

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

gram," shall update the enrollment mechanism for prescribers of controlled substances who are registering with the program or are renewing registration. The update must enable prescribers to be enrolled in the program automatically when applying for or renewing a professional license and must establish the electronic code necessary to update the program's computer system accordingly. The update must allow a federal Drug Enforcement Administration number to be entered during the online application or renewal process and must notify an applicant that in providing the federal number the applicant is automatically registered with the program. The program shall update its computer system to allow subaccount holders and delegated account holders access to the database using the online application process. The program shall update its computer system to enable licensing data to be extracted on a scheduled basis from the agency licensing management system and securely transferred to the program in order to enroll in the program unregistered licensees who have federal Drug Enforcement Administration numbers and e-mail addresses.

Sec. 3. Outside funding. If the Department of Health and Human Services finds that sufficient funding to fund the update under section 2 is not available to the department for that purpose, the department may seek and may accept outside funding necessary to complete the update under section 2.

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

Effective April 30, 2014.

CHAPTER 588

H.P. 1323 - L.D. 1841

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. 3 MRSA §956, sub-§2, ¶N, as amended by PL 2013, c. 110, §3 and c. 307, §6, is repealed and the following enacted in its place:

N. A list of reports, applications and other similar paperwork required to be filed with the agency by the public. The list must include:

- (1) The statutory authority for each filing requirement;
- (2) The date each filing requirement was adopted or last amended by the agency;
- (3) The frequency that filing is required;
- (4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and
- (5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

Sec. A-2. 5 MRSA §933, sub-§1, ¶O, as amended by PL 2013, c. 368, Pt. X, §1 and repealed by c. 405, Pt. A, §3, is repealed.

Sec. A-3. 5 MRSA §933, sub-§1, ¶P, as amended by PL 2013, c. 368, Pt. X, §2 and c. 405, Pt. A, §4, is repealed and the following enacted in its place:

P. Director, Division of Animal and Plant Health;

Sec. A-4. 5 MRSA §935, sub-§1, ¶D, as repealed by PL 2013, c. 405, Pt. A, §6 and amended by Pt. C, §2, is repealed.

Sec. A-5. 5 MRSA §12004-I, sub-§29-D, as enacted by PL 2007, c. 193, §5, is amended to read:

29-D.

Finance	Citizens'	Not author-	5 MRSA
	Code of	ized	§1825-T
	Conduct		
	Working		
	Group		

Sec. A-6. 5 MRSA §12004-I, sub-§74-F, as enacted by PL 2009, c. 353, §1, is repealed.

Sec. A-7. 5 MRSA §13070-J, sub-§1, ¶D, as amended by PL 2011, c. 573, §1, is further amended to read:

D. "Economic development incentive" means federal and state statutorily defined programs that receive state funds, dedicated revenue funds and tax expenditures as defined by section 1666 whose purposes are to create, attract or retain business entities related to business development in the State, including but not limited to:

- (1) Assistance from Maine Quality Centers under Title 20-A, chapter 431-A;
- (2) The Governor's Jobs Initiative Program under Title 26, chapter 25, subchapter 4;
- (3) Municipal tax increment financing under Title 30-A, chapter 206;
- (4) The jobs and investment tax credit under Title 36, section 5215;
- (5) The research expense tax credit under Title 36, section 5219-K;
- (6) Reimbursement for taxes paid on certain business property under Title 36, chapter 915;
- (7) Employment tax increment financing under Title 36, chapter 917;
- (8) The shipbuilding facility credit under Title 36, chapter 919;
- (9) The credit for seed capital investment under Title 36, section 5216-B; and
- ~~(10) The credit for pollution reducing boilers under Title 36, section 5219-Z; and~~
- (11) The credit for Maine fishery infrastructure investment under Title 36, section 5216-D.

Sec. A-8. 12 MRSA §1817, sub-§7, as enacted by PL 2001, c. 466, §4 and amended by PL 2011, c. 657, Pt. W, §7 and c. 405, Pt. A, §24, is further amended to read:

7. Comprehensive outdoor recreation plan. Beginning January 1, 2003 and every 5 years thereafter, the director shall submit a state comprehensive outdoor recreation plan to the joint standing committee of the Legislature having jurisdiction over state parks and public lands matters, referred to in this subsection as the "committee of legislative oversight." The plan submitted by the bureau for review and approval by the National Park Service to establish the bureau's eligibility for funding from the land and water conservation fund under 16 United States Code, Section 4601-11 meets the requirements of this subsection. If federal funding is not available for updating the state plan, the bureau may make a written request to the committee of legislative oversight for an extension for

submitting the plan. Upon receiving an extension request, the committee of legislative oversight shall discuss the advisability of an extension and the availability of state funds for preparation of the update. The committee may authorize an extension by writing to the director and stating the year by which an update must be received. A copy of the written extension must be filed by the committee with the Executive Director of the Legislative Council.

Sec. A-9. 12 MRSA §6810, sub-§1, as enacted by PL 2001, c. 186, §1, is amended to read:

1. Authorized traps. It is unlawful to fish for green crabs under a license issued pursuant to ~~subsection~~ section 6808 with traps not authorized by the commissioner.

Sec. A-10. 12 MRSA §9004, sub-§4, ¶C, as enacted by PL 1995, c. 586, §5, is amended to read:

C. Operates a facility that is exempt pursuant to section 9001-B that does not comply with rules adopted under section 9001-B, subsection 4.

Sec. A-11. 12 MRSA §10105, sub-§15, as enacted by PL 2013, c. 408, §3, is amended to read:

15. Commissioner's authority to terminate hunting, fishing or trapping season. The commissioner, after consultation with the Governor and the advisory council and by proclamation of the Governor, may terminate an open season for hunting, fishing or trapping at any time in any area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or unlawful hunting, fishing or trapping activity. If a section of the State is closed to hunting, fishing or trapping pursuant to this subsection, the commissioner, following the annulment of the proclamation of the Governor, with the consent of the Governor may extend the open season in that section of the State for a period of days not to exceed the number of days lost due to the termination proclamation. Whenever a section of the State is closed to hunting pursuant to this subsection during the open season on birds, the commissioner, following the annulment of the proclamation of the Governor, with the consent of the Governor may extend the open season for bird hunting in that section of the State for a period not to exceed the number of days lost as permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712.

Sec. A-12. 12 MRSA §11106, sub-§2, as amended by PL 2013, c. 185, §1 and c. 408, §10, is repealed and the following enacted in its place:

2. Archery hunter education requirements. Except as provided in paragraph A and subsection 3, a person who applies for an archery hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunter education course as

described in section 10108 or an equivalent archery hunter education course or satisfactory evidence of having previously held a valid adult archery hunting license issued specifically for the purpose of hunting with bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult archery hunting license or has successfully completed the required archery hunter education course.

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

Sec. A-13. 12 MRSA §11106-A, sub-§3, as amended by PL 2013, c. 185, §2 and c. 408, §11, is repealed and the following enacted in its place:

3. Crossbow hunter education requirements.

Except as provided in paragraph A, a person who applies for a crossbow hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunting education course and a crossbow hunting course as described in section 10108 or equivalent crossbow and archery hunting education courses or satisfactory evidence of having previously held valid adult archery and valid crossbow hunting licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult crossbow and archery hunting license or has successfully completed the required crossbow and archery hunting education courses.

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

Sec. A-14. 12 MRSA §11107, sub-§1, as amended by PL 2005, c. 397, Pt. E, §5, is further amended to read:

1. Big game license. A person 16 years of age or older at the beginning of the special season established under section 11404, subsection ~~4~~ 1-A may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid license to hunt big game with firearms.

Sec. A-15. 12 MRSA §11852, as amended by PL 2013, c. 280, §9 and repealed by c. 408, §17, is repealed.

Sec. A-16. 12 MRSA §12051, sub-§1, as amended by PL 2013, c. 247, §1 and c. 286, §1, is repealed and the following enacted in its place:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.

B. A person may train sporting dogs on wild birds at any time, including Sundays.

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

A person who violates this subsection commits a Class E crime.

Sec. A-17. 12 MRSA §12456, sub-§2, ¶A, as amended by PL 2013, c. 3, §1 and c. 73, §1, is repealed and the following enacted in its place:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph (2) that person commits a Class E crime; and

Sec. A-18. 15 MRSA §3003, sub-§17, as amended by PL 2013, c. 133, §4 and repealed by c. 234, §4, is repealed.

Sec. A-19. 15 MRSA §5821, sub-§3-A, as amended by PL 2013, c. 194, §2 and c. 328, §1, is repealed and the following enacted in its place:

3-A. Firearms and other weapons. Law enforcement officers may seize all firearms and dangerous weapons that they may find in any lawful search for scheduled drugs in which scheduled drugs are found. Except for those seized weapons listed in a petition filed in the Superior Court pursuant to section 5822, all weapons seized, after notice and opportunity for hearing, must be forfeited to the State by the District Court 90 days after a list of the weapons and drugs seized is filed in the District Court in the district in which the weapons and drugs were seized. A weapon need not be forfeited if the owner appears prior to the declaration of forfeiture and satisfies the court, by a preponderance of evidence, of all of the following:

A. That the owner had a possessory interest in the weapon at the time of the seizure sufficient to exclude every person involved with the seized drugs or every person at the site of the seizure;

B. That the owner had no knowledge of or involvement with the drugs and was not at the site of the seizure; and

C. That the owner had not given any involved person permission to possess or use the weapon.

Post-hearing procedures are as provided in section 5822.

A confiscated or forfeited firearm that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the firearm was stolen and the rightful owner was not the person who committed the homicide, in which case the firearm must be returned to the owner if ascertainable.

Sec. A-20. 16 MRSA §614, as repealed by PL 2013, c. 267, Pt. A, §1 and amended by Pt. B, §§7 to 9, is repealed.

Sec. A-21. 16 MRSA §649, sub-§§2 and 3, as reallocated by RR 2013, c. 1, §30, are amended to read:

2. Notification not required. A government entity acting under section 642 648 may include in the application for a warrant a request for an order to waive the notification required under this section. The court may issue the order if the court determines that there is reason to believe that notification will have an adverse result.

3. Preclusion of notice to owner or user subject to warrant for location information. A government entity acting under section 642 648 may include in its application for a warrant a request for an order directing a provider of electronic communication service or location information service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

Sec. A-22. 17 MRSA §1039, sub-§1, ¶D, as enacted by PL 2009, c. 127, §2 and affected by §3, is amended to read:

D. "Farm" has the same meaning as in Title 7, section 152, subsection 5.

Sec. A-23. 21-A MRSA §1052-A, sub-§1, ¶A, as enacted by PL 2013, c. 334, §19, is amended to read:

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that makes ~~expenditure~~ expenditures in the aggregate in excess of \$1,500 and a political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (5) that makes expenditures in the aggregate in excess of \$5,000 shall register with the commission within 7 days of exceeding the applicable amount.

Sec. A-24. 22 MRSA §1812-K, sub-§2, as enacted by PL 2013, c. 179, §5, is amended to read:

2. Rules. The department shall adopt rules necessary to license intermediate care facilities for persons with intellectual disabilities in accordance with the Maine Administrative Procedure Act. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 275 375, subchapter 2-A.

Sec. A-25. 22 MRSA §2423-A, sub-§2, ¶H, as amended by PL 2013, c. 371, §2; c. 393, §2; and c. 396, §6, is repealed and the following enacted in its place:

H. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary, a qualifying patient or another primary caregiver if nothing of value is provided to the primary caregiver. A primary caregiver who transfers prepared marijuana pursuant to this paragraph does not by virtue of only that transfer qualify as a member of a collective;

Sec. A-26. 22 MRSA §2423-A, sub-§2, ¶I, as enacted by PL 2013, c. 396, §7, is amended to read:

I. Employ one person to assist in performing the duties of the primary caregiver;

Sec. A-27. 24-A MRSA §2848, sub-§1-B, ¶A, as amended by PL 2011, c. 238, Pt. E, §1, is further amended to read:

A. "Federally creditable coverage" means health benefits or coverage provided under any of the following:

- (1) An employee welfare benefit plan as defined in Section 3(1) of the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001, or a plan that would be an employee welfare benefit plan but for the "governmental plan" or "nonelecting church plan" exceptions, if the plan provides medical care as defined in subsection 2-A, and includes items and services paid for as medical care directly or through insurance, reimbursement or otherwise;
- (2) Benefits consisting of medical care provided directly, through insurance or reimbursement and including items and services paid for as medical care under a policy, contract or certificate offered by a carrier;
- (3) Part A or Part B of Title XVIII of the Social Security Act, Medicare;
- (4) Title XIX of the Social Security Act, Medicaid, other than coverage consisting solely of benefits under Section 1928 of the Social Security Act;
- (4-A) A state children's health insurance program under Title XXI of the Social Security Act;
- (5) The Civilian Health and Medical Program for the Uniformed Services, CHAMPUS, 10 United States Code, Chapter 55;
- (6) A medical care program of the federal Indian Health Care Improvement Act, 25 United States Code, Section 1601 et seq. or of a tribal organization;
- (7) A state health benefits risk pool;
- (8) A health plan offered under the federal Employees Health Benefits Amendments Act, 5 United States Code, Chapter 89;
- (9) A public health plan as defined in federal regulations authorized by the federal Public Health Service Act, Section 2701(c)(1)(I), as amended by Public Law 104-191; or
- (10) A health benefit plan under Section 5(e) of the Peace Corps Act, 22 United States Code, Section 2504(e).

Sec. A-28. 24-A MRSA §4134, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is further amended to read:

4. Reserves according to the superintendent's reserve valuation method; for the life insurance and endowment benefits of certificates providing for a uniform amount of insurance and requiring the payment of uniform premiums ~~shall~~ must be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such certificates, over the then present value of any future modified net premiums therefor. The modified net premiums for any such certificate ~~shall~~ must be such uniform percentage of the respective contract premiums for such benefits that the present value, at the date of issue of the certificate, of all such modified net premiums ~~shall be~~ is equal to the sum of the then present value of such benefits provided for by the certificate and the excess of A over B, as follows:

A. A net level premium equal to the present value, at the date of issue, of such benefits provided for after the first certificate year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such certificate on which a premium falls due; provided however that such net level annual premium ~~shall~~ may not exceed the net level annual premium on the 19-year premium whole life plan for insurance of the same amount at an age 1 year higher than the age at issue of such certificate; and

B. A net one-year term premium for such benefits provided for in the first certificate year.

~~Reserves according to the superintendent's reserve valuation method for:~~

- ~~(1) Life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums;~~
- ~~(2) Annuity and pure endowment benefits;~~
- ~~(3) Disability and accidental death benefits in all certificates and contracts; and~~
- ~~(4) All other benefits except life insurance and endowment benefits;~~

shall be Reserves according to the superintendent's reserve valuation method must be calculated by a method consistent with the principles of this subsection for life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums; annuity and pure endowment benefits; disability and accidental death benefits in all certificates and contracts; and all other benefits except life insurance and endowment benefits.

Sec. A-29. 24-A MRSA §4204, sub-§2-A, ¶B, as amended by PL 1989, c. 842, §8 and PL 2003, c. 689, Pt. B, §7, is further amended to read:

B. If the Commissioner of Health and Human Services has determined that a certificate of need

is not required, the commissioner makes a determination and provides a certification to the superintendent that the following requirements have been met.

(4) The health maintenance organization must establish and maintain procedures to ensure that the health care services provided to enrollees are rendered under reasonable standards of quality of care consistent with prevailing professionally recognized standards of medical practice. These procedures must include mechanisms to ensure availability, accessibility and continuity of care.

(5) The health maintenance organization must have an ongoing internal quality assurance program to monitor and evaluate its health care services including primary and specialist physician services, ancillary and preventive health care services across all institutional and noninstitutional settings. The program must include, at a minimum, the following:

(a) A written statement of goals and objectives that emphasizes improved health outcomes in evaluating the quality of care rendered to enrollees;

(b) A written quality assurance plan that describes the following:

(i) The health maintenance organization's scope and purpose in quality assurance;

(ii) The organizational structure responsible for quality assurance activities;

(iii) Contractual arrangements, in appropriate instances, for delegation of quality assurance activities;

(iv) Confidentiality policies and procedures;

(v) A system of ongoing evaluation activities;

(vi) A system of focused evaluation activities;

(vii) A system for reviewing and evaluating provider credentials for acceptance and performing peer review activities; and

(viii) Duties and responsibilities of the designated physician supervising the quality assurance activities;

(c) A written statement describing the system of ongoing quality assurance activities including:

(i) Problem assessment, identification, selection and study;

(ii) Corrective action, monitoring evaluation and reassessment; and

(iii) Interpretation and analysis of patterns of care rendered to individual patients by individual providers;

(d) A written statement describing the system of focused quality assurance activities based on representative samples of the enrolled population that identifies the method of topic selection, study, data collection, analysis, interpretation and report format; and

(e) Written plans for taking appropriate corrective action whenever, as determined by the quality assurance program, inappropriate or substandard services have been provided or services that should have been furnished have not been provided.

(6) The health maintenance organization shall record proceedings of formal quality assurance program activities and maintain documentation in a confidential manner. Quality assurance program minutes must be available to the Commissioner of Health and Human Services.

(7) The health maintenance organization shall ensure the use and maintenance of an adequate patient record system that facilitates documentation and retrieval of clinical information to permit evaluation by the health maintenance organization of the continuity and coordination of patient care and the assessment of the quality of health and medical care provided to enrollees.

(8) Enrollee clinical records must be available to the Commissioner of Health and Human Services or an authorized designee for examination and review to ascertain compliance with this section, or as considered necessary by the Commissioner of Health and Human Services.

(9) The organization must establish a mechanism for periodic reporting of quality assurance program activities to the governing body, providers and appropriate organization staff.

The Commissioner of Health and Human Services shall make the certification required by this paragraph within 60 days of the date of the written decision that a certificate of need was not required. If the commissioner certifies that the health maintenance organization does not meet all of the re-

quirements of this paragraph, the commissioner shall specify in what respects the health maintenance organization is deficient.

Sec. A-30. 24-A MRSA §6706, sub-§6, as amended by PL 2009, c. 335, §12, is further amended to read:

6. Board of directors. If a captive insurance company incorporated in this State is formed as a corporation, then at least one of the members of the board of directors of ~~a captive insurance~~ the company incorporated in this State must be a resident of this State. If the company is formed as a reciprocal insurer, then at least one of the members of the ~~subscriber's subscribers'~~ advisory committee must be a resident of this State. If the company is organized as a limited liability company, then at least one manager must be a resident of this State.

Sec. A-31. 25 MRSA §2801-A, sub-§4, as amended by PL 2013, c. 147, §5, is further amended to read:

4. Full-time law enforcement officer. "Full-time law enforcement officer" means a person who possesses a current and valid certificate issued by the board pursuant to section 2803-A and is employed as a law enforcement officer by a municipality, a county, the State or any other nonfederal employer with a reasonable expectation of working more than 1,040 hours in any one calendar year ~~for~~ performing law enforcement officer duties.

Sec. A-32. 25 MRSA §2801-A, sub-§7, ¶C, as enacted by PL 2013, c. 147, §5, is amended to read:

C. Absent extenuating circumstances as determined by the board, works not more than 1,040 hours in any one calendar year ~~for~~ performing law enforcement duties.

Sec. A-33. 25 MRSA §2801-B, sub-§1, ¶A, as amended by PL 2013, c. 133, §19 and c. 147, §6, is repealed and the following enacted in its place:

A. An employee of the Department of Corrections with a duty to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C or an investigative officer or other employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011;

Sec. A-34. 28-A MRSA §84, sub-§1, as amended by PL 2013, c. 269, Pt. C, §4 and affected by §13 and amended by c. 368, Pt. V, §21, is repealed and the following enacted in its place:

1. Manage sale of spirits. Manage the sale of spirits through agency liquor stores in accordance with applicable laws and rules that provide for the operation of wholesale distribution of spirits;

Sec. A-35. Effective date. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 28-A, section 84, subsection 1 takes effect July 1, 2014.

Sec. A-36. 28-A MRSA §2221-A, sub-§5, as amended by PL 2013, c. 368, Pt. V, §53, is further amended to read:

5. Records. Any officer, department or agency having custody ~~of~~ of property subject to forfeiture under subsection 1, or having disposed of the property, shall keep and maintain full and complete records concerning the property.

A. The records must show:

- (1) From whom it received the property;
- (2) Under what authority it held, received or disposed of the property;
- (3) To whom it delivered the property;
- (4) The date and manner of destruction or disposition of the property; and
- (5) The exact kinds, quantities and forms of the property.

B. The records shall be open to inspection by all federal and state officers charged with enforcement of federal and state liquor laws.

C. Persons making final disposition or destruction of the property under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition.

D. The bureau shall maintain a centralized record of property seized, held by an order to the bureau. If requested, the bureau shall provide a report of the disposition of property previously held by the bureau as required by this section to any governmental entity to the commissioner or to the Office of Fiscal and Program Review for review. These records must include an estimate of the fair market value of items seized.

Sec. A-37. 29-A MRSA §1312, sub-§1, as enacted by PL 2013, c. 127, §1 and affected by §5, is amended to read:

1. Maine Organ and Tissue Donation Fund. When applying for or renewing a license under this subchapter, a person may designate that a \$2 donation be paid into the Maine Organ and Tissue Donation Fund established in section 1402-B, subsection 4. A person who designates a \$2 donation under this subsection shall include with the person's license application or renewal fee sufficient funds to make the contribution. Each license application form under section 1301, subsection 1 and license renewal form under section ~~1406~~ 1406-A must contain a designation in substantially the following form: "Maine Organ and

Tissue Donation Fund donation: () \$2 or () Other \$... ."

Sec. A-38. 29-A MRSA §2079, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2079. Unnecessary noise

Braking or acceleration may not be unnecessarily made so as to cause a harsh and ~~objectional~~ objectionable noise.

Sec. A-39. 29-A MRSA §2359, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2359. Prima facie evidence

For the purposes of this Title, weights as indicated by a stationary or portable scale approved by the Department of Transportation and tested within 12 ~~calendar~~ calendar months prior to the time of use by a person and method approved by the Department of Transportation are considered accurate.

Sec. A-40. 32 MRSA §1352-A, sub-§2, ¶D, as amended by PL 2013, c. 296, §3, is further amended to read:

D. An applicant who is a graduate of an engineering curriculum not approved by the accreditation board or an allied science curriculum of 4 years or more and who has submitted a transcript showing the completion of the minimum number ~~of~~ of engineering science and design credits as required in a curriculum approved by the accreditation board and who has passed the national council examination in the fundamentals of engineering may be certified as an engineer-intern.

Sec. A-41. 32 MRSA §4700-G, sub-§9, as enacted by PL 1991, c. 455, Pt. B, §1, is amended to read:

9. Meetings. The commission shall meet at least 2 times per ~~calendar~~ calendar year at the call of the chair. The chair may call additional meetings as the chair determines necessary and shall call a meeting at the request of any 2 members of the commission.

Sec. A-42. 32 MRSA §14034, sub-§2, ¶A, as amended by PL 2013, c. 217, Pt. H, §2 and Pt. K, §10, is repealed and the following enacted in its place:

A. Submit evidence that the applicant is licensed in good standing under the laws of another jurisdiction; and

Sec. A-43. 32 MRSA §18211, sub-§4, as enacted by PL 2013, c. 180, §5 and affected by §6, is amended to read:

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to con-

duct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. A-44. 34-A MRSA §1216, sub-§1, as repealed and replaced by PL 2013, c. 267, Pt. B, §27 and c. 424, Pt. B, §13, is repealed and the following enacted in its place:

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department must be kept confidential and may not be disclosed by any person, except that public records must be disclosed in accordance with Title 1, section 408-A; criminal history record information may be disseminated in accordance with Title 16, chapter 7; and documents other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated or pertaining to a victim's request for notice of release may, and must upon request, be disclosed:

A. To any person if the person receiving services, that person's legal guardian, if any, and, if that person is a minor, that person's parent or legal guardian give informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503;

D. To any criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice or for criminal justice agency employment;

E. To persons engaged in research if:

(1) The research plan is first submitted to and approved by the commissioner;

(2) The disclosure is approved by the commissioner; and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification;

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school; or

G. To any state agency engaged in statistical analysis for the purpose of improving the delivery of services to persons who are or might become mutual clients if:

(1) The plan for the statistical analysis is first submitted to and approved by the commissioner; and

(2) The disclosure is approved by the commissioner.

The commissioner and the state agency requesting the information shall preserve the anonymity of the persons receiving services from the department and may not disseminate data that refer to any person by name or number or that in any other way might lead to a person's identification.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of persons receiving services from the department and, if applicable, eligibility numbers and the dates on which those persons received services to any state or federal agency for the sole purpose of determining eligibility and billing for services and payments under federally funded programs administered by the agency. The department may also release to the agency information required for and to be used solely for audit or research purposes, consistent with federal law, for those services provided by or through the department. Agency personnel shall treat this information as confidential in accordance with federal and state law and shall return the records when their purpose has been served.

Sec. A-45. 36 MRSA §1754-B, sub-§2-C, as amended by PL 2013, c. 331, Pt. A, §1, is further amended to read:

2-C. Issuance and renewal of resale certificates; contents; presentation to vendor. On November 1st of each year, the assessor shall review the returns filed by each registered retailer unless the retailer has a resale certificate expiring after December 31st of that year. If the retailer reports \$3,000 or more in gross sales during the 12 months preceding the assessor's review, the assessor shall issue to the registered retailer a resale certificate effective for 5 ~~calendar~~ calendar years. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor

has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

A registered retailer that fails to meet the \$3,000 threshold upon the annual review of the assessor is not entitled to renewal of its resale certificate except as provided in this subsection. When any such retailer shows that its gross sales for a more current 12-month period total \$3,000 or more or explains to the satisfaction of the assessor why temporary extraordinary circumstances caused its gross sales for the period used for the assessor's annual review to be less than \$3,000, the assessor shall, upon the written request of the retailer, issue to the retailer a resale certificate effective for the next 5 calendar years.

Sec. A-46. 36 MRSA §5122, sub-§2, ¶LL, as repealed and replaced by PL 2013, c. 331, Pt. C, §33 and affected by §40 and amended by c. 368, Pt. TT, §7, is repealed and the following enacted in its place:

LL. To the extent included in federal adjusted gross income and to the extent otherwise subject to Maine income tax, an amount equal to military compensation earned during the taxable year for service performed outside of this State pursuant to written military orders:

(1) For active duty service in the active components of the United States Army, Navy, Air Force, Marines or Coast Guard by a service member whose permanent duty station during such service is located outside of this State; and

(2) For active duty service in the active or reserve components of the United States Army, Navy, Air Force, Marines or Coast Guard or in the Maine National Guard by a service member in support of a federal operational mission or a declared state or federal disaster response when the orders are either at federal direction or at the direction of the Governor of this State; and

Sec. A-47. Application. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph LL applies to tax years beginning on or after January 1, 2014.

Sec. A-48. 38 MRSA §439-A, sub-§4-B, as enacted by PL 2013, c. 140, §1, is amended to read:

4-B. Exemption from setback requirements for decks over rivers within a downtown revitalization project. In accordance with the provisions of this subsection, a municipality may adopt an ordinance that exempts a deck from the water and wetland setback requirements otherwise applicable under this section.

A. Notwithstanding ~~subsections~~ subsection 4 and 4-A, a municipality may adopt an ordinance pursuant to this subsection that exempts a deck from the otherwise applicable water or wetland setbacks if the following requirements are met:

- (1) The deck does not exceed 700 square feet in area;
- (2) The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project; and
- (3) The deck is attached to or accessory to a use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project.

B. A downtown revitalization project under this subsection must be defined in a project plan approved by the legislative body of the municipality and may include the revitalization of buildings formerly used as mills that do not meet the water or wetland setback requirements in ~~subsections~~ subsection 4 and 4-A.

C. Except for the water and wetland setback requirements in ~~subsections~~ subsection 4 and 4-A, a deck that meets the requirements of this subsection must meet all other state and local permit requirements and comply with all other applicable rules.

D. A deck exempt under this subsection may be either privately or publicly owned and maintained.

Sec. A-49. 38 MRSA §579, first ¶, as amended by PL 2013, c. 369, Pt. D, §1 and c. 415, §6, is repealed and the following enacted in its place:

The department may participate in the regional greenhouse gas initiative under chapter 3-B. The commissioner or the commissioner's designee and the members of the Public Utilities Commission are authorized to act as representatives for the State in the regional organization as defined in section 580-A, subsection 20, may contract with organizations and entities when such arrangements are necessary to efficiently carry out the purposes of this section and may coordinate the State's efforts with other states and jurisdictions participating in that initiative, with respect to:

Sec. A-50. PL 2013, c. 133, §37 is repealed.

PART B

Sec. B-1. 28-A MRSA §84, sub-§5, as enacted by PL 1997, c. 373, §28, is amended to read:

5. Certification. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses for liquor sales for the preceding month and submit, ~~in conjunction with the alcohol~~

~~bureau~~, an annual report that includes a complete statement of the revenues and expenses for the ~~alcohol bureau and the~~ bureau to the Governor and the Legislature, together with recommendations for changes in this Title.

Sec. B-2. 28-A MRSA §86, as enacted by PL 1997, c. 373, §28, is amended to read:

§86. Conflict of interest

In addition to the limitations set forth in Title 5, section 18, any member of the commission or any employee of the commission, ~~or the bureau or the alcohol bureau~~ may not accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, wholesaler, wholesale licensee or retail licensee or any representative of a manufacturer, wholesaler, wholesale licensee or retail licensee under circumstances that may reasonably be construed as influencing or improperly relating to past, present or future performance of official duties.

Sec. B-3. 28-A MRSA §87, first ¶, as enacted by PL 1997, c. 373, §28, is amended to read:

A person is not eligible for employment with the ~~alcohol bureau or the~~ bureau if that person:

Sec. B-4. 28-A MRSA §754, as amended by PL 1997, c. 373, §72, is further amended to read:

§754. Records open for inspection

1. Records open for inspection. All records required to be kept under this chapter are open for inspection to the ~~alcohol bureau; or its representatives or representatives of the bureau~~ at any time. The ~~alcohol bureau; or its representatives or representatives of the bureau~~ may make copies of records that may be used as evidence of violation of this chapter.

2. Refusal of access. A licensee may not refuse to allow the ~~alcohol bureau; or its representatives or representatives of the bureau~~ to audit the books and records of the licensee.

Sec. B-5. 28-A MRSA §1501, as amended by PL 1997, c. 373, §134, is further amended to read:

§1501. Lists of officers, partners and sales representatives

All persons selling liquor to the State shall furnish to the ~~alcohol bureau and the~~ bureau a list of all officers and directors, if a corporation, or a list of all partners, if a partnership, and the name of the sales representatives of the person within the State.

PART C

Sec. C-1. 9-A MRSA §8-510, sub-§2, ¶A, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

A. Disclosure to or from a consumer reporting agency, as defined in Title 10, section ~~1312~~ 1308,

subsection ~~4~~ 3, as long as the transfer is for purposes of compliance with and in a manner consistent with the terms of the Fair Credit Reporting Act;

Sec. C-2. 9-A MRSA §10-102, sub-§1, ¶B, as amended by PL 2005, c. 274, §4, is further amended to read:

B. "Loan broker" does not include:

- (1) A supervised financial organization;
- (2) A supervised lender other than a supervised financial organization, except that, with respect to any transaction in which a supervised lender other than a supervised financial organization is acting solely as a loan broker, section 10-302 applies;
- (3) A person licensed by the Real Estate Commission to the extent that the person is engaged in activities regulated by that commission;
- (4) A person currently admitted to the practice of law in this State;
- (5) Any nonprofit organization exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) to the extent that the organization's activities are consistent with those set forth in its application for tax exemption to the Internal Revenue Service;
- (6) A consumer reporting agency, as defined in the Fair Credit Reporting Act, Title 10, chapter ~~240~~ 209-B;
- (7) An affiliate of a supervised lender when the affiliate provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender and when the affiliate is not compensated by the consumer for those services;
- (8) An employee of a supervised lender or an employee of an affiliate of a supervised lender when the employee provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender or affiliate and when the employee or the affiliate is not compensated by the consumer for those services;
- (9) A person paid by a supervised lender or a consumer to document a loan, attend or conduct a loan closing, disburse loan proceeds or record or file loan documents;
- (10) A person who performs marketing services for a creditor, such as a telemarketer, an advertising agency or a mailing house, when

the person is not compensated by the consumer for those services;

(11) A seller of consumer goods or services that provides services described in paragraph A, subparagraph (1), (2) or (3) in connection with a sale or proposed sale of consumer goods or services by that seller when the seller is not compensated by a consumer for those services; or

(12) An employee of a seller of consumer goods or services that provides services described in paragraph A, subparagraph (1), (2) or (3) in connection with a sale or proposed sale of consumer goods or services by that seller when the employee or seller is not compensated by a consumer for those services.

For the purposes of this paragraph, "affiliate" has the same meaning as defined in Title 9-B, section 131, subsection 1-A.

Sec. C-3. 9-A MRSA §11-119, sub-§4, ¶C, as enacted by PL 2001, c. 287, §18, is amended to read:

C. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of Title 10, chapter ~~240~~ 209-B;

Sec. C-4. 9-A MRSA §11-119, sub-§5, ¶O, as enacted by PL 2001, c. 287, §18, is amended to read:

O. The false representation or implication that a merchant operates or is employed by a consumer reporting agency, as defined by Title 10, section ~~1312~~ 1308, subsection ~~4~~ 3.

Sec. C-5. 9-B MRSA §161, sub-§2, ¶L, as amended by PL 2001, c. 262, Pt. B, §3, is further amended to read:

L. The exchange of financial records between a financial institution authorized to do business in this State or credit union authorized to do business in this State and a consumer reporting agency or between or among a financial institution authorized to do business in this State or credit union authorized to do business in this State and its subsidiaries, employees, agents or affiliates, including those permitted under Title 10, chapter ~~240~~ 209-B or 15 United States Code, Chapter 41;

Sec. C-6. 24-A MRSA §2169-A, sub-§3, as enacted by PL 1997, c. 315, §27, is amended to read:

3. Information permitted under Fair Credit Reporting Act. Notwithstanding subsection 1, a lender or creditor may exchange insurance information with its affiliates as permitted under the Fair Credit

Reporting Act pursuant to Title 10, chapter ~~240~~ 209-B or 15 United States Code, Chapter 41.

Sec. C-7. 24-A MRSA §2169-B, sub-§1, ¶¶D and E, as enacted by PL 2003, c. 223, §1, are amended to read:

D. "Consumer report" has the same meaning as in ~~Title 10, section 1312, subsection 3~~ 15 United States Code, Section 1681a(d).

E. "Consumer reporting agency" has the same meaning as in Title 10, section ~~1312~~ 1308, subsection ~~4~~ 3.

Sec. C-8. 24-A MRSA §2169-B, sub-§2, as enacted by PL 2003, c. 223, §1, is amended to read:

2. Use of consumer reports. Notwithstanding this subsection, an insurer may use a consumer report as permitted under the Fair Credit Reporting Act pursuant to Title 10, chapter ~~240~~ 209-B and 15 United States Code, Chapter 41. An insurer may use information obtained from a consumer reporting agency to calculate an insurance score for underwriting and rating purposes, except that an insurer may not:

A. Use an insurance score that is calculated using income, gender, address, zip code, ethnic group, religion, marital status or nationality of a consumer as a factor;

B. Deny, cancel or refuse to renew a policy of personal insurance solely on the basis of credit information without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by paragraph A;

C. Base an insured's renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information;

D. Take an adverse action against a consumer solely because that consumer does not have a credit card account, without consideration of any other applicable factor independent of credit information;

E. Consider an absence of credit information, the number of inquiries or an inability to calculate an insurance score in underwriting or rating personal insurance unless the insurer has demonstrated to the superintendent that an absence of credit information, the number of inquiries or an inability to calculate an insurance score is a relevant factor to the risk underwritten or rated by the insurer and the insurer applies this factor in a manner approved by the superintendent; or

F. Take an adverse action against a consumer based on credit information unless an insurer obtains and uses a credit report issued or an insur-

ance score calculated within 90 days before the date the policy is first written or renewal is issued.

Sec. C-9. 24-A MRSA §2169-B, sub-§4, ¶A, as enacted by PL 2003, c. 223, §1, is amended to read:

A. Notice to the consumer that an adverse action has been taken in accordance with the requirements of the Fair Credit Reporting Act pursuant to Title 10, chapter ~~240~~ 209-B and 15 United States Code, Chapter 41; and

Sec. C-10. 24-A MRSA §2169-B, sub-§5, as enacted by PL 2003, c. 223, §1, is amended to read:

5. Dispute resolution and error correction. If it is determined through the dispute resolution process set forth in ~~Title 10, section 1317~~ or 15 United States Code, Section 1681i(a)(5) that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall reunderwrite and rerate the consumer within 30 days of receiving the notice. After reunderwriting or rerating the insured, the insurer shall make any adjustments necessary, consistent with its underwriting and rating guidelines. If an insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual policy period.

Sec. C-11. 24-A MRSA §2204, sub-§§6, 7 and 19, as enacted by PL 1997, c. 677, §3 and affected by §5, are amended to read:

6. Consumer report. "Consumer report" has the same meaning as in ~~Title 10, section 1312, subsection 3~~ 15 United States Code, Section 1681a(d).

7. Consumer reporting agency. "Consumer reporting agency" has the same meaning as in Title 10, section ~~1312~~ 1308, subsection ~~4~~ 3.

19. Investigative consumer report. "Investigative consumer report" has the same meaning as in ~~Title 10, section 1312, subsection 7~~ 15 United States Code, Section 1681a(e).

Sec. C-12. 24-A MRSA §2908, sub-§7, as enacted by PL 1985, c. 671, §1, is amended to read:

7. Except as provided in Title 10, chapter ~~240~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or nonrenewal or at a hearing held under this section if the statements were made in good faith and, in the case of cancellation, are reasonably related to the grounds for cancellation.

Sec. C-13. 24-A MRSA §2923, as enacted by PL 1979, c. 112, §1, is amended to read:

§2923. Nonliability for certain statements

1. Notices. Except as provided in Title 10, chapter ~~240~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or intent not to renew under this chapter if:

- A. The statements were made in good faith;
- B. The statements are reasonably related to the reason for cancellation or intent not to renew; and
- C. In the case of a notice of cancellation, the reason for cancellation is a reason permitted under section 2914.

2. Hearings. Except as provided in Title 10, chapter ~~240~~ 209-B, no person may be held liable in any civil action for statements made or information given at a hearing held under this chapter if:

- A. The statements were made or the information was given in good faith;
- B. The statements or the information are reasonably related to the reason for cancellation or intent not to renew; and
- C. In the case of a hearing held on a notice of cancellation, the reason for cancellation is a reason permitted under section 2914.

Sec. C-14. 24-A MRSA §3007, sub-§7, as enacted by PL 1985, c. 671, §2, is amended to read:

7. Except as provided in Title 10, chapter ~~240~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or nonrenewal or at a hearing held under this section if the statements were made in good faith and, in the case of cancellation, are reasonably related to the grounds for cancellation.

Sec. C-15. 24-A MRSA §3056, as enacted by PL 1979, c. 112, §2, is amended to read:

§3056. Nonliability for certain statements

1. Notices. Except as provided in Title 10, chapter ~~240~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or intent not to renew under this chapter if:

- A. The statements were made in good faith;
- B. The statements are reasonably related to the reason for cancellation or intent not to renew; and
- C. In the case of a notice of cancellation, the reason for cancellation is a reason permitted under section 3049.

2. Hearings. Except as provided in Title 10, chapter ~~240~~ 209-B, no person may be held liable in

any civil action for statements made or information given at a hearing held under this chapter if:

- A. The statements were made or the information was given in good faith;
- B. The statements or the information are reasonably related to the reason for cancellation or intent not to renew; and
- C. In the case of a hearing held on a notice of cancellation, the reason for cancellation is a reason permitted under section 3049.

Sec. C-16. 32 MRSA §11013, sub-§1, ¶C, as enacted by PL 1985, c. 702, §2, is amended to read:

C. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of Title 10, chapter ~~240~~ 209-B;

Sec. C-17. 32 MRSA §11013, sub-§2, ¶P, as enacted by PL 1985, c. 702, §2, is amended to read:

P. The false representation or implication that a debt collector operates or is employed by a consumer reporting agency, as defined by Title 10, section ~~1312~~ 1308, subsection ~~4~~ 3.

Sec. C-18. 32 MRSA §11013, sub-§4, as enacted by PL 1991, c. 453, §8 and affected by §10, is amended to read:

4. Reporting to consumer reporting agency. A debt collector may not report solely in its own name any credit or debt information to a consumer reporting agency, as defined by Title 10, section ~~1312~~ 1308, subsection ~~4~~ 3.

Sec. C-19. 36 MRSA §558-A, sub-§2, as enacted by PL 2007, c. 687, §1, is amended to read:

2. Effect on credit rating. If a party prevails in an action filed under subsection 1 and a record of a lien in that party's name has been placed in that party's file with a consumer reporting agency, that lien must be considered inaccurate information under ~~Title 10, section 1317~~ 15 United States Code, Section 1681i if the party requesting relief submits a copy of the court judgment and proof of payment of the lien to the consumer reporting agency.

Sec. C-20. 36 MRSA §943-B, as enacted by PL 2009, c. 489, §4, is amended to read:

§943-B. Credit reporting; payment during redemption period

If a municipality takes action under ~~sections~~ section 942 or 943 to enforce a lien in effect pursuant to chapter 908-A that results in a record of a lien in a party's name being placed in that party's file with a consumer reporting agency, that lien must be considered inaccurate information under ~~Title 10, section 1317~~ 15 United States Code, Section 1681i if the party

submits proof to the consumer reporting agency that the deferred taxes were paid during the 18-month redemption period provided for in section 943.

PART D

Sec. D-1. 10 MRSA §9721, sub-§1-A, as amended by PL 2013, c. 120, §13, is further amended to read:

1-A. Building code. "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc. or the International Existing Building Code adopted pursuant to ~~Title 10, former~~ section 9702, but does not include the fire and life safety codes in Title 25, section 2452.

Sec. D-2. 10 MRSA §9724, sub-§2, as amended by PL 2009, c. 261, Pt. A, §8, is further amended to read:

2. Prior statewide codes and standards. Effective December 1, 2010, the Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is intended to be the successor to, the Model Energy Code established in Title 35-A, ~~former~~ section 121 and the Maine model radon standard for new residential construction set forth in Title 25, ~~former~~ section 2466.

Sec. D-3. 22 MRSA §2423-A, sub-§2, ¶J, as amended by PL 2013, c. 498, §1, is further amended to read:

J. Use a pesticide in the cultivation of marijuana if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana use a pesticide unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any employee who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An employee of the registered primary caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230; ~~and~~

Sec. D-4. 22 MRSA §3763, sub-§1, as amended by PL 2011, c. 380, Pt. PP, §3, is further amended to read:

1. Family contract. During the TANF orientation process, a representative of the department and the TANF recipient shall enter into a family contract. The family contract must state the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity, the requirements of the ASPIRE-TANF program and referral to parenting activities and health care services. Except as provided in section 3762, subsection 4, refusal to sign the family contract or to abide by the provisions of the contract, except for referral to parenting activities and health care services, will result in termination of benefits under ~~section~~ subsection 1-A. Failure to comply with referrals to parenting activities or health care services without good cause will result in a review and evaluation of the reason for noncompliance by the representative of the department and may result in sanctions. Written copies of the family contract and a notice of the right to a fair hearing must be given to the individual. The family contract must be amended in accordance with section 3788 when a participant enters the ASPIRE-TANF program and when participation review occurs.

Benefits that have been terminated under ~~this~~ subsection 1-A must be restored once the adult recipient signs a new family contract ~~under subsection 1~~ and complies with ~~the its~~ provisions of the family contract.

Sec. D-5. 24-A MRSA §2211, sub-§1, ¶A, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

A. In the case of recorded personal information contained within a consumer report, provide the consumer with the name and address of the consumer reporting agency that furnished the report and notify the consumer of the rights under ~~Title 10, section 1317~~ 15 United States Code, Section 1681i governing the correction of inaccurate personal information contained in a consumer report; or

Sec. D-6. 24-A MRSA §2212, sub-§1, ¶A, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

A. Comply with ~~Title 10, section 1320, subsection 1-B~~ the federal Fair Credit Reporting Act, 15 United States Code, Section 1681m if the decision is based in whole or in part on any information contained in a consumer report;

PART E

Sec. E-1. 3 MRSA §959, sub-§1, ¶C, as amended by PL 2013, c. 505, §1, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2021;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over ~~banking and insurance~~ and financial services matters, in ~~2021~~ 2015;
- (19) Department of Economic and Community Development in 2021;
- (23) Maine State Housing Authority in 2015;
- (32) Finance Authority of Maine in 2017;
- (36) Board of Dental Examiners in 2019;
- (37) Board of Osteopathic Licensure in 2019;
- (38) Board of Licensure in Medicine in 2019;
- (41) State Board of Nursing in 2019;
- (42) State Board of Optometry in 2019; and
- (45) State Board of Registration for Professional Engineers in 2019.

Sec. E-2. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 3, section 959, subsection 1, paragraph C takes effect 90 days after the adjournment of the Second Regular Session of the 126th Legislature.

Sec. E-3. 5 MRSA §18407, sub-§7, ¶E, as enacted by PL 2013, c. 391, §8, is amended to read:

E. Notwithstanding any other provision of this section, the amount of annual retirement benefit otherwise payable under this Part may not be less than the ~~retirement~~ retired member received on the effective date of retirement or on July 1, 1977, whichever amount is greater.

Sec. E-4. 5 MRSA §18451-A, sub-§2, as enacted by PL 2013, c. 391, §10, is amended to read:

2. Members after June 30, 2014. ~~After June 30, 2014, qualification~~ Qualification for a service retirement benefit for a member who ~~was not~~ is first covered under chapter 427 after June 30, 2014 is governed as follows.

A. A member who is in service when reaching 65 years of age, or is in service after reaching 65 years of age, qualifies for a service retirement benefit if the member:

- (1) Retires upon or after reaching 65 years of age and has been in service for a minimum of

one year immediately before retirement; ~~and~~ or

- (2) Has at least 5 years of creditable service, which, for the purposes of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program.

B. A member who is not in service when reaching 65 years of age qualifies for a service retirement benefit if the member:

- (1) Retires upon or after reaching 65 years of age; and
- (2) Has at least 5 years of creditable service, which, for the purposes of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program.

C. A member, whether or not in service at retirement, who has completed 25 or more years of creditable service qualifies for a service retirement benefit if the member retires at any time after completing 25 years of service, which may include, for the purpose of meeting eligibility requirements, creditable service as a member of the Legislative Retirement Program.

Sec. E-5. 12 MRSA §6302-A, sub-§3, ¶E, as amended by PL 2013, c. 8, §1 and repealed and replaced by c. 9, §1, is repealed and the following enacted in its place:

E. The Penobscot Nation may not issue to members of the nation commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

- (1) Eight licenses that allow the taking of elvers with 2 pieces of gear, consisting of an elver fyke net and a dip net, or 2 fyke nets; and

- (2) Forty licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net.

The commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner and the Penobscot Nation determine that elver resources are sufficient to permit the issuance of new licenses;

Sec. E-6. 12 MRSA §13104, sub-§16 is enacted to read:

16. Reciprocity. The commissioner may allow a nonresident to operate in this State a snowmobile that is not registered in this State during one 3-consecutive-day period, 2 days of which are weekend days, annually if:

A. The nonresident's snowmobile has a valid registration from another state; and

B. The nonresident's state of residency allows a snowmobile registered in Maine to be operated in that state for a period of time of at least 3 consecutive days without being registered in that state.

This subsection may not be construed to authorize the operation of a snowmobile in a manner contrary to this chapter except as provided in this subsection.

Sec. E-7. Effective date. That section of this Part that enacts the Maine Revised Statutes, Title 12, section 13104, subsection 16 applies retroactively to October 1, 2013.

Sec. E-8. 16 MRSA §53-A, sub-§1, ¶¶C and D are enacted to read:

C. "Confidential criminal history record information" has the same meaning as in section 703, subsection 2.

D. "Criminal justice agency" has the same meaning as in section 703, subsection 4.

Sec. E-9. 16 MRSA §53-A, sub-§3 is enacted to read:

3. Confidential criminal history record information. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to a sexual assault counselor for the purpose of planning for the safety of a victim of sexual assault. A sexual assault counselor who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.

Sec. E-10. 16 MRSA §53-B, sub-§1-A, as amended by PL 2013, c. 478, §6, is amended to read:

1-A. Confidential criminal history record information. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to an advocate for the purpose of planning for the safety of a victim of domestic violence ~~or a victim of sexual assault~~. An advocate who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.

Sec. E-11. 36 MRSA §1811, first ¶, as amended by PL 2013, c. 368, Pt. M, §2 and Pt. N, §2, is repealed and the following enacted in its place:

A tax is imposed on the value of all tangible personal property, products transferred electronically and taxable services sold at retail in this State. The rate of

tax is 7% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile, of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles or of a loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; 7% on the value of prepared food; and 5% on the value of all other tangible personal property and taxable services and products transferred electronically. Notwithstanding the other provisions of this section, from October 1, 2013 to June 30, 2015, the rate of tax is 8% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 8% on the value of prepared food; 8% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; and 5.5% on the value of all other tangible personal property and taxable services and products transferred electronically. Value is measured by the sale price, except as otherwise provided. The value of rental for a period of less than one year of an automobile or of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee.

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

Effective April 30, 2014, unless otherwise indicated.

CHAPTER 589

S.P. 539 - L.D. 1455

An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to