

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

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

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

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

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

**Sec. 1. 5 MRSA §3331, sub-§6,** as enacted by PL 1997, c. 519, Pt. A, §3, is amended to read:

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

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 T, §4, is repealed.

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 B, §1 and repealed by c. 369, Pt. A, §7, is repealed.

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

**17.**

Expenses Only

26 MRSA §1413-C

Labor:  
Rehabilitation  
Services

Commission for the  
Division for the Deaf,  
Hard of Hearing and  
Late Deafened

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

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

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

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

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

**4. Holders.** Except as otherwise agreed, a person having control of a transferable record is the holder, as defined in Title 11, section 11201, subsection (21), of the transferable record and has the same rights and defenses as a holder of an equivalent record or writing under the Uniform Commercial Code, including, if the applicable statutory requirements under Title 11, section 31302, subsection (1); Title 11, section 71501; or Title 11, section 9308 are satisfied, the rights and defenses of a holder in due course, a holder to which a negotiable document of title has been duly negotiated or a purchaser, respectively. Delivery, possession and indorsement are not required to obtain or exercise any of the rights under this subsection.

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

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

**(3).** "Control" as provided in section 71106 and the following definitions in other Articles apply to this Article:

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

**Sec. 10. Retroactivity.** That section of this Act that repeals and replaces the Maine Revised Statutes, Title 11, section 4104, subsection (3) applies retroactively to February 15, 2010.

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

**Sec. 12. Retroactivity.** That section of this Act that repeals the Maine Revised Statutes, Title 11, section 7102 applies retroactively to February 15, 2010.

**Sec. 13. 12 MRSA §6402, first ¶,** as amended by PL 2009, c. 151, §5 and c. 394, §3, is repealed and the following enacted in its place:

The commissioner shall suspend the lobster and crab fishing license of a license holder or the nonresident lobster and crab landing permit of a permit holder adjudicated in court of violating section 6434. This suspension is for 3 years from the date of adjudication. For a 3rd or subsequent adjudication, the commissioner may permanently revoke the license holder's license.

**Sec. 14. 12 MRSA §10051, 2nd ¶,** as amended by PL 2009, c. 340, §1 and c. 369, Pt. A, §26, is repealed and the following enacted in its place:

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

**Sec. 15. 12 MRSA §10154,** as amended by PL 2009, c. 211, Pt. B, §5 and repealed by c. 369, Pt. A, §27, is repealed.

**Sec. 16. 12 MRSA §10206, sub-§3, ¶C**, as amended by PL 2009, c. 213, Pt. OO, §1 and c. 340, §8, is repealed and the following enacted in its place:

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

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

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

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

**Sec. 17. 12 MRSA §12860, sub-§5**, as amended by PL 2009, c. 211, Pt. B, §12 and c. 369, Pt. A, §28, is repealed and the following enacted in its place:

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

A. Training in first aid;

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

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

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

**Sec. 18. 14 MRSA §6030-C, sub-§1**, as enacted by PL 2005, c. 534, §1, is amended to read:

**1. Energy efficiency disclosure.** A landlord or other lessor of residential property that will be used by a tenant or lessee as a primary residence shall provide to potential tenants or lessees a residential energy efficiency disclosure statement in accordance with Title 35A, section ~~1000610117~~, subsection 1 that includes, but is not limited to, information about the energy efficiency of the property.

**Sec. 19. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 14, section 6030C, subsection 1 takes effect July 1, 2010.

**Sec. 20. 14 MRSA §8109, sub-§1,** as amended by PL 1991, c. 780, Pt. Y, §114, is further amended to read:

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

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

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

**Sec. 21. 17-A MRSA §1175, first ¶,** as amended by PL 2009, c. 268, §8 and c. 391, §1, is repealed and the following enacted in its place:

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

**Sec. 22. 18-A MRSA §5-944, sub-§(b), ¶(6),** as enacted by PL 2009, c. 292, §2 and affected by §6, is amended to read:

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

**Sec. 23. 20-A MRSA §15689, sub-§1, ¶B,** as amended by PL 2009, c. 1, Pt. C, §2 and c. 213, Pt. C, §8, is repealed and the following enacted in its place:

B. The school administrative unit's special education costs as calculated pursuant to section 15681A, subsection 2 multiplied by the following transition percentages:

(1) In fiscal year 2005-06, 84%;

(2) In fiscal year 2006-07, 84%;

(3) In fiscal year 2007-08, 84%;

(4) In fiscal year 2008-09, 45%;

(5) In fiscal year 2009-10, 45%; and

(6) In fiscal year 2010-11 and succeeding years, 84%.

**Sec. 24. 21-A MRSA §1011, 2nd ¶**, as amended by PL 2009, c. 190, Pt. A, §1 and repealed by c. 366, §1 and affected by §12, is repealed.

**Sec. 25. 21-A MRSA §1014, sub-§1**, as amended by PL 2009, c. 183, §1 and c. 190, Pt. A, §2, is repealed and the following enacted in its place:

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

**Sec. 26. 21-A MRSA §1056-B, first ¶**, as amended by PL 2009, c. 190, Pt. A, §20 and c. 366, §7 and affected by §12, is repealed and the following enacted in its place:

Any person not defined as a political action committee who receives contributions or makes expenditures, other than by contribution to a political action committee, aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or influencing in any way a ballot question must file reports with the commission in accordance with this section. Within 7 days of receiving contributions or making expenditures that exceed \$5,000, the person shall register with the commission as a ballot question committee. For the purposes of this section, expenditures include paid staff time spent for the purpose of influencing in any way a ballot question. The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund-raisers and decision makers for the committee. In the case of a municipal election, the registration and reports must be filed with the clerk of that municipality.

**Sec. 27. 21-A MRSA §1058**, as amended by PL 2009, c. 190, Pt. A, §22 and c. 366, §8 and affected by §12, is repealed and the following enacted in its place:

**§ 1058. Reports; qualifications for filing**

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

**Sec. 28. 21-A MRSA §1059, first ¶**, as amended by PL 2009, c. 190, Pt. A, §23 and c. 366, §9 and affected by §12, is repealed and the following enacted in its place:

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

**Sec. 29. 21-A MRSA §1125, sub-§8**, as amended by PL 2009, c. 286, §8 and repealed by c. 302, §16 and affected by §24 and amended by c. 363, §§8 and 9, is repealed.

**Sec. 30. Effective date.** That section of this Act that repeals the Maine Revised Statutes, Title 21-A, section 1125, subsection 8 takes effect September 1, 2011.

**Sec. 31. 21-A MRSA §1125, sub-§9**, as amended by PL 2009, c. 302, §18 and affected by §24 and amended by c. 363, §10, is repealed and the following enacted in its place:

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

gubernatorial candidates in a primary election are limited to half the amount originally distributed under subsection 8A. Matching funds for certified gubernatorial candidates in a general election are limited to the amount originally distributed under subsection 8A.

**Sec. 32. Effective date.** That section of this Act that repeals and replaces the Maine Revised Statutes, Title 21-A, section 1125, subsection 9 takes effect September 1, 2011.

**Sec. 33. 21-A MRSA §1125, sub-§10,** as amended by PL 2009, c. 302, §19 and affected by §24 and amended by c. 363, §11, is repealed and the following enacted in its place:

**10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7 and 8A. Otherwise, an unenrolled candidate for the Legislature must submit the required number of qualifying contributions and the other required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general election. If certified, the candidate is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsection 8A. Revenues for the general election must be distributed to the candidate no later than 3 days after certification. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under subsections 2B and 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and 8A. Revenues for the general election must be distributed to the candidate for Governor no later than 3 days after the primary election results are certified.

**Sec. 34. Effective date.** That section of this Act that repeals and replaces the Maine Revised Statutes, Title 21-A, section 1125, subsection 10 takes effect September 1, 2011.

**Sec. 35. 22 MRSA §329, sub-§6,** as repealed and replaced by PL 2009, c. 429, §1 and c. 430, §1, is repealed and the following enacted in its place:

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

A certificate of need is not required for the following:

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

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



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

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

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

**Sec. 36. 22 MRSA §1555-C, sub-§2, ¶E,** as enacted by PL 2003, c. 444, §2, is amended to read:

E. A person who violates this subsection after having been previously adjudicated as violating this subsection or subsection 1, 3 or 4 commits a civil violation for which a fine of not less than \$1,000 and not more than \$5,000 may be adjudged.

**Sec. 37. 22 MRSA §5107-J,** as amended by PL 2009, c. 299, Pt. A, §4 and repealed by c. 369, Pt. A, §32, is repealed.

**Sec. 38. 22 MRSA §7301, sub-§2, ¶F,** as enacted by PL 2009, c. 279, §2 and c. 420, §1, is repealed and the following enacted in its place:

F. To establish the most efficient, innovative and cost-effective system for delivering a broad array of long-term care services.

**Sec. 39. 22 MRSA §7302, sub-§5,** as amended by PL 2009, c. 279, §3 and c. 420, §2, is repealed and the following enacted in its place:

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

**Sec. 40. 24-A MRSA §4303, sub-§1,** as amended by PL 2009, c. 357, §1, is further amended to read:

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

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

(1) The entire network meets overall access standards pursuant to Bureau of Insurance Rule Chapter 850;

(2) The health plan is consistent with product design guidelines for Bureau of Insurance Rule Chapter 750, but only if the health plan is offered by a health maintenance organization;

(3) The health plan does not include financial provisions designed to encourage members to use designated providers of primary, preventive, maternity, obstetrical, ancillary or emergency care services, as defined in Bureau of Insurance Rule Chapter 850;

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

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

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

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

The basis for tiering benefits under a pilot program must be to provide incentives for higher-quality care, improved patient safety or improved efficiency or a combination of those factors. The superintendent shall consult with the Maine Quality Forum under section 6951 in assessing quality. The superintendent shall disapprove or withdraw approval of a pilot program if the superintendent finds that approval or continued operation would cause undue hardship to enrollees in the pilot program or reduce their quality of care.

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

**Sec. 41. 24-A MRSA §4603, sub-§3, ¶B**, as amended by PL 2009, c. 77, §1 and c. 118, §2 and affected by §5, is repealed and the following enacted in its place:

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

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

(2) The following limits for health insurance benefits:

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

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

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

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

**Sec. 42. 24-A MRSA §4603, sub-§3, ¶C**, as amended by PL 2009, c. 77, §2 and c. 118, §3 and affected by §5, is repealed and the following enacted in its place:

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

**Sec. 43. 25 MRSA §2354**, as amended by PL 2009, c. 261, Pt. B, §5 and c. 344, Pt. D, §1 and affected by Pt. E, §2, is repealed and the following enacted in its place:

## **§ 2354. Inspection of buildings being repaired**

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

**Sec. 44. 25 MRSA §2468, sub-§2**, as enacted by PL 2009, c. 162, §5, is amended to read:

**2. Carbon monoxide detectors required.** The owner shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each area within, or giving access to, bedrooms in:

- A. Each apartment in any building of multifamily occupancy;
- B. Any addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling unit; and
- C. Any conversion of a building to a single-family dwelling.

A carbon monoxide detector must be powered both by the electrical service in the building or dwelling.

**Sec. 45. 25 MRSA §2468, sub-§4**, as enacted by PL 2009, c. 162, §5, is amended to read:

**4. New construction.** A person who constructs a single-family dwelling shall install at least one carbon monoxide detector in each area within, or giving access to, any bedroom in the dwelling. The carbon monoxide detector must be powered both by the electrical service in the dwelling.

**Sec. 46. 25 MRSA §2803-B, sub-§2**, as amended by PL 2009, c. 336, §18 and c. 451, §4, is repealed and the following enacted in its place:

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

**Sec. 47. 25 MRSA §2803-B, sub-§3**, as amended by PL 2009, c. 336, §18 and c. 451, §5, is repealed and the following enacted in its place:

**3. Agency compliance.** The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003; certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004; certification to the board for adoption of a public notification policy under subsection 1, paragraph J must be made to the board no later than June 1, 2006; certification to the board for adoption of a policy for the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than June 1, 2005; certification to the board for adoption of an expanded use of physical force policy under subsection 1, paragraph A must be made to the board no later than June 1, 2010; and certification to the board for adoption of a policy regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than June 1, 2010. The certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) and (3) must be made to the board no later than January 1, 2004; certification for orientation and training with respect to policies regarding death investigations under subsection 1, paragraph I must be made to the board no later than January 1, 2005; certification for orientation and training with respect to policies regarding public notification under subsection 1, paragraph J must be made to the board no later than January 1, 2007; certification for orientation and training with respect to policies regarding the recording and preservation of interviews of suspects in serious crimes under subsection 1, paragraph K must be made to the board no later than January 1, 2006; certification for orientation and training with respect to policies regarding expanded use of physical force under subsection 1, paragraph A must be made to the board no later than January 1, 2011; and certification for orientation and training with respect to policies regarding mental illness and the process for involuntary commitment under subsection 1, paragraph L must be made to the board no later than January 1, 2011.

**Sec. 48. 26 MRSA §1413-A, sub-§1-A,** as enacted by PL 2009, c. 174, §6, is amended to read:

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

**Sec. 49. 26 MRSA §1413-C, first ¶,** as amended by PL 2009, c. 174, §17, is further amended to read:

Within the Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened, the Commission ~~for the Division~~ for the Deaf, Hard of Hearing and Late Deafened as established under Title 5, section 12004J, subsection 17, consists of 24 members and 3 members-at-large appointed by the Governor and representing equally consumers, professionals and the public. Members are entitled to compensation in accordance with Title 5, chapter 379.

**Sec. 50. 28-A MRSA §2, sub-§12-A,** as enacted by PL 1997, c. 767, §1, is amended to read:

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

**Sec. 51. 28-A MRSA §1206**, as amended by PL 2009, c. 438, §4 and c. 459, §3, is repealed and the following enacted in its place:

**§ 1206. Consumption prohibited on off-premises retail premises**

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

**Sec. 52. 28-A MRSA §1207**, as enacted by PL 2009, c. 438, §5, is reallocated to 28-A MRSA §1208.

**§ 1208. Dual liquor license**

Notwithstanding any other provision of law, the bureau may issue a dual liquor license to a retail establishment to serve wine to be consumed on the premises in accordance with subsection 2 if that establishment is licensed to sell wine to be consumed off the premises and meets the criteria listed in subsection 1.

[PL 2009, c. 438, § 5 (NEW).]

**1. Minimum criteria.** In order for the bureau to issue a dual liquor license in accordance with this section the following criteria must be met:

A. The licensee has submitted an application as prescribed by the bureau and the fee under subsection 3 to the bureau; [PL 2009, c. 438, § 5 (NEW).]

B. The licensee's establishment includes a full kitchen that prepares hot and cold meals to be consumed on the premises; [PL 2009, c. 438, § 5 (NEW).]

C. The licensee's establishment includes at least 2 restrooms available for use by patrons; [PL 2009, c. 438, § 5 (NEW).]

D. The licensee has dedicated an area of the establishment with table seating for a minimum of 16 people to sit and eat a meal prepared by the licensee; [PL 2009, c. 438, § 5 (NEW).]

E. The licensee carries a stock of at least \$35,000 of wine; [PL 2009, c. 438, § 5 (NEW).]

F. The licensee has not committed a violation of this chapter during the past 2 years; and [PL 2009, c. 438, § 5 (NEW).]

G. The licensee has received approval from the appropriate municipal officers prior to submitting an application to the bureau. [PL 2009, c. 438, § 5 (NEW).]

[PL 2009, c. 438, § 5 (NEW).]

**2. License requirements.** The holder of a dual liquor license is governed by the following when serving wine to be consumed on the premises:

A. Each serving of wine must be dispensed by the licensee or an employee of the licensee who is at least 21 years of age from a stock of wine that is separated from the wine that is for sale for consumption off the premises; [PL 2009, c. 438, § 5 (NEW).]

B. The licensee shall ensure that at least 2 employees at least 21 years of age are present at all times when wine is being consumed on the premises with at least one whose primary responsibility is sales of wine and other items sold to be consumed off the premises; [PL 2009, c. 438, § 5 (NEW).]

C. Wine may be served only to be consumed on the premises when accompanied by a full meal. For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking; [PL 2009, c. 438, § 5 (NEW).]

D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; and [PL 2009, c. 438, § 5 (NEW).]

E. A licensee may not serve wine to be consumed on the premises after 8:00 p.m. [PL 2009, c. 438, § 5 (NEW).]  
[PL 2009, c. 438, § 5 (NEW).]

**3. License fee.** The license fee for a dual liquor license is \$600 annually in addition to the license to sell malt liquor or wine for consumption off the premises.[PL 2009, c. 438, § 5 (NEW).]

**4. Rules.** The bureau shall adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.[PL 2009, c. 438, § 5 (NEW).]  
[PL 2009, c. 438, § 5 (NEW).][PL 2009, c. 459, § 4 (NEW).]

**Sec. 53. 29-A MRSA §2083, sub-§2,** as amended by PL 2009, c. 50, §3 and c. 55, §4, is repealed and the following enacted in its place:

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

**Sec. 54. 30-A MRSA §6006-G, sub-§2, ¶A,** as enacted by PL 2007, c. 470, Pt. D, §1, is amended to read:

A. Sums that are transferred to the fund from time to time by the Treasurer of State pursuant to Title 36, section 2903, subsection 56 and Title 36, section 3203, subsection 4;

**Sec. 55. 32 MRSA §2402-A,** as amended by PL 2009, c. 250, §2 and repealed by c. 344, Pt. C, §1 and affected by Pt. E, §2, is repealed.

**Sec. 56. 32 MRSA §4700-J,** as amended by PL 2009, c. 153, §21, is further amended to read:

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

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

**Sec. 57. 32 MRSA §18107**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

### § 18107.Installations to conform to standards

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

**Sec. 58. 32 MRSA §18123, sub-§2**, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

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



or other technical standards, in whole or in part, that it considers necessary to carry out the provisions of this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined by Title 5, chapter 375, subchapter 2A.

**Sec. 59. 35-A MRSA §8704, sub-§1, ¶B**, as amended by PL 2009, c. 174, §27, is further amended to read:

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

**Sec. 60. 35-A MRSA §10119, sub-§1, ¶B**, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

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

**Sec. 61. 36 MRSA §191, sub-§2, ¶LL**, as reallocated by PL 2009, c. 361, §14, is amended to read:

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

**Sec. 62. 36 MRSA §191, sub-§2, ¶MM**, as amended by PL 2009, c. 470, §4, is further amended to read:

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

**Sec. 63. 36 MRSA §191, sub-§2, ¶NN**, as reallocated by PL 2009, c. 361, §16, is amended to read:

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

**Sec. 64. 36 MRSA §3203-C**, as amended by PL 2009, c. 413, Pt. W, §3 and affected by §6 and amended by c. 434, §51 and affected by §84, is repealed and the following enacted in its place:

### **§ 3203-C. Inventory tax**

On the date that any increase in the rate of tax imposed under this chapter takes effect, an inventory tax is imposed upon all distillates that are held in inventory by a supplier, wholesaler or retail dealer as of the end of the day prior to that date on which the tax imposed by section 3203 has been paid. The inventory tax is computed by multiplying the number of gallons of tax-paid fuel held in inventory by the difference between the tax rate already paid and the new tax rate. Suppliers, wholesalers and retail dealers that hold such tax-paid inventory shall make payment of the inventory tax on or before the 15th day of

the next calendar month, accompanied by a form prescribed and furnished by the State Tax Assessor. In the event of a decrease in the tax rate, the supplier, wholesaler or retail dealer is entitled to a refund or credit, which must be claimed on a form designed and furnished by the assessor.

**Sec. 65. Retroactivity.** That section of this Act that repeals and replaces the Maine Revised Statutes, Title 36, section 3203C applies retroactively to July 18, 2008.

**Sec. 66. 36 MRSA §3321, sub-§1,** as amended by PL 2009, c. 413, Pt. W, §4 and affected by §6 and amended by c. 434, §59, is repealed and the following enacted in its place:

**1. Generally.** Beginning in 2003, and each calendar year thereafter, the excise tax imposed upon internal combustion engine fuel pursuant to section 2903, subsection 1 and the excise tax imposed upon distillates pursuant to section 3203 are subject to an annual rate of adjustment pursuant to this section. On or about February 15th of each year, the State Tax Assessor shall calculate the adjusted rates by multiplying the rates in effect on the calculation date by an inflation index computed as provided in subsection 2. The adjusted rates must then be rounded to the nearest 1/10 of a cent and become effective on the first day of July immediately following the calculation. The assessor shall publish the annually adjusted fuel tax rates and shall provide all necessary forms and reports.

**Sec. 67. 36 MRSA §5122, sub-§1, ¶Z,** as amended by PL 2009, c. 213, Pt. BBBB, §2 and c. 434, §66 and affected by §84, is repealed and the following enacted in its place:

Z. For income tax years beginning on or after January 1, 2008, the amount of any qualified state and local tax benefit and any qualified payment excluded from gross income pursuant to the Code, Section 139B;

**Sec. 68. 36 MRSA §5122, sub-§2, ¶AA,** as amended by PL 2009, c. 213, Pt. BBBB, §6 and c. 434, §67, is repealed and the following enacted in its place:

AA. For taxable years beginning on or after January 1, 2009, an amount equal to the net decrease in the depreciation deductions allowable under Sections 167 and 168 of the Code that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service on or after January 1, 2008 for which an addition was required under subsection 1, paragraph AA in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph AA for the same property;

**Sec. 69. 36 MRSA §5200-A, sub-§1, ¶T,** as amended by PL 2009, c. 213, Pt. ZZZ, §6 and Pt. BBBB, §10, is repealed and the following enacted in its place:

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

**Sec. 70. 36 MRSA §5200-A, sub-§1, ¶V**, as enacted by PL 2009, c. 213, Pt. ZZZ, §8, is amended to read:

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

**Sec. 71. 36 MRSA §5200-A, sub-§1, ¶V**, as enacted by PL 2009, c. 213, Pt. BBBB, §12, is reallocated to 36 MRSA §5200-A, sub-§1, ¶W.

W. For tax years beginning on or after January 1, 2009 but before January 1, 2011, an amount equal to the gross income during the taxable year from the discharge of indebtedness deferred under the Code, Section 108(i). [PL 2009, c. 213, Pt. BBBB, § 12 (NEW).]

**Sec. 72. 36 MRSA §5200-A, sub-§2, ¶R**, as amended by PL 2009, c. 213, Pt. ZZZ, §11 and Pt. BBBB, §13, is repealed and the following enacted in its place:

R. For taxable years beginning on or after January 1, 2009, an amount equal to the net decrease in the depreciation deductions allowable under Sections 167 and 168 of the Code that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service on or after January 1, 2008 for which an addition was required under subsection 1, paragraph T in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph T and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph T for the same property;

**Sec. 73. 36 MRSA §5200-A, sub-§2, ¶T**, as enacted by PL 2009, c. 213, Pt. ZZZ, §13 and Pt. BBBB, §15 and affected by §17, is repealed and the following enacted in its place:

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

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

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

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

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

**Sec. 74. 36 MRSA §5200-A, sub-§2, ¶U** is enacted to read:

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

**Sec. 75. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 36, section 5200-A, subsection 2, paragraph U applies to tax years beginning on or after January 1, 2010.

**Sec. 76. 36 MRSA §6754, sub-§1, ¶D**, as amended by PL 2009, c. 434, §83 and c. 461, §27, is repealed and the following enacted in its place:

D. For qualified Pine Tree Development Zone employees, as defined in Title 30A, section 5250I, subsection 18, employed directly in the qualified business activity of a qualified Pine Tree Development Zone business, as defined in Title 30A, section 5250I, subsection 17, for whom a certificate of qualification has been issued in accordance with Title 30A, section 5250O, the reimbursement under this subsection is equal to 80% of the withholding taxes withheld each year for which reimbursement is requested and attributed to those qualified employees for a period of no more than 10 years for tier 1 locations and no more than 5 years for tier 2 locations. In no event may reimbursement under this paragraph be paid for years beginning after December 31, 2028.

**Sec. 77. 37-B MRSA §601**, as amended by PL 2009, c. 299, Pt. A, §9 and c. 406, §13, is repealed and the following enacted in its place:

**§ 601. Home established; purpose**

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the existing 120-bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way

jeopardize the construction, funding or financial viability of any other home. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any nonnursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account. The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes.

**Sec. 78. 38 MRSA §580-B, sub-§7**, as amended by PL 2009, c. 200, §7 and c. 372, Pt. B, §4, is repealed and the following enacted in its place:

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

**Sec. 79. 38 MRSA §580-B, sub-§10**, as amended by PL 2009, c. 200, §§8 to 10 and c. 372, Pt. B, §6, is repealed and the following enacted in its place:

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

- A. The reductions of greenhouse gas emissions from carbon dioxide budget units, conservation programs funded by the Regional Greenhouse Gas Initiative Trust Fund pursuant to Title 35A, section 10109 and carbon dioxide emissions offset projects;
- B. The improvements in overall carbon dioxide emissions and energy efficiency from sources that emit greenhouse gases including electrical generation and fossil fuel fired units;
- C. The maximization of savings through systemic energy improvements statewide;
- D. Research and support of new carbon dioxide offset allowance categories for development in the State;

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

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

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

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

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

**Sec. 80. PL 2009, c. 174, §28** is amended to read:

**Sec. 28. Transition provisions.**

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

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

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

**Sec. 81. PL 2009, c. 213, Pt. YYY, §2** is amended to read:

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

**Sec. 82. PL 2009, c. 261, Pt. A, §20** is repealed.

**Sec. 83. PL 2009, c. 361, §37** is amended to read:

**Sec. 37. Retroactivity.** That section of this Act that enacts the Maine Revised Statutes, Title 36, section 2557, subsection 3, paragraph NG-1 applies retroactively to October 1, 2007. That section of this Act that amends Title 36, section 4641C, subsection 7 applies retroactively to July 1, 2003. Those sections of this Act that amend Title 27, section 511, subsection 2; Title 30A, section 4722, subsection 1,

paragraphs BB and CC; and Title 36, section 5219BB; and that section that enacts Title 30A, section 4722, subsection 1, paragraph DD apply retroactively to June 30, 2008. The portion of this Act that enacts Title 36, section 1760, subsection 41, paragraph B applies retroactively to January 1, 2008. The portion of this Act that enacts Title 36, section 1760, subsection 41, paragraph C applies retroactively to June 15, 2001.

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

## SUMMARY

Section 1 corrects a reference to the biennial report of the Land and Water Resources Council.

Section 2 repeals a reference to the Baxter Compensation Authority, which was eliminated on July 1, 2007.

Section 3 corrects a conflict created by Public Law 2009, chapter 211, which changed the name of the Junior Maine Guides and Trip Leaders Curriculum Advisory Board in the Maine Revised Statutes, Title 5, section 12004I, subsection 24, and chapter 369, which repealed Title 5, section 12004I, subsection 24. This section corrects the conflict by repealing Title 5, section 12004I, subsection 24.

Section 4 corrects the name of a commission.

Section 5 removes a reference to an annual report that is no longer required to be prepared.

Section 6 corrects a conflict created by Public Law 2009, chapters 213 and 343, which affected the same provision of law, by incorporating the changes made by both laws.

Section 7 corrects a conflict created by Public Law 2009, chapters 324 and 325, which affected the same provision of law, by incorporating the changes made by both laws. Section 8 makes the changes retroactive to February 15, 2010.

Section 9 corrects a conflict created by Public Law 2009, chapters 324 and 325, which affected the same provision of law, by incorporating the changes made by both laws. Section 10 makes the changes retroactive to February 15, 2010.

Section 11 corrects a conflict created by Public Law 2009, chapter 324, which repealed Title 11, article 7A and chapter 325, which corrected a cross-reference in Title 11, section 7102, subsection (1), paragraph (e), which is in the repealed article. This section corrects the conflict by repealing Title 11, section 7102. Section 12 makes the change retroactive to February 15, 2010.

Section 13 corrects a conflict created by Public Law 2009, chapters 151 and 394, which affected the same provision of law, by incorporating the changes made by both laws.

Section 14 corrects a conflict created by Public Law 2009, chapters 340 and 369, which affected the same provision of law, by incorporating the changes made by both laws.

Section 15 corrects a conflict created when Public Law 2009, chapter 369 repealed the Maine Revised Statutes, Title 12, section 10154 and chapter 211 amended the section. This section corrects the conflict by repealing Title 12, section 10154.

Section 16 corrects a conflict created by Public Law 2009, chapters 213 and 340, which affected the same provision of law, by incorporating the changes made by both laws.

Section 17 corrects a conflict created by Public Law 2009, chapters 211 and 369, which affected the same provision of law, by incorporating the changes made by both laws.

Section 18 corrects a cross-reference, and section 19 adds an effective date.

Section 20 corrects a cross-reference.

Section 21 corrects a conflict created by Public Law 2009, chapters 268 and 391, which affected the same provision of law, by incorporating the changes made by both laws.

Section 22 corrects a cross-reference.

Section 23 corrects a conflict created by Public Law 2009, chapters 1 and 213, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 213 version.

Section 24 corrects a conflict created when Public Law 2009, chapter 190 amended Title 21A, section 1011, 2nd paragraph and Public Law 2009, chapter 366 repealed the paragraph. This section corrects the conflict by repealing the paragraph.

Section 25 corrects a conflict created by Public Law 2009, chapters 183 and 190, which affected the same provision of law, by incorporating the changes made by both laws.

Section 26 corrects a conflict created by Public Law 2009, chapters 190 and 366, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 190 version.

Section 27 corrects a conflict created by Public Law 2009, chapters 190 and 366, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 190 version.

Section 28 corrects a conflict created by Public Law 2009, chapters 190 and 366, which affected the same provision of law, by incorporating the changes made by both laws.

Section 29 corrects a conflict created when Public Law 2009, chapter 302 repealed Title 21A, section 1125, subsection 8 and Public Law 2009, chapters 286 and 363 amended that subsection. This section corrects the conflict by repealing the subsection. Section 30 provides an effective date of September 1, 2011.

Section 31 corrects a conflict created by Public Law 2009, chapters 302 and 363, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 302 version. Section 32 provides an effective date of September 1, 2011.

Section 33 corrects a conflict created by Public Law 2009, chapters 302 and 363, which affected the same provision of law, by incorporating the changes made by both laws. Section 34 provides an effective date of September 1, 2011.

Section 35 corrects a conflict created by Public Law 2009, chapters 429 and 430, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 430 version.

Section 36 corrects a cross-reference.



Section 37 corrects a conflict created when Public Law 2009, chapter 299 amended Title 22, section 5107J, subsection 2, paragraph C and chapter 369 repealed Title 22, section 5107J. This section corrects the conflict by repealing the section.

Section 38 corrects a conflict created by Public Law 2009, chapters 279 and 420, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 420 version.

Section 39 corrects a conflict created by Public Law 2009, chapters 279 and 420, which both substantively affected the same provision of law. This section corrects the conflict by incorporating the changes made by both laws.

Section 40 corrects a cross-reference.

Sections 41 and 42 correct a conflict created by Public Law 2009, chapters 77 and 118, which both substantively affected the same provisions of law. Sections 41 and 42 correct the conflict by incorporating the changes made by both laws.

Section 43 corrects a conflict created by Public Law 2009, chapters 261 and 344, which both substantively affected the same provision of law. This section corrects the conflict by incorporating the changes made by both laws and makes a grammatical correction.

Sections 44 and 45 correct clerical errors.

Sections 46 and 47 correct a conflict created by Public Law 2009, chapters 336 and 451, which both substantively affected the same provision of law. Sections 46 and 47 correct the conflict by incorporating the changes made by both laws.

Section 48 corrects the name of a commission.

Section 49 corrects the name of a commission.

Section 50 corrects punctuation and a clerical error by adding a word that was inadvertently omitted.

Section 51 corrects a conflict created by Public Law 2009, chapters 438 and 459, which both substantively affected the same provision of law, by incorporating the changes made by both laws.

Section 52 corrects a numbering problem created by Public Law 2009, chapters 438 and 459, which enacted 2 substantively different provisions of law with the same section number.

Section 53 corrects a conflict created by Public Law 2009, chapters 50 and 55, which affected the same provision of law, by incorporating the changes made by both laws.

Section 54 corrects a cross-reference.

Sections 55, 57 and 58 correct a conflict created when Public Law 2009, chapter 250 amended Title 32, section 2402A and chapter 344 repealed the section. These sections correct the conflict by repealing the section and adding the substance of the change made by chapter 250 to the laws governing the Maine Fuel Board, which were enacted by chapter 344.

Section 56 corrects a cross-reference.

Section 59 corrects the name of a commission.

Section 60 corrects a clerical error by adding a word that was inadvertently omitted.

Sections 61 to 63 correct punctuation errors.

Section 64 corrects a conflict created by Public Law 2009, chapters 413 and 434, which affected the same provision of law, by incorporating the changes made by both laws. Section 65 makes the changes retroactive to July 18, 2008.

Section 66 corrects a conflict created by Public Law 2009, chapters 413 and 434, which affected the same provision of law, by incorporating the changes made by both laws.

Section 67 corrects a conflict created by Public Law 2009, chapters 213 and 434, which affected the same provision of law, by incorporating the changes made by both laws.

Section 68 corrects a conflict created by Public Law 2009, chapters 213 and 434, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 213 version and makes a technical correction.

Section 69 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ, section 6 and Part BBBB, section 10, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 213, Part BBBB, section 10 version.

Sections 70 and 71 correct a numbering problem created by Public Law 2009, chapter 213, Part ZZZ, section 8 and Part BBBB, section 12, which enacted 2 substantively different provisions with the same paragraph letter, and make a technical change.

Section 72 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ, section 11 and Part BBBB, section 13, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 213, Part BBBB, section 13 version and makes a technical correction.

Sections 73 to 75 correct a numbering problem created by Public Law 2009, chapter 213, Part ZZZ, section 13 and Part BBBB, section 15, which enacted 2 substantively different provisions with the same paragraph letter, make a technical change, correct a cross-reference and add an application section.

Section 76 corrects a conflict created by Public Law 2009, chapters 434 and 461, which affected the same provision of law, by incorporating the changes made by both laws.

Section 77 corrects a conflict created by Public Law 2009, chapters 299 and 406, which affected the same provision of law, by incorporating the changes made by both laws.

Section 78 corrects a conflict created by Public Law 2009, chapters 200 and 372, which affected the same provision of law, by incorporating the changes made by both laws with a technical correction.

Section 79 corrects a conflict created by Public Law 2009, chapters 200 and 372, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 372 version.

Section 80 corrects the name of a commission.

Section 81 corrects an application section to make it clear to what years the changes to the Maine Revised Statutes, Title 36, section 683, subsection 1 apply.

Section 82 repeals a retroactivity section in a public law that referred to a section of statute that was not included in the public law.

Section 83 corrects a reference in a retroactivity section.