

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
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Augusta, Maine
2010

CHAPTER 652

H.P. 1292 - L.D. 1805

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

Emergency preamble. Whereas, acts and resolves 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 §3331, sub-§6, as enacted by PL 1997, c. 519, Pt. A, §3, is amended to read:

6. Lakes Heritage Trust Fund. The Lakes Heritage Trust Fund is established in the Executive Department for the purpose of protecting, preserving and enhancing the quality and value of the State's lakes and great ponds. By majority vote of all members, the council may accept monetary contributions to the fund from any public or private source and may spend or disburse those funds in a manner consistent with law for the purposes stated in this subsection. The council shall include an accounting of all donations to and expenditures from the Lakes Heritage Trust Fund in its ~~annual~~ biennial report to the Legislature under subsection 4.

Sec. A-2. 5 MRSA §12004-G, sub-§26-E, as enacted by PL 2001, c. 439, Pt. T, §4, is repealed.

Sec. A-3. 5 MRSA §12004-I, sub-§24, as amended by PL 2009, c. 211, Pt. B, §1 and repealed by c. 369, Pt. A, §7, is repealed.

Sec. A-4. 5 MRSA §12004-J, sub-§17, as enacted by PL 2009, c. 174, §3, is amended to read:

17.

Labor:	Commission for the	Expenses	26 MRSA
Rehabilitation	Division for the	Only	§1413-C
Services	Deaf, Hard of		
	Hearing and Late		
	Deafened		

Sec. A-5. 7 MRSA §353, sub-§6, as enacted by PL 2005, c. 559, §2, is amended to read:

6. Biennial report. The board shall submit a report on the sustainable agricultural water source program to the joint standing committee of the Legislature having jurisdiction over agricultural matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 30th of odd-numbered years beginning January 30, 2007. ~~The committees of jurisdiction shall review this report together with the annual report on all aspects of water use for that year required under Title 38, section 470-G.~~

Sec. A-6. 7 MRSA §3909, sub-§2, as amended by PL 2009, c. 213, Pt. M, §2 and c. 343, §5, is repealed and the following enacted in its place:

2. Designated employees of the department. For purposes of prosecution under this section, the commissioner may authorize humane agents and a state veterinarian who have been certified in accordance with subsection 3-A to issue and serve civil violation processes against offenders pursuant to the Maine Rules of Civil Procedure, Rule 80H and any other applicable rules of court for violations of this Part. The commissioner may authorize certified humane agents or a certified state veterinarian to represent the department in District Court in the prosecution of civil violations of these laws. A certified humane agent or a certified state veterinarian may seek civil penalties as provided by law as well as a permanent or temporary injunction, restraining order or other equitable relief as the court finds appropriate.

Sec. A-7. 10 MRSA §9416, sub-§4, as amended by PL 2009, c. 324, Pt. B, §2 and affected by §48 and amended by c. 325, Pt. B, §3 and affected by §27, is repealed and the following enacted in its place:

4. Holders. Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in Title 11, section 1-1201, subsection (21), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under Title 11, section 3-1302, subsection (1); Title 11, section 7-1501; or Title 11, section 9-308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated or a purchaser, respectively. Delivery, possession and

indorsement are not required to obtain or exercise any of the rights under this subsection.

Sec. A-8. Retroactivity. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 10, section 9416, subsection 4 applies retroactively to February 15, 2010.

Sec. A-9. 11 MRSA §4-104, sub-§(3), as amended by PL 2009, c. 324, Pt. B, §23 and affected by §48 and amended by PL 2009, c. 325, Pt. B, §16 and affected by §27, is repealed and the following enacted in its place:

(3). "Control" as provided in section 7-1106 and the following definitions in other Articles apply to this Article:

"Acceptance."	Section 3-1409.
"Alteration."	Section 3-1407.
"Cashier's check."	Section 3-1104.
"Certificate of deposit."	Section 3-1104.
"Certified Check."	Section 3-1409.
"Check."	Section 3-1104.
"Demand draft."	Section 3-1104.
"Draft."	Section 3-1104.
"Holder in due course."	Section 3-1102.
"Instrument."	Section 3-1104.
"Notice of dishonor."	Section 3-1503.
"Order."	Section 3-1103.
"Ordinary care."	Section 3-1103.
"Person entitled to enforce."	Section 3-1301.
"Presentment."	Section 3-1501.
"Promise."	Section 3-1103.
"Prove."	Section 3-1103.
"Teller's check."	Section 3-1104.
"Unauthorized signature."	Section 3-1403.

Sec. A-10. Retroactivity. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 11, section 4-104, subsection (3) applies retroactively to February 15, 2010.

Sec. A-11. 11 MRSA §7-102, as repealed by PL 2009, c. 324, Pt. A, §1 and affected by §4 and amended by c. 325, Pt. B, §23 and affected by §27, is repealed.

Sec. A-12. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 11, section 7-102 applies retroactively to February 15, 2010.

Sec. A-13. 12 MRSA §10051, 2nd ¶, as amended by PL 2009, c. 340, §1 and c. 369, Pt. A, §26, is repealed and the following enacted in its place:

The department consists of the Commissioner of Inland Fisheries and Wildlife, a deputy commissioner, the Division of Licensing, Registration and Engineering, the Bureau of Resource Management and the Bureau of Warden Service. The department also includes the Advisory Board for the Licensing of Guides and whatever state agencies that are designated. The department is under the control and supervision of the commissioner.

Sec. A-14. 12 MRSA §10154, as amended by PL 2009, c. 211, Pt. B, §5 and repealed by c. 369, Pt. A, §27, is repealed.

Sec. A-15. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2009, c. 213, Pt. OO, §1 and c. 340, §8, is repealed and the following enacted in its place:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an allocation rate that directly relates to the administrative costs of the Division of Licensing, Registration and Engineering. Eight dollars of each motorized watercraft registration is dedicated to the Department of Inland Fisheries and Wildlife and is not subject to the split with another agency as required under this paragraph. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The allocation rate must also allow for any necessary year-end reconciliation and accounting distribution. The allocation rate must be jointly agreed to by the department and the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

The fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. This fee is disposed of as follows:

(1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection under Title 38, section 1863; and

(2) Forty percent of the fee must be credited to the Lake and River Protection Fund established within the department under section 10257.

Sec. A-16. 12 MRSA §12860, sub-§5, as amended by PL 2009, c. 211, Pt. B, §12 and c. 369, Pt. A, §28, is repealed and the following enacted in its place:

5. Curriculum. The commissioner shall review and adopt a youth camp trip leader safety course curriculum that includes, but is not limited to:

A. Training in first aid;

B. Training in water safety, including lifesaving techniques as appropriate; and

C. Youth camp trip leader qualifications and required experience for the special waiver procedure in subsection 4.

The commissioner shall publish the curriculum and a current list of courses, with the approved curriculum, by name and address.

Sec. A-17. 17-A MRSA §1175, first ¶, as amended by PL 2009, c. 268, §8 and c. 391, §1, is repealed and the following enacted in its place:

Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A.

Sec. A-18. 18-A MRSA §5-944, sub-§(b), ¶(6), as enacted by PL 2009, c. 292, §2 and affected by §6, is amended to read:

(6). Receive the financial proceeds of a claim described in ~~subsection~~ paragraph (4) and conserve, invest, disburse or use for a lawful purpose anything so received.

Sec. A-19. 21-A MRSA §1011, 2nd ¶, as amended by PL 2009, c. 190, Pt. A, §1 and repealed by c. 366, §1 and affected by §12, is repealed.

Sec. A-20. 21-A MRSA §1014, sub-§1, as amended by PL 2009, c. 183, §1 and c. 190, Pt. A, §2, is repealed and the following enacted in its place:

1. Authorized by candidate. Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or other similar types of general public political advertising or through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. A communication financed by a candidate or the candidate's committee is not required to state the address of the candidate or committee that financed the communication. A communication in the form of a sign that clearly identifies the name of the candidate and is lettered or printed individually by hand is not required to include the name and address of the person who made or financed the communication.

Sec. A-21. 21-A MRSA §1058, as amended by PL 2009, c. 190, Pt. A, §22 and c. 366, §8 and affected by §12, is repealed and the following enacted in its place:

§1058. Reports; qualifications for filing

A political action committee that is required to register under section 1053 or 1053-B shall file reports with the commission on forms prescribed by the commission according to the schedule in section 1059.

Sec. A-22. 21-A MRSA §1059, first ¶, as amended by PL 2009, c. 190, Pt. A, §23 and c. 366, §9 and affected by §12, is repealed and the following enacted in its place:

Committees required to register under section 1053, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the filing deadline, except that reports submitted to a municipal clerk in a town or city that has chosen to be governed by this

subchapter must be filed by the close of business on the filing deadline.

Sec. A-23. 21-A MRSA §1125, sub-§8, as amended by PL 2009, c. 286, §8 and repealed by c. 302, §16 and affected by §24 and amended by c. 363, §§8 and 9, is repealed.

Sec. A-24. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 21-A, section 1125, subsection 8 takes effect September 1, 2011.

Sec. A-25. 21-A MRSA §1125, sub-§9, as amended by PL 2009, c. 302, §18 and affected by §24 and amended by c. 363, §10, is repealed and the following enacted in its place:

9. Matching funds. When any report required under this chapter or chapter 13 shows that the sum of a candidate's expenditures or obligations, contributions and loans, or fund revenues received, whichever is greater, in conjunction with independent expenditures reported under section 1019-B, exceeds the sum of an opposing certified candidate's fund revenues, in conjunction with independent expenditures, the commission shall issue immediately to the opposing certified candidate an additional amount equivalent to the difference. Matching funds for certified candidates for the Legislature are limited to 2 times the amount originally distributed under subsection 8-A. Matching funds for certified gubernatorial candidates in a primary election are limited to half the amount originally distributed under subsection 8-A. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8-A.

Sec. A-26. Effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 21-A, section 1125, subsection 9 takes effect September 1, 2011.

Sec. A-27. 21-A MRSA §1125, sub-§10, as amended by PL 2009, c. 302, §19 and affected by §24 and amended by c. 363, §11, is repealed and the following enacted in its place:

10. Candidate not enrolled in a party. An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the Legislature must submit the required number of qualifying contributions and the other required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified, the candidate is eligible for revenues from the fund in the same amounts as a general elec-

tion candidate, as specified in subsection 8-A. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2-B and 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and 8-A. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.

Sec. A-28. Effective date. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 21-A, section 1125, subsection 10 takes effect September 1, 2011.

Sec. A-29. 22 MRSA §329, sub-§6, as repealed and replaced by PL 2009, c. 429, §1 and c. 430, §1, is repealed and the following enacted in its place:

6. Nursing facilities. The obligation by a nursing facility, when related to nursing services provided by the nursing facility, of any capital expenditures of \$510,000 or more and, beginning January 1, 2010, the obligation by a nursing facility, when related to nursing services provided by the nursing facility, of any capital expenditures of \$1,000,000 or more.

A certificate of need is not required for the following:

A. A nursing facility converting beds used for the provision of nursing services to beds to be used for the provision of residential care services. If such a conversion occurs, MaineCare and other public funds may not be obligated for payment of services provided in the converted beds unless approved by the department pursuant to the provisions of sections 333-A and 334-A;

B. Capital expenditures in the case of a natural disaster, major accident or equipment failure;

C. Replacement equipment, other than major medical equipment as defined in section 328, subsection 16;

D. Information systems, communication systems, parking lots and garages; and

E. Certain energy-efficient improvements, as described in section 334-A, subsection 4.

Sec. A-30. 22 MRSA §1555-C, sub-§2, ¶E, as enacted by PL 2003, c. 444, §2, is amended to read:

E. A person who violates this subsection after having been previously adjudicated as violating this subsection or subsection 1, 3 or 4 commits a civil violation for which a fine of not less than

\$1,000 and not more than \$5,000 may be adjudged.

Sec. A-31. 22 MRSA §5107-J, as amended by PL 2009, c. 299, Pt. A, §4 and repealed by c. 369, Pt. A, §32, is repealed.

Sec. A-32. 22 MRSA §7302, sub-§5, as amended by PL 2009, c. 279, §3 and c. 420, §2, is repealed and the following enacted in its place:

5. In-home and community support services. "In-home and community support services" means health and social services and other assistance required to enable adults with long-term care needs to remain in their places of residence. These services include, but are not limited to, self-directed care services; medical and diagnostic services; professional nursing; physical, occupational and speech therapy; dietary and nutrition services; home health aide services; personal care assistance services; companion and attendant services; handyman, chore and homemaker services; respite care; hospice care; counseling services; transportation; small rent subsidies; various devices that lessen the effects of disabilities; and other appropriate and necessary social services.

Sec. A-33. 24-A MRSA §4303, sub-§1, as amended by PL 2009, c. 357, §1, is further amended to read:

1. Demonstration of adequate access to providers. Except as provided in paragraphs A, B and C, a carrier offering or renewing a managed care plan shall provide to its members reasonable access to health care services in accordance with standards developed by rule by the superintendent. These standards must consider the geographical and transportation problems in rural areas. All managed care plans covering residents of this State must provide reasonable access to providers consistent with the access-to-services requirements of any applicable bureau rule.

B. Upon approval of the superintendent, a carrier may offer a health plan that includes financial provisions designed to encourage members to use designated providers in a network if:

- (1) The entire network meets overall access standards pursuant to Bureau of Insurance Rule Chapter 850;
- (2) The health plan is consistent with product design guidelines for Bureau of Insurance Rule Chapter 750, but only if the health plan is offered by a health maintenance organization;
- (3) The health plan does not include financial provisions designed to encourage members to use designated providers of primary, preventive, maternity, obstetrical, ancillary or emergency care services, as defined in Bureau of Insurance Rule Chapter 850;

(4) The financial provisions may apply to all of the enrollees covered under the carrier's health plan;

(5) The carrier establishes to the satisfaction of the superintendent that the financial provisions permit the provision of better quality services and the quality improvements either significantly outweigh any detrimental impact to covered persons forced to travel longer distances to access services, or the carrier has taken steps to effectively mitigate any detrimental impact associated with requiring covered persons to travel longer distances to access services. The superintendent may consult with other state entities, including the Department of Health and Human Services, Bureau of Health and the Maine Quality Forum established in section 6951, to determine whether the carrier has met the requirements of this subparagraph. The superintendent shall adopt rules regarding the criteria used by the superintendent to determine whether the carrier meets the quality requirements of this subparagraph; and

(6) The financial provisions may not permit travel at a distance that exceeds the standards established in Bureau of Insurance Rule Chapter 850 for mileage and travel time by 100%.

C. A carrier may develop and file with the superintendent for approval a pilot program that allows carriers to reward providers for quality and efficiency through tiered benefit networks and providing incentives to members. The upper tier, or the upper tiers if there are 3 or more tiers, under a pilot program approved pursuant to this paragraph is exempt from geographic access requirements set forth in this subsection or in rules adopted by the superintendent. Any carrier offering a health plan under the pilot program must collect data on the impact of the pilot program on premiums paid by enrollees, payments made to providers, quality of care received and access to health care services by individuals enrolled in health plans under the pilot program and must submit that data annually to the superintendent. The superintendent shall report annually beginning January 15, 2010 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on any approval of a pilot program pursuant to this paragraph.

The basis for tiering benefits under a pilot program must be to provide incentives for higher-quality care, improved patient safety or improved efficiency or a combination of those factors. The

superintendent shall consult with the Maine Quality Forum under section 6951 in assessing quality. The superintendent shall disapprove or withdraw approval of a pilot program if the superintendent finds that approval or continued operation would cause undue hardship to enrollees in the pilot program or reduce their quality of care.

The superintendent shall consider the experience of approved pilot programs, including consumer complaints and examinations, provider behavior and efficiency, in determining whether or not to reapprove subsequent pilot program applications.

Sec. A-34. 24-A MRSA §4603, sub-§3, ¶B, as amended by PL 2009, c. 77, §1 and c. 118, §2 and affected by §5, is repealed and the following enacted in its place:

B. With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(2) The following limits for health insurance benefits:

(a) Three hundred thousand dollars for coverages not defined as disability insurance or basic hospital, medical and surgical insurance or major medical insurance, including any net cash surrender and net cash withdrawal values;

(b) Three hundred thousand dollars for disability and long-term care insurance; or

(c) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance; or

(3) Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

Sec. A-35. 24-A MRSA §4603, sub-§3, ¶C, as amended by PL 2009, c. 77, §2 and c. 118, §3 and affected by §5, is repealed and the following enacted in its place:

C. With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, \$250,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values; and

Sec. A-36. 25 MRSA §2354, as amended by PL 2009, c. 261, Pt. B, §5 and c. 344, Pt. D, §1 and

affected by Pt. E, §2, is repealed and the following enacted in its place:

§2354. Inspection of buildings being repaired

Subject to Title 32, chapter 139, the building official shall inspect all buildings while they are in process of being repaired and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The building official may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire.

Sec. A-37. 25 MRSA §2803-B, sub-§2, as amended by PL 2009, c. 336, §18 and c. 451, §4, is repealed and the following enacted in its place:

2. Minimum policy standards. The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003; policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004; policies for public notification regarding persons in the community required to register under Title 34-A, chapter 15 under subsection 1, paragraph J must be established no later than January 1, 2006; policies for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be established no later than January 1, 2005; policies for the expanded use of physical force, including the use of electronic weapons and less-than-lethal munitions under subsection 1, paragraph A, must be established no later than January 1, 2010; and policies for mental illness and the process for involuntary commitment under subsection 1, paragraph L must be established no later than January 1, 2010.

Sec. A-38. 25 MRSA §2803-B, sub-§3, as amended by PL 2009, c. 336, §18 and c. 451, §5, is repealed and the following enacted in its place:

3. Agency compliance. The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003; certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004; certification to the board for adoption of a public notification policy under subsection 1, paragraph J must be made to the board no later than June 1, 2006; certification to the

board for adoption of a policy for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than June 1, 2005; certification to the board for adoption of an expanded use of physical force policy under subsection 1, paragraph A must be made to the board no later than June 1, 2010; and certification to the board for adoption of a policy regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than June 1, 2010. The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) and (3) must be made to the board no later than January 1, 2004; certification for orientation and training with respect to policies regarding death investigations under subsection 1, paragraph I must be made to the board no later than January 1, 2005; certification for orientation and training with respect to policies regarding public notification under subsection 1, paragraph J must be made to the board no later than January 1, 2007; certification for orientation and training with respect to policies regarding the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than January 1, 2006; certification for orientation and training with respect to policies regarding expanded use of physical force under subsection 1, paragraph A must be made to the board no later than January 1, 2011; and certification for orientation and training with respect to policies regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than January 1, 2011.

Sec. A-39. 26 MRSA §1413-A, sub-§1-A, as enacted by PL 2009, c. 174, §6, is amended to read:

1-A. Commission. "Commission" means the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened.

Sec. A-40. 26 MRSA §1413-C, first ¶, as amended by PL 2009, c. 174, §17, is further amended to read:

Within the Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened, the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened as established under Title 5, section 12004-J, subsection 17, consists of 24 members and 3 members-at-large appointed by the Governor and representing equally consumers, professionals and the

public. Members are entitled to compensation in accordance with Title 5, chapter 379.

Sec. A-41. 28-A MRSA §2, sub-§12-A, as enacted by PL 1997, c. 767, §1, is amended to read:

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than 7% alcohol by volume.

Sec. A-42. 28-A MRSA §1206, as amended by PL 2009, c. 438, §4 and c. 459, §3, is repealed and the following enacted in its place:

§1206. Consumption prohibited on off-premises retail premises

A person may not consume liquor on the premises of an off-premise retail licensee licensed under this chapter except as provided in sections 460, 1205, 1207 and 1208.

Sec. A-43. 30-A MRSA §6006-G, sub-§2, ¶A, as enacted by PL 2007, c. 470, Pt. D, §1, is amended to read:

A. Sums that are transferred to the fund from time to time by the Treasurer of State pursuant to Title 36, section 2903, subsection § 6 and Title 36, section 3203, subsection 4;

Sec. A-44. 32 MRSA §2402-A, as amended by PL 2009, c. 250, §2 and repealed by c. 344, Pt. C, §1 and affected by Pt. E, §2, is repealed.

Sec. A-45. 32 MRSA §4700-J, as amended by PL 2009, c. 153, §21, is further amended to read:

§4700-J. Licensure; well drillers and pump installers

Effective January 1, 1994, a person may not engage in the business of constructing water wells within the State or engage in the installation, replacement or repair of a pump in a water well unless licensed with the commission. After final adoption of initial rules pursuant to section 4700-I, subsection 2-A, a person may not engage in the business of constructing geothermal heat exchange wells or engage in the installation, replacement or repair of a pump in a geothermal heat exchange well unless licensed with the commission. An applicant for licensure must complete an application form supplied by the commission, successfully complete any examination required by this chapter and pay an annual license fee established by the commission. The person so licensed shall display on each side of the drilling rig or the pump installer vehicle a seal issued by the commission indicating that person's license number and the current year of licensure. A person licensed under chapter 49 as a master plumber is not required to be licensed with the commission to perform the work of a pump installer.

Sec. A-46. 32 MRSA §18107, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18107. Installations to conform to standards

Installation of oil, solid fuel, propane and natural gas burning equipment and chimneys may not be made in this State unless the installation complies with all the standards and rules adopted by the board. These standards and rules may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. Whenever oil, solid fuel, propane and natural gas burning equipment, accessory equipment or its installation are separately contracted, the master oil and solid fuel burning technician or the propane and natural gas technician in charge of the installation is responsible for ascertaining total conformance to the standards and rules adopted by the board. Whenever a state fuel inspector authorized under section 18110 finds a person installing or assisting in an oil, solid fuel, propane or natural gas installation, that person shall, on request of the state fuel inspector, provide evidence of being properly licensed when required by this chapter and, if unable to provide the evidence, shall furnish the state fuel inspector with that person's full name and address and, if applicable, the full name and address of the master oil and solid fuel burning technician or the propane and natural gas technician in charge.

Sec. A-47. 32 MRSA §18123, sub-§2, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

2. Rules. The board may, in accordance with the Maine Administrative Procedure Act, adopt rules commensurate with the authority vested in it by this chapter, including, but not limited to, rules adopting technical standards for the proper installation and servicing of oil, solid fuel, propane and natural gas burning equipment. Rules adopted pursuant to this subsection may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. The board may adopt by rule national or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. A-48. 35-A MRSA §8704, sub-§1, ¶B, as amended by PL 2009, c. 174, §27, is further amended to read:

B. The chair of the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened established by Title 5, section 12004-J, subsection 17, or a designee;

Sec. A-49. 35-A MRSA §10119, sub-§1, ¶B, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

B. Federal funds and awards that may be used for the purposes of this section;

Sec. A-50. 36 MRSA §191, sub-§2, ¶LL, as reallocated by PL 2009, c. 361, §14, is amended to read:

LL. The disclosure to any state agency of information relating to the administration and collection of any debt transferred to the bureau for collection pursuant to section 112-A-;:

Sec. A-51. 36 MRSA §191, sub-§2, ¶MM, as amended by PL 2009, c. 470, §4, is further amended to read:

MM. The disclosure to an authorized representative of the Department of Economic and Community Development of information required for the administration of the visual media production credit under section 5219-Y, the employment tax increment financing program under chapter 917, the visual media production reimbursement program under chapter 919-A or the Pine Tree Development Zone program under Title 30-A, chapter 206, subchapter 4-;

Sec. A-52. 36 MRSA §191, sub-§2, ¶NN, as reallocated by PL 2009, c. 361, §16, is amended to read:

NN. The disclosure to an authorized representative of the Wild Blueberry Commission of Maine of any information required for or submitted to the assessor in connection with the administration of the tax imposed under chapter 701-; and

Sec. A-53. 36 MRSA §5200-A, sub-§1, ¶T, as amended by PL 2009, c. 213, Pt. ZZZ, §6 and Pt. BBBB, §10, is repealed and the following enacted in its place:

T. For taxable years beginning on or after January 1, 2008, an amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) arising from amendments to the Code applicable to taxable years beginning on or after January 1, 2008;

Sec. A-54. 36 MRSA §5200-A, sub-§1, ¶V, as enacted by PL 2009, c. 213, Pt. ZZZ, §8, is amended to read:

V. For any taxable year beginning in 2009, 2010 or 2011, an amount equal to the absolute value of any net operating loss carry-forward claimed for purposes of the federal income tax; and

Sec. A-55. 36 MRSA §5200-A, sub-§1, ¶V, as enacted by PL 2009, c. 213, Pt. BBBB, §12, is reallocated to 36 MRSA §5200-A, sub-§1, ¶W.

Sec. A-56. 36 MRSA §5200-A, sub-§2, ¶T, as enacted by PL 2009, c. 213, Pt. ZZZ, §13 and Pt. BBBB, §15 and affected by §17, is repealed and the following enacted in its place:

T. An amount equal to the value of any prior year addition modification under subsection 1, paragraph V, but only to the extent that:

(1) Maine taxable income is not reduced below zero;

(2) The taxable year is within the allowable federal period for carry-over plus the number of years that the net operating loss carry-over adjustment was not deducted as a result of the restriction with respect to tax years beginning in 2009, 2010 and 2011;

(3) The amount has not been previously used as a modification pursuant to this subsection; and

(4) The modification under this paragraph is not claimed for any tax year beginning in 2009, 2010 or 2011; and

Sec. A-57. 36 MRSA §5200-A, sub-§2, ¶U is enacted to read:

U. An amount equal to the gross income from discharge of indebtedness previously deferred under the Code, Section 108(i) and included in federal taxable income. The total subtraction for all years under this paragraph may not exceed the amount of the addition modification under subsection 1, paragraph W for the same indebtedness.

Sec. A-58. Application. That section of this Act that enacts the Maine Revised Statutes, Title 36, section 5200-A, subsection 2, paragraph U applies to tax years beginning on or after January 1, 2010.

Sec. A-59. 37-B MRSA §601, as amended by PL 2009, c. 299, Pt. A, §9 and c. 406, §13, is repealed and the following enacted in its place:

§601. Home established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to ex-

ceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes.

Sec. A-60. 38 MRSA §580-B, sub-§7, as amended by PL 2009, c. 200, §7 and c. 372, Pt. B, §4, is repealed and the following enacted in its place:

7. Allocation of carbon dioxide emissions allowances. The department shall allocate 100% of the annual carbon dioxide emissions allowances for public benefit to produce funds for carbon reduction and energy conservation, as specified in Title 35-A, section 10109. Except as provided in subsections 7-A and 8, the department shall sell the carbon dioxide emissions allowances at public auction, in accordance with rules adopted under subsection 4. Revenue resulting from the sale of allowances must be deposited in the Regional Greenhouse Gas Initiative Trust Fund established under Title 35-A, section 10109.

Sec. A-61. 38 MRSA §580-B, sub-§10, as amended by PL 2009, c. 200, §§8 to 10 and c. 372, Pt. B, §6, is repealed and the following enacted in its place:

10. Annual report. The department and the trustees of the Efficiency Maine Trust established pursuant to Title 35-A, section 10103 shall submit a joint report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matters by March 15, 2009 and each year thereafter. The report must assess and address:

A. The reductions of greenhouse gas emissions from carbon dioxide budget units, conservation programs funded by the Regional Greenhouse Gas Initiative Trust Fund pursuant to Title 35-A, section 10109 and carbon dioxide emissions offset projects;

B. The improvements in overall carbon dioxide emissions and energy efficiency from sources that emit greenhouse gases including electrical generation and fossil fuel fired units;

C. The maximization of savings through systemic energy improvements statewide;

D. Research and support of new carbon dioxide offset allowance categories for development in the State;

E. Management and cost-effectiveness of the State's energy conservation and carbon reduction programs and efforts funded by the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109;

F. The extent to which funds from the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109, serve customers from all classes of the State's transmission and distribution utilities; and

G. The revenues and expenditures of the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109.

The department and the trustees of the Efficiency Maine Trust may include in the report any proposed changes to the program established under this chapter.

The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation relating to areas within the committee's jurisdiction in connection with the program. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation relating to areas within the committee's jurisdiction in connection with the program.

Sec. A-62. PL 2009, c. 174, §28 is amended to read:

Sec. 28. Transition provisions.

1. The Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened, established pursuant to the Maine Revised Statutes, Title 5, section 12004-J, subsection 17, is the successor in every way to the functions and duties of the former Advisory Council to Division of Deafness, as established pursuant to Title 5, section 12004-I, subsection 54-B.

2. All records, property and equipment previously belonging to or for the use of the former Advisory Council to Division of Deafness become part of the property of the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened.

3. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the former Advisory Council to Division of Deafness may be utilized by the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened until existing supplies of these items are exhausted.

Sec. A-63. PL 2009, c. 213, Pt. YYY, §2 is amended to read:

Sec. YYY-2. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 683, subsection 1 applies to property tax years beginning on or after April 1, 2010.

Sec. A-64. PL 2009, c. 261, Pt. A, §20 is repealed.

Sec. A-65. PL 2009, c. 361, §37 is amended to read:

Sec. 37. Retroactivity. That section of this Act that enacts the Maine Revised Statutes, Title 36, section 2557, subsection 3, paragraph ~~N~~ G-1 applies retroactively to October 1, 2007. That section of this Act that amends Title 36, section 4641-C, subsection 7 applies retroactively to July 1, 2003. Those sections of this Act that amend Title 27, section 511, subsection 2; Title 30-A, section 4722, subsection 1, paragraphs BB and CC; and Title 36, section 5219-BB; and that section that enacts Title 30-A, section 4722, subsection 1, paragraph DD apply retroactively to June 30, 2008. The portion of this Act that enacts Title 36, section 1760, subsection 41, paragraph B applies retroactively to January 1, 2008. The portion of this Act that enacts Title 36, section 1760, subsection 41, paragraph C applies retroactively to June 15, 2001.

PART B

Sec. B-1. 7 MRSA §2902-B, sub-§2, as amended by PL 2005, c. 270, §3, is further amended to read:

2. **Sale of unpasteurized milk or milk product at eating establishment.** Except as provided in subsection ~~4~~ 5, a person may not sell unpasteurized milk or a product made from unpasteurized milk at an eat-

ing establishment as defined in Title 22, section 2491, subsection 7.

Sec. B-2. 14 MRSA §6030-C, sub-§1, as amended by PL 2009, c. 566, §18, is further amended to read:

1. Energy efficiency disclosure. A landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for residential property that will be used by a tenant or lessee as a primary residence shall provide to potential tenants or lessees a residential energy efficiency disclosure statement in accordance with Title 35-A, section ~~10006~~ 10117, subsection 1 that includes, but is not limited to, information about the energy efficiency of the property.

Sec. B-3. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 14, section 6030-C, subsection 1 takes effect 90 days after adjournment of the Second Regular Session of the 124th Legislature.

Sec. B-4. 14 MRSA §8109, sub-§1, as amended by PL 1991, c. 780, Pt. Y, §114, is further amended to read:

1. Procedures for State. The State has authority to settle claims filed against it pursuant to ~~section 8104~~ sections 8104-A, 8104-B, 8104-C and 8104-D in accordance with the following procedures.

A. Any agency may settle any claim for an amount of \$1,500 or less when such settlement is approved by the appropriate department or agency head in accordance with rules adopted by the Commissioner of Administrative and Financial Services.

B. Any other claim may be settled when such settlement is approved by the head of the department or agency against which the claim is filed, the Commissioner of Administrative and Financial Services and the Attorney General.

Sec. B-5. 14 MRSA §8109, sub-§2, as amended by PL 1977, c. 78, §116, is further amended to read:

2. Procedures for political subdivisions. Any political subdivision may settle claims filed against it pursuant to ~~section 8104~~ sections 8104-A, 8104-B, 8104-C and 8104-D in accordance with procedures duly promulgated by its governing body.

Sec. B-6. 22 MRSA §2383, sub-§1, as amended by IB 2009, c. 1, §3 and PL 2009, c. 67, §3, is repealed and the following enacted in its place:

1. Marijuana. Except as provided in chapter 558-C, a person may not possess marijuana.

A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600

must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended.

Sec. B-7. 24 MRSA §2961, sub-§3, ¶A, as enacted by PL 1987, c. 646, §§6 and 14, is amended to read:

A. The court, considering the factors established in Maine ~~Bar Rule 3~~ Rules of Professional Conduct, Rule 1.5 as guides in determining the reasonableness of a fee, finds that the fees permitted by subsection 1 are inadequate to compensate the attorney reasonably for the attorney's services; and

Sec. B-8. 36 MRSA §3203-C, as amended by PL 2009, c. 496, §20, is further amended to read:

§3203-C. Inventory tax

On the date that any increase in the rate of tax imposed under this chapter takes effect, an inventory tax is imposed upon all distillates that are held in inventory by a supplier, wholesaler or retail dealer as of the end of the day prior to that date on which the tax imposed by section 3203, ~~section subsection~~ 1-B has been paid. The inventory tax is computed by multiplying the number of gallons of tax-paid fuel held in inventory by the difference between the tax rate already paid and the new tax rate. Suppliers, wholesalers and retail dealers that hold such tax-paid inventory shall make payment of the inventory tax on or before the 15th day of the next calendar month, accompanied by a form prescribed and furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the supplier, wholesaler or retail dealer is entitled to a refund or credit, which must be claimed on a form designed and furnished by the assessor.

Sec. B-9. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 36, section 3203-C applies retroactively to July 18, 2008.

Sec. B-10. 36 MRSA §3321, sub-§1, as amended by PL 2009, c. 413, Pt. W, §4 and affected by §6 and amended by c. 434, §59, is repealed and the following enacted in its place:

1. Generally. Beginning in 2003, and each calendar year thereafter, the excise tax imposed upon internal combustion engine fuel pursuant to section 2903, subsection 1 and the excise tax imposed upon distillates pursuant to section 3203, subsections 1 and 1-B are subject to an annual rate of adjustment pursuant to this section. On or about February 15th of each year, the State Tax Assessor shall calculate the adjusted rates by multiplying the rates in effect on the calculation date by an inflation index computed as provided in subsection 2. The adjusted rates must then

be rounded to the nearest 1/10 of a cent and become effective on the first day of July immediately following the calculation. The assessor shall publish the annually adjusted fuel tax rates and shall provide all necessary forms and reports.

Sec. B-11. PL 2009, c. 571, Pt. PP, §2 is amended to read:

Sec. PP-2. PL 2009, c. 414, Pt. D, §6 is amended to read:

Sec. D-6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

PUBLIC UTILITIES COMMISSION

Public Utilities Commission

Provides funds for weatherization and energy efficiency programs for low and middle income households and small businesses. If the energy efficiency programs of the commission are transferred to another entity established by the Legislature, the commission shall transfer all unexpended funds to that entity.	\$12,000,000
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UNIVERSITY OF MAINE SYSTEM

University of Maine System

Provides funds for energy and infrastructure upgrades at all campuses of the University of Maine System.	\$9,500,000
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MAINE COMMUNITY COLLEGE SYSTEM

Maine Community College System

Provides funds for energy and infrastructure upgrades at all campuses of the Maine Community College System.	\$5,000,000
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MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds for energy and infrastructure upgrades at the Maine Maritime Academy.	\$1,000,000
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DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

UNIVERSITY OF MAINE SYSTEM

Maine Marine Wind Energy Demonstration Site Fund

Provides funds for research, development and product innovation associated with developing one or more ocean wind energy demonstration sites.	\$6,000,000
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PART C

Sec. C-1. 12 MRSA §6536, as amended by PL 2009, c. 213, Pt. G, §12 and repealed by c. 396, §4, is repealed.

Sec. C-2. 17 MRSA §1834, sub-§3, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

3. Operation of electronic video machines. The fee for a game of chance license to operate an electronic video machine in accordance with section 1832, subsection 8 is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued for a calendar month is \$60.

The Chief of the State Police may issue any combination of weekly or monthly licenses for the operation of electronic video machines. A license or combination of licenses to operate an authorized electronic video machine may ~~not exceed~~ be issued for a period of 6 up to 12 months.

Sec. C-3. 17 MRSA §1835, sub-§1, ¶B, as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$5 daily entry fee and no more than ~~40~~ 50 players at any one time at any one location.

Sec. C-4. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 17, section 1834, subsection 3 and section 1835, subsection 1, paragraph B take effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

Sec. C-5. 29-A MRSA §2083, sub-§2, as amended by PL 2009, c. 50, §3 and c. 55, §4, is repealed and the following enacted in its place:

2. Compliance. An operator of a motorcycle or a parent or guardian may not allow a passenger under the age of 18 years to ride in violation of this section.

Sec. C-6. PL 2009, c. 344, Pt. D, §15, sub-§3 is amended to read:

3. Licenses. ~~With the exception of temporary licenses for delivery and plant operators, licenses Li-~~

censes issued by the Oil and Solid Fuel Board and the Propane and Natural Gas Board remain valid upon the effective date of this Act. ~~Applicants for temporary delivery and plant operator licenses who apply after the effective date of this Act will be required to obtain a technician license with the appropriate authority. Temporary licenses for delivery and plant operators issued prior to the effective date of this Act remain valid until the expiration date and may not be reissued.~~

Sec. C-7. Retroactivity. That section of this Part that amends Public Law 2009, chapter 344, Part D, section 15, subsection 3 applies retroactively to January 1, 2010.

Sec. C-8. PL 2009, c. 496, §30 is amended to read:

Sec. 30. Contingent retroactive effective date. That section of this Act that amends the Maine Revised Statutes, Title 36, section 1752, subsection 14, paragraph B, as amended by Public Law 2007, chapter 627, section 43, ~~takes effect~~ applies retroactively to August 1, 2008 only if Public Law 2009, chapter 382 is not ratified by a majority of the electors voting on that measure pursuant to the Constitution of Maine, Article IV, Section 17.

Sec. C-9. PL 2009, c. 496, §31 is amended to read:

Sec. 31. Contingent retroactive effective date. That section of this Act that amends the Maine Revised Statutes, Title 36, section 1752, subsection 14, paragraph B, as amended by Public Law 2009, chapter 382, Part B, section 17 and affected by section 52, ~~takes effect~~ applies retroactively to August 1, 2008 only if Public Law 2009, chapter 382 is ratified by a majority of the electors voting on that measure pursuant to the Constitution of Maine, Article IV, Section 17.

PART D

Sec. D-1. 30-A MRSA §5250-J, sub-§3-A, as enacted by PL 2009, c. 461, §17, is further amended to read:

3-A. Pine Tree Development Zone classification; tier 1 locations. Beginning January 1, 2009, the department shall classify the following ~~units of local government~~ on an annual basis as tier 1 locations:

A. From January 1, 2009 to December 31, 2009, all units of local government; ~~and~~

B. Beginning January 1, 2010, a unit of local government that is contained in a county other than Cumberland County or York County, as well as a unit of local government that is contained in Cumberland County or York County with a municipal unemployment rate that is 15% higher than its labor market unemployment rate, based upon

data published by the Department of Labor from the last completed calendar year;

C. A unit of local government that has been designated by the department as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008;

D. Property within a military redevelopment zone as long as the property is classified by the department no later than December 31, 2018; and

E. Washington County and the Downeast region, including 2 pilot projects to be established by the commissioner:

(1) A pilot project for the property of the former Cutler naval computer and telecommunications station, which may be excluded from the qualified business definitions established under section 5250-I, subsections 16 and 17 if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development; and

(2) A pilot project that allows seasonal employees in seasonal industries based on natural resources to be considered qualified Pine Tree Development Zone employees for the purposes of section 5250-I, subsection 18.

~~A unit of local government that has been designated by the department as a participating municipality in the Pine Tree Development Zone program as of December 31, 2008 will be classified as a tier 1 location.~~

~~Property within a military redevelopment zone as long as the property is classified by the department no later than December 31, 2018.~~

Sec. D-2. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 30-A, section 5250-J, subsection 3-A applies retroactively to September 12, 2009.

PART E

Sec. E-1. 22 MRSA §1066, sub-§2, ¶B, as enacted by PL 2009, c. 595, §2, is amended to read:

B. "Assessed entity" means a health insurance carrier ~~licensed under Title 24-A~~ or a 3rd-party administrator registered under Title 24-A.

Sec. E-2. 22 MRSA §1066, sub-§2, ¶E, as enacted by PL 2009, c. 595, §2, is amended to read:

E. "Covered life months" means the number of months during a calendar year that a person is covered under a health insurance plan provided or administered by a health insurance carrier as an assessed entity.

Sec. E-3. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 22, section 1066, subsection 2, paragraphs B and E take effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

PART F

Sec. F-1. PL 2009, c. 571, Pt. EEE, §1 is amended to read:

Sec. EEE-1. Emergency rulemaking regarding vital records fees. The Department of Health and Human Services, Office of ~~Health Data and Program Management~~ Data, Research and Vital Statistics shall ~~by adopt rules that apply retroactively to April 1, 2010 adopt rules on an emergency basis to set~~ revise the fees for obtaining copies of vital records from the office ~~at to the same levels as were in effect in September 2009 and, following.~~ Following adoption of the emergency rules, the office shall complete nonemergency rulemaking to set the fees at the September 2009 levels. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 14, 2010, unless otherwise indicated.

CHAPTER 653

H.P. 1113 - L.D. 1575

An Act To Establish a Residential Wood Stove Replacement Fund

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

Sec. 1. 38 MRSA §610-D is enacted to read:

§610-D. Residential Wood Stove Replacement Fund

1. Fund established. The Residential Wood Stove Replacement Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the department for the purpose of providing financial incentives for the replacement of wood stoves with cleaner alternatives.

2. Sources of money. The fund consists of any money received from the following sources:

A. Contributions from any source, both public and private; and

B. Civil penalties for violations of air quality laws or rules administered by the department if the penalties are imposed pursuant to an administrative consent agreement or court-ordered consent decree and the person against whom the penalty is imposed expressly assents in the agreement or decree that the penalty may be paid into the fund. This paragraph is repealed January 1, 2012.

Money deposited in the fund must be deposited with the Treasurer of State to the credit of the fund and may be invested as provided by law. Interest on that investment must be credited to the fund.

3. Disbursements from the fund. The department shall apply the money in the fund toward the award of financial incentives to residents of the State to replace residential wood stoves manufactured prior to 1988 and used as a primary source of heat in an owner's primary residence with residential heating appliances with lower emissions of pollution, such as wood stoves, pellet stoves or vented gas stoves, that have been certified by the United States Environmental Protection Agency. Costs incurred by the department to administer the residential wood stove replacement program under subsection 4 may be paid by the fund.

4. Residential wood stove replacement program. The department shall establish through rulemaking a residential wood stove replacement program. The program must include, but is not limited to:

A. Public outreach and education;

B. Establishment of eligibility criteria for participating in the program, benefits available under the program and the process for establishing eligibility for benefits; and

C. Approved methods for removal and disposal of the replaced residential wood stoves.

5. Rulemaking. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. The Department of Environmental Protection shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status and account activity of the residential wood stove replacement program, as established by the Maine Revised Statutes, Title 38, section 610-D, by January 1, 2012.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Air Quality 0250