

MAINE STATE LEGISLATURE

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ACTIVITY SHEET

COMMITTEE: JUDICIARY

LD #: 274

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

(EMERGENCY)

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 274

H.P. 217

House of Representatives, January 28, 2003

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

(EMERGENCY)

---

Reported by Representative NORBERT of Portland for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule 218.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

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

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

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

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

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

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

**Sec. 1. 2 MRSA §6, sub-§7,** as amended by PL 1991, c. 885, Pt. A, §1 and affected by §§9 to 11, is repealed.

**Sec. 2. 4 MRSA §116, first ¶,** as amended by PL 2001, c. 617, §1 and c. 698, §1 and affected by §7, is repealed and the following enacted in its place:

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under sections 1057 and 1057-A; Title 7, section 3910-A; Title 12, sections 3055 and 4508; Title 17, section 1015; Title 23, section 1653; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

**Sec. 3. Retroactivity.** That section of this Act that repeals and replaces the Maine Revised Statutes, Title 4, section 116, first paragraph applies retroactively to August 1, 2002.

**Sec. 4. 4 MRSA §153, sub-§9,** as amended by PL 1969, c. 501, §1, is further amended to read:

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included



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**Sec. 4. 4 MRSA §153, sub-§9,** as amended by PL 1969, c. 501, §1, is further amended to read:

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included

2 within the ~~divisiens~~ division of Eastern-and Southern Cumberland,  
and consists of the municipalities of Brownfield, Denmark, Hiram,  
4 Fryeburg, Lovell, Sweden, Stow and Porter in the County of  
Oxford. The District Court for Northern Cumberland shall must be  
held at Bridgton.

6  
7 **Sec. 5. 4 MRSA §163, sub-§1,** as amended by PL 2001, c. 617, §2  
8 and c. 698, §2 and affected by §7, is repealed and the following  
enacted in its place:

10  
11 **1. District Court funds.** Except as otherwise provided by  
12 law, all fines, forfeitures, surcharges, assessments and fees  
13 collected in any division of the District Court or by the  
14 violations bureau must be paid to the clerk of that District  
15 Court, who shall deposit them in a special account in a timely  
16 manner. Once each month, the clerk shall remit the sums to the  
17 Treasurer of State, who shall credit them to the General Fund.  
18 At the same time, the clerk shall remit the sums that have been  
19 collected in accordance with sections 1057 and 1057-A; Title 5,  
20 chapter 316-A; Title 7, section 3910-A; Title 17, section 1015;  
21 Title 29-A, section 2411, subsection 7; and Title 34-A, section  
22 1210-A, subsection 9. Funds received by the clerk as bail in  
23 criminal cases must be deposited daily in a special account. The  
24 clerk shall deposit the funds in an interest-bearing account  
25 unless the clerk determines that it is not cost-effective to do  
26 so. Interest accrued in the account is the property of and  
27 accrues to the State. The forfeiture and setoff of bail is  
28 governed as otherwise provided by law.

29  
30 The court shall file a monthly report with the State Auditor  
31 itemizing the amount of fines, surcharges and assessments imposed  
32 and to whom each is payable.

33  
34 **Sec. 6. Retroactivity.** That section of this Act that repeals  
and replaces the Maine Revised Statutes, Title 4, section 163,  
36 subsection 1 applies retroactively to August 1, 2002.

37  
38 **Sec. 7. 4 MRSA §1057-A, sub-§2,** as amended by PL 2001, c. 617,  
§3 and c. 698, §3 and affected by §7, is repealed and the  
40 following enacted in its place:

41  
42 **2. Surcharge imposed.** In addition to the 12% surcharge  
43 collected pursuant to section 1057, the \$10 surcharge collected  
44 pursuant to Title 7, section 3910-A, the 10% surcharge collected  
45 pursuant to Title 17, section 1015 and the 1% surcharge collected  
46 pursuant to Title 34-A, section 1210-A, subsection 9, a 2%  
47 surcharge must be added to every fine, forfeiture or penalty  
48 imposed by any court in this State, which for the purposes of  
49 collection and collection procedures is considered a part of the  
50 fine, forfeiture or penalty. All funds collected pursuant to

2 this subsection must be deposited monthly in the Maine Community  
4 Policing Institute Surcharge Fund. All funds collected pursuant  
6 to this subsection must be paid to the University of Maine System  
8 for the sole purpose of funding the Maine Community Policing  
Institute, except that the Judicial Department may incur  
reasonable expenses to implement the administration of the 2%  
surcharge, in an amount not to exceed \$11,000 annually, in fiscal  
years ending June 30, 2000 and June 30, 2002.

10 **Sec. 8. Retroactivity.** That section of this Act that repeals  
12 and replaces the Maine Revised Statutes, Title 4, section 1057-A,  
subsection 2 applies retroactively to August 1, 2002.

14 **Sec. 9. 5 MRSA §191,** as amended by PL 1989, c. 410, §13, is  
16 repealed and the following enacted to read:

18 **§191. Duties; salary; fees; full time**

20 The Attorney General or a deputy, assistant or staff  
22 attorney shall appear for the State, the head of any state  
24 department, the head of any state institution and agencies of the  
26 State in all civil actions and proceedings in which the State is  
28 a party or interested, or in which the official acts and doings  
30 of the officers are called in question, in all the courts of the  
32 State; and in those actions and proceedings before any other  
34 tribunal when requested by the Governor or by the Legislature or  
36 either House of the Legislature. All such actions and  
38 proceedings must be prosecuted or defended by the Attorney  
40 General or under the Attorney General's direction. Writs,  
42 summonses or other processes served upon those officers must be  
44 transmitted by them to the Attorney General. All legal services  
46 required by those officers, boards and commissions in matters  
48 relating to their official duties must be rendered by the  
50 Attorney General or under the Attorney General's direction. The  
officers or agencies of the State may not act at the expense of  
the State as counsel, nor employ private counsel except upon  
prior written approval of the Attorney General. In all instances  
where the Legislature has authorized an office or an agency of  
the State to employ private counsel, the Attorney General's  
written approval is required as a condition precedent to such  
employment. The Attorney General shall keep an office at the  
seat of government and is entitled to receive an annual salary in  
full for all services. The Attorney General shall devote full  
time to the duties of the office and may not engage in the  
private practice of law during the Attorney General's term of  
office, nor may the Attorney General during such term be a  
partner or associate of any person in the practice of law. The  
Attorney General is entitled to receive actual expenses incurred  
in the performance of official duties. During the term of  
service, the Attorney General may not be an officer or director



2 of any corporation engaged in business for profit within the  
3 State. The Attorney General is the executive head of the  
4 Department of the Attorney General.

5 The Attorney General is entitled to receive the following  
6 fees:

7 1. Certificate of organization. For approval of  
8 certificate of organization of corporations under Title 9-B,  
9 section 313, subsection 3, \$10 in advance; and

10 2. Certification of cessation of business. For certificate  
11 that any corporation has ceased to transact business and is  
12 excused from filing annual returns, as authorized in Title 13-C,  
13 section 1621, subsection 4, \$5.

14 The Attorney General shall collect the legal and usual fees  
15 payable to the Attorney General by virtue of the Attorney's  
16 General office and shall pay them over to the Treasurer of State.

17 **Sec. 10. Effective date.** That section of this Act that repeals  
18 and replaces the Maine Revised Statutes, Title 5, section 191  
19 takes effect July 1, 2003.

20 **Sec. 11. 5 MRSA §299, first ¶,** as amended by PL 1989, c. 410,  
21 §15, is further amended to read:

22 The commission shall establish and maintain a master plan  
23 for the orderly development of future state buildings and grounds  
24 in the Capitol Area of the City of Augusta, with the exception of  
25 the State House and the grounds specified in Title 3, section  
26 902, ~~subsection 2~~ 902-A. In maintaining the master plan, the  
27 commission shall take the following factors into consideration:

28 **Sec. 12. 5 MRSA §12004-I, sub-§38,** as amended by PL 1997, c.  
29 689, Pt. A, §1 and affected by Pt. C, §2, is repealed.

30 **Sec. 13. 7 MRSA §1808, last ¶,** as amended by PL 2001, c. 572,  
31 §37, is further amended to read:

32 Failure to comply with this section or section 1807, or the  
33 ~~regulations~~ rules adopted pursuant thereto, is grounds for  
34 revocation of any permit granted pursuant to these sections.

35 **Sec. 14. 11 MRSA §9-1107,** as enacted by PL 1999, c. 699, Pt.  
36 A, §2 and affected by §4, is amended to read:

37 **§9-1107. Control of letter-of-credit right**

2 A secured party has control of a letter-of-credit right to  
the extent of any right to payment or performance by the issuer  
or any nominated person if the issuer or nominated person has  
4 consented to an assignment of proceeds of the letter of credit  
under section 5-1114, subsection (e) (3) or other applicable law  
6 or practice.

8 **Sec. 15. 12 MRSA §6404-B**, as amended by PL 2001, c. 327, §2,  
is further amended to read:

10 **§6404-B. Suspension based on conviction of fishing on closed days**  
12 **for sea urchin fishing**

14 The commissioner shall suspend the sea urchin fishing  
license of any license holder convicted in court of violating  
16 ~~section 6749-W~~ or any rule adopted under section 6749. The  
suspension must be for one year from the date of conviction.

18 **Sec. 16. 12 MRSA §6431-F, sub-§2, ¶B**, as amended by PL 1999, c.  
20 790, Pt. A, §12, is further amended to read:

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

32 **Sec. 17. 12 MRSA §6448, sub-§2, ¶¶A and C**, as amended by PL  
34 1999, c. 693, §1, are further amended to read:

36 A. After conducting a written survey in the zone, a lobster  
management policy council may propose to the commissioner an  
38 exit ratio to limit new zone entrants to the zone. The  
lobster management policy council may also propose to the  
40 commissioner a provision to exempt from the requirements of  
this section an individual who became eligible for but had  
42 not been issued a Class I, Class II or Class III license  
pursuant to section 6421, subsection 5, paragraph C or  
44 former paragraph H prior to January 1, 2000 and to allow  
that individual to declare the zone as that individual's  
46 declared lobster zone. The lobster management policy  
council is not required to submit the proposal to referendum  
48 and the proposed exit ratio does not need to receive  
approval through the survey in order to be forwarded to the  
50 commissioner.

2 C. Rules adopted under this subsection must establish an  
4 exit ratio between the number of individuals who declared  
6 that zone as their declared lobster zone in the year prior  
8 to the previous calendar year, but who did not declare that  
10 zone as their declared lobster zone in the previous calendar  
12 year, and the number of new zone entrants authorized under  
14 subsection 7. An exit ratio established by rule under this  
16 subsection is not required to be the same as the exit ratio  
18 proposed by the lobster management policy council. Rules  
adopted under this subsection may exempt from the  
requirements of this section an individual who became  
eligible for but who had not been issued a Class I, Class II  
or Class III license pursuant to section 6421, subsection 5,  
paragraph C or former paragraph H prior to January 1, 2000  
and allow such an individual to declare the zone as that  
individual's declared lobster zone.

20 **Sec. 18. 12 MRSA §6749-X, sub-§3, ¶A,** as amended by PL 2001,  
c. 327, §18, is further amended to read:

22 A. The designation of open days for the harvesting of sea  
24 urchins by handfishing, dragging, hand-raking and trapping  
pursuant to ~~section 6749-W or under~~ rules adopted under  
section 6749;

26 **Sec. 19. 12 MRSA §7468, sub-§4,** as amended by PL 2001, c. 655,  
28 §5 and affected by §20 and amended by c. 690, Pt. A, §12, is  
30 repealed and the following enacted in its place:

32 **4. Wild turkey hunting permits.** The fee for a wild turkey  
34 hunting permit is \$10 for residents and \$40 for nonresidents and  
36 aliens. When a public chance drawing is utilized to allocate  
38 permits, any Maine resident, nonresident or alien who is eligible  
40 to obtain a Maine hunting license or who will be eligible to  
42 obtain a Maine hunting license by the opening day of the wild  
44 turkey hunting season is eligible to apply for a wild turkey  
46 hunting permit. The percentage of total wild turkey permits  
issued to nonresident and alien hunters may not exceed the  
average percentage of applicants for wild turkey permits over the  
previous 3 years who were nonresidents and aliens and may not be  
more than 10% of the total wild turkey permits issued statewide.  
While hunting turkey, a resident, nonresident or alien hunter  
must be in possession of a valid resident, nonresident or alien  
big game hunting license, as applicable.

48 A person who holds a valid wild turkey permit may transfer the  
50 permit to a junior hunter or person 65 years of age or older by  
identifying the name, age and address of the transferee on the  
permit as well as any other information reasonably requested by

2 the commissioner and then return the permit to the department  
3 prior to the start of the turkey season. The commissioner shall  
4 record the transfer and return the permit to the junior hunter or  
5 person 65 years of age or older. A valid permit must be in the  
6 possession of the transferee in order for the transferee to hunt  
7 turkey. If the person transfers the permit to the junior hunter  
8 or person 65 years of age or older, that person is prohibited  
9 from hunting turkey.

10 **Sec. 20. 12 MRSA §7901-A, sub-§4, ¶A,** as enacted by PL 2001,  
11 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

12  
13 A. License restriction violation as described in section  
14 7371, subsection 1, relating to the following licenses:

15 (1) Commercial shooting area license under section  
16 7104 7105-A;

17 (2) Trapping license under section 7133;

18 (3) Eel permit for licensed trappers under section  
19 7174;

20 (4) License to sell commercially grown or imported  
21 fish under section 7201;

22 (5) Special dog training area license under section  
23 7331;

24 (6) License to hold field trials under section 7332;

25 (7) Hide dealer's license under section 7352;

26 (8) Special hide dealer's license under section 7352-A;

27 (9) Snowmobile dealer's registration and license under  
28 section 7825; and

29 (10) ATV dealer's registration and license under  
30 section 7855;

31 **Sec. 21. 12 MRSA §7901-A, sub-§6, ¶A,** as amended by PL 2001,  
32 c. 610, §3 and c. 667, Pt. B, §9, is repealed and the following  
33 enacted in its place:

34 A. Chapter 709, subchapter 1 violations:

35 (1) Shooting at or near wildfowl decoys as described  
36 in section 7406, subsection 11;

2           (2) Hunting without hunter orange clothing as  
3           described in section 7406, subsection 12;

4           (3) Allowing a junior hunter to hunt without adult  
5           supervision as described in section 7406, subsection 21;

6           (4) Hunting on a state game farm as described in  
7           section 7406, subsection 22;

8           (5) Hunting in a licensed wildlife exhibit as  
9           described in section 7406, subsection 23; and

10           (6) Using an aircraft to aid or assist in hunting big  
11           game as described in section 7406, subsection 24 if the  
12           violation does not involve the taking of a big game  
13           animal;

14           **Sec. 22. 14 MRSA c. 710-D**, as enacted by PL 2001, c. 612, §1  
15           and c. 653, §1, is repealed and the following enacted in its  
16           place:

17                           **CHAPTER 710-D**

18                                   **BUILDINGS ON LEASED LOTS**

19           **§6047. Application**

20                   1. Parties to agreement; purposes of agreement. This  
21                   chapter applies to agreements between:

22                           A. A person, referred to in this chapter as the "lessor,"  
23                           who owns land in territory under jurisdiction of the Maine  
24                           Land Use Regulation Commission; and

25                           B. A person, referred to in this chapter as the "lessee,"  
26                           who intends to construct or to occupy a building or  
27                           buildings owned by that person on leased land in territory  
28                           under jurisdiction of the Maine Land Use Regulation  
29                           Commission for recreational or residential purposes on a  
30                           seasonal or year-round basis or to operate a business  
31                           consisting of a commercial sporting camp, campground or  
32                           retail store.

33                   2. Application. This chapter applies to agreements entered  
34                   into or renewed on or after July 25, 2002.

35           **§6048. Written lease and description required**

2       An agreement described in section 6047 must be made in the  
3       form of a written lease and must include at least a general  
4       description of the boundaries of the land to be leased.

6       **§6049. Required notice**

8       1. Required notice of change in terms. A lessor must give  
9       a lessee at least 30 days' notice of a change in the terms of a  
10       lease.

12       2. Required notice of termination. Unless the lease is  
13       terminated for cause, a lessor must give notice to a lessee of  
14       the intent to terminate the lease at least one year prior to the  
15       effective date of the termination. All terms of the lease remain  
16       in effect following the notice, except that:

18           A. Termination provisions of the lease to the extent  
19           inconsistent with this section are void, beginning on the  
20           date the notice is provided;

22           B. The lessee may terminate the lease earlier than the  
23           effective date provided in the notice; and

24           C. If the lessee violates the lease during the period  
25           between the giving of the notice and the termination date  
26           provided in the notice, this section no longer applies and  
27           the lessee has only the rights provided in the lease.

28       For purposes of this subsection, "cause" means violation by a  
29       lessee of a term of a lease.

32       **§6050. Right of first refusal**

34       A lessee of premises on which a structure owned by the  
35       lessee exists has the right of first refusal with regard to the  
36       leased premises if the lessor intends to sell or to offer to sell  
37       the leased premises as a separate parcel. Each lease subject to  
38       this chapter must make provision for a method of determining the  
39       sale price of the leased premises upon exercise of the right  
40       provided in this section. The lessor must give the lessee at  
41       least 90 days to accept the offer to purchase the lot.

42       **Sec. 23. 20-A MRSA §4706, sub-§2, as amended by PL 2001, c.**  
43       **403, §1 and c. 454, §20, is repealed and the following enacted in**  
44       **its place:**

46       **2. Maine studies.** Maine history, including the Constitution  
47       of Maine, Maine geography and environment and the natural,  
48       industrial and economic resources of Maine and Maine's cultural  
49       and ethnic heritage, must be taught. A required component of  
50

2 Maine studies is Maine Native American studies, which must be  
3 included in the review of content standards and performance  
4 indicators of the learning results conducted in accordance with  
5 section 6209, subsection 4. The Native American studies must  
6 address the following topics:

7 A. Maine tribal governments and political systems and their  
8 relationship with local, state, national and international  
9 governments;

10 B. Maine Native American cultural systems and the  
11 experience of Maine tribal people throughout history;

12 C. Maine Native American territories; and

13 D. Maine Native American economic systems.

14 **Sec. 24. 21-A MRSA §365, first ¶,** as enacted by PL 1985, c.  
15 161, §6, is amended to read:

16 The political committee which that has jurisdiction over the  
17 choice of a candidate for nomination or a nominee to fill a  
18 vacancy under sections 371, 373, 374, 374-A, 381 and 382 is as  
19 follows.

20 **Sec. 25. 22 MRSA §253, sub-§3,** as amended by PL 1997, c. 689,  
21 Pt. A, §2 and affected by Pt. C, §2, is further amended to read:

22 **3. Public hearings.** Prior to adopting the state health  
23 plan and in reviewing the state health plan, the department shall  
24 conduct public hearings in different regions of the State on the  
25 proposed state health plan. Interested persons must be given the  
26 opportunity to submit oral and written testimony. Not less than  
27 30 days before each hearing, the department shall publish in a  
28 newspaper of general circulation in the region the time and place  
29 of the hearing, the place where interested persons may review the  
30 plan in advance of the hearing and the place to which and period  
31 during which written comment may be directed to the department.  
32 ~~Prior to adopting the state health plan and in reviewing the~~  
33 ~~state health plan, the department shall provide copies to and~~  
34 ~~shall meet and consult with the Certificate of Need Advisory~~  
35 ~~Committee as provided in section 306-B, subsection 2, paragraph A.~~

36 **Sec. 26. 22 MRSA §330, sub-§5,** as enacted by PL 2001, c. 664,  
37 §2, is amended to read:

38 **5. Assisted living.** Assisted living programs and services  
39 regulated under former chapter 1665;

2                   **Sec. 27. 22 MRSA §330, sub-§5-A** is enacted to read:

4                   **5-A. Assisted housing.** Assisted housing programs and  
services regulated under chapter 1664;

6                   **Sec. 28. 22 MRSA §2061, sub-§2**, as amended by PL 1993, c. 390,  
§24, is further amended to read:

8                   **2. Review.** Each project for a health care facility has  
10 been reviewed and approved to the extent required by the agency  
of the State that serves as the Designated Planning Agency of the  
12 State or by the Department of Human Services in accordance with  
the provisions of the former Maine Certificate of Need Act of  
14 1978, as amended, or the Maine Certificate of Need Act of 2002,  
as amended, or, in the case of a project for a hospital, has been  
16 reviewed and approved by the former Maine Health Care Finance  
Commission to the extent required by former chapter 107;

18                   **Sec. 29. 22 MRSA §3174-R**, as enacted by PL 1997, c. 643, Pt.  
20 RR, §5, is amended to read:

22                   **§3174-R. Medicaid drug rebate program**

24                   The department shall enter into a drug rebate agreement with  
each manufacturer of prescription drugs under the Medicaid  
26 program, in accordance with Section 1927 of the federal Social  
Security Act, as long as the agreements are consistent with state  
28 and federal law, are approved by the federal Health Care Finance  
Administration and result in a net increase in rebate revenue  
30 available to the Maine Medicaid Program. Individual rebate  
agreements may vary. The department shall seek to achieve an  
32 aggregate rebate amount from all agreements that is at least 6  
percentage points higher than the percentage of the total  
34 Medicaid drug expenditures that the rebates would otherwise be  
under Section 1927 of the federal Social Security Act. Any  
36 increase in revenue from the Medicaid drug rebate program over  
accepted estimates as of the ~~effective date of this section~~ June  
38 30, 1998 that results in a higher percentage of the total  
Medicaid drug rebates must be reserved to provide coverage  
40 pursuant to section 3174-G, subsection 1-A 1-C. ~~In the event~~  
~~that the department is not able to achieve the rebate amount~~  
42 ~~required by this section without compromising the best interest~~  
~~of Medicaid recipients and the Medicaid drug rebate program, the~~  
44 ~~department shall report to the joint standing committee of the~~  
~~Legislature having jurisdiction over health and human services~~  
46 ~~matters and the joint standing committee of the Legislature~~  
~~having jurisdiction over appropriations and financial affairs in~~  
48 ~~the next regular session of the 119th Legislature.~~



2       **Sec. 30. 22 MRSA §5118, sub-§4, ¶C**, as enacted by PL 1981, c.  
470, Pt. A, §117, is amended to read:

4       C. In the administration of the plan, there is a failure to  
6       comply substantially with any such provision of subsection  
7       1, paragraphs A to I, the director shall notify the area  
8       agency that no further payments from its allotments under  
9       sections ~~306~~ 337 and 5115 will be made to the agency or, in  
10       his ~~the director's~~ discretion, that further payments to the  
11       agency will be limited to projects under or portions of the  
12       area plan not affected by the failure, until he ~~the director~~  
13       is satisfied that there will no longer be any failure to  
14       comply. Until he ~~the director~~ is so satisfied, no further  
15       payments may not be made to the agency from its allotments  
16       under section 5115, or payments may be limited to projects  
17       under or portions of the area plan not affected by the  
18       failure. The director shall, in accordance with ~~regulations~~  
19       ~~he shall prescribe~~ rules adopted by the director, disburse  
20       funds so withheld directly to any public or nonprofit  
21       private organization or agency of the area, submitting an  
22       approved plan in accordance with section 5116. Any payment  
23       or payments shall must be matched in the proportions  
24       specified in section 5116.

26       **Sec. 31. 22 MRSA §8103, sub-§1**, as amended by PL 2001, c. 515,  
§1 and c. 596, Pt. B, §19 and affected by §25, is repealed and  
the following enacted in its place:

28       **1. Procedures.** All procedures and other provisions  
30       included in section 7855, subsections 1 and 2 for residential  
31       care facilities also apply to children's homes, except that the  
32       written statement referred to in section 7855, subsection 1 need  
33       not be furnished annually by the Commissioner of Public Safety to  
34       the department for a facility licensed as a family foster home or  
35       a specialized children's home. In these instances an inspection  
36       must be performed every 2 years.

38       **Sec. 32. 24-A MRSA §2808-B, sub-§1, ¶D**, as amended by PL 2001,  
c. 258, Pt. E, §3 and c. 400, §1 and affected by §2, is repealed  
40       and the following enacted in its place:

42       D. "Eligible group" means any person, firm, corporation,  
43       partnership, association or subgroup engaged actively in a  
44       business that employed an average of 50 or fewer eligible  
45       employees during the preceding calendar year.

46       (1) If an employer was not in existence throughout the  
47       preceding calendar year, the determination must be  
48       based on the average number of employees that the

2 employer is reasonably expected to employ on business  
3 days in the current calendar year.

4 (2) In determining the number of eligible employees,  
5 companies that are affiliated companies or that are  
6 eligible to file a combined tax return for purposes of  
7 state taxation are considered one employer.

8  
9 (3) A group is not an eligible group if there is any  
10 one other state where there are more eligible employees  
11 than are employed within this State and the group had  
12 coverage in that state or is eligible for guaranteed  
13 issuance of coverage in that state.

14  
15 (4) An employer qualifies as an eligible group for  
16 2-person coverage if the employer provides a carrier  
17 with the following information demonstrating that the  
18 employer's business and employees meet the minimum  
19 qualifications for group coverage in paragraph C:

20 (a) A copy of the most recent quarterly combined  
21 filing for income tax withholding and unemployment  
22 contributions, Form 941/CN1-ME;

23  
24 (b) For an employee claimed to be an employee  
25 eligible for group coverage whose name is not  
26 listed on Form 941/CN1-ME, a copy of the  
27 employer's payroll records for the most recent 3  
28 months showing tax withholding or a wage report  
29 from a payroll company showing wages paid to that  
30 employee for the most recent quarter with tax  
31 withholding;

32  
33 (c) If an employer is exempt from filing Form  
34 941/CN1-ME for group coverage, documentation of  
35 that exemption and a copy of the employer's  
36 payroll records for the most recent 3 months  
37 showing tax withholding or a wage report from a  
38 payroll company showing wages paid to that  
39 employee for the most recent quarter with tax  
40 withholding; or

41  
42 (d) If the name of the business owner or employee  
43 does not appear on Form 941/CN1-ME, a copy of one  
44 of the following:

45 (i) Federal income tax Form Schedule C or  
46 Schedule F;

2                   (ii) Federal income tax Form 1120S, Schedule  
                  K-1;

4                   (iii) Federal income tax Form 1065, Schedule  
                  K-1;

6                   (iv) A workers' compensation insurance audit  
8                   or evidence of a waiver of benefits under  
                  Title 39-A;

10                  (v) A description of operations in a  
12                  commercial general liability insurance policy  
                  or equivalent insurance policy providing  
14                  coverage for the business; or

16                  (vi) A signature card from a financial  
18                  institution or credit union authorizing the  
                  employee to sign checks on a business  
20                  checking or share draft account that is at  
                  least 6 months old; a notarized affidavit  
22                  from the employer describing the duties of  
                  the employee and the average number of hours  
24                  worked by the employee and attesting that the  
                  employer is not defrauding the carrier and is  
26                  aware of the consequences of committing fraud  
                  or making a material misrepresentation to the  
28                  carrier, including a loss of coverage and  
                  benefits; and, if the group coverage is  
30                  purchased through a producer, a notarized  
                  affidavit from the producer affirming the  
32                  producer's belief that the employer qualifies  
                  as an eligible group for coverage.

34                  In determining if a new business or a business that  
36                  adds an owner or a new employee to payroll during the  
                  course of a year qualifies as an eligible group for  
38                  2-person coverage under this subparagraph, the employer  
                  must submit an affidavit stating that all employees  
40                  meet the criteria in this subparagraph and that the  
                  documentation and forms required under this  
42                  subparagraph will be provided to the carrier when  
                  payroll records become available, when ownership  
44                  distribution forms become available or the first  
                  renewal date of the coverage, whichever date is  
46                  earlier. A false affidavit or misrepresentation on an  
                  affidavit submitted by an employer may result in the  
48                  loss of group coverage and repayment of claims paid.  
                  This subparagraph may not be construed to prohibit a  
                  carrier from recognizing an employer as an eligible

2           group if the employer has not produced the  
documentation required in this subparagraph.

4           This subparagraph applies only to an employer applying  
6           for group health insurance coverage as a 2-person group  
on or after October 1, 2001.

8           **Sec. 33. 24-A MRSA §4203, sub-§1**, as amended by PL 1995, c.  
10           332, Pt. O, §1, is further amended to read:

12           1. Subject to the Maine Certificate of Need Act of 1978  
14           2002, a person may apply to the superintendent for and obtain a  
certificate of authority to establish, maintain, own, merge with,  
16           organize or operate a health maintenance organization in  
compliance with this chapter. A person may not establish,  
18           maintain, own, merge with, organize or operate a health  
maintenance organization in this State either directly as a  
20           division or a line of business or indirectly through a subsidiary  
or affiliate, nor sell or offer to sell, or solicit offers to  
22           purchase or receive advance or periodic consideration in  
conjunction with, a health maintenance organization without  
obtaining a certificate of authority under this chapter.

24           **Sec. 34. 24-A MRSA §4204, sub-§1, ¶A**, as repealed and replaced  
26           by PL 1979, c. 216, §2, is amended to read:

28           A. Concurrently with filing an application for issuance of  
certificate of authority with the superintendent, the  
30           applicant shall also file an application for a certificate  
of need pursuant to Title 22, ~~section 301-et-seq~~ chapter  
32           103-A.

34           **Sec. 35. 24-A MRSA §4204, sub-§2-A, ¶A**, as enacted by PL 1981,  
c. 501, §51, is amended to read:

36           A. The Commissioner of Human Services certifies that the  
health maintenance organization has received a certificate  
38           of need or that a certificate of need is not required  
pursuant to Title 22, chapter ~~103~~ 103-A.

40           **Sec. 36. 24-A MRSA §6203, sub-§1, ¶A**, as enacted by PL 1987,  
42           c. 482, §1, is amended to read:

44           A. The provider has submitted to the department an  
application for a certificate of need, if required under  
46           Title 22, section ~~304-A~~ 329, and the department has  
submitted a preliminary report of a recommendation for  
48           approval of a certificate of need and the provider has  
applied for any other licenses or permits required prior to  
50           operation.

2           **Sec. 37. 24-A MRSA §6203, sub-§6,** as amended by PL 1997, c.  
478, §1, is further amended to read:

4           **6. Provision of services to nonresidents.** The final  
6 certificate of authority must state whether any skilled nursing  
8 care retirement community may provide services to persons who  
10 have not been bona fide residents of the community prior to  
12 admission to the skilled nursing facility. If the life-care  
14 community or the continuing care retirement community admits to  
16 its skilled nursing facility only persons who have been bona fide  
18 residents of the community prior to admission to the skilled  
20 nursing facility, then the community is exempt from the  
22 provisions of Title 22, former chapter 103 or chapter 103-A, but  
24 is subject to the licensing provisions of Title 22, chapter 405,  
26 and is entitled to only one skilled nursing facility bed for  
28 every 4 residential units in the community. Any community  
30 exempted under Title 22, former chapter 103 or chapter 103-A may  
32 admit nonresidents of the community to its skilled nursing  
34 facility only during the first 3 years of operation. For  
purposes of this subsection, a "bona fide resident" means a  
person who has been a resident of the community for a period of  
not less than 180 consecutive days immediately preceding  
admission to the nursing facility or has been a resident of the  
community for less than 180 consecutive days but who has been  
medically admitted to the nursing facility resulting from an  
illness or accident that occurred subsequent to residence in the  
community. Any community exempted under Title 22, former chapter  
103 or chapter 103-A is not entitled to and may not seek any  
reimbursement or financial assistance under the Medicaid program  
from any state or federal agency and, as a consequence, that  
community must continue to provide nursing facility services to  
any person who has been admitted to the facility.

36           **Sec. 38. 24-A MRSA §6226, sub-§1,** as enacted by PL 1987, c.  
563, §7, is amended to read:

38           **1. Initial deposits.** ~~The--\$1,000--limit--on--the--initial~~  
40 ~~deposit--contained--in--section--6203,--subsection--3,--paragraph--A,~~  
42 ~~shall--not--apply--after--the--stage--of--the--Certificate--of--Need~~  
44 ~~application--procedure--when--the--department--has,--in--writing,--deemed~~  
46 ~~the--application--complete.~~ After the disclosure statement, the  
escrow agreement, the receipt and the continuing care agreement  
have been reviewed on a preliminary basis by the department's  
Certificate of Need staff, the department shall forward the  
documents with recommendations, if any, to the superintendent.  
All provisions of section 6203, including approval of the receipt  
and the escrow agreement by the superintendent, remain  
50 applicable. Thereafter the limit on deposits that may be

collected ~~shall~~ may not exceed an amount equal to 10% of the entrance fee. Following issuance by the department of a Certificate of Need, any unsuccessful applicant for the first demonstration project shall refund amounts collected from subscribers with interest earned thereon pursuant to this chapter. The refunds ~~shall~~ must be made no later than 10 days after notification by the department to the unsuccessful applicant unless the unsuccessful applicant appeals the decision of the department as provided by former Title 22, chapter 103. If the applicant appeals and the appeal is denied, then refunds ~~shall~~ must be made no later than 10 days after notification of the denial.

Sec. 39. 25 MRSA §1550, as enacted by PL 1975, c. 763, §10, is amended to read:

**§1550. Violations**

Any person who fails to comply with the provisions of section ~~1542~~,--~~subsections~~ 1542-A, subsection 1 or 3, or with the provisions of section ~~1542~~ 1542-A, subsection 4, imposing a duty to transmit criminal fingerprint records to the State Bureau of Identification, or with the provisions of sections 1544, 1547 or 1549 commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

Sec. 40. 29-A MRSA §101, sub-§64-C, as enacted by PL 2001, c. 667, Pt. A, §46 and c. 687, §11, is repealed and the following enacted in its place:

**64-C. Scooter.** "Scooter" means a device upon which a person may ride, consisting of a footboard between 2 end wheels, controlled by an upright steering handle attached to the front wheel and propelled by human power or a motor. "Scooter" does not include an electric personal assistive mobility device.

Sec. 41. 29-A MRSA §2084, sub-§1, as amended by PL 2001, c. 360, §12 and c. 440, Pt. L, §1, is repealed and the following enacted in its place:

**1. Night equipment.** A bicycle, scooter or motorized bicycle or tricycle, when in use in the nighttime, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red or amber light or reflector to the rear that is visible at least 200 feet to the rear; and

2           C. Reflector material on the pedals, unless the bicyclist  
3           is wearing reflective material on the feet or ankles.

4           A bicyclist may also use optional supplementary reflectors,  
5           lights or reflective or lighted safety equipment.

6  
7           **Sec. 42. 30-A MRSA §2526, sub-§6, ¶G,** as enacted by PL 1987,  
8           c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6;  
9           c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to  
10          read:

11           G. The procedure of a board of assessment review is  
12          governed by section 2691, subsection 3.

13           **Sec. 43. 30-A MRSA §2526, sub-§9, ¶A,** as amended by PL 1989,  
14          c. 6; c. 9, §2; c. 104, Pt. A, §17 and Pt. C, §§8 and 10 and Pt.  
15          D, §3, is repealed and the following enacted in its place:

16           A. Unless the oath is administered in the clerk's presence,  
17           the person who administers it shall give the official or  
18           deputy sworn a certificate, which must be returned to the  
19           clerk for filing. The certificate must state:

20                   (1) The name of the official or deputy sworn;

21                   (2) The official's or deputy's office;

22                   (3) The name of the person who administered the oath;  
23                   and

24                   (4) The date when the oath was taken.

25           **Sec. 44. 30-A MRSA §4349-A, sub-§2,** as amended by PL 2001, c.  
26          593, §1 and c. 613, §3, is repealed and the following enacted in  
27          its place:

28           **2. State facilities.** The Department of Administrative and  
29          Financial Services, Bureau of General Services shall develop site  
30          selection criteria for state office buildings, state courts,  
31          hospitals and other quasi-public facilities and other civic  
32          buildings that serve public clients and customers, whether owned  
33          or leased by the State, that give preference to the priority  
34          locations identified in this subsection while ensuring safe,  
35          healthy, appropriate work space for employees and clients and  
36          accounting for agency requirements. On-site parking may only be  
37          required if it is necessary to meet critical program needs and to  
38          ensure reasonable access for agency clients and persons with  
39          disabilities. Employee parking that is within reasonable walking  
40          distance may be located off site. If there is a change in  
41          employee parking from on-site parking to off-site parking, the

2 Department of Administrative and Financial Services must consult  
3 with the duly authorized bargaining agent or agents of the  
4 employees. Preference must be given to priority locations in the  
5 following order: service center downtowns, service center growth  
6 areas and downtowns and growth areas in other than service center  
7 communities. If no suitable priority location exists or if the  
8 priority location would impose an undue financial hardship on the  
9 occupant or is not within a reasonable distance of the clients  
10 and customers served, the facility must be located in accordance  
11 with subsection 1. The following state facilities are exempt  
12 from this subsection: a state liquor store; a lease of less than  
13 500 square feet; and a lease with a tenure of less than one year,  
14 including renewals.

15 **Sec. 45. 30-A MRSA c. 205-A is enacted to read:**

16 **CHAPTER 205-A**

17 **MUNICIPAL CAPITAL IMPROVEMENT DISTRICTS**

18 **§5211. Definitions**

19 As used in this chapter, unless the context otherwise  
20 indicates, the following terms have the following meanings.

21 **1. Assessed share.** "Assessed share" means a special  
22 assessment that represents that portion of the total projected  
23 cost of an improvement undertaken by a municipality in a capital  
24 improvement district that is the obligation of an owner of  
25 property within the capital improvement district. The assessed  
26 share must be calculated by the municipal officers in the same  
27 manner and according to the same standards as the capital costs  
28 of sewer improvements are assessed pursuant to sections 3442 and  
29 3444, except the total assessment must be calculated on the basis  
30 of the projected cost of the entire improvement rather than any  
31 percentage of the projected costs of the improvement, and no type  
32 of property within the capital improvement district is exempt  
33 from the assessment.

34 **2. Capital improvement district.** "Capital improvement  
35 district" means a defined area within a municipality that is  
36 initially privately owned and that has been designated by the  
37 municipality as a capital improvement district according to the  
38 provisions of this chapter for the interrelated purposes of  
39 fairly apportioning the costs of making necessary capital  
40 improvements among the owners of property in the capital  
41 improvement district and establishing the public elements of the  
42 capital improvement district as municipally owned.



2        3. Improvement. "Improvement" means road construction,  
3        drainage system development or the installation of sewer or  
4        drinking water infrastructure.

5        4. Public elements. "Public elements" of a capital  
6        improvement district means legal interests in defined properties  
7        located within a capital improvement district. "Public elements"  
8        may include public easements or fee simple titles in specifically  
9        defined property or properties.

10        **§5212. Capital improvement districts authorized**

11        A municipality may create one or more capital improvement  
12        districts within the municipal boundaries.

13        **§5213. Capital improvement districts; public hearing; notice;**  
14        **referendum votes**

15        In order to establish a capital improvement district, a  
16        municipality shall adhere to the following procedures.

17        1. Initial determinations. In order to establish a capital  
18        improvement district, the municipal officers shall establish all  
19        the public elements of the proposed capital improvement district  
20        for presentation to the residents of the municipality at a public  
21        hearing held pursuant to subsection 3. The municipal officers  
22        shall:

23            A. Determine the proposed boundaries of the capital  
24            improvement district;

25            B. Identify each separate parcel of property within the  
26            proposed capital improvement district and the parcel's owner  
27            of record;

28            C. Describe all improvements to the proposed capital  
29            improvement district that need to be made;

30            D. Calculate an estimate of the costs of the proposed  
31            improvements;

32            E. Calculate the assessed shares and the contingency fee of  
33            no more than 25% of that assessment to the property owners  
34            in the proposed capital improvement district;

35            F. Establish the proposed duration of the payment period  
36            for the assessed shares;

2       G. Describe specifically the public elements of the  
4       capital improvement district that may be accepted by the  
6       voters of the municipality; and

8       H. Schedule the public hearing pursuant to subsection 3 and  
10       the referendum pursuant to subsection 4.

12       **2. Public notice.** The municipal officers shall provide  
14       posted notice of the public hearing held pursuant to subsection 3  
16       in the same place and manner as the posting of a town meeting  
18       warrant and publish notice of the public hearing in a newspaper  
20       of general circulation within the municipality at least 14 days  
22       in advance of the public hearing. The published notice must  
24       include;

26       A. A description of the proposed boundaries of the capital  
28       improvement district;

30       B. The proposed improvements to the capital improvement  
32       district;

34       C. The estimated costs of the proposed improvements;

36       D. The public elements of the capital improvement district;  
38       and

40       E. A brief narrative description and schedule of the  
42       referendum conducted pursuant to subsection 4.

44       At least 14 days in advance of the date of the initial public  
46       hearing, the same information provided in the published notice  
48       must also be sent by certified mail to all owners of property  
50       within the proposed capital improvement district according to the  
      municipality's assessing records. Notice for any additional  
      public hearings must be posted and published in the same manner  
      as notice for the initial public hearing, but mailed notice of  
      the subsequent public hearings is not required.

**3. Public hearing.** Prior to any referendum held pursuant  
to subsection 4 or 5, the municipal officers shall hold an  
initial public hearing on the proposed capital improvement  
district to solicit comments from the residents of the  
municipality and the owners of property located in the proposed  
district concerning the:

A. Proposed boundaries of the capital improvement district;

B. Type of improvements to the proposed capital improvement  
      district being considered;

2           C. Need for the proposed improvements;

4           D. Costs of the proposed improvements;

6           E. Projected assessed shares and the contingency fee of no  
8           more than 25% of that assessment to the owners of property  
          located in the proposed capital improvement district to pay  
          for the improvements being considered;

10          F. Proposed duration of the payment period for those  
          special assessments;

12          G. Proposed public elements of the capital improvement  
14          district; and

16          H. Scheduled dates of referenda conducted pursuant to  
18          subsection 4 or 5.

20          The municipal officers may hold additional public hearings as  
          necessary.

22          4. Referendum of owners of property in proposed capital  
24          improvement district. The municipal officers shall call and  
          conduct a referendum among the owners of property within the  
26          proposed capital improvement district to determine the property  
          owners' willingness to undertake the costs of the proposed  
28          improvements to the capital improvement district.

30          A. The method of calling and voting on the referendum  
          question is as provided in section 2528 except as otherwise  
32          provided in this subsection.

34          B. The registered voters of the municipality who own  
          property within the proposed capital improvement district  
36          and the owner or owners of record for each parcel of  
          property located in the proposed capital improvement  
38          district reflected on the deed for the property recorded in  
          the registry of deeds within the county as of the preceding  
40          April 1st, if the owner or owners are of legal voting age  
          and citizens of the United States, are eligible to vote in  
42          the referendum. A person may not cast more than one vote.  
          The municipal officers shall determine who are the legal  
44          voters of the proposed capital improvement district and  
          shall prepare or cause to be prepared a list of voters at  
46          least 24 hours before the referendum is conducted.

48          C. The referendum must be scheduled to occur no sooner than  
50          45 days after the date of the initial public hearing held  
          pursuant to subsection 3.

2 D. A public hearing must be held pursuant to section 2528,  
4 subsection 5, only if any of the information presented to  
the voters at the most recent public hearing called pursuant  
to subsection 3 is changed prior to inclusion on the ballot.

6 E. The referendum to be voted on must be worded  
8 substantially as follows: "As an owner of property in the  
10 proposed capital improvement district described on the  
reverse side of this ballot or in the attachment to this  
12 ballot, are you in favor of authorizing the municipality of  
14 \_\_\_\_\_ to apply a special assessment against the property  
16 you own in the proposed capital improvement district for a  
18 period of \_\_\_\_\_ years, for the purpose of (description of  
20 improvements), with the total assessment to all property  
22 owners within the capital improvement district not to exceed  
24 \$ \_\_\_\_\_, plus a contingency of no more than 25% of that  
assessment, all of which are subject to the property tax  
collection and lien procedures established by state law, and  
with said authorization contingent on the voters of the  
municipality of \_\_\_\_\_ accepting the public costs for the  
capital improvement district improvements before any work is  
done, specifically described as (description of public  
elements)?"

26 The voters shall indicate by a cross or check mark placed  
against the word "Yes" or "No" their opinion of the same.

28 The municipal officers may proceed with conducting the municipal  
30 referendum in accordance with subsection 5 only if 2/3 of those  
32 casting ballots pursuant to this subsection vote to approve  
creating the capital improvement district.

34 5. Referendum of municipal voters. The referendum of the  
36 municipal voters may not be called and conducted for the purposes  
38 of this chapter unless the referendum held pursuant to subsection  
40 4 resulted in a 2/3 majority vote supporting the ballot  
42 question. If the referendum held pursuant to subsection 4  
received a 2/3 majority vote, the municipal officers shall call  
and conduct a referendum for the voters of the municipality to  
determine if the public elements of the proposed capital  
improvement district authorized pursuant to subsection 4 are  
authorized by the voters of the municipality.

44 A. The method of calling and voting on the referendum  
46 question is as provided in section 2528 except as otherwise  
provided in this subsection.

48 B. The referendum of the municipal voters must be scheduled  
50 to occur within 45 to 90 days after the date of the  
referendum held pursuant to subsection 4.

2 C. The referendum to be voted on must be worded  
substantially as follows: "Are you in favor of establishing  
4 a capital improvement district described on the reverse side  
of this ballot or in the attachment to this ballot and  
6 authorizing a special assessment against the several  
properties in the capital improvement district, with the  
8 special assessment running for a period of \_\_\_\_\_ years, for  
the purpose of (describe improvements), with the total  
10 assessment to all owners of property within the capital  
improvement district not to exceed \$ \_\_\_\_\_, plus a  
12 contingency of no more than 25% of that assessment, all of  
which are subject to the property tax collection and lien  
14 procedures established by state law, and are you also in  
favor of the municipality of \_\_\_\_\_ accepting the public  
16 costs for the capital improvement district improvements,  
specifically described as (describe the public elements),  
18 with all associated and ongoing rights, privileges and  
responsibilities of public ownership?"

20 The voters shall indicate by a cross or check mark placed  
22 against the word "Yes" or "No" their opinion of the same.

24 D. If a majority of those voting approve of the ballot  
question, the capital improvement district is created. Upon  
26 the creation of a capital improvement district, the  
municipality is authorized to raise revenues pursuant to  
28 chapter 223 and expend those revenues for the improvements  
authorized at referendum.

30 E. If the owners of property within the proposed capital  
improvement district or the voters of the municipality fail  
32 to establish the capital improvement district, the municipal  
officers may not act upon a proposal to create the same  
34 capital improvement district for a period of 3 years from  
the date that capital improvement district was rejected by  
36 voters.

38 **§5214. Implementation of improvements to capital improvement**  
40 **district**

42 1. **Advisory committee.** The municipal officers are  
responsible for implementing improvements to the capital  
44 improvement district. For the purposes of overseeing the  
authorized improvements to the capital improvement district, the  
46 municipal officers shall appoint an advisory committee consisting  
of no fewer than 3 and no more than 7 owners of property within  
48 the capital improvement district for the purposes of receiving  
comments and recommendations on the proposed improvement or

improvements within the capital improvement district. Advisory committee members serve at the pleasure of the municipal officers.

**2. Cost of improvement.** The initial cost of an authorized improvement in a capital improvement district is borne by the municipality until the improvement is complete, as determined by the municipal officers. Commencing with the first tax year that begins after the determination by the municipal officers that the improvement is complete, the municipality shall levy a special assessment against each property in the capital improvement district representing that property's annual share of the cost of the improvement as determined by the municipal officers and projected in the referenda ballots that created the capital improvement district, unless the actual total cost of the improvement is determined to be less than projected during the referenda, in which case the special assessments are reduced proportionally to reflect the actual cost.

**3. Method of assessment.** The special assessments must be included in the next annual warrant to the tax collector of the municipality for collection and must be collected in the same manner as state, county and municipal taxes are collected.

**4. Annual report.** The municipality's annual report must record the progress of implementing the improvements to the capital improvement district. At a minimum, the annual report must include:

A. The boundaries of the capital improvement district;

B. The public elements of the capital improvement district;

C. The improvements to the capital improvement district made by the municipality; and

D. The total cost of those improvements, the schedule of the assessed shares and contingency fees against the property located within the district to pay for the improvements and the degree to which those assessed shares and contingency fees have been collected.

#### **§5215. Dissolution of capital improvement district**

A capital improvement district created under this chapter may not be dissolved until the debt created by the improvements is finally discharged and the special assessments levied for the purpose of providing for those improvements have been paid or otherwise satisfied. The municipal officers shall dissolve a capital improvement district upon certification of the discharge of debt. The certification of the discharge of debt must be

presented to the municipal officers by the municipal treasurer.  
At a minimum, the certification must include an attestation by  
the municipal treasurer that all assessed shares levied for the  
improvements in a capital improvement district have been paid in  
full or a property tax lien has been recorded in the registry of  
deeds.

**Sec. 46. 30-A MRSA c. 206**, as enacted by PL 2001, c. 521, §1,  
is repealed.

**Sec. 47. 32 MRSA §2102, sub-§2-A**, as enacted by PL 1995, c.  
379, §4 and affected by §11, is amended to read:

**2-A. Advanced practice registered nursing.** "Advanced  
practice registered nursing" means the delivery of expanded  
professional health care by an advanced practice registered nurse  
that is:

A. Consistent with advanced educational qualifications as  
set forth in section 2201-A, subsection 2;

B. Within the advanced practice registered nurse's scope of  
practice as specified by the board by rulemaking, taking  
into consideration any national standards that exist; and

C. In accordance with the standards of practice for  
advanced practice registered nurses as specified by the  
board by rulemaking, taking into consideration any national  
standards that may exist. Advanced practice registered  
nursing includes consultation with or referral to medical  
and other health care providers when required by client  
health care needs.

A certified nurse practitioner or a certified nurse midwife who  
qualifies as an advanced practice registered nurse may prescribe  
and dispense drugs or devices, or both, in accordance with rules  
adopted by the board. ~~In adopting such rules, the board shall  
invite and consider comment from the Joint Practice Council on  
Advanced Practice Registered Nursing.~~

A certified nurse practitioner who qualifies as an advanced  
practice registered nurse must practice, for at least 24 months,  
under the supervision of a licensed physician or must be employed  
by a clinic or hospital that has a medical director who is a  
licensed physician. The certified nurse practitioner must submit  
written evidence to the board upon completion of the required  
clinical experience.

The board shall adopt rules necessary to effectuate the purposes  
of this chapter relating to advanced practice registered nursing.

2           **Sec. 48. 32 MRSA §6214-B, last ¶**, as amended by PL 1995, c.  
394, §19, is repealed.

4           **Sec. 49. 34-A MRSA §1205**, as amended by PL 2001, c. 667, Pt.  
6 C, §19, is repealed.

8           **Sec. 50. 36 MRSA §6652, sub-§3**, as enacted by PL 1999, c. 768,  
10 §6, is repealed.

12           **Sec. 51. 36 MRSA §6656**, as amended by PL 2001, c. 714, Pt.  
BB, §2 and affected by §4, is further amended to read:

14           **§6656. Payment of claims**

16           ~~Except as provided in section 6652, subsection 3, upon~~ Upon  
18 receipt of a timely and properly completed claim for  
reimbursement, the State Tax Assessor shall certify that the  
20 claimant is eligible for reimbursement and shall pay the amount  
claimed from the General Fund by November 1st or within 90 days  
after receipt of the claim, whichever is later. ~~For these claims~~  
22 ~~for which payments are withheld pursuant to section 6652,~~  
subsubsection 3, reimbursement must be paid within 90 days after the  
24 assessor receives notification under that subsection that the  
report has been received.

26           **Sec. 52. 37-B MRSA §701, sub-§4**, as amended by PL 2001, c.  
28 614, §4 and c. 662, §72, is repealed and the following enacted in  
its place:

30           **4. Mutual aid.** Provide for the rendering of mutual aid  
32 among the political subdivisions of the State and with other  
states and provinces of Canada for the accomplishment of  
34 emergency management functions.

36           **Sec. 53. 37-B MRSA §704, 3rd ¶**, as amended by PL 2001, c. 614,  
§8 and c. 662, §76, is repealed and the following enacted in its  
38 place:

40           The director, subject to the direction and control of the  
42 commissioner, is the executive head of the agency and is  
responsible for carrying out the program for emergency  
44 management. The director shall coordinate the activities of all  
organizations for emergency management within the State; shall  
46 maintain liaison with and cooperate with emergency management  
and public safety agencies and organizations of other states, the  
48 Federal Government and foreign countries, and their political  
subdivisions; prior to the annual meeting required in section  
50 782, subsection 4, shall provide to each of the local emergency  
management organizations of the State an annual assessment of



each organization's degree of emergency management capability and any other information pertinent to ensuring the public's welfare and safety within the local organization's jurisdiction; and has additional authority, duties and responsibilities as may be prescribed by the commissioner.

**Sec. 54. 37-B MRSA §741**, as amended by PL 2001, c. 614, §11 and c. 662, §78, is repealed and the following enacted in its place:

**§741. Governor's powers**

**1. Control during emergencies.** In the event of disaster beyond local control, the Governor may assume direct operational control over all or any part of the emergency management and public safety functions within the State.

**2. Cooperation.** In performing the duties required by this chapter, the Governor shall, directly or through the commissioner, cooperate with all departments and agencies of the Federal Government, with the offices and agencies of other states and foreign countries and their political subdivisions and with private agencies in all matters pertaining to the emergency management capability of the State and of the Nation.

**3. Authority.** In performing the duties required by this chapter, the Governor may:

A. Make, amend and rescind the necessary orders and rules to carry out this chapter within the limits of the authority conferred upon the Governor and not inconsistent with the rules, regulations and directives of the President of the United States or of any federal department or agency having specifically authorized emergency management functions;

B. Prepare a comprehensive plan and program for the emergency management functions of this State. That plan and program must be integrated into and coordinated with the emergency management plans of federal agencies and with the plans of other states and foreign countries, and their political subdivisions, to the fullest possible extent;

C. Coordinate the preparation of plans and programs for emergency management functions by the political subdivisions of the State. These plans must be integrated into and coordinated with the emergency management plan and program of the State to the fullest possible extent;

D. In accordance with the plan and program for the emergency management functions of the State, and consistent

with the emergency management plans, programs and directives of the Federal Government, procure supplies and equipment, institute training programs and public information programs and take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster or catastrophe, to ensure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

E. Conduct studies and surveys and take inventories of the industries, resources and facilities of the State necessary to ascertain the State's emergency management capabilities, and plan for their most efficient emergency use, including emergency economic controls to ensure adequate production and equitable distribution of essential commodities;

F. Whenever a shortage of critical material supplies appears imminent in the State, establish emergency reserves of those products necessary to ensure the health, welfare and safety of the people of the State. To establish those reserves, the Governor may purchase quantities of those materials for resale on a cost plus expenses basis for priority end users within the State;

G. On behalf of the State, enter into mutual aid arrangements with other states and foreign countries, and their political subdivisions, and coordinate mutual aid plans between political subdivisions of the State. If an arrangement is entered into with a jurisdiction that has enacted the Interstate Civil Defense and Disaster Compact, chapter 15, the Emergency Management Assistance Compact, chapter 16, or the International Emergency Management Assistance Compact, chapter 16-A, any resulting agreement or agreements may be considered supplemental agreements pursuant to those compacts. If the other jurisdiction or jurisdictions with which the Governor proposes to cooperate have not enacted one of those compacts, the Governor may negotiate special agreements with the jurisdiction or jurisdictions. Any agreement, if sufficient authority for its making does not otherwise exist, becomes effective only after approval by the Legislature; and

H. Delegate any authority vested in the Governor under this chapter and provide for the subdelegation of that authority.

Sec. 55. 37-B MRSA §782, as amended by PL 2001, c. 614, §14 and c. 662, §83, is repealed and the following enacted in its place:

**§782. Agency directors**

2        A director must be appointed for each municipal and county  
3        or regional emergency management agency. A director of an  
4        emergency management agency may not be at the same time an  
5        executive officer or member of the executive body of a  
6        municipality or interjurisdictional or county or regional agency  
7        of the State or a county commissioner. Notwithstanding this  
8        section or any other law, a town manager or administrative  
9        assistant may also be appointed to serve as the director of an  
10       emergency management agency. A director may be removed by the  
11       appointing authority for cause.

12  
13       1. Municipal emergency management director. The municipal  
14       officers shall appoint the director of the municipality's  
15       emergency management agency. In each municipality that has not  
16       established an agency of its own, the municipal officers shall  
17       designate an emergency management director to facilitate  
18       cooperation in the work of disaster mitigation, preparedness,  
19       response and recovery. The emergency management director shall  
20       serve as liaison to the appropriate county or regional agency.

21       2. County agency director. The county commissioners shall  
22       appoint the director of that county's emergency management agency.

23  
24       3. Interjurisdictional and regional agency directors. The  
25       director of an interjurisdictional or regional emergency  
26       management agency must be appointed in the manner prescribed by  
27       the director in accordance with section 781, subsection 3.

28  
29       4. Annual meeting with Director of the Maine Emergency  
30       Management Agency. The director of each county or regional  
31       organization for emergency management in the State and the  
32       respective appointing authority shall meet each year with the  
33       Director of the Maine Emergency Management Agency or the agency's  
34       successor, in order to review the performance of the county or  
35       regional emergency management organization in carrying out its  
36       federal and state mandate and to jointly set new goals for the  
37       coming year.

38  
39       Sec. 56. 37-B MRSA §783, first ¶, as amended by PL 2001, c.  
40       614, §15 and c. 662, §84, is repealed and the following enacted  
41       in its place:

42  
43       Each municipal, county and regional emergency management  
44       agency shall prepare and keep a current disaster emergency plan  
45       for the area subject to its jurisdiction. That plan must include  
46       without limitation:

2       **Sec. 57. 37-B MRSA §783, last ¶**, as amended by PL 2001, c. 614,  
3       §16 and c. 662, §85, is repealed and the following enacted in its  
4       place:

5       Each municipal, county and regional emergency management  
6       agency, as part of the development of a disaster emergency plan  
7       for the area subject to its jurisdiction, shall consult with  
8       hospitals within its jurisdiction to ensure that the disaster  
9       plans developed by the municipality or agency and the hospitals  
10       are compatible.

11       **Sec. 58. 37-B MRSA §784**, as amended by PL 2001, c. 614, §17  
12       and c. 662, §86, is repealed and the following enacted in its  
13       place:

14       **§784. Mutual aid arrangements**

15       The director of each local organization for emergency  
16       management shall, in collaboration with other public and private  
17       agencies within the State, develop or cause to be developed  
18       mutual aid arrangements for reciprocal emergency management aid  
19       and assistance in case of a disaster too great to be dealt with  
20       unassisted. These arrangements must be consistent with the state  
21       emergency management program, and in time of emergency each local  
22       organization for emergency management shall render assistance in  
23       accordance with the mutual aid arrangements. For this purpose,  
24       political subdivisions are authorized when geographical locations  
25       make mutual aid arrangements desirable to enter into mutual aid  
26       arrangements subject to the approval of the director.

27       **Sec. 59. 37-B MRSA §823, first ¶**, as amended by PL 2001, c.  
28       614, §21 and c. 662, §89, is repealed and the following enacted  
29       in its place:

30       All members of the emergency management forces are deemed to  
31       be employees of the State while on, or training for, emergency  
32       management duty. They have all the rights given to state  
33       employees under the former Maine Workers' Compensation Act or the  
34       Maine Workers' Compensation Act of 1992. All claims must be  
35       filed, prosecuted and determined in accordance with the procedure  
36       set forth in the Maine Workers' Compensation Act of 1992.

37       **Sec. 60. 37-B MRSA §829, first ¶**, as amended by PL 2001, c.  
38       614, §26 and c. 662, §95, is repealed and the following enacted  
39       in its place:

40       It is the duty of every agency for emergency management  
41       established pursuant to this chapter and of the officers to  
42       execute and enforce orders and rules adopted by the Governor  
43       under authority of this chapter. Each emergency management  
44       agency shall also ensure that the emergency management plans  
45       developed by the municipality or agency and the hospitals  
46       are compatible.

2 agency shall have available for inspection at its office all  
3 orders and rules made by the Governor or issued under the  
4 Governor's authority.

5 **Sec. 61. 37-B MRSA §831**, as amended by PL 2001, c. 614, §26  
6 and c. 662, §96, is repealed and the following enacted in its  
7 place:

8 **§831. Utilization of existing services and facilities**

9 In carrying out this chapter, the Governor and the executive  
10 officers or governing bodies of the political subdivisions of the  
11 State shall utilize the services and facilities of existing  
12 departments, offices and agencies of the State and all their  
13 political subdivisions to the maximum extent practicable. The  
14 officers and personnel of all departments, offices and agencies  
15 shall cooperate with and extend their services and facilities to  
16 the Governor and to the emergency management organizations of the  
17 State upon request.

18 **Sec. 62. 37-B MRSA §832, first ¶**, as amended by PL 2001, c.  
19 614, §26 and c. 662, §97, is repealed and the following enacted  
20 in its place:

21 An emergency management organization established under the  
22 authority of this chapter may not participate in any form of  
23 political activity and may not be employed directly or indirectly  
24 for political purpose.

25 **Sec. 63. 38 MRSA §420-B, sub-§4, ¶¶C and D**, as amended by PL  
26 1997, c. 179, §4, are further amended to read:

27 C. The commissioner's conclusions as to the levels of toxic  
28 contamination in the State's waters and fisheries; and

29 D. Any trends of increasing or decreasing levels of  
30 contaminants found; and.

31 **Sec. 64. 38 MRSA §420-B, sub-§4, ¶E**, as enacted by PL 1997, c.  
32 179, §4, is repealed.

33 **Sec. 65. PL 2001, c. 574, §31** is repealed.

34 **Sec. 66. PL 2001, c. 646, §§4, 6, 8, 10 and 12** are repealed.

35 **Sec. 67. Retroactivity.** That section of this Act that repeals  
36 Public Law 2001, chapter 646, sections 4, 6, 8, 10 and 12 is  
37 retroactive to March 25, 2002.

38 **Sec. 68. PL 2001, c. 688, §4** is repealed.

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

## SUMMARY

Section 1 repeals the Maine Revised Statutes, Title 2, section 6, subsection 7, which is the lead-in sentence for former paragraph A that was repealed by Public Law 1991, chapter 885, Part A, section 1.

Section 2 corrects a conflict created by Public Law 2001, chapters 617 and 698, which affected the same provision of law, by incorporating the changes made by both public laws. Section 3 makes the change retroactive to August 1, 2002, the effective date of Public Law 2001, chapter 698.

Section 4 corrects a cross-reference and makes a grammatical change.

Section 5 corrects a conflict created by Public Law 2001, chapters 617 and 698, which affected the same provision of law, by incorporating the changes made by both public laws. Section 6 makes the change retroactive to August 1, 2002, the effective date of Public Law 2001, chapter 698.

Section 7 corrects a conflict created by Public Law 2001, chapters 617 and 698, which affected the same provision of law, by incorporating the changes made by both laws. Section 8 makes the correction retroactive to August 1, 2002, the effective date of Public Law 2001, chapter 698.

Section 9 corrects references to the Maine Revised Statutes, Title 13-A, which was repealed by Public Law 2001, chapter 640, Part A, section 1. This section also changes the format for clarity and corrects grammatical and punctuation errors. Section 10 makes the changes effective July 1, 2003, the effective date of Public Law 2001, chapter 640.

Section 11 corrects a cross-reference.

Section 12 removes a reference to the Maine Revised Statutes, Title 22, section 306-B, which was repealed by Public Law 2001, chapter 664, section 1.

Section 13 strikes "regulations" and replaces it with "rules" to implement the intent of Public Law 2001, chapter 572.

Section 14 corrects a cross-reference.

2           Section 15 corrects a cross-reference to a section of law  
that was repealed by Public Law 2001, chapter 327, section 17.

4           Section 16 corrects a cross-reference to a section of law  
6           that was repealed by Public Law 2001, chapter 421, Part B,  
section 20.

8           Section 17 corrects cross-references to a section of law  
10           that was repealed by Public Law 2001, chapter 421, Part B,  
section 20.

12           Section 18 corrects a cross-reference to a section of law  
14           that was repealed by Public Law 2001, chapter 327, section 17.

16           Section 19 corrects a conflict created by Public Law 2001,  
18           chapters 655 and 690, which affected the same provision of law,  
by incorporating the changes made by both laws.

20           Section 20 corrects a cross-reference.

22           Section 21 corrects a conflict created by Public Law 2001,  
24           chapters 610 and 667, which affected the same provision of law,  
by incorporating the changes made by both laws.

26           Section 22 corrects a conflict created by Public Law 2001,  
28           chapters 612 and 653, which enacted substantively similar  
provisions using the same chapter number. This section repeals  
30           the chapter and replaces it, incorporating the provisions of both  
public laws.

32           Section 23 corrects a conflict created by Public Law 2001,  
34           chapters 403 and 454, which affected the same provision of law,  
by incorporating the changes of both public laws.

36           Section 24 corrects a cross-reference and a grammatical  
error.

38           Section 25 strikes language that makes reference to the  
40           Certificate of Need Advisory Committee, which was repealed by  
Public Law 2001, chapter 664, section 1.

42           Sections 26 and 27 correct a cross-reference and enact a new  
44           subsection of law to reflect changes made by Public Law 2001,  
chapter 596.

46           Section 28 corrects 2 cross-references. The first is to the  
48           Maine Certificate of Need Act of 1978, which was repealed and  
replaced by the Maine Certificate of Need Act of 2002 by Public  
50           Law 2001, chapter 664. The 2nd cross-reference is to the Maine

2 Health Care Finance Commission, which was repealed by Public Law  
1995, chapter 653.

4 Section 29 supplies the appropriate calendar date for a  
reference to the effective date of a provision of law, corrects a  
6 cross-reference, makes a grammatical change and removes a  
reporting requirement that is no longer necessary.

8 Section 30 corrects a reference to the Maine Revised  
10 Statutes, Title 22, chapter 103, which was repealed by Public Law  
2001, chapter 664, section 1. This section also makes  
12 grammatical changes and changes gender-specific language.

14 Section 31 corrects a conflict created by Public Law 2001,  
chapters 515 and 596, which affected the same provision of law,  
16 by incorporating the changes of both laws.

18 Section 32 corrects an error created when 2 laws, Public Law  
2001, chapter 258, Part E, section 3 and Public Law 2001, chapter  
20 400, section 1, affected the same section of law in substantively  
different ways. This section corrects the error by combining the  
22 2 changes made by both public laws, enacting the subparagraph (3)  
enacted by Public Law 2001, chapter 400 as a new subparagraph (4).

24 Section 33 corrects a reference to the Maine Certificate of  
26 Need Act of 1978 which was replaced by the Maine Certificate of  
Need Act of 2002 by Public Law 2001, chapter 664.

28 Sections 34 and 35 correct cross-references to the Maine  
30 Certificate of Need Act of 1978, which was repealed and replaced  
by the Maine Certificate of Need Act of 2002 by Public Law 2001,  
32 chapter 664.

34 Section 36 corrects a cross-reference to a section of law  
that was repealed by Public Law 2001, chapter 664.

36 Section 37 corrects a cross-reference to the Certificate of  
38 Need Act of 1978, which was repealed and replaced by the  
Certificate of Need Act of 2002 by Public Law 2001, chapter 664.

40 Section 38 corrects a cross-reference to the Maine Revised  
42 Statutes, Title 22, chapter 103, which was repealed by Public Law  
2001, chapter 664, section 1. This section also removes language  
44 referring to the \$1,000 limit on initial deposits, since that  
limit was repealed by Public Law 1989, chapter 343.

46 Section 39 corrects a cross-reference.

48 Section 40 corrects a conflict created by Public Law 2001,  
50 chapters 667 and 687, which affected the same provision of law,



2 by repealing the provision of law and replacing it with the  
chapter 687 version with a grammatical correction.

4 Section 41 corrects a conflict created by Public Law 2001,  
6 chapters 360 and 440, which affected the same provision of law,  
by incorporating the changes made by both laws.

8 Section 42 adds the word "review" after the term "board of  
10 assessment" to make paragraph G consistent with the rest of the  
section and to reflect the intent of the section.

12 Section 43 resolves a conflict created by Public Law 1989,  
chapter 104, Part A, section 17 and chapter 104, Part D, section  
14 3, which made slightly different changes to gender-specific  
language in the same provision of law. This section resolves the  
16 conflict by repealing the provision of law and replacing it with  
the chapter 104, Part D, section 3 version.

18 Section 44 corrects a conflict created by Public Law 2001,  
20 chapters 593 and 613, which affected the same provisions of law,  
by incorporating the changes of both laws.

22 Sections 45 and 46 correct an error that was created when  
24 Public Law 2001, chapters 521 and 669 both enacted a new Title  
30-A, chapter 206 with similar section numbers. These sections  
26 correct that error by repealing chapter 206 as enacted by Public  
Law 2001, chapter 521, section 1 and reenacting it as chapter  
28 205-A with new section numbers.

30 Section 47 strikes language making reference to the Joint  
Practice Council on Advanced Practice Registered Nursing, which  
32 was repealed by Public Law 1999, chapter 668, section 120.

34 Section 48 repeals the last paragraph of the Maine Revised  
Statutes, Title 32, section 6214-B. Public Law 1991, chapter  
36 456, section 12 repealed Title 32, section 6207, subsection 3.  
However, Title 32, section 6214-B, which requires a person  
38 providing the primary service of professional alcohol and drug  
counseling to comply with the requirements of section 6207,  
40 subsection 3, was not repealed but is nonsensical without section  
6207, subsection 3.

42 Section 49 repeals the headnote to the Maine Revised  
44 Statutes, Title 34-A, section 1205, which is all that remains of  
that section following the repeal of subsections 1, 2 and 3.

46 Section 50 repeals a provision of law that makes reference  
48 to a repealed provision of law. The provision of law that is  
being repealed by this section pertains to employer reporting  
50 requirements. The section of law that established those

2 requirements was repealed on August 1, 2002, thus making the  
Maine Revised Statutes, Title 36, section 6652, subsection 3  
4 obsolete. Section 51 removes references to the penalty for  
failing to meet employer reporting requirements.

6 Section 52 corrects a conflict that was created by Public  
Law 2001, chapter 614, section 4 and chapter 662, section 72,  
8 which both amended the same provision of law, by repealing and  
replacing them with the Public Law 2001, chapter 662, section 72  
10 version.

12 Section 53 corrects a conflict created by Public Law 2001,  
chapters 614 and 662, which affected the same provision of law,  
14 by incorporating the changes made by both laws.

16 Section 54 corrects a conflict that was created by Public  
Law 2001, chapter 614, section 11 and chapter 662, section 78,  
18 which both amended the same provision of law. This section  
corrects the conflict by incorporating the changes made by both  
20 laws.

22 Section 55 corrects a conflict created by Public Law 2001,  
chapter 614, section 14 and chapter 662, section 83, which both  
24 amended the same provision of law. This section corrects the  
conflict by repealing the provision of law and replacing it with  
26 the Public Law 2001, chapter 662, section 83 version.

28 Sections 56 and 57 correct conflicts created by Public Law  
2001, chapter 614, sections 15 and 16 and chapter 662, sections  
30 84 and 85, which both amended the same provisions of law. These  
sections correct the conflicts by incorporating the changes made  
32 by both laws.

34 Section 58 corrects a conflict created by Public Law 2001,  
chapter 614, section 17 and chapter 662, section 86, which both  
36 amended the same provision of law. This section corrects the  
conflict by repealing the provision of law and replacing it with  
38 the Public Law 2001, chapter 662, section 86 version.

40 Section 59 corrects a conflict created by Public Law 2001,  
chapter 614, section 21 and chapter 662, section 89, which both  
42 amended the same provision of law. This section corrects the  
conflict by repealing the provision of law and reenacting it to  
44 clarify that an employee may have preexisting rights arising  
under the former Workers' Compensation Act.

46 Section 60 corrects a conflict created by Public Law 2001,  
48 chapter 614, section 26 and chapter 662, section 95, which both  
amended the same provision of law. This section corrects the

2 conflict by repealing the provision of law and replacing it with  
the Public Law 2001, chapter 614, section 26 version.

4 Section 61 corrects a conflict created by Public Law 2001,  
chapter 614, section 26 and chapter 662, section 96, which both  
6 amended the same provision of law. This section corrects the  
conflict by repealing the provision of law and replacing it with  
8 the Public Law 2001, chapter 614, section 26 version.

10 Section 62 corrects a conflict that was created by Public  
Law 2001, chapter 614, section 26 and chapter 662, section 97,  
12 which both amended the same provision of law. This section  
corrects the conflict by repealing the provision of law and  
14 replacing it with the Public Law 2001, chapter 614, section 26  
version.

16 Sections 63 and 64 correct a cross-reference and fix  
18 punctuation.

20 Section 65 repeals section 31 of Public Law 2001, chapter  
574 because the provision referenced in the retroactivity clause  
22 is not affected by the public law.

24 Section 66 repeals sections of Public Law 2001, chapter 646  
that made changes to sections of the Maine Revised Statutes,  
26 Title 5 that were effective only upon a contingency that was  
never met. The contingent changes were repealed by Public Law  
28 2001, chapter 559, Part RR, section 13. Section 67 makes the  
correction retroactive to March 25, 2002, the effective date of  
30 Public Law 2001, chapter 439, Part RR, section 13.

32 Section 68 repeals Public Law 2001, chapter 688, section 4,  
which attempted to repeal a section of the statutes that was  
34 repealed effective April 1, 1989 by operation of the Maine  
Revised Statutes, Title 36, former section 2916-A.

STATE OF MAINE  
121ST LEGISLATURE

LEGISLATIVE NOTICES

JOINT STANDING COMMITTEE ON JUDICIARY

Sen. Peggy A. Pendleton, Senate Chair  
Rep. William S. Norbert, House Chair

PUBLIC HEARING: Thursday, April 3, 2003, 1:00 pm, Room 438 State House

- (L.D. 1214) Bill "An Act Regarding Confidentiality and Mental Health" (H.P.0888) (Presented by Representative MARLEY of Portland) (Cosponsored by Representative CANAVAN of Waterville, Representative HUTTON of Bowdoinham, Representative PATRICK of Rumford, Representative SUSLOVIC of Portland)
- (L.D. 1335) Bill "An Act To Protect Public School Departments, School Committees and Superintendents from Certain Suits and Claims BY REQUEST" (H.P.0980) (Presented by Representative SNOWE-MELLO of Poland)
- (L.D. 934) Bill "An Act To Allow the Videotaping of the Testimony of Witnesses 13 Years of Age and under in Certain Cases" (H.P.0691) (Presented by Representative MCNEIL of Rockland) (Cosponsored by Senator NASS of York, Senator HATCH of Somerset, Senator SAVAGE of Knox, Representative BLANCHETTE of Bangor, Representative GERZOFKY of Brunswick, Representative GROSE of Woolwich, Representative LERMAN of Augusta, Representative O'BRIEN of Augusta, Representative SNOWE-MELLO of Poland)
- (L.D. 1298) Bill "An Act To Penalize a Person Who is Habitually Late Making Child Support Payments" (H.P.0952) (Presented by Representative MCNEIL of Rockland) (Cosponsored by Senator DAMON of Hancock, Senator HATCH of Somerset, Senator SAVAGE of Knox, Representative COLLINS of Wells, Representative LEDWIN of Holden, Representative MARLEY of Portland, Representative MILLS of Cornville, Representative PARADIS, JR. of Frenchville, Representative SIMPSON of Auburn)
- (L.D. 1265) Bill "An Act To Allow a Judge to Grant Visitation Rights to a Parent of a Child in Foster Care" (H.P.0937) (Presented by Representative THOMAS of Orono) (Cosponsored by Representative DUDLEY of Portland, Representative DUNLAP of Old Town, Representative FISCHER of Presque Isle, Representative LAVERRIERE-BOUC of Biddeford, Representative MARLEY of Portland, Representative RINES of Wiscasset)
- (L.D. 1262) Bill "An Act To Implement the Maine Assistance Program for Lawyers" (H.P.0934) (Presented by Representative NORBERT of Portland) (Cosponsored by Senator PENDLETON of Cumberland, Representative BRANNIGAN of Portland, Representative MILLS of Farmington, Representative MILLS of Cornville, Representative SMITH of Van Buren, Representative WATSON of Bath)
- (L.D. 1311) Bill "An Act To Clarify the Filing of Municipal Personal Property Tax Liens" (H.P.0965) (Presented by Representative NORBERT of Portland) (Cosponsored by Senator PENDLETON of Cumberland, Representative BLANCHETTE of Bangor, Representative LERMAN of Augusta, Representative MAKAS of Lewiston, Representative SAMPSON of Auburn)
- (L.D. 274) Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (H.P.0217) (EMERGENCY) Submitted pursuant to the Maine Revised Statutes, Title 1. section 94.

CONTACT PERSON:

Susan J. Smith  
100 State House Station  
Augusta, ME 04333-0100  
287-1327

## TESTIMONY SIGN IN SHEET

## Joint Standing Committee on Judiciary

LD or Confirmation: 274 Error and Inconsistencies

Date: 3 April 2003

[illegible]

## **37-B MRSA § 781. Municipal, county and regional agencies**

**1. Municipal or interjurisdictional agencies.** Each municipality of the State must be served by a municipal or interjurisdictional agency responsible for emergency management.

**2. County or regional agencies.** Each county shall maintain a county emergency management agency or create regional emergency management agencies that serve the member counties. Each county or regional agency is responsible for coordination of the activities of municipal and interjurisdictional emergency management agencies within the region or county and for emergency management in the unorganized territories within its jurisdiction. A county or regional emergency management agency must receive support from the municipalities within its jurisdiction.

**3. Structure of county and regional agencies.** The director shall advise upon the organizational structure of county and regional emergency management agencies, including the manner in which the directors of those agencies are appointed by governing bodies of the jurisdictions involved.

**4. List of agencies.** The agency shall publish and maintain a current list of municipal, interjurisdictional, county and regional emergency management agencies established pursuant to this section.

## **37-B MRSA §822. Immunity**

Neither the State nor any of its agencies or political subdivisions, including a voluntary and uncompensated grantor of a permit for the use of the grantor's premises as an emergency shelter, may, while engaged in any emergency management activities and while complying with or attempting to comply with this chapter or any rule adopted pursuant to this chapter, be liable for the death of or injury to any person, or damage to property, as a result of those activities. This section does not affect the right of any person to receive benefits to which that person would otherwise be entitled under this chapter, under the Maine Workers' Compensation Act of 1992, under any pension law or under any act of Congress.

## SUMMARY CHARTS: Errors Bill, 121st First Regular Session

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5/6/03 1:25 PM 1:25 PM

page 1 of 2  
Printed 5/6  
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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED         | GENERAL SUBJECT                                | TYPE OF ERROR    | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------------|------------------------------------------------|------------------|----------|--------------------------|--------------------------|-------|
| 1                  | 2, §6, sub-§7                   | Salaries subject to adjustment by the Governor | Other            | T        | IN                       |                          |       |
| 2                  | 4, §116, first ¶                | Revenue received by court from fines, etc      | Conflict         | T        | OUT                      |                          |       |
| 3                  | Retroactivity                   | To Section 2                                   |                  | T        | OUT                      |                          |       |
| 4                  | 4, §153, sub-§9                 | Judicial Divisions (District Court)            | Other            |          | IN w/amdt                |                          |       |
| 5                  | 4, §163, sub-§1                 | Revenue received by court from fines, etc.     | Conflict         | T        | OUT                      |                          |       |
| 6                  | Retroactivity                   | To Section 5                                   |                  |          | OUT                      |                          |       |
| 7                  | 4, §1057-A, sub-§2              | Community Policing Surcharge                   | Conflict         | T        | OUT                      |                          |       |
| 8                  | Retroactivity                   | To Section 7                                   |                  |          | OUT                      |                          |       |
| 9                  | 5, §191                         | Attorney General Duties & Fees                 | Reference, Other | T        | IN w/amdt                |                          |       |
| 10                 | Effective Date                  | To Section 9                                   |                  |          | IN                       |                          |       |
| 11                 | 5, §299, first ¶                | Jurisdiction of Capitol Planning Commission    | Reference        | T        | IN                       |                          |       |
| 12                 | 5, §12004-I, sub-§38            | Certificate of Need Advisory Committee         | Other            | T        | IN                       |                          |       |
| 13                 | 7, §1808, last ¶                | Animal disease control                         | Other            | T        | IN                       |                          |       |
| 14                 | 11, §9-1107                     | UCC – Secured Transactions – Letter of Credit  | Reference        | T        |                          |                          |       |
| 15                 | 12, §6404-B                     | Sea Urchin License – Suspension                | Reference        | T        | IN w/amdt                |                          |       |
| 16                 | 12, §6431-F, sub-§2, ¶B         | Lobster and crab fishing license               |                  |          |                          |                          |       |
| 17                 | 12, §6448, sub-§2, ¶¶A<br>and C |                                                |                  |          |                          |                          |       |
| 18                 | 12, §6749-X, sub-§3, ¶A         | Sea Urchin Zone Council                        | Reference        | T        | IN                       |                          |       |
| 19                 | 12, §7468, sub-§4               | Wild turkey hunting permits                    | Conflict         |          |                          |                          |       |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session****5/6/03 1:25 PM 1:25 PM**

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED   | GENERAL SUBJECT                                                      | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------|----------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 20                 | 12, §7901-A, sub-§4, ¶A   | Commercial shooting area license                                     | Reference           |          |                          |                          |       |
| 21                 | 12, §7901-A, sub-§6, ¶A   | Penalties for IF&W laws                                              | Conflict            | T        | IN                       |                          |       |
| 22                 | 14, c. 710-D              | Owners of buildings on leased land in LURC Territory                 | Conflict            | T        | IN                       |                          |       |
| 23                 | 20-A, §4706, sub-§2       | Maine Native American Studies                                        | Conflict, Reference | T        | IN                       |                          |       |
| 24                 | 21-A, §365, first ¶       | Jurisdiction of political committee over filling candidate vacancies | Reference           | T        | IN                       |                          |       |
| 25                 | 22, §253, sub-§3          | Certificate of Need/State Health Plan                                | Reference           |          |                          |                          |       |
| 26                 | 22, §330, sub-§5          | Assisted living – certificate of need                                | Reference           |          |                          |                          |       |
| 27                 | 22, §330, sub-§5-A        | Assisted housing – certificate of need                               | Reference           |          |                          |                          |       |
| 28                 | 22, §2061, sub-§2         | Health care facility project – certificate of need                   | Reference           |          |                          |                          |       |
| 29                 | 22, §3174-R               | Medicaid drug rebate program                                         | Reference           |          |                          |                          |       |
| 30                 | 22, §5118, sub-§4, ¶C     | Coordinated Community Program for the elderly                        | Reference, Other    |          |                          |                          |       |
| 31                 | 22, §8103, sub-§1         | Licensed residential care facilities                                 | Conflict            |          |                          |                          |       |
| 32                 | 24-A, §2808-B, sub-§1, ¶D | Health Insurance – eligible group                                    | Conflict            |          |                          |                          |       |
| 33                 | 24-A, §4203, sub-§1       | HMO's – establishment/CON                                            | Reference           |          |                          |                          |       |
| 34                 | 24-A, §4204, sub-§1, ¶A   | HMO's – certificate of authority                                     | Reference           |          |                          |                          |       |
| 35                 | 24-A, §4204, sub-§2-A, ¶A | HMO's – certificate of authority                                     | Reference           |          |                          |                          |       |
| 36                 | 24-A, §6203, sub-§1, ¶A   | Continuing Care Retirement Community – CON                           | Reference           |          |                          |                          |       |
| 37                 | 24-A, §6203, sub-§6       | Continuing Care Retirement Community/CON                             | Reference           |          |                          |                          |       |
| 38                 | 24-A, §6226, sub-§1       | Continuing Care Retirement Community/Initial Deposit                 | Other and Reference |          |                          |                          |       |



# SUMMARY CHARTS: Errors Bill, 121st First Regular Session

Updated 5/13/03 11:30

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED         | GENERAL SUBJECT                                | TYPE OF ERROR    | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------------|------------------------------------------------|------------------|----------|--------------------------|--------------------------|-------|
| 1                  | 2, §6, sub-§7                   | Salaries subject to adjustment by the Governor | Other            | T        | IN                       | IN                       |       |
| 2                  | 4, §116, first ¶                | Revenue received by court from fines, etc      | Conflict         | T        | OUT                      | OUT                      |       |
| 3                  | Retroactivity                   | To Section 2                                   |                  | T        | OUT                      | OUT                      |       |
| 4                  | 4, §153, sub-§9                 | Judicial Divisions (District Court)            | Other            |          | IN w/amdt                | IN w/amdt                |       |
| 5                  | 4, §163, sub-§1                 | Revenue received by court from fines, etc.     | Conflict         | T        | OUT                      | OUT                      |       |
| 6                  | Retroactivity                   | To Section 5                                   |                  |          | OUT                      | OUT                      |       |
| 7                  | 4, §1057-A, sub-§2              | Community Policing Surcharge                   | Conflict         | T        | OUT                      | OUT                      |       |
| 8                  | Retroactivity                   | To Section 7                                   |                  |          | OUT                      | OUT                      |       |
| 9                  | 5, §191                         | Attorney General Duties & Fees                 | Reference, Other | T        | IN w/amdt                | IN w/amdt<br>**chk w AG  |       |
| 10                 | Effective Date                  | To Section 9                                   |                  |          | IN                       | IN                       |       |
| 11                 | 5, §299, first ¶                | Jurisdiction of Capitol Planning Commission    | Reference        | T        | IN                       | IN                       |       |
| 12                 | 5, §12004-I, sub-§38            | Certificate of Need Advisory Committee         | Other            | T        | IN                       | IN                       |       |
| 13                 | 7, §1808, last ¶                | Animal disease control                         | Other            | T        | IN                       | IN                       |       |
| 14                 | 11, §9-1107                     | UCC – Secured Transactions – Letter of Credit  | Reference        | T        | IN                       |                          |       |
| 15                 | 12, §6404-B                     | Sea Urchin License – Suspension                | Reference        | T        | IN w/amdt                | IN w/amdt<br>**chk w DMR |       |
| 16                 | 12, §6431-F, sub-§2, ¶B         | Lobster and crab fishing license               | Reference        | T        | IN                       |                          |       |
| 17                 | 12, §6448, sub-§2, ¶¶A<br>and C | Limited entry to lobster zone                  | Reference        | T        | IN                       |                          |       |
| 18                 | 12, §6749-X, sub-§3, ¶A         | Sea Urchin Zone Council                        | Reference        | T        | IN                       | IN                       |       |
| 19                 | 12, §7468, sub-§4               | Wild turkey hunting permits                    | Conflict         | T        | IN                       |                          |       |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

**Updated 5/13/03 11:30**

| <b>SECTION<br/>OF BILL</b> | <b>MRSA/PL/P&amp;SL<br/>AMENDED</b> | <b>GENERAL SUBJECT</b>                                               | <b>TYPE OF ERROR</b> | <b>CATEGORY</b> | <b>RECOMMENDED<br/>TREATMENT</b> | <b>COMMITTEE<br/>DISPOSITION</b> | <b>FINAL</b> |
|----------------------------|-------------------------------------|----------------------------------------------------------------------|----------------------|-----------------|----------------------------------|----------------------------------|--------------|
| 20                         | 12, §7901-A, sub-§4, ¶A             | Commercial shooting area license                                     | Reference            | T               | IN                               |                                  |              |
| 21                         | 12, §7901-A, sub-§6, ¶A             | Penalties for IF&W laws                                              | Conflict             | T               | IN                               |                                  |              |
| 22                         | 14, c. 710-D                        | Owners of buildings on leased land in LURC Territory                 | Conflict             | T               | IN                               | IN                               |              |
| 23                         | 20-A, §4706, sub-§2                 | Maine Native American Studies                                        | Conflict, Reference  | T               | IN                               | IN w/amdt                        |              |
| 24                         | 21-A, §365, first ¶                 | Jurisdiction of political committee over filling candidate vacancies | Reference            | T               | IN                               | IN                               |              |
| 25                         | 22, §253, sub-§3                    | Certificate of Need/State Health Plan                                | Reference            | T               | IN                               |                                  |              |
| 26                         | 22, §330, sub-§5                    | Assisted living – certificate of need                                | Reference            | T               | In w/amdt                        |                                  |              |
| 27                         | 22, §330, sub-§5-A                  | Assisted housing – certificate of need                               | Reference            | T               | IN                               |                                  |              |
| 28                         | 22, §2061, sub-§2                   | Health care facility project – certificate of need                   | Reference            | T               | IN                               |                                  |              |
| 29                         | 22, §3174-R                         | Medicaid drug rebate program                                         | Reference, Other     | T               | IN                               |                                  |              |
| 30                         | 22, §5118, sub-§4, ¶C               | Coordinated Community Program for the elderly                        | Reference, Other     | T               | IN w/amdt?                       |                                  |              |
| 31                         | 22, §8103, sub-§1                   | Licensed residential care facilities                                 | Conflict             | T               | ?                                |                                  |              |
| 32                         | 24-A, §2808-B, sub-§1, ¶D           | Health Insurance – eligible group                                    | Conflict             | T               | OUT (LD 1507)                    |                                  |              |
| 33                         | 24-A, §4203, sub-§1                 | HMO's – establishment/CON                                            | Reference            | T               | IN                               |                                  |              |
| 34                         | 24-A, §4204, sub-§1, ¶A             | HMO's – certificate of authority                                     | Reference            | T               | IN                               |                                  |              |
| 35                         | 24-A, §4204, sub-§2-A, ¶A           | HMO's – certificate of authority                                     | Reference            | T               | IN                               |                                  |              |
| 36                         | 24-A, §6203, sub-§1, ¶A             | Continuing Care Retirement Community – CON                           | Reference            | T               | IN                               |                                  |              |
| 37                         | 24-A, §6203, sub-§6                 | Continuing Care Retirement Community/CON                             | Reference            | T               | OUT (LD 796)                     |                                  |              |
| 38                         | 24-A, §6226, sub-§1                 | Continuing Care Retirement Community/Initial Deposit                 | Other and Reference  | T               | IN                               |                                  |              |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

Updated 5/13/03 11:30

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED       | GENERAL SUBJECT                                                                    | TYPE OF ERROR   | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------------|------------------------------------------------------------------------------------|-----------------|----------|--------------------------|--------------------------|-------|
| 39                 | 25, §1550                     | Duty to take and submit fingerprints; penalty                                      | Reference       | T        | IN w/amdt                |                          |       |
| 40                 | 29-A, §101, sub-§64-C         | Definition of “scooter” in motor vehicle law                                       | Conflict        | T        | IN                       |                          |       |
| 41                 | 29-A, §2084, sub-§1           | Equipment for riding bikes and scooters at night                                   | Conflict        | T        | IN                       |                          |       |
| 42                 | 30-A, §2526, sub-§6, ¶G       | Town officials – Board of Assessment Review                                        | Other           | T        | IN                       |                          |       |
| 43                 | 30-A, §2526, sub-§9, ¶A       | Town officials oath; contents of certificate                                       | Conflict        | T        | IN                       |                          |       |
| 44                 | 30-A, §4349-A, sub-§2         | Site selection criteria for State facilities                                       | Conflict        | T        | IN                       |                          |       |
| 45                 | 30-A, c. 205-A                | Municipal Capital Improvement Districts                                            | Conflict        | T        | IN                       |                          |       |
| 46                 | 30-A, c. 206                  | Municipal Capital Improvement Districts                                            | Conflict        | T        | IN                       |                          |       |
| 47                 | 32, §2102, sub-§2-A           | Rules relating to advanced practice registered nurses prescribing drugs or devices | Other           | T        | HOLD – LD 1506 conflicts |                          |       |
| 48                 | 32, §6214-B, last ¶           | Licensed alcohol and drug counselors                                               | Reference       | T        | OUT (LD 1559)            |                          |       |
| 49                 | 34-A, §1205                   | Statewide correctional program                                                     | Lonely headnote | T        | IN                       |                          |       |
| 50                 | 36, §6652, sub-§3             | Tax incentive reporting                                                            | Reference       | ?        | OUT                      |                          |       |
| 51                 | 36, §6656                     | Tax incentive reporting                                                            | Reference       | ?        | OUT                      |                          |       |
| 52                 | 37-B, §701, sub-§4            | Emergency preparedness/management<br>- Mutual aid                                  | Conflict        | T        | IN                       |                          |       |
| 53                 | 37-B, §704, 3 <sup>rd</sup> ¶ | Emergency preparedness/management<br>- Director duties                             | Conflict        | T        | IN                       |                          |       |
| 54                 | 37-B, §741                    | Emergency preparedness/management<br>- Governor's powers                           | Conflict        | T        | IN                       |                          |       |
| 55                 | 37-B, §782                    | Emergency preparedness/management<br>- Agency directors                            | Conflict        | T        | IN                       |                          |       |
| 56                 | 37-B, §783, first ¶           | Emergency preparedness/management<br>- Disaster Emergency Plan                     | Conflict        | T        | OUT (LD 1513)            |                          |       |
| 57                 | 37-B, §783, last ¶            | Emergency preparedness/management<br>- Disaster Emergency Plan                     | Conflict        | T        | IN?                      |                          |       |

# SUMMARY CHARTS: Errors Bill, 121st First Regular Session

Updated 5/13/03 11:30

| SECTION OF BILL | MRSA/PL/P&SL AMENDED                  | GENERAL SUBJECT                                                              | TYPE OF ERROR           | CATEGORY | RECOMMENDED TREATMENT | COMMITTEE DISPOSITION | FINAL |
|-----------------|---------------------------------------|------------------------------------------------------------------------------|-------------------------|----------|-----------------------|-----------------------|-------|
| 58              | 37-B, §784                            | Emergency preparedness/management<br>- Mutual aid arrangements               | Conflict                | T        | IN                    |                       |       |
| 59              | 37-B, §823, first ¶                   | Emergency preparedness/management<br>- Injuries                              | Conflict                | T?       | IN                    |                       |       |
| 60              | 37-B, §829, first ¶                   | Emergency preparedness/management<br>- Enforcement                           | Conflict                | T        | IN                    |                       |       |
| 61              | 37-B, §831                            | Emergency preparedness/management<br>- Use of existing services & facilities | Conflict                | T        | IN                    |                       |       |
| 62              | 37-B, §832, first ¶                   | Emergency preparedness/management<br>- Political activity                    | Conflict                | T        | IN                    |                       |       |
| 63              | 38, §420-B, sub-§4, ¶¶C and D         | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     |                       |       |
| 64              | 38, §420-B, sub-§4, ¶E                | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     |                       |       |
| 65              | PL 2001, c. 574, §31                  | DHS – State Health Plan                                                      | Erroneous retroactivity | T        | IN                    |                       |       |
| 66              | PL 2001, c. 646, §§4, 6, 8, 10 and 12 | Retirement service credits                                                   | Too many repeals        |          | In w/amdt<br>(DCE)    |                       |       |
| 67              | Retroactivity                         | For Section 66                                                               |                         |          | IN                    |                       |       |
| 68              | PL 2001, c. 688, §4                   | Inventory tax – Internal combustion fuel                                     | Repeal of repealed      | T        | IN                    |                       |       |

## SUPPLEMENTS

|        |                   |                                            |           |    |      |  |  |
|--------|-------------------|--------------------------------------------|-----------|----|------|--|--|
| SUPP-1 | 17-A, §360        | Unauthorized use of property               | Omission  | S? | IN?  |  |  |
| SUPP-2 | 22, §3741-M       | Non-traditional job training and placement | Conflict  | T? | IN?  |  |  |
| SUPP-3 | 22, §3769-D       | Non-traditional job training and placement | Conflict  | T? | OUT? |  |  |
| SUPP-4 | 22, §4301, sub-§7 | TANF                                       | Word      | T? | IN?  |  |  |
| SUPP-5 | 25, §2809         | Me Criminal Justice Academy                | Wrong JSC | S  | IN?  |  |  |

# SUMMARY CHARTS: Errors Bill, 121st First Regular Session

Updated 5/13/03 11:30

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED              | GENERAL SUBJECT                   | TYPE OF ERROR           | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|--------------------------------------|-----------------------------------|-------------------------|----------|--------------------------|--------------------------|-------|
| SUPP-6             | 29-A, §1259, sub-§4                  | Driver's license                  | Disjunction/conjunction | S        | IN?                      |                          |       |
| SUPP-7             | 29-A, §2054, sub-§2, ¶D              | Blue lights                       | Mistaken repeal         | S        | IN?                      |                          |       |
| SUPP-8             | 29-A, §2054, sub-§2, ¶F,<br>sub-¶(1) | Blue lights                       | Mistaken repeal         | S        | IN?                      |                          |       |
| SUPP-9             | Effective date                       | For Secs. Supp-7 and Supp-8       |                         | S        | IN?                      |                          |       |
| SUPP-10            | 30-A, §371-B, sub-§4                 | Sheriffs                          | Effective dates         | ?        | IN?                      |                          |       |
| SUPP-11            | 36, §1811, last ¶                    | Tax on car rentals, leases        | Conflict                | S        | IN?                      |                          |       |
| SUPP-12            | Effective date                       | For Sec. Supp-11                  |                         |          | IN?                      |                          |       |
| SUPP-13            | 37-B, §781                           | Emergency preparedness/management | Conflict                | S?       | IN?                      |                          |       |
| SUPP-14            | 37-B, §822                           | Emergency preparedness/management | Conflict                | S?       | hold                     |                          |       |
| SUPP-15            | 38, §420, sub-§2, ¶I                 | Pollution control – dioxin        | Cross-reference         | T?       | OUT                      |                          |       |

|         |  |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|--|
| SUPP-16 |  |  |  |  |  |  |  |
| SUPP-17 |  |  |  |  |  |  |  |
| SUPP-18 |  |  |  |  |  |  |  |
| SUPP-19 |  |  |  |  |  |  |  |
| SUPP-20 |  |  |  |  |  |  |  |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

**Updated 5/19/03 12:15 PM**

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED         | GENERAL SUBJECT                                | TYPE OF ERROR    | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------------|------------------------------------------------|------------------|----------|--------------------------|--------------------------|-------|
| 1                  | 2, §6, sub-§7                   | Salaries subject to adjustment by the Governor | Other            | T        | IN                       | IN                       |       |
| 2                  | 4, §116, first ¶                | Revenue received by court from fines, etc      | Conflict         | T        | OUT                      | OUT                      |       |
| 3                  | Retroactivity                   | To Section 2                                   |                  | T        | OUT                      | OUT                      |       |
| 4                  | 4, §153, sub-§9                 | Judicial Divisions (District Court)            | Other            |          | IN w/amdt                | IN w/amdt                |       |
| 5                  | 4, §163, sub-§1                 | Revenue received by court from fines, etc.     | Conflict         | T        | OUT                      | OUT                      |       |
| 6                  | Retroactivity                   | To Section 5                                   |                  |          | OUT                      | OUT                      |       |
| 7                  | 4, §1057-A, sub-§2              | Community Policing Surcharge                   | Conflict         | T        | OUT                      | OUT                      |       |
| 8                  | Retroactivity                   | To Section 7                                   |                  |          | OUT                      | OUT                      |       |
| 9                  | 5, §191                         | Attorney General Duties & Fees                 | Reference, Other | T        | IN w/amdt                | IN w/amdt<br>**chk w AG  |       |
| 10                 | Effective Date                  | To Section 9                                   |                  |          | IN                       | IN                       |       |
| 11                 | 5, §299, first ¶                | Jurisdiction of Capitol Planning Commission    | Reference        | T        | IN                       | IN                       |       |
| 12                 | 5, §12004-I, sub-§38            | Certificate of Need Advisory Committee         | Other            | T        | IN                       | IN                       |       |
| 13                 | 7, §1808, last ¶                | Animal disease control                         | Other            | T        | IN                       | IN                       |       |
| 14*                | 11, §9-1107                     | UCC – Secured Transactions – Letter of Credit  | Reference        | T        | IN                       |                          |       |
| 15                 | 12, §6404-B                     | Sea Urchin License – Suspension                | Reference        | T        | IN w/amdt                | IN w/amdt<br>**chk w DMR |       |
| 16                 | 12, §6431-F, sub-§2, ¶B         | Lobster and crab fishing license               | Reference        | T        | IN                       | IN                       |       |
| 17                 | 12, §6448, sub-§2, ¶¶A<br>and C | Limited entry to lobster zone                  | Reference        | T        | IN                       | IN                       |       |
| 18                 | 12, §6749-X, sub-§3, ¶A         | Sea Urchin Zone Council                        | Reference        | T        | IN                       | IN                       |       |
| 19                 | 12, §7468, sub-§4               | Wild turkey hunting permits                    | Conflict         | T        | IN                       | IN                       |       |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED   | GENERAL SUBJECT                                                      | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------|----------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 20                 | 12, §7901-A, sub-§4, ¶A   | Commercial shooting area license                                     | Reference           | T        | IN                       | IN                       |       |
| 21                 | 12, §7901-A, sub-§6, ¶A   | Penalties for IF&W laws                                              | Conflict            | T        | IN                       | IN                       |       |
| 22                 | 14, c. 710-D              | Owners of buildings on leased land in LURC Territory                 | Conflict            | T        | IN                       | IN                       |       |
| 23                 | 20-A, §4706, sub-§2       | Maine Native American Studies                                        | Conflict, Reference | T        | IN                       | IN w/amdt                |       |
| 24                 | 21-A, §365, first ¶       | Jurisdiction of political committee over filling candidate vacancies | Reference           | T        | IN                       | IN                       |       |
| 25                 | 22, §253, sub-§3          | Certificate of Need/State Health Plan                                | Reference           | T        | IN                       | ?                        |       |
| 26                 | 22, §330, sub-§5          | Assisted living – certificate of need                                | Reference           | T        | In w/amdt                | In w/amdt                |       |
| 27                 | 22, §330, sub-§5-A        | Assisted housing – certificate of need                               | Reference           | T        | IN                       | IN                       |       |
| 28                 | 22, §2061, sub-§2         | Health care facility project – certificate of need                   | Reference           | T        | IN                       | IN                       |       |
| 29                 | 22, §3174-R               | Medicaid drug rebate program                                         | Reference, Other    | T        | IN                       | IN                       |       |
| 30                 | 22, §5118, sub-§4, ¶C     | Coordinated Community Program for the elderly                        | Reference, Other    | T        | IN w/amdt?               | Hold                     |       |
| 31                 | 22, §8103, sub-§1         | Licensed residential care facilities                                 | Conflict            | T        | ?                        | IN                       |       |
| 32                 | 24-A, §2808-B, sub-§1, ¶D | Health Insurance – eligible group                                    | Conflict            | T        | OUT (LD 1507)            | OUT (if LD 1507 passes)  |       |
| 33                 | 24-A, §4203, sub-§1       | HMO's – establishment/CON                                            | Reference           | T        | IN                       | IN                       |       |
| 34                 | 24-A, §4204, sub-§1, ¶A   | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       |       |
| 35                 | 24-A, §4204, sub-§2-A, ¶A | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       |       |
| 36                 | 24-A, §6203, sub-§1, ¶A   | Continuing Care Retirement Community – CON                           | Reference           | T        | IN                       | IN                       |       |
| 37                 | 24-A, §6203, sub-§6       | Continuing Care Retirement Community/CON                             | Reference           | T        | OUT (LD 796)             | OUT (enacted & signed)   |       |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED       | GENERAL SUBJECT                                                                    | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------------|------------------------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 38                 | 24-A, §6226, sub-§1           | Continuing Care Retirement Community/Initial Deposit                               | Other and Reference | T        | IN                       | IN                       |       |
| 39                 | 25, §1550                     | Duty to take and submit fingerprints; penalty                                      | Reference           | T        | IN w/amdt                |                          |       |
| 40                 | 29-A, §101, sub-§64-C         | Definition of "scooter" in motor vehicle law                                       | Conflict            | T        | IN                       |                          |       |
| 41                 | 29-A, §2084, sub-§1           | Equipment for riding bikes and scooters at night                                   | Conflict            | T        | IN                       |                          |       |
| 42                 | 30-A, §2526, sub-§6, ¶G       | Town officials – Board of Assessment Review                                        | Other               | T        | IN                       |                          |       |
| 43                 | 30-A, §2526, sub-§9, ¶A       | Town officials oath; contents of certificate                                       | Conflict            | T        | IN                       |                          |       |
| 44*                | 30-A, §4349-A, sub-§2         | Site selection criteria for State facilities                                       | Conflict            | T        | IN                       |                          |       |
| 45*                | 30-A, c. 205-A                | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                       |                          |       |
| 46*                | 30-A, c. 206                  | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                       |                          |       |
| 47                 | 32, §2102, sub-§2-A           | Rules relating to advanced practice registered nurses prescribing drugs or devices | Other               | T        | HOLD – LD 1506 conflicts |                          |       |
| 48*                | 32, §6214-B, last ¶           | Licensed alcohol and drug counselors                                               | Reference           | T        | OUT (LD 1559)            |                          |       |
| 49*                | 34-A, §1205                   | Statewide correctional program                                                     | Lonely headnote     | T        | IN                       |                          |       |
| 50*                | 36, §6652, sub-§3             | Tax incentive reporting                                                            | Reference           | ?        | OUT                      |                          |       |
| 51*                | 36, §6656                     | Tax incentive reporting                                                            | Reference           | ?        | OUT                      |                          |       |
| 52*                | 37-B, §701, sub-§4            | Emergency preparedness/management<br>- Mutual aid                                  | Conflict            | T        | IN                       |                          |       |
| 53*                | 37-B, §704, 3 <sup>rd</sup> ¶ | Emergency preparedness/management<br>- Director duties                             | Conflict            | T        | IN                       |                          |       |
| 54*                | 37-B, §741                    | Emergency preparedness/management<br>- Governor's powers                           | Conflict            | T        | IN                       |                          |       |
| 55*                | 37-B, §782                    | Emergency preparedness/management<br>- Agency directors                            | Conflict            | T        | IN                       |                          |       |



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| SECTION OF BILL | MRSA/PL/P&SL AMENDED                  | GENERAL SUBJECT                                                              | TYPE OF ERROR           | CATEGORY | RECOMMENDED TREATMENT | COMMITTEE DISPOSITION | FINAL |
|-----------------|---------------------------------------|------------------------------------------------------------------------------|-------------------------|----------|-----------------------|-----------------------|-------|
| 56*             | 37-B, §783, first ¶                   | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | OUT (LD 1513)         |                       |       |
| 57*             | 37-B, §783, last ¶                    | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | IN?                   |                       |       |
| 58*             | 37-B, §784                            | Emergency preparedness/management<br>- Mutual aid arrangements               | Conflict                | T        | IN                    |                       |       |
| 59*             | 37-B, §823, first ¶                   | Emergency preparedness/management<br>- Injuries                              | Conflict                | T?       | IN                    |                       |       |
| 60*             | 37-B, §829, first ¶                   | Emergency preparedness/management<br>- Enforcement                           | Conflict                | T        | IN                    |                       |       |
| 61*             | 37-B, §831                            | Emergency preparedness/management<br>- Use of existing services & facilities | Conflict                | T        | IN                    |                       |       |
| 62*             | 37-B, §832, first ¶                   | Emergency preparedness/management<br>- Political activity                    | Conflict                | T        | IN                    |                       |       |
| 63*             | 38, §420-B, sub-§4, ¶¶C and D         | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     |                       |       |
| 64*             | 38, §420-B, sub-§4, ¶E                | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     |                       |       |
| 65*             | PL 2001, c. 574, §31                  | DHS – State Health Plan                                                      | Erroneous retroactivity | T        | IN                    |                       |       |
| 66*             | PL 2001, c. 646, §§4, 6, 8, 10 and 12 | Retirement service credits                                                   | Too many repeals        |          | In w/amdt<br>(DCE)    |                       |       |
| 67*             | Retroactivity                         | For Section 66                                                               |                         |          | IN                    |                       |       |
| 68*             | PL 2001, c. 688, §4                   | Inventory tax – Internal combustion fuel                                     | Repeal of repealed      | T        | IN                    |                       |       |

## SUPPLEMENTS

|        |             |                                            |          |    |      |      |  |
|--------|-------------|--------------------------------------------|----------|----|------|------|--|
| SUPP-1 | 17-A, §360  | Unauthorized use of property               | Omission | S? | IN?  | IN   |  |
| SUPP-2 | 22, §3741-M | Non-traditional job training and placement | Conflict | T? | IN?  | Hold |  |
| SUPP-3 | 22, §3769-D | Non-traditional job training and placement | Conflict | T? | OUT? | Hold |  |

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED              | GENERAL SUBJECT                   | TYPE OF ERROR            | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|--------------------------------------|-----------------------------------|--------------------------|----------|--------------------------|--------------------------|-------|
| SUPP-4             | 22, §4301, sub-§7                    | TANF                              | Word                     | T?       | IN?                      | IN                       |       |
| SUPP-5             | 25, §2809                            | Me Criminal Justice Academy       | Wrong JSC                | S        | IN?                      | IN                       |       |
| SUPP-6             | 29-A, §1259, sub-§4                  | Driver's license                  | Disjunction/conjunction  | S        | IN?                      | OUT                      |       |
| SUPP-7             | 29-A, §2054, sub-§2, ¶D              | Blue lights                       | Mistaken repeal          | S        | IN?                      | HOLD                     |       |
| SUPP-8             | 29-A, §2054, sub-§2, ¶F,<br>sub-¶(1) | Blue lights                       | Mistaken repeal          | S        | IN?                      | HOLD                     |       |
| SUPP-9             | Effective date                       | For Secs. Supp-7 and Supp-8       |                          | S        | IN?                      | HOLD                     |       |
| SUPP-10            | 30-A, §371-B, sub-§4                 | Sheriffs                          | Effective dates          | ?        | IN?                      | IN                       |       |
| SUPP-11            | 36, §1811, last ¶                    | Tax on car rentals, leases        | Conflict                 | S        | IN?                      | IN                       |       |
| SUPP-12            | Effective date                       | For Sec. Supp-11                  |                          |          | IN?                      | IN                       |       |
| SUPP-13            | 37-B, §781                           | Emergency preparedness/management | Conflict                 | S?       | IN?                      | IN                       |       |
| SUPP-14            | 37-B, §822                           | Emergency preparedness/management | Conflict                 | S?       | hold                     | IN                       |       |
| SUPP-15            | 38, §420, sub-§2, ¶I                 | Pollution control – dioxin        | Cross-reference          | T?       | OUT                      | OUT                      |       |
| SUPP-16            | 5, §17851-A, sub-§2                  | Service Retirement Benefits       | Conflict                 | T        | IN                       |                          |       |
| SUPP-17            | 5, §17851-A, sub-§3, ¶A              | Service Retirement Benefits       | Conflict                 | T        | IN                       |                          |       |
| SUPP-18            | 5, §17851-A, sub-§4, ¶A              | Service Retirement Benefits       | Conflict                 | T        | IN                       |                          |       |
| SUPP-19            | 5, §17851-A, sub-§4, ¶B              | Service Retirement Benefits       | Conflict                 | T        | IN                       |                          |       |
| SUPP-20            | 5, §17851-A, sub§5                   | Service Retirement Benefits       | Conflict                 | T        | IN                       |                          |       |
| SUPP-21            | 12, §6034, sub-§1, first¶            | Commercial Fishing Safety Council | Changed minds            | S        |                          |                          |       |
| Supp-22            | P&S 2001, c. 62, §2                  | Falmouth, Portland boundary       | Incorrect bearings terms | T?       |                          |                          |       |

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED | GENERAL SUBJECT | TYPE OF ERROR | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------|-----------------|---------------|----------|--------------------------|--------------------------|-------|
| Supp-23            | Retroactivity           | To Supp-22      |               |          |                          |                          |       |

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED         | GENERAL SUBJECT                                | TYPE OF ERROR    | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------------|------------------------------------------------|------------------|----------|--------------------------|--------------------------|-------|
| 1                  | 2, §6, sub-§7                   | Salaries subject to adjustment by the Governor | Other            | T        | IN                       | IN                       |       |
| 2                  | 4, §116, first ¶                | Revenue received by court from fines, etc      | Conflict         | T        | OUT                      | OUT                      |       |
| 3                  | Retroactivity                   | To Section 2                                   |                  | T        | OUT                      | OUT                      |       |
| 4                  | 4, §153, sub-§9                 | Judicial Divisions (District Court)            | Other            |          | IN w/amdt                | IN w/amdt                |       |
| 5                  | 4, §163, sub-§1                 | Revenue received by court from fines, etc.     | Conflict         | T        | OUT                      | OUT                      |       |
| 6                  | Retroactivity                   | To Section 5                                   |                  |          | OUT                      | OUT                      |       |
| 7                  | 4, §1057-A, sub-§2              | Community Policing Surcharge                   | Conflict         | T        | OUT                      | OUT                      |       |
| 8                  | Retroactivity                   | To Section 7                                   |                  |          | OUT                      | OUT                      |       |
| 9                  | 5, §191                         | Attorney General Duties & Fees                 | Reference, Other | T        | IN w/amdt                | IN w/amdt<br>**chk w AG  |       |
| 10                 | Effective Date                  | To Section 9                                   |                  |          | IN                       | IN                       |       |
| 11                 | 5, §299, first ¶                | Jurisdiction of Capitol Planning Commission    | Reference        | T        | IN                       | IN                       |       |
| 12                 | 5, §12004-I, sub-§38            | Certificate of Need Advisory Committee         | Other            | T        | IN                       | IN                       |       |
| 13                 | 7, §1808, last ¶                | Animal disease control                         | Other            | T        | IN                       | IN                       |       |
| 14*                | 11, §9-1107                     | UCC – Secured Transactions – Letter of Credit  | Reference        | T        | IN                       | IN                       |       |
| 15                 | 12, §6404-B                     | Sea Urchin License – Suspension                | Reference        | T        | IN w/amdt                | IN w/amdt<br>**chk w DMR |       |
| 16                 | 12, §6431-F, sub-§2, ¶B         | Lobster and crab fishing license               | Reference        | T        | IN                       | IN                       |       |
| 17                 | 12, §6448, sub-§2, ¶¶A<br>and C | Limited entry to lobster zone                  | Reference        | T        | IN                       | IN                       |       |
| 18                 | 12, §6749-X, sub-§3, ¶A         | Sea Urchin Zone Council                        | Reference        | T        | IN                       | IN                       |       |
| 19                 | 12, §7468, sub-§4               | Wild turkey hunting permits                    | Conflict         | T        | IN                       | IN                       |       |

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED   | GENERAL SUBJECT                                                      | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------|----------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 20                 | 12, §7901-A, sub-§4, ¶A   | Commercial shooting area license                                     | Reference           | T        | IN                       | IN                       |       |
| 21                 | 12, §7901-A, sub-§6, ¶A   | Penalties for IF&W laws                                              | Conflict            | T        | IN                       | IN                       |       |
| 22                 | 14, c. 710-D              | Owners of buildings on leased land in LURC Territory                 | Conflict            | T        | IN                       | IN                       |       |
| 23                 | 20-A, §4706, sub-§2       | Maine Native American Studies                                        | Conflict, Reference | T        | IN                       | IN w/amdt                |       |
| 24                 | 21-A, §365, first ¶       | Jurisdiction of political committee over filling candidate vacancies | Reference           | T        | IN                       | IN                       |       |
| 25                 | 22, §253, sub-§3          | Certificate of Need/State Health Plan                                | Reference           | T        | IN                       |                          |       |
| 26                 | 22, §330, sub-§5          | Assisted living – certificate of need                                | Reference           | T        | In w/amdt                | In w/amdt                |       |
| 27                 | 22, §330, sub-§5-A        | Assisted housing – certificate of need                               | Reference           | T        | IN                       | IN                       |       |
| 28                 | 22, §2061, sub-§2         | Health care facility project – certificate of need                   | Reference           | T        | IN                       | IN                       |       |
| 29                 | 22, §3174-R               | Medicaid drug rebate program                                         | Reference, Other    | T        | IN                       | IN                       |       |
| 30                 | 22, §5118, sub-§4, ¶C     | Coordinated Community Program for the elderly                        | Reference, Other    | T        | IN w/amdt?               | Hold                     |       |
| 31                 | 22, §8103, sub-§1         | Licensed residential care facilities                                 | Conflict            | T        | ?                        | IN                       |       |
| 32                 | 24-A, §2808-B, sub-§1, ¶D | Health Insurance – eligible group                                    | Conflict            | T        | OUT (LD 1507)            | OUT (if LD 1507 passes)  |       |
| 33                 | 24-A, §4203, sub-§1       | HMO's – establishment/CON                                            | Reference           | T        | IN                       | IN                       |       |
| 34                 | 24-A, §4204, sub-§1, ¶A   | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       |       |
| 35                 | 24-A, §4204, sub-§2-A, ¶A | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       |       |
| 36                 | 24-A, §6203, sub-§1, ¶A   | Continuing Care Retirement Community – CON                           | Reference           | T        | IN                       | IN                       |       |
| 37                 | 24-A, §6203, sub-§6       | Continuing Care Retirement Community/CON                             | Reference           | T        | OUT (LD 796)             | OUT (enacted & signed))  |       |

# SUMMARY CHARTS: Errors Bill, 121st First Regular Session

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED       | GENERAL SUBJECT                                                                    | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------------|------------------------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 38                 | 24-A, §6226, sub-§1           | Continuing Care Retirement Community/Initial Deposit                               | Other and Reference | T        | IN                       | IN                       |       |
| 39                 | 25, §1550                     | Duty to take and submit fingerprints; penalty                                      | Reference           | T        | IN w/amdt                | IN w/amdt                |       |
| 40                 | 29-A, §101, sub-§64-C         | Definition of "scooter" in motor vehicle law                                       | Conflict            | T        | IN                       | IN                       |       |
| 41                 | 29-A, §2084, sub-§1           | Equipment for riding bikes and scooters at night                                   | Conflict            | T        | IN                       | IN                       |       |
| 42                 | 30-A, §2526, sub-§6, ¶G       | Town officials – Board of Assessment Review                                        | Other               | T        | IN                       | IN                       |       |
| 43                 | 30-A, §2526, sub-§9, ¶A       | Town officials oath; contents of certificate                                       | Conflict            | T        | IN                       | IN                       |       |
| 44*                | 30-A, §4349-A, sub-§2         | Site selection criteria for State facilities                                       | Conflict            | T        | IN                       | IN                       |       |
| 45*                | 30-A, c. 205-A                | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                       | IN                       |       |
| 46*                | 30-A, c. 206                  | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                       | IN                       |       |
| 47                 | 32, §2102, sub-§2-A           | Rules relating to advanced practice registered nurses prescribing drugs or devices | Other               | T        | HOLD – LD 1506 conflicts |                          |       |
| 48*                | 32, §6214-B, last ¶           | Licensed alcohol and drug counselors                                               | Reference           | T        | OUT (LD 1559)            | OUT                      |       |
| 49*                | 34-A, §1205                   | Statewide correctional program                                                     | Lonely headnote     | T        | IN                       | IN                       |       |
| 50*                | 36, §6652, sub-§3             | Tax incentive reporting                                                            | Reference           | ?        | OUT                      | OUT                      |       |
| 51*                | 36, §6656                     | Tax incentive reporting                                                            | Reference           | ?        | OUT                      | OUT                      |       |
| 52*                | 37-B, §701, sub-§4            | Emergency preparedness/management<br>- Mutual aid                                  | Conflict            | T        | IN                       | IN                       |       |
| 53*                | 37-B, §704, 3 <sup>rd</sup> ¶ | Emergency preparedness/management<br>- Director duties                             | Conflict            | T        | IN                       | IN                       |       |
| 54*                | 37-B, §741                    | Emergency preparedness/management<br>- Governor's powers                           | Conflict            | T        | IN                       | IN                       |       |
| 55*                | 37-B, §782                    | Emergency preparedness/management<br>- Agency directors                            | Conflict            | T        | IN                       | IN                       |       |

# SUMMARY CHARTS: Errors Bill, 121st First Regular Session

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| SECTION OF BILL | MRSA/PL/P&SL AMENDED                  | GENERAL SUBJECT                                                              | TYPE OF ERROR           | CATEGORY | RECOMMENDED TREATMENT | COMMITTEE DISPOSITION | FINAL |
|-----------------|---------------------------------------|------------------------------------------------------------------------------|-------------------------|----------|-----------------------|-----------------------|-------|
| 56*             | 37-B, §783, first ¶                   | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | OUT (LD 1513)         | OUT                   |       |
| 57*             | 37-B, §783, last ¶                    | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | IN?                   | IN                    |       |
| 58*             | 37-B, §784                            | Emergency preparedness/management<br>- Mutual aid arrangements               | Conflict                | T        | IN                    | IN                    |       |
| 59*             | 37-B, §823, first ¶                   | Emergency preparedness/management<br>- Injuries                              | Conflict                | T?       | IN                    | IN                    |       |
| 60*             | 37-B, §829, first ¶                   | Emergency preparedness/management<br>- Enforcement                           | Conflict                | T        | IN                    | IN                    |       |
| 61*             | 37-B, §831                            | Emergency preparedness/management<br>- Use of existing services & facilities | Conflict                | T        | IN                    | IN                    |       |
| 62*             | 37-B, §832, first ¶                   | Emergency preparedness/management<br>- Political activity                    | Conflict                | T        | IN                    | IN                    |       |
| 63*             | 38, §420-B, sub-§4, ¶¶C and D         | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     | OUT                   |       |
| 64*             | 38, §420-B, sub-§4, ¶E                | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)     | OUT                   |       |
| 65*             | PL 2001, c. 574, §31                  | DHS – State Health Plan                                                      | Erroneous retroactivity | T        | IN                    | IN                    |       |
| 66*             | PL 2001, c. 646, §§4, 6, 8, 10 and 12 | Retirement service credits                                                   | Too many repeals        |          | In w/amdt<br>(DCE)    | IN (see Supp 16-20A)  |       |
| 67*             | Retroactivity                         | For Section 66                                                               |                         |          | IN                    | IN (see Supp 16-20A)  |       |
| 68*             | PL 2001, c. 688, §4                   | Inventory tax – Internal combustion fuel                                     | Repeal of repealed      | T        | IN                    | IN                    |       |

## SUPPLEMENTS

|        |             |                                            |          |    |      |     |  |
|--------|-------------|--------------------------------------------|----------|----|------|-----|--|
| SUPP-1 | 17-A, §360  | Unauthorized use of property               | Omission | S? | IN?  | IN  |  |
| SUPP-2 | 22, §3741-M | Non-traditional job training and placement | Conflict | T? | IN?  | OUT |  |
| SUPP-3 | 22, §3769-D | Non-traditional job training and placement | Conflict | T? | OUT? | OUT |  |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

**Updated 5/21/03 3:52 PM**

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED              | GENERAL SUBJECT                   | TYPE OF ERROR            | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|--------------------------------------|-----------------------------------|--------------------------|----------|--------------------------|--------------------------|-------|
| SUPP-4             | 22, §4301, sub-§7                    | TANF                              | Word                     | T?       | IN?                      | IN                       |       |
| SUPP-5             | 25, §2809                            | Me Criminal Justice Academy       | Wrong JSC                | S        | IN?                      | IN                       |       |
| SUPP-6             | 29-A, §1259, sub-§4                  | Driver's license                  | Disjunction/conjunction  | S        | IN?                      | OUT                      |       |
| SUPP-7             | 29-A, §2054, sub-§2, ¶D              | Blue lights                       | Mistaken repeal          | S        | IN?                      | New draft                |       |
| SUPP-8             | 29-A, §2054, sub-§2, ¶F,<br>sub-¶(1) | Blue lights                       | Mistaken repeal          | S        | IN?                      | New draft                |       |
| SUPP-9             | Effective date                       | For Secs. Supp-7 and Supp-8       |                          | S        | IN?                      | New draft                |       |
| SUPP-10            | 30-A, §371-B, sub-§4                 | Sheriffs                          | Effective dates          | ?        | IN?                      | IN                       |       |
| SUPP-11            | 36, §1811, last ¶                    | Tax on car rentals, leases        | Conflict                 | S        | IN?                      | IN                       |       |
| SUPP-12            | Effective date                       | For Sec. Supp-11                  |                          |          | IN?                      | IN                       |       |
| SUPP-13            | 37-B, §781                           | Emergency preparedness/management | Conflict                 | S?       | IN?                      | IN                       |       |
| SUPP-14            | 37-B, §822                           | Emergency preparedness/management | Conflict                 | S?       | hold                     | IN                       |       |
| SUPP-15            | 38, §420, sub-§2, ¶I                 | Pollution control – dioxin        | Cross-reference          | T?       | OUT                      | OUT                      |       |
| SUPP-16            | 5, §17851-A, sub-§2                  | Service Retirement Benefits       | Conflict                 | T        | IN                       | IN +                     |       |
| SUPP-17            | 5, §17851-A, sub-§3, ¶A              | Service Retirement Benefits       | Conflict                 | T        | IN                       | IN +                     |       |
| SUPP-18            | 5, §17851-A, sub-§4, ¶A              | Service Retirement Benefits       | Conflict                 | T        | IN                       | IN +                     |       |
| SUPP-19            | 5, §17851-A, sub-§4, ¶B              | Service Retirement Benefits       | Conflict                 | T        | IN                       | IN +                     |       |
| SUPP-20            | 5, §17851-A, sub§5                   | Service Retirement Benefits       | Conflict                 | T        | IN                       | IN +                     |       |
| SUPP-21            | 12, §6034, sub-§1, first¶            | Commercial Fishing Safety Council | Changed minds            | S        |                          | IN                       |       |
| Supp-22            | P&S 2001, c. 62, §2                  | Falmouth, Portland boundary       | Incorrect bearings terms | T?       |                          | IN                       |       |



**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED | GENERAL SUBJECT | TYPE OF ERROR | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------|-----------------|---------------|----------|--------------------------|--------------------------|-------|
| Supp-23            | Retroactivity           | To Supp-22      |               |          |                          | IN                       |       |

green

## SUMMARY CHARTS: Errors Bill, 121st First Regular Session

SUBJECT TO REVIEW BY  
JUDICIARY COMMITTEE

Updated 5/28/03 11:59 AM

| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED         | GENERAL SUBJECT                                | TYPE OF ERROR    | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------------|------------------------------------------------|------------------|----------|--------------------------|--------------------------|-------|
| 1                  | 2, §6, sub-§7                   | Salaries subject to adjustment by the Governor | Other            | T        | IN                       | IN                       | A     |
| 2                  | 4, §116, first ¶                | Revenue received by court from fines, etc      | Conflict         | T        | OUT                      | OUT                      | X     |
| 3                  | Retroactivity                   | To Section 2                                   |                  | T        | OUT                      | OUT                      | X     |
| 4                  | 4, §153, sub-§9                 | Judicial Divisions (District Court)            | Other            |          | IN w/amdt                | IN w/amdt                | B-1   |
| 5                  | 4, §163, sub-§1                 | Revenue received by court from fines, etc.     | Conflict         | T        | OUT                      | OUT                      | X     |
| 6                  | Retroactivity                   | To Section 5                                   |                  |          | OUT                      | OUT                      | X     |
| 7                  | 4, §1057-A, sub-§2              | Community Policing Surcharge                   | Conflict         | T        | OUT                      | OUT                      | X     |
| 8                  | Retroactivity                   | To Section 7                                   |                  |          | OUT                      | OUT                      | X     |
| 9                  | 5, §191                         | Attorney General Duties & Fees                 | Reference, Other | T        | IN w/amdt                | IN w/amdt<br>**chk w AG  | B-2   |
| 10                 | Effective Date                  | To Section 9                                   |                  |          | IN                       | IN                       | B-3   |
| 11                 | 5, §299, first ¶                | Jurisdiction of Capitol Planning Commission    | Reference        | T        | IN                       | IN                       | A     |
| 12                 | 5, §12004-I, sub-§38            | Certificate of Need Advisory Committee         | Other            | T        | IN                       | IN                       | A     |
| 13                 | 7, §1808, last ¶                | Animal disease control                         | Other            | T        | IN                       | IN                       | A     |
| 14*                | 11, §9-1107                     | UCC – Secured Transactions – Letter of Credit  | Reference        | T        | IN                       | IN                       | A     |
| 15                 | 12, §6404-B                     | Sea Urchin License – Suspension                | Reference        | T        | IN w/amdt                | IN w/amdt<br>**chk w DMR | B-4   |
| 16                 | 12, §6431-F, sub-§2, ¶B         | Lobster and crab fishing license               | Reference        | T        | IN                       | IN                       | A     |
| 17                 | 12, §6448, sub-§2, ¶¶A<br>and C | Limited entry to lobster zone                  | Reference        | T        | IN                       | IN                       | A     |
| 18                 | 12, §6749-X, sub-§3, ¶A         | Sea Urchin Zone Council                        | Reference        | T        | IN                       | IN                       | A     |
| 19                 | 12, §7468, sub-§4               | Wild turkey hunting permits                    | Conflict         | T        | IN                       | IN                       | A     |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED   | GENERAL SUBJECT                                                      | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|---------------------------|----------------------------------------------------------------------|---------------------|----------|--------------------------|--------------------------|-------|
| 20                 | 12, §7901-A, sub-§4, ¶A   | Commercial shooting area license                                     | Reference           | T        | IN                       | IN                       | A     |
| 21                 | 12, §7901-A, sub-§6, ¶A   | Penalties for IF&W laws                                              | Conflict            | T        | IN                       | IN                       | A     |
| 22                 | 14, c. 710-D              | Owners of buildings on leased land in LURC Territory                 | Conflict            | T        | IN                       | IN                       | A     |
| 23                 | 20-A, §4706, sub-§2       | Maine Native American Studies                                        | Conflict, Reference | T        | IN                       | IN w/amdt                | B-5   |
| 24                 | 21-A, §365, first ¶       | Jurisdiction of political committee over filling candidate vacancies | Reference           | T        | IN                       | IN                       | A     |
| 25                 | 22, §253, sub-§3          | Certificate of Need/State Health Plan                                | Reference           | T        | IN                       |                          | A     |
| 26                 | 22, §330, sub-§5          | Assisted living – certificate of need                                | Reference           | T        | In w/amdt                | In w/amdt                | B-6   |
| 27                 | 22, §330, sub-§5-A        | Assisted housing – certificate of need                               | Reference           | T        | IN                       | IN                       | A     |
| 28                 | 22, §2061, sub-§2         | Health care facility project – certificate of need                   | Reference           | T        | IN                       | IN                       | A     |
| 29                 | 22, §3174-R               | Medicaid drug rebate program                                         | Reference, Other    | T        | IN                       | IN                       | A     |
| 30                 | 22, §5118, sub-§4, ¶C     | Coordinated Community Program for the elderly                        | Reference, Other    | T        | IN w/amdt?               | Hold                     | B-7   |
| 31                 | 22, §8103, sub-§1         | Licensed residential care facilities                                 | Conflict            | T        | ?                        | IN                       | A     |
| 32                 | 24-A, §2808-B, sub-§1, ¶D | Health Insurance – eligible group                                    | Conflict            | T        | OUT (LD 1507)            | OUT (if LD 1507 passes)  | X     |
| 33                 | 24-A, §4203, sub-§1       | HMO's – establishment/CON                                            | Reference           | T        | IN                       | IN                       | A     |
| 34                 | 24-A, §4204, sub-§1, ¶A   | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       | A     |
| 35                 | 24-A, §4204, sub-§2-A, ¶A | HMO's – certificate of authority                                     | Reference           | T        | IN                       | IN                       | A     |
| 36                 | 24-A, §6203, sub-§1, ¶A   | Continuing Care Retirement Community – CON                           | Reference           | T        | IN                       | IN                       | A     |
| 37                 | 24-A, §6203, sub-§6       | Continuing Care Retirement Community/CON                             | Reference           | T        | OUT (LD 796)             | OUT (enacted & signed))  | X     |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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| SECTION<br>OF BILL | MRSA/PL/P&SL<br>AMENDED       | GENERAL SUBJECT                                                                    | TYPE OF ERROR       | CATEGORY | RECOMMENDED<br>TREATMENT    | COMMITTEE<br>DISPOSITION | FINAL |
|--------------------|-------------------------------|------------------------------------------------------------------------------------|---------------------|----------|-----------------------------|--------------------------|-------|
| 38                 | 24-A, §6226, sub-§1           | Continuing Care Retirement Community/Initial Deposit                               | Other and Reference | T        | IN                          | IN                       | A     |
| 39                 | 25, §1550                     | Duty to take and submit fingerprints; penalty                                      | Reference           | T        | IN w/amdt                   | IN w/amdt                | B-8   |
| 40                 | 29-A, §101, sub-§64-C         | Definition of "scooter" in motor vehicle law                                       | Conflict            | T        | IN                          | IN                       | A     |
| 41                 | 29-A, §2084, sub-§1           | Equipment for riding bikes and scooters at night                                   | Conflict            | T        | IN                          | IN                       | A     |
| 42                 | 30-A, §2526, sub-§6, ¶G       | Town officials – Board of Assessment Review                                        | Other               | T        | IN                          | IN                       | A     |
| 43                 | 30-A, §2526, sub-§9, ¶A       | Town officials oath; contents of certificate                                       | Conflict            | T        | IN                          | IN                       | A     |
| 44*                | 30-A, §4349-A, sub-§2         | Site selection criteria for State facilities                                       | Conflict            | T        | IN                          | IN                       | A     |
| 45*                | 30-A, c. 205-A                | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                          | IN                       | A     |
| 46*                | 30-A, c. 206                  | Municipal Capital Improvement Districts                                            | Conflict            | T        | IN                          | IN                       | A     |
| 47                 | 32, §2102, sub-§2-A           | Rules relating to advanced practice registered nurses prescribing drugs or devices | Other               | T        | HOLD – LD 1506<br>conflicts |                          | B-9   |
| 48*                | 32, §6214-B, last ¶           | Licensed alcohol and drug counselors                                               | Reference           | T        | OUT (LD 1559)               | OUT                      | X     |
| 49*                | 34-A, §1205                   | Statewide correctional program                                                     | Lonely headnote     | T        | IN                          | IN                       | A     |
| 50*                | 36, §6652, sub-§3             | Tax incentive reporting                                                            | Reference           | ?        | OUT                         | OUT                      | X     |
| 51*                | 36, §6656                     | Tax incentive reporting                                                            | Reference           | ?        | OUT                         | OUT                      | X     |
| 52*                | 37-B, §701, sub-§4            | Emergency preparedness/management<br>- Mutual aid                                  | Conflict            | T        | IN                          | IN                       | A     |
| 53*                | 37-B, §704, 3 <sup>rd</sup> ¶ | Emergency preparedness/management<br>- Director duties                             | Conflict            | T        | IN                          | IN                       | A     |
| 54*                | 37-B, §741                    | Emergency preparedness/management<br>- Governor's powers                           | Conflict            | T        | IN                          | IN                       | A     |
| 55*                | 37-B, §782                    | Emergency preparedness/management<br>- Agency directors                            | Conflict            | T        | IN                          | IN                       | A     |

**SUMMARY CHARTS: Errors Bill, 121st First Regular Session**

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|--------------------|------------------------------------------|------------------------------------------------------------------------------|-------------------------|----------|--------------------------|--------------------------|-------|
| 56*                | 37-B, §783, first ¶                      | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | OUT (LD 1513)            | OUT                      | X     |
| 57*                | 37-B, §783, last ¶                       | Emergency preparedness/management<br>- Disaster Emergency Plan               | Conflict                | T        | IN?                      | IN                       | A     |
| 58*                | 37-B, §784                               | Emergency preparedness/management<br>- Mutual aid arrangements               | Conflict                | T        | IN                       | IN                       | A     |
| 59*                | 37-B, §823, first ¶                      | Emergency preparedness/management<br>- Injuries                              | Conflict                | T?       | IN                       | IN                       | A     |
| 60*                | 37-B, §829, first ¶                      | Emergency preparedness/management<br>- Enforcement                           | Conflict                | T        | IN                       | IN                       | A     |
| 61*                | 37-B, §831                               | Emergency preparedness/management<br>- Use of existing services & facilities | Conflict                | T        | IN                       | IN                       | A     |
| 62*                | 37-B, §832, first ¶                      | Emergency preparedness/management<br>- Political activity                    | Conflict                | T        | IN                       | IN                       | A     |
| 63*                | 38, §420-B, sub-§4, ¶¶C<br>and D         | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)        | OUT                      | X     |
| 64*                | 38, §420-B, sub-§4, ¶E                   | Pollutant monitoring                                                         | Reference               | T/S      | OUT<br>(not necy)        | OUT                      | X     |
| 65*                | PL 2001, c. 574, §31                     | DHS – State Health Plan                                                      | Erroneous retroactivity | T        | IN                       | IN                       | A     |
| 66*                | PL 2001, c. 646, §§4, 6, 8,<br>10 and 12 | Retirement service credits                                                   | Too many repeals        |          | In w/amdt<br>(DCE)       | IN (see Supp<br>16-20A)  | D-6   |
| 67*                | Retroactivity                            | For Section 66                                                               |                         |          | IN                       | IN (see Supp<br>16-20A)  | D-7   |
| 68*                | PL 2001, c. 688, §4                      | Inventory tax – Internal combustion fuel                                     | Repeal of repealed      | T        | IN                       | IN                       | A     |

**SUPPLEMENTS**

|        |             |                                            |          |    |      |     |     |
|--------|-------------|--------------------------------------------|----------|----|------|-----|-----|
| SUPP-1 | 17-A, §360  | Unauthorized use of property               | Omission | S? | IN?  | IN  | C-4 |
| SUPP-2 | 22, §3741-M | Non-traditional job training and placement | Conflict | T? | IN?  | OUT | X   |
| SUPP-3 | 22, §3769-D | Non-traditional job training and placement | Conflict | T? | OUT? | OUT | X   |

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|--------------------|--------------------------------------|-----------------------------------|-------------------------|----------|--------------------------|--------------------------|-------|
| SUPP-4             | 22, §4301, sub-§7                    | TANF                              | Word                    | T?       | IN?                      | IN                       | C-6   |
| SUPP-5             | 25, §2809                            | Me Criminal Justice Academy       | Wrong JSC               | S        | IN?                      | IN                       | C-7   |
| SUPP-6             | 29-A, §1259, sub-§4                  | Driver's license                  | Disjunction/conjunction | S        | IN?                      | OUT                      | X     |
| SUPP-7             | 29-A, §2054, sub-§2, ¶D              | Blue lights                       | Mistaken repeal         | S        | IN?                      | New draft                | C-8   |
| SUPP-8             | 29-A, §2054, sub-§2, ¶F,<br>sub-¶(1) | Blue lights                       | Mistaken repeal         | S        | IN?                      | New draft                | C-9   |
| SUPP-9             | Effective date                       | For Secs. Supp-7 and Supp-8       |                         | S        | IN?                      | New draft                | C-10  |
| SUPP-10            | 30-A, §371-B, sub-§4                 | Sheriffs                          | Effective dates         | ?        | IN?                      | IN                       | C-11  |
| SUPP-11            | 36, §1811, last ¶                    | Tax on car rentals, leases        | Conflict                | S        | IN?                      | IN                       | C-12  |
| SUPP-12            | Effective date                       | For Sec. Supp-11                  |                         |          | IN?                      | IN                       | C-13  |
| SUPP-13            | 37-B, §781                           | Emergency preparedness/management | Conflict                | S?       | IN?                      | IN                       | C-14  |
| SUPP-14            | 37-B, §822                           | Emergency preparedness/management | Conflict                | S?       | hold                     | IN                       | C-15  |
| SUPP-15            | 38, §420, sub-§2, ¶I                 | Pollution control – dioxin        | Cross-reference         | T?       | OUT                      | OUT                      | X     |
| SUPP-16            | 5, §17851-A, sub-§2                  | Service Retirement Benefits       | Conflict                | T        | IN                       | IN +                     | D-1   |
| SUPP-17            | 5, §17851-A, sub-§3, ¶A              | Service Retirement Benefits       | Conflict                | T        | IN                       | IN +                     | D-2   |
| SUPP-18            | 5, §17851-A, sub-§4, ¶A              | Service Retirement Benefits       | Conflict                | T        | IN                       | IN +                     | D-3   |
| SUPP-19            | 5, §17851-A, sub-§4, ¶B              | Service Retirement Benefits       | Conflict                | T        | IN                       | IN +                     | D-4   |
| SUPP-20            | 5, §17851-A, sub§5                   | Service Retirement Benefits       | Conflict                | T        | IN                       | IN +                     | D-5   |
| SUPP-20A           | Part D                               | Contingency                       |                         | T        | IN                       | IN                       | D-8   |
| SUPP-21            | 12, §6034, sub-§1, first¶            | Commercial Fishing Safety Council | Changed minds           | S        |                          | IN                       | C-3   |

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|--------------------|-------------------------|-----------------------------|--------------------------|----------|--------------------------|--------------------------|-------|
| Supp-22            | P&S 2001, c. 62, §2     | Falmouth, Portland boundary | Incorrect bearings terms | T?       |                          | IN                       | C-16  |
| Supp-23            | Retroactivity           | To Supp-22                  |                          |          |                          | IN                       | C-17  |
| Supp-24            | 11, §9-1207, sub-§(4)   | UCC, Article 9              | Format                   | T?       | IN                       |                          | C-1   |
| Supp-25            | 11, §9-1207, sub-§(5)   | UCC, Article 9              | Format                   | T?       | IN                       |                          | C-2   |

APPROVED

MAR 27 '03

BY GOVERNOR

CHAPTER

20

PUBLIC LAW

Re: Errors Bill Sections  
2, 3, 5, 6, 7, 8

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

PART A

**Sec. A-1. Appropriations and allocations.** In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2004 and June 30, 2005, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

**Sec. A-2. Allotments required.** Upon receipt of allotments duly approved by the Governor based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures of these funds, together with expenditures for other purposes necessary to the conduct of State Government, on the basis of these allotments and not otherwise. Allotments for Personal Services and Capital Expenditures and amounts for All Other departmental expenses may not exceed the amounts shown in the budget document or as they may be revised by the joint standing committee of the Legislature having jurisdiction over these appropriations and allocations, unless recommended by the State Budget Officer and approval of the Governor in accordance with established law.

**Sec. A-3. Personal Services funding.** The amounts provided for Personal Services in appropriated and allocated programs are subject to the provision that the total number of positions and the costs thereof in any program may not, during any fiscal year, vary either from the positions included in computing the total dollars appropriated or allocated for Personal Services or in the specific cost of each position upon which the appropriations and allocations are based. The State Budget Officer shall take the action necessary to ensure compliance with this section except as provided for in this section and section 6 in this Part.

An appointing authority shall comply with the Civil Service Laws, rules and regulations and collective bargaining agreements pertaining to the hiring, promoting, demoting and bumping of state employees. The Legislature shall act upon any recommendation for additional appropriations or allocations in order to fund additional requirements created by complying with this paragraph.

Except as indicated below, savings accruing from unused funding of employee benefits may not be used to increase services provided by employees. Except as indicated below, accrued salary savings generated from vacant positions within an appropriation or allocation for Personal Services may be used for the payment

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

H.P. 973 - L.D. 1319

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005**

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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,

← OVER



Tourism, Economic and Community Development" or "department," as appropriate, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## PART R

Replaces  
EB  
sec.  
2+3

Sec. R-1. 4 MRSA §116, first ¶, as amended by PL 2001, c. 617, §1 and c. 698, §1 and affected by §7, is repealed and the following enacted in its place:

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under section 1057; Title 7, section 3910-A; Title 12, sections 3055 and 4508; Title 17, section 1015; Title 23, section 1653; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

Sec. R-2. 4 MRSA §163, sub-§1, as amended by PL 2001, c. 617, §2 and c. 698, §2 and affected by §7, is repealed and the following enacted in its place:

Replaces  
EB  
sec.  
5+6

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section 2411, subsection 7; and Title 34-A, section 1210-A, subsection 9. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost-effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. R-3. 4 MRSA §1057, sub-§2-A, as amended by PL 1997, c. 395, Pt. O, §1, is further amended to read:

2-A. **Surcharge imposed.** A surcharge of 12% 14% must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge must be deposited monthly in the Government Operations Surcharge Fund. ~~One-sixth~~ Two-sevenths of the surcharge collected must be paid to the Maine Criminal Justice Academy to supplement current funds for training and recertification of part-time and full-time law enforcement officers. ~~This subsection takes effect January 1, 2001 or when the funding for the operation of the Judicial Department's computer system lapses, whichever occurs first.~~

See  
EB  
sec.  
7+8

Sec. R-4. 4 MRSA §1057-A, as amended by PL 2001, c. 698, §3 and affected by §7, is repealed.

Sec. R-5. 5 MRSA §948, sub-§1, ¶B, as enacted by PL 1983, c. 729, §4, is repealed.

Sec. R-6. 5 MRSA §948, sub-§1, ¶F, as amended by PL 2001, c. 559, Pt. EE, §1, is repealed.

Sec. R-7. 22 MRSA §1555-B, sub-§9, as enacted by PL 1997, c. 305, §5, is amended to read:

9. Distribution of fines. Fines and forfeitures collected pursuant to subchapter 1 and this subchapter must be credited as follows: one half to the General Fund and 1/2 to be deposited in a nonlapsing account to be paid to law enforcement agencies of the Maine Criminal Justice Academy for the purpose of providing funds for training and recertification of part-time and full-time law enforcement officers.

Sec. R-8. 25 MRSA §1541, sub-§6, as amended by PL 2001, c. 552, §1, is further amended to read:

6. Establishment of fees. The State Bureau of Identification may charge a fee to nongovernmental organizations individuals, governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for each criminal history record check requested for noncriminal justice purposes pursuant to Title 16, chapter 3, subchapter VIII. The requestor shall provide a name and date of birth for each record being requested. A request

made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. Revenues generated from these fees must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted allotments and allocations.

Sec. R-9. 34-A MRSA §1210-A, sub-§9, as enacted by PL 2001, c. 698, §5 and affected by §7, is amended to read:

9. **Surcharges imposed.** In addition to the 12% 14% surcharge collected pursuant to Title 4, section 1057 and the 2% surcharge collected pursuant to Title 4, section 1057-A, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. Except as provided in subsection 10, all funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the department. Except as provided in subsection 10, all funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 4. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

EB  
Sec.  
3rb  
Sec. R-10. **Retroactivity.** Those sections of this Part that repeal and replace the Maine Revised Statutes, Title 4, section 116, first paragraph and section 163, subsection 1 apply retroactively to August 1, 2002.

#### PART S

Sec. S-1. **Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$95,869 in fiscal year 2003-04 and \$53,834 in fiscal year 2004-05 in savings from the Bureau of Elections and Commissions, Administrative Services and Corporations, Other Special Revenue Funds account in

the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005.

Sec. S-2. **Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$10,000 in fiscal year 2003-04 and \$10,000 in fiscal year 2004-05 in savings from the Archives, Other Special Revenue Funds account in the Department of the Secretary of State to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005.

#### PART T

Sec. T-1. 4 MRSA §8-A, as enacted by PL 1981, c. 241, is amended by amending the headnote to read:

§8-A. **Rules on courts records and unclaimed property**

Sec. T-2. 4 MRSA §8-A, sub-§2, as enacted by PL 1981, c. 241, is amended to read:

2. **Unclaimed property.** To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as abandoned unclaimed property in the manner provided by Title 33, sections 1357 1958 and 1358 1959 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation.

Sec. T-3. 5 MRSA §135, as amended by PL 1999, c. 401, Pt. HHH, §1, is further amended to read:

§135. **Deposit of state funds; limitations**

The Treasurer of State may deposit the money, including trust funds of the State, in any of the national bank or in any banking institutions or institution, trust companies or company, state or federal savings and loan associations association or mutual savings banks bank organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located in the State, having a location in the State except as provided in chapter 161. Before making a deposit, the Treasurer of State must consider the rating of the banking institution, trust company, state or federal savings and loan association or mutual savings bank on its most recent assessment conducted pursuant to the federal Community Reinvestment Act, 12 United States Code, Section 2901. When there is excess money in the State Treasury that is not needed to meet current obligations, the Treasurer of State may invest, with

|             |            |
|-------------|------------|
| APPROVED    | CHAPTER    |
| MAY 16 '03  | 204        |
| BY GOVERNOR | PUBLIC LAW |

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THREE

H.P. 1099 - L.D. 1506

An Act To Make Technical Changes to Statutes Regarding  
Regulatory Boards and Registrations

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

PART A

Sec. A-1. 9 MRSA §5010, as amended by PL 1981, c. 456, Pt. A, §36, is further amended to read:

§5010. Annual report by commissioner

The commissioner shall annually, prior to ~~February~~ December 1st, make a report to the Governor and the Legislature on the activities of charitable organizations within this State, based on the information filed under this chapter.

PART B

Sec. B-1. 10 MRSA §8003, sub-§5, ¶C, as amended by PL 1999, c. 386, Pt. B, §4, is further amended to read:

C. The bureau, office, board or commission may:

- (1) Require all applicants for license or registration renewal to have responded under oath to all inquiries set forth on renewal forms;

Amendment to UD274  
Section 47

5/22/03

MYR

presented to the municipal officers by the municipal treasurer.  
At a minimum, the certification must include an attestation by  
the municipal treasurer that all assessed shares levied for the  
improvements in a capital improvement district have been paid in  
full or a property tax lien has been recorded in the registry of  
deeds.

Sec. 46. 30-A MRSA c. 206, as enacted by PL 2001, c. 521, §1,  
is repealed.

Sec. 47. 32 MRSA §2102, sub-§2-A, as <sup>amended by PL 2003, c. 204,</sup>  
~~enacted by PL 1995, c. 379, §4 and affected by §17,~~ <sup>Part H,</sup> is amended to read: <sup>§1,</sup>

2-A. Advanced practice registered nursing. "Advanced  
practice registered nursing" means the delivery of expanded  
professional health care by an advanced practice registered nurse  
that is:

~~A. Consistent with advanced educational qualifications as  
set forth in section 2201-A, subsection 2;~~

B. Within the advanced practice registered nurse's scope of  
practice as specified by the board by rulemaking, taking  
into consideration any national standards that exist; and

C. In accordance with the standards of practice for  
advanced practice registered nurses as specified by the  
board by rulemaking, taking into consideration any national  
standards that may exist. Advanced practice registered  
nursing includes consultation with or referral to medical  
and other health care providers when required by client  
health care needs.

A certified nurse practitioner or a certified nurse midwife who  
qualifies as an advanced practice registered nurse may prescribe  
and dispense drugs or devices, or both, in accordance with rules  
adopted by the board. ~~In adopting such rules, the board shall  
invite and consider comment from the Joint Practice Council on  
Advanced Practice Registered Nursing.~~

A certified nurse practitioner who qualifies as an advanced  
practice registered nurse must practice, for at least 24 months,  
under the supervision of a licensed physician or must be employed  
by a clinic or hospital that has a medical director who is a  
licensed physician. The certified nurse practitioner must submit  
written evidence to the board upon completion of the required  
clinical experience.

The board shall adopt rules necessary to effectuate the purposes  
of this chapter relating to advanced practice registered nursing.

## PART F

Sec. F-1. 32 MRSA §14804, sub-§1, as enacted by PL 1995, c. 389, §4, is amended to read:

1. **Rules.** The board shall adopt rules necessary for the proper performance of its duties pursuant to the Maine Administrative Procedure Act to implement the licensure requirements established by this Act, which may include the following:

A. Reasonable standards regarding education or its equivalent and experience requirements for applicants for licensure; and

B. Reasonable standards for license renewal.

The board shall ~~establish by rule~~ adopt technical standards for the proper installation and servicing of propane and natural gas equipment by rule. ~~These standards must be in accordance with the National Fire Protection Association Standards, Numbers 54 and 58 and any updates of those standards.~~ The board may adopt by rule national or other technical standards, in whole or in part, it finds considers necessary to carry out the mandates of this chapter.

## PART G

Sec. G-1. 32 MRSA §15102, sub-§2, ¶J, as amended by PL 1999, c. 386, Pt. W, §4, is further amended to read:

J. Pressure vessels that do not exceed:

(1) Five cubic feet in volume ~~or~~ and 250 pounds per square inch gauge pressure;

(2) One and 1/2 cubic feet in volume and 600 pounds per square inch gauge pressure; or

(3) An inside diameter of 6 inches with no limitation on pressure; or

## PART H

Sec. H-1. 32 MRSA §2102, sub-§2-A, ¶A, as enacted by PL 1995, c. 379, §4 and affected by §11, is repealed.

Sec. H-2. 32 MRSA §2103, sub-§4, as amended by PL 1993, c. 600, Pt. A, §113, is further amended to read:

**PROPOSED AMENDMENT to ERRORS BILL**  
**Section A-26**

Replace Section A-26 with the following:

**Sec. 26. 22 MRSA §330, sub-§5** is repealed.

**SUMMARY**

This amendment strikes reference to assisted living programs and services, since those are now included in the definition of assisted housing.

G:\COMMITTEES\JUD\ERRORS 2003\PROPOSED AMENDMENT to Section A-26.doc

**PROPOSED AMENDMENT to ERRORS BILL**

Section A-26 <sup>39</sup>

Amend section A-39 as follows:

Replace the word “forfeiture” on page 17, line 24 with the following word “~~forfeiture~~  
fine”

**SUMMARY**

This amendment updates the reference to “forfeitures”, which are now called “fines”.

|                                                                             |
|-----------------------------------------------------------------------------|
| <b>PROPOSED AMENDMENT to LD 274, Section A-4</b><br><b>STAFF SUGGESTION</b> |
|-----------------------------------------------------------------------------|

Replace Section A-4 with the following:

**Sec. 4. 4 MRSA §153, sub-§9** is amended to read:

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of ~~Eastern and Southern Cumberland and Bath-Brunswick~~, and consists of the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter in the County of Oxford. The District Court for Northern Cumberland ~~shall~~ must be held at Bridgton.

### SUMMARY

This amendment corrects the description of the Northern Cumberland District Court division. That division consists of all of Cumberland county except the municipalities contained in 2 other divisions – Southern Cumberland and Bath-Brunswick. It is correct to delete reference to the Eastern Cumberland division, but the municipalities from that division were moved into the Bath-Brunswick division and they are therefore not to be included in the Southern Cumberland division.

#### **FYI: Current Law – Title 4, section 153, subsections 8, 9 and 24**

**8. Southern Cumberland.** Southern Cumberland consists of the municipalities of Pownal, North Yarmouth, Yarmouth, Cumberland, Falmouth, Cape Elizabeth, Scarborough, Portland, South Portland, Westbrook, Gorham, Gray, New Gloucester and Windham. The District Court for Southern Cumberland shall be held at Portland.

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of Eastern and Southern Cumberland, and consists of the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter in the County of Oxford. The District Court for Northern Cumberland shall be held at Bridgton.

**24. Bath-Brunswick.** Bath-Brunswick consists of the entire County of Sagadahoc and the municipalities of Brunswick, Freeport and Harpswell in Cumberland County. The District Court for Bath-Brunswick shall be held at Bath, West Bath or Brunswick, the exact site to be determined by the Chief Judge.



OK w/ committee  
Linda P. still checking

**PROPOSED AMENDMENT to LD 274, Section A-9**  
**STAFF SUGGESTION**

Replace section A-9 with the following:

**Sec. 9. 5 MRSA §191**, as amended by PL 1989, c. 410, §13, is repealed and the following enacted to read:

**§191. Duties; salary; fees; full time**

**1. Attorney General; office; salary.** The Attorney General is the executive head of the Department of the Attorney General. The Attorney General shall keep an office at the seat of government and is entitled to receive an annual salary in full for all services. The Attorney General is entitled to receive actual expenses incurred in the performance of official duties.

**2. Full-time; prohibited activities.** The Attorney General shall devote full time to the duties of the office and may not engage in the private practice of law during the Attorney General's term of office, nor may the Attorney General during such term be a partner or associate of any person in the practice of law. During the term of service, the Attorney General may not be an officer or director of any corporation engaged in business for profit within the State.

**3. Representation by the Attorney General, deputies, assistants and staff attorneys.** The Attorney General or a deputy, assistant or staff attorney shall appear for the State, the head of any state department, the head of any state institution and agencies of the State in all civil actions and proceedings in which the State is a party or interested, or in which the official acts and doings of the officers are called in question, in all the courts of the State; and in those actions and proceedings before any other tribunal when requested by the Governor or by the Legislature or either House of the Legislature. All such actions and proceedings must be prosecuted or defended by the Attorney General or under the Attorney General's direction.

**A. Writs, summonses or other processes served upon those officers must be transmitted by them to the Attorney General.**

**B. All legal services required by those officers, boards and commissions in matters relating to their official duties must be rendered by the Attorney General or under the Attorney General's direction. The officers or agencies of the State may not act at the expense of the State as counsel, nor employ private counsel except upon prior written approval of the Attorney General. In all instances where the Legislature has authorized an office or an agency of the State to employ**

private counsel, the Attorney General's written approval is required as a condition precedent to such employment.

4. Fees. The Attorney General is entitled to receive the following fees:

A. For approval of certificate of organization of corporations under Title 9-B, section 313, subsection 3, \$10 in advance; and

B. For certificate that any corporation has ceased to transact business and is excused from filing annual returns, as authorized in Title 13-C, section 1621, subsection 4, \$5.

The Attorney General shall collect the legal and usual fees payable to the Attorney General by virtue of the Attorney's General office and shall pay them over to the Treasurer of State.

## **SUMMARY**

This amendment replaces section A-9 of the Errors bill. The original section corrected a cross-reference and deleted reference to a fee for services that are not provided by the Attorney General. The original section repealed and replaces section 191, but did so in a way that will make future amendment of the section difficult. This proposed amendment also corrects the cross-reference and drops reference to the fee for services that are not provided, but it also restructures the section in a more comprehensive way, without changing the content.

OK w/DM/L  
by phone -  
they're double checking  
OK w/committee

PROPOSED AMENDMENT to ERRORS BILL  
Section A-15

PROPOSED SECTION 15

**Sec. 15. 12 MRSA §6404-B**, as amended by PL 2001, c. 327, §2, is further amended to read:

**§6404-B. Suspension based on conviction of fishing on closed days for sea urchin fishing**

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section ~~6749-W~~ 6749 or any rule adopted under section 6749. The suspension must be for one year from the date of conviction.

ORIGINAL SECTION in ERRORS BILL

**Sec. 15. 12 MRSA §6404-B**, as amended by PL 2001, c. 327, §2, is further amended to read:

**§6404-B. Suspension based on conviction of fishing on closed days for sea urchin fishing**

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating ~~section 6749-W~~ or any rule adopted under section 6749. The suspension must be for one year from the date of conviction.

**PROPOSED AMENDMENT – to Correct the omission of one word  
Section A-23**

Amend the bill in section 23 on page 10, line 4 by deleting the words “The Native American studies” and inserting in their place the words ‘The Maine Native American studies’

**SUMMARY**

The section of Title 20-A that is amended by this errors bill section provides that Maine Native American studies is a required component of Maine studies in the school curriculum. There was one spot in the section that left out the word ‘Maine’ when referring to Native American studies; this correction to the Errors bill corrects that omission.

*OK w/ committee*

**PROPOSED AMENDMENT to ERRORS BILL**  
**Section A-26**

Replace Section A-26 with the following:

**Sec. 26. 22 MRSA §330, sub-§5** is repealed.

**SUMMARY**

This amendment strikes reference to assisted living programs and services, since those are now included in the definition of assisted housing.

OK w/ BGAS  
not yet oked by Comm.

**PROPOSED AMENDMENT**  
**Section A-30 of the ERRORS BILL**

**PROPOSED SECTION 30**

**Sec. 30. 22 MRSA §5118, sub-§4, ¶C**, as enacted by PL 1981, c. 470, Pt. A, §117, is amended to read:

C. In the administration of the plan, there is a failure to comply substantially with any ~~such~~ provision of subsection 1, paragraphs A to I, the director shall notify the area agency that no further payments *from its allotments under ~~sections~~ section 306 of the Older Americans Act, 42 United States Code, section 3026 and section 5115* will be made to the agency or, in ~~his~~ the director's discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until ~~he~~ the director is satisfied that there will no longer be any failure to comply. Until ~~he~~ the director is so satisfied, ~~no~~ further payments may not be made to the agency from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The director shall, in accordance with ~~regulations he shall prescribe~~ rules adopted by the director, disburse funds so withheld directly to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments ~~shall~~ must be matched in the proportions specified in section 5116.

**AS PRINTED in the BILL**

**Sec. 30. 22 MRSA §5118, sub-§4, ¶C**, as enacted by PL 1981, c. 470, Pt. A, §117, is amended to read:

C. In the administration of the plan, there is a failure to comply substantially with any ~~such~~ provision of subsection 1, paragraphs A to I, the director shall notify the area agency that no further payments from its allotments under sections ~~306~~ 337 and 5115 will be made to the agency or, in ~~his~~ the director's discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until ~~he~~ the director is satisfied that there will no longer be any failure to comply. Until ~~he~~ the director is so satisfied, ~~no~~ further payments may not be made to the agency from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The director shall, in accordance with ~~regulations he shall prescribe~~ rules adopted by the director, disburse funds so withheld directly to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments ~~shall~~ must be matched in the proportions specified in section 5116.

OK w/ comment.

**PROPOSED AMENDMENT to ERRORS BILL**  
**Section A-39**

Amend section A-39 as follows:

Replace the word “forfeiture” on page 17, line 24 with the following word “~~forfeiture~~  
fine”

**SUMMARY**

This amendment updates the reference to “forfeitures”, which are now called “fines”.

G:\COMMITTEES\JUD\ERRORS 2003\PROPOSED AMENDMENT to Section A-39.doc

May 19, 2003

To: Members of the Joint Standing Committee on Judiciary  
From: Deb Friedman

Re: **Response to Questions about Sections 25 and 30 of the Errors Bill**

---

**Section 25 – OK to proceed without amendment**

Section 25 relates to participation of the Certificate of Need Advisory Committee in the development of a state health plan. The CON Advisory Committee was repealed, so the errors bill proposes to remove reference to the Advisory Committee's participation. I questioned the change because I wanted to see whether there was any advisory committee created to take the place of the CON committee, and whether that needed to be added. According to staff for the HHS Committee, there was no comparable committee created, so section 25 can go ahead without change.

**Section 30 – Needs Amendment**

Section 30 relates to funding of area agencies on aging. There are 2 changes proposed, and there were questions about both. One change is needed.

The first change proposed in the errors bill was simply a terminology correction – from “regulation” to “rule” in the description of rules about withholding funds from agencies that don't comply with the requirements under federal and state law. Rep. Carr asked whether the Bureau of Elder and Adult Services still needed this rulemaking authority. Chris Gianopoulos said that they do need the rulemaking authority – they have general rulemaking authority in section 5106 of Title 22, but this specific reference relates to withholding of funds, which should not be done without rules to guide the exercise of the authority. The current rules for the Area Agencies on Aging do not provide for withholding of funds. The federal entity that regulates this program would probably want the state agency to have authority to adopt rules for this purpose.

The second change proposed was an updating of a cross-reference -- from section 306 (old Certificate of Need law) to section 337 (comparable section in the new CON law). This change should not be made, because the section 306 referred to here is section 306 of the Older Americans Act, not section 306 of Title 22. Changing the section number to 337 is inappropriate – there should not be a change to the section number, but the reference to the Older Americans Act should be added instead. “section 306 of the Older Americans Act, 42 United States Code, section 3026.” This was verified with Chris G.



**Sec. Supp 7. 29-A MRSA §2054, sub-§2, ¶D**, as amended by PL 2003, c. 78, §1, is repealed and the following enacted in its place:

D. The use of blue lights on vehicles is governed as follows.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

Auxiliary ?

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle may include one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter

No other vehicle may be equipped with or display a blue light.

**Sec. Supp-8. 29-A MRSA §2054, sub-§2, ¶F** as amended by PL 2003, c. 78, §2, is further amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light ~~and may be equipped with one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.~~

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use a flashing red signal light not more than 5 inches in diameter on a vehicle. The light may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. The light must be mounted as near as practicable above the

registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

**Sec. Supp 9. Effective date.** Those sections of this Act that repeal and replace Title 29-A, section 2054, subsection 2, paragraph D and amend Title 29-A, section 2054, subsection 2, paragraph F take effect 90 days after adjournment of the First Regular Session of the 121st Legislature.

## SUMMARY

These sections clarify that only an ambulance, an emergency medical services vehicle, a fire department vehicle, a fire vehicle and a hazardous material response vehicle may be equipped with and display one blue light that is visible to the rear of the vehicle only. They take effect at the same time that the underlying Act, PL 2003, c. 78, takes effect.

**Sec. Supp-20A. Existing contingency continues to apply.** Nothing in this Part affects the requirement that the full actuarial cost of the total liability for the increased value of all of the service rendered between August 31, 1984 and September 1, 2002 for all employees to whom Public Law 2001, chapter 559, Part RR applies must be paid before that retirement service credit is due to or may be given to any employee, as provided in Public Law 2001, chapter 559, Part RR.

## **SUMMARY**

Public Law 2001, chapter 559, Part RR increased retirement benefits for IF&W Wardens and DMR Marine Patrol serving between August 31, 1984 and September 1, 2002, but those increases were contingent on the accumulation of funding in the Warden Benefit Reserve Account to cover the additional costs. This section ensures that the funding contingency remains in effect when the sections of statute that provide those benefits are repealed and replaced in this amendment for the purpose of correcting statutory conflicts.

**PROPOSED AMENDMENT to LD 274, Section A-4**  
**STAFF SUGGESTION**

Replace Section A-4 with the following:

**Sec. 4. 4 MRSA §153, sub-§9** is amended to read:

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of ~~Eastern and Southern Cumberland and Bath-Brunswick~~, and consists of the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter in the County of Oxford. The District Court for Northern Cumberland ~~shall~~ must be held at Bridgton.

**SUMMARY**

This amendment corrects the description of the Northern Cumberland District Court division. That division consists of all of Cumberland county except the municipalities contained in 2 other divisions – Southern Cumberland and Bath-Brunswick. It is correct to delete reference to the Eastern Cumberland division, but the municipalities from that division were moved into the Bath-Brunswick division and they are therefore not to be included in the Southern Cumberland division.

**FYI: Current Law – Title 4, section 153, subsections 8, 9 and 24**

**8. Southern Cumberland.** Southern Cumberland consists of the municipalities of Pownal, North Yarmouth, Yarmouth, Cumberland, Falmouth, Cape Elizabeth, Scarborough, Portland, South Portland, Westbrook, Gorham, Gray, New Gloucester and Windham. The District Court for Southern Cumberland shall be held at Portland.

**9. Northern Cumberland.** Northern Cumberland consists of all municipalities in the County of Cumberland not included within the divisions of Eastern and Southern Cumberland, and consists of the municipalities of Brownfield, Denmark, Hiram, Fryeburg, Lovell, Sweden, Stow and Porter in the County of Oxford. The District Court for Northern Cumberland shall be held at Bridgton.

**24. Bath-Brunswick.** Bath-Brunswick consists of the entire County of Sagadahoc and the municipalities of Brunswick, Freeport and Harpswell in Cumberland County. The District Court for Bath-Brunswick shall be held at Bath, West Bath or Brunswick, the exact site to be determined by the Chief Judge.

**PROPOSED AMENDMENT to LD 274, Section A-9**  
**STAFF SUGGESTION**

Replace section A-9 with the following:

**Sec. 9. 5 MRSA §191**, as amended by PL 1989, c. 410, §13, is repealed and the following enacted to read:

**§191. Duties; salary; fees; full time**

**1. Attorney General; office; salary.** The Attorney General is the executive head of the Department of the Attorney General. The Attorney General shall keep an office at the seat of government and is entitled to receive an annual salary in full for all services. The Attorney General is entitled to receive actual expenses incurred in the performance of official duties.

**2. Full-time; prohibited activities.** The Attorney General shall devote full time to the duties of the office and may not engage in the private practice of law during the Attorney General's term of office, nor may the Attorney General during such term be a partner or associate of any person in the practice of law. During the term of service, the Attorney General may not be an officer or director of any corporation engaged in business for profit within the State.

**3. Representation by the Attorney General, deputies, assistants and staff attorneys.** The Attorney General or a deputy, assistant or staff attorney shall appear for the State, the head of any state department, the head of any state institution and agencies of the State in all civil actions and proceedings in which the State is a party or interested, or in which the official acts and doings of the officers are called in question, in all the courts of the State; and in those actions and proceedings before any other tribunal when requested by the Governor or by the Legislature or either House of the Legislature. All such actions and proceedings must be prosecuted or defended by the Attorney General or under the Attorney General's direction.

A. Writs, summonses or other processes served upon those officers must be transmitted by them to the Attorney General.

B. All legal services required by those officers, boards and commissions in matters relating to their official duties must be rendered by the Attorney General or under the Attorney General's direction. The officers or agencies of the State may not act at the expense of the State as counsel, nor employ private counsel except upon prior written approval of the Attorney General. In all instances where the Legislature has authorized an office or an agency of the State to employ

private counsel, the Attorney General's written approval is required as a condition precedent to such employment.

4. Fees. The Attorney General is entitled to receive the following fees:

A. For approval of certificate of organization of corporations under Title 9-B, section 313, subsection 3, \$10 in advance; and

B. For certificate that any corporation has ceased to transact business and is excused from filing annual returns, as authorized in Title 13-C, section 1621, subsection 4, \$5.

The Attorney General shall collect the legal and usual fees payable to the Attorney General by virtue of the Attorney's General office and shall pay them over to the Treasurer of State.

### **SUMMARY**

This amendment replaces section A-9 of the Errors bill. The original section corrected a cross-reference and deleted reference to a fee for services that are not provided by the Attorney General. The original section repealed and replaces section 191, but did so in a way that will make future amendment of the section difficult. This proposed amendment also corrects the cross-reference and drops reference to the fee for services that are not provided, but it also restructures the section in a more comprehensive way, without changing the content.

ERRORS BILL §: SUPP-1

LAW AMENDED: 17-A MRSA §360

Prepared by: MJR

Date: 5/12/03

File name: G:\COMMITTEES\JUD\ERRORS 2003\Supp -1.DOC (5/12/03 12:52 PM)

Has the error already been fixed in another bill? NO

Has section been amended/repealed in another bill? NO

General Subject: Theft by unauthorized use

Type of correction (conflict, reference, other): MCJUSTIS omission

Category: (technical, substantive) S?

Is a further amendment needed?  
(If so, explain below)

Supplements  
1-24

EXPLANATION

When LD 1740, PL 2001, c. 383 went through, the penalty provisions of Theft by unauthorized use (17-A MRSA §360) were not correctly drafted. The penalties for theft by unauthorized use, unlike penalties for other thefts, are not based on the value of the property involved. All the theft penalties used to be combined in 17-A §362. PL 2001, c. 383 repealed §362, and inserted the penalties into each theft section. §362 referred to §360 as a Class D crime. §362 also provided that all theft crimes are a Class C crime if the actor had two or more prior convictions. The Class C version was inadvertently left out of §360. This section of the Errors Bill puts it back in.

**17A § 360. Unauthorized use of property****1. A person is guilty of theft if:**

A. Knowing that the person does not have the consent of the owner, the person takes, operates or exercises control over a vehicle, or, knowing that a vehicle has been so wrongfully obtained, the person rides in the vehicle. Violation of this paragraph is a Class D crime;

A-1. The person violates paragraph A and the person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

B. Having custody of a vehicle pursuant to an agreement between the person and the owner of the vehicle whereby the person or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of the vehicle, the person intentionally uses or operates the vehicle, without the consent of the owner, for the person's own purposes in a manner constituting a gross deviation from the agreed purpose. Violation of this paragraph is a Class D crime; or

B-1. The person violates paragraph B and the person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

C. Having custody of property pursuant to a rental or lease agreement with the owner of the property or a borrower's agreement with a library or museum whereby the property is to be returned to the owner at a specified time and place, the person knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render the retention or possession or other failure to return a gross deviation from the agreement. For purposes of this paragraph, proof that the person fails to return the property within 5 days of receiving a written demand from the owner, mailed by certified or registered mail or delivered by hand after the expiration of the rental period to the most current address known to the owner, gives rise to a permissible inference under the Maine Rules of



Evidence, Rule 303 of a gross deviation from the agreement. Violation of this paragraph is a Class D crime; or

D. The person violates paragraph C and the person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

2. As used in this section, "vehicle" means any automobile, airplane, motorcycle, motorboat, snowmobile, any other motor-propelled means of transportation, or any boat or vessel propelled by sail, oar or paddle.

3. It is a defense to a prosecution under this section that the person reasonably believed that the owner would have consented to the person's conduct had the owner known of it.

~~4. Violation of this section is a Class D crime.~~

### SUMMARY

This section corrects the crime of Theft by unauthorized use. Committing any crime of theft when the person has two or more prior convictions raise the Class of the crime to Class C. This higher classification because of prior convictions was inadvertently omitted from PL 2001, c. 383.

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4/9/03 MHB

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## 17-A § 360

be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

2. As used in this section, "receives" means acquiring possession, control or title, or lending on the security of the property. For purposes of this section, property is "stolen" if it was obtained or unauthorized control was exercised over it in violation of this chapter.

### § 360. Unauthorized use of property

1. A person is guilty of theft if:

A. Knowing that the person does not have the consent of the owner, the person takes, operates or exercises control over a vehicle, or, knowing that a vehicle has been so wrongfully obtained, the person rides in the vehicle;

B. Having custody of a vehicle pursuant to an agreement between the person and the owner of the vehicle whereby the person or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of the vehicle, the person intentionally uses or operates the vehicle, without the consent of the owner, for the person's own purposes in a manner constituting a gross deviation from the agreed purpose; or

C. Having custody of property pursuant to a rental or lease agreement with the owner of the property or a borrower's agreement with a library or museum whereby the property is to be returned to the owner at a specified time and place, the person knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render the retention or possession or other failure to return a gross deviation from the agreement. For purposes of this paragraph, proof that the person fails to return the property within 5 days of receiving a written demand from the owner, mailed by certified or registered mail or delivered by hand after the expiration of the rental period to the most current address known to the owner, gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 of a gross deviation from the agreement.

2. As used in this section, "vehicle" means any automobile, airplane, motorcycle, motorboat, snowmobile, any other motor-propelled means of transportation, or any boat or vessel propelled by sail, oar or paddle.

3. It is a defense to a prosecution under this section that the person reasonably believed that the owner would have consented to the person's conduct had the owner known of it.

4. Violation of this section is a Class D crime.

2. Proof that the defendant was in exclusive possession of property that had recently been taken under circumstances constituting a violation of this chapter or of chapter 27 shall give rise to a presumption that the defendant is guilty of the theft or robbery of the property, as the case may be, and proof that the theft or robbery occurred under circumstances constituting a violation of section 401 also shall give rise to a presumption that the defendant in exclusive possession of property recently so taken is guilty of the burglary.

3. Proof that the defendant concealed unpurchased property stored, offered or exposed for sale while he was still on the premises of the place where it was stored, offered or exposed, or in a parking lot or public or private way immediately adjacent thereto shall give rise to a presumption that the defendant obtained or exercised unauthorized control over the property with the intent to deprive the owner thereof.

### § 362. Classification of theft offenses

1. All violations of this chapter shall be classified, for sentencing purposes, according to this section. The facts set forth in this section upon which the classification depends shall be proved by the State beyond a reasonable doubt.

2. Theft is a Class B crime if:

- A. The value of the property or services exceeds \$10,000;
- B. The property stolen is a firearm or an explosive device; or
- C. The actor is armed with a dangerous weapon at the time of the offense.

3. Theft is a Class C crime if:

- A. The value of the property or services is more than \$2,000 but not more than \$10,000; or
- B. The theft is a violation under section 355.
- C. (Repealed)

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. This subsection does not apply if the commission of the 2 prior offenses occurred within a 3-day period. The date of a conviction shall be deemed the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses shall be presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

4. Theft is a Class D crime if:

- A. It is a violation of section 360, regardless of the value involved; or
- B. The value of the property or services exceeds \$1,000 but does not exceed \$2,000.

## 17-A § 401

5. Theft is a Class E crime if the value of the property or services does not exceed \$1,000.

6. Theft by misapplication of property under section 358, when committed by a payroll processor, as defined by Title 10, section 1495, is classified one step higher than it would otherwise be classified under this section based upon the value of property or services involved, except that the offense may not be classified as a Class A crime.

## CHAPTER 17

### BURGLARY AND CRIMINAL TRESPASS

#### § 401. Burglary

1. A person is guilty of burglary if he enters or surreptitiously remains in a structure, knowing that he is not licensed or privileged to do so, with the intent to commit a crime therein.

2. Burglary is classified as:

A. A Class A crime if the defendant was armed with a firearm, or knew that an accomplice was so armed; and

B. A Class B crime if:

(1) The defendant intentionally or recklessly inflicted or attempted to inflict bodily injury on anyone during the commission of the burglary or an attempt to commit the burglary or in immediate flight after the commission or attempt;

(2) The defendant was armed with a dangerous weapon other than a firearm or knew that an accomplice was so armed;

(3) The violation was against a structure that is a dwelling place; or

(4) At the time of the burglary, the defendant had 2 or more prior Class A, B or C convictions for any combination of theft or any violation of this section or section 651, 702 or 703 or attempts to commit any of those crimes. For purposes of this subparagraph, the dates of the prior convictions must precede the commission of the burglary by no more than 10 years, although both prior convictions may have occurred on the same date. This subparagraph does not apply if the 2 prior offenses were committed within a 3-day period. The date an offense was committed is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent; and

C. All other burglary is a Class C crime.

3. A person may be convicted both of burglary and of the crime which he committed or attempted to commit after entering or remaining in the structure, but sentencing for both crimes shall be governed by section 1256.