

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

the number of licensed or certified beds or extraordinary changes in payment rates. Once a taxpayer has made its first monthly payment for a state fiscal year or facility fiscal year pursuant to this subsection, the monthly amount must remain fixed throughout the fiscal year unless the assessor authorizes a change. If the person's estimated annual tax liability as reported and paid pursuant to this subsection does not equal the tax imposed on that person by section 2872, any adjustments necessary to reconcile the estimated tax with the correct tax amount must be made pursuant to subsection 2.

**Sec. 7. 36 MRSA §2873, sub-§2**, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is repealed and the following enacted in its place:

**2. Reconciliation return required.** On or before October 15, 2003 and on or before the 15th day of the 4th month following the end of each facility fiscal year ending after October 15, 2003, each person subject in that state fiscal year or facility fiscal year to the tax imposed by this chapter shall submit a reconciliation return on a form prescribed and furnished by the assessor. The reconciliation return must account for any adjustments necessary to reconcile the annual tax for a prior state fiscal year or facility fiscal year estimated pursuant to subsection 1 with the person's correct tax liability, and the person shall submit with the reconciliation return payment of any amount due for the prior state fiscal year or facility fiscal year or portion of any prior state fiscal year or facility fiscal year. The taxpayer may also claim on the reconciliation return a refund or credit for any overpayment of tax. The determination of amounts due or overpaid is calculated by comparing the tax originally estimated and paid in the prior state fiscal year or facility fiscal year or years with the tax imposed by section 2872 on taxable revenues accrued for that period, together with any audit adjustments or corrections of which the person has knowledge on or before the 15th day of the month immediately preceding the due date of the return. The obligation to file a reconciliation return with respect to a particular state fiscal year or facility fiscal year continues until the relevant taxable revenues for that period have been finally determined and are no longer open to audit adjustment or correction and the person has reported those revenues on a reconciliation return.

**Sec. 8. 36 MRSA §2873, sub-§3**, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is amended to read:

**3. Audit period to remain open; accrual of penalties and interest.** Notwithstanding any other provision of law, the tax imposed against a person by section 2872 for any fiscal year remains open to audit and further assessment by the assessor until the person's taxable revenues for that fiscal year have been

finally determined completion of the audit of the Medicaid cost report or reports for the fiscal year. Any underestimates of tax liability reported and paid pursuant to subsection 1 are subject to an assessment of interest at the rate provided in section 186 from the date or dates of underpayment until payment is made, unless the estimated tax liability was calculated by applying the tax rates provided by section 2872 to the most recent fiscal year for which relevant taxable revenues have been finally determined in compliance with the standards provided in subsection 1, in which case no interest may accrue prior to the date on which the reconciliation return for the year is due. Any amount of tax that is reported on a reconciliation return required by subsection 2 but not paid at the time the reconciliation return is filed is subject to the accrual of interest as provided by section 186, as well as to any applicable provisions of section 187-B, including, without limitation, the penalty provided by section 187-B, subsection 2 for failure to pay a tax.

**Sec. 9. Long-term care financing.** The Joint Standing Committee on Health and Human Services may consider the issue of long-term care financing, including dedication to long-term care of all or any portion of the health care provider tax and revenues attributable to that tax under the Maine Revised Statutes, Title 36, section 2873 and statutory requirements specifying enhanced reimbursement levels for long-term care providers, during the Second Regular Session of the 121st Legislature and may report out a bill on long-term care financing to the Second Regular Session of the 121st Legislature.

See title page for effective date.

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## CHAPTER 468

### H.P. 1003 - L.D. 1368

#### An Act Concerning Age Requirements for Student, Apprentice and Noncommercial Lobster Licenses

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

**Sec. 1. 12 MRSA §6421, sub-§3-A, ¶E**, as amended by PL 1999, c. 490, §1, is repealed and the following enacted in its place:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. A person issued a student license may not submerge more than:

(1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;

(2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or

(3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a sponsor. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

**Sec. 2. 12 MRSA §6421, sub-§5-A**, as amended by PL 1995, c. 568, §1, is further amended to read:

**5-A. Student license eligibility.** A student license may only be issued to a person who, at the time of application, is a full-time student not more than 22 8 years of age or older and under 23 years of age. For the purposes of this subsection, "full-time student" means "student" as defined in Title 39-A, section 102, subsection 8, paragraph C.

**Sec. 3. 12 MRSA §6421, sub-§5-B**, as enacted by PL 2001, c. 581, §1, is amended to read:

**5-B. Noncommercial lobster and crab fishing license eligibility.** Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older and has:

A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.

**Sec. 4. 12 MRSA §6421, sub-§5-C** is enacted to read:

**5-C. Apprentice lobster and crab fishing license eligibility.** An apprentice lobster and crab fishing license may be issued only to a person who, at the time of application, is 8 years of age or older.

**Sec. 5. 12 MRSA §6421-C** is enacted to read:

**§6421-C. Application of student and noncommercial license age requirements**

**1. Student licenses.** Notwithstanding the age requirements of section 6421, subsection 3-A, paragraph E and section 6421, subsection 5-A, a person who holds a student license on October 31, 2003 may continue to be issued a student license until that person reaches 23 years of age. Notwithstanding the trap limits under section 6421, subsection 3-A, paragraph E, a person who is 8 years of age or older and who holds a student license on October 31, 2003 may not submerge at any one time more than 150 lobster traps in the coastal waters of the State. A person who holds a student license and is less than 8 years of age on October 31, 2003 may not at any one time submerge more than 10 traps in the coastal waters of the State and upon reaching 8 years of age is subject to the trap limits provided in section 6421, subsection 3-A, paragraph E. A person who holds a student license on October 31, 2003 must comply with the full-time student requirement of section 6421, subsection 5-A and the apprenticeship program and sponsor requirements of section 6421, subsection 3-A, paragraph E.

**2. Noncommercial licenses.** Notwithstanding the age requirements of section 6421, subsection 5-B, a person who holds a noncommercial license and is less than 8 years of age on October 31, 2003 may continue to be issued a noncommercial license subject to the examination and licensure requirements of section 6421, subsection 5-B.

**3. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**Sec. 6. 12 MRSA §6422, sub-§1**, as amended by PL 1999, c. 490, §2, is further amended to read:

**1. Program established; experience component.** By July 1, 1996, the commissioner shall establish by rule an apprentice program for entry into the lobster fishery. The program must include practical lobster fishing experience. A person must be 8 years of age or older and hold an apprentice lobster and crab fishing license or a student lobster and crab fishing license under section 6421 to enter the program.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF  
Division of Administrative Services 0258

Initiative: Deappropriates funds for operational expenses.

<b>General Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(\$1,271)	(\$1,271)
General Fund Total	(\$1,271)	(\$1,271)

See title page for effective date.

**CHAPTER 469**

**H.P. 1187 - L.D. 1611**

**An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs**

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

**PART A**

**Sec. A-1. 2 MRSA §6, sub-§1**, as amended by PL 1997, c. 643, Pt. Q, §1 and by PL 2001, c. 354, §3, is further amended to read:

**1. Range 91.** The salaries of the following state officials and employees are within salary range 91:

- Commissioner of Transportation;
- Commissioner of Conservation;
- Commissioner of Administrative and Financial Services;
- Commissioner of Education;
- Commissioner of Environmental Protection;
- Executive Director of Dirigo Health;
- Commissioner of Human Services;
- Commissioner of Behavioral and Developmental Services;
- Commissioner of Public Safety;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Labor;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Marine Resources;
- Commissioner of Corrections;

Commissioner of Economic and Community Development; and

Commissioner of Defense, Veterans and Emergency Management.

**Sec. A-2. 5 MRSA §934-B** is enacted to read:

**§934-B. Dirigo Health**

The position of executive director is a major policy-influencing position within Dirigo Health established pursuant to Title 24-A, chapter 87. Notwithstanding any other provision of law, this position and any successor position are subject to this chapter.

**Sec. A-3. 5 MRSA §12004-G, sub-§14-D** is enacted to read:

<b><u>14-D.</u></b>	<u>Board of</u>	<u>\$100 per</u>	<u>24-A</u>
<u>Health Care</u>	<u>Directors of</u>	<u>diem and</u>	<u>MRSA</u>
	<u>Dirigo</u>	<u>expenses</u>	<u>§6904</u>
	<u>Health</u>		

**Sec. A-4. 5 MRSA §12004-I, sub-§30-A** is enacted to read:

<b><u>30-A.</u></b>	<u>Maine</u>	<u>Expenses</u>	<u>24-A</u>
<u>Health Care</u>	<u>Quality</u>	<u>Only</u>	<u>MRSA</u>
	<u>Forum</u>		<u>§6952</u>
	<u>Advisory</u>		
	<u>Council</u>		

**Sec. A-5. 22 MRSA §3174-G, sub-§1**, as amended by PL 2001, c. 450, Pt. A, §§1 and 2, is further amended to read:

**1. Delivery of services.** The department shall provide for the delivery of federally approved Medicaid services to the following persons:

- A. A qualified woman during her pregnancy and up to 60 days following delivery when the woman's family income is equal to or below 200% of the nonfarm income official poverty line;
- B. An infant under one year of age when the infant's family income is equal to or below ~~185%~~ 200% of the nonfarm income official poverty line;
- C. A qualified elderly ~~or disabled~~ person when the person's family income is equal to or below 100% of the nonfarm income official poverty line and a qualified disabled person when that person's family income is equal to or below 125% of the nonfarm income official poverty line;