734, §2, is amended to read:

**6. Removal of custodian.** A transferor, the legal representative of a transferor, an adult member of the minor's family, a guardian of the person of the minor, the conservator of the minor or the minor, if the minor ~~as has~~ attained 14 years of age, may petition the court to remove the custodian for cause and to designate a successor custodian, other than a transferor under section 1655, or to require the custodian to give appropriate bond.

**Sec. A-41. 36 MRSA §177, sub-§4**, as amended by PL 1999, c. 414, §8, is further amended to read:

**4. Revocation for nonsegregation.** ~~Upon the expiration of the 5-day period designated in subsection 3,~~ if ~~if~~ any person who is a "retailer" under Part 3 or a fuel supplier, distributor or importer subject to Part 5 fails to make the required payments on account to the State Tax Assessor, the assessor may revoke any registration certificate that has been issued to that person. The revocation is reviewable in accordance with section 151.

**Sec. A-42. 36 MRSA §1752, sub-§17-A, ¶G**, as amended by PL 1999, c. 414, §15; c. 488, §5; and c. 516, §3 and affected by §7, is repealed and the following enacted in its place:

G. Rental of audio and video tapes and audio and video equipment;

**Sec. A-43. Retroactivity.** That portion of this Act that repeals and replaces the Maine Revised Statutes, Title 36, section 1752, subsection 17-A, paragraph G and relates to the rental of audio equipment applies retroactively to rental-purchase agreements, as defined by Title 9-A, section 11-105, subsection 7, entered into on or after October 1, 1999. That portion does not apply to rental-purchase agreements entered into before October 1, 1999.

**Sec. A-44. 36 MRSA §1752, sub-§17-A, ¶H**, as amended by PL 1999, c. 414, §16; c. 488, §6; and c. 516, §4 and affected by §7, is further amended to read:

H. Rental or lease of an automobile; ~~and~~



**Sec. A-45. 36 MRSA §1752, sub-§17-A, ¶I**, as enacted by PL 1999, c. 414, §17; c. 488, §7; and c. 516, §5 and affected by §7, is repealed and the following enacted in its place:

I. Transmission and distribution of electricity;

**Sec. A-46. 36 MRSA §1752, sub-§17-A, ¶¶J and K** are enacted to read:

J. Prepaid calling arrangements; and

K. Rental of furniture.

**Sec. A-47. Retroactivity.** That portion of this Act that enacts the Maine Revised Statutes, Title 36, section 1752, subsection 17-A, paragraph K and relates to the rental of furniture applies retroactively to rental-purchase agreements, as defined in Title 9-A, section 11-105, subsection 7, entered into on or after October 1, 1999. That portion does not apply to rental-purchase agreements entered into before October 1, 1999.

**Sec. A-48. 36 MRSA §1812, sub-§1, ¶A-1**, as enacted by PL 1999, c. 414, §25, is reallocated to 36 MRSA §1812, sub-§1, ¶A-2.

**Sec. A-49. 36 MRSA §5122, sub-§2, ¶L**, as enacted by PL 1999, c. 521, Pt. C, §6 and affected by §9, is amended to read:

L. For income tax years beginning on or after January 1, 2000, an amount equal to the total premiums spent for qualified long-term care insurance contracts as defined in the Code, Section 7702B(b), as long as the amount subtracted is reduced by the long-term care premiums claimed as an itemized deduction pursuant to ~~Section~~ section 5125.

**Sec. A-50. 38 MRSA §411, first ¶**, as amended by PL 1999, c. 243, §3 and c. 375, §1, is repealed and the following enacted in its place:

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the

small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay a percentage of the cost of individual projects serving single-family dwellings, seasonal dwellings or commercial establishments according to the following schedule:

<u>ANNUAL INCOME</u>	<u>SINGLE-FAMILY DWELLING</u>	<u>SEASONAL DWELLING</u>
\$0 to \$5,000	100%	50%
\$5,001 to \$20,000	90%	50%
\$20,001 to \$30,000	50%	25%
\$30,001 to \$40,000	25%	25%
\$40,001 or more	0%	0%

  

<u>GROSS PROFIT</u>	<u>COMMERCIAL ESTABLISHMENT</u>
\$0 to \$50,000	50%
\$50,001 to \$100,000	25%
\$100,001 or more	0%

**Sec. A-51. 38 MRSA §489-A, sub-§1, ¶A**, as amended by PL 1999, c. 243, §17 and c. 468, §14, is repealed and the following enacted in its place:

A. Subdivisions as described in section 482, subsection 5 of more than 20 acres but less than 100 acres; or

**Sec. A-52. 38 MRSA §489-A, sub-§1, ¶G**, as amended by PL 1999, c. 243, §17 and repealed by c. 468, §15, is repealed.

**Sec. A-53. 39-A MRSA §403, sub-§2, ¶D**, as amended by PL 1995, c. 36, §1 and c. 277, §1, is repealed and the following enacted in its place:

D. Unless continued or modified by law, this subsection is repealed January 1, 2001.

**Sec. A-54. PL 1999, c. 167, §3** is enacted to read:

**Sec. 3. Retroactivity.** This Act applies retroactively to May 1, 1999.

**Sec. A-55. PL 1999, c. 342, §1, amending clause** is amended to read:

**Sec. 1. 17-A MRSA §1105, sub-§1, ¶C**, as repealed and replaced by PL 1989, c. 600, Pt. A, §§~~4~~ 4 and 6, is repealed and the following enacted in its place:

**Sec. A-56. PL 1999, c. 396, §3, enacting clause** is amended to read:

**Sec. 3. ~~24-24-A~~ MRSA §2847-G** is enacted to read:

**Sec. A-57. PL 1999, c. 401, Pt. R, §1, amending clause** is amended to read:

**Sec. R-1. 36 MRSA §6201, sub-§11-A**, as amended by PL 1999, c. 16, Pt. D, §1 and affected by §2, is further amended to read:

**Sec. A-58. PL 1999, c. 512, Pt. A, §7** is enacted to read:

**Sec. A-7. Future effective date.** Except for section 6 of this Part, this Part takes effect February 1, 2000.

**Sec. A-59. PL 1999, c. 512, Pt. B, §6** is enacted to read:

**Sec. B-6. Future effective date.** Except for section 5 of this Part, this Part takes effect February 1, 2000.

**Sec. A-60. Retroactivity.** Those sections of this Act that amend Public Law 1999, chapter 512 apply retroactively to January 1, 1999.

**Sec. A-61. PL 1999, c. 522, §2** is enacted to read:

**Sec. 2. Effective date; contingency not effective.** Notwithstanding Public Law 1999, chapter 401, Part QQ, section 5, this Act takes effect September 18, 1999.

**Sec. A-62. Retroactivity.** That section of this Act that enacts Public Law 1999, chapter 522, section 2 applies retroactively to September 18, 1999.

## PART B

**Sec. B-1. 12 MRSA §6421, sub-§5, ¶D**, as repealed and replaced by PL 1999, c. 643, §3, is amended to read:

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or

**Sec. B-2. 22 MRSA §3501-B**, as enacted by PL 1993, c. 707, Pt. Z, §2 and repealed by c. 708, Pt. G, §2, is repealed.

**Sec. B-3. 22 MRSA c. 960** is enacted to read:

## CHAPTER 960

### EYE CARE

#### §3521. Medical eye care program

The department shall provide medical eye services, within the amounts appropriated by the Legislature, including corrective glasses, to individuals who have an annual income not exceeding 80% of the State's median income adjusted for family size and who have:

**1. Eye disorder.** A significant eye disorder that, if untreated, may progress to blindness; or

**2. Visual acuity of 20/70 or worse.** A visual acuity after correction of 20/70 or worse in the better eye.

The department shall, after hearing, in a manner consistent with the Maine Administrative Procedure Act, adopt rules governing eligibility, application procedures, services covered and reimbursement procedures. The authority to adopt rules granted by this paragraph is deemed to be the same authority granted by former section 3501-B.

**Sec. B-4. 32 MRSA §13852, sub-§1**, as enacted by PL 1989, c. 465, §3, is amended to read:

**1. Establishment.** The Board of Counseling Professionals Licensure within the Department of Professional and Financial Regulation as established by Title 5, section 12004-A, subsection ~~9-A~~ 9-C, shall carry out the purposes of this chapter.

**Sec. B-5. 32 MRSA §14807, sub-§7**, as repealed and replaced by PL 1999, c. 133, §2 and repealed by c. 386, Pt. V, §10, is repealed and the following enacted in its place:

**7. Exceptions.** The licensing provisions of this section do not apply to:

A. A highway transport driver who delivers propane to bulk plants or industrial customers;

B. An individual user of a self-service propane or natural gas dispenser as defined by section 14802, subsection 10;

C. Regular employees of industrial plants installing and servicing propane or natural gas-fired equipment of greater than 10,000,000 BTUs per hour input; or

D. Persons working on internal combustion engines and associated gas trains.

**Sec. B-6. 32 MRSA §14807-A**, as enacted by PL 1999, c. 386, Pt. V, §11, is repealed.

## PART C

**Sec. C-1. 29-A MRSA §457, sub-§7**, as amended by PL 1995, c. 645, Pt. C, §4 and affected by §16, is further amended to read:

**7. Registration fee.** The fee for registration of an antique auto, horseless carriage or antique motorcycle is ~~\$13~~ \$15. The fee for registration of a street rod is ~~\$28~~ \$30.

**Sec. C-2. 29-A MRSA §458, sub-§2**, as amended by PL 1995, c. 645, Pt. C, §5 and affected by §16, is repealed.

**Sec. C-3. 29-A MRSA §501, sub-§1**, as amended by PL 1997, c. 437, §8, is further amended to read:

**1. Automobiles; pickup trucks.** The fee for an automobile or pickup truck used for the conveyance of passengers or interchangeably for passengers or property is ~~\$23~~ \$25.

An automobile used for the conveyance of passengers or property is a "combination" vehicle and may be issued a special plate with the word "combination" instead of "Vacationland." A passenger vehicle used under contract with the State, a municipality or a school district to transport students must be designated as "combination." A vehicle owned or operated by parents or legal guardians is exempt from this subsection.

Commercial plates may not be issued for or displayed on an automobile.

The gross weight of a pickup truck registered as provided by this subsection may not exceed 6,000 pounds. An owner of a pickup truck who operates the pickup truck with a gross weight in excess of 6,000 pounds or the pickup truck drawing a semitrailer with a combined gross weight in excess of 6,000 pounds must register the truck as provided in section 504.

Notwithstanding any other provision of law, a combination of vehicles consisting of a pickup truck as defined in section 101, subsection 55 and a semitrailer with a registered weight of 2,000 pounds or less may be registered under this section for the combined gross weight of the pickup truck and the semitrailer.

**Sec. C-4. 29-A MRSA §501, sub-§2-A, ¶A**, as enacted by PL 1999, c. 660, §3, is amended to read:

A. Notwithstanding subsection 1, an automobile may be registered for an annual fee of ~~\$2~~ \$4. A low-speed vehicle may be registered for an annual fee of \$4. The registrant must show evi-

dence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4 fee annually to defray the cost of removing abandoned vehicles.

**Sec. C-5. 29-A MRSA §501, sub-§7, ¶D**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. The fee for the temporary registration permit is ~~\$10~~ \$12.

**Sec. C-6. 29-A MRSA §501, sub-§8**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**8. Special permit.** The Secretary of State may issue, on application and the payment of a fee of ~~\$2~~ \$4, a special registration permit authorizing the limited operation on the highway of self-propelled golf carts, lawn mowers, ATV's and other similar vehicles with restrictions and limitations of use that minimize the danger to the operator. The following provisions apply to special registration permits.

A. A special registration permit is valid until March 1st of the next calendar year.

B. A driver's license is not required for operation under this subsection.

C. Vehicles registered under this subsection are exempt from the laws regulating the inspection of motor vehicles.

D. A person under the age of 15 years may not operate a vehicle under this subsection on a public way.

E. Operation of an ATV is limited to agricultural purposes in connection with a farm and to operation from or to the premises where kept, from or to a farm lot or between farm lots used for farm purposes by the ATV owner.

**Sec. C-7. 29-A MRSA §501, sub-§10**, as amended by PL 1995, c. 65, Pt. A, §89 and affected by §153 and Pt. C, §15, is further amended to read:

**10. Off-highway vehicles.** The Secretary of State may issue, on application and the payment of a fee of ~~\$25~~ \$27, a special registration permit authorizing the limited operation on a way of trucks, truck tractors and Class B special mobile equipment that are otherwise used exclusively for off-highway purposes. The following provisions apply to registration permits issued pursuant to this subsection.

A. A registration permit may not be granted unless the applicant presents a written certificate from the tax collector of the municipality from which the vehicle is being moved identifying the

vehicle and stating that all personal property taxes applicable to the vehicle, including those for the current year, have been paid or that the vehicle is exempt from those taxes.

B. Highway use is limited to travel to and from garages for the purpose of obtaining repairs or maintenance or travel from one job site to another job site.

C. The registration permit may not authorize transporting property or passengers.

D. A registration permit is valid until March 1st of the next calendar year.

E. A vehicle issued a registration permit pursuant to this subsection is exempt from inspection requirements.

F. The registration permit must be in the vehicle when the vehicle is operated on the highway.

**Sec. C-8. 29-A MRSA §504, sub-§1**, as amended by PL 1995, c. 645, Pt. C, §9 and affected by §16, is further amended to read:

**1. Truck or truck tractor.** For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$23~~ \$25.

B. For gross weight from 6,001 to 9,000 pounds, the fee is ~~\$29~~ \$31.

C. For gross weight from 9,001 to 12,000 pounds, the fee is ~~\$46~~ \$48.

D. For gross weight from 12,001 to 14,000 pounds, the fee is ~~\$79~~ \$81.

E. For gross weight from 14,001 to 16,000 pounds, the fee is ~~\$103~~ \$105.

F. For gross weight from 16,001 to 18,000 pounds, the fee is ~~\$128~~ \$130.

G. For gross weight from 18,001 to 20,000 pounds, the fee is ~~\$159~~ \$161.

H. For gross weight from 20,001 to 23,000 pounds, the fee is ~~\$186~~ \$188.

I. For gross weight from 23,001 to 26,000 pounds, the fee is ~~\$218~~ \$220.

J. For gross weight from 26,001 to 28,000 pounds, the fee is ~~\$265~~ \$267.

K. For gross weight from 28,001 to 32,000 pounds, the fee is ~~\$306~~ \$308.

L. For gross weight from 32,001 to 34,000 pounds, the fee is ~~\$340~~ \$342.

M. For gross weight from 34,001 to 38,000 pounds, the fee is ~~\$377~~ \$379.

N. For gross weight from 38,001 to 40,000 pounds, the fee is ~~\$401~~ \$403.

O. For gross weight from 40,001 to 42,000 pounds, the fee is ~~\$424~~ \$426.

P. For gross weight from 42,001 to 45,000 pounds, the fee is ~~\$448~~ \$450.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is ~~\$495~~ \$497.

R. For gross weight from 48,001 to 51,000 pounds, the fee is ~~\$531~~ \$533.

S. For gross weight from 51,001 to 54,000 pounds, the fee is ~~\$566~~ \$568.

T. For gross weight from 54,001 to 55,000 pounds, the fee is ~~\$578~~ \$580.

U. For gross weight from 55,001 to 60,000 pounds, the fee is ~~\$638~~ \$640.

V. For gross weight from 60,001 to 65,000 pounds, the fee is ~~\$697~~ \$699.

W. For gross weight from 65,001 to 69,000 pounds, the fee is ~~\$760~~ \$762.

X. For gross weight from 69,001 to 72,000 pounds, the fee is ~~\$795~~ \$797.

Y. For gross weight from 72,001 to 75,000 pounds, the fee is ~~\$819~~ \$821.

Z. For gross weight from 75,001 to 78,000 pounds, the fee is ~~\$855~~ \$857.

AA. For gross weight from 78,001 to 80,000 pounds, the fee is ~~\$875~~ \$877.

BB. For gross weight from 80,001 to 90,000 pounds, the fee is ~~\$980~~ \$982.

**Sec. C-9. 29-A MRSA §505, sub-§2**, as amended by PL 1999, c. 472, §1, is further amended to read:

**2. Annual registration fee.** For a farm truck, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is ~~\$19~~ \$21.

B. For gross weight from 6,001 to 9,000 pounds, the fee is ~~\$22~~ \$24.

C. For gross weight from 9,001 to 11,000 pounds, the fee is ~~\$25~~ \$27.

D. For gross weight from 11,001 to 14,000 pounds, the fee is ~~\$37~~ \$39.

E. For gross weight from 14,001 to 16,000 pounds, the fee is ~~\$48~~ \$50.

F. For gross weight from 16,001 to 18,000 pounds, the fee is ~~\$70~~ \$72.

G. For gross weight from 18,001 to 20,000 pounds, the fee is ~~\$82~~ \$84.

H. For gross weight from 20,001 to 23,000 pounds, the fee is ~~\$99~~ \$101.

I. For gross weight from 23,001 to 26,000 pounds, the fee is ~~\$117~~ \$119.

J. For gross weight from 26,001 to 29,000 pounds, the fee is ~~\$144~~ \$146.

K. For gross weight from 29,001 to 32,000 pounds, the fee is ~~\$164~~ \$166.

L. For gross weight from 32,001 to 35,000 pounds, the fee is ~~\$240~~ \$242.

M. For gross weight from 35,001 to 38,000 pounds, the fee is ~~\$263~~ \$265.

N. For gross weight from 38,001 to 42,000 pounds, the fee is ~~\$286~~ \$288.

O. For gross weight from 42,001 to 46,000 pounds, the fee is ~~\$309~~ \$311.

P. For gross weight from 46,001 to 50,000 pounds, the fee is ~~\$332~~ \$334.

Q. For gross weight from 50,001 to 54,000 pounds, the fee is ~~\$355~~ \$357.

R. For gross weight from 54,001 to 58,000 pounds, the fee is ~~\$378~~ \$380.

S. For gross weight from 58,001 to 62,000 pounds, the fee is ~~\$401~~ \$403.

T. For gross weight from 62,001 to 66,000 pounds, the fee is ~~\$446~~ \$448.

U. For gross weight from 66,001 to 69,000 pounds, the fee is ~~\$467~~ \$469.

**Sec. C-10. 29-A MRSA §508, first ¶,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Upon receiving an application and the payment of a fee of ~~\$10~~ \$12, the Secretary of State may issue an annual registration permit for truck campers.

**Sec. C-11. 29-A MRSA §509,** as amended by PL 1995, c. 645, Pt. C, §11 and affected by §16, is further amended to read:

**§509. Tractors**

**1. Tractors.** The annual fee for the registration of a tractor must accompany an application for registration and is as follows.

Tractors equipped with:

A. Pneumatic tires, 25¢ per horsepower and 25¢ per 100 pounds of weight;

B. Solid rubber tires, 25¢ per horsepower and 50¢ per 100 pounds of weight; and

C. Iron, steel or other hard tires, 25¢ per horsepower and 80¢ per 100 pounds of weight.

The minimum fee is ~~\$3~~ \$5.

**2. Tractors used for farming.** The fee for a tractor used for agricultural purposes or not customarily used on public ways is ~~\$3~~ \$5, except as provided in section 510, subsection 1.

**3. Old homemade tractors used for farming.** The fee for a homemade tractor used for agricultural purposes with motor and chassis at least 10 years old that has a body capacity of not more than 1 1/2 cubic yards and that is used exclusively for agricultural purposes is ~~\$3~~ \$5. Such a vehicle may not be operated on the highway more than 10 miles from the place where the vehicle is customarily kept.

**Sec. C-12. 29-A MRSA §511, sub-§1, ¶A,** as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. B, §4 and affected by Pt. C, §15, is further amended to read:

A. The fee is ~~\$8.50~~ \$10.50 for a:

(1) Trailer, camp trailer or semitrailer not exceeding 2,000 pounds gross vehicle weight; or

(3) Mobile home.

**Sec. C-13. 29-A MRSA §511, sub-§1, ¶¶B and C,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. The fee is ~~\$16~~ \$18 for a camp trailer exceeding 2,000 pounds.

C. The fee is ~~\$16~~ \$18 for a semitrailer exceeding 2,000 pounds.

**Sec. C-14. 29-A MRSA §513, sub-§2, ¶¶A and B**, as amended by PL 1995, c. 645, Pt. C, §12 and affected by §16, are further amended to read:

A. Class A special mobile equipment must be operated under an annual registration. The fee for a Class A special mobile equipment registration permit is as follows.

- (1) For gross weight from 0 to 54,000 pounds, the fee is as in section 505, subsection 2.
- (2) For gross weight from 54,001 to 60,000 pounds, the fee is ~~\$385~~ \$387.
- (3) For gross weight from 60,001 to 65,000 pounds, the fee is ~~\$415~~ \$417.
- (4) For gross weight from 65,001 to 70,000 pounds, the fee is ~~\$445~~ \$447.
- (5) For gross weight from 70,001 to 75,000 pounds, the fee is ~~\$475~~ \$477.
- (6) For gross weight from 75,001 to 80,000 pounds, the fee is ~~\$505~~ \$507.
- (7) For gross weight from 80,001 to 90,000 pounds, the fee is ~~\$565~~ \$567.

B. The fee for Class B special mobile equipment is ~~\$18~~ \$20.

**Sec. C-15. 29-A MRSA §515, sub-§§1 and 2**, as amended by PL 1995, c. 645, Pt. C, §13 and affected by §16, are further amended to read:

**1. Motorcycle.** A motorcycle or a parking control vehicle is ~~\$19~~ \$21; and

**2. Moped.** A moped is ~~\$7~~ \$9.

**Sec. C-16. 29-A MRSA §516**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§516. Stock car**

The annual fee for registering a stock race car is ~~\$5~~ \$7.

**Sec. C-17. 29-A MRSA §520, sub-§1**, as amended by PL 1995, c. 645, Pt. C, §14 and affected by §16, is further amended to read:

**1. Registration fee.** The annual registration fee for special equipment, based on gross weight, is ~~\$8~~ \$10 for equipment weighing one to 2,000 pounds; ~~\$13~~ \$15 for 2,001 to 5,000 pounds; and ~~\$18~~ \$20 for over 5,000 pounds.

**Sec. C-18. 29-A MRSA §526**, as enacted by PL 1999, c. 473, Pt. J, §1, is repealed.

**Sec. C-19. Effective date.** This Part takes effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

**PART D**

**Sec. D-1. 3 MRSA §731, sub-§5**, as enacted by PL 1985, c. 507, §1, is amended to read:

**5. Quorum.** Each voting trustee ~~shall be~~ is entitled to one vote on the board of trustees. ~~Four~~ Five trustees ~~shall~~ constitute a quorum for the transaction of any business. ~~Four~~ Five votes ~~shall be~~ are necessary for any resolution or action by the board of trustees at any meeting of the board.

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

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

- (1) ~~Maine Court Facilities Authority in 1999;~~
- (2) Maine Human Rights Commission in 2001;
- (3) Maine Indian Tribal-State Commission in 2003; and
- (4) Department of the Attorney General in 2003.

**Sec. D-3. 3 MRSA §959, sub-§1, ¶M**, as amended by PL 1999, c. 603, §2, is further 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;
- (1-A) Maine Governmental Facilities Authority in 1999;
- (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;



support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) Served in the active United States Armed Forces and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on active state service as provided in chapter 3, subchapter III; or

(d) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.

**Sec. D-12. Resolve 1997, c. 105, §4**, as amended by PL 1999, c. 451, §5 and affected by §6, is further amended to read:

**Sec. 4. Reports. Resolved:** That the MCJUSTIS Board shall submit ~~an interim report reports~~ and proposed legislation to the joint standing ~~committee committees~~ of the Legislature having jurisdiction over criminal justice matters, ~~with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over and~~ judiciary matters ~~regarding all other issues~~ by January 1, 1999 ~~and January 1, 2000~~. The MCJUSTIS Board shall submit a final report and proposed legislation to the ~~Legislature and the joint standing committee committees~~ of the Legislature having jurisdiction over criminal justice matters, ~~with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over and~~ judiciary matters ~~regarding all other issues~~ by ~~December 15, 1999~~ January 31, 2001. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the

Maine Revised Statutes. The MCJUSTIS Board may recommend additional legislation. Each committee may report out additional legislation related to the report.

**Sec. D-13. Retroactivity.** That section of this Part that amends Resolve 1997, chapter 105, section 4 applies retroactively to December 15, 1999.

**Sec. D-14. Effective date.** Those sections of this Part that amend the Maine Revised Statutes, Title 3, section 959, subsection 1, paragraphs H and M take effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

## PART E

**Sec. E-1. 12 MRSA §6440, first ¶**, as enacted by PL 1977, c. 661, §5, is amended to read:

It ~~shall be~~ is unlawful to raise, haul or transfer any lobster trap ~~from the coastal waters:~~

## PART F

**Sec. F-1. 5 MRSA §13122-J, first ¶**, as enacted by PL 1999, c. 401, Pt. BBB, §1, is amended to read:

The foundation shall develop and submit to the Governor and the Legislature by December 31, ~~1999~~ 2000 and on the first day of each legislative session every 5 years thereafter an evaluation of state investments in research and development. The evaluation must:

**Sec. F-2. Retroactivity.** That section of this Part that amends the Maine Revised Statutes, Title 5, section 13122-J, first paragraph applies retroactively to June 4, 1999.

## PART G

**Sec. G-1. 18-A MRSA §9-302, sub-§(b), ¶(1)**, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(1) A putative father or a legal father who is not the biological father if he:

(i) Received notice and failed to respond to the notice within the prescribed time period;

(ii) Waived his right to notice under section 9-201, subsection (c); ~~or~~

(iii) Failed to meet the standards of section 9-201, subsection (i); ~~or~~



(iv)  Holds no parental rights regarding the adoptee under the laws of the foreign jurisdiction in which the adoptee was born.

### PART H

**Sec. H-1.** PL 1999, c. 598, §3 is repealed.

**Sec. H-2.** PL 1999, c. 598, §4 is enacted to read:

**Sec. 4. Retroactivity.** This Act applies retroactively to August 1, 2000.

**Sec. H-3.** PL 1999, c. 674, §3 is repealed.

**Sec. H-4.** PL 1999, c. 731, Pt. BBBB, §3, 2nd sentence is amended to read:

By August September 1, 2000, the Department of Human Services shall amend its rules to provide for continuing certification on the Maine Registry of Certified Nursing Assistants of a certified nursing assistant who, over a 24-month period, performs for 8 hours nursing or nursing-related services that are supervised by a registered nurse.

**Sec. H-5. Resolve 1999, c. 110, §1, amended. Resolved:** That Resolve 1999, c. 110, §1 is amended by amending the first paragraph to read:

**Sec. 1. Monitoring plan. Resolved:** That the Director of the Emergency Services Communication Bureau within the Department of Public Safety shall develop and begin implementing no later than August 15, 2000 a specific and detailed plan for monitoring, evaluating and making appropriate adjustments to the E-9-1-1 system as it is implemented and operated. The plan must include specific methods for assessing and responding to:

**Sec. H-6. Resolve 1999, c. 110, §§2 and 3, amended. Resolved:** That Resolve 1999, c. 110, §§2 and 3 are amended to read:

**Sec. 2. Plan for improvements in community relations. Resolved:** That the Director of the Emergency Services Communication Bureau within the Department of Public Safety shall develop and begin implementing no later than August 15, 2000 a specific, organized and detailed plan for assessing, understanding, addressing and improving the bureau's relationship and communications with providers of emergency services and dispatching services and with community leaders and the public; and be it further

**Sec. 3. Report. Resolved:** That the Director of the Emergency Services Communication Bureau within the Department of Public Safety shall submit to the Joint Standing Committee on Utilities and Energy

no later than August 15, 2000 the plans it is required to develop pursuant to this resolve.

**Sec. H-7. Effective date.** This Part takes effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

### PART I

**Sec. I-1.** PL 1999, c. 665, §2 is enacted to read:

**Sec. 2. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all marital property determinations made pursuant to Title 19-A, section 953 on or after the effective date of this Act.

**Sec. I-2. Effective date.** This Part is effective 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

### PART J

**Sec. J-1. 12 MRSA §7053, sub-§2, ¶G,** as enacted by PL 1979, c. 420, §1, is amended to read:

G. Do anything otherwise prohibited by chapters 701 to 721 if necessary to carry out their duties and powers. This paragraph does not authorize wardens to stop any person, motor vehicle or watercraft except as specifically provided in this section.

**Sec. J-2. 12 MRSA §7076, sub-§9, ¶A,** as amended by PL 1999, c. 558, §1, is further amended to read:

A. The commissioner shall issue a hunting, trapping and fishing license to any Indian, 10 years of age or older, of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a certificate from the respective reservation governor, the Aroostook Micmac Council or "~~Wesget-Sippo~~" "Wesget-Sipu" stating that the person described is an Indian and a member of that tribe. Holders of these licenses are subject to chapters 701 to 721.

**Sec. J-3. 12 MRSA §7311, sub-§2,** as amended by PL 1999, c. 403, §14, is further amended to read:

**2. Qualifications.** In order to qualify for a guide license, a person must:

- A. Be at least 18;
- B. Pass the guide exam;

C. If a first-time applicant for a guide license, be currently certified in first aid through completion of any standard first aid course that meets the criteria established by rule of the commissioner. For purposes of this paragraph, "first-time applicant" means any applicant who has not previously been issued a guide license in this State. Any person, other than a first-time applicant, who applies for a guide license shall submit satisfactory evidence, as determined by the commissioner, of having held a guide license in this State; and

D. Meet all requirements established by rules of the commissioner.

~~A person prohibited from possessing a firearm pursuant to Title 15, section 393, subsection 1 is not eligible to obtain or possess the specialized hunting guide license defined by rule of the commissioner.~~

**Sec. J-4. 12 MRSA §7406, sub-§20, ¶A,** as amended by PL 1999, c. 403, §19, is further amended to read:

A. Notwithstanding the provisions of subsection 9-A:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit; and

(3) Paraplegics and single or double amputees of the legs may ~~hunt~~ shoot from motor vehicles that are not in motion.

## PART K

**Sec. K-1. 5 MRSA §17804, sub-§5-F,** as enacted by PL 1999, c. 744, §8, is amended to read:

**5-F. One-time change of beneficiary.** If the recipient of a service retirement benefit has elected an optional method of payment under subsection 3, 4, 5, 5-A, 5-B, 5-C, 5-D or 5-E, and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary, but not in the already elected payment option or in the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly notarized, with the executive director on a form provided or specified by the retirement system. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

A. The benefit payable to the recipient and the new beneficiary must be paid under the same payment option. The amount of the recipient's benefit may not change, and the amount of the new beneficiary's benefit must be the same as the amount of the prior beneficiary's benefit.

B. The effective date of the designation of the new beneficiary is the date the designation is received by the executive director. As of the first day of the month following the effective date of the designation of the new beneficiary, the prior beneficiary is no longer entitled to any benefit payment and, if concurrent payment under subsection 5-B has been elected, the new beneficiary's benefit must become effective on the same date.

C. The new beneficiary's entitlement to benefits ceases on the earlier of:

(1) The date of the new beneficiary's death; or

(2) The date established when the amount of the prior beneficiary's benefit was established, which is the initial commencement date of benefits to the retiree increased by the life expectancy of the prior beneficiary computed in years and months using actuarial equivalence assumptions recommended by the system's actuary.

Payment of benefits to the new beneficiary must cease as of the first day of the month following the earlier of subparagraph (1) or (2).

**Sec. K-2. 5 MRSA §18404, sub-§5-F,** as enacted by PL 1999, c. 744, §13, is amended to read:

**5-F. One-time change of beneficiary.** If the recipient of a service retirement benefit has elected an optional method of payment under subsection 3, 4, 5, 5-A, 5-B, 5-C, 5-D or 5-E, and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary, but not in the already elected payment option or in the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly notarized, with the executive director on a form provided or specified by the retirement system. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

A. The benefit payable to the recipient and the new beneficiary must be paid under the same payment option. The amount of the recipient's benefit may not change, and the amount of the new beneficiary's benefit must be the same as the amount of the prior beneficiary's benefit.

B. The effective date of the designation of the new beneficiary is the date the designation is received by the executive director. As of the first day of the month following the effective date of the designation of the new beneficiary, the prior beneficiary is no longer entitled to any benefit payment and, if concurrent payment under subsection 5-B has been elected, the new beneficiary's benefit must become effective on the same date.

C. The new beneficiary's entitlement to benefits ceases on the earlier of:

- (1) The date of the new beneficiary's death; or
- (2) The date established when the amount of the prior beneficiary's benefit was established, which is the initial commencement date of benefits to the retiree increased by the life expectancy of the prior beneficiary computed in years and months using actuarial equivalence assumptions recommended by the system's actuary.

Payment of benefits to the new beneficiary must cease as of the first day of the month following the earlier of subparagraph (1) or (2).

**Sec. K-3. PL 1999, c. 744, §17** is enacted to read:

**Sec. 17. Effective date.** Except for those portions of this Act that enact the Maine Revised Statutes, Title 4, section 1357, subsection 3; Title 5, section 17804, subsection 5-F; and Title 5, section 18404, subsection 5-F, this Act takes effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

**Sec. K-4. PL 1999, c. 744, Emergency clause** is amended to read:

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved except as otherwise indicated.

**Sec. K-5. Retroactivity.** This Part applies retroactively to May 3, 2000.

## PART L

**Sec. L-1. 20-A MRSA §7407, sub-§4-A,** as enacted by PL 1999, c. 775, §10, is amended to read:

**4-A. Budget development.** The school board shall, with the aid of the superintendent and staff, prepare an annual budget for the operation of the school and exercise budgetary responsibility. The school board shall allocate for expenditure by the

school and programs under its jurisdiction all the resources available for the operation of the school and its programs. Annually, not later than January 1, 2001 1st, beginning with the for fiscal year 2001-02, in addition to complying with the provisions of Title 5, sections 1665 and 1666, the school board shall present the administrative operating budget for the Governor Baxter School for the Deaf to the Governor for submission to and the Legislature and for review by the joint standing committee of the Legislature having jurisdiction over education matters the administrative operating budget of the school for the next fiscal year. The administrative operating budget must be presented as a line-item budget for each of the programs under its jurisdiction. A liability or obligation may not be incurred under this chapter beyond the amount approved in the administrative operating budget. The school board may make expenditures only in accordance with allocations approved by the Legislature. Any balance of an allocation or subdivision of an allocation made by the Legislature for the school that at the time is not required for the purpose named in the allocation or subdivision may be transferred prior to the closing of the books for the fiscal year to any other allocation or subdivision of any allocation made by the Legislature for the use of the school for the same fiscal year. The transfer is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Financial statements describing the transfer must be submitted by the school board to the Office of Fiscal and Program Review 30 days before the transfer is implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, the amounts to be transferred, a description of the transfer and a detailed explanation of the reason the transfer is needed. The school board shall also provide an annual justification for the finances and operations of the programs under the jurisdiction of the school to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters. The justification for the finances and operations of the school must be presented as a line-item budget for each of the programs under its jurisdiction.

**Sec. L-2. Effective date.** This Part takes effect January 1, 2001.

## PART M

**Sec. M-1. Resolve 1999, c. 130, §2** is amended to read:

**Sec. 2. Commission membership. Resolved:** That the commission consists of at least the following 14 members:

1. The Commissioner of Education or the commissioner's designee;
2. The Commissioner of Labor or the commissioner's designee from the Division of Labor Market Information Services;
3. Three members representing teachers who are public school teachers in the State, appointed by the Maine Education Association;
4. One member representing superintendents in the State, appointed by the Maine School Superintendents Association;
5. One member representing school principals in the State, appointed by the Maine Principals Association;
6. One member representing school boards in the State, appointed by the Maine School Boards Association;
7. One member representing the National Commission on Teaching and America's Future or the Maine Leadership Consortium Steering Committee on the National Commission on Teaching and America's Future, appointed by the chair of the Maine Leadership Consortium's National Commission on Teaching and America's Future Steering Committee;
8. One member representing postsecondary education institutions in the State involved in teacher preparation and professional development programs, appointed by the Chancellor of the University of Maine System;
9. One member representing the State Board of Education, appointed by the State Board of Education;
10. One member representing businesses in the State, appointed by Maine State Chamber of Commerce;
11. One member representing the Maine Municipal Association, appointed by Maine Municipal Association; and
12. One member representing parents of public school students in the State, appointed by the Maine Parent Teachers Association; ~~and be it further,~~

The Commissioner of Education may appoint additional members representing the different types of school administrative units in the State and geographic regions of the State; and be it further

**Sec. M-2. Resolve 1999, c. 130, §3** is amended to read:

**Sec. 3. Chair. Resolved:** That the ~~commission shall elect a chair from among its members at the first commission meeting~~ Commissioner of Education shall select a chair in consultation with each of the appointing authorities named in section 2; and be it further

## PART N

**Sec. N-1. 20-A MRSA §4502, sub-§5-A**, as amended by PL 1997, c. 696, §2, is further amended to read:

**5-A. Application.** The provisions of subsection 5, ~~paragraph~~ paragraphs B and H do not apply to the school years beginning in the fall of ~~1998~~ 2000 and ~~1999~~ 2001.

**Sec. N-2. 20-A MRSA §4517**, as amended by PL 1997, c. 696, §4, is further amended to read:

### **§4517. Waiver of requirements**

The provisions of this subchapter do not apply to the school years beginning in the fall of ~~1998~~ 2000 and ~~1999~~ 2001.

**Sec. N-3. 20-A MRSA §8104, sub-§1**, as amended by PL 1997, c. 696, §5, is further amended to read:

**1. Establishment.** Each school administrative unit must, commencing with the 1987-88 school year, establish a plan for phasing in gifted and talented educational programs. A school administrative unit or part of a school administrative unit is not required to comply with the provisions of its plan during the school years beginning in the fall of ~~1998~~ 2000 and ~~1999~~ 2001.

## PART O

**Sec. O-1. 12 MRSA §7801, sub-§20, ¶¶Q and R**, as enacted by PL 1999, c. 697, §2, are amended to read:

Q. Operates a watercraft equipped with a motor greater than 10 horsepower on Cold Rain Pond in the Town of Naples or on Holt Pond in the Town of Naples and the Town of Bridgton; ~~or~~

R. Operates a watercraft equipped with a motor greater than 5 horsepower on Moose Pond in the Town of Otisfield; ~~or~~

**Sec. O-2. 12 MRSA §7801, sub-§20, ¶S** is enacted to read:

S. Operates a watercraft at greater than headway speed on any area of Pickerel Pond in the Town of Wayne.

## PART P

**Sec. P-1. 26 MRSA §621-A, sub-§§3 and 4** are enacted to read:

**3. Compensatory time agreements.** Notwithstanding subsections 1 and 2, public agency employers and employees may enter into compensatory time overtime agreements in accordance with the federal Fair Labor Standards Act, 29 United States Code, Section 207(o). These agreements are governed solely by federal law. For purposes of this subsection, "public agency" has the same meaning as in 29 United States Code, Section 203(x).

**4. School personnel.** Employees of a school administrative unit who work the school year schedule may, upon written agreement with the employer, be paid for their work during the school year over 12 months. For purposes of this subsection, "written agreement" includes but is not limited to a collective bargaining agreement.

**Sec. P-2. 26 MRSA §623**, as amended by PL 1999, c. 465, §4, is further amended to read:

### §623. Exemptions

This section and sections 621-A and 622 do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a cooperative corporation or association if the employee is a stockholder of the corporation or association, unless the employee requests the association or corporation to pay that employee in accordance with section 621-A. A Except as provided in section 621-A, subsections 3 and 4, a corporation, contractor, person or partnership may not by a special contract with an employee or by any other means exempt itself from this section and sections 621-A and 622.

**Sec. P-3. Retroactivity.** Those sections of this Part that amend the Maine Revised Statutes, Title 26, sections 621-A and 623 apply retroactively to September 18, 1999.

## PART Q

**Sec. Q-1. Resolve 1999, c. 41, §4** is amended to read:

**Sec. 4. Deed and restrictions. Resolved:** That the property must be conveyed by quit claim deed without covenants, subject to the following deed restrictions: The Town of Carrabassett Valley shall in

perpetuity retain title to the property and may not sell or otherwise transfer any interest, in whole or in part, in the property except that the Town of Carrabassett Valley may lease portions of the property as long as the uses are consistent with the uses specified in this resolve. The property must remain open and available for use and enjoyment by the public at large. Use of the property must be dedicated for purposes of public outdoor recreation, including, but not limited to: natural history study; hiking; camping, other than in motor vehicles; cross-country skiing; hunting; fishing; fisheries and wildlife management; skating; timber management and harvesting under a management plan prepared by a licensed professional forester; and attendant roads and parking. The property must be maintained in an essentially natural and undeveloped condition, except that up to 25 contiguous acres in the aggregate, including any development in existence on the effective date of this resolve, may be developed for any ~~public outdoor recreation facility used for the purposes provided in this section that is sponsored by the municipality~~ municipal facility. The following uses are expressly prohibited: residential development of any type; development for overnight accommodations, except camping; development for any type of commercial service center, shops, restaurants or other commercial development; or development for any purpose that will change the natural character of the area, except that those uses presently made of the Outdoor and Touring Center located on the property may continue. If the Town of Carrabassett Valley fails to comply with any of the conditions or restrictions, in whole or in part, contained in this resolve, the State may give written notice to the Town of Carrabassett Valley, and if the Town of Carrabassett Valley fails to comply within 30 days, then the title to the property reverts to the State; such a reversion may not be effective until the State records a notice of the reversion in the Franklin County Registry of Deeds.

**Sec. Q-2. Effective date.** This Part takes effect 90 days after adjournment of the Second Regular Session of the 119th Legislature.

## PART R

**Sec. R-1. 5 MRSA §13058, sub-§10-A**, as enacted by PL 1999, c. 776, §6, is repealed.

**Sec. R-2. PL 1999, c. 776, §§24, 25, 26 and 28** are repealed.

## PART S

**Sec. S-1. PL 1999, c. 777, §2** is amended to read:

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

**Division of Quality Assurance and Regulation**

Positions - Legislative Count	(1.000)
Personal Services	\$57,475
All Other	440,636 <u>10,636</u>

Appropriates additional funds for one additional Supervising Inspector position and necessary operating costs to initiate a poultry and meat inspection program.

**DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES**

**TOTAL** \$168,114 68,111

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

Effective May 18, 2000, unless otherwise indicated.

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**CHAPTER 791**

**S.P. 951 - L.D. 2490**

**An Act to Provide Funding for Background Checks and Fingerprinting for School District Employees**

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

**Whereas,** commencing July 1, 1999, the certification, authorization, approval and renewal of teachers and educational personnel are subject to the criminal history record check provisions of the Maine Revised Statutes, Title 20-A, section 6103; and

**Whereas,** the Department of Education estimates that implementation of the criminal history record check statutes will involve both fingerprinting and conducting state and national criminal history record checks by the Department of Public Safety,

State Bureau of Identification for over 25,000 affected applicants over the current biennium; 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:**

**Sec. 1. 20-A MRSA §6103, first ¶,** as amended by PL 1999, c. 35, §1, is further amended to read:

Beginning July 1, 2000, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

**Sec. 2. 20-A MRSA §6103, 2nd ¶,** as enacted by PL 1999, c. 35, §2, is amended to read:

Beginning September 1, 1999, approval under chapters 501 and 502 is subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring approval under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. Fingerprinting of applicants for approval, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

**Sec. 3. 20-A MRSA §6103, sub-§4,** as enacted by PL 1995, c. 547, §5, is amended to read:

**4. Expenses.** ~~Notwithstanding Title 26, sections 594 and 629, the~~ The expense of obtaining the