

**LAWS  
OF THE  
STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION  
December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 2013**

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

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**Augusta, Maine  
2013**



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## PREFACE

The 2013 edition of Laws of the State of Maine is the official publication of the session laws of the State of Maine enacted by the 126th Legislature and is compiled and published under the authority of the Maine Revised Statutes, Title 3, section 163-A. Laws of the State of Maine has been in continuous publication since 1820, when the acts and resolves adopted by the First Legislature were published by the Secretary of State under the authority of Resolve 1820, chapter 25.

Volumes 1 and 2 contain the public laws, private and special laws and resolves enacted at the First Regular Session of the 126th Legislature, followed by the 2011 Revisor's Report, chapter 2, Initiated Bill 2011, chapter 1 and a selection of significant addresses, joint resolutions and memorials.

Additional volumes of the 2013 Laws of the State of Maine will contain those measures adopted in the Second Regular Session and any special session of the 126th Legislature.

The following conventions are used throughout the series.

1. At the top of each page is a heading that classifies each law by session of passage, year, type and chapter number.
2. A table of contents that locates major divisions and contents by page number is located at the beginning of each volume.
3. An individual subject index of the documents contained in these volumes, arranged alphabetically by subject heading with corresponding chapter numbers, is located at the end of volume 2.
4. Session cross-reference tables are also provided at the end of volume 2 showing how unallocated public laws, laws exempted in previous revisions and titles and sections of the Maine Revised Statutes of 1964 have been affected by the laws included in this publication.
5. Words and phrases deleted from the statutes are shown struck through. When an entire section or larger segment is repealed, the text that is repealed is not shown struck through, but its repeal is indicated by express language.
6. When new words or sections are added to the statutes, they are underlined.
7. A chaptered law's Legislative Document number is printed beneath its chapter number heading, indicating the source of the chapter.
8. The effective date for Maine laws is provided for in the Constitution of Maine, Article IV, Part Third, Section 16, which specifies that, except for certain emergency legislation, an act or resolve enacted into law takes effect 90 days after the adjournment of the session in which it passed. The general effective date of nonemergency laws passed at the First Regular Session of the 126th Legislature is October 9, 2013. The effective dates of emergency legislation vary and are provided at the ends of the chapters that were enacted as emergencies.

Copies of a specific chaptered law may be obtained by contacting the Engrossing Division of this office. Laws of the State of Maine is also available online through the website of the Office of the Revisor of Statutes at <http://legislature.maine.gov/ros/lom/lomdirectory.htm>.

This edition of Laws of the State of Maine and its predecessors have been prepared for the convenience of the people of the State of Maine, and any comments or suggestions for improvements in subsequent editions would be appreciated.

Suzanne M. Gresser  
Revisor of Statutes  
October 2013

# **LEGISLATIVE STATISTICS**

## **FIRST REGULAR SESSION 126th Legislature**

Convened .....	December 5, 2012
Adjourned .....	July 10, 2013
Days in Session	
Senate.....	68
House of Representatives.....	67
Legislative Documents .....	1,577
Carryover Bills and Papers .....	213
Public Laws.....	428
Private and Special Laws.....	18
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Effective Date .....	October 9, 2013 (unless otherwise indicated)

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**CIVIL GOVERNMENT  
OF THE  
STATE OF MAINE  
FOR THE POLITICAL YEARS 2012 AND 2013**

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**CONSTITUTIONAL OFFICERS**

Governor

Paul R. LePage

Secretary of State

Matthew Dunlap

Attorney General

Janet T. Mills

Treasurer of State

Neria R. Douglass

## **EXECUTIVE BRANCH STATE DEPARTMENTS**

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Paul R. LePage

Administrative and Financial Services, Department of  
Commissioner ..... H. Sawin Millett, Jr.  
Agriculture, Conservation and Forestry, Department of  
Commissioner ..... Walter Whitcomb  
Corrections, Department of  
Commissioner ..... Joseph Ponte  
Defense, Veterans and Emergency Management,  
Department of  
Commissioner ..... James Campbell  
Economic and Community Development, Department of  
Commissioner ..... George Gervais  
Education, Department of  
Commissioner ..... Stephen Bowen  
Environmental Protection, Department of  
Commissioner ..... Patricia Aho

Health and Human Services, Department of  
Commissioner ..... Mary Mayhew  
Inland Fisheries and Wildlife, Department of  
Commissioner ..... Chandler Woodcock  
Labor, Department of  
Commissioner ..... Jeanne Paquette  
Marine Resources, Department of  
Commissioner ..... Patrick Keliher  
Professional and Financial Regulation, Department of  
Commissioner ..... Anne Head  
Public Safety, Department of  
Commissioner ..... John E. Morris  
Transportation, Department of  
Commissioner ..... David B. Bernhardt

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Office of Policy and Management  
Director ..... Richard Rosen

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Executive Director ..... Paul Sighinolfi

Public Utilities Commission  
Chair ..... Thomas L. Welch

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Audit, Department of  
State Auditor ..... Pola Buckley  
Baxter State Park  
Director ..... Jensen Bissell  
Maine State Housing Authority  
Director ..... John Gallagher  
Maine Maritime Academy  
President ..... William J. Brennan  
Maine Port Authority  
Executive Director ..... John H. Henshaw

Maine State Retirement System  
Executive Director ..... Sandy Matheson  
Maine Turnpike Authority  
Executive Director ..... Peter Mills  
Maine Municipal Bond Bank  
Chair ..... Stephen R. Crockett  
Finance Authority of Maine  
Chief Executive Officer ..... Beth Bordowitz

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**SUPREME JUDICIAL COURT**

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Ellen A. Gorman.....	Portland	Andrew M. Mead .....	Bangor
Joseph M. Jabar .....	Augusta	Warren M. Silver.....	Bangor

Active Retired Justices

Robert W. Clifford..... Auburn

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Chief Justice

Thomas E. Humphrey..... Portland

Justices

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Roland A. Cole .....	Portland	Robert E. Murray .....	Belfast
Kevin M. Cuddy .....	Bangor	Nancy Mills.....	Portland
Paul A. Fritzsche.....	Alfred	Michaela Murphy .....	Augusta
Jeffrey L. Hjelm.....	Rockland	John Nivison.....	Augusta
Andrew M. Horton.....	Portland	John O'Neil.....	Alfred
E. Allen Hunter.....	Caribou	Thomas D. Warren .....	Portland
MaryGay Kennedy .....	Auburn	Joyce A. Wheeler .....	Portland

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G. Arthur Brennan ..... Alfred

William S. Brodrick ..... Portland  
Donald H. Marden..... Augusta

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Robert E. Mullen (Deputy Chief Judge).....	Skowhegan

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Daniel Billings.....	Wiscasset	E. Mary Kelly.....	Portland
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Michael Cantara.....	Springvale	Rick E. Lawrence .....	Lewiston
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Peter Darvin.....	Springvale	Jeffrey Moskowitz.....	Portland
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Andre G. Janelle .....	Biddeford	Patricia G. Worth .....	Belfast

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Laura O'Hanlon.....	Chief of Court Management
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District 10	Stanley J. Gerzofsky .....	Cumberland
District 11	Richard G. Woodbury.....	Cumberland
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District 27	Douglas A. Thomas .....	Somerset
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Meghan M. Russo, Legislative Aide  
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Emily S. Forester, Chamber Staff  
John A. Seed, Chamber Staff

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District 103	Michael D. McClellan.....	Raymond
District 104	Dale J. Crafts .....	Lisbon
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District 108	Stephen W. Moriarty.....	Cumberland
District 109	Anne P. Graham.....	North Yarmouth
District 110	Thomas M. Tyler .....	Windham
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District 112	Mary Pennell Nelson .....	Falmouth
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District 114	Peter C. Stuckey .....	Portland
District 115	Erik C. Jorgensen .....	Portland
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District 122	Terry K. Morrison.....	South Portland

District 123	Scott M. Hamann.....	South Portland
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District 126	Drew M. Gattine.....	Westbrook
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District 128	Heather W. Sirocki .....	Scarborough
District 129	Andrew J. McLean .....	Gorham
District 130	Linda F. Sanborn .....	Gorham
District 131	Donald G. Marean .....	Hollis
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District 133	Barry J. Hobbins.....	Saco
District 134	Justin Mark Chenette .....	Saco
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District 137	Alan M. Casavant .....	Biddeford
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District 139	Aaron F. Libby .....	Waterboro
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District 144	William F. Noon .....	Sanford
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District 146	Mark W. Eves.....	North Berwick
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District 149	Paul D. McGowan .....	York
District 150	Windol C. Weaver .....	York
District 151	Deane Rykerson .....	Kittery
		Tribal Representatives
	Henry John Bear.....	Houlton Band of Maliseet Indians
	Wayne T. Mitchell .....	Penobscot Nation
	Madonna M. Soctomah .....	Passamaquoddy Tribe

## OFFICERS

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Millicent M. MacFarland, Clerk of the House

Robert B. Hunt, Assistant Clerk of the House

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Bill Brown, Special Assistant for  
Budget and Policy  
Jodi Quintero, Communications Director  
Alysia Melnick, Legal Counsel and Senior  
Policy Counsel  
Alex Pringle, Special Assistant to the Speaker  
Jane Figoli, Senior Administrative Secretary  
Lynne Hanley, Senior Executive Secretary

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Coordinator  
Christine Wormell, Senior Administrative  
Secretary  
Sharon Snyder, Chief Calendar Clerk  
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Marie E. Rankins, Calendar Clerk  
Jennifer McGowan, Journal Clerk  
Jeannette Farnsworth, House Reporter  
Jeannette Rowell, Chamber Activities  
Coordinator  
Jeanne Russell, Receptionist

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Jeff M. McCabe, Assistant Majority Leader  
Kate Simmons, Chief of Staff  
Ann Kim, Communications Director  
Ryan MacDonald, Policy Director  
Amy Saxton, Chief of Operations  
Dan Ankeles, Legislative Aide  
Margaret Payne, Legislative Aide  
Stefanie Veneziano, Legislative Aide  
Greg Attra, Legislative Aide  
Jared Golden, Legislative Aide  
Carolyn Condon, Web Administrator  
Paula Thomas, Assistant to the Leaders

### House Republican Minority Office

Kenneth Wade Fredette, Republican Leader  
Alexander Reginald Willette, Assistant  
Republican Leader  
Earl Bierman, Chief of Staff  
Shawn Roderick, Senior Legislative Aide  
David Sorenson, Communications and Policy  
Director  
Bethany Allen, Legislative Aide  
Jamie Carter, Legislative Aide  
Edward Ford, Legislative Aide  
Kathleen Jackson, Legislative Aide  
David A. Knorr, Legislative Aide

### House Chamber Staff

Normand J. Arbour, Sergeant-at-Arms  
Lance D. Willis, Assistant Sergeant-at-Arms  
Don Suitter, Doorkeeper  
Theodore Sims, Doorkeeper  
Fred Hatch, House Courier  
Cherie Culbert, Page

Robert Edwards, Page  
Olin Hartkopf, Page  
Jeremy Payson, Page  
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Sen. Anne M. Haskell  
Sen. Michael D. Thibodeau

Sen. Roger J. Katz  
Rep. Seth A. Berry  
Rep. Jeffrey M. McCabe  
Rep. Kenneth W. Fredette  
Rep. Alexander R. Willette

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Sherry Ann Davis, Payroll and Benefits Supervisor  
Heather Carey, Administrative Secretary

Casey Luce, Accounts Management Assistant  
Amanda Goldsmith, Legislative Services Associate  
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Howard Boucher, Facilities Support Staff

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Mark Deering, Systems Analyst  
Nik Rende, Senior Programmer Analyst  
Mark Krawec, Senior Programmer Analyst  
Stacy Morang, Senior Web Administrator

Kristopher Penney, Desktop Administrator  
Michael Thompson, Desktop Administrator  
Linda Weston, Helpdesk Administrator  
Susan Begin, Office Support Technician

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Lisa Dunbar, Information Office Assistant

Judy St. Pierre, Information Office Assistant  
Veronica Snow, Information Office Assistant

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Sherry Williams, Senior Secretary  
Holly Mullen, Receptionist/Secretary

Office of Policy and Legal Analysis  
Marion Hylan Barr, Director

Jon P. Clark, Deputy Director  
Margaret J. Reinsch, Senior Legislative Analyst  
Jane Orbeton, Senior Legislative Analyst  
Phillip D. McCarthy, Senior Legislative Analyst  
Curtis C. Bentley, Legislative Analyst  
Anna T. Broome, Legislative Analyst  
Danielle D. Fox, Legislative Analyst  
Jean Guzzetti, Legislative Analyst  
Natalie L. Haynes, Legislative Analyst  
Henry Fouts, Legislative Analyst  
Susan Z. Johannesman, Legislative Analyst

Alyson Mayo, Legislative Analyst  
Christopher Spruce, Legislative Analyst  
Colleen M. McCarthy Reid, Legislative Analyst  
Karen Nadeau-Drillen, Legislative Analyst  
Amy Winston, Legislative Analyst  
Darlene Shores Lynch, Senior Legislative Researcher  
Alison L. Ames, Legislative Researcher  
Kristin Brawn, Legislative Researcher  
Donna L. Hurley, Senior Secretary  
Kathy E. Norris, Senior Secretary  
Tanya Condon, Secretary

Law and Legislative Reference Library  
John R. Barden, Director

Elaine Apostola, Deputy Director  
Nicole Dyszlewski, Senior Law Librarian  
Sue Wright, Senior Law Librarian  
Alexander Burnett, Associate Law Librarian  
Julie Olson, Associate Law Librarian  
Ryan Jones, Library Associate

Jennifer Locke, Library Associate  
Gianine Lupo, Library Assistant  
Amanda Ouellette, Library Assistant  
Donna Sullivan, Library Assistant  
Jon Williams, Library Assistant  
Diane Vorpagel, Administrative Secretary



**PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
2013**

**CHAPTER 1  
S.P. 86 - L.D. 250**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013**

**Emergency preamble.** Whereas, acts and resolves 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,

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

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Budget - Bureau of the 0055**

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$80,000)	\$0	\$0

	<b>GENERAL FUND</b>	<b>(\$80,000)</b>	<b>\$0</b>	<b>\$0</b>
TOTAL				

**Buildings and Grounds Operations 0080**

Initiative: Reorganizes one Space Management Specialist position into a Chief Planner position and reduces All Other to fund the reorganization.

	<b>REAL PROPERTY</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
LEASE INTERNAL				
SERVICE FUND				
Personal Services	\$1,195	\$0	\$0	\$0
All Other	(\$1,195)	\$0	\$0	\$0
		<hr/>	<hr/>	<hr/>
REAL PROPERTY	\$0	\$0	\$0	\$0
LEASE INTERNAL				
SERVICE FUND				
TOTAL				

**Buildings and Grounds Operations 0080**

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

	<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$100,000)	\$0	\$0	\$0
		<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$100,000)	\$0	\$0	\$0
TOTAL				

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers one Public Service Manager II position, one Public Service Manager I position and one Senior Staff Accountant position to the Department of Health and Human Services for the Medicaid finance team.

	<b>FINANCIAL AND PERSONNEL SERVICES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(3.000)	0.000	0.000	0.000
Personal Services	(\$62,859)	\$0	\$0	\$0

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	<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
FINANCIAL AND PERSONNEL SERVICES FUND	Personal Services	(\$15,000)	\$0	\$0
<b>TOTAL</b>				

**Financial and Personnel Services - Division of 0713**

Initiative: Transfers one Public Service Manager I position, one Management Analyst II position, one Medical Support Specialist Claims position and 2 Reimbursement Specialist positions from the Department of Health and Human Services to the Department of Administrative and Financial Services.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
FINANCIAL AND PERSONNEL SERVICES FUND			
POSITIONS - LEGISLATIVE COUNT	5.000	0.000	0.000
Personal Services	\$130,226	\$0	\$0
<b>TOTAL</b>	<b>\$130,226</b>	<b>\$0</b>	<b>\$0</b>

**Maine Board of Tax Appeals Z146**

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$14,011)	\$0	\$0
<b>TOTAL</b>	<b>(\$14,011)</b>	<b>\$0</b>	<b>\$0</b>

**Revenue Services, Bureau of 0002**

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$493,724)	\$0	\$0
<b>TOTAL</b>	<b>(\$493,724)</b>	<b>\$0</b>	<b>\$0</b>

**State Controller - Office of the 0056**

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
GENERAL FUND	Personal Services	(\$15,000)	\$0
<b>TOTAL</b>		<b>(\$15,000)</b>	<b>\$0</b>

**Statewide Radio Network System 0112**

Initiative: Reduces funding for debt service payments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$2,000,000)	\$0	\$0
<b>TOTAL</b>	<b>(\$2,000,000)</b>	<b>\$0</b>	<b>\$0</b>

**Veterans' Organization Tax Reimbursement Z062**

Initiative: Reduces funding as the result of reimbursements that were lower than budgeted. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$10,885)	\$0	\$0
<b>TOTAL</b>	<b>(\$10,885)</b>	<b>\$0</b>	<b>\$0</b>

**Veterans Tax Reimbursement 0407**

Initiative: Reduces funding as the result of reimbursements that were lower than budgeted. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$63,030)	\$0	\$0
<b>TOTAL</b>	<b>(\$63,030)</b>	<b>\$0</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF****DEPARTMENT TOTALS**

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
GENERAL FUND	(\$2,776,650)	\$0	\$0
FINANCIAL AND PERSONNEL SERVICES FUND	\$67,367	\$0	\$0
REAL PROPERTY LEASE INTERNAL SERVICE FUND	\$0	\$0	\$0

DEPARTMENT	2012-13	2013-14	2014-15
TOTAL - ALL FUNDS	(\$2,709,283)	\$0	\$0

**Sec. A-2. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

##### Division of Agricultural Resource Development 0833

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$20,000)	\$0	\$0
TOTAL	(\$20,000)	\$0	\$0

##### Division of Animal Health and Industry 0394

Initiative: Reduces funding by recognizing one-time savings achieved by reducing professional services to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$5,000)	\$0	\$0
TOTAL	(\$5,000)	\$0	\$0

##### Division of Plant Industry 0831

Initiative: Reduces funding by recognizing one-time savings achieved by reducing general operations to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,000)	\$0	\$0
TOTAL	(\$2,000)	\$0	\$0

##### Division of Quality Assurance and Regulation 0393

Initiative: Reduces funding by recognizing one-time savings achieved by reducing professional services to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,500)	\$0	\$0
TOTAL	(\$1,500)	\$0	\$0

#### Maine Farms for the Future Program 0925

Initiative: Reduces funding for grants on a one-time basis. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$21,500)	\$0	\$0
TOTAL	(\$21,500)	\$0	\$0

#### Office of the Commissioner 0401

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$18,000)	\$0	\$0
TOTAL	(\$18,000)	\$0	\$0

#### AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

##### DEPARTMENT TOTALS

GENERAL FUND	2012-13	2013-14	2014-15
(\$68,000)	\$0	\$0	
TOTAL	(\$68,000)	\$0	\$0

#### Sec. A-3. Appropriations and allocations.

The following appropriations and allocations are made.

#### ARTS COMMISSION, MAINE

##### Arts - Administration 0178

Initiative: Reduces grant funding. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$5,000)	\$0	\$0

GENERAL FUND	(\$5,000)	\$0	\$0
TOTAL			

**Sec. A-4. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### ATTORNEY GENERAL, DEPARTMENT OF THE

##### Administration - Attorney General 0310

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$102,000)	\$0	\$0
GGENERAL FUND			
TOTAL	(\$102,000)	\$0	\$0

##### Administration - Attorney General 0310

Initiative: Reduces All Other funding by eliminating computer replacement in the current fiscal year. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$12,000)	\$0	\$0
GGENERAL FUND			
TOTAL	(\$12,000)	\$0	\$0

##### Administration - Attorney General 0310

Initiative: Reorganizes one Secretary Associate Legal position to a Medical Examiner Assistant position and transfers the position from the Administration - Attorney General program to the Chief Medical Examiner - Office of program.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$16,233)	\$0	\$0
All Other	(\$308)	\$0	\$0
GGENERAL FUND			
TOTAL	(\$16,541)	\$0	\$0

##### Chief Medical Examiner - Office of 0412

Initiative: Reorganizes one Secretary Associate Legal position to a Medical Examiner Assistant position and transfers the position from the Administration - Attor-

ney General program to the Chief Medical Examiner - Office of program.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$16,233	\$0	\$0
All Other	\$308	\$0	\$0
GGENERAL FUND			
TOTAL	\$16,541	\$0	\$0

##### Civil Rights 0039

Initiative: Reduces All Other funding by suspending the annual spring conference for the civil rights team project. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$9,000)	\$0	\$0
GGENERAL FUND			
TOTAL	(\$9,000)	\$0	\$0

##### District Attorneys Salaries 0409

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$63,291)	\$0	\$0
GGENERAL FUND			
TOTAL	(\$63,291)	\$0	\$0

##### FHM - Attorney General 0947

Initiative: Provides funding for health insurance premiums due to change in incumbent.

FUND FOR A HEALTHY MAINE	2012-13	2013-14	2014-15
Personal Services	\$6,559	\$0	\$0
All Other	\$206	\$0	\$0
FUND FOR A HEALTHY MAINE			
TOTAL	\$6,765	\$0	\$0

ATTORNEY  
GENERAL,  
DEPARTMENT OF  
THE

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$186,291)	\$0	\$0
FUND FOR A HEALTHY MAINE	\$6,765	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$179,526)	\$0	\$0

**Sec. A-5. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### AUDIT, DEPARTMENT OF

##### Audit - Departmental Bureau 0067

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$16,322)	\$0	\$0
GENERAL FUND TOTAL	(\$16,322)	\$0	\$0

**Sec. A-6. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### CHARTER SCHOOL COMMISSION, STATE

##### State Charter School Commission Z137

Initiative: Reduces funding by recognizing start-up costs that were lower than anticipated. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,400)	\$0	\$0
GENERAL FUND TOTAL	(\$1,400)	\$0	\$0

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

#### COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

##### Maine Community College System - Board of Trustees 0556

Initiative: Reduces funding for the Maine Community College System. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$724,451)	\$0	\$0
GENERAL FUND TOTAL	(\$724,451)	\$0	\$0

**Sec. A-8. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### CONSERVATION, DEPARTMENT OF Division of Forest Protection 0232

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the reimbursement received from the Federal Government for out-of-state mobilizations in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$175,000)	\$0	\$0
GENERAL FUND TOTAL	(\$175,000)	\$0	\$0

#### Geological Survey 0237

Initiative: Reduces funding by recognizing one-time savings achieved by reducing in-state travel and groundwater investigations in the Branch Brook watershed. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,000)	\$0	\$0
GENERAL FUND TOTAL	(\$2,000)	\$0	\$0

#### Land Use Planning Commission 0236

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$27,000)	\$0	\$0
GENERAL FUND TOTAL	(\$27,000)	\$0	\$0

#### Maine Conservation Corps Z030

**PUBLIC LAW, C. 1****FIRST REGULAR SESSION - 2013**

Initiative: Reorganizes one Senior Planner position to a Public Service Coordinator I position.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$898)	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$898)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Natural Areas Program 0821**

Initiative: Reduces funding by recognizing one-time savings achieved by delaying the completion of technical assistance materials in the municipal assistance program. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$4,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$4,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Parks - General Operations 0221**

Initiative: Reorganizes one Senior Planner position to a Public Service Coordinator I position.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$898)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$898)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Parks - General Operations 0221**

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$99,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$99,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**CONSERVATION, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>

<b>GENERAL FUND</b>	<b>(\$307,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>(\$898)</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$898)</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$308,796)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-9. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF Administration - Corrections 0141**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$116,489)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$116,489)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Adult Community Corrections 0124**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$343,241)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$343,241)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Correctional Center 0162**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$150,591)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$150,591)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Departmentwide - Overtime 0032**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$171,312)	\$0	\$0
<b>TOTAL</b>	<b>(\$171,312)</b>	<b>\$0</b>	<b>\$0</b>

**Downeast Correctional Facility 0542**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$103,870)	\$0	\$0
<b>TOTAL</b>	<b>(\$103,870)</b>	<b>\$0</b>	<b>\$0</b>

**Juvenile Community Corrections 0892**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$160,195)	\$0	\$0
<b>TOTAL</b>	<b>(\$160,195)</b>	<b>\$0</b>	<b>\$0</b>

**Long Creek Youth Development Center 0163**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$326,433)	\$0	\$0
<b>TOTAL</b>	<b>(\$326,433)</b>	<b>\$0</b>	<b>\$0</b>

**Mountain View Youth Development Center 0857**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$188,995)	\$0	\$0
<b>TOTAL</b>	<b>(\$188,995)</b>	<b>\$0</b>	<b>\$0</b>

**State Prison 0144**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$413,942)	\$0	\$0
<b>TOTAL</b>	<b>(\$413,942)</b>	<b>\$0</b>	<b>\$0</b>

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2012-13	2013-14	2014-15

GENERAL FUND	(\$1,975,068)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$1,975,068)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-10. Appropriations and allocations.**  
The following appropriations and allocations are made.

**CORRECTIONS, STATE BOARD OF  
State Board of Corrections Investment Fund Z087**

Initiative: Establishes one Financial Analyst position and reduces All Other to fund the position.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$20,905	\$0	\$0
All Other	(\$20,905)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

**State Board of Corrections Investment Fund Z087**

Initiative: Provides funding to bring allocations in line with available resources projected by the Revenue Forecasting Committee in December 2012.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$370	\$0	\$0

	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
OTHER SPECIAL REVENUE FUNDS	\$370	\$0	\$0
<b>TOTAL</b>			

**State Board of Corrections Investment Fund Z087**

Initiative: Reduces funding available for county jail support. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$163,524)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$163,524)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			
<b>CORRECTIONS, STATE BOARD OF DEPARTMENT TOTALS</b>			
<b>GENERAL FUND</b>	<b>(\$163,524)</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$370</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$163,154)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-11. Appropriations and allocations.**  
The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF****Administration - Defense, Veterans and Emergency Management 0109**

Initiative: Reduces funding for projected Personal Services savings. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$10,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$10,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Administration - Maine Emergency Management Agency 0214**

Initiative: Reduces funding for Personal Services by managing vacancies. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$26,448)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$26,448)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Disaster Assistance 0841**

Initiative: Provides funding for the state share of disaster assistance for previously declared disasters: 2010 December Flooding and 2011 Tropical Storm Irene.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$238,736	\$0	\$0
<b>GENERAL FUND</b>	<b>\$238,736</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Military Training and Operations 0108**

Initiative: Provides funding to cover a projected shortfall in Personal Services and adjusts funding in All Other in the STARBASE Program.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$41,000	\$0	\$0
All Other	(\$19,305)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$21,695</b>	<b>\$0</b>	<b>\$0</b>

**Military Training and Operations 0108**

Initiative: Reduces funding available for general operating expenses. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$10,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$10,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Veterans Services 0110**

Initiative: Reduces funding for Personal Services by delayed hiring of a position and managing vacancies. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$30,000)	\$0	\$0

GENERAL FUND	2012-13	2013-14	2014-15
GENERAL FUND TOTAL	(\$30,000)	\$0	\$0
DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF			
DEPARTMENT TOTALS			
GENERAL FUND	\$162,288	\$0	\$0
FEDERAL EXPENDITURES FUND	\$21,695	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$183,983	\$0	\$0
<b>Sec. A-12. Appropriations and allocations.</b> The following appropriations and allocations are made.			
<b>DEVELOPMENT FOUNDATION, MAINE</b>			
<b>Development Foundation 0198</b>			
Initiative: Reduces funding for a grant to support the Realize Maine Network. This initiative relates to curtailment of allotments.			
GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$445)	\$0	\$0
GENERAL FUND TOTAL	(\$445)	\$0	\$0
<b>Development Foundation 0198</b>			
Initiative: Reduces funding for a grant to support the Main Street programs. This initiative relates to curtailment of allotments.			
GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$333)	\$0	\$0
GENERAL FUND TOTAL	(\$333)	\$0	\$0
DEVELOPMENT FOUNDATION, MAINE			
DEPARTMENT TOTALS			

GENERAL FUND	2012-13	2013-14	2014-15
GENERAL FUND	(\$778)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$778)	\$0	\$0

**Sec. A-13. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### DOWNEAST INSTITUTE FOR APPLIED MARINE RESEARCH AND EDUCATION

##### Downeast Institute for Applied Marine Research and Education 0993

Initiative: Reduces funding available for general operating expenses. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$165)	\$0	\$0
GENERAL FUND TOTAL	(\$165)	\$0	\$0

**Sec. A-14. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

##### Administration - Economic and Community Development 0069

Initiative: Transfers one Public Service Manager II position from the Administration - Economic and Community Development program, General Fund to the Business Development program, General Fund.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1.000)	0.000	0.000
Personal Services	(\$96,862)	\$0	\$0
GENERAL FUND TOTAL	(\$96,862)	\$0	\$0

#### Business Development 0585

Initiative: Transfers one Public Service Manager II position from the Administration - Economic and Community Development program, General Fund to the Business Development program, General Fund.

GENERAL FUND	2012-13	2013-14	2014-15
GENERAL FUND TOTALS			

POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$96,862	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	\$96,862	\$0	\$0
TOTAL			

**Office of Innovation 0995**

Initiative: Reduces funding for the Maine Technology Institute. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$307,952)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$307,952)	\$0	\$0
TOTAL			

  

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF	2012-13	2013-14	2014-15
DEPARTMENT TOTALS			
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$307,952)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$307,952)	\$0	\$0

**Sec. A-15. Appropriations and allocations.**  
The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF****General Purpose Aid for Local Schools 0308**

Initiative: Reallocates the cost of one Office Specialist I position from 65% in the General Purpose Aid for Local Schools program and 35% in the PK-20, Adult Education and Federal Programs Team program to 100% in the General Purpose Aid for Local Schools program and transfers All Other to Personal Services to fund the reallocation.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$18,209	\$0	\$0
All Other	(\$89,913)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$71,704)	\$0	\$0
TOTAL			

**General Purpose Aid for Local Schools 0308**

Initiative: Reduces funding for subsidy payments to school administrative units. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$12,579,756)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$12,579,756)	\$0	\$0
TOTAL			

**General Purpose Aid for Local Schools 0308**

Initiative: Notwithstanding the Maine Revised Statutes, Title 20-A, section 15005, subsection 1, reduces funding for a portion of the June 2013 payment, which may be recorded as an account receivable that will be deferred until after July 1, 2013. The deferred portion must be paid no later than July 8, 2013.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$18,500,000)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$18,500,000)	\$0	\$0
TOTAL			

**General Purpose Aid for Local Schools 0308**

Initiative: Reallocates the cost of one Education Specialist II position from 100% in the Special Services Team program to 100% in the PK-20, Adult Education and Federal Programs Team program and transfers funding for the position from the General Purpose Aid for Local Schools program to the PK-20, Adult Education and Federal Programs Team program for the system of learning results.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$113,871)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$113,871)	\$0	\$0
TOTAL			

**General Purpose Aid for Local Schools 0308**

Initiative: Reduces funding for bus refurbishing that is no longer needed.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$360,000)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND	(\$360,000)	\$0	\$0
TOTAL			

**Leadership Team Z077**

Initiative: Reallocates the cost of one Policy Development Specialist position from 100% in the Special Services Team program to 100% in the Leadership Team program and reallocates the cost of one Public Service Manager II position from 100% in the Leadership Team program to 100% in the Special Services Team program.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$7,571)	\$0	\$0
All Other	\$7,571	\$0	\$0
	<hr/>	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
<b>TOTAL</b>			

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Reallocates the cost of one Office Specialist I position from 65% in the General Purpose Aid for Local Schools program and 35% in the PK-20, Adult Education and Federal Programs Team program to 100% in the General Purpose Aid for Local Schools program and transfers All Other to Personal Services to fund the reallocation.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$18,209)	\$0	\$0
	<hr/>	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	(\$18,209)	\$0	\$0

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Provides funding to change the salary range for one Director, PK-20, Adult Education and Federal Programs Team position from 34 to 36 and reduces All Other to fund the change.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$511	\$0	\$0
All Other	(\$511)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0	\$0

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Reallocates 50% of the cost of one Clerk IV position from the Special Services Team program to

the PK-20, Adult Education and Federal Programs Team program.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$29,119	\$0	\$0
All Other	(\$29,119)	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$0	\$0

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Reallocates the cost of one Education Specialist II position from 100% in the Special Services Team program to 100% in the PK-20, Adult Education and Federal Programs Team program and transfers funding for the position from the General Purpose Aid for Local Schools program to the PK-20, Adult Education and Federal Programs Team program for the system of learning results.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$75,519	\$0	\$0
	<hr/>	<hr/>	<hr/>
GENERAL FUND TOTAL	\$75,519	\$0	\$0

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Eliminates one Programmer Analyst position.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(1.000)	0.000	0.000
Personal Services	(\$66,622)	\$0	\$0
	<hr/>	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	(\$66,622)	\$0	\$0

### **PK-20, Adult Education and Federal Programs Team Z081**

Initiative: Increases funding to correct a negative allocation.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	\$8	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8</b>	<b>\$0</b>	<b>\$0</b>

**School Finance and Operations Z078**

Initiative: Provides funding for match to school administrative units that purchase produce or minimally processed foods directly from a farmer or a farmers' cooperative in the State.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$15,000	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$15,000</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Reallocates 50% of the cost of one Office Associate II position from the Federal Expenditures Fund to the General Fund within the same program and transfers All Other to Personal Services in the General Fund to fund the reallocation.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$26,452	\$0	\$0
All Other	(\$26,452)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	(\$26,452)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$26,452)</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Reallocates the cost of one Policy Development Specialist position from 100% in the Special Services Team program to 100% in the Leadership Team program and reallocates the cost of one Public Service Manager II position from 100% in the Leader-

ship Team program to 100% in the Special Services Team program.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	\$7,571	\$0	\$0
All Other	(\$7,571)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Reallocates 20% of the cost of one Education Specialist II position from the Federal Expenditures Fund to the General Fund within the same program and transfers All Other to Personal Services in the General Fund to fund the reallocation.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$15,103	\$0	\$0
All Other	(\$15,103)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	(\$15,103)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$15,103)</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Reallocates 50% of the cost of one Clerk IV position from the Special Services Team program to the PK-20, Adult Education and Federal Programs Team program.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	(\$29,119)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$29,119)</b>	<b>\$0</b>	<b>\$0</b>

**Special Services Team Z080**

Initiative: Reallocates the cost of one Education Specialist II position from 100% in the Special Services Team program to 100% in the PK-20, Adult Education and Federal Programs Team program and transfers funding for the position from the General Purpose Aid for Local Schools program to the PK-20, Adult Education and Federal Programs Team program for the system of learning results.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$75,519)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$75,519)</b>	<b>\$0</b>	<b>\$0</b>

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$31,549,812)	\$0	\$0
FEDERAL EXPENDITURES FUND	(\$231,016)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$15,000	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$31,765,828)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-16. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### EDUCATION, STATE BOARD OF State Board of Education 0614

Initiative: Reduces funding for per diem expenses for board members. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$1,276)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$1,276)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-17. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### EFFICIENCY MAINE TRUST

##### Efficiency Maine Trust Z100

Initiative: Provides funding and adjusts the transfer amount to more accurately reflect the transfers needed to cover activities for a position in the Governor's Energy Office.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$111,613	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$111,613</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-18. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### ENVIRONMENTAL PROTECTION, DEPARTMENT OF

##### Land and Water Quality 0248

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions in fiscal year 2012-13.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$80,073)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$80,073)</b>	<b>\$0</b>	<b>\$0</b>

**Sec. A-19. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### EXECUTIVE DEPARTMENT

##### Administration - Executive - Governor's Office 0165

Initiative: Reduces funding as a result of salary and benefits savings. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$30,226)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$30,226)</b>	<b>\$0</b>	<b>\$0</b>

**Ombudsman Program 0103**

Initiative: Reduces funding from reduced contractual obligations. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$17,150)	\$0	\$0
GENERAL FUND TOTAL	(\$17,150)	\$0	\$0
EXECUTIVE DEPARTMENT			
DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$47,376)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$47,376)	\$0	\$0

**Sec. A-20. Appropriations and allocations.**  
The following appropriations and allocations are made.

**FINANCE AUTHORITY OF MAINE****Student Financial Assistance Programs 0653**

Initiative: Reduces funding for student grants. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$143,401)	\$0	\$0
GENERAL FUND TOTAL	(\$143,401)	\$0	\$0

**Sec. A-21. Appropriations and allocations.**  
The following appropriations and allocations are made.

**FOUNDATION FOR BLOOD RESEARCH****ScienceWorks for ME 0908**

Initiative: Reduces funding for staff who solicit donations of scientific equipment and supplies from vendors for distribution to schools and for the number of demonstrations for teachers and students of new testing technologies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$600)	\$0	\$0

GENERAL FUND	(\$600)	\$0	\$0
TOTAL			

**Sec. A-22. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY BDS)****Consent Decree Z163**

Initiative: Provides funding in the Consent Decree program for mental health services for individuals not eligible for MaineCare and for housing services in order to conform with the consent decree.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$2,000,000	\$0	\$0
GENERAL FUND TOTAL	\$2,000,000	\$0	\$0

**Departmentwide 0019**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$171,713)	\$0	\$0
GENERAL FUND TOTAL	(\$171,713)	\$0	\$0

**Developmental Services - Community 0122**

Initiative: Reduces funding for client services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$92,277)	\$0	\$0
GENERAL FUND TOTAL	(\$92,277)	\$0	\$0

**Developmental Services - Community 0122**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$445,847)	\$0	\$0
GENERAL FUND TOTAL	(\$445,847)	\$0	\$0

**Disproportionate Share - Riverview Psychiatric Center 0733**

Initiative: Provides funding for necessary repairs to the generator at Riverview Psychiatric Center.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$60,010	\$0	\$0
<b>GENERAL FUND</b>	<b>\$60,010</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Dorothea Dix Psychiatric Center 0120**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,603)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$1,603)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Driver Education and Evaluation Program - Substance Abuse 0700**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$28,612)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$28,612)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Forensic Services Z123**

Initiative: Reduces funding for training. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,993)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$1,993)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Mental Health Services - Child Medicaid 0731**

Initiative: Provides funding in MaineCare and MaineCare-related accounts to make cycle payments and payments to providers to reflect increased health care costs.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$238,173	\$0	\$0

GENERAL FUND	\$238,173	\$0	\$0
<b>TOTAL</b>			

**Mental Health Services - Children 0136**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$90,812)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$90,812)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Mental Health Services - Children 0136**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$850,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$850,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Mental Health Services - Children 0136**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$300,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$300,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Mental Health Services - Children 0136**

Initiative: Reduces funding no longer required for durable goods and services.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$550,000)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$550,000)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Mental Health Services - Community 0121**

Initiative: Reduces funding for contracted services, including a 5% reduction in crisis services but excluding the reduction in community support - warm line services. This initiative relates to the curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other			

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All Other	(\$648,166)	\$0	\$0
GENERAL FUND	(\$648,166)	\$0	\$0
TOTAL			

**Mental Health Services - Community Medicaid 0732**

Initiative: Provides funding in MaineCare and MaineCare-related accounts to make cycle payments and payments to providers to reflect increased health care costs.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$138,229	\$0	\$0
GENERAL FUND	(\$138,229)	\$0	\$0
TOTAL			

**Office of Substance Abuse 0679**

Initiative: Reduces funding to align allocations with existing resources.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	(\$4,500,000)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$4,500,000)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$6,500)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$6,500)	\$0	\$0

**Office of Substance Abuse 0679**

Initiative: Reduces funding for contracted training services provided by AdCare Educational Institute of Maine, Inc.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$48,706)	\$0	\$0
GENERAL FUND	(\$48,706)	\$0	\$0
TOTAL			

**Riverview Psychiatric Center 0105**

Initiative: Provides funding for assertive community treatment services.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$325,920	\$0	\$0
GENERAL FUND	(\$325,920)	\$0	\$0
TOTAL			
OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$325,920)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS			
TOTAL			

**Riverview Psychiatric Center 0105**

Initiative: Provides funding for necessary repairs to the generator at Riverview Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$40,396	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$40,396)	\$0	\$0
TOTAL			
GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,603)	\$0	\$0
GENERAL FUND	(\$1,603)	\$0	\$0
TOTAL			

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)**

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$469,000)	\$0	\$0
FEDERAL EXPENDITURES FUND	(\$4,500,000)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$292,024)	\$0	\$0

<b>DEPARTMENT</b>	<b>(\$5,261,024)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL - ALL FUNDS</b>			

**Sec. A-23. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

##### **Bureau of Child and Family Services - Central 0307**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$1,958)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$1,958)</b>	<b>\$0</b>	<b>\$0</b>

##### **Bureau of Family Independence - Regional 0453**

Initiative: Reduces funding for general operations. This initiative relates to curtailment of allotments.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$20,599)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$20,599)</b>	<b>\$0</b>	<b>\$0</b>

##### **Bureau of Medical Services 0129**

Initiative: Provides funding in the Bureau of Medical Services program in order to comply with federal updates and the 7 conditions and standards that must be met by states for Medicaid technology enhancements to be eligible for enhanced match.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$625,000	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$625,000</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$5,795,524	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$5,795,524</b>	<b>\$0</b>	<b>\$0</b>

##### **Bureau of Medical Services 0129**

Initiative: Transfers one Public Service Manager I position, one Management Analyst II position, one Medical Support Specialist Claims position and 2 Reimbursement Specialist positions from the Department of Health and Human Services to the Financial and Personnel Services - Division of program in the Department of Administrative and Financial Services. The Personal Services reductions are offset by an increase in the All Other category to reflect payment to the Department of Administrative and Financial Services for the services provided by these positions.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$20,177)	\$0	\$0
All Other	\$20,177	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(2,000)	0.000	0.000
Personal Services	(\$20,177)	\$0	\$0
All Other	\$20,177	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

##### **Bureau of Medical Services 0129**

Initiative: Transfers one Public Service Manager II position, one Public Service Manager I position and one Senior Staff Accountant position from the Department of Administrative and Financial Services, Financial and Personnel Services - Division of program to the Department of Health and Human Services for the MaineCare finance team, funded 50% General Fund and 50% Federal Expenditures Fund in the Bureau of Medical Services program. The additional Personal Services costs are offset by a reduction in All Other to reflect the reduction in billing costs no longer due to the Department of Administrative and Financial Services.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$31,847	\$0	\$0
All Other	(\$31,847)	\$0	\$0

GENERAL FUND	2012-13	2013-14	2014-15	GENERAL FUND	2012-13	2013-14	2014-15
TOTAL	\$0	\$0	\$0	TOTAL	\$250,000	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>				<b>FEDERAL EXPENDITURES FUND</b>			
POSITIONS - LEGISLATIVE COUNT	3,000	0.000	0.000	All Other	\$2,250,000	\$0	\$0
Personal Services	\$31,859	\$0	\$0	FEDERAL EXPENDITURES FUND TOTAL	\$2,250,000	\$0	\$0
All Other	(\$31,859)	\$0	\$0				
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>				

**Bureau of Medical Services 0129**

Initiative: Transfers and reallocates one Public Service Manager III position from 25% General Fund and 75% Federal Expenditures Fund in the Bureau of Medical Services program to 60% General Fund and 40% Other Special Revenue Funds in the Office of Management and Budget program.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$29,333)	\$0	\$0
All Other	(\$522)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$29,855)</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>			
Personal Services	(\$87,994)	\$0	\$0
All Other	(\$522)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$88,516)</b>	<b>\$0</b>	<b>\$0</b>

**Bureau of Medical Services 0129**

Initiative: Provides funding to comply with federal requirements regarding electronic transactions for claims processing.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$250,000	\$0	\$0

**Bureau of Medical Services 0129**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$306,128)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$306,128)</b>	<b>\$0</b>	<b>\$0</b>

**Child Support 0100**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$618)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$618)</b>	<b>\$0</b>	<b>\$0</b>

**Departmentwide 0640**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,229,470)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$1,229,470)</b>	<b>\$0</b>	<b>\$0</b>

**Departmentwide 0640**

Initiative: Reduces funding from salary savings to be achieved after all attrition and other savings initiatives have been met. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$2,500,000)	\$0	\$0

GENERAL FUND	(\$2,500,000)	\$0	\$0
TOTAL			

**Division of Licensing and Regulatory Services Z036**

Initiative: Provides funding in the Division of Licensing and Regulatory Services program for the national background check program.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	\$848,068	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL			
	\$848,068	\$0	\$0

**Division of Licensing and Regulatory Services Z036**

Initiative: Provides funding in the Division of Licensing and Regulatory Services program in order to pay legal fees to the Office of the Attorney General.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$129,446	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL			
	\$129,446	\$0	\$0

**Division of Licensing and Regulatory Services Z036**

Initiative: Provides funding in the Division of Licensing and Regulatory Services program in the event of facility receivership.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$200,000	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL			
	\$200,000	\$0	\$0

**Division of Licensing and Regulatory Services Z036**

Initiative: Reduces funding for information technology costs. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$19,790)	\$0	\$0

GENERAL FUND	(\$19,790)	\$0	\$0
TOTAL			

**Division of Purchased Services Z035**

Initiative: Reduces funding for general operations. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$8,125)	\$0	\$0
GGENERAL FUND TOTAL			
	(\$8,125)	\$0	\$0

**FHM - Drugs for the Elderly and Disabled Z015**

Initiative: Reduces funding as a result of phasing in payments in the Medicare Part D "donut hole."

FUND FOR A HEALTHY MAINE	2012-13	2013-14	2014-15
All Other	(\$80,000)	\$0	\$0
FUND FOR A HEALTHY MAINE TOTAL			
	(\$80,000)	\$0	\$0

**FHM - Drugs for the Elderly and Disabled Z015**

Initiative: Reduces funding as a result of the inclusion of new drugs in the elderly low-cost drugs program wraparound services for dual MaineCare and Medicare eligibles.

FUND FOR A HEALTHY MAINE	2012-13	2013-14	2014-15
All Other	(\$110,000)	\$0	\$0
FUND FOR A HEALTHY MAINE TOTAL			
	(\$110,000)	\$0	\$0

**FHM - Medical Care 0960**

Initiative: Notwithstanding any other provisions of law, adjusts funding by increasing funding in the FHM - Medical Care program and decreasing funding in the Medical Care - Payments to Providers program to reflect a redistribution of funding within the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2012-13	2013-14	2014-15
All Other	\$1,233,807	\$0	\$0

FUND FOR A HEALTHY MAINE	\$1,233,807	\$0	\$0
TOTAL			

**FHM - Medical Care 0960**

Initiative: Notwithstanding any other provisions of law, adjusts funding by increasing funding in the FHM - Medical Care program and decreasing funding in the Medical Care - Payments to Providers program to reflect a redistribution of funding within the Fund for a Healthy Maine.

FUND FOR A HEALTHY MAINE	2012-13	2013-14	2014-15
All Other	\$190,000	\$0	\$0
FUND FOR A HEALTHY MAINE	\$190,000	\$0	\$0
TOTAL			

**Health - Bureau of 0143**

Initiative: Transfers funding from the Wild Mushroom Harvesting Fund program to the Health - Bureau of program to reflect the elimination of the Wild Mushroom Harvesting Fund in Public Law 2011, chapter 587.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$5,780	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$5,780	\$0	\$0
TOTAL			

**Health - Bureau of 0143**

Initiative: Reduces funding for vaccine purchases. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$77,155)	\$0	\$0
GENERAL FUND	(\$77,155)	\$0	\$0

**Independent Housing with Services 0211**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$168,384)	\$0	\$0

GENERAL FUND	(\$168,384)	\$0	\$0
TOTAL			

**IV-E Foster Care/Adoption Assistance 0137**

Initiative: Provides funding in the IV-E Foster Care/Adoption Assistance program for the projected increase in the number of children entering foster care.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$600,000	\$0	\$0
GENERAL FUND	\$600,000	\$0	\$0
TOTAL			

**Long Term Care - Human Services 0420**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$15,000)	\$0	\$0
GENERAL FUND	(\$15,000)	\$0	\$0
TOTAL			

**Low-cost Drugs To Maine's Elderly 0202**

Initiative: Provides funding in MaineCare and MaineCare-related accounts to make cycle payments and payments to providers to reflect increased health care costs.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$112,154	\$0	\$0
GENERAL FUND	\$112,154	\$0	\$0
TOTAL			

**Maternal and Child Health Block Grant Match Z008**

Initiative: Reducing funding by using balances that carried forward from fiscal year 2011-12. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$337,517)	\$0	\$0
GENERAL FUND	(\$337,517)	\$0	\$0
TOTAL			

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in MaineCare and MaineCare-related accounts to make cycle payments

and payments to providers to reflect increased health care costs.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$85,094,574	\$0	\$0
GENERAL FUND TOTAL	\$85,094,574	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$143,316,576	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$143,316,576	\$0	\$0

#### **Medical Care - Payments to Providers 0147**

Initiative: Deappropriates funds from a 5% rate reduction for services provided under the MaineCare Benefits Manual, Chapters II and III, Section 65, Behavioral Health Services, by licensed clinical professional counselors and licensed marriage and family therapists, effective March 1, 2013.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$194,913)	\$0	\$0
GENERAL FUND TOTAL	(\$194,913)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$327,641)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$327,641)	\$0	\$0

#### **Medical Care - Payments to Providers 0147**

Initiative: Reduces funding by limiting hospital and therapeutic leave days in the MaineCare Benefits Manual, Chapters II and III, Sections 45 and 67, to 4 hospital and one therapeutic leave days per year.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$78,500)	\$0	\$0
GENERAL FUND TOTAL	(\$78,500)	\$0	\$0

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$132,210)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$132,210)	\$0	\$0

#### **Medical Care - Payments to Providers 0147**

Initiative: Reduces funding by implementing targeted care management for the top 20% of high-cost members.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$160,000)	\$0	\$0
GENERAL FUND TOTAL	(\$160,000)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$328,550)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$328,550)	\$0	\$0

#### **Medical Care - Payments to Providers 0147**

Initiative: Notwithstanding any other provisions of law, adjusts funding by increasing funding in the FHM - Medical Care program and decreasing funding in the Medical Care - Payments to Providers program to reflect a redistribution of funding within the Fund for a Healthy Maine.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$1,233,807)	\$0	\$0
GENERAL FUND TOTAL	(\$1,233,807)	\$0	\$0

#### **Medical Care - Payments to Providers 0147**

Initiative: Provides funding to increase the MaineCare rate for inpatient substance abuse services beginning April 1, 2013 based on a case mix index multiplied by the psychiatric discharge rate.

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$149,200	\$0	\$0

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GENERAL FUND TOTAL	2012-13	2013-14	2014-15
	\$149,200	\$0	\$0

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	\$250,800	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$250,800	\$0	\$0

**Medical Care - Payments to Providers 0147**

Initiative: Reduces funding to be offset by delaying the last fiscal year 2012-13 MaineCare hospital cycle payment until fiscal year 2013-14 if required.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,986,200)	\$0	\$0
GENERAL FUND TOTAL	(\$1,986,200)	\$0	\$0

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	(\$3,345,165)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$3,345,165)	\$0	\$0

**Medical Care - Payments to Providers 0147**

Initiative: Notwithstanding any other provisions of law, adjusts funding by increasing funding in the FHM - Medical Care program and decreasing funding in the Medical Care - Payments to Providers program to reflect a redistribution of funding within the Fund for a Healthy Maine.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$190,000)	\$0	\$0
GENERAL FUND TOTAL	(\$190,000)	\$0	\$0

**Multicultural Services Z034**

Initiative: Reduces funding for in-state travel. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
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All Other	(\$171)	\$0	\$0
GENERAL FUND TOTAL	(\$171)	\$0	\$0

**Office for Family Independence Z020**

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$150)	\$0	\$0
GENERAL FUND TOTAL	(\$150)	\$0	\$0

**Office for Family Independence Z020**

Initiative: Reduces funding for general operations. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$313,726)	\$0	\$0
GENERAL FUND TOTAL	(\$313,726)	\$0	\$0

**Office of Elder Services Central Office 0140**

Initiative: Reallocates 50% of the cost of one Management Analyst II position and related All Other from the Federal Expenditures Fund to the General Fund within the Office of Elder Services Central Office program.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$36,775	\$0	\$0
All Other	\$1,964	\$0	\$0
GENERAL FUND TOTAL	\$38,739	\$0	\$0

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	(\$36,775)	\$0	\$0
All Other	(\$1,964)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$38,739)	\$0	\$0

**Office of Management and Budget 0142**

Initiative: Transfers one Public Service Manager I position, one Management Analyst II position, one Medical Support Specialist Claims position and 2 Reimbursement Specialist positions from the Department of Health and Human Services to the Financial and Personnel Services - Division of program in the Department of Administrative and Financial Services. The Personal Services reductions are offset by an increase in the All Other category to reflect payment to the Department of Administrative and Financial Services for the services provided by these positions.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$20,450)	\$0	\$0
All Other	\$20,450	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000
Personal Services	(\$20,441)	\$0	\$0
All Other	\$20,441	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

### Office of Management and Budget 0142

Initiative: Transfers and reallocates one Public Service Manager III position from 25% General Fund and 75% Federal Expenditures Fund in the Bureau of Medical Services program to 60% General Fund and 40% Other Special Revenue Funds in the Office of Management and Budget program.

GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	0.000	0.000
Personal Services	\$70,397	\$0	\$0
All Other	\$626	\$0	\$0
GENERAL FUND TOTAL	\$71,023	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	\$46,930	\$0	\$0
All Other	\$2,103	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$49,033	\$0	\$0

### Office of Management and Budget 0142

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$15,319)	\$0	\$0
GENERAL FUND TOTAL	(\$15,319)	\$0	\$0

### Office of Management and Budget 0142

Initiative: Reduces funding for general operations. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$32,758)	\$0	\$0
GENERAL FUND TOTAL	(\$32,758)	\$0	\$0

### OMB Division of Regional Business Operations 0196

Initiative: Reduces funding for general operations. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$38,675)	\$0	\$0
GENERAL FUND TOTAL	(\$38,675)	\$0	\$0

### Purchased Social Services 0228

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$45,000)	\$0	\$0
GENERAL FUND TOTAL	(\$45,000)	\$0	\$0

### Purchased Social Services 0228

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$82,044)	\$0	\$0
GENERAL FUND	(\$82,044)	\$0	\$0
TOTAL			

### State-funded Foster Care/Adoption Assistance 0139

Initiative: Provides funding in the State-funded Foster Care/Adoption Assistance program for the projected increase in the number of children entering foster care.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$3,000,000	\$0	\$0
GENERAL FUND	\$3,000,000	\$0	\$0
TOTAL			

### State-funded Foster Care/Adoption Assistance 0139

Initiative: Reduces funding for child adoption subsidies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$700,000)	\$0	\$0
GENERAL FUND	(\$700,000)	\$0	\$0
TOTAL			

### State-funded Foster Care/Adoption Assistance 0139

Initiative: Reduces funding through the transfer of expenditures to an Other Special Revenue Funds earned revenue account. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,900,000)	\$0	\$0
GENERAL FUND	(\$1,900,000)	\$0	\$0
TOTAL			

### State-funded Foster Care/Adoption Assistance 0139

Initiative: Reduces funding for contracted services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$75,000)	\$0	\$0
GENERAL FUND	(\$75,000)	\$0	\$0
TOTAL			

### Wild Mushroom Harvesting Fund Z128

Initiative: Transfers funding from the Wild Mushroom Harvesting Fund program to the Health - Bureau of program to reflect the elimination of the Wild Mushroom Harvesting Fund in Public Law 2011, chapter 587.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$5,780)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$5,780)	\$0	\$0
TOTAL			
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>			
DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	\$78,179,828	\$0	\$0
FEDERAL EXPENDITURES FUND	\$148,200,147	\$0	\$0
FUND FOR A HEALTHY MAINE	\$1,233,807	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$378,479	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$227,992,261	\$0	\$0
<b>HISTORIC PRESERVATION COMMISSION, MAINE</b>			
Historic Preservation Commission 0036	2012-13	2013-14	2014-15
GENERAL FUND	(\$1,600)	\$0	\$0
GENERAL FUND TOTAL	(\$1,600)	\$0	\$0

**Historic Preservation Commission 0036**

Initiative: Reduces funding by transferring costs to federal funding sources better aligned with the expenses. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,110)	\$0	\$0
GENERAL FUND	(\$1,110)	\$0	\$0
TOTAL			
<b>HISTORIC PRESERVATION COMMISSION, MAINE</b>			
DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTALS</b>			
GENERAL FUND	(\$2,710)	\$0	\$0
DEPARTMENT	(\$2,710)	\$0	\$0
<b>TOTAL - ALL FUNDS</b>			

**Sec. A-25. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HOUSING AUTHORITY, MAINE STATE****Housing Authority - State 0442**

Initiative: Reduces funding to bring allocations in line with available resources projected by the Revenue Forecasting Committee in December 2012.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$1,923,627)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$1,923,627)	\$0	\$0
<b>TOTAL</b>			

**Shelter Operating Subsidy 0661**

Initiative: Reduces funding on a one-time basis for the Shelter Operating Subsidy program by using other available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$4,850)	\$0	\$0

GENERAL FUND	2012-13	2013-14	2014-15
GENERAL FUND	(\$4,850)	\$0	\$0
<b>TOTAL</b>			
<b>HOUSING AUTHORITY, MAINE STATE</b>			
DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTALS</b>			
GENERAL FUND	(\$4,850)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$1,923,627)	\$0	\$0
<b>DEPARTMENT</b>			
<b>TOTAL - ALL FUNDS</b>			

**Sec. A-26. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HUMANITIES COUNCIL, MAINE****Humanities Council 0942**

Initiative: Reduces funding for grants. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$709)	\$0	\$0
GENERAL FUND	(\$709)	\$0	\$0
<b>TOTAL</b>			

**Sec. A-27. Appropriations and allocations.**  
The following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON****Maine Commission on Indigent Legal Services Z112**

Initiative: Reduces funding to reflect Personal Services savings. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$75,810)	\$0	\$0
GENERAL FUND	(\$75,810)	\$0	\$0
<b>TOTAL</b>			

**Maine Commission on Indigent Legal Services Z112**

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Initiative: Reduces funding for indigent legal services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$65,000)	\$0	\$0
GENERAL FUND	(\$65,000)	\$0	\$0
TOTAL			
<b>INDIGENT LEGAL SERVICES, MAINE COMMISSION ON</b>			
<b>DEPARTMENT</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
<b>TOTALS</b>			
GENERAL FUND	(\$140,810)	\$0	\$0
DEPARTMENT	(\$140,810)	\$0	\$0
<b>TOTAL - ALL FUNDS</b>			

**Sec. A-28. Appropriations and allocations.**  
The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

**Endangered Nongame Operations 0536**

Initiative: Reduces funding by recognizing one-time savings achieved by reducing office and other supplies to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,186)	\$0	\$0
GENERAL FUND	(\$2,186)	\$0	\$0
TOTAL			

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Reduces funding by recognizing one-time savings achieved by reducing rents to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$113,238)	\$0	\$0
GENERAL FUND	(\$113,238)	\$0	\$0
TOTAL			

**Fisheries and Hatcheries Operations 0535**

Initiative: Relocates the cost of one Biologist I position from 100% General Fund to 50% General Fund and 50% Other Special Revenue Funds within the same program.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$48,981)	\$0	\$0
GENERAL FUND	(\$48,981)	\$0	\$0
TOTAL			
<b>OTHER SPECIAL REVENUE FUNDS</b>			
Personal Services	\$48,981	\$0	\$0
All Other	\$655	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$49,636	\$0	\$0
TOTAL			

**Fisheries and Hatcheries Operations 0535**

Initiative: Reduces funding by recognizing one-time savings achieved by reducing professional services to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$10,000)	\$0	\$0
GENERAL FUND	(\$10,000)	\$0	\$0
TOTAL			

**Landowner Relations Fund Z140**

Initiative: Transfers funding from the Landowner Relations Fund program to the Sport Hunter Program and the Support Landowners Program to correct allocations made in Public Law 2011, chapter 576.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	(\$357)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$357)	\$0	\$0
TOTAL			

**Licensing Services - Inland Fisheries and Wildlife 0531**

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$13,300)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$13,300)	\$0	\$0

### Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Reduces funding by recognizing one-time savings achieved by reducing general operations to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$21,209)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$21,209)	\$0	\$0

### Office of the Commissioner - Inland Fisheries and Wildlife 0529

Initiative: Reduces funding by recognizing one-time savings achieved by reducing general operations to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$22,876)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$22,876)	\$0	\$0

### Public Information and Education, Division of 0729

Initiative: Reduces funding by recognizing one-time savings achieved by reducing professional services to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$13,373)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$13,373)	\$0	\$0

### Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of vacant positions. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$105,234)	\$0	\$0

GENERAL FUND	2012-13	2013-14	2014-15
	_____	_____	_____
TOTAL	(\$105,234)	\$0	\$0

### Search and Rescue 0538

Initiative: Reduces funding by recognizing one-time savings achieved by reducing rents to maintain costs within available resources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$5,357)	\$0	\$0
	_____	_____	_____
TOTAL	(\$5,357)	\$0	\$0

### Sport Hunter Program 0827

Initiative: Transfers funding from the Landowner Relations Fund program to the Sport Hunter Program and the Support Landowners Program to correct allocations made in Public Law 2011, chapter 576.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	\$268	\$0	\$0
	_____	_____	_____
TOTAL	\$268	\$0	\$0

### Support Landowners Program 0826

Initiative: Transfers funding from the Landowner Relations Fund program to the Sport Hunter Program and the Support Landowners Program to correct allocations made in Public Law 2011, chapter 576.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	\$89	\$0	\$0
	_____	_____	_____
TOTAL	\$89	\$0	\$0

### INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$355,754)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$49,636	\$0	\$0
	_____	_____	_____

DEPARTMENT	2012-13	2013-14	2014-15
TOTAL - ALL FUNDS	(\$306,118)	\$0	\$0

**Sec. A-29. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### JUDICIAL DEPARTMENT

##### Courts - Supreme, Superior and District 0063

Initiative: Provides funding to bring allocations in line with available resources projected by the Revenue Forecasting Committee in December 2012.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$18,014	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$18,014	\$0	\$0

##### Courts - Supreme, Superior and District 0063

Initiative: Reduces funding to bring allocations in line with available resources projected by the Revenue Forecasting Committee in December 2012.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$22,337)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$22,337)	\$0	\$0

#### Judicial - Debt Service Z097

Initiative: Reduces funding for debt service. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$233,000)	\$0	\$0
GENERAL FUND TOTAL	(\$233,000)	\$0	\$0

#### JUDICIAL DEPARTMENT

DEPARTMENT	2012-13	2013-14	2014-15
TOTALS			
GENERAL FUND	(\$233,000)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	(\$4,323)	\$0	\$0
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DEPARTMENT	2012-13	2013-14	2014-15
TOTAL - ALL FUNDS	(\$237,323)	\$0	\$0

**Sec. A-30. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### LABOR, DEPARTMENT OF

##### Administration - Bureau of Labor Standards 0158

Initiative: Reduces funding related to salary and benefits savings associated with delaying the hiring of one position that became vacant on January 18, 2013.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$7,217)	\$0	\$0
GENERAL FUND TOTAL	(\$7,217)	\$0	\$0

##### Administration - Labor 0030

Initiative: Reduces funding by transferring service center costs from General Fund to Other Special Revenue Funds within the same program. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$5,000)	\$0	\$0
GENERAL FUND TOTAL	(\$5,000)	\$0	\$0

##### Blind and Visually Impaired - Division for the 0126

Initiative: Reduces funding for contracts. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$35,000)	\$0	\$0
GENERAL FUND TOTAL	(\$35,000)	\$0	\$0

##### Employment Services Activity 0852

Initiative: Reduces funding for tuition costs. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$22,333)	\$0	\$0

GENERAL FUND TOTAL	(\$22,333)	\$0	\$0	OTHER SPECIAL REVENUE FUNDS TOTAL	\$79,168	\$0	\$0
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**Employment Services Activity 0852**

Initiative: Reduces funding through managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15	COMPETITIVE SKILLS SCHOLARSHIP FUND	2012-13	2013-14	2014-15
Personal Services	(\$21,000)	\$0	\$0	Personal Services	\$433,112	\$0	\$0
GENERAL FUND TOTAL	(\$21,000)	\$0	\$0	COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL	\$433,112	\$0	\$0

**Employment Services Activity 0852**

Initiative: Transfers and reallocates the cost of various positions between General Fund, Federal Expenditures Fund, Other Special Revenue Funds and Competitive Skills Scholarship Fund within the Employment Services Activity program to better align positions with work activity and adjusts All Other. Position details are on file at the Bureau of the Budget.

GENERAL FUND	2012-13	2013-14	2014-15	GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$2	\$0	\$0	Personal Services	(\$7,000)	\$0	\$0
All Other	(\$2)	\$0	\$0	GENERAL FUND TOTAL	(\$7,000)	\$0	\$0
GENERAL FUND TOTAL	\$0	\$0	\$0				

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15	GENERAL FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	0.000	0.000	All Other	(\$12,000)	\$0	\$0
Personal Services	(\$512,282)	\$0	\$0	GENERAL FUND TOTAL	(\$12,000)	\$0	\$0

FEDERAL EXPENDITURES FUND TOTAL	(\$512,282)	\$0	\$0
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OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15	FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	0.000	0.000				
Personal Services	\$79,168	\$0	\$0				

**Regulation and Enforcement 0159**

Initiative: Transfers and reallocates the cost of one Occupational Safety Engineer position and reallocates the cost of one Occupational Health Specialist position from 50% Regulation and Enforcement program, Federal Expenditures Fund and 50% Safety Education and Training Programs program, Other Special Revenue Funds to 100% Regulation and Enforcement program, Federal Expenditures Fund as the expected federal grant revenue increased. Also adjusts All Other in the Safety Education and Training Programs program, Other Special Revenue Funds.

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
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POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000	OTHER SPECIAL REVENUE FUNDS	\$79,168	\$0	\$0
Personal Services	\$73,264	\$0	\$0	COMPETITIVE SKILLS SCHOLARSHIP FUND	\$433,112	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$73,264	\$0	\$0	DEPARTMENT TOTAL - ALL FUNDS	(\$46,288)	\$0	\$0

**Rehabilitation Services 0799**

Initiative: Reduces funding for services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$10,000)	\$0	\$0
GENERAL FUND TOTAL	(\$10,000)	\$0	\$0

**Safety Education and Training Programs 0161**

Initiative: Transfers and reallocates the cost of one Occupational Safety Engineer position and reallocates the cost of one Occupational Health Specialist position from 50% Regulation and Enforcement program, Federal Expenditures Fund and 50% Safety Education and Training Programs program, Other Special Revenue Funds to 100% Regulation and Enforcement program, Federal Expenditures Fund as the expected federal grant revenue increased. Also adjusts All Other in the Safety Education and Training Programs program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1.000)	0.000	0.000
Personal Services	(\$73,264)	\$0	\$0
All Other	\$73,264	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

**LABOR,  
DEPARTMENT OF**

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$119,550)	\$0	\$0
FEDERAL EXPENDITURES FUND	(\$439,018)	\$0	\$0

**Sec. A-31. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LIBRARY, MAINE STATE****Maine State Library 0217**

Initiative: Reduces funding as a result of salary and benefit savings. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$20,000)	\$0	\$0
GENERAL FUND TOTAL	(\$20,000)	\$0	\$0

**Maine State Library 0217**

Initiative: Reduces funding from charging the cost of one position to federal funding sources. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$10,205)	\$0	\$0
GENERAL FUND TOTAL	(\$10,205)	\$0	\$0

**Maine State Library 0217**

Initiative: Reduces funding for books and periodicals. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,300)	\$0	\$0
GENERAL FUND TOTAL	(\$2,300)	\$0	\$0

**LIBRARY, MAINE STATE**

DEPARTMENT TOTALS	2012-13	2013-14	2014-15

GENERAL FUND	2012-13	2013-14	2014-15
DEPARTMENT	(\$32,505)	\$0	\$0
<b>TOTAL - ALL FUNDS</b>			

**Sec. A-32. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027

Initiative: Reduces funding by recognizing one-time savings in All Other from Central Fleet and office supplies due to position vacancies in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$22,490)	\$0	\$0
<b>TOTAL</b>			

#### Marine Patrol - Bureau of 0029

Initiative: Reduces funding by recognizing one-time savings in All Other from Central Fleet and office supplies due to personnel vacancies in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,477)	\$0	\$0
<b>TOTAL</b>			

#### Office of the Commissioner 0258

Initiative: Reduces funding by recognizing one-time savings in All Other from technology due to personnel vacancies in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,109)	\$0	\$0
<b>TOTAL</b>			

#### Sea Run Fisheries and Habitat Z049

Initiative: Reduces funding by recognizing one-time savings in Personal Services from the management of

vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$98,287)	\$0	\$0
<b>TOTAL</b>			

#### Sea Run Fisheries and Habitat Z049

Initiative: Reduces funding by recognizing one-time savings in All Other from the management of vacant positions in fiscal year 2012-13. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,652)	\$0	\$0
<b>TOTAL</b>			

#### MARINE RESOURCES, DEPARTMENT OF

DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTALS</b>			
<b>GENERAL FUND</b>	<b>(\$128,015)</b>	<b>\$0</b>	<b>\$0</b>

DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTAL - ALL FUNDS</b>			

#### Sec. A-33. Appropriations and allocations.

The following appropriations and allocations are made.

#### MARITIME ACADEMY, MAINE

#### Maritime Academy - Operations 0035

Initiative: Reduces funding for the Maine Maritime Academy. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$112,696)	\$0	\$0
<b>TOTAL</b>			

#### Sec. A-34. Appropriations and allocations.

The following appropriations and allocations are made.

#### MUSEUM, MAINE STATE

**Maine State Museum 0180**

Initiative: Reduces funding from salary savings from 3 Museum Technician I positions. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$19,583)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$19,583)	\$0	\$0

**Sec. A-35. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC BROADCASTING CORPORATION, MAINE****Maine Public Broadcasting Corporation 0033**

Initiative: Reduces funding for the Maine Public Broadcasting Network. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$16,908)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$16,908)	\$0	\$0

**Sec. A-36. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF****Capitol Police - Bureau of 0101**

Initiative: Provides funding for telephone, uniform, and educational stipends as appropriate to Capitol Police Officer positions within the Department of Public Safety.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$6,080	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	\$6,080	\$0	\$0

**Fire Marshal - Office of 0327**

Initiative: Reduces funding by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$50,000)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$50,000)	\$0	\$0

**Gambling Control Board Z002**

Initiative: Reduces funding by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$150,000)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$150,000)	\$0	\$0

**Liquor Enforcement 0293**

Initiative: Reduces funding by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$65,000)	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	(\$65,000)	\$0	\$0

**State Police 0291**

Initiative: Provides funding for the approved arbitration decision that awarded retroactive range changes for 4 Forensic Chemist I positions and 2 Forensic Scientist positions from range 23 to range 25, the reclassification of one State Police Forensic Specialist position to a State Police Computer Forensic Examiner position and the reclassification of one State Police Sergeant position to a State Police Lieutenant position. The retroactive portion of the range changes will be covered by salary savings.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$25,053	\$0	\$0
	_____	_____	_____
GENERAL FUND TOTAL	\$25,053	\$0	\$0

FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	\$68,569	\$0	\$0
	_____	_____	_____
FEDERAL EXPENDITURES FUND TOTAL	\$68,569	\$0	\$0

**State Police 0291**

Initiative: Reduces funding by managing vacancies. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$162,169)	\$0	\$0

GENERAL FUND	2012-13	2013-14	2014-15
TOTAL	(\$162,169)	\$0	\$0
<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>			
GENERAL FUND	(\$396,036)	\$0	\$0
FEDERAL EXPENDITURES FUND	\$68,569	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$327,467)	\$0	\$0

**Sec. A-37. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### PUBLIC UTILITIES COMMISSION

##### Emergency Services Communication Bureau 0994

Initiative: Reduces funding designated for transition of E-9-1-1 to NG-9-1-1. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$100,000)	\$0	\$0
GENERAL FUND TOTAL	(\$100,000)	\$0	\$0

**Sec. A-38. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### SECRETARY OF STATE, DEPARTMENT OF

##### Bureau of Administrative Services and Corporations 0692

Initiative: Reduces funding by freezing one vacant Customer Representative Specialist - Corporations position for 9 pay periods. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$18,549)	\$0	\$0
GENERAL FUND TOTAL	(\$18,549)	\$0	\$0

#### Bureau of Administrative Services and Corporations 0692

Initiative: Reduces funding from salary savings. The initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$6,300)	\$0	\$0
GENERAL FUND TOTAL	(\$6,300)	\$0	\$0

#### Bureau of Administrative Services and Corporations 0692

Initiative: Reduces funding by freezing one Deputy Secretary of State position for 10.5 pay periods beginning in January 2013. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	(\$18,320)	\$0	\$0
GENERAL FUND TOTAL	(\$18,320)	\$0	\$0

#### SECRETARY OF STATE, DEPARTMENT OF

DEPARTMENT	2012-13	2013-14	2014-15
TOTALS			
GENERAL FUND	(\$43,169)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$43,169)	\$0	\$0

#### Sec. A-39. Appropriations and allocations.

The following appropriations and allocations are made.

#### TREASURER OF STATE, OFFICE OF

##### Administration - Treasury 0022

Initiative: Reduces funding for banking services. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$24,686)	\$0	\$0
GENERAL FUND TOTAL	(\$24,686)	\$0	\$0

#### Debt Service - Treasury 0021

Initiative: Adjusts debt service funding levels during fiscal year 2012-13.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$1,883,828)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$1,883,828)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	(\$1,908,514)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$1,908,514)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

**Sec. A-40. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

##### Educational and General Activities - UMS 0031

Initiative: Reduces funding available for the University of Maine System. This initiative relates to curtailment of allotments.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	(\$2,535,228)	\$0	\$0
<b>GENERAL FUND</b>	<b>(\$2,535,228)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

## PART B

**Sec. B-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Buildings and Grounds Operations 0080

Initiative: RECLASSIFICATIONS

GENERAL FUND	2012-13	2013-14	2014-15
Personal Services	\$8,014	\$0	\$0
All Other	(\$8,014)	\$0	\$0
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS

GENERAL FUND \$0 \$0 \$0

DEPARTMENT TOTAL - ALL FUNDS \$0 \$0 \$0

#### AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

##### Beverage Container Enforcement Fund 0971

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	\$6,149	\$0	\$0
All Other	\$279	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$6,428</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

#### Division of Agricultural Resource Development 0833

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	\$23,761	\$0	\$0
All Other	\$1,081	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$24,842</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS \$31,270 \$0 \$0

<b>DEPARTMENT</b>	<b>\$31,270</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL - ALL FUNDS</b>			

**CONSERVATION, DEPARTMENT OF Boating Facilities Fund 0226**

Initiative: RECLASSIFICATIONS

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$6,845	\$0	\$0
All Other	\$203	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$7,048</b>	<b>\$0</b>	<b>\$0</b>

**Parks - General Operations 0221**

Initiative: RECLASSIFICATIONS

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$3,036	\$0	\$0
All Other	(\$3,036)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$3,037	\$0	\$0
All Other	\$95	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,132</b>	<b>\$0</b>	<b>\$0</b>

**CONSERVATION, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$3,132</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$7,048</b>	<b>\$0</b>	<b>\$0</b>

<b>DEPARTMENT</b>	<b>\$10,180</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL - ALL FUNDS</b>			

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

Initiative: RECLASSIFICATIONS

<b>FEDERAL EXPENDITURES FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$627	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$627</b>	<b>\$0</b>	<b>\$0</b>

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$627</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$627</b>	<b>\$0</b>	<b>\$0</b>

**EDUCATION, DEPARTMENT OF General Purpose Aid for Local Schools 0308**

Initiative: RECLASSIFICATIONS

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$11,458	\$0	\$0
All Other	(\$11,458)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**School Finance and Operations Z078**

Initiative: RECLASSIFICATIONS

<b>GENERAL FUND</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$3,391	\$0	\$0
All Other	(\$3,391)	\$0	\$0

GENERAL FUND TOTAL	\$0	\$0	\$0	GENERAL FUND TOTAL	\$0	\$0	\$0
EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2012-13	2013-14	2014-15	FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
GENERAL FUND	\$0	\$0	\$0	Personal Services	\$22,939	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0	All Other	\$816	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0	FEDERAL EXPENDITURES FUND TOTAL	\$23,755	\$0	\$0
ENVIRONMENTAL PROTECTION, DEPARTMENT OF <b>Remediation and Waste Management 0247</b>	2012-13	2013-14	2014-15	OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Initiative: RECLASSIFICATIONS				Personal Services	\$3,127	\$0	\$0
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15	All Other	\$52	\$0	\$0
Personal Services	\$4,365	\$0	\$0	OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,179	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$4,365	\$0	\$0	OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,179	\$0	\$0
ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2012-13	2013-14	2014-15	Office of Elder Services Central Office 0140	2012-13	2013-14	2014-15
FEDERAL EXPENDITURES FUND	\$4,365	\$0	\$0	Initiative: RECLASSIFICATIONS	2012-13	2013-14	2014-15
DEPARTMENT TOTAL - ALL FUNDS	\$4,365	\$0	\$0	FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
DEPARTMENT TOTAL - ALL FUNDS	\$4,365	\$0	\$0	Personal Services	\$10,605	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$4,365	\$0	\$0	All Other	\$177	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$4,365	\$0	\$0	FEDERAL EXPENDITURES FUND TOTAL	\$10,782	\$0	\$0
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) <b>Child Support 0100</b>	2012-13	2013-14	2014-15	HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)	2012-13	2013-14	2014-15
Initiative: RECLASSIFICATIONS				DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	2012-13	2013-14	2014-15	GENERAL FUND	\$0	\$0	\$0
Personal Services	\$8,348	\$0	\$0	FEDERAL EXPENDITURES FUND	\$34,537	\$0	\$0
All Other	(\$8,348)	\$0	\$0	OTHER SPECIAL REVENUE FUNDS	\$3,179	\$0	\$0

DEPARTMENT	2012-13	2013-14	2014-15	Personal Services	\$2,864	\$0	\$0
TOTAL - ALL FUNDS				All Other	(\$2,864)	\$0	\$0
				FEDERAL EXPENDITURES FUND TOTAL		\$0	\$0
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>							
<b>Endangered Nongame Operations 0536</b>							
Initiative: RECLASSIFICATIONS							
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15	FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
Personal Services	\$8,060	\$0	\$0	Personal Services	\$12,193	\$0	\$0
All Other	\$108	\$0	\$0	All Other	(\$12,193)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$8,168	\$0	\$0	FEDERAL EXPENDITURES FUND TOTAL		\$0	\$0
OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15	<b>Regulation and Enforcement 0159</b>			
Personal Services	\$8,062	\$0	\$0	Initiative: RECLASSIFICATIONS			
All Other	\$108	\$0	\$0	FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,170	\$0	\$0	Personal Services	\$5,450	\$0	\$0
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>				FEDERAL EXPENDITURES FUND TOTAL		\$5,450	\$0
DEPARTMENT TOTALS	2012-13	2013-14	2014-15	<b>Safety Education and Training Programs 0161</b>			
FEDERAL EXPENDITURES FUND	\$8,168	\$0	\$0	Initiative: RECLASSIFICATIONS			
OTHER SPECIAL REVENUE FUNDS	\$8,170	\$0	\$0	OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
DEPARTMENT TOTAL - ALL FUNDS	\$16,338	\$0	\$0	Personal Services	\$5,450	\$0	\$0
				All Other	(\$5,450)	\$0	\$0
<b>LABOR, DEPARTMENT OF</b>				OTHER SPECIAL REVENUE FUNDS TOTAL		\$0	\$0
<b>Blind and Visually Impaired - Division for the 0126</b>				LABOR, DEPARTMENT OF			
Initiative: RECLASSIFICATIONS				DEPARTMENT TOTALS	2012-13	2013-14	2014-15
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15	FEDERAL EXPENDITURES FUND	\$5,450	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$5,450	\$0	\$0	SECTION TOTALS	2012-13	2013-14	2014-15
<b>MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027</b>				GENERAL FUND	\$0	\$0	\$0
Initiative: RECLASSIFICATIONS				FEDERAL EXPENDITURES FUND	\$56,279	\$0	\$0
GENERAL FUND	2012-13	2013-14	2014-15	OTHER SPECIAL REVENUE FUNDS	\$49,667	\$0	\$0
Personal Services	\$31,270	\$0	\$0				
All Other	(\$31,270)	\$0	\$0				
GENERAL FUND TOTAL	\$0	\$0	\$0	SECTION TOTAL - ALL FUNDS	\$105,946	\$0	\$0
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15				
Personal Services	\$9,161	\$0	\$0				
All Other	(\$9,161)	\$0	\$0				
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0				
<b>Office of the Commissioner 0258</b>							
Initiative: RECLASSIFICATIONS							
GENERAL FUND	2012-13	2013-14	2014-15				
Personal Services	\$3,287	\$0	\$0				
All Other	(\$3,287)	\$0	\$0				
GENERAL FUND TOTAL	\$0	\$0	\$0				
MARINE RESOURCES, DEPARTMENT OF							
DEPARTMENT TOTALS	2012-13	2013-14	2014-15				
GENERAL FUND	\$0	\$0	\$0				
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0				

**PART C**

**Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B,** as amended by PL 2011, c. 655, Pt. C, §3, is further amended to read:

- B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.
- (1) For fiscal year 2005-06, the target is 52.6%.
  - (2) For fiscal year 2006-07, the target is 53.86%.
  - (3) For fiscal year 2007-08, the target is 53.51%.
  - (4) For fiscal year 2008-09, the target is 52.52%.
  - (5) For fiscal year 2009-10, the target is 48.93%.
  - (6) For fiscal year 2010-11, the target is 45.84%.
  - (7) For fiscal year 2011-12, the target is 46.02%.
  - (8) For fiscal year 2012-13, the target is 46.60% 45.87%.

**Sec. C-2. 20-A MRSA §15671, sub-§7, ¶C,** as amended by PL 2011, c. 655, Pt. C, §4, is further amended to read:

- C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten to grade 12 including the cost of the components of essential programs and services plus the state contributions to teacher retirement, retired

teachers' health insurance and retired teachers' life insurance are as follows.

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is ~~50%~~  
49.35%.
- (3) For fiscal year 2013-14 and succeeding years, the target is 55%.

**Sec. C-3. 20-A MRSA §15671-A, sub-§2, ¶B,** as amended by PL 2011, c. 655, Pt. C, §5, is further amended to read:

B. For property tax years beginning on or after April 1, 2005, the commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must decline over the period from fiscal year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation. Full-value education mill rates must be derived according to the following schedule.

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.
- (4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.
- (4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.
- (4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.

(4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a ~~53.40%~~  
54.13% statewide total local share in fiscal year 2012-13.

(6) For the 2013 property tax year, the full-value education mill rate is the amount necessary to result in a 47.50% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2014-15 and after.

**Sec. C-4. 20-A MRSA §15689, sub-§1,** as amended by PL 2011, c. 655, Pt. C, §§8 and 9, is further amended to read:

**1. Minimum state allocation.** Each school administrative unit must be guaranteed a minimum state share of its total allocation that is an amount equal to the greater of the following:

A. The sum of the following calculations:

(1) Multiplying 5% of each school administrative unit's essential programs and services per-pupil elementary rate by the average number of resident kindergarten to grade 8 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1); and

(2) Multiplying 5% of each school administrative unit's essential programs and services per-pupil secondary rate by the average number of resident grade 9 to grade 12 pupils as determined under section 15674, subsection 1, paragraph C, subparagraph (1).

The 5% factor in subparagraphs (1) and (2) must be replaced by: 4% for the 2009-10 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2010-11 funding year including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009; 3% for the 2011-12 funding year; and ~~4%~~  
3% for the 2012-13 funding year and subsequent years; and

B. The school administrative unit's special education costs as calculated pursuant to section 15681-A, 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, 40% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;
- (6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;
- (7) In fiscal year 2011-12, 30%; and
- (8) In fiscal year 2012-13 ~~and succeeding years, 35%, 30%; and~~
- (9) In fiscal year 2013-14 and succeeding years, 35%.

These funds must be an adjustment to the school administrative unit's state and local allocation after the state and local allocation has been adjusted for debt service pursuant to subsection 2. Beginning July 1, 2007, these funds must be an adjustment to the school administrative unit's state and local allocation in addition to the state and local allocation that has been adjusted for debt service pursuant to subsection 2.

**Sec. C-5. 20-A MRSA §15689, sub-§1, ¶B,** as enacted by PL 2011, c. 419, §3, is amended to read:

B. The amount of the adjustment for economically disadvantaged students is the difference, but not less than zero, between the state share of the total allocation under this chapter and the amount computed as the school administrative unit's total allocation for economically disadvantaged students, multiplied by the relevant percentage in subsection 1, paragraph B. For the 2012-13 funding year, this adjustment is reduced to 98% of the amount otherwise calculated under this paragraph.

**Sec. C-6. 20-A MRSA §15690, sub-§1, ¶D,** as amended by PL 2011, c. 655, Pt. C, §12, is further amended to read:

D. Beginning in fiscal year 2010-11, in any fiscal year in which the sum of the State's contribution toward the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, plus any federal stimulus funds applied to the State's contribution, falls below the State's target of 55% of the cost of the components of essential programs and services, the commissioner shall calculate the percentage of the State's 55% share that is funded by state appropriations and federal stimulus funds and, notwithstanding any

other provision of this paragraph, a school administrative unit that raises at least the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the State's contribution plus federal stimulus funds toward its 55% share of the cost of the components of essential programs and services may not have the amount of its state subsidy limited or reduced under paragraph C.

This paragraph is repealed June 30, 2013 2014.

**Sec. C-7. PL 2011, c. 380, Pt. C, §§8 and 9,** as amended by PL 2011, c. 655, Pt. C, §13, are further amended to read:

**Sec. C-8. Total cost of funding public education from kindergarten to grade 12.** The total cost of funding public education from kindergarten to grade 12 for fiscal year 2011-12 is as follows:

	2011-12
	TOTAL
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,390,771,314
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,349,048,174
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$413,851,257
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,762,899,431
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$104,575,834
<b>Total Adjustments and Miscellaneous Costs</b>	

Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	<u>\$63,894,104</u> <u>\$63,744,083</u>	State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2011-12 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423	\$172,592,848
<b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b>			
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2011-12 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	<u>\$1,931,369,369</u> <u>\$1,931,219,348</u>	State contribution to the total cost of funding public education from kindergarten to grade 12	<u>\$1,061,495,248</u> <u>\$1,061,345,227</u>
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2011-12 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423	\$172,592,848		
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$41,723,140		
Total cost of funding public education from kindergarten to grade 12	<u>\$2,145,685,357</u> <u>\$2,145,535,336</u>		

**Sec. C-9. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2011 and ending June 30, 2012 is calculated as follows:

	2011-12 LOCAL	2011-12 STATE
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683 - subject to statewide distributions required by law	\$1,042,466,969	<u>\$888,902,400</u> <u>\$888,752,379</u>

**Sec. C-8. PL 2011, c. 655, Pt. C, §§14, 15 and 16** are amended to read:

**Sec. C-14. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2012-13 is 7.69 7.80.

**Sec. C-15. Total cost of funding public education from kindergarten to grade 12.** The total cost of funding public education from kindergarten to grade 12 for fiscal year 2012-13 is as follows:

2012-13	
TOTAL	

**Total Operating Allocation**

Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 without transitions percentage	\$1,395,869,772
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 with 97% transitions percentage	\$1,353,993,679
Total other subsidizable costs pursuant to the Maine Revised Statutes, Title 20-A, section 15681-A	\$429,737,826
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$1,783,731,505

**Total Debt Service Allocation**

Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$103,872,675	Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683 - subject to statewide distributions required by law	<u>\$1,043,692,866</u>	<u>\$910,661,214</u>
<b>Total Adjustments and Miscellaneous Costs</b>	<u><b>\$66,749,900</b></u>		<u><b>\$1,056,272,622</b></u>	<u><b>\$895,071,007</b></u>
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	<u>\$63,739,449</u>			
<b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b>	<u><b>\$1,954,354,080</b></u>			
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	<u>\$1,951,343,629</u>	State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2012-13 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423	\$174,932,892	State contribution to the total cost of funding public education from kindergarten to grade 12	<u>\$1,085,594,106</u>	<u>\$1,070,003,899</u>
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$41,876,093			
Total cost of funding public education from kindergarten to grade 12	<u>\$2,171,163,065</u>			
	<u><b>\$2,168,152,614</b></u>			

**Sec. C-16. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2012 and ending June 30, 2013 is calculated as follows:

	2012-13	2012-13
	LOCAL	STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		

**Sec. C-9. Waiver; required local contribution.** For fiscal year 2012-13 general purpose aid for local schools funding only, for those school administrative units that do not raise the increased required local contribution pursuant to the Maine Revised Statutes, Title 20-A, section 15690, subsection 1 that results from the increase in this Act in the mill expectation from 7.69 to 7.80, there will be no proportional reduction to the state share pursuant to Title 20-A, section 15690, subsection 1, paragraph C.

## PART D

**Sec. D-1. 5 MRSA §947-B, sub-§1, ¶F,** as enacted by PL 1991, c. 780, Pt. Y, §37, is amended to read:

F. Deputy ~~Commissioner~~ Commissioners, Department of Administrative and Financial Services;

**Sec. D-2. 5 MRSA §947-B, sub-§1, ¶K,** as amended by PL 2011, c. 655, Pt. I, §5 and affected by §11, is further amended to read:

K. Associate Commissioner, Administrative Services; and

**Sec. D-3. 5 MRSA §947-B, sub-§1, ¶L,** as enacted by PL 2011, c. 655, Pt. I, §5 and affected by §11, is amended to read:

L. Associate Commissioner for Tax Policy within the Bureau of Revenue Services; and

**Sec. D-4. 5 MRSA §947-B, sub-§1, ¶M** is enacted to read:

M. Director, Legislative Affairs and Communications.

## PART E

**Sec. E-1. 5 MRSA §1522, sub-§1,** as enacted by PL 2011, c. 380, Pt. X, §1, is amended to read:

**1. Reserve for retirement benefits established.** The State Controller shall, at the close of each of the fiscal years ending June 30, 2012, June 30, 2013 and June 30, 2014, as the next priority after the transfers authorized pursuant to section 1507 and section 1511, and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, transfer from the available balance in the unappropriated surplus of the General Fund up to \$15,000,000 per year for the fiscal year ending June 30, 2012, up to \$4,100,000 for the fiscal year ending June 30, 2013 and up to an amount certified by the Executive Director of the Maine Public Employees Retirement System to the State Controller as the estimated amount needed to fully fund the total cost of the benefit calculated for fiscal year 2014-15 pursuant to Public Law 2011, chapter 380, Part T, section 22 for the fiscal year ending June 30, 2014 to a reserve account within the General Fund established for the purpose of providing the resources to fund retirement payments for retired state employees and teachers.

**Sec. E-2. 5 MRSA §1536, sub-§1,** as amended by PL 2011, c. 692, §2 and affected by §3, is further amended to read:

**1. Final priority reserves.** The State Controller shall, as the 4th priority after After the transfers to the State Contingent Account pursuant to section 1507, the transfers to the Loan Insurance Reserve pursuant to section 1511 and the transfers pursuant to section 1522 at the close of each fiscal year, the State Controller shall transfer at the close of each fiscal year from the unappropriated surplus of the General Fund an amount equal to the amount available from the unappropriated surplus after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made as follows:

- A. Thirty-five Forty-eight percent to the stabilization fund;
- B. Thirteen percent to the Retirement Allowance Fund established in section 1725;
- C. Thirteen percent to the Reserve for General Fund Operating Capital;
- D. Nine percent to the Retiree Health Insurance Internal Service Fund established in section 1519 to be used solely for the purpose of amortizing the

unfunded actuarial liability associated with future health benefits;

E. Ten percent to the Capital Construction and Improvements Reserve Fund established in section 1516-A; and

F. Twenty percent to the Tax Relief Fund for Maine Residents established in section 1518-A.

**Sec. E-3. PL 2011, c. 380, Pt. QQ, §1,** as amended by PL 2011, c. 657, Pt. C, §1, is further amended to read:

**Sec. QQ-1. Transfer from unappropriated surplus at close of fiscal year 2011-12.** Notwithstanding any other provision of law, at the close of fiscal year 2011-12 and fiscal year 2012-13, the State Controller shall transfer up to \$25,000,000 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Medical Care - Payments to Providers account in the General Fund after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511 and 1522 and before the transfers required pursuant to Title 5, section 1536.

**Sec. E-4. PL 2011, c. 657, Pt. C, §2** is repealed.

**Sec. E-5. Fiscal year 2012-13; exception to statutory year-end reserves.** Notwithstanding the Maine Revised Statutes, Title 5, section 1536, subsection 1, at the close of the fiscal year ending June 30, 2013 only, the distribution of funds otherwise available for transfer pursuant to Title 5, section 1536, subsection 1 must be made as follows:

1. Eighty percent to the Maine Budget Stabilization Fund established in Title 5, section 1532; and
2. Of the remaining 20%, the allocation is as follows:
  - A. To the Reserve for General Fund Operating Capital, 25%;
  - B. To the Retiree Health Insurance Internal Service Fund established in Title 5, section 1519 to be used solely for the purpose of amortizing the unfunded actuarial liability associated with future health benefits, 17.5%;
  - C. To the Capital Construction and Improvements Reserve Fund established in Title 5, section 1516-A, 19%; and
  - D. To the Tax Relief Fund for Maine Residents established in Title 5, section 1518-A, 38.5%.

**PART F**

**Sec. F-1. Transfer to General Fund unappropriated surplus; K-12 Essential Programs and Services, Other Special Revenue Funds account.** Notwithstanding any other provisions of law, the State Controller shall transfer \$14,096,679 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to General Fund unappropriated surplus no later than June 30, 2013.

**PART G**

**Sec. G-1. 28-A MRSA §89,** as enacted by PL 2011, c. 380, Pt. S, §1, is repealed.

**PART H**

**Sec. H-1. Estate tax revenue.** Notwithstanding any other provision of law, the State Controller is authorized to recognize a receivable of up to \$7,000,000 during fiscal year 2012-13 within the estate tax revenue for receipt of an identified amount due the State.

**PART I**

**Sec. I-1. Transfer from Maine Budget Stabilization Fund; General Fund unappropriated surplus.** Notwithstanding any other provision of law, the State Controller shall transfer \$40,000,000 during fiscal year 2012-13 from the Maine Budget Stabilization Fund to the General Fund unappropriated surplus.

**Sec. I-2. Transfer from Reserve for General Fund Operating Capital; General Fund unappropriated surplus.** Notwithstanding any other provision of law, the State Controller shall transfer \$17,083,994 during fiscal year 2012-13 from the Reserve for General Fund Operating Capital to the General Fund unappropriated surplus.

**PART J**

**Sec. J-1. 12 MRSA §1819, 2nd ¶,** as enacted by PL 1997, c. 678, §13 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

Unless otherwise provided by law, and after payment of any existing lease for Crescent Beach State Park, all user fees derived from use of state parks, historic sites and the Allagash Wilderness Waterway and other payments for services received under this section must accrue to the General Fund, except that all revenues resulting from an increase in fees after July 1, 1990 in the Allagash Wilderness Waterway accrue to a dedicated revenue account to be used for capital improvements in the Allagash Wilderness Waterway. When fees may be more efficiently collected through 3rd-party contracts, a percentage of the fee may be retained by the contractor for services as agreed upon by the division.

**Sec. J-2. Lease term; negotiating deadline; report.** The Commissioner of Agriculture, Conservation and Forestry shall execute a lease for Crescent Beach State Park no later than April 24, 2013 and shall report the terms and conditions of the lease to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than May 24, 2013. The term of the lease executed may not exceed 5 years. Any proposed extension or renewal of the lease beyond the 5-year term is subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters.

**PART K**

**Sec. K-1. Transfer; unexpended funds; Harness Racing Commission Other Special Revenue Funds account.** Notwithstanding any other provision of law, the State Controller shall transfer \$310,000 no later than June 30, 2013 from the Harness Racing Commission program, operating account, Other Special Revenue Funds account in the Department of Agriculture, Conservation and Forestry to the unappropriated surplus of the General Fund.

**PART L**

**Sec. L-1. Department of Corrections; Department of Corrections - Capital Improvements; lapsed balances.** Notwithstanding any other provision of law, the State Controller shall lapse \$1,600,000 from the Department of Corrections - Capital Improvements, General Fund account within the Department of Corrections to General Fund unappropriated surplus no later than June 30, 2013.

**PART M**

**Sec. M-1. Transfer; unexpended funds; Tourism Marketing Promotion Fund, Other Special Revenue Funds account.** Notwithstanding any other provisions of law, the State Controller shall transfer \$1,000,000 no later than June 30, 2013 from the Tourism Marketing Promotion Fund, Other Special Revenue Funds account in the Department of Economic and Community Development to the unappropriated surplus of the General Fund.

**PART N**

**Sec. N-1. Transfer; unexpended funds; Department of Environmental Protection; Uncontrolled Sites Fund; Other Special Revenue Funds account.** Notwithstanding any other provision of law, the State Controller shall transfer \$500,000 no later than June 30, 2013 from the Remediation and Waste Management program, Uncontrolled Sites Fund, Other Special Revenue Funds account in the Department of Environmental Protection to the unappropriated surplus of the General Fund.

**PART O**

**Sec. O-1. Department of Education; General Purpose Aid for Local Schools; lapsed balances.** Notwithstanding any provisions of law, the State Controller shall lapse \$2,000,000 from the General Purpose Aid for Local Schools, General Fund account within the Department of Education to General Fund unappropriated surplus no later than June 30, 2013.

**PART P**

**Sec. P-1. Adjustment of reimbursement under the MaineCare program for inpatient substance abuse services.** Notwithstanding any other provision of law, the Department of Health and Human Services shall amend the rules for reimbursement under the MaineCare program for inpatient substance abuse services. Beginning April 1, 2013, inpatient substance abuse services must be reimbursed based on a case mix index multiplied by the psychiatric discharge rate, resulting in a rate of \$4,898 per discharge. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**PART Q**

**Sec. Q-1. Personal Services savings; transfer to General Fund unappropriated surplus.** Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller shall transfer the first \$1,000,000 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2012-13.

**Sec. Q-2. General Fund Salary Plan; transfer to General Fund unappropriated surplus.** Notwithstanding any other provision of law, the State Controller may transfer up to \$1,000,000 from the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2012-13 in the event that the total savings in section 1 of this Part are not achieved.

**PART R**

**Sec. R-1. PL 2011, c. 655, Pt. FFF, §1** is amended to read:

**Sec. FFF-1. Savings.** Notwithstanding any other provision of law, the Commissioner of Education and the Commissioner of Labor shall work together to identify \$287,541 in ~~efficiencies and savings within existing General Fund programs~~ of the Department of Education and the Department of Labor in order to support the cost of one full-time Blindness and Rehabilitation Specialist position in the Department of Labor, Division for the Blind and Visually Impaired; one

Teacher of Visually Impaired Children contracted position; and 2 Vision Rehabilitation Therapist contracted positions to provide services to blind and visually impaired children and adults.

**PART S**

**Sec. S-1. 5 MRSA §937, sub-§1, ¶K,** as enacted by PL 2011, c. 655, Pt. D, §4, is amended to read:

~~K. Director, PK 20, Adult Education and Federal Programs Team Chief Academic Officer;~~

**Sec. S-2. 20-A MRSA §203, sub-§1, ¶K,** as enacted by PL 2011, c. 655, Pt. D, §9, is amended to read:

~~K. Director, PK 20, Adult Education and Federal Programs Team Chief Academic Officer;~~

**PART T**

**Sec. T-1. Carry forward; unexpended funds; Emergency Services Communication Bureau program, General Fund account.** Notwithstanding any other provision of law, any unexpended balance in the Emergency Services Communication Bureau program, General Fund account at the close of fiscal year 2012-13 may not lapse but must be carried forward in fiscal year 2013-14 to be used for the purposes originally intended in Public Law 2011, chapter 657, Part A.

**PART U**

**Sec. U-1. Department of Health and Human Services; transfer of funds for MaineCare payments authorized.** Notwithstanding any other provision of law, for fiscal year 2012-13 only, available balances of appropriations, including available balances of Personal Services appropriations from any account within the Department of Health and Human Services, may be transferred between MaineCare, MaineCare-related and non-MaineCare-related accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

It is the intent of the Legislature that the Department of Health and Human Services make every effort to make these transfers to fully fund MaineCare cycle payments. These transfers are effective upon approval of the Governor. The department shall provide regular updates to the Joint Standing Committee on Appropriations and Financial Affairs on its progress toward the goal of fully funding such weekly cycle payments.

**Sec. U-2. Transfer of Personal Services balances to All Other; state psychiatric centers.** Notwithstanding any other provision of law, for fiscal year 2012-13 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations in the

Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program and the Riverview Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs in order to provide funding for an electronic medical records system. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. Transfers pursuant to this section are not considered adjustments to appropriations.

## PART V

**Sec. V-1. 5 MRSA §1591, sub-§2,** as amended by PL 2011, c. 655, Pt. V, §1 and c. 657, Pt. BB, §1 and Pt. II, §1, is further amended to read:

**2. Department of Health and Human Services.** The Department of Health and Human Services must apply:

- A. Any balance remaining in the accounts of the Department of Health and Human Services appropriated for the purposes of homemaker or home-based care services at the end of any fiscal year to be carried forward for use by either program in the next fiscal year;
- B. Any balance remaining in the Traumatic Brain Injury Seed program, General Fund account at the end of any fiscal year to be carried forward for use in the next fiscal year;
- C. Any balance remaining in the General Fund account of the Department of Health and Human Services, Bureau of Medical Services appropriated for All Other line category expenditures at the end of any fiscal year to be carried forward for use in the next fiscal year; and
- D. Any balance remaining in the accounts of the Department of Health and Human Services, Mental Health Services - Community program appropriated for the purposes of rental assistance, shelter services and consent decree activities at the end of any fiscal year to be carried forward for use in the next fiscal year for the same purpose; and
- E. Any balance remaining in the Consent Decree program, General Fund account at the end of any fiscal year to be carried forward for use in the next fiscal year.

## PART W

**Sec. W-1. Emergency rule-making authority; health and human services matters.** The Department of Health and Human Services is authorized to adopt emergency rules on or before June 30, 2013 under the Maine Revised Statutes, Title 5, sections 8054 and 8073 in order to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has

not been provided in any other Part of this Act without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

## PART X

**Sec. X-1. 24-A MRSA §6914, last ¶,** as enacted by PL 2011, c. 477, Pt. Y, §1, is amended to read:

Beginning September 1, 2012, but not later than June 30, 2013, Dirigo Health shall transfer \$2,397,939 \$7,210,000 from the Dirigo Health Enterprise Fund to the Medical Care - Payments to Providers, Other Special Revenue Funds account in the Department of Health and Human Services for the purpose of providing a state match for federal Medicaid services.

## PART Y

**Sec. Y-1. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account; transfer to Resource Management Services.** On or before June 1, 2013, the State Controller shall transfer \$73,741 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Resource Management Services - Inland Fisheries and Wildlife program, General Fund account, to fund the approved reclassification, including the retroactive portion, of 6 Fish Culture Assistant Supervisor positions from range 18 to range 19.

**Sec. Y-2. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account; transfer to Enforcement Operations.** On or before June 1, 2013, the State Controller shall transfer \$33,658 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account, to fund the approved reclassification, including the retroactive portion, of 4 Office Associate II positions to Warden Service Communication Operator positions.

**Sec. Y-3. Transfer of funds; Department of Inland Fisheries and Wildlife carrying account; transfer to Resource Management Services.** On or before June 1, 2013, the State Controller shall transfer \$6,113 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the Resource Management Services - Inland Fisheries and Wildlife program, General Fund account, to fund the approved reclassification, including the retroactive portion, of one Biology Specialist position to a Biologist I position.

## PART Z

**Sec. Z-1. Personal Services balances; Judicial Department; transfers authorized.** Notwithstanding any other provision of law, in fiscal year 2012-13 only, the Judicial Department is authorized to transfer available balances of Personal Services appro-

priations, after all salary, benefit and other obligations are met, to the All Other line category in the Judicial Department, Courts - Supreme, Superior and District program, General Fund account.

## PART AA

### **Sec. AA-1. Transfers from available fiscal year 2012-13 Other Special Revenue Funds balances within Department of Professional and Financial Regulation to General Fund.**

Notwithstanding any other provision of law, at the close of fiscal year 2012-13, the State Controller shall transfer \$3,000,000 from available balances in Other Special Revenue Funds accounts within the Department of Professional and Financial Regulation to the General Fund unappropriated surplus. On or before June 30, 2013, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds must be transferred so that the sum equals \$3,000,000 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

## PART BB

### **Sec. BB-1. Funding source for Workers' Compensation Board positions for misclassification of workers.**

Beginning July 1, 2013, the Management Analyst II position and Auditor III position established in Public Law 2009, chapter 649, section 2 to enhance enforcement of laws prohibiting the misclassification of workers must be funded from the Workers' Compensation Board assessment described in the Maine Revised Statutes, Title 39-A, section 154.

## PART CC

### **Sec. CC-1. Maine Commission on Indigent Legal Services; funds available in fiscal year 2012-13; transfers authorized.**

Notwithstanding any other provision of law, for the fiscal year ending June 30, 2013, the Governor may, upon consultation with the State Budget Officer, access any funds available to the State to pay amounts owed by the Maine Commission on Indigent Legal Services as established by the Maine Revised Statutes, Title 4, chapter 37. The Governor shall identify by financial order the account, fund or other source from which the transfer to the Maine Commission on Indigent Legal Services is made. Funds accessed for this purpose may not exceed \$2,000,000.

## PART DD

### **Sec. DD-1. 3 MRSA §959, sub-§1, ¶I, as amended by PL 2007, c. 695, Pt. A, §6, is further amended to read:**

I. The joint standing committee of the Legislature having jurisdiction over labor matters shall use the following list as a guideline for scheduling reviews:

(1) ~~Maine Public Employees Retirement System in 2013;~~

(2) Department of Labor in 2007;

(3) Maine Labor Relations Board in 2009; and

(4) Workers' Compensation Board in 2009.

### **Sec. DD-2. 3 MRSA §959, sub-§1, ¶Q is enacted to read:**

~~Q. The joint standing committee of the Legislature having jurisdiction over retirement matters shall use the following list as a guideline for scheduling reviews:~~

(1) Maine Public Employees Retirement System in 2013.

## PART EE

### **Sec. EE-1. MaineCare information technology; federal grant funding.**

In order to meet deadlines related to the establishment of a federal health insurance exchange as required by federal law pursuant to the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued under, those acts, the Department of Health and Human Services shall apply for, accept, receive and use as appropriate for and on behalf of the State any grant money provided by the Federal Government to develop or modify information technology communication, data sharing or other electronic interfaces with MaineCare eligibility and claims processing systems. The department shall share federal grant funding with, give support to and coordinate with other agencies of the State and Federal Government or 3rd parties as determined by the department. Nothing in this section creates any change in eligibility criteria. The department shall apply for funding for which it is eligible as soon as practicable, but not later than May 15, 2013.

## PART FF

### **Sec. FF-1. Lapsed balances; Legislature, General Fund account.**

Notwithstanding any other provision of law, the State Controller shall lapse \$1,085,253 from the Personal Services line category and \$201,500 from the All Other line category from the Legislature, General Fund account in the Legislature to the General Fund unappropriated surplus no later than June 30, 2013.

### **Sec. FF-2. Lapsed balances; Law and Legislative Reference Library, General Fund account.**

Notwithstanding any other provision of law, the State Controller shall lapse \$75,463 from the Personal Services line category in the Law and Legislative Reference Library, General Fund account in the Law and Legislative Reference Library to the General

Fund unappropriated surplus no later than June 30, 2013.

**Sec. FF-3. Lapsed balances; Office of Program Evaluation and Government Accountability, General Fund account.** Notwithstanding any other provision of law, the State Controller shall lapse \$12,598 from the Personal Services line category in the Office of Program Evaluation and Government Accountability, General Fund account in the Office of Program Evaluation and Government Accountability to the General Fund unappropriated surplus no later than June 30, 2013.

## PART GG

**Sec. GG-1. Adjustment of reimbursement under the MaineCare program for services provided by certain clinicians.** The Department of Health and Human Services shall amend the rules for reimbursement under the MaineCare program as set forth in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65: Behavioral Health Services. Beginning March 1, 2013, reimbursement rates must be reduced by 5% for services provided by licensed clinical professional counselors and licensed marriage and family therapists. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective March 6, 2013.

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## CHAPTER 2 H.P. 177 - L.D. 216

### An Act To Extend the Hours for the Sale of Liquor on Sunday When St. Patrick's Day Is on a Sunday

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to enhance business opportunities for establishments in connection with the upcoming observance of St. Patrick's Day; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §4, sub-§1, ¶A,** as amended by PL 1995, c. 159, §1, is further amended to read:

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m., except on March 17th.

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

Effective March 15, 2013.

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## CHAPTER 3 H.P. 24 - L.D. 26

### An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Change a Fishing Season Opening Date Statewide

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

**Sec. 1. 12 MRSA §12456, sub-§2, ¶A,** as amended by PL 2009, c. 214, §6, is further amended to read:

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

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.

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

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime; and

**Sec. 2. 12 MRSA §12456, sub-§2, ¶E** is enacted to read:

E. In accordance with section 10104, the commissioner may change the established opening date of an open season if, in the commissioner's opinion, the change is necessary due to earlier-than-normal seasonal temperature changes or weather conditions.

See title page for effective date.

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#### CHAPTER 4 H.P. 95 - L.D. 113

##### An Act To Make Changes to the Maine College Savings Program

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

**Sec. 1. 20-A MRSA §11473, sub-§3,** as amended by PL 2001, c. 380, §1, is further amended to read:

**3. Application of program fund.** Money in the program fund may be applied to carry out any power of the authority under or in connection with this chapter. All money in the program fund must be continuously applied by the authority to carry out this chapter and for no other purpose. Assets of the program fund must at all times be preserved, invested and expended only for the purposes of the program and must be held for the benefit of the participants and beneficiaries, including the refunding of fees paid by participants or any class of participants, the matching of contributions made by participants or any class of participants or the use of funds to provide scholarships to program account beneficiaries who attend institutions of higher education whether or not in the State. Assets may not be transferred or used by the State or the authority for any purposes other than the purposes of the program. All Notwithstanding the requirements of this subsection regarding the permissible uses of the money in the program fund, all amounts in the program fund, except for contributions and program earnings that have been credited to an account, may be used by the authority to pay the administrative costs of the program and program fund as well as costs associated with providing financial education for the benefit of students and families, as determined by the authority.

See title page for effective date.

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#### CHAPTER 5 H.P. 85 - L.D. 103

##### An Act To Correct an Inconsistency in Maine's Apprenticeship Laws

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

**Sec. 1. 26 MRSA §667,** as amended by PL 1971, c. 620, §13, is repealed.

See title page for effective date.

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#### CHAPTER 6 S.P. 21 - L.D. 32

##### An Act To Expand the Types of Vaccines That May Be Administered by Pharmacists

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

**Sec. 1. 32 MRSA §13831, sub-§2,** as amended by PL 2011, c. 577, §3, is further amended to read:

**2. Administration of other vaccines.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State. A pharmacist may administer vaccines licensed by the United States Food and Drug Administration that are outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, to a person 18 years of age or older according to a valid prescription when the person has an existing primary care physician or other existing relationship with a nurse practitioner or an authorized practitioner in this State if the prescription specifically states that the vaccine is medically necessary. When the person does not have an existing relationship with a primary care physician, nurse practitioner or other practitioner in this State, the pharmacist may proceed to administer according to a treatment protocol established by an

authorized practitioner or a written standing order from a practitioner authorized under the laws of this State to issue an order, a prescription or a protocol to a person 18 years of age or older for vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults.

See title page for effective date.

## CHAPTER 7 H.P. 94 - L.D. 112

### **An Act To Make Changes to the Educators for Maine Program**

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

**Sec. 1. 20-A MRSA §12501-A, sub-§12,** as enacted by PL 2003, c. 427, §2, is amended to read:

**12. Return service.** "Return service" means service in public elementary or secondary school or private school in this State approved for tuition purposes for a full school year as a certified teacher or a speech pathologist, service as a Jobs for Maine's Graduates specialist with similar teacher certification or service for a 12-month period in a child care facility by an individual who has attained child care provider qualifications.

See title page for effective date.

## CHAPTER 8 H.P. 301 - L.D. 451

### **An Act Relating to Certain Marine Resources Licenses**

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

**Whereas,** the elver fishing season begins March 22, 2013, and changes made to elver fishing licensing regulations by this legislation must be made prior to the beginning of this season; 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. 12 MRSA §6302-A,** as amended by PL 2011, c. 598, §17, is further amended to read:

#### **§6302-A. Taking of marine organisms by federally recognized Indian tribes**

**1. Tribal exemption; commercial harvesting licenses.** A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

A member of the Houlton Band of Maliseet Indians who is a resident of the State is not required to hold an elver fishing license under section 6505-A to conduct activities authorized under that license if that member holds a valid license issued by the band or the agent of the band to conduct the activities authorized under that license. A member of the Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection is subject to all laws and rules applicable to a person who holds an elver fishing license issued under section 6505-A and to all the provisions of chapter

625, except that the member of the band may utilize elver fishing gear tagged with elver fishing gear tags issued by the band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the Houlton Band of Maliseet Indians is not required to pay elver fishing gear fees under section 6505-B if the band or the agent of the band issues that member elver fishing gear tags.

**2. Tribal exemption; sustenance or ceremonial tribal use.** Notwithstanding any other provision of law, a member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who is a resident of the State may at any time take, possess, transport and distribute:

A. Any marine organism, except lobster, for sustenance use if the tribal member holds a valid sustenance fishing license issued by the tribe, nation or band or the agent of the band. A sustenance fishing license holder who fishes for sea urchins may not harvest sea urchins out of season;

B. Lobsters for sustenance use, if the tribal member holds a valid sustenance lobster license issued by the tribe, nation or band or the agent of the band. The sustenance lobster license holder's traps must be tagged with sustenance use trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B; however, a sustenance lobster license holder may not harvest lobsters for sustenance use with more than 25 traps; and

C. Any marine organism for noncommercial use in a tribal ceremony within the State, if the member holds a valid ceremonial tribal permit issued to the tribal member by the Joint Tribal Council of the Passamaquoddy Tribe or the governor and council at either Passamaquoddy reservation, by the Penobscot Reservation Tribal Council or by the Aroostook Band of Micmacs Tribal Council or its agent.

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, or Aroostook Band Trust Land, as defined in Title 30, section 7202, subsection 2, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who takes a marine organism under a license or permit issued pursuant to this subsection must comply with all laws and

rules applicable to a person who holds a state license or permit that authorizes the taking of that organism, except that a state law or rule that sets a season for the harvesting of a marine organism does not apply to a member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who takes a marine organism for sustenance use or for noncommercial use in a tribal ceremony. A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs issued a license or permit under this subsection is exempt from paying elver gear fees under section 6505-B or trap tag fees under section 6431-B and is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671. A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs who fishes for or takes lobster under a license or permit issued pursuant to this subsection must comply with the closed periods under section 6440.

**3. Lobster, sea urchin, scallop and elver licenses; limitations.** Pursuant to subsection 1:

A. The Passamaquoddy Tribe and Penobscot Nation may each issue to members of its tribe or nation, as the case may be, up to 24 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5;

A-1. The Aroostook Band of Micmacs or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5;

B. The Passamaquoddy Tribe may not issue to members of the tribe more than 24 commercial licenses for the taking of sea urchins in any calendar year. Sea urchin licenses must be issued by zone in accordance with section 6749-P;

C. The commissioner shall adopt rules authorizing the Penobscot Nation to issue to members of the nation commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Penobscot Nation to issue more than 24 commercial sea urchin licenses to members of the nation in any calendar year;

C-1. The commissioner shall adopt rules authorizing the Aroostook Band of Micmacs or its agent

to issue to members of the band commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Aroostook Band of Micmacs or its agent to issue more than 24 commercial sea urchin licenses to members of the band in any calendar year;

D. The Penobscot Nation may not issue to members of the nation more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses;

D-1. The Aroostook Band of Micmacs or its agent may not issue to members of the band more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Aroostook Band of Micmacs or its agent to issue additional commercial licenses to members of the band for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses;

D-2. The Passamaquoddy Tribe may not issue to members of the tribe more than 20 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Passamaquoddy Tribe to issue additional commercial licenses to members of the tribe for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses;

E. The Penobscot Nation may not issue to members of the nation more than 8 commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses; and

E-1. The Passamaquoddy Tribe may not issue to members of the tribe commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

(1) One hundred twenty-four licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net;

(2) An additional 26 licenses that allow the taking of elvers with 2 pieces of gear, consisting of an elver fyke net and a dip net; and

(3) An additional 50 limited licenses that allow the taking of elvers only in the St. Croix River and only with a dip net;

F. The Aroostook Band of Micmacs or its agent may not issue to members of the band more than 8 commercial licenses for the taking of elvers in any calendar year, except that the commissioner shall by rule allow the Aroostook Band of Micmacs or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses; and

G. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band commercial licenses for the taking of elvers in any calendar year that exceed the following limits:

(1) Eight licenses that allow the taking of elvers with an elver fyke net only; and

(2) Eight licenses that allow the taking of elvers with a dip net only.

The commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses.

The Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs, Houlton Band of Maliseet Indians and Department of Marine Resources shall report on the status of the sea urchin, scallop and elver fisheries to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15th of each even-numbered year.

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

**4. Sea urchin and scallop handfishing and tender licenses; limitations.** The Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs or its agent may not issue a license or permit pursuant to subsection 1 or 2:

A. For the harvesting of sea urchins or scallops by hand unless the license or permit applicant meets the diver competency requirements of section 6531; and

B. For the tending of a person who fishes for or takes scallops or sea urchins by diving unless the applicant meets the safety training requirements of section 6533.

**5. Notification.** Subsections 1 and 2 do not apply to a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs unless a copy of that

member's tribal license or permit is filed with the commissioner by the tribal licensing agency or its agent or a tribal official in accordance with section 6027.

**6. License suspension.** If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs issued a license or permit under this section is convicted or adjudicated of a violation for which a license suspension is mandatory under chapter 617, the commissioner shall suspend that member's license or permit for the specified period. If a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs issued a license or permit under this section is convicted or adjudicated of a violation for which the commissioner may suspend a license, the commissioner may suspend that member's license or permit in accordance with chapter 617.

**7. Enforcement.** A violation of a marine resources law or rule by a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is issued a license or permit pursuant to this section must be enforced pursuant to chapter 609. A member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is issued a license or permit pursuant to this section must possess and exhibit that license or permit in accordance with section 6305 and must comply with the provisions of section 6306 regarding inspections and searches by marine patrol officers for violations related to licensed or permitted activities.

**8. Resident of the State defined.** For the purposes of this section, "resident of the State" means a member of the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs who is eligible to obtain a state resident license under section 6301, subsection 1.

**9. Political subdivision.** Nothing in this section may be construed to indicate that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs is a political subdivision of the State.

**10. Agent.** For purposes of this section, an agent of the Aroostook Band of Micmacs is any entity authorized by the Aroostook Band of Micmacs Tribal Council to act on its behalf under this section and an agent of the Houlton Band of Maliseet Indians is any entity authorized by the Houlton Band of Maliseet Indians Tribal Council to act on its behalf under this section. The Aroostook Band of Micmacs Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section. The Houlton Band of Maliseet Indians Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section.

**11. Renewal of licenses.** If a holder of a license issued under this section fails to provide information required under section 6173, the license may not be renewed until the holder complies with the requirements of that section.

**Sec. 2. 12 MRSA §6505-A, sub-§2-B,** as enacted by PL 2011, c. 549, §4, is amended to read:

**2-B. Elver lotteries.** The commissioner shall establish a dual lottery system under which the number of pieces of gear authorized does not exceed the number of pieces of gear authorized as of December 31, 2011, except that beginning in 2013 that number must be increased to include an additional 25 dip nets.

A. The commissioner shall establish an elver gear lottery under which gear authorizations for use under a license issued under subsection 1 that is not renewed become available to other license holders in the elver gear lottery.

(1) The elver gear lottery must be held on or before February 15th of each calendar year beginning in 2013.

(2) In order to be eligible for the elver gear lottery, a person must hold an elver fishing license pursuant to subsection 1 and must have authorization to use only a dip net.

(3) In order to be eligible for the elver gear lottery, a person must submit to the Commissioner of Marine Resources a lottery application together with a \$25 nonrefundable application fee no later than January 15th for the lottery to be held by the following February 15th.

(4) A person may submit no more than one elver gear lottery application per lottery year.

(5) A person selected in the elver gear lottery must relinquish a dip net authorization that person holds in exchange for authorization to use an elver fyke net.

B. The commissioner shall establish an elver fishing license lottery under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The number of persons issued licenses under this paragraph may not exceed the number of individual gear authorizations remaining after the elver gear lottery.

(1) The elver fishing license lottery must take place after the elver gear lottery.

(2) The elver fishing license lottery must be held on or before February 15th of each calendar year beginning in 2013.

(3) In order to be eligible for the elver fishing license lottery, a person must submit a

lottery application together with a \$25 nonrefundable application fee no later than January 15th of the same calendar year as the lottery.

(4) A person may submit no more than one elver fishing license lottery application per lottery year.

The commissioner shall adopt rules no later than December 31, 2012 to implement the elver gear lottery and the elver fishing license lottery. The rules must include provisions for the method and administration of the lotteries. The elver gear lottery must be set up so that gear authorizations associated with a license that is not renewed go into the elver gear lottery. If a person who held a license that is not renewed has 2 authorized pieces of gear, the gear authorizations must be divided and made available to 2 lottery entrants. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Application fees collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D.

**Sec. 3. 12 MRSA §6505-A, sub-§3,** as amended by PL 1999, c. 7, §3, is repealed.

**Sec. 4. Additional lottery.** Notwithstanding the provisions of the Maine Revised Statutes, Title 12, section 6505-A, subsection 2-B, paragraph A, subparagraph (1), for the 2013 elver fishing season the Commissioner of Marine Resources shall reopen the 2013 elver gear lottery to make available the additional 25 dip nets required to be made available in 2013 under Title 12, section 6505-A, subsection 2-B.

**Sec. 5. Examination of elver fishery; report.** The Commissioner of Marine Resources shall examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, shall develop recommendations for any appropriate modifications of the State's regulation of elver fishing, including licensing and gear use.

In undertaking the examination under this section, the commissioner, pursuant to the Maine Revised Statutes, Title 12, section 6173, shall collect and analyze pertinent information regarding elver fishing, including pertinent information regarding elver fishing by persons issued tribal licenses under Title 12, section 6302-A.

As soon as practicable after making findings from the examination conducted under this section, the commissioner shall discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians those findings and shall seek through

such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes.

No later than January 1, 2014, the commissioner shall provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations under this section, including a summary of the commissioner's discussions with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians seeking to develop a mutually agreeable structure for elver fishing licensing by those tribes. The report must include any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.

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

Effective March 21, 2013.

## CHAPTER 9 H.P. 423 - L.D. 604

### **An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation**

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

**Whereas,** this legislation expands the availability of marine resources licenses for members of the Penobscot Nation; and

**Whereas,** it is important that these licenses be available during the spring because of the seasonal nature of harvesting certain marine species; 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. 12 MRSA §6302-A, sub-§3, ¶E,** as amended by PL 2011, c. 598, §17, is repealed and the following enacted in its place:

E. The Penobscot Nation may not issue to members of the nation commercial licenses for the tak-

ing of elvers in any calendar year that exceed the following limits:

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

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

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

Effective March 21, 2013.

## CHAPTER 10 H.P. 13 - L.D. 9

### An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax

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

**Whereas,** the Maine Potato Board needs reliable up-to-date information to perform its duties in a timely manner; 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.** 36 MRSA §191, sub-§2, ¶A-1 is enacted to read:

A-1. The disclosure to an authorized representative of the Maine Potato Board of information obtained by the assessor in the administration of chapter 710;

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

Effective March 27, 2013.

## CHAPTER 11 H.P. 199 - L.D. 290

### An Act To Eliminate the Forest Certification Incentive Cost-share Fund

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

**Sec. 1.** 12 MRSA c. 801-A, as amended, is repealed.

See title page for effective date.

## CHAPTER 12 S.P. 116 - L.D. 283

### An Act To Eliminate the Elm Tree Restoration Fund

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

**Sec. 1.** 12 MRSA §8702-A, as enacted by PL 1999, c. 98, §1 and amended by PL 2011, c. 657, Pt. W, §7, is repealed.

See title page for effective date.

## CHAPTER 13 S.P. 115 - L.D. 282

### An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles

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

**Sec. 1.** 12 MRSA c. 805, sub-c. 3, art. 1, as amended, is repealed.

See title page for effective date.

## CHAPTER 14 S.P. 89 - L.D. 253

### An Act Regarding Registration of Fetal Deaths

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

**Sec. 1. 22 MRSA §2841, first ¶,** as corrected by RR 2009, c. 2, §54, is amended to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation which that occurs in this State must be filed with the State Registrar of Vital Statistics or the clerk of the municipality where the delivery occurred within 14 days after delivery and prior to removal of the fetus from the State.

**Sec. 2. 22 MRSA §2841, sub-§4** is enacted to read:

**4. Certificate from hospital or institution.**  
When the fetal death occurs in a hospital or an institution, the person in charge of the hospital or institution or the person authorized to obtain the medical data shall prepare the certificate, certify by signature or by electronic process that the fetal death occurred at the place and time and on the date stated and file the certificate as directed in this section. The physician or other person in attendance shall provide the medical information required on the certificate in a timely fashion, as specified by department rule.

See title page for effective date.

## CHAPTER 15 S.P. 80 - L.D. 244

### An Act To Amend the Student Membership Criteria of the State Board of Education

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

Whereas, the State Board of Education has 2 student members on the board; and

Whereas, one student must represent the State's First Congressional District and the other student must represent the State's Second Congressional District; and

Whereas, with the recent redistricting, there is a possibility that a student may reside in one congressional district and attend school in the other congressional district; and

Whereas, it is important that this legislation take effect as soon as possible so that the students will represent the congressional districts that they were appointed to represent; 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. 20-A MRSA §401, sub-§1,** as repealed and replaced by PL 2007, c. 695, Pt. A, §21, is amended to read:

**1. Appointment.** The state board consists of 9 members and, beginning in the 2007-2008 school year, 2 nonvoting student members, one junior and one senior in high school. All members are appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. One of the student members must reside attend school in the State's First Congressional District at the time of appointment and the other student member must reside attend school in the State's Second Congressional District at the time of appointment. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

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

Effective April 8, 2013.

## CHAPTER 16 H.P. 274 - L.D. 399

### An Act To Change the Name of the Department of Audit

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

**Sec. 1. 5 MRSA §241, first ¶,** as amended by PL 1973, c. 792, §1, is further amended to read:

The State Auditor shall be is the head of the Department of Audit, as heretofore established Office of the State Auditor. He shall The State Auditor must be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years shall must have been in a supervisory capacity. He shall The State Auditor must be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and shall hold holds office for a

term of 4 years or until his a successor is elected and qualified. He The State Auditor shall exercise such powers and perform such duties as are set forth in this chapter. In case the office of State Auditor shall be comes vacant during a period when the Legislature is not in session, the appointment of a person to fill such vacancy shall must be made immediately by the President of the Senate or if that office be is vacant, by the Speaker of the House, said and the person to hold appointed holds that office until such time as the Legislature shall meet meets in regular or special session, and either confirm the appointment of said the person or choose chooses another person to fill the office during the unexpired term.

**Sec. 2. 5 MRSA §242,** as amended by PL 1987, c. 802, §§1 and 2, is further amended to read:

#### **§242. Organization; deputy**

The Department of Audit shall Office of the State Auditor must be organized in the manner the State Auditor may deem considers best suited to the accomplishment of its functions. It shall The office may have such those auditors, assistants and employees as the State Auditor may require, but they shall be are subject to the Civil Service Law.

Any person elected to the position of State Auditor or any person permanently employed by the Department of Audit Office of the State Auditor as deputy auditor, director of audits or assistant director of audits must be currently qualified as or have successfully completed or passed the examination for a certified public accountant, public accountant or certified internal auditor. Persons not so qualified may be employed in these audit supervisory positions on a temporary basis not to exceed 9 months.

In the event of a vacancy in the office of State Auditor because of death, resignation, removal or other cause, the deputy auditor shall perform the duties of the office until a State Auditor has been appointed in conformity with section 241; and has been duly qualified. In the event of absence or disability of the State Auditor, the deputy auditor shall likewise perform the duties of the office during his the State Auditor's absence.

**Sec. 3. 5 MRSA §243, first ¶,** as amended by PL 1999, c. 208, §1, is further amended to read:

The Department of Audit Office of the State Auditor has authority:

**Sec. 4. 5 MRSA §243, sub-§3,** as amended by PL 1999, c. 208, §1, is further amended to read:

**3. Municipalities.** To perform audits for cities, towns and villages as required by Title 30-A, sections 5821 to 5823. The rate charged by the department office to perform audits must include the proportional amount of the State Auditor's duties and be used to offset the General Fund costs of the State Auditor;

**Sec. 5. 5 MRSA §243-B,** as corrected by RR 2011, c. 1, §3, is amended to read:

#### **§243-B. Report regarding discrepancies**

If in the course of any audit of a state department or agency the Department of Audit Office of the State Auditor finds significant discrepancies in the financial records of that state department or agency, the State Auditor shall report, in person, to the joint standing committee of the Legislature that has jurisdiction over that state department or agency within 60 days of the audit findings and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters. If the Legislature is not in session during that 60 days, the State Auditor may report in writing to those committees.

**Sec. 6. 5 MRSA §244-C, sub-§1, ¶B,** as enacted by PL 1997, c. 703, §1, is amended to read:

B. "Auditor" means the State Auditor or an agent of the State Auditor who is an employee of the Department of Audit Office of the State Auditor.

**Sec. 7. 5 MRSA §244-C, sub-§3, ¶D,** as enacted by PL 1997, c. 703, §1, is amended to read:

D. Other auditors in their work reviewing the Department of Audit Office of the State Auditor.

**Sec. 8. 5 MRSA §246, sub-§1,** as amended by PL 1985, c. 785, Pt. B, §13, is further amended to read:

**1. Position created.** There is created within the Department of Audit Office of the State Auditor the position of fiscal administrator of the unorganized territory. The fiscal administrator shall must be a person qualified by education or experience in the administration of budgets. The position shall be is subject to the Civil Service Law.

**Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 5, chapter 11, in the chapter headnote, the words "department of audit" are amended to read "office of the state auditor" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 10. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Department of Audit" appear or reference is made to that department, they are amended to read or mean, "Office of the State Auditor," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 17**  
**H.P. 197 - L.D. 288**

**An Act Concerning Brucellosis  
 Vaccines for Cattle**

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

**Sec. 1.** **7 MRSA §1812, 2nd ¶**, as repealed and replaced by PL 1987, c. 446, §2, is amended to read:

~~Female cattle~~ Cattle brought into the State may enter without having been vaccinated for brucellosis; provided they are imported from brucellosis free states and countries pursuant to the provisions of 9 Code of Federal Regulations, Part 78. In order to import female cattle over 120 days of age from class A and B states as defined in the 9 Code of Federal Regulations, Part 78, those cattle must be vaccinated for brucellosis before entering the State.

**Sec. 2.** **7 MRSA §1812, 5th ¶**, as amended by PL 2001, c. 572, §42, is repealed.

See title page for effective date.

**CHAPTER 18**  
**S.P. 117 - L.D. 284**

**An Act To Amend the Duties of  
 the Division of Forestry**

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

**Sec. 1.** **12 MRSA §8002, sub-§1, ¶¶E and F**, as enacted by PL 1979, c. 545, §3 and amended by PL 2011, c. 657, Pt. W, §7, are amended to read:

E. Have the responsibility for management of particular portions of land owned by the State when management is entrusted to the division by statute or is transferred by mutual agreement of the division and other state agencies; ~~and~~

F. Conduct information, education, planning and research programs designed to promote the purposes of the division as set forth in this Part; ~~and~~

**Sec. 2.** **12 MRSA §8002, sub-§1, ¶G** is enacted to read:

G. Conduct a landowner relations program to assist landowners in dealing with public use of private lands.

**Sec. 3.** **12 MRSA §8002, sub-§2, ¶C**, as enacted by PL 1979, c. 545, §3 and amended by PL 2011, c. 657, Pt. W, §7, is repealed.

See title page for effective date.

**CHAPTER 19**  
**S.P. 152 - L.D. 372**

**An Act To Transfer the  
 Responsibilities of the  
 Department of Public Safety,  
 Maine Communications  
 System Policy Board to the  
 Bureau of Consolidated  
 Emergency Communications**

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

**Sec. 1.** **5 MRSA §12004-I, sub-§74-D**, as enacted by PL 2003, c. 678, §1, is repealed.

**Sec. 2.** **25 MRSA §1531**, as amended by PL 2009, c. 617, §§1 to 4, is repealed.

**Sec. 3.** **25 MRSA §1532**, as enacted by PL 2003, c. 678, §2, is repealed.

**Sec. 4.** **25 MRSA §1533, sub-§2**, as enacted by PL 2009, c. 317, Pt. C, §1, is amended to read:

**2. Director; duties.** The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall establish and carry out policies and procedures established by the board. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

**Sec. 5.** **25 MRSA §1535**, as amended by PL 2011, c. 505, §2, is further amended to read:

**§1535. Fees for public safety answering point services and dispatch services**

The ~~board~~ bureau, in accordance with this section, shall establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the department to those political subdivisions, including services provided pursuant to section 2923-A. All political subdivisions that are to be provided public safety answering point services and dispatch services shall provide to the ~~board~~ bureau all information the ~~board~~ bureau determines necessary in order to establish the fees.

**1. Fees.** The ~~board~~ bureau shall seek to establish fees under this section that are based on the incremental costs of providing public safety answering point services and dispatch services to political subdivisions.

**2. Base funding level.** In order to determine incremental costs under subsection 1, the ~~board~~ bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and E-9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the ~~board~~ bureau from its determination of incremental costs under subsection 1.

**3. Consideration of population.** If a fee established under this section for a political subdivision is based in whole or in part on population, the population of the political subdivision may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the political subdivision.

**Sec. 6. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 25, chapter 192-B, in the chapter headnote, the words "maine communications system policy board" are amended to read "bureau of consolidated emergency communications" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

## CHAPTER 20 S.P. 224 - L.D. 634

### An Act Regarding Permits for Final Disposition of Dead Human Bodies

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

**Sec. 1. 22 MRSA §2843, sub-§§2 and 3,** as amended by PL 2009, c. 601, §27, are further amended to read:

**2. Permit for disinterment or removal.** A dead human body may not be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the State Registrar of Vital Statistics or from the clerk of the municipality where the dead human body is

buried or entombed. The permit must be issued upon receipt of a notarized application signed by the next of kin of the deceased who verifies that the signer is the closest surviving known relative and, where when any other family member of equal or greater legal or blood relationship or a domestic partner of the decedent also survives, that all such persons are aware of, and do not object to, the disinterment or removal. ~~Nothing contained in this~~ This subsection precludes does not preclude a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances. For purposes of this subsection, "domestic partner" means one of 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

**3. Permit for burial.** The person in charge of each burying ground or crematory in this State shall endorse, and provide the date the body was disposed of on, each such permit with which that person is presented, and return it to the State Registrar of Vital Statistics or to the clerk of the municipality in which such burying ground or crematory is located within 7 days after the date of disposition. If there is no person in charge of the burying ground, an official of the municipality in which the burying ground is located shall endorse, and provide the date the body was disposed of on, each such permit, and present it to the State Registrar of Vital Statistics or the clerk of the municipality. The funeral director or authorized person shall present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit.

See title page for effective date.

## CHAPTER 21 H.P. 235 - L.D. 325

### An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities

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

**Sec. 1. 4 MRSA §152, sub-§4,** as amended by PL 2011, c. 542, Pt. A, §1 and c. 614, §1, is repealed and the following enacted in its place:

**4. Exclusive jurisdiction.** Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter 4, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equita-

ble relief may be granted and small claims actions under Title 14, chapter 738;

**Sec. 2. 15 MRSA §101-D, sub-§5, ¶A,** as amended by PL 2011, c. 542, Pt. A, §9, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism for observation, care and treatment. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service or other appropriate office of the Department of Health and Human Services shall forward a report to the Commissioner of Health and Human Services relative to the defendant's competence to stand trial and its reasons. The Commissioner of Health and Human Services shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, the court shall recommit the defendant to the custody of the Commissioner of Health and Human Services to be placed in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism for observation, care and treatment. When a person who has been evaluated on behalf of the court by the State Forensic Service or other appropriate office of the Department of Health and Human Services is committed into the custody of the Commissioner of Health and Human Services under this paragraph, the court shall order that the State Forensic Service or other appropriate office of the Department of Health and Human Services share any information that it has collected or generated with respect to the person with the institution or residential program in which the person is placed. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of im-

prisonment, order the Commissioner of Health and Human Services to commence ~~involuntary~~ commitment proceedings pursuant to Title 34-B, chapter 3, subchapter 4 or chapter 5, subchapter 3. If the defendant is charged with offenses not listed in the previous sentence an offense other than an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence and the correctional facility to which the defendant must be transported shall execute the court's order; or

**Sec. 3. 34-B MRSA §5461, sub-§5,** as amended by PL 2011, c. 542, Pt. A, §104, is repealed.

**Sec. 4. 34-B MRSA §5461, sub-§7-A,** as amended by PL 2011, c. 542, Pt. A, §105, is repealed.

**Sec. 5. 34-B MRSA §5461, sub-§8,** as amended by PL 2011, c. 542, Pt. A, §106, is repealed.

**Sec. 6. 34-B MRSA §5462, sub-§1, ¶B,** as amended by PL 2011, c. 542, Pt. A, §108, is further amended to read:

B. The development of a personal plan or service plan for the delivery and coordination of services to the person through a personal planning process; and

**Sec. 7. 34-B MRSA §5462, sub-§1, ¶C,** as amended by PL 2011, c. 542, Pt. A, §108, is repealed.

**Sec. 8. 34-B MRSA §5465, sub-§2, ¶¶C and D,** as enacted by PL 1983, c. 459, §7, are amended to read:

C. The rights of clients while at a facility or while in departmental programs; and

D. The rights and procedures for administrative review if there is dissatisfaction with any step of the process of receiving services specified in this Article ~~or if there is any grievance arising during the course of voluntary admission to or treatment in any facility, including provisions for the development of regional committees to review any grievance or dissatisfaction.~~

**Sec. 9. 34-B MRSA §5466, sub-§1,** as amended by PL 1983, c. 580, §16, is further amended to read:

**1. Entitlement.** Each client who receives services under sections 5467 to 5474 5471 is entitled to have access to an advocate.

**Sec. 10. 34-B MRSA §5467, sub-§2, ¶D,** as amended by PL 2011, c. 542, Pt. A, §110, is further amended to read:

D. Ensure the client's access to an advocate throughout the process of adult developmental services under sections 5467 to 5474 5471;

**Sec. 11. 34-B MRSA §5471, sub-§2, ¶D,** as amended by PL 2003, c. 389, §15, is further amended to read:

D. The individual support coordinator of the planning team that developed the personal plan or service plan for the client; and

**Sec. 12. 34-B MRSA §5471, sub-§2, ¶E,** as amended by PL 1995, c. 560, Pt. K, §58, is repealed.

**Sec. 13. 34-B MRSA §5471, sub-§2, ¶F,** as amended by PL 2003, c. 389, §15, is repealed.

**Sec. 14. 34-B MRSA §5471, sub-§3, ¶A,** as amended by PL 2003, c. 389, §15, is further amended to read:

A. It must specify the respective responsibilities, where applicable, of the client, the family or guardian of the client, the regional office, the facility and each public and private agency that intends to provide services to the client.

**Sec. 15. 34-B MRSA §5471, sub-§4, ¶A,** as amended by PL 2003, c. 389, §15, is further amended to read:

A. No part of a service plan or personal plan may be implemented until each person required to sign the service agreement under subsection 2 has signed it, except that if a client is to be admitted to a facility, the service agreement need not be completed until 5 days after the date of admission.

**Sec. 16. 34-B MRSA §5472,** as enacted by PL 1983, c. 459, §7, is repealed.

**Sec. 17. 34-B MRSA §5473,** as amended by PL 2003, c. 389, §§16 and 17, is repealed.

**Sec. 18. 34-B MRSA §5474,** amended by PL 2011, c. 542, Pt. A, §115, is repealed.

**Sec. 19. 34-B MRSA §5475,** as amended by PL 2011, c. 542, Pt. A, §116, is repealed.

**Sec. 20. 34-B MRSA §5476,** as amended by PL 2011, c. 542, Pt. A, §117, is repealed.

**Sec. 21. 34-B MRSA §5477,** as amended by PL 2011, c. 542, Pt. A, §§118 and 119, is repealed.

**Sec. 22. 34-B MRSA §5478,** as amended by PL 2011, c. 542, Pt. A, §120, is repealed.

**Sec. 23. 34-B MRSA §5479,** as amended by PL 2003, c. 389, §21, is repealed.

**Sec. 24. 34-B MRSA §5480,** as amended by PL 2003, c. 389, §22, is repealed.

See title page for effective date.

## CHAPTER 22 H.P. 132 - L.D. 157

### An Act To Modify Administration of the Fund Insurance Review Board

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

**Sec. 1. 38 MRSA §568-B, sub-§2, ¶C,** as amended by PL 2011, c. 243, §3, is further amended to read:

C. To contract with the Finance Authority of Maine department for such assistance in fulfilling the review board's duties as the review board may require;

**Sec. 2. 38 MRSA §568-B, sub-§2, ¶E,** as repealed and replaced by PL 2011, c. 691, Pt. A, §41 and affected by §42, is amended to read:

E. To, at such times and in such amounts as it determines necessary, and in consultation with the Finance Authority of Maine department, direct the transfer of funds from the Underground Oil Storage Replacement Fund to the Ground Water Oil Clean-up Fund; and

See title page for effective date.

## CHAPTER 23 S.P. 158 - L.D. 416

### An Act To Allow Complainants in Disciplinary Actions To Attend Informal Conferences Held by the State Board of Nursing in Executive Session

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

**Sec. 1. 32 MRSA §2105-A, sub-§1-A,** as amended by PL 2001, c. 260, Pt. D, §2, is further amended to read:

**1-A. Disciplinary proceedings and sanctions.** The board shall investigate a complaint, on its own motion or upon receipt of a written complaint filed

with the board, regarding noncompliance with or violation of this chapter or of rules adopted by the board. Investigation may include a hearing before the board to determine whether grounds exist for suspension, revocation or denial of a license, or as otherwise considered necessary to the fulfillment of its responsibilities under this chapter. The board may subpoena witnesses, records and documents, including records and documents maintained by a health care facility, in an investigation or hearing it conducts.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but absent unusual circumstances justifying the delay, not later than 60 days from receipt of this information. The licensee shall respond within 30 days. The board shall share the licensee's response with the complainant, unless the board determines that it would be detrimental to the health of the complainant to obtain the response. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and if the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The complainant may attend the conference and may be accompanied by up to 2 individuals, including legal counsel. The conference must be conducted in executive session of the board, or its subcommittee, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Before the board or its subcommittee decides what action to take at the conference or as a result of the conference, the board or its subcommittee shall give the complainant a reasonable opportunity to speak. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

When a complaint has been filed against a licensee and the licensee moves or has moved to another state, the board may report to the appropriate licensing board in that state the complaint that has been filed, other complaints in the licensee's record on which action was taken and disciplinary actions of the board with respect to that licensee.

When an individual applies for a license under this chapter, the board may investigate the professional record of that individual, including professional records that the individual may have as a licensee in other states. The board may deny a license or authorize a restricted license based on the record of the applicant in other states.

If the board or its subcommittee finds that the factual basis of the complaint is true and is of sufficient grav-

ity to warrant further action, if the board or its subcommittee may take any of the following actions if the board or its subcommittee considers appropriate:

- A. Warn, censure or reprimand;
- B. With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;
- C. In consideration for acceptance of a voluntary surrender of the license, negotiate stipulations, including terms and conditions for reinstatement that ensure protection of the public health and safety and serve to rehabilitate or educate the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General's office;
- D. If the board or its subcommittee concludes that modification or nonrenewal of the license is in order, hold an adjudicatory hearing in accordance with the provisions of Title 5, chapter 375, subchapter IV 4; or
- E. If the board or its subcommittee concludes that suspension or revocation of the license is in order, file a complaint in the District Court in accordance with Title 4, chapter 5.

**Sec. 2. Rulemaking.** The Department of Professional and Financial Regulation, State Board of Nursing shall amend its rules to implement the provisions of this Act. Rules adopted pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 24

### H.P. 148 - L.D. 187

#### An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License

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

**Sec. 1. 29-A MRSA §1251, sub-§1, ¶E, as enacted by PL 2005, c. 314, §6, is amended to read:**

- E. With Unless a permit is issued pursuant to subsection 7, with a license issued by this State

that expired within the previous 90 days. Violation of this paragraph is a traffic infraction.

**Sec. 2. 29-A MRSA §1251, sub-§7** is enacted to read:

**7. Temporary permit to operate a motor vehicle with an expired license.** Upon stopping an operator of a motor vehicle who is in violation of subsection 1, paragraph E, a law enforcement officer may issue a permit to the operator of the motor vehicle to operate the motor vehicle to the operator's residence or to an office of the bureau for the sole purpose of renewing the operator's license.

See title page for effective date.

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## CHAPTER 25 S.P. 76 - L.D. 240

### An Act To Allow Motor Fuel Taxable Sales Disclosure

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

**Sec. 1. 36 MRSA §191, sub-§2, ¶L,** as repealed and replaced by PL 1987, c. 769, Pt. A, §146, is amended to read:

L. The listing of gasoline distributors possessing a certificate under section 2904 and the number of taxable gallons sold by each gasoline distributor in this State each month;

**Sec. 2. 36 MRSA §191, sub-§2, ¶Q,** as amended by PL 2009, c. 434, §12, is further amended to read:

Q. The listing of persons possessing certificates under section 3204 and the number of taxable gallons sold by each person possessing a certificate in this State each month;

See title page for effective date.

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## CHAPTER 26 S.P. 91 - L.D. 255

### An Act To Establish July 27th as Maine Korean War Veteran Recognition Day

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

**Whereas,** immediate enactment of this legislation is necessary in order to properly celebrate Maine Korean War veterans on the appropriate day; 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. 1 MRSA §150-I** is enacted to read:

### **§150-I. Maine Korean War Veteran Recognition Day**

In recognition of the service and contributions of those veterans of the United States Armed Forces who served during the Korean War, the State designates July 27th of each year as Maine Korean War Veteran Recognition Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

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

Effective April 8, 2013.

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## CHAPTER 27

### S.P. 134 - L.D. 354

### An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities

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

**Sec. 1. 34-A MRSA §1208, sub-§2, ¶A,** as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body.

**Sec. 2. 34-A MRSA §1208, sub-§2, ¶B,** as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

B. The commissioner shall conduct every 2 years no fewer than 3 additional inspections of each county and municipal detention facility during the period between each comprehensive inspection, that are in addition to any comprehensive inspec-

tions conducted pursuant to paragraph A in order to determine continued compliance with standards.

See title page for effective date.

## CHAPTER 28

### S.P. 133 - L.D. 353

#### **An Act To Allow Young Adult Offenders To Be Confined in Juvenile Correctional Facilities and To Comply with Federal Law Requirements**

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

**Sec. 1. 15 MRSA §3101, sub-§4, ¶E-1,** as amended by PL 1997, c. 645, §5, is repealed.

**Sec. 2. 15 MRSA §3101, sub-§4, ¶E-2,** as enacted by PL 2003, c. 706, Pt. A, §1, is amended to read:

E-2. If the Juvenile Court binds a juvenile over to Superior Court and has ~~not~~ directed the detention of the juvenile ~~in a section of a jail that is used primarily for the detention of adults pursuant to paragraph E-1, the court shall order that~~, if the juvenile attains 18 years ~~and 6 months~~ of age and is being detained, the juvenile ~~must~~ be detained in an adult section of a jail.

**Sec. 3. 15 MRSA §3203-A, sub-§7, ¶A,** as amended by PL 2009, c. 93, §5, is further amended to read:

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

(1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;

(2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and

(3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

Juveniles detained in adult-serving facilities may be placed only in the separate juvenile sections that comply with mandatory separation standards

established by the Department of Corrections pursuant to Title 34-A, section 1208, unless the juvenile is held in an adult section of a facility under section 3205, subsection 2 or is bound over as an adult and held in an adult section of a facility pursuant to ~~court order~~ section 3101, subsection 4, paragraph E-2.

**Sec. 4. 15 MRSA §3203-A, sub-§7, ¶B-4,** as amended by PL 2009, c. 93, §6, is further amended to read:

B-4. The State is responsible for all physically restrictive juvenile detention statewide, except that the detention for up to 6 hours provided under subsection 1 remains the responsibility of the counties. At the discretion of the sheriff, if the requirements of paragraph B-5 are met, a county may assume responsibility for the detention of a juvenile for up to 48 hours, excluding Saturdays, Sundays and legal holidays. Upon mutual agreement of the Commissioner of Corrections and the sheriff and upon terms mutually agreeable to them, a juvenile may be detained by a county for a longer period of time in an approved detention facility or temporary holding resource complying with paragraph B. Any detention of a juvenile by a county must be in a section of a jail or other secure detention facility in compliance with paragraph A or in an approved detention facility or temporary holding resource in compliance with paragraph B. This paragraph does not apply to a juvenile who is held in an adult section of a jail pursuant to ~~court order under paragraph C or D~~; section 3101, subsection 4, paragraph E-1; E-2 or section 3205, subsection 2.

**Sec. 5. 15 MRSA §3203-A, sub-§7, ¶C,** as amended by PL 1997, c. 752, §13, is repealed.

**Sec. 6. 15 MRSA §3203-A, sub-§7, ¶D,** as repealed and replaced by PL 1991, c. 824, Pt. A, §24, is repealed.

**Sec. 7. 15 MRSA §3205, sub-§1,** as amended by PL 2005, c. 507, §6, is further amended to read:

**1. Generally.** A juvenile may not be committed to or detained or confined in a jail or other secure detention facility intended or primarily used for the detention of adults, except when bound over as an adult ~~and as provided in section 3101, subsection 4, paragraph E-2~~, or as provided in section 3203-A, subsection 1, paragraph B-1 or section 3203-A, subsection 7. A juvenile who is detained in a jail or other secure detention facility intended or primarily used for the detention of adults may be detained only in a section of a facility that meets the requirements of section 3203-A, subsection 7, paragraph A, unless bound over as an adult and held in an adult section of a facility pursuant to ~~court order~~ section 3101, subsection 4, paragraph E-2.

**Sec. 8. 15 MRSA §3205, sub-§2, ¶B,** as enacted by PL 2009, c. 93, §8, is amended to read:

B. If the person has attained 21 years of age or has been convicted as an adult in another jurisdiction and has attained 18 years ~~and 6 months~~ of age, any detention pursuant to section 3203-A and any confinement pursuant to section 3314, subsection 1, paragraph H or section 3314, subsection 7 must be in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults and may extend beyond the time limits set out in section 3203-A.

**Sec. 9. 17-A MRSA §1259,** as enacted by PL 2007, c. 686, §1, is further amended to read:

**§1259. Commitments to the Department of Corrections of bound-over juveniles who have not attained 18 years of age at the time of sentence imposition**

A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, for a juvenile crime for which the juvenile had the burden of proof with respect to the finding of appropriateness, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentence alternative involving imprisonment and who has not attained ~~16~~ 18 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility and once discharged must be transferred to a ~~Department of Corrections~~ adult correctional facility ~~in which adult offenders are confined~~ to serve out the remainder of the imprisonment term or unsuspended portion, if any.

**Sec. 10. 34-A MRSA §3061, sub-§1,** as amended by PL 1991, c. 845, §5, is further amended to read:

**1. Transfer.** The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another; ~~except that no~~. A juvenile may ~~not~~ be transferred to another facility or program for adult offenders ~~and an adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center or the Mountain View Youth Development Center pursuant to section 3816 or 4117 or Title 17-A, section 1259.~~

**Sec. 11. 34-A MRSA §3816** is enacted to read:

**§3816. Young adult offenders**

The commissioner may confine adults sentenced and committed to the custody of the department who have not attained 26 years of age in the Long Creek Youth Development Center as long as the housing facilities for adult offenders are fully separated from the housing facilities for juvenile clients and the commissioner maintains at all times full compliance with mandatory sight and sound separation standards established by federal law. All provisions of this Title that are applicable to prisoners apply to adult offenders confined in the Long Creek Youth Development Center as if they were confined in a correctional facility housing only adults.

**Sec. 12. 34-A MRSA §4117** is enacted to read:

**§4117. Young adult offenders**

The commissioner may confine adults sentenced and committed to the custody of the department who have not attained 26 years of age in the Mountain View Youth Development Center as long as the housing facilities for adult offenders are fully separated from the housing facilities for juvenile clients and the commissioner maintains at all times full compliance with mandatory sight and sound separation standards established by federal law. All provisions of this Title that are applicable to prisoners apply to adult offenders confined in the Mountain View Youth Development Center as if they were confined in a correctional facility housing only adults.

See title page for effective date.

## CHAPTER 29

### S.P. 119 - L.D. 286

**An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry**

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

**Sec. 1. 7 MRSA §222, sub-§4,** as amended by PL 2001, c. 168, §2, is further amended to read:

**4. Cooperation.** Cooperate with appropriate local, state and federal agencies and institutions and with farm organizations and interested individuals, including the Department of Education, the Department of Labor, the University of Maine and the Cooperative Extension Service, in carrying out this chapter; and

**Sec. 2. 7 MRSA §222, sub-§5,** as enacted by PL 2001, c. 168, §3, is amended to read:

**5. Staff support.** Designate an employee of the department to oversee the Maine Agricultural and Internship Training Program; and,

**Sec. 3. 7 MRSA §222, sub-§6,** as enacted by PL 2001, c. 168, §3, is repealed.

**Sec. 4. 7 MRSA §4213,** as enacted by PL 1999, c. 530, §7 and amended by PL 2011, c. 657, Pt. W, §5, is repealed.

See title page for effective date.

## CHAPTER 30 S.P. 13 - L.D. 21

### An Act To Amend the Motor Vehicle Laws Governing Requisite Tire Size and Frame Height

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

**Sec. 1. 29-A MRSA §1917, sub-§2,** as amended by PL 2009, c. 251, §8, is further amended to read:

**2. Safe tires required.** A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4, ~~the overall diameter of the properly mounted and inflated tire is within 2 inches of the range of sizes recommended by the manufacturer for the model vehicle and the vehicle is in compliance with the frame height requirements provided in section 1920.~~

**Sec. 2. 29-A MRSA §1920, sub-§1,** as amended by PL 2005, c. 276, §2, is further amended to read:

**1. Minimum and maximum frame end heights.** A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or with the frame end height lower than the vehicle was originally manufactured if originally manufactured to be less than 10 inches. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a maximum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear;

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; and

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear; and

E. For a vehicle of 10,001 pounds to 11,500 pounds, 29 inches in the front and 31 inches in the rear.

Measurements must be taken from a level surface to the bottom of the frame end. For the purposes of this subsection, "frame end" means the point at which the frame rail terminates at the bumper assembly.

See title page for effective date.

## CHAPTER 31 S.P. 88 - L.D. 252

### An Act Regarding Registration and Correction of Death Information on Death Certificates

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

**Sec. 1. 22 MRSA §2842, sub-§§3 and 4,** as amended by PL 2009, c. 601, §25, are further amended to read:

**3. Medical certificate by medical examiner or the Office of the Chief Medical Examiner.** When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner or the Office of the Chief Medical Examiner shall complete the medical certification of the cause of death as specified by department rule and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner or the Office of the Chief Medical Examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of the Chief Medical Examiner.

**4. Correction of errors on death statistic records filed under chapter 711.** Certificates of death in medical examiner cases, as defined in section 3025, may be completed or amended at any time by means described in rule by the department to the Office of the Chief Medical Examiner. Either the Chief Medical Examiner or the medical examiner assigned to the case may sign the forms or submit an electronic amendment or file a certificate using the electronic death registration system in accordance with section 2847. A person authorized by the Chief Medical Examiner may amend a certificate of death with respect to the time, date, place and circumstances of death. The medical examiner assigned shall submit the form or electronic amendment to the Office of the Chief Medical Examiner for filing with the State Registrar of Vital Statistics. These forms or electronic amendments may be filed at any time after death and need not include a summary description of the evidence in support of the completion or amendment.

See title page for effective date.

## CHAPTER 32 S.P. 15 - L.D. 23

### An Act To Lower the Cost of Copies of Medical Records

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

**Sec. 1. 22 MRSA §1711, 5th ¶,** as amended by PL 2003, c. 418, §1, is further amended to read:

Reasonable costs incurred by the hospital in making and providing copies of medical records and additions to medical records must be borne by the requesting person and the hospital may require payment prior to responding to the request. The charge for copies of records may not exceed \$10 \$5 for the first page and 35¢ for each additional page.

**Sec. 2. 22 MRSA §1711-A,** as amended by PL 2003, c. 418, §2, is further amended to read:

#### §1711-A. Fees charged for records

Whenever a health care practitioner defined in section 1711-B furnishes requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report. The charge for copies of records may not exceed \$10 \$5 for the first page and 35¢ for each additional page.

See title page for effective date.

## CHAPTER 33 H.P. 159 - L.D. 198

### An Act To Clarify Physicians' Delegation of Medical Care

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

**Sec. 1. 32 MRSA §2594-A, first ¶,** as amended by PL 1993, c. 600, Pt. A, §184, is further amended to read:

Nothing contained in this chapter may be construed to prohibit an individual from rendering medical services; if these services are rendered under the supervision and control of a physician, and if the individual has satisfactorily completed a training program approved by the Board of Osteopathic Licensure. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. Nothing in this chapter may be construed as prohibiting a physician from delegating to the physician's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when these activities are under the direct control of and in the personal presence of the physician. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nothing contained in this section may be construed to apply to registered nurses acting pursuant to chapter 31.

**Sec. 2. 32 MRSA §3270-A, first ¶,** as amended by PL 1999, c. 159, §1, is further amended to read:

This chapter may not be construed to prohibit an individual from rendering medical services if these services are rendered under the supervision and control of a physician or surgeon and if that individual has satisfactorily completed a training program approved by the Board of Licensure in Medicine and a competency examination determined by this board. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician or surgeon who

~~must be present on the premises at the time the activities are performed.~~ The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. This section may not be construed to apply to registered nurses acting pursuant to chapter 31.

See title page for effective date.

## CHAPTER 34

### S.P. 131 - L.D. 351

#### **An Act To Authorize the Provision of Insurance on Student Loans**

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

**Whereas**, Maine students and families need more options to finance higher education as soon as they can be made available; and

**Whereas**, if the availability of student loans is uncertain, students may choose not to attend an institution of higher education or may choose to borrow funds that will not feature the advantages of student loans insured by the Finance Authority of Maine, and students and their families may be adversely affected; 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. 10 MRSA §962, first ¶, as amended by PL 1985, c. 344, §5, is further amended to read:**

There is a statewide need to provide enlarged opportunities for gainful employment to the people of the State and to insure ensure the preservation and betterment of the economy and the general health, safety and welfare of the State and its inhabitants; to provide a more healthy environment through the restoration of purity to the air, the water or the earth of the State which are fouled with, among other things, industrial and other waste materials and pollutants, and to insure ensure the preservation and betterment of the living standards and health of its inhabitants; to stimulate a larger flow of private investment funds from banks,

investment institutions, insurance companies and other financial institutions, including pension and retirement funds, to help finance planning, development, acquisition, construction, improvement, expansion and placing in operation of industrial, manufacturing, recreational, fishing, agricultural, business and natural resource enterprises and eligible projects of the State and its political subdivisions; and to increase the access of smaller business and veterans and students pursuing postsecondary education to financing at reasonable terms and rates.

**Sec. 2. 10 MRSA §969-A, sub-§3, as enacted by PL 1985, c. 344, §17, is amended to read:**

**3. Insure.** Insure or guarantee performance of any loan agreement or other obligation, including taking all actions necessary to implement and administer a program of insurance for loans to students pursuing postsecondary education;

**Sec. 3. 10 MRSA §1013, sub-§13, as amended by PL 1997, c. 97, §3, is further amended to read:**

**13. Higher Education Loan and Loan Insurance Program.** The Higher Education Loan and Loan Insurance Program, as established in Title 20-A, chapter 417-C;

**Sec. 4. 20-A MRSA §11458, as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:**

#### **§11458. Program established**

There is established the Higher Education Loan and Loan Insurance Program, administered by the Finance Authority of Maine, to carry out the purposes of this chapter.

**Sec. 5. 20-A MRSA §11460, as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:**

#### **§11460. Eligibility**

Loans made or insured under this chapter are available only to or for the benefit of a resident of the State or an individual attending an institution of higher education in the State who:

**1. Graduated.** Has graduated from an approved secondary school, matriculated at a postsecondary school prior to high school graduation or successfully completed a high school equivalency diploma or its equivalent;

**2. Accepted.** Has been accepted for enrollment as an undergraduate or graduate student or is in good standing as an undergraduate or graduate student at an institution of higher education in an eligible program of study and has not previously received the degree for which the student is enrolled;

**3. Application.** Has applied for a loan under the program according to schedules and procedures and on forms specified by the authority and has provided or

caused to be provided all information determined necessary by the authority in order to determine eligibility;

**4. Unmet need.** Has been determined by the authority to have an unmet need for financial assistance that, if not met, will prevent the student from attending the institution of higher education of that student's choice;

**5. Residency.** Meets the state residency or school attendance requirements that may be established by the authority by rule;

**6. Loan repayment.** Has been determined by the authority to have a reasonable prospect of being able to repay the loan. In appropriate cases, the authority may allow repayments to be deferred and subordinated to repayment of other student loans for such period of time as may be necessary for the borrower to be able to afford to repay the loan; and

**7. Minimum academic progress.** Is maintaining a grade point average of at least 2.0 on a scale of 4.0, or the equivalent as determined by the authority, provided, however, that the authority may waive the minimum grade point average in the case of a student demonstrating special circumstances and a substantial likelihood of improvement making satisfactory academic progress in accordance with the standards of that institution of higher education.

**Sec. 6. 20-A MRSA §11461,** as enacted by PL 1991, c. 824, Pt. A, §35, is amended to read:

#### **§11461. Higher Education Loan and Loan Insurance Program Fund**

**1. Establishment.** The Higher Education Loan and Loan Insurance Program Fund is established to be used by the authority as a nonlapsing, revolving fund for carrying out this chapter. In its discretion, the authority may combine this fund with other funds of the authority for accounting purposes and may establish separate accounts for loans and for a reserve for loan default payments. Money in the fund currently not needed to meet the obligations of the authority as lender or insurer is deposited with the authority to the credit of the fund or may be invested as provided by law.

**2. Charges and credits.** All amounts received or allocated by the authority for deposit to the fund pursuant to this chapter or otherwise must be deposited in the fund. All expenses of the authority in carrying out this chapter, including interest, principal and fee payments required by loan defaults, must be charged to the fund, except that bond proceeds and principal repayments must be used only for loans and not for administrative expenses of the program or other current expenditures. The authority's liability for those expenses is limited to the fund.

**Sec. 7. 20-A MRSA §11463** is enacted to read:

#### **§11463. Insure student loan payments**

The authority may make commitments and agreements to insure student loan payments.

**1. Loan serviced.** A loan insured by the authority must be serviced as required by the authority.

**2. Compliance.** A loan insured by the authority must be in compliance with the student loan insurance credit policy of the authority.

**3. Other terms.** A loan insured by the authority may be subject to terms other than those specified in subsections 1 and 2 as may be required by law or by rule of the authority.

**4. Financial education.** Prior to obtaining a loan insured by the authority, an applicant must satisfy financial education requirements established or approved by the authority.

**Sec. 8. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 20-A, chapter 417-C, in the chapter headnote, the words "higher education loan program" are amended to read "higher education loan and loan insurance program" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

Effective April 16, 2013.

## **CHAPTER 35**

### **S.P. 118 - L.D. 285**

#### **An Act To Electronically Issue Permits for Burning**

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

**Sec. 1. 12 MRSA §9326,** as enacted by PL 2005, c. 12, Pt. U, §2 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

#### **§9326. Electronic issuance of permits**

The Director of the Division of Forestry shall develop or cause to be developed a system to electronically issue permits for burning in all areas of the State using a publicly accessible site on the Internet. Beginning July 1, 2005, the director may issue permits electronically for burning within the unorganized territory and within the southernmost region of the 3 geographic regions of the State established in accordance with section 8906. For the purposes of this section,

~~the unorganized territory and the southernmost region are referred to as "the pilot region."~~

The system developed under this section for electronically issuing permits must provide a fire warden with the ability to change the criteria for issuing a permit in a municipality except for times when the director imposes more restrictive criteria or a ban on the issuance of permits.

~~Beginning July 1, 2005, a~~ A person may apply for a permit to burn ~~within the pilot region~~ using the Internet or as otherwise provided in this article. When a person applies for and is issued a permit electronically using the Internet, a fee of \$7 must be paid. From the \$7 fee, ~~\$6 \$4~~ must be deposited in the General Fund, ~~\$2~~ must be transferred to the municipality in which the permit is issued and the remainder of \$1 must be used to cover administrative costs. For a permit issued in the unorganized and deorganized areas, from the \$7 fee, ~~\$6~~ must be deposited in the General Fund and the remainder of \$1 must be used to cover administrative costs.

See title page for effective date.

## CHAPTER 36 H.P. 447 - L.D. 655

### An Act To Amend or Repeal Outdated or Underutilized Laws Related to Transportation

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

**Sec. 1. 5 MRSA §1742-F**, as enacted by PL 2001, c. 83, Pt. E, §1, is repealed.

**Sec. 2. 6 MRSA §13, first ¶**, as amended by PL 1999, c. 131, §7, is further amended to read:

The commissioner has the power to hold investigations, inquiries and hearings concerning matters covered by chapters 1 to 17 and the rules and orders adopted under chapters 1 to 17. Hearings are open to the public and, ~~except as provided in chapter 4~~, must be held upon such notice as the commissioner may by rule provide. The commissioner has the power to administer oaths and affirmations, certify to all official acts, issue subpoenas and order the attendance and testimony of witnesses and the production of papers, books and documents. All hearings, notices, reviews and orders must comply with the Maine Administrative Procedure Act. In case of the failure of any person to comply with any subpoena or order issued under the authority of this section, the commissioner may invoke the aid of any court of this State of general jurisdiction. The court may order that person to comply with the requirements of the subpoena or order or

to give evidence touching the matter in question. Failure to obey the order of the court may be punished by the court as a contempt of the order.

**Sec. 3. 23 MRSA §52-A**, as amended by PL 1989, c. 165, §3, is repealed.

**Sec. 4. 23 MRSA §73-A**, as enacted by PL 2007, c. 208, §1, is repealed.

**Sec. 5. 23 MRSA §74, sub-§1**, as enacted by PL 2003, c. 498, §2, is amended to read:

**1. Purpose; membership.** The Commissioner of Transportation shall establish a freight transportation advisory council to facilitate discussion and provide insight into issues pertaining to freight transportation in the State. The commissioner shall invite no fewer than ~~20~~ 9 people from the private sector to participate as members of the council. Membership must include representatives of various geographic areas of the State. Membership must include at least one person with experience in each of the following:

- A. Commercial trucking;
- B. Rail freight;
- C. Waterborne freight;
- D. Manufacturing forest Forest products;
- E. Shipping forest products;
- F. Shipping agricultural Agricultural products;
- G. Distributing petroleum Petroleum products; and
- H. General manufacturing.

**Sec. 6. 23 MRSA §256**, as repealed and replaced by PL 1993, c. 656, §1, is repealed.

**Sec. 7. 23 MRSA §603, first ¶**, as amended by PL 2001, c. 455, §1, is further amended to read:

The State ~~shall be~~ is responsible for the management of and all costs for maintenance and rehabilitation for the following historic bridges: Lovejoy Bridge, Andover; Robyville Bridge, Corinth; Hemlock Bridge, Fryeburg; Bennett Bridge, Lincoln Plantation; Watson's Bridge, Littleton; Artist's Bridge, Newry; Lowe's Bridge, Sangerville-Guilford; Babb's Bridge, Windham-Gorham; Wire Bridge, New Portland; Porter Bridge, Porter-Parsonsfield; Bailey Island Bridge, Harpswell; Sewall's Bridge, York; Waldo-Hancock Bridge, Prospect Verona; and Ryefield Bridge, Harrison-Otisfield.

**Sec. 8. 23 MRSA §1655**, as enacted by PL 2001, c. 83, Pt. D, §1, is repealed.

**Sec. 9. 23 MRSA c. 19, sub-c. 6-A**, as amended, is repealed.

**Sec. 10. 23 MRSA §1855, first ¶,** as amended by PL 2005, c. 405, Pt. G, §1, is further amended to read:

The Commissioner of Transportation shall use the state infrastructure bank to make loans to counties and municipalities, state agencies and quasi-state government agencies and public and private utility districts eligible for the financial assistance program for utilities under section 256 upon such terms as the commissioner shall determine, including secured and unsecured loans, and in connection with the secured and unsecured loans, to enter into loan agreements, subordination agreements and other agreements; accept notes and other forms of obligation to evidence the indebtedness, and mortgages, liens, pledges, assignments or other security interest to secure the indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests or liens or encumbrances, and take such actions as are appropriate to protect the security and safeguard against losses, including foreclosure and the bidding upon and purchase of property upon foreclosure or other sale. Repayments of a federal share loan may be obligated by the commissioner for any transportation purpose, including the reloaning of such repaid funds for other projects. Reloaned funds are considered state loans, not federal share loans.

**Sec. 11. 23 MRSA §7217,** as enacted by PL 1989, c. 398, §8, is amended to read:

#### **§7217. Plant railroads**

Sections 1251, 1254, 7202, 7205, 7206, and 7214 and section 7307, subsections 2 and 3, so far as applicable, apply to plant railroads. The term "plant railroad" shall be construed to mean means a railroad of the owners of any mills, mines, quarries, gravel pits, log landings or yards, warehouses, storehouses, stock yards, bulk storage yards, airports, piers, docks, shipyards, educational institutions, power plants, gas works, petroleum tank farms or bulk stations, or other manufacturing, processing or mercantile establishments, and including state and federal institutions and developments, erected or in process of erection, which the railroad is located on land provided or acquired for the purpose by the owners, and whether operated by the owners, or by state or federal government or an agency thereof, or through connection with a public railroad under operating contract with it and by operation of its equipment over the plant railroad.

**Sec. 12. 23 MRSA §§7301 to 7308,** as enacted by PL 1989, c. 398, §9, are repealed.

See title page for effective date.

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## **CHAPTER 37**

### **H.P. 307 - L.D. 457**

#### **An Act To Eliminate Certain Data Collection Requirements of the Forest Health and Monitoring Program of the Division of Forestry**

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

**Sec. 1. 12 MRSA §8202, sub-§1, ¶D,** as enacted by PL 1979, c. 545, §3, is amended to read:

D. Refer individuals to other state or federal agencies for technical or financial assistance; and

**Sec. 2. 12 MRSA §8202, sub-§1, ¶E,** as enacted by PL 1979, c. 545, §3, is repealed.

See title page for effective date.

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## **CHAPTER 38**

### **H.P. 302 - L.D. 452**

#### **An Act Concerning Hurricane Deductibles**

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

**Sec. 1. 24-A MRSA §3061** is enacted to read:

#### **§3061. Uniform policy standards concerning hurricane deductible programs**

The superintendent shall adopt rules establishing procedures and standards for an insurer that uses a hurricane deductible program or programs regarding the applicability of hurricane deductibles. Procedures and standards must include without limitation uniform policy standards and the form of notice that the insurer must provide to the named insured under a policy subject to this subchapter issued by the insurer. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## **CHAPTER 39**

### **S.P. 65 - L.D. 176**

#### **An Act To Amend and Clarify the Maine Uniform Securities Act**

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

**Sec. 1. 32 MRSA §16409**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

**§16409. Withdrawal or nonrenewal of licensing of broker-dealer, agent, investment adviser and investment adviser representative**

Withdrawal of licensing by a broker-dealer, agent, investment adviser or investment adviser representative becomes effective 60 days after the filing of the application to withdraw or within any shorter period authorized by the administrator, unless a revocation or suspension proceeding is pending when the application is filed. If a proceeding is pending, the administrator shall make a determination with respect to the withdrawal application as part of the proceeding. The administrator may institute a revocation or suspension proceeding under section 16412 within one year after the withdrawal became effective automatically or within one year of a license's becoming ineffective due to nonrenewal under section 16406 and issue a revocation or suspension order as of the last date on which licensing was effective.

**Sec. 2. 32 MRSA §16508, sub-§1**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

**1. Criminal penalties.** A person that intentionally or knowingly violates this chapter, or a rule adopted or order issued under this chapter, except section 16504 or the notice filing requirements of section 16302 or 16405, or that intentionally or knowingly violates section 16505 knowing the statement made to be false or misleading in a material respect, upon conviction, commits a Class C crime. In any prosecution under this section, the State need not prove that the defendant knew that any instrument involved was a security, that any instrument was required to be registered under section 16301 or that any license was required under sections 16401 to 16404. An individual convicted of violating a rule or order under this chapter may be fined, but may not be imprisoned, if the individual did not have knowledge of the rule or order.

**Sec. 3. 32 MRSA §16604, sub-§4**, as amended by PL 2011, c. 37, §3, is further amended to read:

**4. Civil fine; final orders and remedies.** In a final order under subsection 3, the administrator may: order remedies described in subsection 1; censure that person; bar that person from association with any issuer, broker-dealer or investment adviser in this State; order restitution; or impose a civil fine not to exceed \$5,000 per violation. For a violation involving an investor 65 years of age or older, the amount of the civil fine may be doubled to an amount not to exceed a maximum of \$10,000 per violation.

See title page for effective date.

**CHAPTER 40  
H.P. 213 - L.D. 304**

**An Act To Amend the Representation on the Telecommunications Relay Services Advisory Council**

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

**Sec. 1. 35-A MRSA §8704, sub-§1, ¶E**, as amended by PL 2009, c. 68, §13, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a center on deafness;
- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf as a primary means of telecommunications; and
- (7) One member representing a cellular or wireless service provider an Internet telecommunications relay service provider that provides service to customers in this State.

See title page for effective date.

**CHAPTER 41  
S.P. 144 - L.D. 364**

**An Act To Amend the Laws Regulating Suppliers of Agricultural, Construction, Industrial and Forestry Equipment**

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

**Sec. 1. 10 MRSA §1293-A**, as enacted by PL 2011, c. 236, §16 and affected by §18, is amended to read:

### §1293-A. Prohibited acts

A supplier may not:

**1. Coercion involving deliveries and orders.** Mandate, coerce or attempt to coerce any dealer to order or accept delivery of equipment or repair parts not required by law that have not been voluntarily ordered by the dealer, unless the equipment or repair parts are comprised of safety features required by the supplier;

**2. Interference in dealer's business.** Require any dealer to refrain from participation in the management or acquisition of, or investment in, any other business; **or**

**3. Coercion involving sale of equipment.** Prevent, coerce or attempt to coerce a dealer from having an investment in or holding a dealership contract for the sale of competing product lines or makes of equipment or require the dealer to provide separate facilities for competing product lines or makes of equipment; **or**

**4. Recover costs for reimbursement.** If the supplier has reimbursed a dealer for equipment, repair parts or labor to avoid a violation of this section, recover the supplier's costs of that reimbursement.

See title page for effective date.

## CHAPTER 42 H.P. 234 - L.D. 324

### An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

**Emergency preamble.** Whereas, acts and resolves 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,

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

### PART A

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

#### MUNICIPAL BOND BANK, MAINE

##### Transcap Trust Fund Z064

Initiative: Reduces funding to align allocation with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$220,686)	\$0	\$0
<b>TOTAL</b>	<b>(\$220,686)</b>	<b>\$0</b>	<b>\$0</b>

#### MUNICIPAL BOND BANK, MAINE

DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTALS</b>			

OTHER SPECIAL REVENUE FUNDS	(\$220,686)	\$0	\$0
<b>DEPARTMENT</b>	<b>(\$220,686)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL - ALL FUNDS</b>			

#### PUBLIC SAFETY, DEPARTMENT OF State Police 0291

Initiative: Reduces funding by managing vacancies.

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	(\$155,809)	\$0	\$0
<b>TOTAL</b>	<b>(\$155,809)</b>	<b>\$0</b>	<b>\$0</b>

#### State Police 0291

Initiative: Provides funding for the approved arbitration decision that awarded retroactive range changes for 4 Forensic Chemist I positions and 2 Forensic Scientist positions from range 23 to range 25, the reclassification of one State Police Forensic Specialist posi-

tion to a State Police Computer Forensic Examiner position and the reclassification of one State Police Sergeant position to a State Police Lieutenant position. The retroactive portion of the range changes will be covered by salary savings.

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	\$24,077	\$0	\$0
	<hr/>	<hr/>	<hr/>
HIGHWAY FUND TOTAL	\$24,077	\$0	\$0

#### PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
HIGHWAY FUND	(\$131,732)	\$0	\$0
	<hr/>	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	(\$131,732)	\$0	\$0

#### TRANSPORTATION, DEPARTMENT OF Fleet Services 0347

Initiative: Provides funding for the purchase of parts and supplies and reduces Personal Services to fund the purchases.

FLEET SERVICES FUND - DOT	2012-13	2013-14	2014-15
Personal Services	(\$2,200,000)	\$0	\$0
All Other	\$2,200,000	\$0	\$0
	<hr/>	<hr/>	<hr/>
FLEET SERVICES FUND - DOT TOTAL	\$0	\$0	\$0

#### Highway and Bridge Capital 0406

Initiative: Provides funding for capital projects.

HIGHWAY FUND	2012-13	2013-14	2014-15
Capital Expenditures	\$2,000,000	\$0	\$0
	<hr/>	<hr/>	<hr/>
HIGHWAY FUND TOTAL	\$2,000,000	\$0	\$0

#### Multimodal - Freight 0350

Initiative: Adjusts funding to correct allocations for passenger rail that were made to the Multimodal - Freight program in error in Public Law 2011, chapter 658.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
Personal Services	(\$55,000)	\$0	\$0
All Other	\$55,000	\$0	\$0
	<hr/>	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

#### Multimodal - Island Ferry Service Z016

Initiative: Provides funding for increased repairs and fuel costs.

ISLAND FERRY SERVICES FUND	2012-13	2013-14	2014-15
All Other	\$450,000	\$0	\$0
	<hr/>	<hr/>	<hr/>
ISLAND FERRY SERVICES FUND TOTAL	\$450,000	\$0	\$0

#### Multimodal - Transit 0443

Initiative: Transfers funding from the discontinued Van-pool Services program to the Multimodal Transit program.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$200,000	\$0	\$0
	<hr/>	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$0	\$0

#### Urban-Rural Initiative Program 0337

Initiative: Adjusts funding for the Urban-Rural Initiative Program at the appropriate rate in accordance with the Maine Revised Statutes, Title 23, section 1803-B.

HIGHWAY FUND	2012-13	2013-14	2014-15
All Other	\$213,160	\$0	\$0
	<hr/>	<hr/>	<hr/>
HIGHWAY FUND TOTAL	\$213,160	\$0	\$0

#### Van-pool Services 0451

Initiative: Transfers funding from the discontinued Van-pool Services program to the Multimodal Transit program.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$200,000)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	(\$200,000)	\$0	\$0
TOTAL			
TRANSPORTATION, DEPARTMENT OF			
DEPARTMENT TOTALS	2012-13	2013-14	2014-15
HIGHWAY FUND	\$2,213,160	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$450,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,663,160	\$0	\$0
SECTION TOTALS	2012-13	2013-14	2014-15
HIGHWAY FUND	\$2,081,428	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$220,686)	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$450,000	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$2,310,742	\$0	\$0

## PART B

**Sec. B-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

#### Claims Board 0097

##### Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	\$8,021	\$0	\$0
All Other	(\$8,021)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

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

Effective April 16, 2013.

## CHAPTER 43 S.P. 232 - L.D. 642

### An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements

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

**Sec. 1. 38 MRSA §420-D, sub-§7, ¶H,** as enacted by PL 2011, c. 359, §1 and amended by c. 657, Pt. W, §5, is further amended to read:

H. Trail management activities that are part of the development and maintenance of the statewide snowmobile or all-terrain vehicle trail system developed as part of the Maine Trails System under Title 12, section 1892, including new construction and maintenance of trails, do not require review pursuant to this section if, for each trail being managed:

- (1) The trail is constructed and maintained in accordance with best management practices for motorized trails established by the Department of Agriculture, Conservation and Forestry;
- (2) The trail is the minimum feasible width for its designated use; and
- (3) No lane exceeds 12 feet in width and no trail includes more than 2 lanes.

As used in this paragraph, "trail management activities" includes the construction and maintenance of motorized trails used for motorized or multiple use.

See title page for effective date.

## CHAPTER 44 H.P. 73 - L.D. 91

### An Act To Raise the School Construction Bond Cap

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

**Sec. 1. 20-A MRSA §15905, sub-§1, ¶A,** as amended by PL 2011, c. 1, Pt. E, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Major Capital Maximum Debt Service Limit	Integrated, Consolidated Secondary and Postsecondary Project Maximum Debt Service Limit
1990	\$ 48,000,000	
1991	\$ 57,000,000	
1992	\$ 65,000,000	
1993	\$ 67,000,000	
1994	\$ 67,000,000	
1995	\$ 67,000,000	
1996	\$ 67,000,000	
1997	\$ 67,000,000	
1998	\$ 67,000,000	
1999	\$ 69,000,000	
2000	\$ 72,000,000	
2001	\$ 74,000,000	
2002	\$ 74,000,000	
2003	\$ 80,000,000	
2004	\$ 80,000,000	
2005	\$ 84,000,000	
2006	\$ 90,000,000	
2007	\$ 96,000,000	
2008	\$100,000,000	
2009	\$104,000,000	
2010	\$108,000,000	
2011	\$126,000,000	
2012	\$116,000,000	
2013	\$116,000,000	
2014	<u>\$116,000,000</u> <u>\$126,000,000</u>	\$10,000,000
2015	<u>\$116,000,000</u> <u>\$126,000,000</u>	\$10,000,000

See title page for effective date.

## CHAPTER 45

### S.P. 161 - L.D. 430

#### An Act To Amend the Laws Regarding Who May Appeal a Reconsideration Decision to the Maine Board of Tax Appeals

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

**Whereas,** more than 3,000 cases are filed in the State's courts each week, and a taxpayer with a state tax dispute involving less than \$5,000 must appeal directly to Superior Court; such cases increase the caseload of the Superior Court and may take up to a year to be resolved; and

**Whereas,** the newly created Maine Board of Tax Appeals has the capacity to take more cases and may resolve tax disputes in less than 6 months; and

**Whereas,** it costs more for taxpayers with tax disputes of less than \$5,000 to appeal to Superior Court than it costs taxpayers to appeal to the Maine Board of Tax Appeals; 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. 4 MRSA §807, sub-§3, ¶P,** as amended by PL 2009, c. 480, §2 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; or

**Sec. 2. 4 MRSA §807, sub-§3, ¶Q,** as enacted by PL 2009, c. 480, §3, is amended to read:

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶R** is enacted to read:

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary

or any other person permitted to represent the taxpayer under Title 36, section 151-A, subsection 2 and is representing a party in any hearing, action or proceeding before the Maine Board of Tax Appeals in accordance with Title 36, section 151-D.

**Sec. 4. 36 MRSA §151, sub-§2, ¶E,** as enacted by PL 2011, c. 694, §3, is amended to read:

E. A reconsidered decision rendered on any request other than a small claim request constitutes the assessor's final determination, subject to review by either by the board or directly by the Superior Court. A reconsidered decision rendered on a small claim request constitutes the assessor's final determination and final agency action and is subject to de novo review by the Superior Court. For purposes of this paragraph, "small claim request" means a petition for reconsideration when the amount of tax or refund request in controversy is less than \$5,000 \$1,000.

**Sec. 5. 36 MRSA §151-A, sub-§2,** as enacted by PL 1989, c. 848, §4, is amended to read:

**2. Representative of taxpayer.** The taxpayer may bring to any interview or informal conference with the State Tax Assessor or to any proceeding pursuant to section 151-D any attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer. If the taxpayer does not bring anyone to the interview, conference or proceeding but clearly states at any time during the informal interview, conference or proceeding that the taxpayer wishes to consult with an attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer, the State Tax Assessor shall suspend the interview or conference or the board shall suspend the proceeding. The suspension must occur even if the taxpayer has answered one or more questions before that point in the interview, conference or proceeding. The conference must be rescheduled to be held within 10 working days.

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

Effective April 22, 2013.

**CHAPTER 46**  
**H.P. 298 - L.D. 426**

**An Act To Provide for the Continuity of a Veterinary Practice Subsequent to the Death or Incapacitation of the Owner**

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

**Sec. 1. 13 MRSA §732, sub-§6** is enacted to read:

**6. Legal guardian or personal representative of deceased or incapacitated veterinarian.** For the purposes of this chapter, the legal guardian or personal representative of a veterinarian licensed under Title 32, chapter 71-A may contract with another veterinarian to continue the operations of the practice of the deceased or incapacitated veterinarian for a period of up to 24 months after the death or incapacitation of the veterinarian or until the practice is sold, whichever occurs first. For purposes of this subsection, "personal representative" has the same meaning as in Title 18-A, section 1-201, subsection 30.

See title page for effective date.

**CHAPTER 47**  
**H.P. 65 - L.D. 72**

**An Act To Open the St. Croix River to River Herring**

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

**Whereas,** river herring were once abundant in the St. Croix watershed and play a vital ecological role in that watershed and the near-shore marine ecosystem; and

**Whereas,** the decline in the river herring population in the St. Croix watershed affects the ecological and economic health of that watershed and the near-shore marine ecosystem; and

**Whereas,** the prohibition on allowing river herring to pass upstream from the Grand Falls Dam on the St. Croix River is a significant impediment to the restoration of river herring to historic levels in the St. Croix watershed; and

**Whereas,** legislation allowing unimpeded passage of river herring upstream from the Grand Falls Dam on the St. Croix River needs to take effect prior to the river herring's spring spawning run; 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. 12 MRSA §6134**, as amended by PL 2011, c. 598, §12, is repealed and the following enacted in its place:

**§6134. River herring passage; fishways on the St. Croix River**

By May 1, 2013, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that the fishways on the Woodland Dam and the Grand Falls Dam located on the St. Croix River are configured or operated in a manner that allows the unconstrained passage of river herring.

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

Effective April 23, 2013.

**CHAPTER 48**

**S.P. 48 - L.D. 127**

**An Act Relating to Ways under the Jurisdiction of the Midcoast Regional Redevelopment Authority and the Loring Development Authority**

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

**Sec. 1. 5 MRSA §13080-D, sub-§4** is enacted to read:

**4. Enforcement on ways under jurisdiction of the authority.** A law enforcement officer may enforce the traffic laws under Title 29-A on a way under the jurisdiction of the authority.

**Sec. 2. 5 MRSA §13083-K, sub-§4** is enacted to read:

**4. Enforcement on ways under jurisdiction of the authority.** A law enforcement officer may enforce the traffic laws under Title 29-A on a way under the jurisdiction of the authority.

See title page for effective date.

**CHAPTER 49**

**S.P. 222 - L.D. 632**

**An Act To Enact Measures To Improve Enforcement Mechanisms in the Elver Industry**

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

**Whereas**, elver prices are unusually high and elver purchasing transactions have created law enforcement difficulties; and

**Whereas**, the safety of the public and of law enforcement is at stake and elver season is already under way, and therefore it is necessary immediately to modify the strategies available to law enforcement to increase safety and accountability in the elver industry; 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. 12 MRSA §6173, sub-§1**, as enacted by PL 2003, c. 170, §1, is amended to read:

**1. Collection and reporting of statistics.** The commissioner may, with the advice and consent of the advisory council, adopt rules to collect pertinent data with respect to the fisheries, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight, areas in which fishing was conducted, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by United States fish processors. The commissioner may collect statistics from any source and may require reporting of these statistics. The information collected by or reported to the commissioner is confidential and may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. The commissioner may share data collected under this section with the National Marine Fisheries Service or successor organization for research or fisheries management purposes, provided that as long as federal laws and regulations protect the confidentiality of the shared data. The commissioner may share landings data collected under this subsection with the Bureau of Marine Patrol when necessary for the enforcement of reporting requirements under this section. The commissioner shall adopt rules to carry out the purposes of this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 12 MRSA §6305, sub-§1-A** is enacted to read:

**1-A. Photo identification.** When a person is engaged in an activity for which a license is required under section 6505-A, that person shall, on the request of a marine patrol officer or other authorized person present a government-issued identification card with the person's photograph and date of birth.

**Sec. 3. 12 MRSA §6404-A,** as amended by PL 2011, c. 549, §1, is further amended to read:

**§6404-A. Suspension or revocation based on conviction of molesting elver gear**

The commissioner shall suspend or revoke the elver fishing license of any license holder adjudicated in court convicted of violating section 6575-D.

**1. First offense.** For a first offense, the commissioner shall suspend the license holder's license for 3 years.

**2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke the license holder's license.

**Sec. 4. 12 MRSA §6404-H,** as enacted by PL 2011, c. 549, §2, is amended to read:

**§6404-H. Suspension or revocation based on conviction of an elver fishing license offense**

The commissioner shall suspend or revoke a person's eligibility for the elver lotteries under section 6505-A, subsection 2-B if the person is adjudicated in court or convicted of an offense in violation of section 6505-A, subsection 1.

**1. First offense.** For a first offense, the commissioner shall suspend the person's eligibility for the elver lotteries under section 6505-A, subsection 2-B for one year.

**2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke the person's eligibility for the elver lotteries under section 6505-A, subsection 2-B.

**Sec. 5. 12 MRSA §6404-I,** as enacted by PL 2011, c. 549, §2, is amended to read:

**§6404-I. Suspension or revocation based on conviction of untagged elver gear**

The commissioner shall suspend or revoke the elver fishing license of any license holder adjudicated in court convicted of violating section 6505-B.

**1. First offense.** For a first offense, the commissioner shall suspend the license holder's license for one year.

**2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke the license holder's license.

**Sec. 6. 12 MRSA §6404-J,** as enacted by PL 2011, c. 549, §2, is amended to read:

**§6404-J. Suspension or revocation based on conviction of fishing during closed season or a closed period**

The commissioner shall suspend or revoke the elver fishing license of any license holder adjudicated in court convicted of violating section 6575 or 6575-A.

**1. First offense.** For a first offense, the commissioner shall suspend the license holder's license for one year.

**2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke the license holder's license.

**Sec. 7. 12 MRSA §6404-K,** as enacted by PL 2011, c. 549, §2, is amended to read:

**§6404-K. Suspension or revocation based on conviction of a violation of an elver dealer's license**

The commissioner shall suspend or revoke the elver dealer's license of any elver dealer's license holder adjudicated in court convicted of violating section 6864.

**1. First offense.** For a first offense, the commissioner shall suspend the license holder's license for one year.

**2. Second offense.** For a 2nd offense, the commissioner shall permanently revoke the license holder's license.

**Sec. 8. 12 MRSA §6505-A, sub-§8,** as repealed and replaced by PL 2011, c. 549, §5, is repealed.

**Sec. 9. 12 MRSA §6505-A, sub-§8-A** is enacted to read:

**8-A. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 10. 12 MRSA §6505-B, sub-§6,** as amended by PL 2011, c. 549, §6, is further amended to read:

**6. Violation.** A person who violates this section commits a civil violation Class D crime for which a fine of \$2,000 may must be adjudged imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 11. 12 MRSA §6575, sub-§5** is enacted to read:

**5. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000

must be imposed, none of which may be suspended.  
Violation of this section is a strict liability crime as  
defined in Title 17-A, section 34, subsection 4-A.

**Sec. 12. 12 MRSA §6575-A,** as amended by PL 2011, c. 549, §7, is repealed and the following enacted in its place:

#### **§6575-A. Closed period; elver harvesting**

**1. Prohibition.** It is unlawful for a person to fish for or take elvers from noon Tuesday to noon Wednesday and from noon Saturday to noon Sunday. A person may leave an elver fyke net or a Sheldon eel trap in the waters of the State during the closed period if the net or trap is left in a condition that prevents the capture of elvers. The terminal portion of a fyke net cod end must contain a rigid device with an opening not less than 3 inches in diameter and not exceeding 6 inches in length that is unobstructed by any other portion of the net.

**2. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 13. 12 MRSA §6575-C, sub-§1,** as amended by PL 2003, c. 452, Pt. F, §13 and affected by Pt. X, §2, is repealed.

**Sec. 14. 12 MRSA §6575-D, sub-§2,** as amended by PL 2011, c. 549, §8, is further amended to read:

**2. Violation.** A person who violates this section commits a civil violation Class D crime for which a fine of \$2,000 may must be adjudged imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 15. 12 MRSA §§6575-G and 6575-H** are enacted to read:

#### **§6575-G. Dams with fishways; elver fishing**

**1. Dams with fishways.** A person may not fish for or take elvers within 150 feet of any part of a dam with a fishway or within 150 feet of a fishway.

**2. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

#### **§6575-H. Sale of elvers**

**1. Sale of elvers.** A person may not sell elvers for cash or credit or receive from any person any goods, wares, merchandise or other articles or form of payment in exchange for elvers other than a check that identifies both the seller and the buyer, each of whom must be a person holding a license issued under sec-

tion 6864, a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 or a person holding a license issued under section 6505-A.

**2. Violation.** A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 16. 12 MRSA §6864, sub-§7,** as amended by PL 2011, c. 549, §9, is further amended to read:

**7. Violation.** A person who violates this section commits a civil violation Class D crime for which a fine of \$2,000 may must be adjudged imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 17. 12 MRSA §6864, sub-§10,** as enacted by PL 2011, c. 549, §9, is amended to read:

**10. Purchase of elvers.** A person who holds an elver dealer's license, or the authorized representative of that person under subsection 9, may purchase elvers from licensed harvesters at locations other than the permanent facility identified on the license holder's license. The license holder or the license holder's authorized representative shall keep a record that identifies each harvester from which elvers were purchased and the amount of elvers purchased from each harvester. The license holder or the license holder's authorized representative shall make the record available for inspection by a marine patrol officer. The license holder or the license holder's authorized representative may not purchase elvers for cash or credit or provide to any person any goods, wares, merchandise or other articles or form of payment in exchange for elvers other than a check that identifies both the seller and the buyer, each of whom must be a person holding a license issued under this section, a person who, pursuant to subsection 9, is an authorized representative of a person holding a license issued under this section or a person holding a license issued under section 6505-A.

**Sec. 18. 12 MRSA §6864, sub-§12** is enacted to read:

**12. Nonnegotiable checks.** A licensed elver dealer or an authorized representative of a licensed elver dealer may not purchase or attempt to purchase elvers with a nonnegotiable check.

**Sec. 19. 12 MRSA §6864, first ¶,** as amended by PL 2011, c. 549, §9, is further amended to read:

A holder of an elver dealer's license when buying directly from a harvester may buy only from a harvester who possesses an elver fishing license under section 6505-A. The harvester shall make the elver

fishing license and a government-issued identification card with the harvester's photograph and date of birth available for inspection upon the elver dealer's license holder's request.

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

Effective April 23, 2013.

## CHAPTER 50 S.P. 187 - L.D. 494

### An Act Regarding Maine Commercial Motor Carrier Safety Regulations

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

**Sec. 1. 29-A MRSA §555, sub-§2,** as amended by PL 2011, c. 164, §1, is further amended to read:

**2. Adoption of federal regulations.** The bureau may adopt ~~rules a rule~~ to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, 385, 390, 391, 392, 393, 395 and 396, and appendices, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. Except as provided in paragraph A-1, the Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection.

A-1. ~~A~~ The rule adopted by the bureau under this subsection is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A if it:

(1) Adopts by reference any provision of the federal regulations described under this subsection that would ~~result in a modification of the substance or effect of substantively change~~ any amendment to the federal regulations adopted by the bureau ~~and in effect on the effective date of this paragraph~~; or

(2) Adopts an amendment to any federal regulation described under this subsection.

A-2. The bureau may not adopt any rule that exempts motor carriers, vehicles or drivers transporting hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with 49 Code of Federal Regulations, Part 172 from any federal regulation adopted and incorporated by reference into any rule adopted by the bureau pursuant to this sub-

section. Notwithstanding paragraph A-1, the Maine Administrative Procedure Act does not apply to the amendment of any rule consistent with the prohibition set forth in this paragraph.

C. For ~~every~~ the rule adopted under this subsection:

- (1) The bureau shall file with the Secretary of State:
  - (a) A certified copy of the rule;
  - (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
  - (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation.

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and
- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained.

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of ~~these rules~~ the rule and include ~~them~~ it within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments.

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

See title page for effective date.

## CHAPTER 51

### H.P. 247 - L.D. 342

#### **An Act To Waive Driver's License and Nondriver Identification Card Fees for Current and Recently Discharged Members of the Armed Forces**

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

**Sec. 1.** **29-A MRSA §1255, sub-§1, ¶¶A and B,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

A. Shall Must receive a license or nondriver identification card on application to the Secretary of State;

B. Is exempt from the payment of a fee for a license or nondriver identification card;

**Sec. 2.** **29-A MRSA §1255, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. After discharge.** The privileges of this section remain in effect for a period of 30 180 days after discharge or release from the Armed Forces.

**Sec. 3.** **29-A MRSA §1406, sub-§§5 and 6,** as repealed and replaced by PL 2003, c. 434, §22 and affected by §37, are amended to read:

**5. Fee; 6-year license.** The Except as provided by section 1255, the fee for the 6-year noncommercial driver's license is \$30.

**6. Fee; 5-year license.** The Except as provided by section 1255, the fee for the 5-year commercial driver's license is \$34.

**Sec. 4.** **29-A MRSA §1406, sub-§7,** as enacted by PL 2003, c. 434, §22 and affected by §37, is amended to read:

**7. Fee; 4-year license.** The Except as provided by section 1255, the fee for the 4-year noncommercial driver's license is \$21. The Except as provided by section 1255, the fee for the 4-year commercial driver's license is \$28.

**Sec. 5.** **29-A MRSA §1406, sub-§8,** as enacted by PL 2007, c. 329, Pt. R, §1, is amended to read:

**8. Equalization of 6-year license cycle.** Notwithstanding subsection 1, paragraph A, the Secretary of State may, solely for the purpose of equalizing the 6-year license renewal cycle, issue noncommercial licenses to persons under 65 years of age that expire either one or 2 years before or after the holder's 6th birthday following the date of issuance. Notwithstand-

ing subsection 5 and except as provided by section 1255, the fee for a license issued pursuant to this subsection is \$5 multiplied by the number of years for which the license is issued.

This subsection is repealed June 30, 2014.

**Sec. 6.** **29-A MRSA §1410, sub-§2,** as amended by PL 2001, c. 671, §§27 and 28, is further amended to read:

**2. Issuance of card; contents.** Upon Except as provided by section 1255, upon receipt of a completed application and payment of a fee of \$5, the Secretary of State shall issue a nondriver identification card to the applicant. If an applicant is the holder of a motor vehicle driver's license bearing a photograph or digital image of the individual and issued under this chapter, the Secretary of State or the Secretary of State's representative may refuse to issue a nondriver identification card. The Secretary of State shall provide that a non-driver identification card issued to a person less than 21 years of age has a distinctive color code. Each nondriver identification card must contain:

- A. The applicant's photograph or digital image;
- B. The applicant's name and address;
- C. The applicant's date of birth; and
- E. Any other information and identification that the Secretary of State by rule requires.

See title page for effective date.

## CHAPTER 52

### H.P. 422 - L.D. 603

#### **An Act To Repeal an Insurance Reporting Requirement**

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

**Sec. 1.** **39-A MRSA §358-A, sub-§4,** as enacted by PL 1997, c. 486, §8, is repealed.

See title page for effective date.

## CHAPTER 53

### H.P. 428 - L.D. 609

#### **An Act To Increase Suicide Awareness and Prevention in Maine Public Schools**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for

at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §4502, sub-§5-B** is enacted to read:

**5-B. Suicide awareness education and training.** Each school administrative unit shall develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel in accordance with this subsection.

A. Beginning in the 2014-2015 school year for high schools and in the 2015-2016 school year for elementary and middle schools, a one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all school personnel. School personnel shall complete the training module by the commencement of the school year or, for those employees who are newly hired, within 6 months from the beginning of employment. Suicide prevention awareness education must be repeated every 5 years.

B. Beginning in the 2014-2015 school year, a one-day course in suicide prevention and intervention training that will result in at least 2 school personnel trained in suicide prevention and intervention must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit. Additional trained school personnel above the minimum of 2 must receive the training if the number of students in the school administrative unit is above 1,000 as follows:

- (1) For 1,001 to 1,500 students, one additional school employee;
- (2) For 1,501 to 2,000 students, 2 additional school personnel;
- (3) For 2,001 to 2,500 students, 3 additional school personnel;
- (4) For 2,501 to 3,000 students, 4 additional school personnel;
- (5) For 3,001 to 3,500 students, 5 additional school personnel;
- (6) For 3,501 to 4,000 students, 6 additional school personnel;
- (7) For 4,001 to 4,500 students, 7 additional school personnel;
- (8) For 4,501 to 5,000 students, 8 additional school personnel;

(9) For 5,001 to 5,500 students, 9 additional school personnel;

(10) For 5,501 to 6,000 students, 10 additional school personnel;

(11) For 6,001 to 6,500 students, 11 additional school personnel;

(12) For 6,501 to 7,000 students, 12 additional school personnel;

(13) For 7,001 to 7,500 students, 13 additional school personnel; and

(14) For 7,501 or more students, 14 additional school personnel.

Suicide prevention and intervention training must be repeated every 5 years.

C. Suicide prevention awareness education and suicide prevention and intervention training under this subsection must conform to national guidelines adopted by organizations that offer best practices, research-based training.

D. Training pursuant to this subsection must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under chapters 501 and 502.

The department shall adopt rules to implement this subsection. The rules must include, but are not limited to, implementation standards for suicide prevention awareness education and for suicide prevention and intervention training. Standards adopted for suicide prevention awareness education must be made available on the department's publicly accessible website. Rules adopted pursuant to this subsection before July 1, 2014 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2014, rules adopted by the department pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 54

### H.P. 250 - L.D. 345

#### An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of

all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** the lists of all holders of concealed handgun permits in the State, which include personal information of the permit holders such as name, full current address and often date of birth, will revert to being public on April 30, 2013; and

**Whereas,** the public dissemination of personal information of concealed handgun permit holders may subject a holder to possible identity theft and may put the holder's and the holder's family's well-being at risk; and

**Whereas,** public access to information about concealed handgun permits that does not include information that personally identifies permit holders is consistent with the underlying principles of the Freedom of Access Act relating to understanding and monitoring how the government carries out its responsibilities; 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. 25 MRSA §2006,** as amended by PL 2011, c. 662, §15, is repealed and the following enacted in its place:

#### **§2006. Access to information and proceedings**

**1. Application, refusals and collected information; proceedings.** All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

**2. Permanent record of permit.** The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file

kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence;
- B. The date the permit was issued; and
- C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

**Sec. 2. Statistical information; plan; report.** In order to provide meaningful statistical information about concealed handgun permits in this State, the Chief of the State Police shall prepare a plan that meets the requirements of this section. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must include the following elements.

**1. Statistical information.** The plan must propose a process that results in the availability of statistical information about concealed handgun permits in this State. The information must include at a minimum the following data:

- A. About the permitting process:
  - (1) The number of permit applications;
  - (2) The number of permits issued;
  - (3) The number of applications refused or denied; and
  - (4) The number of suspensions and revocations; and
- B. About applicants and permit holders:
  - (1) Gender;
  - (2) Age, in 5-year or 10-year ranges; and
  - (3) Municipality or zip code of residence.

The proposal may include any additional data that may be useful in the analysis of concealed handgun permits and the issuing process, as long as personally identifying information about applicants or permit holders is not disclosed as a public record. The plan must include appropriate reporting periods.

**2. Permit.** The Chief of the State Police shall review the form of the permits used by issuing authorities and determine if a single model permit form

would be desirable. The plan may include a model permit, which may include the integration of a photograph. The plan may recommend the use of a model permit as either advisory or mandatory for all issuing authorities.

**3. Statewide information.** The plan must include a process for identifying and collecting information from all issuing authorities to provide complete statewide statistical information as required in subsection 1. The Chief of the State Police shall invite issuing authorities to provide suggestions and comments. The plan may eliminate the responsibility of municipal issuing authorities to make information available to the public if the identical information is available from a central state source. The plan must provide for the public availability of statistical information and must provide for an annual report of statewide statistical information.

**4. Additional information and recommendations.** The Chief of the State Police may include in the report any additional information or recommendations that the chief determines may be useful to the Legislature in addressing issues concerning concealed handgun permits.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect April 30, 2013.

Effective April 30, 2013.

## CHAPTER 55 H.P. 91 - L.D. 109

### An Act Relating to Vehicles Delivering Home Heating Fuel

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

**Sec. 1. 29-A MRSA §2395, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Rules.** The Department of Transportation, county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions the department's jurisdiction whenever those ways require special protection. Rules issued adopted pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Department of Transportation to adopt rules relating to the definition of home heating fuel.** The Department of Transportation shall adopt rules as authorized by the Maine Revised

Statutes, Title 29-A, section 2395, subsection 2 involving restrictions on the weight or passage of any vehicle over a public way and shall include in the definition of "home heating fuel" oil, gas, coal, stove-length wood, propane and wood pellets.

See title page for effective date.

## CHAPTER 56 H.P. 590 - L.D. 839

### An Act To Amend the Laws Governing the Licensing of Technicians Involved in a Display of Fireworks or Special Effects

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

**Sec. 1. 8 MRSA §221-A, sub-§§5-A and 5-B** are enacted to read:

**5-A. Flame effect.** "Flame effect" means an effect caused by the use of a solid, liquid or gaseous fuel to produce a flame in front of an audience.

**5-B. Flame effect technician.** "Flame effect technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use of flame effects to conduct a display or special effects display. A flame effect technician is the person who is responsible for the safe use of flame effects and setting up and conducting the flame effects display.

**Sec. 2. 8 MRSA §221-A, sub-§8-A** is enacted to read:

**8-A. Proximate audience technician.** "Proximate audience technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks proximate to an audience to conduct a display or special effects display proximate to an audience. A proximate audience technician is the person who is responsible for the safety of the proximate audience and setting up and conducting the display.

**Sec. 3. 8 MRSA §227-C, sub-§4,** as enacted by PL 1999, c. 671, §6, is amended to read:

**4. Failure to employ or use fireworks technician.** The applicant fails to use a licensed fireworks technician, proximate audience technician or flame effect technician as required to conduct the display.

**Sec. 4. 8 MRSA §231,** as enacted by PL 1999, c. 671, §12 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**§231. Fireworks technician, proximate audience technician and flame effect technician license qualifications**

A person may not act as a fireworks technician, proximate audience technician or flame effect technician unless the person meets the qualifications specified in this section and obtains a license. The person must:

1. **Age.** Be at least 21 years of age;

2. **Citizenship.** Be a citizen or resident alien of the United States;

3. **Experience.** Have experience and training working under the direction of a fireworks technician during at least 5 displays, or comparable experience as determined by the department. The technician must hold the same license as applied for by the person;

4. **Character.** Be of good moral character as determined by the department and not have been convicted of a crime that is punishable by a maximum term of imprisonment equal to or exceeding one year. In making the determination of good moral character, the commissioner shall consider matters recorded within the previous 5 years, including, but not limited to:

A. Records of incidents of abuse by the applicant of family or household members provided pursuant to Title 19-A, section 4012, subsection 1;

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations;

C. Records of 3 or more convictions of the applicant for Class D or Class E crimes;

D. Records of 3 or more civil violations by the applicant; and

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others;

5. **Examination.** Successfully complete a written examination administered by the department encompassing fireworks and the conduct of displays codes, rules and information specific to the license applied for; and

6. **Application.** Submit an application to the department that contains:

A. The applicant's full name, full current address, social security number and date of birth; and

B. A statement granting the commissioner authority to check the criminal records of the applicant.

**Sec. 5. 8 MRSA §232, sub-§§2 and 3** are enacted to read:

**2. Fee for proximate audience technician.** The fee for an initial proximate audience technician license is \$180. The fee for renewal of the license is \$25.

**3. Fee for flame effect technician.** The fee for an initial flame effect technician license is \$180. The fee for renewal of the license is \$25.

**Sec. 6. 8 MRSA §233, first ¶,** as enacted by PL 1999, c. 671, §12, is amended to read:

Each fireworks technician, proximate audience technician or flame effect technician license is valid for a term of one year. Unless revoked or suspended, the license is renewable annually.

**Sec. 7. 8 MRSA §233, sub-§2,** as enacted by PL 2003, c. 521, §4, is amended to read:

**2. Renewal submitted within 90 days following license expiration.** Notwithstanding subsection 1, a person may renew a license under this chapter for up to 90 days after the date of expiration of the license. The 90-day period does not postpone the expiration date of the existing license. A licensee whose license has lapsed may not work as a fireworks technician, proximate audience technician or flame effect technician until a renewed license is issued.

See title page for effective date.

## CHAPTER 57

### H.P. 591 - L.D. 840

#### An Act To Amend the Law Regulating the Use of Explosives

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

**Sec. 1. 25 MRSA §2472, sub-§3,** as enacted by PL 1999, c. 652, §9, is amended to read:

**3. Exceptions.** This section does not apply to:

A. The possession, use, storage or intrastate transportation of 50 pounds or less of smokeless powder or black powder; or

B. The possession, use, storage or intrastate transportation of 10,000 or fewer primers; or

C. The possession of 5 pounds or less of mixed binary target material for the purpose of sport shooting.

See title page for effective date.

**CHAPTER 58**  
**S.P. 193 - L.D. 503**

**An Act To Amend the Limited  
Liability Company Laws**

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

**Whereas**, the Maine Revised Statutes, Title 31, chapter 21, which governs domestic and foreign limited liability companies in Maine, became effective July 1, 2011, and erroneous language was adopted affecting the requirements for filing an assumed name and a registration of a name for foreign limited liability companies; 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. 31 MRSA §1508, sub-§1**, as enacted by PL 2009, c. 629, Pt. A, §2 and affected by §3, is amended to read:

**1. Requirements.** A limited liability company name must contain the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" or "l3c." "13c" unless the limited liability company is filing an assumed name under section 1510 or a registration of a name of a foreign limited liability company under section 1511. The word "limited" may be abbreviated as "Ltd." and "company" may be abbreviated as "Co." unless the limited liability company is filing an assumed name under section 1510 or a registration of a name of a foreign limited liability company under section 1511. If the words "Limited Liability Company," "Limited Liability Company, Chartered," "Limited Liability Company, Professional Association," "Limited Liability Company, P.A." or any of the designations without commas are used, a limited liability company may also use the abbreviation "L.L.C." or the designation "LLC" without filing an assumed name under section 1510. In the case of a low-profit limited liability company, if the words "Low-profit Limited Liability Company" are used, a limited liability company may also use the abbreviation "L3C" or the designation "l3c" without filing an assumed name under section 1510.

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

Effective May 3, 2013.

**CHAPTER 59**  
**H.P. 304 - L.D. 454**

**An Act Relating to Health Care  
Provider Liability Claims  
Reports**

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

**Sec. 1. 24 MRSA §2605**, as enacted by PL 1977, c. 492, §3, is amended to read:

**§2605. Report to board or licensing authority**

The superintendent shall, within 30 days of their receipt, submit to the appropriate board or other state licensing authority a copy or summary of reports received pursuant to section 2601 or section 2602.

**Sec. 2. 24 MRSA §2608**, as enacted by PL 1989, c. 462, §3, is amended to read:

**§2608. Cancellation or nonrenewal**

Any insurer required to report claims information under this subchapter shall also notify the Superintendent of Insurance of the cancellation or nonrenewal of any insured occasioned by either the number of claims against that insured or by the insured's failure to conform to appropriate standards of the medical profession. The information shall be is entitled to the confidentiality protection of section 2604. A copy of the report shall must be filed by the superintendent, within 30 days of its receipt, with the applicable licensing board or authority.

See title page for effective date.

**CHAPTER 60**  
**H.P. 166 - L.D. 205**

**An Act To Exempt Free Clinics  
from Licensing under the  
Charitable Solicitations Act**

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

**Sec. 1. 9 MRSA §5003, sub-§4-C** is enacted to read:

**4-C. Free clinic.** "Free clinic" means an incorporated nonprofit health facility that provides health care to persons at no charge.

**Sec. 2. 9 MRSA §5006, sub-§1, ¶E,** as amended by PL 1989, c. 700, Pt. A, §35, is further amended to read:

E. Educational institutions, the curriculums of which in whole or in part are registered or approved by the Department of Education, either directly or by acceptance of accreditation by an accrediting body recognized by the Department of Education, and organizations operated by the student bodies of such institutions; and

**Sec. 3. 9 MRSA §5006, sub-§1, ¶F,** as amended by PL 1999, c. 386, Pt. A, §15, is further amended to read:

F. Hospitals that are nonprofit and charitable; and

**Sec. 4. 9 MRSA §5006, sub-§1, ¶G** is enacted to read:

G. Free clinics.

See title page for effective date.

## CHAPTER 61 H.P. 15 - L.D. 11

### An Act To Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways To Use Preemptive Traffic Light Devices

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

**Whereas**, amending the law to allow vehicles engaged in snow removal or sanding operations on public ways to use preemptive traffic light devices will promote safety on Maine roadways; and

**Whereas**, it is necessary to improve safety by implementing this legislation as soon as possible for the 2012-2013 winter season; 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. 29-A MRSA §2057-A**, as enacted by PL 2003, c. 633, §6, is amended to read:

#### §2057-A. Preemptive traffic light devices prohibited

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Lighted traffic control device" means a traffic control device conforming to the requirements of section 2057, subsection 1.

B. "Preemptive traffic light device" means a device, including a signal prioritization device or a signal preemption device, capable of altering or interrupting the normal cycle of a lighted traffic control device or equipment associated with the functionality of a lighted traffic control device.

C. "Signal preemption device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

(1) The signal, in the direction of travel of the vehicle, to remain green if the signal is already displaying a green light or to change from red to green if the signal is displaying a red light;

(2) The signal, in other directions of travel, to remain red or change to red, as applicable, to prevent other vehicles from entering the intersection; and

(3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection.

D. "Signal prioritization device" means a device that, when activated and when a vehicle equipped with such a device approaches an intersection controlled by a lighted traffic control device, causes:

(1) The signal, in the direction of travel of the vehicle, to display a green light sooner than the green light would otherwise be displayed;

(2) The signal, in the direction of travel of the vehicle, to display a green light longer than the green light would otherwise be displayed; and

(3) The applicable functions described in subparagraphs (1) and (2) to continue until the vehicle equipped with the device is clear of the intersection.

**2. Violation.** A person commits a Class E crime if that person possesses a preemptive traffic light device or operates or allows the operation of a motor vehicle, vehicle, motorized wheelchair, electric per-

sonal mobility device, scooter or bicycle equipped with a preemptive traffic light device.

**3. Exemptions.** This section does not apply to:

- A. An authorized emergency vehicle equipped with a signal prioritization device or signal pre-emption device or both maintained by a municipality, county or state agency or an ambulance or emergency medical services vehicle as defined in section 2054, subsection 1;
- B. Transit route buses equipped with signal prioritization devices engaged in the transportation of passengers and maintained by or contracted to a municipal, county or state agency; ~~or~~
- C. A vehicle equipped with a signal prioritization device used by the Department of Transportation for the purpose of installing, maintaining or testing a lighted traffic control device; ~~or~~
- D. A vehicle equipped with a signal prioritization device owned or contracted by a municipality engaged in snow removal or sanding operations on a public way and authorized by the municipal officers or a vehicle equipped with a signal prioritization device owned or contracted by a county or state agency engaged in snow removal or sanding operations on a public way.

A vehicle under paragraph B, C or D may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraph A. A vehicle under paragraph C may not operate a signal prioritization device in a manner that impedes or interferes with the use of a signal prioritization device by a vehicle under paragraphs B and D.

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

Effective May 7, 2013.

**CHAPTER 62**  
**H.P. 207 - L.D. 298**

**An Act Regarding the Membership of the Emergency Medical Services' Board**

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

**Sec. 1. 32 MRSA §88, sub-§1, ¶A,** as amended by PL 2007, c. 274, §18, is further amended to read:

- A. The board has one member representing each region and 11 persons in addition. Of the additional persons, one is an emergency physician,

one a representative of emergency medical dispatch providers, ~~2 representatives~~ one a representative of the public, one a representative of for-profit ambulance services, one an emergency professional nurse, one a representative of nontransporting emergency medical services, one a representative of hospitals, ~~one a fire chief~~, one a representative of a statewide association of fire chiefs, one a municipal emergency medical services provider and one a representative of not-for-profit ambulance services. The members that represent for-profit ambulance services, nontransporting emergency medical services and not-for-profit ambulance services must be licensed emergency medical services persons. One of the non-public members must be a volunteer emergency medical services provider. Appointments are for 3-year terms. Members are appointed by the Governor. The state medical director is an ex officio nonvoting member of the board.

See title page for effective date.

**CHAPTER 63**  
**S.P. 9 - L.D. 1**

**An Act To Amend the Maine Workers' Compensation Act of 1992**

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

**Sec. 1. 39-A MRSA §102, sub-§1,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**1. After-tax average weekly wage.** "After-tax average weekly wage" means average weekly wage, as defined in subsection 4, reduced by the prorated weekly amount that would have been paid under the Federal Insurance Contributions Act, 26 United States Code, Sections 3101 to 3126, state income tax and federal income tax calculated on an annual basis, using as the number of exemptions the disabled employee's dependents plus the employee, and without excess itemized deductions. Effective January 1, 1993 and each January 1st ~~thereafter until and including January 1, 2012~~, the applicable federal and state laws in effect on the preceding July 1st are used in determining the after-tax weekly wage. Each December 1st ~~until and including December 1, 2011~~, the board shall publish tables of the average weekly wage and 80% of after-tax average weekly wage that will take effect on the following January 1st. These tables are conclusive for the purpose of converting an average weekly wage into 80% of after-tax average weekly wage.

**Sec. 2. 39-A MRSA §102, sub-§8, ¶A,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by

§§9 to 11, is repealed and the following enacted in its place:

A. A spouse of the deceased employee who was living with the employee at the time of the employee's death, who was living apart from the employee for a justifiable cause or because the spouse had been deserted by the employee or who was actually dependent in any way upon the employee at the time of the injury. A spouse living apart from the employee must produce a court order or other competent evidence as to separation and actual dependency; and

**Sec. 3. 39-A MRSA §102, sub-§8, ¶B,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is repealed.

**Sec. 4. 39-A MRSA §105, sub-§3,** as amended by PL 2009, c. 569, §1, is further amended to read:

**3. Predetermination submission.** A party may submit, on forms approved by the board, a request for predetermination regarding the status of a person or job description as an employee, construction subcontractor, as defined in section 105-A, subsection 1, paragraph B, or independent contractor. The status requested by a party request is deemed to have been approved if the board does not deny or take other appropriate action on the submission within 44 30 days.

**Sec. 5. 39-A MRSA §105, sub-§4,** as amended by PL 1993, c. 120, §1 and affected by §6, is further amended to read:

**4. Hearing.** A hearing, if requested by a party within 10 days of the board's decision on a petition, must be conducted under the Maine Administrative Procedure Act. A ruling by the board or hearing officer under this section is final and not subject to review by the Superior Court.

**Sec. 6. 39-A MRSA §217, sub-§1,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**1. Services.** If employment rehabilitation services are not voluntarily offered and accepted, the board on its own motion or upon application of the employee, carrier or employer, after affording the parties an opportunity to be heard, may refer the employee to a board-approved facility for evaluation of the need for and kind of service, treatment or training necessary and appropriate to return the employee to suitable employment. The board's determination under this subsection is final.

**Sec. 7. 39-A MRSA §218, sub-§3,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**3. Time period; discrimination prohibited.** The employer's obligation to reinstate the employee

continues until one year 2 years, or 3 years if the employer has over 200 employees, after the date of the injury. An employer who reinstates an employee under this section may not subsequently discriminate against that employee in any employment decision, including decisions related to tenure, promotion, transfer or reemployment following a layoff, because of the employee's assertion of a claim or right under this Act. Nothing in this subsection may be construed to limit any protection offered to an employee by section 353.

**Sec. 8. 39-A MRSA §303,** as amended by PL 2003, c. 471, §1, is further amended to read:

### **§303. Reports to board**

When any employee has reported to an employer under this Act any injury arising out of and in the course of the employee's employment that has caused the employee to lose a day's work, or when the employer has knowledge of any such injury, the employer shall report the injury to the board within 7 days after the employer receives notice or has knowledge of the injury. An insured employer that has notice or knowledge of any such injury and fails to give timely notice to its insurer shall reimburse the insurer for any penalty that is due as a result of the late filing of the report of injury. The employer shall also report the average weekly wages or earnings of the employee, as defined in section 102, subsection 4, together with any other information required by the board, within 30 days after the employer receives notice or has knowledge of a claim for compensation under section 212, 213 or 215, unless a wage statement has previously been filed with the board. A copy of the wage information must be mailed to the employee. The employer shall report when the injured employee resumes the employee's employment and the amount of the employee's wages or earnings at that time. The employer shall complete a first report of injury form for any injury that has required the services of a health care provider within 7 days after the employer receives notice or has knowledge of the injury. The employer shall provide a copy of the form to the injured employee and retain a copy for the employer's records but is not obligated to submit the form to the board unless the injury later causes the employee to lose a day's work. The employer is also required to submit the form to the board if the board has finally adopted a major substantive rule pursuant to Title 5, chapter 375, subchapter 2-A to require the form to be filed electronically.

**Sec. 9. 39-A MRSA §312, sub-§1,** as amended by PL 2011, c. 215, §1, is further amended to read:

**1. Examiner system.** The board shall develop and implement an independent medical examiner system consistent with the requirements of this section. As part of this system, the board shall, in the exercise of its discretion, create, maintain and periodically validate a list of not more than 50 health care provid-

ers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the board finds most commonly used by injured employees. An independent medical examiner must be certified in the field of practice that treats the type of injury complained of by the employee. ~~Certification must be by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or their successor organizations. For an independent medical examiner who is a doctor of chiropractic, certification must be by a board recognized by the American Chiropractic Association or its successor organization. For an independent medical examiner who is a doctor of podiatric medicine, certification must be by a board recognized by the American Podiatric Medical Association or its successor organization. For an independent medical examiner who is a psychologist, licensure by the State Board of Examiners of Psychologists satisfies the certification requirement of this section. For all other medical examiners, certification must be by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or their successor organizations.~~ The board shall establish a fee schedule for services rendered by independent medical examiners and adopt any rules considered necessary to effectuate the purposes of this section.

**Sec. 10. 39-A MRSA §318, last ¶, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:**

Clerical mistakes in decrees, orders or other parts of the record and errors arising from oversight or omission may be corrected by the board at any time of its own initiative, at the request of the hearing officer or on the motion of any party and after notice to the parties. During the pendency of an appeal, these mistakes may be corrected before the appeal is docketed ~~in filed with the Law Court division~~ and thereafter, while the appeal is pending, may be corrected with leave of the ~~Law Court~~ division.

**Sec. 11. 39-A MRSA §320, 2nd ¶, as amended by PL 2011, c. 647, §19, is further amended to read:**

If a hearing officer asks for review, the time for appeal ~~to the Appellate Division pursuant to section 321-B~~ is stayed and no further action may be taken until a decision of the board has been made. If the board reviews a decision of a hearing officer, any appeal must be from the decision of the board ~~and must be made to the Law Court in accordance with section 322~~. The time for appeal begins upon the board's issuance of a written decision on the merits of the case or written notice that the board denies review.

**Sec. 12. 39-A MRSA §320, 3rd ¶, as amended by PL 2003, c. 608, §13, is further amended to read:**

The board shall vote on whether to review the decision. If a majority of the board's membership fails to vote to grant review or the board fails to act within 60 days after receiving the initial request for review, the decision of the hearing officer stands, ~~and any appeal must be made to the division in accordance with section 321-B~~. If the board votes to review the decision, the board may delegate responsibility for reviewing the decision of the hearing officer under this section to panels of board members consisting of equal numbers of representatives of labor and management. Review must be on the record and on written briefs only. Upon a vote of a majority of the board's membership, the board shall issue a written decision affirming, ~~reversing remanding, vacating~~ or modifying the hearing officer's decision. The written decision of the board must be filed with the board and mailed to the parties or their counsel. If the board fails to adopt a decision by majority vote, the decision of the hearing officer stands and is subject to direct appellate review in the same manner as if the board had not voted to review the decision.

**Sec. 13. 39-A MRSA §321-B, sub-§1, ¶B, as enacted by PL 2011, c. 647, §20, is amended to read:**

B. At the time of filing an appeal under this section, the appellant shall file with the division a copy of the decision, ~~order or agreement~~ appealed. The failure of an appellant who timely files an appeal in accordance with paragraph A to provide a copy of the decision, ~~order or agreement~~ does not affect the jurisdiction of the division to determine the appeal on its merits unless the appellee shows substantial prejudice from that failure.

**Sec. 14. 39-A MRSA §321-B, sub-§3, as enacted by PL 2011, c. 647, §20, is amended to read:**

**3. Action.** The division, after due consideration, may ~~reverse affirm, vacate, remand~~ or modify a decree of a hearing officer and shall issue a written decision. The written decision of the division must be filed with the board and mailed to the parties or their counsel.

**Sec. 15. 39-A MRSA §324, sub-§1, as amended by PL 2011, c. 361, §1, is further amended to read:**

**1. Order or decision.** The employer or insurance carrier shall make compensation payments within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation. If the board enters a decision awarding compensation, and a motion for findings of fact and conclusions of law is filed with the hearing officer or an appeal is filed with the ~~division pursuant to section~~

321-B or the Law Court pursuant to section 322, payments may not be suspended while the motion for findings of fact and conclusions of law or appeal is pending. The employer or insurer may recover from an employee payments made pending a motion for findings of fact and conclusions of law or appeal to the division or the Law Court if and to the extent that the hearing officer, division or the Law Court has decided that the employee was not entitled to the compensation paid. The board has full jurisdiction to determine the amount of overpayment, if any, and the amount and schedule of repayment, if any. The board, in determining whether or not repayment should be made and the extent and schedule of repayment, shall consider the financial situation of the employee and the employee's family and may not order repayment that would work hardship or injustice. The board shall notify the Commissioner of Health and Human Services within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the board awarding compensation identifying the employee who is to receive the compensation. For purposes of this subsection, "employer or insurance carrier" includes the Maine Insurance Guaranty Association under Title 24-A, chapter 57, subchapter 3.

**Sec. 16. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, those sections of this Act that amend Title 39-A, sections 318, 320 and 321-B apply to actions and proceedings that are pending on the effective date of this Act.

See title page for effective date.

## CHAPTER 64 S.P. 120 - L.D. 287

### **An Act To Improve Funding of Agricultural Development Projects**

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

**Sec. 1. 7 MRSA §306-A, sub-§3,** as enacted by PL 1999, c. 72, §5, is amended to read:

**3. Rulemaking.** The commissioner shall establish, by rule, in a manner consistent with Title 5, chapter 375, subchapter H-A 2-A criteria for the allocation of grant money, application requirements consistent with the provisions of this section, a schedule for accepting and reviewing applications, reporting requirements on grant expenditures and project results and any other administrative requirements necessary for the efficient implementation of this program. Rules adopted pursuant to this subsection are routine technical major substantive rules as defined in Title 5, chap-

ter 375, subchapter H-A 2-A. The commissioner is guided by the following criteria:

A. Applications may be submitted by individuals, firms or organizations in response to a request for proposals for competitive grants. The commissioner may also contract directly with individuals, firms or organizations for a special project under section 307;

B. At least 25% A percentage of the total cost of any project must be funded by the applicant or applicants and at least 10% a percentage of the total cost must be funded from nonpublic sources. These percentages must be established by rule. A single grant may not exceed 20% 50% of the total funds available to be granted in a given year; however, in no case may a single grant exceed \$30,000;

C. Information relative to market research or development activities provided to the commissioner prior to formal application, included in grant applications or provided to the commissioner to fulfill reporting requirements is confidential information and may not be publicly disclosed by the commissioner as long as:

(1) The person to whom the information belongs or pertains has requested that certain information be designated as confidential; and

(2) The commissioner has determined that the information gives the person making the request opportunity to obtain business or competitive advantage over another person who does not have access to the information or will result in loss of business or other significant detriment to the person making the request if access is provided to others; and

D. When possible, the commissioner shall award grants to applicants representing diverse agricultural enterprises and geographic areas of the State.

**Sec. 2. 7 MRSA §306-A, sub-§4,** as enacted by PL 1999, c. 72, §5, is amended to read:

**4. Advisory committee.** The commissioner shall establish the Agricultural Development Committee to evaluate market and production development competitive grant applications and review project results.

**Sec. 3. 7 MRSA §307,** as amended by PL 1999, c. 72, §6, is further amended to read:

#### **§307. Special projects**

The commissioner may contract directly with the University of Maine System or qualified individuals, firms or organizations for market research, for testing new technologies and for research on pressing, short term technical problems related to the production,

marketing, storage and processing of agricultural commodities.

See title page for effective date.

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## CHAPTER 65

H.P. 198 - L.D. 289

**An Act To Eliminate the Requirement That the Department of Agriculture, Conservation and Forestry Provide Technical Services for Direct-marketing Agricultural Products**

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

**Sec. 1. 7 MRSA §412, first ¶,** as amended by PL 1985, c. 779, §33, is further amended to read:

The commissioner shall research and prepare information designed to develop and promote direct-marketing. The commissioner shall consult with the farm community, with the faculty of the College of Natural Sciences, Forestry and Agriculture of the University of Maine System, and with the various county extension agents in compiling information under this section. The information shall must include, but not be limited to, the following:

**Sec. 2. 7 MRSA §414,** as amended by PL 1985, c. 779, §34, is further amended to read:

### §414. Assistance

The commissioner shall assist and advise individual farmers or groups of farmers in their efforts to market more effectively directly to consumers by:

**1. Soliciting participation.** Informing farmers of, and soliciting their participation in, any proposed method of direct-marketing; and

**2. Technical assistance.** Providing technical assistance in such areas as lease and contract negotiation; and

**3. Referral.** Referring farmers to other appropriate sources of assistance, such as the University of Maine System, College of Agriculture, the county extension offices and the United States Department of Agriculture.

See title page for effective date.

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## CHAPTER 66

S.P. 170 - L.D. 438

**An Act To Add Trailers to the Additional Versions or Classes of a Specialty Plate**

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

**Sec. 1. 29-A MRSA §468, sub-§10,** as amended by PL 2011, c. 356, §5, is further amended to read:

**10. Additional versions or classes of the specialty plate.** The Secretary of State may issue a specialty plate in a motorcycle, trailer or commercial vehicle class if:

A. At least 10,000 sets of the specialty plate have been issued for automobiles and pickup trucks;

B. The sponsor of the specialty plate under this subsection provides a list of 500 names, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the motorcycle, trailer or commercial vehicle class of specialty license plate; and

C. The sponsor collects from each supporter who signs the statement under paragraph B a contribution of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$12,500, which is nonrefundable.

Upon receipt of the \$12,500 provided under paragraph C, the Secretary of State shall prepare enabling legislation and a proposed plate design for submission to the Legislature and shall deposit the \$12,500 in the Specialty License Plate Fund established under section 469.

See title page for effective date.

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## CHAPTER 67

S.P. 111 - L.D. 278

**An Act To Provide Greater Access to Capital for Certain Businesses through Assignment of Benefits under the Business Equipment Tax Reimbursement Program and the Maine Employment Tax Increment Financing Program**

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

**Sec. 1. 36 MRSA §191, sub-§2, ¶AA,** as amended by PL 2003, c. 668, §9 and affected by §12, is further amended to read:

AA. The disclosure by employees of the bureau to designated representatives of the Finance Authority of Maine necessary for the administration of section 6656, subsection 3 and section 6758, subsection 4 and of information required to ensure that recipients of certain benefits under Title 20-A, chapter 417-E are eligible to receive such benefits;

**Sec. 2. 36 MRSA §6656, sub-§3** is enacted to read:

**3. Assignment of reimbursement payments.** A claimant may assign its right to payments under this chapter to secure a loan from the Finance Authority of Maine, and such an assignment, notwithstanding any contrary provision of law, is a legally valid assignment binding upon the claimant and its successors in interest. Upon notice of such an assignment given to the assessor by the Finance Authority of Maine and written confirmation of such an assignment signed by the claimant, the assessor shall pay to the Finance Authority of Maine any payments due to the claimant pursuant to this chapter and assigned to the Finance Authority of Maine until the Finance Authority of Maine notifies the assessor that the assignment has been released.

**Sec. 3. 36 MRSA §6758, sub-§4** is enacted to read:

**4. Assignment of payments.** A qualified business may assign its right to payments under this chapter to secure a loan from the Finance Authority of Maine, and such an assignment, notwithstanding any contrary provision of law, is a legally valid assignment binding upon the qualified business and its successors in interest. Upon notice of such an assignment given to the assessor by the Finance Authority of Maine and written confirmation of such an assignment signed by the qualified business, the assessor shall pay to the Finance Authority of Maine any payments due to the qualified business pursuant to this chapter and assigned to the Finance Authority of Maine until the Finance Authority of Maine notifies the assessor that the assignment has been released.

See title page for effective date.

## CHAPTER 68 S.P. 308 - L.D. 883

### An Act Regarding the Sexual Assault Forensic Examiner Advisory Board

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

**Sec. 1. 5 MRSA §3360-O,** as enacted by PL 2001, c. 439, Pt. Z, §1, is amended by adding at the end a new paragraph to read:

The board may establish prerequisites applicable to persons who wish to participate in sexual assault forensic examiner training and authorize the issuance of certificates to those who complete the training. The process of sexual assault forensic examiner training and issuance of certificates under this section does not constitute a license or licensing action under chapter 375, subchapter 5.

See title page for effective date.

## CHAPTER 69 H.P. 303 - L.D. 453

### An Act To Prohibit the Sale of Gasoline That Contains Corn-based Ethanol as an Additive at a Level Greater than 10 Percent by Volume

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

**Sec. 1. 38 MRSA §585-M** is enacted to read:  
**§585-M. Prohibition on sale of gasoline containing corn-based ethanol**

**1. Prohibition on sale.** A person may not sell or offer for sale gasoline that contains corn-based ethanol as an additive at a level greater than 10% by volume.

**2. Effective date.** This section does not take effect until at least 2 of the 6 New England states in addition to this State have enacted laws that prohibit the sale of gasoline that contains corn-based ethanol as an additive at a level greater than 10% by volume. The commissioner shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes when at least 2 New England states in addition to this State have enacted laws that prohibit the sale of gasoline that contains corn-based ethanol at a level greater than

10% by volume. In no event may this section take effect until 90 days after adjournment of the First Regular Session of the 126th Legislature.

See title page for effective date.

## CHAPTER 70 H.P. 287 - L.D. 414

### **An Act To Restructure the Licensing and Regulation of Boilers and Pressure Vessels and Elevators and Tramways**

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

#### **PART A**

**Sec. A-1. 5 MRSA §12004-A, sub-§7,** as amended by PL 1999, c. 687, Pt. B, §1, is repealed.

**Sec. A-2. 5 MRSA §12004-A, sub-§14,** as amended by PL 1999, c. 687, Pt. B, §1, is repealed.

#### **PART B**

**Sec. B-1. 10 MRSA §§8001, sub-§38,** as amended by PL 2011, c. 286, Pt. B, §1, is further amended to read:

**38. Office of Professional and Occupational Regulation.** Office of Professional and Occupational Regulation. The Office of Professional and Occupational Regulation is composed of the following:

- A. Board of Accountancy;
- D. Maine State Board for Licensure of Architects, Landscape Architects and Interior Designers;
- F. Board of Licensing of Auctioneers;
- H. Board of Chiropractic Licensure;
- H-1. Board of Complementary Health Care Providers;
- J. Board of Counseling Professionals Licensure;
- K. Board of Licensing of Dietetic Practice;
- L. Electricians' Examining Board;
- M. Board of Licensure of Foresters;
- N. State Board of Funeral Service;
- O. State Board of Certification for Geologists and Soil Scientists;
- Q. Board of Licensure for Professional Land Surveyors;
- R. Manufactured Housing Board;

S. Nursing Home Administrators Licensing Board;

T. Board of Occupational Therapy Practice;

V. Maine Board of Pharmacy;

W. Board of Examiners in Physical Therapy;

Y. Plumbers' Examining Board;

Z. Board of Licensure of Podiatric Medicine;

AA. State Board of Examiners of Psychologists;

BB. Radiologic Technology Board of Examiners;

CC. Board of Real Estate Appraisers;

DD. Board of Respiratory Care Practitioners;

EE. State Board of Social Worker Licensure;

GG. State Board of Alcohol and Drug Counselors;

HH. State Board of Veterinary Medicine;

JJ. Real Estate Commission;

~~KK. Board of Boilers and Pressure Vessels;~~

~~LL. Board of Elevator and Tramway Safety;~~

MM. Board of Speech, Audiology and Hearing; and

NN. Maine Fuel Board.

The Office of Professional and Occupational Regulation also administers the following regulatory functions: licensure of athletic trainers; licensure of massage therapists; licensure of interpreters for the deaf and hard-of-hearing; licensure of persons pursuant to the Charitable Solicitations Act; licensure of transient sellers, including door-to-door home repair transient sellers; ~~and licensure of persons pursuant to the Barbering and Cosmetology Licensure Act; licensure of persons pursuant to the laws governing boiler and pressure vessel safety and elevator and tramway safety; and inspection and certification requirements for boilers, pressure vessels, elevators and tramways pursuant to the laws governing boiler and pressure vessel safety and elevator and tramway safety.~~

**Sec. B-2. 10 MRSA §9725, sub-§6,** as enacted by PL 2007, c. 699, §6, is amended to read:

**6. Boiler and pressure vessel standards.** Boiler and pressure vessel standards adopted pursuant to Title 32, section ~~15104-A~~ 15103-A; and

**Sec. B-3. 10 MRSA §9725, sub-§7,** as enacted by PL 2007, c. 699, §6, is amended to read:

**7. Elevator standards.** Elevator standards adopted pursuant to Title 32, section ~~15206~~ 15205-A.

**Sec. B-4. 26 MRSA §569,** as amended by PL 1995, c. 560, Pt. H, §10 and affected by §17 and

amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

### **§569. Rules**

The rules formulated under this chapter may supplement, but do not supersede, the rules adopted by the former Board of Boiler Rules and, the former Board of Elevator and Tramway Safety or the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation, whose rulemaking authority is clearly set forth in Title 32, chapters 131 and 133, respectively section 15205-A, and the rules adopted by the Department of Health and Human Services under the laws administered by that department. All rules must be adopted pursuant to the Maine Administrative Procedure Act.

## **PART C**

**Sec. C-1. 32 MRSA §15101, sub-§1,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

**Sec. C-2. 32 MRSA §15101, sub-§2,** as amended by PL 1999, c. 386, Pt. W, §3, is further amended to read:

**2. Authorized inspector.** "Authorized inspector" means a person holding a license to inspect boilers and pressure vessels within this State issued under section 15108-A or a person employed by a company licensed to insure boilers and pressure vessels in this State, holding a certificate to inspect boilers and pressure vessels within this State issued under section 15120.

**Sec. C-3. 32 MRSA §15101, sub-§3,** as amended by PL 1999, c. 386, Pt. W, §3, is repealed.

**Sec. C-4. 32 MRSA §15101, sub-§8,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

**8. Deputy inspector.** "Deputy inspector" means a person, employed by the State and supervised by the chief inspector, authorized to inspect boilers and pressure vessels within this State.

**Sec. C-5. 32 MRSA §15101, sub-§8-A** is enacted to read:

**8-A. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. C-6. 32 MRSA §15101-A** is enacted to read:

### **§15101-A. Declaration of policy**

It is the policy of the State to protect its citizens from unnecessary mechanical hazards in the operation of boilers and pressure vessels and to ensure that reasonable design and construction are used, that ac-

cepted safety devices and sufficient personnel are provided and that periodic maintenance, inspections and adjustments considered essential for the safe operation of boilers and pressure vessels are made. The responsibility for design, construction, maintenance and inspection rests with the firm, person, partnership, association, corporation or company that owns boilers and pressure vessels.

**Sec. C-7. 32 MRSA §15102, sub-§1, ¶E,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

E. Steam heating boilers, hot water heating boilers and hot water supply boilers, except boilers located in schoolhouses or boilers owned by municipalities, constructed and installed in accordance with the rules adopted by the board director; or

**Sec. C-8. 32 MRSA §15102, sub-§1, ¶F,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

F. Miniature boilers exempt by pursuant to section 15118 15103-A.

**Sec. C-9. 32 MRSA §15103,** as amended by PL 2007, c. 402, Pt. MM, §1, is repealed.

**Sec. C-10. 32 MRSA §15103-A** is enacted to read:

### **§15103-A. Director's powers and duties**

**1. Regulation.** The director shall administer, coordinate and enforce this chapter. The director may appoint an advisory committee to assist the director on any matter that may arise under this chapter, as needed.

**2. Rule-making authority.** The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must address, but are not limited to:

A. Requirements for the safe and proper construction, installation, repair, use and operation of boilers and pressure vessels in this State. The rules must conform as nearly as practicable to the code;

B. Requirements for licensure of boiler operators, stationary steam engineers and authorized inspectors;

C. Qualifications of welders performing welding on boilers and pressure vessels;

D. Requirements for the method and frequency of boiler and pressure vessel inspections;

E. Requirements for the nature and size of miniature boilers or pressure vessels to be inspected; and

F. Criteria by which a temporary extension of an inspection certificate beyond 14 months in the case of boilers and beyond 38 months in the case of pressure vessels may be authorized.

**Sec. C-11. 32 MRSA §15104-A**, as amended by PL 2007, c. 402, Pt. MM, §2, is repealed.

**Sec. C-12. 32 MRSA §15104-B**, as amended by PL 2007, c. 695, Pt. B, §20 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

#### **§15104-B. Appeals; variances**

A person aggrieved by an order or act of the chief inspector or a deputy inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the board director, ~~which~~ who shall hold a hearing pursuant to Title 5, chapter 375, subchapter ~~IV~~ 4. After the hearing, the board director shall issue an appropriate order either approving or disapproving the order or act.

A person who is or will be aggrieved by the application of any law, code or rule relating to the installation or alteration of boilers and pressure vessels may file a petition for a variance, whether compliance with that provision is required at the time of filing or at the time that provision becomes effective. The filing fee for a petition for a variance must be set by the Director of the Office of Professional and Occupational Regulation director under section 15104-C. The chief inspector may grant a variance if, owing to conditions especially affecting the particular boiler or pressure vessel involved, the enforcement of any law, code or rule relating to boilers or pressure vessels would do manifest injustice or cause substantial hardship, financial or otherwise, to the petitioner or would be unreasonable under the circumstances as long as desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of that law, code or rule. In granting a variance under this section, the chief inspector may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with rules made and amended from time to time. A copy of the decision must be sent to all interested parties.

**Sec. C-13. 32 MRSA §15104-C**, as enacted by PL 2007, c. 402, Pt. MM, §3 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

#### **§15104-C. Fees**

The Director of the Office of Professional and Occupational Regulation within the department director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the

fee for any accreditation review, facility review or inspection of any one boiler or pressure vessel may not exceed \$500, the fee for any shop inspection may not exceed \$3,000, the fee for an inspection certificate for any one boiler or pressure vessel may not exceed \$100, the fee for a late inspection or a late certificate may not exceed \$250 and the fee for any other purpose may not exceed \$150 triennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. C-14. 32 MRSA §15105**, as amended by PL 2007, c. 402, Pt. MM, §4, is further amended to read:

#### **§15105. Installation of new boilers and pressure vessels**

A new boiler or pressure vessel that does not conform to the rules adopted by the board director governing new installations may not be installed in this State.

Unless otherwise exempt, all new boilers and pressure vessels to be installed must be inspected during construction by an inspector authorized to inspect boilers in this State, or, if constructed outside the State, by an inspector holding a license from this State or an inspector who holds a certificate of inspection issued by the National Board of Boiler and Pressure Vessel Inspectors, or its successor or other organization approved by the board director.

**Sec. C-15. 32 MRSA §15106, first ¶**, as amended by PL 1999, c. 386, Pt. W, §9, is further amended to read:

The commissioner shall appoint and may remove for cause when so appointed, a person to be chief inspector at any time the office may become vacant. The chief inspector must have, at the time of the appointment, not fewer than 5 years' practical experience with steam boilers as a steam engineer, mechanical engineer, boilermaker or boiler inspector as described in section 15103-A.

**Sec. C-16. 32 MRSA §15108-A**, as amended by PL 2007, c. 695, Pt. B, §21, is repealed.

**Sec. C-17. 32 MRSA §15108-C, first ¶**, as enacted by PL 2007, c. 402, Pt. MM, §6, is amended to read:

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board director may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

**Sec. C-18. 32 MRSA §15109, sub-§2-A**, as amended by PL 2007, c. 402, Pt. MM, §7, is further amended to read:

**2-A. Licenses.** In order to safeguard life, health and property, the board director shall provide for the

mandatory licensing of stationary steam engineers and boiler operators. This subsection does not apply to:

- A. Persons operating boilers exempt under section 15102;
- B. Persons employed by entities under the jurisdiction of the Public Utilities Commission or the United States Nuclear Regulatory Commission, or its successor or other organization approved by the ~~board~~ director; or
- C. Persons operating steam heating boilers, hot water heating boilers and hot water supply boilers located in schoolhouses or owned by municipalities.

**Sec. C-19. 32 MRSA §15109, sub-§3,** as amended by PL 2007, c. 402, Pt. MM, §8, is further amended to read:

**3. Issuance of license.** The ~~board~~ director shall issue a license to an applicant in the grade requested, upon payment of the application fee and license fee as set under section 15104-C, if the applicant has satisfactorily met the examination and other requirements of this section.

~~A license is valid for 3 years from the date of issuance. A license must designate the name of the holder, the license number, the grade of licensee, the issuing date and the expiration date. Any license issued under this chapter is automatically renewable upon payment of the renewal fee as set under section 15104-C. The expiration dates for licenses issued under this chapter may be established at such other times as the commissioner may designate. A license expires on the date set by the commissioner pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license is issued. A license may be renewed upon receipt of the application for renewal and payment of the renewal fee as set in section 15104-C.~~

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 15104-C. Any person who submits an application for renewal more than 90 days after the license expiration date shall pay an additional late fee as set under section 15104-C and is subject to all requirements governing new applicants under this chapter, except that the ~~board~~ may in its discretion, ~~director~~, after giving due consideration to the protection of the public, ~~may~~ waive examination or other requirements. Notwithstanding any other provision of this chapter, the ~~board~~ director shall waive examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who has failed to renew that person's license because that

person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served more than 4 years in the Armed Forces, except if that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the ~~board~~ director.

B. The license certificate must be displayed in plain view in the plant where the licensee is employed.

C. The ~~board~~ director shall determine the eligibility for licensure of any applicant who holds a current stationary steam engineering license issued by the proper authority of any state, territory or possession of the United States, the District of Columbia or Canada that has requirements equal to those of this State and recognizes the license issued by this State without further examination. The ~~board~~ director shall certify as eligible for a license any applicant who holds a current Canadian marine or United States Coast Guard marine engineer's license and who has worked as a boiler engineer or operator 3 of the last 5 years prior to application. The applicant bears the burden of proving those matters necessary for a license based on reciprocity.

**Sec. C-20. 32 MRSA §15109, sub-§6-A,** as amended by PL 2007, c. 402, Pt. MM, §11, is further amended to read:

**6-A. Examinations.** Applicants for licensure shall present to the ~~board~~ director a written application for examination accompanied by ~~an application fee and examination~~ the required fee as set under section 15104-C. Examinations must be in whole or in part in writing and of a thorough and practical character commensurate with the responsibilities of the prospective license holder.

~~The board shall establish by rule cutoff dates for applications for examination.~~

~~The passing grade on any examination may not be less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of the fee established under section 15104-C.~~

**Sec. C-21. 32 MRSA §15109, sub-§7, ¶B,** as amended by PL 2007, c. 402, Pt. MM, §12, is further amended to read:

B. The holder of a boiler operator's license may operate, supervise or have charge of a heating plant having a capacity of not more than 20,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. The applicant for a boiler operator's license must have 6 months' operating experience prior to examina-

tion under a boiler operator's training permit. The board director shall issue a permit for the purpose of gaining that experience upon receipt of an application fee and permit the required fee as set under section 15104-C. Such a permit must be limited to a specified plant and must be limited to one year. The board director may extend the permit for a period not to exceed one year under unusual circumstances. The board director may allow the owner of a small plant to sit for the boiler operator's examination without first obtaining a boiler operator's training permit.

**Sec. C-22. 32 MRSA §15109, sub-§7, ¶G,** as amended by PL 2001, c. 323, §38, is further amended to read:

G. One year of schooling in the field of boiler operation in a school approved by the board director is equivalent to 6 months of operating experience. The board director may conduct an accreditation review of the technical school. The technical school shall pay a fee for the accreditation review.

**Sec. C-23. 32 MRSA §15109, sub-§7, ¶¶H and I,** as amended by PL 1999, c. 386, Pt. W, §18, are further amended to read:

H. In the event of a lack of qualified personnel in the plant in which the applicant is employed, the board director may waive the operating experience requirements of the applicant for examination for the next higher grade of license. Any such license issued must be limited to that plant.

I. Notwithstanding the provisions of this subsection, the board director may permit an applicant to take the examination for a license if, in the board director's opinion, the experience or educational qualifications, or both, of the applicant are equivalent to the operating experience required by this subsection.

**Sec. C-24. 32 MRSA §15109, sub-§8,** as amended by PL 2007, c. 402, Pt. MM, §13, is repealed.

**Sec. C-25. 32 MRSA §15110,** as amended by PL 2001, c. 323, §§40 and 41, is further amended to read:

#### **§15110. Welding on boilers and pressure vessels; certificates for welders**

A welder may not make welded repairs to any boiler or pressure vessel covered by this chapter, without first receiving authorization from the chief inspector or the authorized inspector employed by the insurance company responsible for the inspection of the boiler or pressure vessel. The authorization may be in the form of a general agreement between the chief inspector or the appropriate authorized inspector and the owner or the owner's representative.

The board may adopt rules, pursuant to the Maine Administrative Procedure Act, relating to qualifications of welders performing welding for compensation and may conduct examinations and issue certificates. A fee may be charged for those examinations and certificates.

The board director may conduct a welding test facility review. The welding test facility shall pay the required fee for the review.

**Sec. C-26. 32 MRSA §15111,** as amended by PL 1999, c. 386, Pt. W, §22, is further amended to read:

#### **§15111. Operation of condemned vessels**

A boiler or pressure vessel that has been condemned for further use in this or any other state by a licensed boiler an authorized inspector employed by an insurance company or by an inspector authorized to inspect boilers by a state or the Federal Government may not be installed or operated in this State.

**Sec. C-27. 32 MRSA §15112, first ¶,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

A boiler or pressure vessel condemned in this State must be stamped "XXX Me.," and the board chief inspector must immediately be notified of the condemnation.

**Sec. C-28. 32 MRSA §15113,** as amended by PL 2001, c. 323, §42, is further amended to read:

#### **§15113. Registration; stamping**

A boiler, except one exempt under section 15102, may not be operated in this State unless the boiler is registered in the office of the board director upon blanks to be furnished by the board director upon request. The completed blanks must contain information regarding maker's name, type of construction, date of construction, age, location and when last inspected and other information as may be required.

A pressure vessel, except those exempt under section 15102, may not be installed and operated in this State after June 30, 1974, unless it is constructed, inspected and stamped in conformity with Section VIII of the code and is registered with and approved by the board director.

The board director may conduct shop inspections. The shop shall pay the required fee for the inspection.

A pressure vessel that does not bear the code stamping may be registered with and approved by the board director, if the person desiring to install the vessel makes application to the board director and files a copy of the manufacturer's data report or a copy of the construction details together with material specifications for review and approval prior to installation.

After a boiler or pressure vessel has been registered with the ~~board director~~, the ~~board director~~ shall furnish and the owner or user shall stamp or have stamped a number as given, on the shell of the boiler in the space commonly used for such purposes, with letters and figures not less than 3/8 of an inch high.

If a boiler or pressure vessel subject to this section is moved from one location to another, notice must be given the ~~board director~~ of the removal and of the new location in which the boiler or pressure vessel is to be set up.

**Sec. C-29. 32 MRSA §15115**, as amended by PL 1999, c. 386, Pt. W, §25, is further amended to read:

#### **§15115. Temporary certificate**

If an emergency affecting public safety and welfare exists, the ~~board may authorize the chief inspector to~~ ~~may~~ issue a temporary inspection certificate for a period not exceeding 6 months after an inspection certificate has expired. A temporary inspection certificate may be issued without an internal inspection being made. If the boiler or pressure vessel is insured, the temporary inspection certificate may not be issued until recommended in writing by the authorized inspector of the company insuring the boiler or pressure vessel and by the chief inspector or one of the deputies; or, if the boiler or pressure vessel is not insured, the temporary inspection certificate must be recommended in writing by at least 2 authorized state inspectors. The provisions as to posting of the inspection certificate apply to the temporary inspection certificate.

**Sec. C-30. 32 MRSA §15116**, as amended by PL 1999, c. 687, Pt. E, §15, is further amended to read:

#### **§15116. Insurance**

When a boiler or pressure vessel is insured and inspected by a duly accredited insurance company licensed to do business in this State, a copy of the record of each certificate inspection of the boiler or pressure vessel must be filed with the ~~board director~~.

When an insurance company cancels insurance upon any boiler or pressure vessel requiring inspection under section 15117 that is not exempt under section 15102 or the policy expires and is not renewed, notice must immediately be given to the ~~board director~~. An insurance company shall notify the ~~board director~~ immediately upon insuring a boiler or pressure vessel pursuant to this section.

**Sec. C-31. 32 MRSA §15117**, as amended by PL 2007, c. 695, Pt. B, §22, is further amended to read:

#### **§15117. Inspection required; certificates issued**

Each boiler or pressure vessel used or proposed for use within this State, except boilers or pressure vessels exempt under section 15102, must be thoroughly inspected by the chief inspector, a deputy inspector or an authorized inspector, as to its design, construction, installation, condition and operation. ~~The board shall adopt rules pursuant to the Maine Administrative Procedure Act specifying the method and frequency of inspection.~~ When any boiler or pressure vessel inspected as specified by the ~~board director~~ is found to be suitable and to conform to the rules of the ~~board director~~, the chief inspector shall issue to the owner or user of that boiler or pressure vessel, upon payment of a fee to the ~~board director~~, an inspection certificate for each boiler or pressure vessel. The fee under section 15104-C must be set by the director. Inspection certificates must specify the maximum pressure that the boiler or pressure vessel inspected is allowed to carry. The inspection certificate may be valid for not more than 14 months from the date of inspection in the case of boilers and 38 months from the date of inspection in the case of pressure vessels and must be posted under glass in the engine or boiler room containing the boiler or pressure vessel or an engine operated by it or, in the case of a portable boiler, in the office of the plant where it is temporarily located. ~~The board may adopt rules setting forth criteria by which a temporary extension of an inspection certificate beyond 14 months in the case of boilers and beyond 38 months in the case of pressure vessels may be authorized. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~

In accordance with the provisions of the Maine Administrative Procedure Act, the chief inspector or any deputy inspector may at any time suspend an inspection certificate when, in the inspector's opinion, the boiler or pressure vessel for which it was issued may not continue to be operated without menace to the public safety. ~~A licensed~~ ~~An authorized~~ inspector has corresponding powers with respect to inspection certificates for boilers and pressure vessels insured by the company employing the inspector.

**Sec. C-32. 32 MRSA §15118, first ¶**, as amended by PL 2007, c. 402, Pt. MM, §16, is further amended to read:

The owner or user of each boiler or pressure vessel required by this chapter to be inspected by the chief inspector or a deputy inspector shall pay ~~to the inspector upon an~~ inspection a fee or fees as set under section 15104-C. Not more than one inspection fee may be collected for the inspection of any one boiler or pressure vessel made in any one year, unless additional inspections are required by the owners or users of the boiler or pressure vessel or unless the boiler or pressure vessel has been inspected and an inspection

certificate has been refused, withheld or withdrawn or unless an additional inspection is required because of the change of location of a stationary boiler or pressure vessel. ~~The nature and size of miniature boilers or pressure vessels to be inspected may be determined by the board.~~

**Sec. C-33. 32 MRSA §15119, sub-§3,** as amended by PL 2001, c. 573, Pt. A, §6, is further amended to read:

**3. Enforce laws and rules.** Enforce the laws of the State governing the use of boilers and pressure vessels and enforce the rules of the ~~board director~~; and

**Sec. C-34. 32 MRSA §15119, sub-§5,** as enacted by PL 2001, c. 573, Pt. A, §7, is amended to read:

**5. Order uninspected or unrepaired boilers and pressure vessels out of service.** In addition to the chief inspector's powers under section 15117, order that a boiler or pressure vessel be taken out of service if an inspection report is not submitted to the ~~board chief inspector~~ as required by section 15121, subsection 1, if the inspection certificate fee is not submitted as required by section 15121, subsection 2 or if the owner fails to make repairs as required by the ~~board chief inspector~~.

**Sec. C-35. 32 MRSA §15120,** as amended by PL 2007, c. 402, Pt. MM, §17, is repealed and the following enacted in its place:

#### **§15120. Authorized inspectors**

**1. Issue license.** The director shall, upon the request of an individual who works for a company authorized to insure against loss from explosion of boilers or pressure vessels in this State, issue to the boiler inspector of the company a license to inspect boilers and pressure vessels as an authorized inspector, upon payment of the fee as set under section 15104-C, if the boiler inspector has satisfactorily met the examination and other requirements as specified by this section and rule. The boiler inspector must have a current commission issued by the National Board of Boiler and Pressure Vessel Inspectors, or its successor.

**2. Not entitled to compensation by State.** Authorized inspectors are not entitled to receive a salary from, nor may any of their expenses be paid by, the State.

**3. Conditions.** The continuance of an authorized inspector's license is conditioned upon the authorized inspector continuing in the employ of a boiler inspection and insurance company duly authorized and upon maintenance of the standards imposed by this chapter.

**4. Exempt from fees.** Authorized inspectors shall inspect all boilers and pressure vessels insured by their respective companies, and the owners or users of

those insured boilers are exempt from the payment of the fees provided for in section 15118.

**5. Additional inspections authorized.** Authorized inspectors may, with the permission of the chief inspector, also inspect boilers and pressure vessels for which an application for insurance against loss from explosion of boilers or pressure vessels has been made or when a new boiler or pressure vessel is installed at an insured location and the prospective insured owner or user is exempt from the payment of fees provided for in section 15118.

**6. Report to chief inspector.** Each company employing authorized inspectors shall, within 30 days following each certificate inspection made by the inspectors, file a report of the inspection with the chief inspector.

**Sec. C-36. 32 MRSA §15121,** as amended by PL 2007, c. 402, Pt. MM, §§18 and 19 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

#### **§15121. Duties of owners of boilers and pressure vessels**

**1. Responsibility for inspection.** It is the responsibility of the owner to arrange for an inspection of a boiler or pressure vessel and to prepare the boiler or pressure vessel for inspection. The late inspection fee set by the ~~Director of the Office of Professional and Occupational Regulation within the department director~~ under section 15104-C may be assessed against the owner if an inspection report is not submitted within 60 days of the expiration of the most recent inspection certificate.

**2. Obtain inspection certificate.** The owner of a boiler or pressure vessel shall submit the inspection certificate fee as set under section 15104-C within 60 days of notification from the ~~board director~~ that the inspection report required under section 15120 has been received by the ~~board director~~. Failure to submit the required fee within the 60 days provided may result in the assessment of a late certificate fee as set under section 15104-C.

**3. Failure to qualify for inspection certificate.** The owner of a boiler or pressure vessel that does not qualify for an inspection certificate shall take the boiler or pressure vessel out of operation until the required repairs have been made and a new inspection certificate has been issued.

**4. Notify director when required repairs made.** The owner of a boiler or pressure vessel shall notify the ~~board director~~ when required repairs have been made and provide the ~~board director~~ with satisfactory evidence of completion.

**5. Notify director when boiler or pressure vessel removed.** The owner of a boiler or pressure vessel shall notify the ~~board director~~ within 30 days of the removal of the boiler or pressure vessel.

**6. Change of ownership.** The owner of a boiler or pressure vessel shall notify the ~~board director~~ of a transfer of ownership within 30 days of such a transfer.

**7. Failure to comply.** In addition to the remedies available under this chapter, an owner of a boiler or pressure vessel who fails to comply with the provisions of this chapter or rules adopted by the ~~board director~~ is subject to the provisions of Title 10, section 8003, subsection 5 whether or not the boiler or pressure vessel has a current inspection certificate, except that, notwithstanding Title 10, section 8003, subsection 5, paragraph A-1, subparagraph 3, a civil penalty of up to \$3,000 may be imposed for each violation.

**Sec. C-37. Maine Revised Statutes head-note amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 131, in the chapter headnote, the words "board of boilers and pressure vessels" are amended to read "boilers and pressure vessels" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## PART D

**Sec. D-1. 32 MRSA §15202, sub-§1,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

**Sec. D-2. 32 MRSA §15202, sub-§2,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

**Sec. D-3. 32 MRSA §15202, sub-§4-C,** as enacted by PL 2001, c. 573, Pt. B, §2 and affected by §36 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

**4-C. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the department.

**Sec. D-4. 32 MRSA §15202, sub-§7-B,** as enacted by PL 2001, c. 573, Pt. B, §4 and affected by §36, is amended to read:

**7-B. Licensed private elevator inspector.** "Licensed private elevator inspector" or "licensed private elevator and lift inspector" means an individual who has been licensed by the ~~board director~~ to inspect elevators pursuant to this chapter and who is not a state employee whose duty is to inspect elevators.

**Sec. D-5. 32 MRSA §15202, sub-§8,** as amended by PL 2001, c. 573, Pt. B, §5 and affected by §36, is further amended to read:

**8. Licensed private tramway inspector.** "Licensed private tramway inspector" means an individual who has been licensed by the ~~Board of Elevator and Tramway Safety~~ director to inspect tramways pursuant to this chapter and who is not a state employee whose duty is to inspect tramways.

**Sec. D-6. 32 MRSA §15203, first ¶,** as amended by PL 2001, c. 573, Pt. B, §9 and affected by §36, is further amended to read:

This chapter may not be construed to prevent the use or sale of elevators in this State that were being used or installed prior to January 1, 1950 and that have been made to conform to the rules of the ~~board director~~ covering existing installations and must be inspected as provided for in this chapter.

**Sec. D-7. 32 MRSA §15204, first ¶,** as amended by PL 2001, c. 573, Pt. B, §10 and affected by §36, is further amended to read:

A person aggrieved by an order or act of the chief inspector or a deputy inspector under this chapter may, within 15 days after notice of the order or act, appeal from the order or act to the ~~board director~~, ~~which~~ who shall hold a hearing pursuant to Title 5, chapter 375, subchapter IV 4. After the hearing, the ~~board director~~ shall issue an appropriate order either approving or disapproving the order or act.

**Sec. D-8. 32 MRSA §15205,** as amended by PL 2007, c. 402, Pt. NN, §1, is repealed.

**Sec. D-9. 32 MRSA §15205-A** is enacted to read:

### **§15205-A. Director's powers and duties**

**1. Regulation.** The director shall administer, coordinate and enforce this chapter. ~~The director may appoint an advisory committee to assist the director on any matter that may arise under this chapter, as needed.~~

**2. Rule-making authority.** The director shall establish guidelines and adopt rules necessary for the proper administration and enforcement of this chapter. ~~Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must address, but are not limited to:~~

**A.** Requirements for the safe and proper construction, installation, alteration, repair, use, operation and inspection of elevators and tramways in this State. The rules must include standards for the review and audit of inspections performed by licensed private elevator inspectors not employed by the State. The rules must conform as nearly as practicable to the established standards as approved by the American National Standards Institute or its successor or other organization approved by the director;

**B.** Requirements for licensure and renewal of private elevator and lift inspectors, including requirements for examination and continuing education; and

C. Requirements for licensure and renewal of elevator and lift mechanics, including requirements for examination and continuing education.

**Sec. D-10. 32 MRSA §15206,** as amended by PL 2007, c. 402, Pt. NN, §2, is repealed.

**Sec. D-11. 32 MRSA §15206-A,** as repealed and replaced by PL 2007, c. 402, Pt. NN, §3, is amended to read:

**§15206-A. Denial or refusal to renew license; disciplinary action**

The ~~board director~~ may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

**Sec. D-12. 32 MRSA §15208, first ¶,** as repealed and replaced by PL 2001, c. 573, Pt. B, §13 and affected by §36, is amended to read:

The ~~board director~~ shall set standards necessary for the licensure and renewal of private elevator and lift inspectors. The ~~board may adopt rules relating to the qualifications for licensure and renewal of private elevator and lift inspectors, including requirements for examination and continuing education. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II A.~~ The fee for applications, examinations, licenses and renewals must be established by the director pursuant to section 15225-A and Title 10, section 8003, subsection 2-A, paragraph D. ~~Licenses are issued for a period of one year.~~

**Sec. D-13. 32 MRSA §15208-A,** as enacted by PL 2001, c. 573, Pt. B, §14 and affected by §36, is amended to read:

**§15208-A. Registration of elevator contractors**

Any person, firm, partnership, association, corporation or company engaged in the installation, sale, service, maintenance or inspection of elevators in this State shall register with the ~~board annually director~~. The registration must be submitted on a form provided by the ~~board director~~ and must include the names and addresses of all licensed private inspectors, licensed mechanics and all helpers employed by the elevator contractor. An elevator contractor shall notify the ~~board director~~ of any change in the information required under this section within 30 days of the change. The required fee for registration must be set by the director under section 15225-A.

**Sec. D-14. 32 MRSA §15209, first ¶,** as amended by PL 2001, c. 573, Pt. B, §15 and affected by §36, is further amended to read:

The ~~board director~~ shall license an applicant as a private tramway inspector, who may perform the inspections required on tramways, if that applicant:

**Sec. D-15. 32 MRSA §15209, sub-§1,** as amended by PL 2001, c. 573, Pt. B, §15 and affected by §36, is further amended to read:

**1. Registration.** Is a professional engineer with a current valid registration in some state. If an applicant for a private tramway inspector's license demonstrates to the ~~board director~~ that the applicant possesses more than 6 years' experience in the construction, design, inspection and operation of tramways, this registration requirement may be waived by the ~~board director~~;

**Sec. D-16. 32 MRSA §15209, sub-§5,** as amended by PL 2001, c. 573, Pt. B, §15 and affected by §36, is further amended to read:

**5. Examination.** Has sufficient experience and knowledge to achieve a satisfactory rating in an examination designed to test the applicant's knowledge of orders and principles of tramway safety. When an applicant for a private tramway inspector's license demonstrates more than 6 years' experience in the construction, design, inspection and operation of tramways, the provisions for examination ~~must~~ may be waived.

A. The examination for a licensed private tramway inspector must be given by the ~~chief inspector or by 2 or more examiners appointed by the chief inspector~~. The examination ~~must be written, in whole or in part, and~~ must be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and must be of uniform standard throughout the State.

C. A private tramway inspector's license is issued for a period of one year. The license fee must be set by the director under section 15225-A.

D. Applications for examination and license must be on forms furnished by the ~~board director~~. The examination fee for a private tramway inspector's license must be set by the director under section 15225-A.

**Sec. D-17. 32 MRSA §15209-A,** as amended by PL 2001, c. 573, Pt. B, §16 and affected by §36, is further amended to read:

**§15209-A. Private wire rope inspectors; licenses**

The ~~board shall director may issue a license to an~~ applicant as a private wire rope inspector, who may perform the inspections required for each tramway equipped with wire rope, if that applicant has a total of 5 years' experience in wire rope manufacture, installation, maintenance or inspection ~~and meets the requirements of this chapter and rules adopted by the director~~. A private wire rope inspector's license is issued for a period of one year. The license fee must be set by the director under section 15225-A.

**Sec. D-18. 32 MRSA §15210**, as amended by PL 2007, c. 402, Pt. NN, §4, is further amended to read:

**§15210. Revocation of private tramway or elevator inspector's license**

The ~~board director~~ may revoke a private tramway, elevator or lift ~~inspection inspector's license or remove inspection endorsements from an elevator or lift mechanic's license~~ for the following causes:

**1. Failure to submit true reports.** For failure to submit true reports concerning the conditions of a tramway or elevator or for conduct determined by the ~~board director~~ to be contrary to the best interests of tramway or elevator safety or the ~~board director~~; and

**2. Physical infirmities.** For physical infirmities that develop to a point at which it appears that an inspector ~~or mechanic~~ is no longer able to perform the required duties in a thorough and safe manner; or

**Sec. D-19. 32 MRSA §15211, sub-§1**, as enacted by PL 2001, c. 573, Pt. B, §18 and affected by §36, is amended to read:

**1. Reporting accidents.** Each elevator or tramway accident that is caused by equipment failure or results in significant injury to a person or results in substantial damage to equipment must be reported by the owner or lessee to the chief inspector in accordance with the ~~board's director's~~ rules.

**Sec. D-20. 32 MRSA §15213, first ¶**, as amended by PL 2001, c. 573, Pt. B, §20 and affected by §36, is further amended to read:

A person may not service, repair, alter or install any elevator unless that person is licensed as an elevator or lift mechanic under this chapter. Elevator work in industrial plants and manufacturing plants may be performed by plant personnel who are not licensed under this chapter if the work is supervised by the plant engineer and performed in compliance with rules adopted by the ~~board director~~.

**Sec. D-21. 32 MRSA §15214**, as amended by PL 2001, c. 573, Pt. B, §21 and affected by §36, is further amended to read:

**§15214. Issuance; qualifications**

The ~~board director~~ shall issue an elevator or lift mechanic's license to any applicant who has at least 2 years' experience in the service, repair, alteration or installation of elevators and lifts while employed by an elevator company, or has equivalent experience as defined by rules of the ~~board director~~, and meets the requirements established pursuant to section 15216.

A licensed elevator or lift mechanic may not have more than 2 helpers under direct supervision. These helpers need not be licensed.

A licensed elevator or lift mechanic shall comply with the provisions of this chapter and the rules adopted by the ~~board director~~. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II A.

**Sec. D-22. 32 MRSA §15216**, as repealed and replaced by PL 2001, c. 573, Pt. B, §23 and affected by §36, is amended to read:

**§15216. Examination of elevator or lift mechanics; applications; licenses; renewals**

The ~~board director~~ shall set standards necessary for the licensure and renewal of elevator or lift mechanics. The ~~board may adopt rules relating to the qualifications for licensure and renewal of elevator or lift mechanics, including requirements for examination and continuing education.~~ Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II A. The fee for applications, examinations, licenses and renewals must be established by the director pursuant to section 15225-A and Title 10, section 8003, subsection 2-A, paragraph D. Licenses are issued for a period of one year.

**Sec. D-23. 32 MRSA §15216-C, 2nd ¶**, as amended by PL 2007, c. 402, Pt. NN, §5, is further amended to read:

A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 15225-A. Any person who submits an application for renewal more than 90 days after the license expiration date must pay an additional late fee as set under section 15225-A and is subject to all requirements governing new applicants under this chapter, except that the ~~board may in its discretion director, after giving due consideration to the protection of the public, may waive the examination and other requirements.~~ Notwithstanding any other provision of this chapter, the ~~board director~~ shall waive the examination if a renewal application is made within 90 days after separation from the United States Armed Forces, under conditions other than dishonorable, by a person who failed to renew that person's license because that person was on active duty in the Armed Forces; except that the waiver of examination may not be granted if the person served a period of more than 4 years in the Armed Forces, unless that person is required by some mandatory provision to serve a longer period and that person submits satisfactory evidence of this mandatory provision to the ~~board director~~.

**Sec. D-24. 32 MRSA §15221, sub-§1**, as amended by PL 2001, c. 573, Pt. B, §26 and affected by §36, is further amended to read:

**1. Fees; inspection certificate.** Each elevator or tramway proposed to be used within this State must be thoroughly inspected by either the chief inspector, a

deputy inspector or a licensed private elevator or tramway inspector and, if found to conform to the rules of the board director, the board director shall issue to the owner an inspection certificate. Fees for inspection and certification of elevators and tramways must be set by the director under section 15225-A and must be paid by the owner of the elevator or tramway. The certificate must specify the maximum load to which the elevator or tramway may be subjected, the date of its issuance and the date of its expiration. The elevator certificate must be posted in the elevator and the tramway certificate at a conspicuous place in the machine area.

**Sec. D-25. 32 MRSA §15221, sub-§3,** as amended by PL 2001, c. 573, Pt. B, §26 and affected by §36, is further amended to read:

**3. Temporary suspension of inspection certificate; condemnation card.** When, in the inspector's opinion, the elevator or tramway can not continue to be operated without menace to the public safety, the chief inspector or deputy inspector may temporarily suspend an inspection certificate in accordance with Title 5, section 10004 and post or direct the posting of a red card of condemnation at every entrance to the elevator or tramway. The condemnation card is a warning to the public and must be of such type and dimensions as the board director determines. The suspension continues, pending decision on any application with the District Court for a further suspension. The condemnation card may be removed only by the inspector posting it or by the chief inspector.

**Sec. D-26. 32 MRSA §15221, sub-§4,** as amended by PL 1999, c. 386, Pt. X, §18, is further amended to read:

**4. Special certificate; special conditions.** When, upon inspection, an elevator or tramway is found by the inspector to be in reasonably safe condition but not in full compliance with the rules of the board director, the inspector shall certify to the chief inspector the inspector's findings and the chief inspector may issue a special certificate, to be posted as required in this section. This certificate must set forth any special conditions under which the elevator or tramway may be operated.

**Sec. D-27. 32 MRSA §15221, sub-§5,** as amended by PL 2001, c. 573, Pt. B, §26 and affected by §36, is further amended to read:

**5. Inspection reports.** Licensed private tramway and elevator inspectors shall submit inspection reports to the owner on a form provided by the board director within 15 working days from the date of the inspection.

**Sec. D-28. 32 MRSA §15225-A, first ¶,** as repealed and replaced by PL 2007, c. 402, Pt. NN, §6 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose other than permit and inspection fees may not exceed \$500. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. D-29. 32 MRSA §15226,** as amended by PL 2001, c. 573, Pt. B, §31 and affected by §36, is further amended to read:

#### **§15226. Reports by inspectors**

A deputy inspector or licensed private inspector shall make a full report to the chief inspector, giving all data required by the rules adopted by the board director and shall report to the chief inspector and to the owner all defects found and all noncompliances with the rules. When any serious infraction of the rules is found by a deputy inspector or licensed private inspector and that infraction is, in the opinion of the inspector, dangerous to life, limb or property, the inspector shall report that infraction immediately to the chief inspector.

**Sec. D-30. 32 MRSA §15227, first ¶,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

The board director is authorized to investigate all elevator and tramway accidents that result in injury to a person or in damage to the installation.

**Sec. D-31. 32 MRSA §15227, sub-§1,** as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

**1. Enforce laws and rules.** To enforce the laws of the State governing the use of elevators and tramways and to enforce adopted rules of the board director;

**Sec. D-32. 32 MRSA §15227, sub-§4,** as amended by PL 2001, c. 573, Pt. B, §33 and affected by §36, is further amended to read:

**4. Certificates.** To issue and temporarily suspend certificates allowing elevators and tramways to be operated pursuant to Title 5, chapter 375; and

**Sec. D-33. 32 MRSA §15227, sub-§5,** as amended by PL 2001, c. 573, Pt. B, §33 and affected by §36, is repealed.

**Sec. D-34. 32 MRSA §15227, sub-§6,** as enacted by PL 2001, c. 573, Pt. B, §34 and affected by §36, is amended to read:

**6. Take uninspected or unrepairs elevators and tramways out of service.** To take an elevator or tramway out of service in accordance with Title 5,

section 10004 if an inspection report has not been submitted to the ~~board director~~ within 60 days of the expiration of the most recent certificate or if the owner has failed to make repairs as required by the ~~board director~~. This power is in addition to the chief inspector's powers under section 15221, subsection 3.

**Sec. D-35. 32 MRSA §15228, sub-§1,** as enacted by PL 2001, c. 178, §1, is amended to read:

**1. Requirements.** Notwithstanding section ~~15206~~ 15205-A, whenever a passenger elevator is installed in a building being newly constructed or in a new addition that extends beyond the exterior walls of an existing building, the passenger elevator must reach all levels within the building and be of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way. This requirement applies to all plans approved by the ~~board~~ after January 1, 2002. The ~~board director~~ shall adopt rules necessary to carry out the provisions of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. D-36. 32 MRSA §15229,** as enacted by PL 2001, c. 573, Pt. B, §35 and affected by §36, is amended to read:

#### **§15229. Duties of owners of elevators or tramways**

**1. Owner responsibility.** The responsibility for design, construction, maintenance and inspection of an elevator or tramway rests with the person, firm, partnership, association, corporation or company that owns the elevator or tramway.

**2. Obtain inspection certificate.** The owner of an elevator or tramway shall submit an annual application for an annual inspection certificate together with the inspection report within 30 business days of the inspection and prior to the expiration of the current certificate. The application must be on a form provided by the ~~board director~~ and must be accompanied by the required fee set by the director under section 15225-A. A late fee set by the director under section 15225-A may be assessed for failure to submit the application and inspection report in a timely manner.

**3. Failure to qualify for inspection certificate.** The owner of an elevator or tramway that does not qualify for an inspection certificate shall take the elevator or tramway out of operation until the required repairs have been made and a new inspection certificate has been issued.

**4. Notify director when required repairs made.** The owner of an elevator or tramway shall notify the ~~board director~~ when required repairs have been made and provide the ~~board director~~ with satisfactory evidence of completion.

**5. Elevator or tramway declared idle or placed out of service.** The owner of an elevator or tramway that has been declared idle or placed out of service in accordance with rules adopted by the ~~board director~~ shall notify the ~~board director~~ within 30 days of declaring the elevator or tramway idle.

**6. Removal.** The owner of an elevator or tramway shall notify the ~~board director~~ within 30 days of the removal of the elevator or tramway.

**7. Change of ownership.** The owner of record of an elevator or tramway shall notify the ~~board director~~ of a transfer of ownership of an elevator within 30 days of such transfer. The new owner shall apply, on a form provided by the ~~board director~~, for a new inspection certificate that will be issued without the need for an additional inspection for the remainder of the term of the current certificate. A fee for issuance of a new inspection certificate may be set by the director under section 15225-A.

**8. Failure to comply.** In addition to the remedies available under this chapter, an owner who fails to comply with the provisions of this chapter or rules adopted by the ~~board director~~ is subject to the provisions of Title 10, section 8003, subsection 5 whether or not the elevator or tramway has a current inspection certificate, except that, notwithstanding Title 10, section 8003, subsection 5, paragraph A-1, subparagraph 3, a civil penalty of up to \$3,000 may be imposed for each violation.

**Sec. D-37. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 133, in the chapter headnote, the words "board of elevator and tramway safety" are amended to read "elevator and tramway safety" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## **PART E**

**Sec. E-1. Transition provisions.** The following provisions govern the elimination of the Board of Boilers and Pressure Vessels and Board of Elevator and Tramway Safety and the transfer of their authority to enforce the Maine Revised Statutes, Title 32, chapters 131 and 133, respectively, to the Department of Professional and Financial Regulation.

**1. Successor.** The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation is the successor in every way to the powers, duties and functions of the Board of Boilers and Pressure Vessels and Board of Elevator and Tramway Safety.

**2. Rules.** The rules of the Board of Boilers and Pressure Vessels and Board of Elevator and Tramway Safety that were in effect on the effective date of this Act are deemed to be rules adopted by the director and

remain in effect until amended or repealed by the director.

**3. Licenses.** All licenses issued by the Board of Boilers and Pressure Vessels and Board of Elevator and Tramway Safety remain valid and are subject to license renewal requirements.

**4. Board membership.** The terms of members of the Board of Boilers and Pressure Vessels and Board of Elevator and Tramway Safety expire on the effective date of this Act.

#### PART F

**Sec. F-1. Appropriations and allocations.** The following appropriations and allocations are made.

#### PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Licensing and Enforcement 0352

Initiative: Reduces Personal Services and All Other allocations to reflect the savings associated with the repeal of the Board of Boilers and Pressure Vessels and the Board of Elevator and Tramway Safety effective October 1, 2013.

	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS		
Personal Services	(\$900)	(\$1,120)
All Other	(\$3,274)	(\$4,365)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$4,174)	(\$5,485)

See title page for effective date.

#### CHAPTER 71 H.P. 39 - L.D. 44

#### An Act Regarding Pharmacy Provider Audits

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

**Sec. 1. 24-A MRSA §4317, sub-§10, ¶¶F to H** are enacted to read:

F. Prior to an audit, the entity conducting an audit shall give the pharmacy 10 days' advance written notice of the audit and the range of prescription numbers and the range of dates included in the audit.

G. A pharmacy has the right to request mediation by a private mediator, agreed upon by the pharmacy and the pharmacy benefits manager, to resolve any disagreements. A request for mediation

does not waive any existing rights of appeal available to a pharmacy under this subsection or subsection 11.

H. The requirements of section 4303, subsection 10 apply to claims audited under this subsection.

See title page for effective date.

#### CHAPTER 72 H.P. 108 - L.D. 133

#### An Act To Allow an Operator of a Motor Vehicle To Show Proof of Insurance by Electronic Means

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

**Sec. 1. 24-A MRSA §2412, sub-§7,** as enacted by PL 1991, c. 715, §1, is amended to read:

7. **Motor vehicle insurance identification cards.** Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall adopt rules that prescribe both paper and electronic forms of a uniform motor vehicle insurance identification card form for evidence of liability insurance or financial responsibility required under Title 29-A. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an a form of insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 29-A MRSA §402, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. **Method of establishing evidence of insurance.** A person establishes insurance by showing the vehicle insurance identification card as defined by section 1551, subsection 4, a letter from an insurance company or agent showing that the vehicle is covered by a liability insurance policy, an insurance binder or an insurance policy that has a summary document that describes the vehicle insured, the name of the insured, the amount of insurance, the type of insurance coverage and the period for which the vehicle is covered to either the municipal agent or the bureau. Evidence of

insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device as defined in section 1551, subsection 11-A.

**Sec. 3. 29-A MRSA §1551, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Insurance identification card.** "Insurance identification card" means a card an identification of insurance in paper or electronic form issued to an insured by an insurer pursuant to Title 24-A, section 2412, subsection 7; or a card an identification of proof of financial responsibility in paper or electronic form issued by the Secretary of State to a person who elects to provide proof of financial responsibility in accordance with section 1605.

**Sec. 4. 29-A MRSA §1551, sub-§11-A** is enacted to read:

**11-A. Portable electronic device.** "Portable electronic device" means an electronic device that is portable in nature, including but not limited to a device for sending or receiving e-mail, a text messaging device, a cellular telephone and a computer.

**Sec. 5. 29-A MRSA §1601, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Evidence of insurance or financial responsibility.** When a law enforcement officer stops an operator for a moving violation or the operator is involved in an accident that must be reported under section 2251, the officer shall request the operator to produce evidence of liability insurance or financial responsibility. Evidence of liability insurance or financial responsibility may be in electronic form, including the display of an image on a portable electronic device. The use of a portable electronic device to provide evidence of liability insurance or financial responsibility in electronic form does not constitute consent for a law enforcement officer to access other contents of the electronic device.

**Sec. 6. 29-A MRSA §1605, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Scope of proof.** Insurance in the minimum amounts listed in subsection 1, paragraph C must be furnished for each vehicle registered. and evidence of insurance may be provided at the time of registration in electronic form, including the display of an image on a portable electronic device. Separate proof of financial responsibility is not required for a trailer, semitrailer, camp trailer or mobile home, registered to a person required to file proof of financial responsibility, that is covered by a policy on a vehicle registered

by that person and provides the coverage required for a motor vehicle liability policy.

See title page for effective date.

## CHAPTER 73

### H.P. 361 - L.D. 542

#### An Act To Remove the Limit on the Retention of Live Smelts

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

Whereas, immediate enactment of this legislation is necessary in order for it to be effective in time for the open-water fishing season; 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. 12 MRSA §12456, sub-§2, ¶A,** as amended by PL 2009, c. 214, §6, is further amended to read:

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

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.

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

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime.

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

Effective May 7, 2013.

## CHAPTER 74 H.P. 219 - L.D. 310

### **An Act To Exempt Persons 80 Years of Age and Older from Jury Duty at Their Discretion**

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

**Sec. 1. 14 MRSA §1213, sub-§2, ¶C** is enacted to read:

C. A person 80 years of age or older who does not wish to serve on a jury is excused from jury service.

See title page for effective date.

## CHAPTER 75 H.P. 778 - L.D. 1109

### **An Act To Clarify the Maine New Markets Capital Investment Program Tax Credit**

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

**Whereas,** the 125th Legislature enacted the Maine New Markets Capital Investment Program to stimulate capital investment in distressed areas of the State; and

**Whereas,** investors seeking to make investments under the Maine New Markets Capital Investment Program require a high degree of clarity regarding the conditions on which tax credits may be available; and

**Whereas,** there are interested investors unwilling to make investments that will support construction of manufacturing facilities and the creation or retention of jobs due to the ambiguity of certain terms used in the Maine New Markets Capital Investment Program; and

**Whereas,** it is imperative that this legislation take effect immediately to allow for investments to be made in the spring of 2013; 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. 36 MRSA §5219-HH, sub-§1, ¶J,** as amended by PL 2011, c. 657, Pt. P, §1, is further amended to read:

J. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after September 28, 2011. Except as otherwise provided in this paragraph, with respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments that may be made ~~in the business, on a collective basis with all of its affiliates,~~ with the proceeds of qualified equity investments that have been certified under Title 10, section 1100-Z, subsection 3, paragraph G is \$10,000,000 per project constructed, maintained or operated by the qualified active low-income community business whether made by one or several qualified community development entities. With respect to investments in a qualified active low-income community business that is a manufacturing or value-added production enterprise ~~that projects to create or retain more than 200 jobs,~~ the limit on the qualified low-income community investment is \$40,000,000 per project constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$10,000,000 limitation applies, "project" includes all land, buildings, structures, machinery and equipment located at the same location and constructed, maintained or operated by the qualified active low-income community business. For the purposes of this paragraph, with respect to projects to which the \$40,000,000 limitation applies, "project" means, and refers separately to, each manufacturing or value-added production facility that projects to create or retain more than 200 jobs, including the land, buildings, structures, machinery and equipment functionally related to, and integrated with, the manufacturing or production process conducted on the site of that facility. "Project" does not mean or include the component pieces of an integrated manufacturing or production process conducted on the site of a particular facility.

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

Effective May 7, 2013.

**CHAPTER 76**  
**H.P. 571 - L.D. 820**

**An Act Regarding Fire Escapes  
for Certain Buildings**

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

**Sec. 1. 25 MRSA §2453**, as repealed and replaced by PL 2007, c. 258, §1, is repealed.

**Sec. 2. 25 MRSA §2543, first ¶**, as amended by PL 1973, c. 788, §112, is further amended to read:

~~Such~~ The marshal ~~shall~~, within Aroostook County, ~~have~~ has the same powers and duties given to fire inspectors by virtue of section 2360, ~~shall have~~ and has the same powers and duties given the fire inspector by virtue of section 2392 ~~and shall have the same powers and duties given to fire inspectors, boards of engineers and chiefs of fire departments by virtue of section 2453~~, except that in case of conflict in authority between state, county and town fire officials, the order of final determination or decision ~~shall be~~ is first in the State, 2nd in the county and 3rd in the town fire officials.

See title page for effective date.

**CHAPTER 77**  
**H.P. 410 - L.D. 591**

**An Act To Amend the Laws  
Governing Motorcycle and  
Moped Permits**

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

**Sec. 1. 29-A MRSA §1304, sub-§2, ¶G**, as amended by PL 2005, c. 577, §19, is further amended to read:

G. An instruction permit ~~allows the holder to operate a motorcycle or moped only during daylight hours. That permit~~ does not allow the holder to carry a passenger.

See title page for effective date.

**CHAPTER 78**  
**H.P. 158 - L.D. 197**

**An Act To Improve Health  
Services to Schools**

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

**Sec. 1. 20-A MRSA §6402-A**, as enacted by PL 1985, c. 258, §2, is amended to read:

**§6402-A. School health advisor**

Each school board shall appoint one or more ~~school~~ physicians or family or pediatric nurse practitioners to act as school health advisor.

**1. Duties.** The school ~~physician~~ health advisor shall advise the administrative unit on school health issues, policies and practices and may also perform any other health-related functions assigned by the board.

**2. Other functions.** A school ~~physician~~ health advisor may perform other medical and health-related duties assigned by the school board, which may include all or some of the following:

- A. Examine and diagnose students referred by teachers and other school employees to protect against the outbreak of contagious diseases in the schools;
- B. Examine students for participation in physical education and athletic activities;
- C. Advise and serve as medical consultant to the school nurse; or
- D. Examine school employees and property if the ~~physician~~ school health advisor believes it is necessary to protect the health of students.

**3. Prohibition.** A school ~~physician~~ health advisor may not treat any student examined under this subchapter unless the ~~physician~~ school health advisor is also the student's personal ~~physician~~ health care provider. A school health advisor that advises a school board pursuant to subsection 1 or performs other functions under subsection 2 may not act outside the scope of practice of the ~~physician or nurse practitioner who functions as a school health advisor as established by law or rule of the applicable licensing board~~.

**4. Appointment.** Appointment ~~shall be~~ is on a yearly basis.

See title page for effective date.

**CHAPTER 79**  
**H.P. 212 - L.D. 303**

**An Act To Authorize the  
Public Advocate To Publish  
and Distribute Consumer  
Information**

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

**Sec. 1. 35-A MRSA §1713** is enacted to read:

**§1713. Information for consumers**

In addition to the duties and responsibilities in section 1702, the Public Advocate may publish in printed copy or electronic format, or both, information for consumers in the State relating to regulated services provided by public utilities, unregulated services provided by public utilities and unregulated services provided by any entity relating to telecommunications, electricity delivery or supply and gas delivery or supply. Telecommunications services include, but are not limited to, telephone service, Internet service, video service, wireless phone service, satellite service and voice over Internet protocol service.

See title page for effective date.

**CHAPTER 80**  
**S.P. 135 - L.D. 355**

**An Act To Amend Provisions  
Relating to the Department of  
Corrections To Clarify Certain  
Enforcement Powers**

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

**Sec. 1. 15 MRSA §709, sub-§4-A,** as amended by PL 2011, c. 507, §2, is repealed and the following enacted in its place:

**4-A. Investigative officer.** "Investigative officer" has the same meaning as in Title 34-A, section 1001, subsection 10-A.

**Sec. 2. 15 MRSA §710, sub-§1,** as amended by PL 1987, c. 680, §2, is further amended to read:

**1. Interception, oral communications prohibited.** Any person, other than an employee of a communication common carrier as defined in this chapter, a law enforcement officer or an investigative officer as defined in this chapter, another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire or oral communication is guilty of a Class C crime.

**Sec. 3. 15 MRSA §710, sub-§5,** as amended by PL 1987, c. 680, §3, is further amended to read:

**5. Possession of interception devices prohibited.** A person, other than an employee of a communication common carrier as defined in this chapter, a law enforcement officer or an investigative officer as defined in this chapter, another employee of the Depart-

ment of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who has in his that person's possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, is guilty of a Class C crime.

**Sec. 4. 15 MRSA §712, sub-§2,** as amended by PL 2011, c. 507, §4, is further amended to read:

**2. Investigative officers.** It is not a violation of this chapter for an investigative officer, as defined in this chapter, or for an another employee of the Department of Corrections acting at the direction of an investigative officer authorized to exercise law enforcement powers as described in Title 34-A, section 3011, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in section 3308, subsection 7, paragraph A, subparagraph (2), if:

A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

**Sec. 5. 34-A MRSA §1001, sub-§10-A,** as enacted by PL 1997, c. 102, §1, is amended to read:

**10-A. Investigative officer.** "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of offenses crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2) and

who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.

**Sec. 6. 34-A MRSA §3011**, as amended by PL 2009, c. 142, §16, is further amended to read:

**§3011. Investigative officers and other law enforcement officers**

**1. Exercise of law enforcement powers.** Investigative officers and other employees of the department who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to offenses crimes or juvenile crimes relating to the security or orderly management of a facility or community program administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2), if authorized to exercise these powers by the commissioner. Investigative officers These employees may issue administrative subpoenas with respect to offenses relating to the security or orderly management of a facility administered by the department, if authorized to exercise these powers by the commissioner and by the Attorney General or the Attorney General's designee. These powers are in addition to any powers the officers employees may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.

**2. Working agreement.** The commissioner shall negotiate a working agreement with the Department of the Attorney General concerning procedures and respective responsibilities for the exercise of law enforcement powers by investigative officers and other employees pursuant to subsection 1.

**Sec. 7. 34-A MRSA §3035, sub-§1, ¶D**, as amended by PL 1991, c. 314, §40, is further amended to read:

D. Transportation to work release job sites must be arranged by the commissioner approved by the chief administrative officer.

(1) Clients participating in the work release program must may be assessed an equitable share of the cost of the transportation.

(2) Funds received from clients for work release transportation must be placed in the General Fund.

**Sec. 8. 34-A MRSA §3040-A, sub-§1**, as amended by PL 2005, c. 506, §8, is further amended to read:

**1. Payment.** Except as provided in subsection 4, if any client under the control in the custody of the department dies, leaving on deposit in the department's general client account and telephone call account an amount not exceeding \$1,000, and no personal representative of the client's estate is appointed, the chief administrative officer may pay the balance of the deposits in the accounts client's general client account and telephone call account, up to a maximum of \$1,000, to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114, to the funeral director having any bill outstanding for the burial of the decedent or to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in the chief administrative officer's custody to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114.

See title page for effective date.

## CHAPTER 81

### H.P. 269 - L.D. 394

**An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State**

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

**Sec. 1. 30 MRSA §6212, sub-§1**, as amended by PL 2009, c. 384, Pt. F, §1 and affected by §4, is further amended to read:

**1. Commission created.** The Maine Indian Tribal-State Commission is established. The commission consists of 13 17 members, 6 8 to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Aroostook Band of Micmacs, 2 to be appointed by the Houlton Band of Maliseet Indians, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the chair, each serve for a term of 3 years and may be reappointed. In the event of the death, resignation or disability of a member, the appointing authority may fill the vacancy for the unexpired term.

**Sec. 2. 30 MRSA §6212, sub-§2**, as amended by PL 2009, c. 384, Pt. F, §2 and affected by §4, is further amended to read:

**2. Chair.** The commission, by a majority vote of its 12 16 members, shall select an individual who is a

resident of the State to act as chair. In the event of the death, resignation, replacement or disability of the chair, the commission may select, by a majority vote of its ~~12~~ 16 remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation, replacement or disability, the Governor, after consulting with the chiefs of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, shall serve serves for 4 years.

**Sec. 3. 30 MRSA §6212, sub-§3**, as amended by PL 2009, c. 384, Pt. F, §3 and affected by §4, is further amended to read:

**3. Responsibilities.** In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal relationship between the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such reports and recommendations to the Legislature, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate.

~~Nine~~ Twelve members constitute a quorum of the commission and a decision or action of the commission is not valid unless ~~7~~ 9 members vote in favor of the action or decision.

**Sec. 4. 30 MRSA §6212, sub-§6, ¶¶B and C**, as enacted by PL 2009, c. 636, Pt. C, §3 and affected by §4, are amended to read:

- B. The Passamaquoddy Tribe; and
- C. The Penobscot Nation; and

**Sec. 5. 30 MRSA §6212, sub-§6, ¶D** is enacted to read:

- D. The Aroostook Band of Micmacs.

**Sec. 6. Contingent effective date.** This Act takes effect October 1, 2013 only if, within 90 days after the adjournment of the First Regular Session of the 126th Legislature, the Secretary of State receives written certification from the Council of the Aroostook Band of Micmacs that the band has agreed to the provisions of this Act, written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act and written certification from the Governor and Council of the Penobscot Nation that the nation has agreed to the provisions

of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

See title page for effective date, unless otherwise indicated.

## CHAPTER 82

### H.P. 351 - L.D. 532

#### An Act To Amend the Laws Governing the Maine State Library

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

**Sec. 1. 27 MRSA §31**, as amended by PL 1973, c. 626, §1, is further amended to read:

#### §31. Library hours

The State Librarian shall keep the library open at least 35 hours per week. ~~Neither the State Director of Public Improvements nor any of the state employees under his jurisdiction shall admit anyone~~ A person may not be admitted to the library rooms out of library hours or permit take any book to be taken therefrom or other material from the library without the consent of the librarian.

**Sec. 2. 27 MRSA §34, sub-§9**, as enacted by PL 1989, c. 700, Pt. B, §17, is repealed.

**Sec. 3. 27 MRSA §34, sub-§10**, as enacted by PL 1989, c. 700, Pt. B, §17, is amended to read:

**10. Related activities.** Related activities in cooperation with the Maine State Cultural Affairs Council; and

**Sec. 4. 27 MRSA §34, sub-§11** is enacted to read:

**11. Electronic resources and database library.** Maintaining and providing an electronic library service as well as a database library for use by elementary and secondary schools.

**Sec. 5. 27 MRSA §37**, as amended by PL 1973, c. 626, §4, is repealed.

**Sec. 6. 27 MRSA §66** is amended to read:

#### §66. Reports of departments and institutions

The State Librarian shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State in such manner as the law may direct. ~~He~~ The State Librarian may transmit one copy of each published report of each department of the State Government to each library in the State and to the libraries of

other states and territories, and make such other and further distribution as in his the State Librarian's judgment seems proper. He The State Librarian shall maintain a document room in which shall must be stored all department reports and other publications of the State intended for distribution and shall keep an accurate account of all books and documents received.

**Sec. 7. 27 MRSA §69**, as amended by PL 2005, c. 683, Pt. A, §45, is further amended to read:

#### **§69. Purchase of Maine histories**

**1. Purchase.** The State Librarian shall purchase at least 25 2 copies, and may purchase up to 200 copies, of every town history or other book concerning the history of this State that is published in Maine. He shall purchase, within these limits, the number of copies required to meet the distribution requirements of subsection 2.

**2. Distribution.** The State Librarian shall retain sufficient copies of each history purchased under subsection 1 for the use of the State Library. The remaining copies shall be distributed without charge to all school, state, institutional and public libraries that request a copy. The State Librarian shall regularly publish and circulate to all these libraries a list of the histories available for distribution.

**3. Surplus.** The State Librarian may sell copies of each history that are not distributed under subsection 2. The State Librarian shall fix the price of sale at the retail price of the history. The Maine State Museum may sell these copies through its museum sales program, except that the proceeds from the sale of these town histories may not be used as required under section 89-A. All proceeds from the sales of these town histories must be used to pay the costs of the distribution required under subsection 2, and any proceeds beyond these costs must be used to meet the costs of purchase under subsection 1.

**Sec. 8. 27 MRSA §108** is repealed.

**Sec. 9. 27 MRSA §116, first ¶**, as enacted by PL 1973, c. 626, §6, is amended to read:

Research centers may be designated by the commissioner State Librarian with the advice of the Maine Library Commission.

**Sec. 10. 27 MRSA §117, first ¶**, as repealed and replaced by PL 1977, c. 125, §5, is amended to read:

The State Librarian, with the advice of the district council, shall appoint a staff member, or contract with an area reference and resource center, to provide district consultant services to one or more districts as determined by the policies established by the commissioner.

**Sec. 11. 27 MRSA §119**, as amended by PL 1989, c. 700, Pt. B, §33, is further amended to read:

#### **§119. Distribution of appropriations**

The Maine Library Commission State Librarian is authorized to apportion funds appropriated by the Legislature for the support of regional library systems.

**Sec. 12. 27 MRSA §121**, as amended by PL 2007, c. 67, §5, is further amended to read:

#### **§121. Confidentiality of library records**

Records maintained by any public municipal library, as defined in section 110, subsection 10, the Maine State Library, the Law and Legislative Reference Library and libraries of the University of Maine System, Maine Community College System and the Maine Maritime Academy that contain information relating to the identity of a library patron relative to the patron's use of books or other materials at the library are confidential. Those records may only be released with the express written permission of the patron involved or as the result of a court order.

See title page for effective date.

### **CHAPTER 83**

#### **H.P. 372 - L.D. 553**

#### **An Act To Remove the Statement of Oral Condition as a Requirement for Denturists Making Partial Dentures**

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

**Sec. 1. 32 MRSA §1100-B, sub-§3, ¶B**, as amended by PL 2009, c. 227, §3, is further amended to read:

B. The fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure. Upon the receipt of a written statement of oral condition or oral health certificate as determined by the board by a licensed dentist, a A denturist may complete perform clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks; and

See title page for effective date.

## CHAPTER 84

### H.P. 386 - L.D. 567

#### **An Act To Amend the Definition of "Special Mobile Equipment" in the Motor Vehicle Laws**

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

**Sec. 1.** **29-A MRSA §101, sub-§70,** as amended by PL 2011, c. 356, §2, is further amended to read:

**70. Special mobile equipment.** "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and ~~to carry sand only for ballast for other duties pertaining to winter maintenance, including sanding and salting~~, well drillers and wood-sawing equipment or similar types of equipment.

Special mobile equipment is divided into Class A and Class B special mobile equipment. Well drillers must be registered as Class A special mobile equipment. All other special mobile equipment may be registered either as Class A or Class B special mobile equipment.

See title page for effective date.

## CHAPTER 85

### H.P. 393 - L.D. 574

#### **An Act To Amend the Laws Governing Reapportionment To Conform to the Constitution of Maine**

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

**Sec. 1.** **21-A MRSA §1206, sub-§§1 and 2,** as enacted by PL 1993, c. 628, §2, are amended to read:

**1. Procedure.** In ~~1993~~ 2021 and every 10 years thereafter, when the Secretary of State has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Su-

preme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than ~~120 calendar days after the convening of the Legislature June 1st of the year~~ in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each house ~~within 30 calendar days after the plan is submitted to the Clerk of the House of Representatives by June 11th of the year in which apportionment is required~~. This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

**2. Court apportionment.** If the Legislature fails to make an apportionment ~~within 120 calendar days of the convening of the session by June 11th of the year~~ in which apportionment is required, the Supreme Judicial Court shall make the apportionment within 60 days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

**Sec. 2.** **30-A MRSA §65, sub-§1,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Redistricting, generally.** In ~~1983~~ 2021 and every 10 years thereafter, the apportionment commission established under the Constitution of Maine, Article IV, Part Third, Section 1-A, shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

**A.** The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the

least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary, provided that as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county which that already meets the standards and guidelines for equally populated districts, as established by this section, the Constitution of Maine and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House under this subsection. The commission may hold public hearings on plans affecting each county.

C. The commission shall submit its plan to the Clerk of the House no later than ~~120 calendar days after the commission is called together by the Speaker of the House under this subsection June 1st of the year in which reapportionment is required~~. The Clerk of the House shall submit to the Legislature, no later than January 15, ~~1984~~ 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House. This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

See title page for effective date.

## CHAPTER 86 H.P. 492 - L.D. 720

### An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State

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

**Sec. 1. 12 MRSA §13003, sub-§2, ¶A**, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §9 and affected by Pt. C, §1, is further amended to read:

A. The person registering the snowmobile or ATV is not a resident of this State. ~~Nonresidents are exempt from sales or use tax on snowmobiles under Title 36, section 1760, subsection 25-B and on ATVs under Title 36, section 1760, subsection 25-A;~~

**Sec. 2. 36 MRSA §1760, sub-§23-C, ¶A**, as amended by PL 2005, c. 618, §2, is further amended to read:

A. Motor vehicles, except:

- (1) Automobiles rented for a period of less than one year; ~~and~~
- (2) ~~All terrain vehicles and snowmobiles as defined in Title 12, section 13001;~~

**Sec. 3. 36 MRSA §1760, sub-§25-A**, as amended by PL 2007, c. 438, §40, is repealed.

**Sec. 4. 36 MRSA §1760, sub-§25-B**, as amended by PL 2007, c. 438, §41, is repealed.

**Sec. 5. Effective date.** This Act takes effect October 1, 2013.

Effective October 1, 2013.

## CHAPTER 87 H.P. 512 - L.D. 761

### An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws

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

**Sec. 1. 39-A MRSA §401, sub-§1, ¶C**, as amended by PL 2001, c. 235, §2, is repealed and the following enacted in its place:

C. Employers of agricultural or aquacultural laborers, if the employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$5,000, and either:

- (1) The employer has 6 or fewer concurrently employed agricultural or aquacultural laborers; or
- (2) The employer has more than 6 agricultural or aquacultural laborers but the total

number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 at any time during the 52 weeks immediately preceding an injury.

For purposes of this paragraph, seasonal and casual workers, immediate family members of unincorporated employers and immediate family members of bona fide owners of at least 20% of the voting stock of an incorporated employer are not considered agricultural or aquacultural laborers. "Immediate family members" means parents, spouses, brothers, sisters and children and the spouses of parents, brothers, sisters and children.

See title page for effective date.

## CHAPTER 88 H.P. 117 - L.D. 142

### An Act To Add Using an All-terrain Vehicle to the List of Activities Included in the Definition of "Guide" in the Inland Fisheries and Wildlife Laws

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

**Sec. 1. 12 MRSA §10001, sub-§28,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**28. Guide.** "Guide" means a person who receives any form of remuneration for that person's services in accompanying or assisting a person in the fields, or forests or on the waters or ice within the jurisdiction of the State while hunting, fishing, trapping, boating, snowmobiling, using an all-terrain vehicle or camping at a primitive camping area.

See title page for effective date.

## CHAPTER 89 H.P. 135 - L.D. 160

### An Act To Amend the Laws Pertaining to Archaeological Sites

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

**Sec. 1. 27 MRSA §372, sub-§3** is enacted to read:

**3. Consultation with federally recognized Indian tribes.** In recognition of the interests of the federally recognized Indian tribes in this State in their

archaeological heritage and in accordance with the requirements of federal law, including the National Historic Preservation Act of 1996, as amended, and the federal Native American Graves Protection and Repatriation Act, the Maine Historic Preservation Commission and the State Museum shall consult with federally recognized Indian tribes in this State concerning adequate and appropriate curation of archaeological materials excavated from protected sites.

**Sec. 2. 27 MRSA §373-A, sub-§7-A** is enacted to read:

**7-A. Protected site.** "Protected site" means a site that is:

A. On or under state-controlled land and is:

(1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted;

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission pursuant to Title 33, section 1551 and is:

(1) Listed in the National Register of Historic Places; and

(2) Posted; or

C. Subject to section 378.

**Sec. 3. 27 MRSA §373-A, sub-§8,** as amended by PL 1999, c. 748, §1, is further amended to read:

**8. Site.** "Site" means an area containing archaeological artifacts or materials or other evidence of habitation, occupation or other use by historic or prehistoric people, and which is either:

A. On or under state controlled land and is:

(1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted;

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission, pursuant to Title 33, section 1551 and is:

- (1) Listed in the National Register of Historic Places; and
- (2) Posted; or
- C. Subject to section 378.

**Sec. 4. 27 MRSA §374,** as amended by PL 1989, c. 700, Pt. A, §113, is further amended to read:

#### **§374. Legislative provisions**

**1. Purpose.** The people of this State benefit only when a protected site is systematically excavated, analyzed and interpreted by a qualified principal investigator.

**2. Permit procedure.** The procedure for obtaining a permit to excavate a protected site shall be is as follows.

A. Any person, agency or institution desiring to excavate a protected site shall must submit a written application.

B. Application for a permit shall must be in the form of a letter and research proposal directed to the Director of the Maine Historic Preservation Commission and shall be accompanied by a copy of the preservation agreement attested by the Register of Deeds and the written permission of the landowner to proceed with the excavation. The landowner may give permission to excavate in the preservation agreement.

C. The permit to excavate shall must be cosigned by the Director of the Maine Historic Preservation Commission and the Director of the State Museum, except for state-controlled lands where the permit also shall must be cosigned by the director of the agency with primary jurisdiction.

D. The application shall must state the nature and specific location of the artifacts, specimens and materials to be removed, the legal name and address of the person, agency or institution seeking authorization and the date or dates on which the artifacts, specimens or materials are to be removed.

E. Upon receipt of an application, the permittors may issue a written permit authorizing the excavation of the protected site for such term and upon such conditions as they deem consider reasonable and which that are consistent with subsection 3.

**3. Permit conditions.** The conditions which that may be imposed upon a permit are as follows.

A. In order to minimize damage to state-controlled lands and to artifacts, specimens or materials to be removed; and, in order to ensure the recording and preservation of significant data regarding those artifacts, specimens, materials or protected sites, the permit may set forth requirements or limitations regarding the methods and

equipment to be employed in the removal, the procedures to be followed in documenting the removal and the report or reports, if any, to be submitted to officials or agencies of the State upon completion of the removal activities.

B. The permittors may require that an authorized representative of the State be present to witness and document the removal of artifacts, specimens or materials from state-controlled land.

C. The permit shall must clearly indicate the type of artifacts, specimens or materials to be removed, the location of the protected site, the time of the proposed removal activity or excavation, the legal name and address of the permittee and any other limitations and requirements that may be imposed by the permittors.

D. On excavations authorized by the permit process, the principal investigator should normally possess the minimum qualifications of a graduate degree in anthropology, archaeology or a related field, accompanied by institutional facilities to ensure proper conservation and curation of the artifacts, materials and specimens or extensive experience and demonstrated ability.

**4. Permit revocation.** All permittors, or their authorized representatives, may revoke or suspend a permit if there is evidence to indicate that the permittee has violated or exceeded the limitations of his the permit, or if there is evidence to indicate that artifacts, materials or the protected site are being unnecessarily defaced, damaged or destroyed in the course of their removal. Any willful violation of the provisions or limitations of a permit is grounds for immediate revocation of the permit and shall must be construed as unauthorized excavation.

**5. Permit possession.** The permit shall must be retained in the personal possession of the permittee during the course of removal activities; and shall must be made available for inspection upon demand of any authorized representative of the State. Any person or persons engaged in excavation on a protected site who do not produce a valid permit upon demand of an authorized representative of the State, are presumptively engaged in unauthorized excavation.

**Sec. 5. 27 MRSA §375, sub-§1,** as enacted by PL 1981, c. 55, §7, is amended to read:

**1. Definition of unlawful excavation.** "Unlawful excavation" means unauthorized excavation at a protected site, unless:

A. A demonstrable emergency situation existed relating to the survival of the protected site; and

B. An excavation permit is immediately applied for in accordance with section 374.

**Sec. 6. 27 MRSA §376**, as amended by PL 1989, c. 700, Pt. A, §114, is further amended to read:

**§376. Antiquities recovered from protected sites**

**1. State-owned artifacts to remain in Maine.** No artifacts, objects, specimens or materials originating from a protected site on state-controlled land may be authorized to leave the State permanently without written permission of the permittees. They may be loaned for a term specified by the permittees for proper study or exhibit.

**2. Sale of artifacts.** Attempts to sell, offers of sale and sale of artifacts, objects or specimens, excavated after the effective date of this Act, whether excavated lawfully or unlawfully from a protected site, without the written permission of the permit grantors or the Director of the Maine Historic Preservation Commission and the Director of the State Museum, are punishable by a civil penalty not greater than twice the price for which artifacts, objects ~~or~~ or specimens are sold or offered for sale.

**3. Prosecution.** The Attorney General, upon receiving notification and evidence of violation of this section from the Director of the Maine Historic Preservation Commission, is authorized to file a complaint against the person named in the District Court of the district in which the person resides, or in the district in which the violation occurred.

**4. Artifact ownership.** Artifacts, objects, materials and specimens recovered from protected sites on state-controlled land are the property of the State Museum. Artifacts, objects, specimens or materials originating from a site on other than state-controlled land are the property of the landowner and ~~shall~~ must be deposited with a suitable repository as designated by the landowner in the preservation agreement, or the permit.

**Sec. 7. 27 MRSA §377**, as amended by PL 1995, c. 502, Pt. E, §30 and PL 2011, c. 657, Pt. W, §7, is further amended to read:

**§377. Protection of site location information**

In order to protect the site ~~or protected site~~ from unlawful excavation or harm, any information ~~on~~ in the possession of the Maine Historic Preservation Commission, the State Museum, the Division of Parks and Public Lands, other state agencies or the University of Maine System about the location or other attributes of any site in the possession of the Maine Historic Preservation Commission, the State Museum, the Division of Parks and Public Lands, other state agencies or the University of Maine System or protected site may be deemed designated by the Maine Historic Preservation Commission or State Museum to be as confidential and exempt from Title 1, chapter 13. Such data shall must be made available for the purpose of archaeological research. The directors of the Maine

Historic Preservation Commission and the State Museum shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality. The directors of the Maine Historic Preservation Commission and the State Museum shall establish procedures for reviewing no less frequently than once every 10 years information designated as confidential under this section in order to determine whether continued confidentiality is necessary and, if not, to remove the confidentiality designation.

**Sec. 8. 27 MRSA §378**, as amended by PL 1999, c. 748, §3, is further amended to read:

**§378. Emergency designation as protected site**

In the case of an area containing archaeological materials or artifacts that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate the area as a protected site that is subject to this chapter for a period not to exceed 10 years. The director and the landowner shall specify in writing the area that is subject to this chapter. All sites given emergency designation under this section must be posted against unauthorized excavation.

See title page for effective date.

## CHAPTER 90

### H.P. 296 - L.D. 424

#### An Act To Amend the Short Form Deeds Act

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

**Sec. 1. 33 MRSA §772, sub-§1**, as enacted by PL 1999, c. 69, §1, is amended to read:

**1. Words of inheritance; habendum.** In a conveyance or reservation of real estate, the terms "heirs," "successors," "assigns," "forever" or other technical words of inheritance, or an habendum clause, are not necessary to convey or reserve an estate in fee. A conveyance or reservation of real estate, whether made before or after the effective date of this section, must be construed to convey or reserve an estate in fee simple, unless a different intention is clearly appears expressed in the deed instrument by a statement that the interest conveyed or reserved is an interest other than an estate in fee, by a limiting of the duration of the interest to a period less than perpetual duration or by an explicit restriction of the interest to the use and benefit only of the person or persons to whom it is conveyed or reserved. The omission of technical words of inheritance may not be construed to evidence

an intention to convey or reserve an interest other than an estate in fee simple, even if such words are used elsewhere in the same instrument.

See title page for effective date.

## CHAPTER 91 H.P. 56 - L.D. 64

### An Act To Place Land in Centerville in Trust for the Passamaquoddy Tribe

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

**Sec. 1. 30 MRSA §6205, sub-§1, ¶D-1,** as corrected by RR 2007, c. 1, §15, is amended to read:

D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the land is acquired by the secretary prior to January 31, 2017, is not held in common with any other person or entity and is certified by the secretary by January 31, 2017 as held for the benefit of the Passamaquoddy Tribe; and

**Sec. 2. 30 MRSA §6205, sub-§1, ¶D-2** is enacted to read:

D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in Book 1178, Page 35, to the extent that the land is acquired by the secretary prior to January 31, 2023, is not held in common with any other person or entity and is certified by the secretary by January 31, 2023 as held for the benefit of the Passamaquoddy Tribe; and

**Sec. 3. Effective date; certification.** This Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes, except that in

no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

## CHAPTER 92 H.P. 343 - L.D. 524

### An Act To Change the Quorum Requirement for Meetings of the Land for Maine's Future Board

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

**Sec. 1. 5 MRSA §6205, sub-§4,** as amended by PL 1993, c. 728, §7, is further amended to read:

**4. Quorum.** A quorum of the board for the transaction of business is 7 5 members.

See title page for effective date.

## CHAPTER 93 H.P. 489 - L.D. 717

### An Act To Provide Free Fishing Licenses to Certain Children in the Custody of the Department of Health and Human Services

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

**Sec. 1. 12 MRSA §10853, sub-§16** is enacted to read:

**16. Resident 16 or 17 years of age in custody of the Department of Health and Human Services.** A complimentary license to fish may be issued to any resident 16 or 17 years of age who is in the custody of the Department of Health and Human Services under Title 19-A, chapter 55 and Title 22, chapter 1071, upon application to the commissioner. This complimentary license remains valid for the duration of the Department of Health and Human Services' custody of the resident, if the license is not revoked or suspended.

See title page for effective date.

**CHAPTER 94**  
**H.P. 445 - L.D. 653**

**An Act To Remove an  
 Unnecessary Provision in the  
 Maine Insurance Code**

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

**Sec. 1.** 24-A MRSA §5002-B, sub-§2-A, as amended by PL 2005, c. 401, Pt. C, §7, is repealed.

See title page for effective date.

**CHAPTER 95**  
**H.P. 205 - L.D. 296**

**An Act To Equalize the Fire  
 Investigation and Prevention  
 Tax Paid by Insurers**

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

**Sec. 1.** 25 MRSA §2399, 2nd ¶, as amended by PL 1997, c. 728, §22, is further amended to read:

Every fire insurance company or association that does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, 1.4% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. The Department of Professional and Financial Regulation, Bureau of Insurance shall determine every 5 years the basis percentage of fire risk allocated to each line of insurance, and every fire insurance company or association shall pay the 1.4% tax based on that basis allocation. That tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section must be paid on an estimated basis at the end of each month starting July 31, 1998, with each installment equal to at least 1/12 of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. Of these funds 75.7% must be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws and rules and in educating the public in fire safety and is appropriated for those purposes and to carry out the administration and duties of the Office of the State Fire Marshal. Of these funds 24.3% must be used to defray the expenses

of the fire training and education program as established in Title 20-A, chapter 319.

See title page for effective date.

**CHAPTER 96**  
**H.P. 614 - L.D. 887**

**An Act To Repeal a Specialized  
 Form of the Generic Crime of  
 Theft by Unauthorized Taking  
 or Transfer**

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

**Sec. 1.** 8 MRSA §1055, as enacted by PL 2011, c. 585, §13, is repealed.

**Sec. 2.** 17-A MRSA §353-A, as enacted by PL 2011, c. 585, §14, is repealed.

See title page for effective date.

**CHAPTER 97**  
**H.P. 61 - L.D. 78**

**An Act To Expand  
 Transitional Assistance for  
 Families**

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

**Sec. 1.** 22 MRSA §3762, sub-§8, ¶B, as amended by PL 2009, c. 291, §6, is further amended to read:

B. The department shall provide limited transitional transportation benefits to meet employment-related costs to ASPIRE-TANF program participants who lose eligibility for TANF assistance due to employment. The department may also make transitional transportation benefits available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. Benefits may be provided for up to 12 months following loss of TANF eligibility. The department may adopt rules that impose a weekly limit on available transitional transportation benefits and that require a contribution from each participant toward the cost of transportation.

**Sec. 2. Rules on transitional transportation assistance.** The Department of Health and Human Services shall amend the rules on transitional transportation assistance for families who lose eligibility for benefits under the Temporary Assistance for

Needy Families program due to increased employment income. The amended rules must allow those families up to one year after termination from TANF assistance to apply for transitional transportation assistance. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 98 H.P. 123 - L.D. 148

### An Act To Amend the Laws Governing Pharmacy Interns

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

**Sec. 1. 32 MRSA §13834, sub-§1,** as amended by PL 2011, c. 577, §7, is further amended to read:

**1. Delegate authority.** A pharmacist may not delegate the pharmacist's authority to administer drugs or vaccines; except that a pharmacist licensed under this chapter who has obtained a certificate of administration pursuant to section 13832 may delegate the authority to administer drugs and vaccines to a pharmacy intern who is under that pharmacist's direct supervision and who has obtained drug administration training pursuant to section 13832, subsection 3. A pharmacy intern may administer drugs and vaccines only to a person 18 years of age or older.

See title page for effective date.

## CHAPTER 99 H.P. 41 - L.D. 46

### An Act To Protect Maine Business Names

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

**Sec. 1. 13-B MRSA §302-A, sub-§1,** as enacted by PL 2003, c. 344, Pt. B, §11, is amended to read:

**1. Reserve use of name.** A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by executing and delivering for filing as provided in section 106 an application to the Secretary of State. The application must be executed by a duly authorized person and must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

**Sec. 2. 13-C MRSA §402, sub-§1,** as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

**1. Reserve use of name.** A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

**Sec. 3. 31 MRSA §804-A, sub-§1,** as enacted by PL 2003, c. 344, Pt. C, §37, is amended to read:

**1. Reserve use of name.** A person may reserve the exclusive use of a limited liability partnership name, including an assumed or fictitious name, by executing and delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability partnership name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

**Sec. 4. 31 MRSA §1309, sub-§1, ¶B,** as enacted by PL 2005, c. 543, Pt. C, §2, is amended to read:

B. If the Secretary of State finds that the limited partnership name applied for is distinguishable on the records of the Secretary of State pursuant to section 1308, the Secretary of State shall reserve the name for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

**Sec. 5. 31 MRSA §1509, sub-§1,** as enacted by PL 2009, c. 629, Pt. A, §2 and affected by §3, is amended to read:

**1. Reserve use of name.** A person may reserve the exclusive use of a limited liability company name, including an assumed or fictitious name, by executing

and delivering for filing an application to the office of the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability company name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a nonrenewable period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

**Sec. 6. Protection of business names.** The Secretary of State shall develop options for the filing and protection of business names. The development process must include at least the following: analysis of similar programs in other jurisdictions, consideration of statewide registration for different entities, the consequences of including sole proprietorships and general partnerships, the relation to the registration of marks and the costs and appropriate fees. The Secretary of State shall submit a report on the options developed under this section to the Joint Standing Committee on Judiciary no later than February 15, 2014. The Joint Standing Committee on Judiciary may introduce a bill to the Second Regular Session of the 126th Legislature in response to the report submitted by the Secretary of State under this section.

See title page for effective date.

## CHAPTER 100

### H.P. 642 - L.D. 918

#### An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards

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

**Sec. 1. 29-A MRSA §1912, sub-§6,** as repealed and replaced by PL 2011, c. 158, §1, is amended to read:

**6. Defense for noise violations by motor vehicles.** The following are defenses to a violation of subsection 1 or 3.

A. If a muffler or exhaust system of a motor vehicle as defined in section 101, subsection 42, not including a motorcycle, does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998, subsections 1 and 3 do not apply. A person served with a Violation

Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. Measurements must be made by a participating certified inspection station.

~~B. Subsections 1 and 3 do not apply to a muffler or exhaust system of a motorcycle that does not emit noise, as measured in accordance with standards and specifications outlined in standard J-2825 adopted by the Society of Automotive Engineers in May 2009, in excess of 92 decibels at an idle and emits noise that does not measure:~~

- ~~(1) More than 96 decibels using the set RPM test or swept RPM test for an engine configuration other than a 3 cylinder or 4 cylinder engine configuration; or~~
- ~~(2) More than 100 decibels using the set RPM test or swept RPM test for a 3 cylinder or 4 cylinder engine configuration.~~

~~A person served with a Violation Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not exceed decibel levels as described in this paragraph. Measurements must be made by a participating certified inspection station.~~

See title page for effective date.

## CHAPTER 101

### H.P. 375 - L.D. 556

#### An Act To Modernize the Statutes Governing Physician Assistants

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

**Sec. 1. 32 MRSA §2561,** as amended by PL 1997, c. 50, §1, is further amended to read:

#### §2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of 9 10 members appointed by the Governor. ~~These members~~ Members must be residents of this State. Six ~~of these~~ members must be graduates of a school or college of osteopathic medicine approved by the American Osteopathic Association and must be, at the time of appointment, actively engaged in the practice of the pro-

fession of osteopathic medicine in the State for a period of at least 5 years, and 3 of these. One member must be a physician assistant licensed under this chapter who has been actively engaged in that member's profession in this State for at least 5 years preceding appointment to the board. Three members must be public members. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. A full term of appointment is for 5 years. Appointment of members must comply with section 60. A member of the board may be removed from office for cause by the Governor.

**Sec. 2. 32 MRSA §2594-B, sub-§3,** as enacted by PL 1993, c. 600, Pt. A, §185, is repealed.

**Sec. 3. 32 MRSA §2594-B, sub-§4** is enacted to read:

**4. Delegation by physician assistant.** A physician assistant may delegate medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervisory physician.

**Sec. 4. 32 MRSA §2594-C, sub-§1,** as amended by PL 1993, c. 600, Pt. A, §186, is further amended to read:

**1. Rules authorized.** The board may adopt rules, which must be adopted jointly with the Board of Licensure in Medicine, dealing with osteopathic physician assistants as are necessary to carry out sections 2594-A to 2594-D. The rules must provide for the issuance of a single license regardless of the number of practice sites or supervisory physicians.

**Sec. 5. 32 MRSA §3263, first ¶,** as amended by PL 2007, c. 695, Pt. B, §11, is further amended to read:

The Board of Licensure in Medicine, as established by Title 5, section 12004-A, subsection 24, and in this chapter called the "board," consists of 9 10 individuals who are residents of this State, appointed by the Governor. Three individuals must be representatives of the public. Six individuals must be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and must have been actively engaged in the practice of their profession in this State for a continuous period of 5 years preceding their appointments to the board. One individual must be a physician assistant licensed under this chapter who has been actively engaged in the practice of that individual's profession in this State for a continuous period of 5 years preceding appointment to the board. A full-term appointment is for 6 years. Appointment of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor.

**Sec. 6. 32 MRSA §3270-B, first ¶,** as amended by PL 1997, c. 271, §8, is further amended to read:

A physician assistant is not permitted to practice until the physician assistant has applied for and obtained a license issued by the Board of Licensure in Medicine, which must be renewed biennially, and a certificate of registration. All applications for certificate of registration must be accompanied by an application by the proposed supervisory physician that must contain a statement that that physician is responsible for all medical activities of the physician assistant. A physician assistant may delegate medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervisory physician. The Board of Licensure in Medicine is authorized to adopt rules regarding the training and licensure of physician assistants and the agency relationship between the physician assistant and the supervising physician. Those rules, which must be adopted jointly with the Board of Osteopathic Licensure, may pertain, but are not limited, to the following matters:

**Sec. 7. 32 MRSA §3270-B, sub-§6,** as amended by PL 1993, c. 600, Pt. A, §206, is further amended to read:

**6. Advisory committee appointment.** Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member of the board must be a member of the advisory committee;

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

#### PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

##### Licensure in Medicine - Board of 0376

Initiative: Allocates funds for the per diem and All Other costs associated with adding an additional member to the Board of Licensure in Medicine and with rulemaking.

	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS		
Personal Services	\$2,700	\$3,600
All Other	\$4,225	\$2,300
OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/>	<hr/>
	\$6,925	\$5,900

##### Osteopathic Licensure - Board of 0383

Initiative: Allocates funds for the per diem and All Other costs associated with adding an additional member to the Board of Osteopathic Licensure and with rulemaking.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$495	\$660
All Other	\$4,663	\$2,884
OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,158	\$3,544
 <b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
OTHER SPECIAL REVENUE FUNDS	\$12,083	\$9,444
DEPARTMENT TOTAL - ALL FUNDS	\$12,083	\$9,444

See title page for effective date.

## CHAPTER 102 H.P. 30 - L.D. 35

### An Act To Amend the Law Concerning the Membership of the Maine Economic Growth Council

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

**Sec. 1. 10 MRSA §929-A, sub-§2,** as amended by PL 2007, c. 420, §5, is further amended to read:

**2. Membership.** The council consists of 19 members. The Governor, President of the Senate and Speaker of the House of Representatives shall jointly appoint the following 18 members, 2 of whom shall serve as cochairs of the council:

A. Thirteen members having a broad range of expertise in areas including but not limited to: labor, environment, business and education;

B. Four members of the Legislature Two members of the Senate with a demonstrated interest in economic development, one of whom belongs to the political party holding the largest number of seats in the Senate and one of whom belongs to

the political party holding the 2nd largest number of seats in the Senate; and

B-1. Two members of the House of Representatives with a demonstrated interest in economic development, one of whom belongs to the political party holding the largest number of seats in the House of Representatives and one of whom belongs to the political party holding the 2nd largest number of seats in the House of Representatives; and

C. One member from the Maine Innovation Economy Advisory Board under section 949.

The Commissioner of Economic and Community Development or the commissioner's designee is a member of the council.

**Sec. 2. 10 MRSA §929-A, sub-§3,** as repealed and replaced by PL 1997, c. 425, §1, is repealed and the following enacted in its place:

**3. Appointments; terms.** This subsection governs the appointment and terms of members.

A. A member appointed pursuant to subsection 2, paragraph A or C serves a 3-year term and serves until a successor is appointed.

B. A member appointed pursuant to subsection 2, paragraph B or B-1 must be appointed no later than March 15th of the first year of the legislative biennium in which appointment is made and serves a 2-year term that begins on March 15th of the first year of the legislative biennium in which appointment is made, regardless of whether by the end of the term the member remains a Senator or a member of the House of Representatives.

**Sec. 3. Effective date.** This Act takes effect January 1, 2015.

Effective January 1, 2015.

## CHAPTER 103 H.P. 573 - L.D. 822

### An Act To Establish Invite Your Maine Legislator to School Month

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

**Sec. 1. 1 MRSA §150-J** is enacted to read:  
**§150-J. Invite Your Maine Legislator to School Month**

January is designated Invite Your Maine Legislator to School Month, and the Governor shall annually issue a proclamation inviting and urging teachers, school administrators and Legislators to observe this

month through appropriate activities, including inviting Legislators to visit school classrooms to meet with teachers, school administrators and students in order to promote increased knowledge among Legislators of the prekindergarten to grade 12 public education programs provided to students in their legislative districts.

Within available resources, the Department of Education shall make appropriate information available to teachers, school administrators and students through the department's publicly accessible website.

**Sec. 2. Partnership with education stakeholders.** The Department of Education may partner with education stakeholder groups, including, but not limited to, Educate Maine and the Maine Development Foundation, to provide appropriate information that encourages teachers, school administrators and students to participate in the Invite Your Maine Legislator to School Month established in accordance with the Maine Revised Statutes, Title 1, section 150-J.

See title page for effective date.

## CHAPTER 104 H.P. 192 - L.D. 231

### An Act To Support the Permanent Commission on the Status of Women

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

**Whereas**, the Permanent Commission on the Status of Women is in need of funding to print and distribute its required biennial report to the Governor and the Legislature in a timely manner; 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 §7030-C**, as enacted by PL 2009, c. 191, §1, is amended to read:

#### §7030-C. Chair

The Governor shall select from among the members of the commission a chair and a vice-chair, both of whom shall serve for one year. These selections must be made each year prior to the first meeting of the commission. The chair is authorized to appoint subcommittees.

**Sec. 2. 5 MRSA §7030-D**, as enacted by PL 2009, c. 191, §1, is amended by adding at the end a new paragraph to read:

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of the Secretary of State to support the work of the commission.

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

### SECRETARY OF STATE, DEPARTMENT OF Bureau of Administrative Services and Corporations 0692

Initiative: Creates the Permanent Commission on the Status of Women account with a base allocation.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective May 20, 2013.

## CHAPTER 105 H.P. 286 - L.D. 411

### An Act To Amend the Health Care Practitioner Licensing, Disciplinary and Reporting Laws Regarding Alcohol and Drug Abuse

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

**Sec. 1. 24 MRSA §2504**, as enacted by PL 1977, c. 492, §3, is amended to read:

#### §2504. Professional societies

Every state professional society shall establish a professional competence committee of its members pursuant to written bylaws approved by the society's governing board. The committee shall receive, investigate and determine the accuracy of any report made to

the society of any member physician's acts amounting to gross or repeated medical malpractice, habitual drunkenness, addiction to the use of drugs misuse of alcohol, drugs or other substances that may result in the member physician's performing services in a manner that endangers the health or safety of patients or professional incompetence.

**Sec. 2. 32 MRSA §2505, first ¶,** as amended by PL 2007, c. 380, §1, is further amended to read:

Any professional competence committee within this State and any physician licensed to practice or otherwise lawfully practicing within this State shall, and any other person may, report the relevant facts to the appropriate board relating to the acts of any physician in this State if, in the opinion of the committee, physician or other person, the committee or individual has reasonable knowledge of acts of the physician amounting to gross or repeated medical malpractice, habitual drunkenness, addiction to the use of drugs misuse of alcohol, drugs or other substances that may result in the physician's performing services in a manner that endangers the health or safety of patients, professional incompetence, unprofessional conduct or sexual misconduct identified by board rule. The failure of any such professional competence committee or any such physician to report as required is a civil violation for which a fine of not more than \$1,000 may be adjudged.

**Sec. 3. 32 MRSA §2505, 2nd ¶,** as amended by PL 1997, c. 107, §3, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician, dentist or committee is not responsible for reporting misuse of alcohol or drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs or other substances discovered by the physician, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol or drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol or drugs or other substances, as long as that information is reported to the professional review committee. Nothing in this section may prohibit an impaired physician or dentist from seeking alternative forms of treatment.

**Sec. 4. 32 MRSA §1077, sub-§2, ¶B,** as amended by PL 1993, c. 600, Pt. A, §62, is further amended to read:

B. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 5. 32 MRSA §2105-A, sub-§2, ¶B,** as amended by PL 1993, c. 600, Pt. A, §116, is further amended to read:

B. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 6. 32 MRSA §2591-A, sub-§2, ¶B,** as amended by PL 1993, c. 600, Pt. A, §181, is further amended to read:

B. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the licensee performing services in a manner that endangers the health or safety of the licensee's patients;

**Sec. 7. 32 MRSA §3282-A, sub-§2, ¶B,** as amended by PL 1993, c. 600, Pt. A, §218, is further amended to read:

B. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the licensee performing services in a manner that endangers the health or safety of patients;

**Sec. 8. 32 MRSA §3656, sub-§1,** as enacted by PL 2007, c. 402, Pt. P, §14, is amended to read:

1. Misuse of alcohol, drugs or other substances. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the applicant or licensee performing services in a manner that endangers the health or safety of the licensee's patients;

**Sec. 9. 32 MRSA §13742-A, sub-§1, ¶A,** as enacted by PL 2007, c. 402, Pt. DD, §19, is amended to read:

A. Habitual substance abuse Misuse of alcohol, drugs or other substances that has resulted or is foreseeably likely to may result in the applicant or licensee performing duties in a manner that endangers the health or safety of patients;

See title page for effective date.

## CHAPTER 106

H.P. 460 - L.D. 668

### An Act To Encourage the Teaching of Agricultural Studies in Schools

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

**Sec. 1. 20-A MRSA §4710-A** is enacted to read:

**84710-A. Agricultural studies**

**1. Agricultural studies.** Agricultural studies may be taught in and infused or integrated into the curriculum of public and private elementary and secondary schools. Agricultural studies may address, but need not be limited to:

- A. The importance of agriculture in the State's history and development;
- B. The connections between the farm and daily life;
- C. The economics of agriculture and its importance to the State's economy;
- D. The importance of knowing where food comes from and the ecology of growing food; and
- E. The importance of eating healthy food and its role in combating childhood obesity.

A school offering agricultural studies may make use of resources and materials developed and provided by the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council in accordance with Title 7, chapter 8-D.

**Sec. 2. Agricultural studies instruction.** To the extent existing resources allow, the Commissioner of Education, in consultation with the Commissioner of Agriculture, Conservation and Forestry and the Maine Agriculture in the Classroom Council described in the Maine Revised Statutes, Title 7, section 242, shall seek to ensure that schools and teachers in this State are aware of the agricultural education materials, resources and training available pursuant to Title 7, chapter 8-D and shall encourage their use in agricultural studies in schools.

See title page for effective date.

**CHAPTER 107**  
**H.P. 446 - L.D. 654**

**An Act Regarding the  
Maximum Rate of Speed on the  
Interstate Highway System**

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

**Sec. 1. 29-A MRSA §2073, sub-§1, ¶C,** as amended by PL 2011, c. 415, §2, is further amended to read:

- C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, ~~65 75 miles per hour or 75 miles per hour on the Interstate Highway System from the City of Old Town to the Town of Houlton.~~

The commissioner may not set maximums for the Maine Turnpike.

**Sec. 2. 29-A MRSA §2074, sub-§3-A,** as amended by PL 2011, c. 415, §3, is further amended to read:

**3-A. Minimum fine.** A person who operates a motor vehicle on the Maine Turnpike or the Interstate Highway System at a speed that exceeds the posted speed of ~~65 miles per hour or of 75 miles per hour on the Interstate Highway System from the City of Old Town to the Town of Houlton~~ by less than 30 miles per hour commits a traffic infraction punishable by a fine of not less than \$50.

See title page for effective date.

**CHAPTER 108**  
**S.P. 39 - L.D. 88**

**An Act To Update the Maine  
HIV Advisory Committee**

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

**Sec. 1. 5 MRSA §19202, sub-§1-B, ¶D,** as enacted by PL 2009, c. 203, §2 and affected by §8, is amended to read:

D. Prepare and present, in person, an annual report on the status of HIV in the State to the Office of the Governor and the joint standing committee of the Legislature having jurisdiction over health and human services matters by ~~January 31st~~ ~~March 1st~~ of each year.

**Sec. 2. 5 MRSA §19202, sub-§2-B, ¶B,** as enacted by PL 2009, c. 203, §4 and affected by §8, is repealed and the following enacted in its place:

B. The committee shall identify 12 additional voting representatives for membership as described in this paragraph, with broad input from persons with HIV or at risk for HIV infection or from organizations with extensive participation of persons with HIV, organizations interested in and working on HIV and AIDS prevention and health, other community-based organizations providing HIV and AIDS services, rural health centers and the public:

- (1) Four persons living with HIV/AIDS;

- (2) Two representatives of populations most affected by HIV/AIDS in the State;
- (3) Two providers of HIV-related prevention or social services;
- (4) Two representatives of the public health community who have experience in the prevention of and the care and treatment of persons with HIV or infectious diseases; and
- (5) Two persons chosen by the committee because of the positive impact the persons' expertise or experience will have on the work of the committee.

See title page for effective date.

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## CHAPTER 109

### H.P. 479 - L.D. 687

#### An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets

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

**Sec. 1.** 19-A MRSA §4006, sub-§5-A is enacted to read:

**5-A. Interim relief; care, custody or control of animals.** The court may make an order concerning the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household and may enjoin the defendant from injuring or threatening to injure any such animal.

**Sec. 2.** 19-A MRSA §4007, sub-§1, ¶E-1 is enacted to read:

E-1. Directing the defendant to refrain from injuring or threatening to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

See title page for effective date.

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## CHAPTER 110

### H.P. 536 - L.D. 785

#### An Act To Ensure the Periodic Review and Revision of Statutory Provisions

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

**Sec. 1.** 1 MRSA c. 33 is enacted to read:

## CHAPTER 33

### PERIODIC REVIEW AND REVISION OF STATUTORY PROVISIONS

#### §2701. Definitions

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

**1. Agency.** "Agency" has the same meaning as in Title 3, section 953, subsection 1.

**2. Committee of jurisdiction.** "Committee of jurisdiction" has the same meaning as in Title 3, section 953, subsection 2.

**3. Independent agency.** "Independent agency" has the same meaning as in Title 3, section 953, subsection 3.

**4. Program evaluation report.** "Program evaluation report" means the report submitted to the Legislature by an agency or an independent agency in accordance with Title 3, section 956.

#### §2702. Report to committee

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis, referred to in this section as "the offices," shall review each program evaluation report submitted to the Legislature under Title 3, chapter 35, and any legislation recommended by a committee of jurisdiction as a result of the committee's review, analysis and evaluation of the program evaluation report. The offices shall identify those statutory provisions that are:

**1. Identified for review.** Identified, pursuant to Title 3, section 956, subsection 2, paragraph O, in a program evaluation report as potentially requiring legislative review regarding the necessity of amendment to align the statute with federal law, other state law or judicial decisions; and

**2. Not addressed in legislation.** Not addressed in legislation recommended by a committee of jurisdiction as a result of the committee's review, analysis and evaluation of the program evaluation report.

No later than November 1st prior to each first regular session of the Legislature, the offices shall develop a report that lists the provisions identified under this section and shall submit the report to each joint standing committee of the Legislature having jurisdiction over any of the statutory provisions identified under this section and to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

#### §2703. Committee authority

During the first regular session of the Legislature following submission of a report pursuant to section 2702, each joint standing committee of the Legislature

that receives a report pursuant to section 2702 shall review the report and shall make recommendations to the joint standing committee having jurisdiction over judiciary matters. The joint standing committee having jurisdiction over judiciary matters shall review the report, and may report out a bill to the first or second regular session of the Legislature to make statutory changes the committee determines necessary to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

**Sec. 2. 3 MRSA §956, sub-§2, ¶M,** as amended by PL 2001, c. 495, §2, is further amended to read:

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and

**Sec. 3. 3 MRSA §956, sub-§2, ¶N,** as enacted by PL 2001, c. 495, §3, is amended to read:

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

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

**Sec. 4. 3 MRSA §956, sub-§2, ¶O** is enacted to read:

O. Identification of provisions contained in the agency's or independent agency's enabling or authorizing statutes that may require legislative review to determine the necessity of amendment to align the statutes with federal law, other state law or decisions of the United States Supreme Court or the Supreme Judicial Court.

See title page for effective date.

## CHAPTER 111 S.P. 245 - L.D. 696

### An Act To Include Raising Equines in the Definition of Agriculture for the Purpose of the Maine Workers' Compensation Act of 1992

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

**Sec. 1. 39-A MRSA §102, sub-§2,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Agriculture.** "Agriculture" means the operation of farm premises, including:

- A. The planting, cultivating, producing, growing and harvesting of agricultural or horticultural commodities on those premises;
- B. The raising of livestock and poultry on those premises; or
- C. Any work performed as an incident to or in conjunction with these farm operations, including the packing, drying and storing of these commodities for market, if these operations:

- (1) Are incident to or in conjunction with growing and harvesting farm operations of the same employer; and
- (2) Are not provided as a service for other farm operations or employers; or

**D. Equine activity,** as defined in Title 7, section 4101, subsection 5.

**Sec. 2. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all cases currently pending before the Workers' Compensation Board on the effective date of this Act.

See title page for effective date.

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## CHAPTER 112 S.P. 320 - L.D. 943

### An Act To Amend Provisions of the Law Pertaining to Motor Vehicles

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

**Sec. 1. 25 MRSA §2106-A,** as amended by PL 1983, c. 862, §73, is repealed and the following enacted in its place:

**§2106-A. Penalties**

A person who violates this chapter or a rule adopted pursuant to this chapter commits a Class D crime, except that if the violation is discovered during a routine compliance review as defined in 49 Code of Federal Regulations, Part 385.3, the violation is a civil violation.

A civil violation under this section is subject to a fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program.

**Sec. 2. 29-A MRSA §101, sub-§42,** as amended by PL 2005, c. 577, §5, is further amended to read:

**42. Motor vehicle.** "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks, but does not include:

- A. A snowmobile as defined in Title 12, section 13001;
- B. An all-terrain vehicle as defined in Title 12, section 13001, unless the all-terrain vehicle is permitted in accordance with section 501, subsection 8 or is operated on a way and section 2080 applies; and
- C. A motorized wheelchair or an electric personal assistive mobility device.

**Sec. 3. 29-A MRSA §101, sub-§80,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 4. 29-A MRSA §101, sub-§86,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**86. Trailer.** "Trailer" means a vehicle without motive power, designed to carry persons or property and to be drawn by a motor vehicle, not operated on railroad tracks, and so constructed that no part of its weight rests upon the towing vehicle. "Trailer" does not include tow dollies.

**Sec. 5. 29-A MRSA §101, sub-§91,** as amended by PL 2003, c. 414, Pt. B, §44 and affected by c. 614, §9, is further amended to read:

**91. Vehicle.** "Vehicle" means a device for conveyance of persons or property on a way. "Vehicle" does not include conveyances propelled or drawn by human power or used exclusively on railroad tracks or snowmobiles as defined in Title 12, section 13001 or an electric personal assistive mobility device as defined in this section.

**Sec. 6. 29-A MRSA §351, sub-§1, ¶A,** as amended by PL 2001, c. 671, §3, is further amended to read:

A. A traffic infraction for which a forfeiture fine of not more than \$50 may be adjudged if the vehicle was registered and the registration has been expired for more than 30 days but less than 150 days; or

**Sec. 7. 29-A MRSA §351, sub-§6** is enacted to read:

**6. Improper registration.** A traffic infraction for which a fine of not less than \$200 nor more than \$1,000 may be adjudged if the vehicle is not properly registered. For purposes of this subsection, "not properly registered" means the vehicle is either registered in a manner that is not reflective of its current actual use or as a type of vehicle that it is not as a matter of law, including, but not limited to, a motor vehicle registered as an antique auto when the vehicle is not an antique auto as defined in section 101, subsection 3.

**Sec. 8. 29-A MRSA §2077,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§2077. Working on ways**

Sections 2051, 2053, 2055, 2056, 2066, 2068 and 2076 do not apply to a person, team, motor vehicle and other equipment actually engaged in work on the surface of a public way, but does do apply to such a person and vehicle when traveling to or from such work.

**Sec. 9. 29-A MRSA §2601, sub-§3-A** is enacted to read:

**3-A. Electronic Violation Summons and Complaint.** Notwithstanding subsection 3, the Chief Judge of the District Court may approve for use an electronic Violation Summons and Complaint form. The electronic Violation Summons and Complaint form must include, at a minimum, an electronic or digital signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau.

See title page for effective date.

**CHAPTER 113****S.P. 309 - L.D. 884****An Act To Improve Death Investigations**

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

**Sec. 1. 22 MRSA §3023, first ¶,** as amended by PL 2001, c. 222, §2, is further amended to read:

The Chief Medical Examiner shall appoint medical examiners, who have statewide jurisdiction and serve at the pleasure of the Chief Medical Examiner,

subject to the Chief Medical Examiner's control and the rules adopted by the Chief Medical Examiner. The medical examiners must be learned in the science of medicine and anatomy, licensed as physicians in this State and bona fide residents of this State. Each medical examiner before entering upon the duties of the office must be duly sworn to the faithful performance of the medical examiner's duty.

**Sec. 2. 22 MRSA §3023-A** is enacted to read:

**§3023-A. Medicolegal death investigators; appointment; jurisdiction**

The Chief Medical Examiner may appoint persons who are not physicians as medicolegal death investigators, who have statewide jurisdiction and serve at the pleasure of the Chief Medical Examiner, subject to the Chief Medical Examiner's control and rules adopted by the Chief Medical Examiner. Medicolegal death investigators must meet the certification and training requirements established by the Chief Medical Examiner and must be residents of this State. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner. A medicolegal death investigator before entering upon the duties of the office must be duly sworn to the faithful performance of the medicolegal death investigator's duty.

**Sec. 3. 22 MRSA §3024, first, 3rd and last ¶¶**, as amended by PL 2001, c. 222, §3, are further amended to read:

The salary of the Chief Medical Examiner of the State must be set by the Governor. Other nonsalaried medical examiners and nonsalaried medicolegal death investigators, upon the submission of their completed report to the Chief Medical Examiner, must be paid a fee of up to \$70 for an inspection and view and are entitled to receive travel expenses to be calculated at the mileage rate currently paid to state employees pursuant to Title 5, section 8. An additional fee of \$50 may be authorized by the Chief Medical Examiner for payment to other nonsalaried medical examiners and nonsalaried medicolegal death investigators for visits to death scenes other than hospitals.

The Chief Medical Examiner may, in an unusual circumstance as determined by the Chief Medical Examiner, prescribe a special fee for the service of a medical examiner or medicolegal death investigator or for any consultant service the Chief Medical Examiner determines necessary.

If the Chief Medical Examiner or employees of that office provide expert opinion or testimony relating to Maine medical examiner cases on behalf of private litigants, the Chief Medical Examiner may set a reasonable fee for these services, preparation leading to them and expenses incurred in providing them. All fees, charges or other receipts must be credited to the

General Fund. Medical examiners, medicolegal death investigators and consultants who serve the State on a fee per case basis are excluded from this paragraph and may make private arrangements for these services.

**Sec. 4. 22 MRSA §3028, sub-§1**, as amended by PL 2001, c. 291, §1, is further amended to read:

**1. Authority to conduct investigation.** The medical examiner or the person expressly authorized by the Chief Medical Examiner medicolegal death investigator has authority to conduct an investigation and inquiry into the cause, manner and circumstances of death in a medical examiner case. The medical examiner or authorized person medicolegal death investigator shall, if it is determined necessary, immediately proceed to the scene and, subject to the authority of the Attorney General, assume custody of the body for the purposes of the investigation, and shall retain custody until the investigation has been completed or until the Chief Medical Examiner has assumed charge of the case.

**Sec. 5. 22 MRSA §3028, sub-§2**, as amended by PL 2001, c. 291, §2, is further amended to read:

**2. Investigation by law enforcement officer.** When death is not suspected to be the result of physical injury attributable to criminal conduct, the medical examiner may elect not to proceed to the scene, or the Chief Medical Examiner may elect not to dispatch a medical examiner or the person expressly authorized by the Chief Medical Examiner under subsection 1 medicolegal death investigator to the scene. If the medical examiner elects not to proceed to the scene, or the Chief Medical Examiner elects not to dispatch a medical examiner or authorized person medicolegal death investigator to the scene, the law enforcement officer in charge of the scene shall:

A. Investigate, take photographs and take possession of useful objects as directed by the medical examiner, authorized person medicolegal death investigator or the Office of Chief Medical Examiner pursuant to subsection 4;

C. Remove the body in accordance with the instructions of the medical examiner, authorized person medicolegal death investigator or the Office of Chief Medical Examiner; and

D. Make a report of the investigation available to the medical examiner, authorized person medicolegal death investigator or the Office of Chief Medical Examiner.

**Sec. 6. 22 MRSA §3028, sub-§3**, as amended by PL 2001, c. 291, §3, is further amended to read:

**3. Assistance of law enforcement agency.** The medical examiner, the person expressly authorized by the Chief Medical Examiner medicolegal death investigator or the pathologist as described in subsection 8, may request the assistance and use of the facilities of

the law enforcement agency having jurisdiction over the case for the purposes of photographing, finger-printing or otherwise identifying the body. That agency shall provide the medical examiner, ~~authorized person medicolegal death investigator~~ or pathologist with a written report of the steps taken in providing the assistance.

**Sec. 7. 22 MRSA §3028, sub-§4,** as amended by PL 2001, c. 291, §4, is further amended to read:

**4. Possession of useful objects.** Except as otherwise directed by the Attorney General, the Attorney General's deputies or assistants, the medical examiner, ~~the person expressly authorized by the Chief Medical Examiner medicolegal death investigator~~ or the Office of Chief Medical Examiner may direct that a law enforcement officer at the scene make measurements, take photographs and take possession of all objects that in the opinion of the medical examiner, ~~authorized person medicolegal death investigator~~ or the Office of Chief Medical Examiner may be useful in establishing the cause, manner and circumstances of death. For these same purposes, the medical examiner, ~~authorized person medicolegal death investigator~~ or the Office of Chief Medical Examiner may direct that a law enforcement officer take possession of any objects or specimens that have been removed from the victim at the scene or elsewhere while under medical care.

**Sec. 8. 22 MRSA §3028, sub-§5,** as amended by PL 2001, c. 291, §5, is further amended to read:

**5. Requests for objects.** Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner or ~~the person expressly authorized by the Chief Medical Examiner medicolegal death investigator~~ give that object or objects to a law enforcement officer, to the medical examiner, to the ~~authorized person medicolegal death investigator~~ or to the Office of Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent must be sent to the Office of the Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

**Sec. 9. 22 MRSA §3028, sub-§6,** as amended by PL 2011, c. 182, §1, is further amended to read:

**6. Examination of body.** In all cases, the medical examiner or ~~the person expressly authorized by the Chief Medical Examiner medicolegal death investigator~~ shall conduct a thorough examination of the body except in those cases when the body has already been disposed of and is not being exhumed or when the

Chief Medical Examiner or Deputy Chief Medical Examiner determines, after review of available records and known circumstances, that the report of the death of the decedent may be certified and completed without examining the body.

**Sec. 10. 22 MRSA §3028, sub-§7,** as repealed and replaced by PL 2003, c. 510, Pt. B, §7, is amended to read:

**7. Written report.** Upon completing an investigation, the medical examiner or ~~the person expressly authorized by the Chief Medical Examiner medicolegal death investigator~~ shall submit a written report of the investigator's findings to the Chief Medical Examiner on forms provided for that purpose. The investigator shall retain one copy of the report.

If an investigator reports suspected abuse, neglect or exploitation to the Chief Medical Examiner, the Chief Medical Examiner, by reporting that information to the department on behalf of the investigator, fulfills the medical examiner's mandatory reporting requirement under section 3477 or 4011-A.

**Sec. 11. 22 MRSA §3033, sub-§1, ¶B and C,** as enacted by PL 2001, c. 222, §12, are amended to read:

B. A pathologist performing an autopsy at the request of a medical examiner or the Chief Medical Examiner may not be held liable for damages for any injury or damage that results from the performance of the autopsy unless it can be shown that the injury or damage resulted from the gross negligence of the pathologist; and

C. A professional consultant, who at the request of a medical examiner or the Chief Medical Examiner conducts an examination and renders a report, may not be held liable for damages for any injury or damage that results from the performance of the examination unless it can be shown that the injury or damage resulted from the gross negligence of the consultant; and

**Sec. 12. 22 MRSA §3033, sub-§1, ¶D** is enacted to read:

D. A medicolegal death investigator may not be held liable for damages for any injury or damage that results from the exercise and discharge of any of the medicolegal death investigator's official duties unless it can be shown that the injury or damage resulted from gross negligence on the part of the medicolegal death investigator.

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See title page for effective date.

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**CHAPTER 114**  
**H.P. 256 - L.D. 381**

**An Act To Allow a Court To  
Order a Person Who Violates a  
Municipal Ordinance To  
Perform Community Service  
Work**

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

**Sec. 1.** **14 MRSA §5605** is enacted to read:

**§5605. Community service work for a person who violates a municipal ordinance**

**1. Community service work.** The court may order a person adjudicated as having violated a municipal ordinance to perform a specific number of hours of community service work for the benefit of the State, a county, a municipality, a school administrative district or other public entity, a charitable institution or other entity approved by the court if the municipality whose ordinance is violated has a community service work program that provides oversight of the community service order and ensures meaningful compliance with the community service requirements.

**2. Failure to perform work.** An adjudicated person who is ordered to perform community service work pursuant to subsection 1 and who fails to complete the work within the time specified by the court must be returned to the court for further disposition.

**3. Supervision.** Neither the judicial branch nor the Department of Corrections is responsible for supervision of community service work pursuant to this section.

See title page for effective date.

**CHAPTER 115**  
**H.P. 334 - L.D. 484**

**An Act To Revise the Animal Welfare Laws**

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

**Sec. 1.** **7 MRSA §3907, sub-§1-A,** as amended by PL 1993, c. 657, §1, is repealed.

**Sec. 2.** **7 MRSA §3907, sub-§1-B** is enacted to read:

**1-B. Abandoned animal.** "Abandoned animal" means an animal that has been deserted by its owner or keeper, excluding animals that are part of a population control effort.

**Sec. 3.** **7 MRSA §3907, sub-§12-F** is enacted to read:

**12-F. Dog licensing agent.** "Dog licensing agent" means a veterinarian office or animal shelter that licenses dogs for a municipality.

**Sec. 4.** **7 MRSA §3907, sub-§15-C** is enacted to read:

**15-C. Humanely trap.** "Humanely trap" means to trap an animal using traps and trapping methods that are designed to avoid injury to animals to the greatest extent practicable for animal control or animal rescue purposes.

**Sec. 5.** **7 MRSA §3907, sub-§23-B** is enacted to read:

**23-B. Population control effort.** "Population control effort" means the activities, programs and projects aimed at reducing the number of cats and dogs without homes, including, but not limited to, the trapping, neutering and vaccinating of feral cats, the trapping of cats for impoundment at an animal shelter and spaying or neutering services for abandoned animals and stray dogs and cats.

**Sec. 6.** **7 MRSA §3907, sub-§25-B** is enacted to read:

**25-B. Small animal.** "Small animal" means a bird, reptile or amphibian or a small mammal, other than a cat or dog, commonly kept as a household pet and that is an unrestricted species designated by the Commissioner of Inland Fisheries and Wildlife in rules adopted pursuant to Title 12, chapter 915.

**Sec. 7.** **7 MRSA §3919,** as enacted by PL 2001, c. 363, §3, is amended to read:

**§3919. Seizure of stray cats and small animals**

**1. Definition.** For the purposes of this chapter, a "stray cat" means a cat on the premises of a person other than the owner of the cat, without the consent of the owner or occupant of the premises, on a public street or on other public property, except under the physical control of the owner.

**2. Seizure by animal control officer.** An animal control officer or person acting in that capacity may seize or humanely trap a stray cat or small animal and deliver it to an animal shelter as provided for in section 3919-A or section 3919-E or to the owner, if the owner is known. If ownership can not be established, such a cat or small animal may be handled as a homeless cat or small animal for the purpose of acceptance and disposition by an animal shelter.

**3. Person finding stray cat.** A person finding a stray cat or small animal and not knowing the owner or residence of the cat or small animal may take that cat or small animal to the animal shelter designated by

the municipality in which the cat or small animal was found.

**Sec. 8. 7 MRSA §3919-E** is enacted to read:

**§3919-E. Disposition of small animals**

**1. Small animals.** When an animal shelter accepts a small animal under section 3919 and the animal does not have identification, the animal shelter shall hold that small animal for not less than 48 hours. After the expiration of the 48-hour period, the animal shelter may treat the small animal as homeless and may:

A. Offer the small animal for adoption, sell the small animal, give away the small animal or transfer the small animal to an appropriate facility or rescue group that can provide for that specific type of small animal; or

B. Otherwise dispose of the small animal humanely in accordance with Title 17, chapter 42, subchapter 4.

An animal shelter may not sell or give any small animal to a research facility.

**2. Exceptions.** A small animal that is subject to permit requirements of the Department of Inland Fisheries and Wildlife under Title 12, chapter 915 may not be adopted or have its ownership transferred without the permission of the Department of Inland Fisheries and Wildlife.

**Sec. 9. 7 MRSA §3922, sub-§1, ¶C,** as amended by PL 2003, c. 405, §11, is further amended to read:

C. From a veterinary licensing agent in accordance with person authorized to issue licenses under section 3923-F; or

**Sec. 10. 7 MRSA §3923-A,** as amended by PL 2009, c. 548, §3, is further amended to read:

**§3923-A. License and recording fees**

Except as provided in subsection 3 and section 3923-C, a dog owner or keeper obtaining a license from a municipal clerk, dog licensing agent or dog recorder shall pay the license and recording fees established in this section. For purposes of this section, "dog licensing agent" means an animal shelter or a veterinarian pursuant to section 3923-F.

**1. Dogs capable of producing young.** A dog owner or keeper shall pay a fee of \$11 to the municipal clerk or dog licensing agent for each dog 6 months of age or older and capable of producing young. A dog is considered capable of producing young unless certification under subsection 2 is provided.

The municipal clerk or dog licensing agent shall retain a \$1 recording fee and pay the remaining \$10 to the department for deposit in the Animal Welfare Fund.

**2. Dogs incapable of producing young.** A dog owner shall pay a fee of \$6 to the municipal clerk or to a veterinary dog licensing agent for each dog 6 months of age or older and incapable of producing young. A dog is considered incapable of producing young when the owner provides the following:

A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog;

B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog and determined that the dog is incapable of producing young; or

C. A previous license stating that the dog is incapable of producing young.

The municipal clerk or dog licensing agent shall retain a \$1 recording fee, deposit \$2 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$3 to the department for deposit in the Animal Welfare Fund.

**3. Exemption from fees.** A municipal clerk or a veterinary dog licensing agent shall issue a license upon application and without payment of a license fee required under this section for:

A. A service dog owned or kept by a person with a physical or mental disability;

D. A trained search and rescue dog recognized by the Department of Inland Fisheries and Wildlife or by the statewide association of search and rescue that cooperates with the Department of Inland Fisheries and Wildlife in developing standards for search and rescue or such a dog awaiting training; and

E. A dog certified by the State and used for law enforcement purposes.

**4. Late fees.** An owner or keeper required to license a dog under section 3922, subsection 1 or section 3923-C, subsection 1 and applying for a license for that dog after January 31st shall pay to the municipal clerk, dog licensing agent or dog recorder a late fee of \$25 in addition to the annual license fee paid in accordance with subsection 1 or 2 and section 3923-C, subsection 1. The clerk, dog licensing agent or dog recorder shall deposit all late fees collected under this subsection into the municipality's animal welfare account established in accordance with section 3945.

**Sec. 11. 7 MRSA §3923-B, sub-§1,** as amended by PL 2007, c. 439, §16, is further amended to read:

**1. Tags.** The municipal clerk or dog licensing agent shall provide with each new license issued under section 3923-A a tag indicating the year the license is issued and bearing other information prescribed by the department. The owner or keeper shall make sure that the tag is securely attached to a collar of leather, metal

or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued, except as provided in subsection 3.

If the tag is lost or the owner has moved to a different municipality, the owner or keeper of the dog shall obtain a new license and tag. The municipal clerk or dog licensing agent shall issue another license and tag upon presentation of the original license and payment of \$1. The clerk or agent shall retain the \$1 for a recording fee.

**Sec. 12. 7 MRSA §3923-F**, as amended by PL 2009, c. 343, §14, is further amended to read:

**§3923-F. Veterinarian or animal shelter serving as dog licensing agent**

The commissioner may authorize an animal shelter licensed in accordance with chapter 723 and a veterinarian licensed in accordance with Title 32, chapter 71-A to issue dog licenses under section 3923-A. The commissioner shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must provide a process for identifying animal shelters and veterinarians who are willing to serve as dog licensing agents for distributing license blanks, tags and stickers, and for the collection, distribution and deposit of license fees into the appropriate state accounts. ~~The animal shelters and veterinarians shall retain a recording fee of \$3 and pay the remaining fee to the department for deposit in the Animal Welfare Fund.~~

**Sec. 13. 7 MRSA §3932, sub-§6** is enacted to read:

**6. Conditional boarding kennel license.** Upon receiving a license application for a boarding kennel that does not at the time of application hold a valid license under this section, the department shall issue a conditional boarding kennel license to an applicant who pays the required fees and is not prohibited from obtaining a license under section 3935. The conditional license remains in effect until the boarding kennel meets the requirements for a license under section 3936. If a boarding kennel passes an inspection under section 3936 and meets all other conditions of licensure, the conditional license must be changed to a standard license. If a boarding kennel cannot meet minimum standards within 6 months after the initial inspection, the conditional license may be revoked or suspended by the department pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

**Sec. 14. 7 MRSA §3932-A, sub-§4** is enacted to read:

**4. Conditional animal shelter license.** Upon receiving a license application for an animal shelter that does not at the time of application hold a valid license

under this section, the department shall issue a conditional animal shelter license to an applicant who pays the required fees and is not prohibited from obtaining a license under section 3935. The conditional license remains in effect until the animal shelter meets the requirements for a license under section 3936. If the animal shelter passes an inspection under section 3936 and meets all other conditions of licensure, the conditional license must be changed to a standard license. If an animal shelter cannot meet minimum standards within 6 months after the initial inspection, the conditional license may be revoked or suspended by the department pending an administrative proceeding held in accordance with Title 5, chapter 375, subchapter 5.

**Sec. 15. 7 MRSA §4011, sub-§1, ¶G**, as amended by PL 2003, c. 414, Pt. B, §14 and affected by c. 614, §9, is further amended to read:

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control pursuant to this Part;

**Sec. 16. 17 MRSA §1031, sub-§1, ¶G**, as amended by PL 2003, c. 452, Pt. I, §13 and affected by Pt. X, §2, is further amended to read:

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 13, and excluding humane trapping of animals for population control efforts or animal control under Title 7, Part 9. Violation of this paragraph is a Class D crime;

See title page for effective date.

**CHAPTER 116  
S.P. 310 - L.D. 885**

**An Act To Remove Obsolete Provisions of the Electric Industry Restructuring Laws**

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

**Sec. 1. 35-A MRSA §3202, sub-§8** is enacted to read:

**8. Separate charges.** A person who provides electric billing and metering services shall issue bills that clearly separate the charges for generation services and the charges for transmission and distribution services if charges for both types of services appear on the same bill.

**Sec. 2. 35-A MRSA §3213**, as amended by PL 1997, c. 691, §8, is repealed.

**Sec. 3. 35-A MRSA §3216**, as amended by PL 1999, c. 398, Pt. M, §§1 and 2 and affected by §3, is repealed.

**Sec. 4. Transfer of funds.** The Public Utilities Commission shall transfer any remaining balance in the Public Utilities Commission Consumer Education Fund, established in the Maine Revised Statutes, Title 35-A, former section 3213, subsection 3, to the Office of the Public Advocate for the purposes of consumer education relating to the electricity industry.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

#### PUBLIC ADVOCATE

##### Public Advocate 0410

Initiative: Provides an allocation to the Office of the Public Advocate to allow expenditures for consumer education relating to the electricity industry.

	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS		
All Other	\$748	\$0

  

OTHER SPECIAL REVENUE FUNDS TOTAL	<hr/> \$748	<hr/> \$0
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See title page for effective date.

## CHAPTER 117

### H.P. 450 - L.D. 658

#### An Act To Change the Grade Standards of the Maine Maple Syrup Industry

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

**Sec. 1. 7 MRSA §892-A, sub-§1, ¶D**, as amended by PL 2007, c. 24, §1, is further amended to read:

D. "Maple syrup," which may also be spelled "maple sirop" or "maple sirup," means the liquid derived by concentration and heat treatment of the sap of maple trees, (Acer) or by the solution in water of maple sugar or maple concentrate made from such sap. The solids content of maple syrup may not be less than 66% by weight or more than 69% 68.9% by weight, as measured in Brix units at a temperature of 68 degrees Fahrenheit.

**Sec. 2. 7 MRSA §892-A, sub-§2**, as enacted by PL 1991, c. 326, §2, is amended to read:

**2. Maple syrup grades.** The following grades are established as the official maple syrup grade standards for the State.

A. "Grade A Light Amber" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color no darker than the federal Department of Agriculture's visual color standard light amber or has a color for light transmittance not less than 75.0%Tc; has a delicately sweet, original maple flavor; and has a density of at least the equivalent of 66.0° Brix at 60° Fahrenheit Modulus 145. Grade A Light Amber maple syrup must be free of sugar crystals and may not be damaged in any way.

B. "Grade A Medium Amber" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color no darker than the federal Department of Agriculture's visual color standard medium amber or has a color for light transmittance between the range of 74.9%Tc to 60.5%Tc; and may have a flavor that is more pronounced than that of Grade A Light Amber, but that is not strong or unpleasant. Grade A Medium Amber must meet the density requirement of Grade A Light Amber. Grade A Medium Amber maple syrup must be free of sugar crystals and may not be damaged in any way.

C. "Grade A Dark Amber" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color no darker than the federal Department of Agriculture's visual color standard dark amber or has a color for light transmittance between the range of 60.4%Tc to 44.0%Tc; and may have a flavor that is stronger than that of Grade A Medium Amber, but that is not sharp, bitter, buddy or off flavor. Grade A Dark Amber must meet the density requirement of Grade A Light Amber. Grade A Dark Amber maple syrup must be free of sugar crystals and may not be damaged in any way.

D. "Grade A Extra Dark Amber" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color for light transmittance between the range of 43.9%Tc to 27.0%Tc; and may have a flavor stronger than Grade A Dark Amber. Grade A Extra Dark Amber must meet the density requirements of Grade A Light Amber. Grade A Extra Dark Amber maple syrup must be free of sugar crystals and may not be damaged in any way.

E. "Commercial Grade" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in a sanitary condition; has a

~~color for light transmittance less than 27.0%Tc; and may have a strong flavor. Commercial Grade maple syrup must be free of sugar crystals and may not be damaged in any way. Commercial Grade maple syrup may not be placed in packaged maple syrup containers and may not be sold, offered for sale or exposed for sale as packaged maple syrup.~~

~~F. "Substandard" means bulk maple syrup that fails to meet the requirements of any other grade. Such syrup may not be placed in packaged maple syrup containers and may not be sold, offered for sale or exposed for sale as packaged maple syrup.~~

~~G. "Grade A Golden" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color for light transmittance of not less than 75%Tc; has a delicate taste; and has a light to more pronounced golden color. Grade A Golden maple syrup must be free of sugar crystals and may not be damaged in any way.~~

~~H. "Grade A Amber" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color for light transmittance of less than 75%Tc but not less than 50%Tc; has a rich or full-bodied taste; and has a light amber color. Grade A Amber maple syrup must be free of sugar crystals and may not be damaged in any way.~~

~~I. "Grade A Dark" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color for light transmittance of less than 50%Tc but not less than 25%Tc; has a more robust or stronger taste than maple syrup in lighter color classes; and has a dark color. Grade A Dark maple syrup must be free of sugar crystals and may not be damaged in any way.~~

~~J. "Grade A Very Dark" means pure maple syrup that is free of any material other than pure, clear liquid maple syrup in sanitary condition; has a color for light transmittance of less than 25%Tc; has a very strong taste; and has a very dark color. Grade A Very Dark maple syrup must be free of sugar crystals and may not be damaged in any way.~~

~~K. "Processing Grade" means any maple syrup that does not qualify for Grade A labeling, including off-flavored maple syrup. Processing Grade maple syrup may not be sold in retail markets and must be packed in 5-gallon or larger containers.~~

**Sec. 3. Contingent effective date.** This Act takes effect only if:

1. The Commissioner of Agriculture, Conservation and Forestry receives written notification from the

United States Department of Agriculture that the department has adopted the international grading system for maple syrup set out in this Act;

2. The Commissioner of Agriculture, Conservation and Forestry receives written notification from the International Maple Syrup Institute that the federal government of Canada has adopted the international grading system for maple syrup set out in this Act and the institute provides to the commissioner official documents from the Canadian federal government verifying this action; and

3. The Commissioner of Agriculture, Conservation and Forestry notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that written notice of the adoption of the international grading system for maple syrup set out in this Act has been received from both the United States Department of Agriculture and the International Maple Syrup Institute.

See title page for effective date, unless otherwise indicated.

## CHAPTER 118

### S.P. 200 - L.D. 510

#### An Act To Ensure Equity in Funding to State Postsecondary Institutions of Higher Learning

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

**Sec. 1. 8 MRSA §1036, sub-§2, ¶F,** as amended by PL 2005, c. 663, §12, is further amended to read:

~~F. Two percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909 $\frac{1}{2}$ , and to the Board of Trustees of the Maine Maritime Academy to be applied by the board of trustees to fund its scholarship program. The slot machine income under this paragraph must be distributed as follows:~~

~~(1) The University of Maine System share is the total amount of the distribution multiplied by the ratio of enrolled students in the system to the total number of enrolled students both in the system and at the Maine Maritime Academy; and~~

~~(2) The Maine Maritime Academy share is the total amount of the distribution multiplied by the ratio of enrolled students at the acad-~~

emy to the total number of enrolled students both in the system and at the academy;

**Sec. 2. 8 MRSA §1036, sub-§2-A, ¶B,** as enacted by IB 2009, c. 2, §45, is further amended to read:

B. Four percent of the net slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section 10909; and to the Board of Trustees of the Maine Maritime Academy to be applied by the board of trustees to fund its scholarship program. The slot machine income under this paragraph must be distributed as follows:

(1) The University of Maine System share is the total amount of the distribution multiplied by the ratio of enrolled students in the system to the total number of enrolled students both in the system and at the Maine Maritime Academy; and

(2) The Maine Maritime Academy share is the total amount of the distribution multiplied by the ratio of enrolled students at the academy to the total number of enrolled students both in the system and at the academy;

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

#### MARITIME ACADEMY, MAINE

##### Maine Maritime Academy Scholarship Fund - Casino N145

Initiative: Provides funding from slot machine revenue for scholarships.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$104,307	\$105,385
OTHER SPECIAL REVENUE FUNDS TOTAL	\$104,307	\$105,385
 MARITIME ACADEMY, MAINE		
DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	\$104,307	\$105,385
DEPARTMENT TOTAL - ALL FUNDS	\$104,307	\$105,385

See title page for effective date.

#### CHAPTER 119 H.P. 877 - L.D. 1243

##### An Act Regarding Next Generation 9-1-1 and Making Changes in Surcharge Remittance for Certain Telecommunications Service Providers

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

**Sec. 1. 25 MRSA §2921, sub-§6,** as enacted by PL 1987, c. 840, §3, is amended to read:

6. Enhanced 9-1-1 services. "Enhanced 9-1-1 services" or "E-9-1-1" means a system consisting of selective routing 9-1-1 calls or requests to the proper

public safety answering points with the capability of automatic number or other calling party identification and location identification and public safety answering points, which that enables users of the public telecommunications' system to request emergency services by dialing the digits 9-1-1. "Enhanced 9-1-1 services" or "E-9-1-1" includes Internet protocol enabled services.

**Sec. 2. 25 MRSA §2921, sub-§6-C** is enacted to read:

**6-C. Internet protocol enabled services.** "Internet protocol enabled services" means services and applications using Internet protocol, including, but not limited to, voice over Internet protocol and other services and applications provided through wireline, cable, wireless and satellite facilities and any other facility that is capable of connecting users to public safety answering points.

**Sec. 3. 25 MRSA §2926, sub-§1,** as amended by PL 2003, c. 359, §2, is further amended to read:

**1. Bureau established.** The Emergency Services Communication Bureau is established within the Public Utilities Commission to implement and manage E-9-1-1, including the deployment of E-9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points.

**Sec. 4. 25 MRSA §2927, sub-§2-B,** as amended by PL 2011, c. 600, §2 and affected by §10, is further amended to read:

**2-B. Surcharge remittance.** Each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to subsection 1-D on a monthly basis and within one month of the month collected, except that a utility or provider whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000 shall remit the E-9-1-1 surcharge revenues on a quarterly basis, to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. Each telephone utility or service provider required to remit statewide E-9-1-1 surcharge revenues shall provide, on a form approved by the bureau, supporting data, including but not limited to the following:

- A. The calculation used to arrive at the surcharge remittance amount;
- B. The calculation used to arrive at the uncollectible amount of surcharge;
- C. The total surcharge;

D. The month and year or the quarter and year for which surcharge is remitted;

E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and

F. The preparer's name and telephone number.

Prepaid wireless E-9-1-1 surcharges collected by sellers must be remitted to the State Tax Assessor in accordance with Title 35-A, section 7104-C.

**Sec. 5. 25 MRSA §2927, sub-§3,** as amended by PL 2005, c. 303, §1, is further amended to read:

**3. Expenditure of funds.** The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1, including the deployment of E-9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points, and may transfer funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety to defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system;

B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and

C. When incurred by a cellular or wireless telecommunications service provider:

(1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;

(2) That are not separately billed to customers; and

(3) For which the provider is not reimbursed from any other source.

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

See title page for effective date.

**CHAPTER 120**  
**S.P. 64 - L.D. 175**

**An Act To Update the Laws  
 Governing Energy Efficiency  
 Building Performance  
 Standards**

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

**Sec. 1.** **10 MRSA §1412**, as amended by PL 1985, c. 370, §1, is repealed.

**Sec. 2.** **10 MRSA §1413, sub-§1-A**, as enacted by PL 2003, c. 151, §2, is repealed.

**Sec. 3.** **10 MRSA §1413, sub-§1-B**, as enacted by PL 2003, c. 151, §2, is repealed.

**Sec. 4.** **10 MRSA §1413, sub-§3**, as enacted by PL 1979, c. 503, §2, is repealed.

**Sec. 5.** **10 MRSA §1413, sub-§9-A**, as enacted by PL 1987, c. 818, §1, is repealed.

**Sec. 6.** **10 MRSA §1413, sub-§12**, as amended by PL 2005, c. 350, §3, is repealed.

**Sec. 7.** **10 MRSA §1413, sub-§14**, as enacted by PL 1979, c. 503, §2, is repealed.

**Sec. 8.** **10 MRSA §1413, sub-§16**, as amended by PL 2005, c. 350, §4, is repealed.

**Sec. 9.** **10 MRSA §1414-A**, as amended by PL 2005, c. 350, §5, is repealed.

**Sec. 10.** **10 MRSA §1415-E**, as amended by PL 2005, c. 350, §10, is repealed.

**Sec. 11.** **10 MRSA §1415-G, sub-§4**, as amended by PL 2005, c. 350, §11, is further amended to read:

**4. Performance-based compliance.** The commission may waive the requirements of subsection 3 for any building if the commission determines that the building's calculated annual energy consumption is not greater than the annual energy consumption of a similar building constructed in accordance with subsection 3.

The commission may adopt rules that establish a performance-based compliance procedure for residential buildings. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 12.** **10 MRSA §1415-I**, as enacted by PL 2005, c. 350, §13, is repealed.

**Sec. 13.** **10 MRSA §9721, sub-§1-A**, as enacted by PL 2009, c. 261, Pt. A, §5, is amended to read:

**1-A. Building code.** "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc.,<sup>5</sup> or the Maine Model Building Code or the International Existing Building Code adopted pursuant to Title 10, section 9702, but does not include the fire and life safety codes in Title 25, section 2452.

**Sec. 14. Repeal rules.** The Public Utilities Commission shall repeal rules that established the standards that comprised the Maine Model Building Energy Code.

See title page for effective date.

**CHAPTER 121**  
**S.P. 306 - L.D. 881**

**An Act To Improve the Unused Pharmaceutical Disposal Program**

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

**Sec. 1.** **22 MRSA §2700**, as amended by PL 2005, c. 297, §§1 and 2 and affected by §3, is further amended to read:

**§2700. Unused Pharmaceutical Disposal Program**

**1. Establishment; purpose.** There is established the Unused Pharmaceutical Disposal Program, referred to in this chapter as "the program." The purpose of the program is to ensure the safe, effective and proper disposal of unused pharmaceuticals. For purposes of compliance with federal law and regulation, the return of pharmaceuticals under this section is deemed to be for law enforcement purposes.

**2. Administration.** The program is administered by the Maine Drug Enforcement Agency, referred to in this chapter as "the agency," established in Title 25, section 2955.

**3. Return of pharmaceuticals.** The agency shall may create a system systems for the return safe, effective and proper disposal of unused pharmaceuticals. The system must systems may include the use of prepaid mailing envelopes into which the unused pharmaceuticals are placed and returned to a single collection location. The prepaid mailing envelopes must be made available to the public at various locations, including, but not limited to, pharmacies, physicians' offices and post offices. The agency may randomly assess the toxicity of materials received under the program as long as the assessment results do not identify the patient, person who mailed the material, prescriber or pharmacy.

**4. Disposal of pharmaceuticals.** The agency shall ensure that only agency officers handle the unused pharmaceuticals received pursuant to subsection 3. The All unused pharmaceuticals received under the program must be disposed of by the agency in a manner that is designed to be effective, secure and in compliance with local, state and federal environmental requirements, including the federal Resource Conservation and Recovery Act of 1976, as amended.

**5. Unused Pharmaceutical Disposal Program Fund; funding.** The Unused Pharmaceutical Disposal Program Fund, referred to in this chapter as "the fund," is established within the agency to be used by the director of the agency to fund or assist in funding the program safe, effective and proper disposal of unused pharmaceuticals. Any balance in the fund does not lapse but is carried forward to be expended for the same purposes in succeeding fiscal years. The fund must be deposited with and maintained and administered by the agency. The agency may accept funds into the fund from any non-General Fund source, including grants or contributions of money or other things of value, that it determines necessary to carry out the purposes of this chapter safe, effective and proper disposal of unused pharmaceuticals. Money received accepted into the fund by the agency to establish and maintain the program must be used for the expenses of administering this chapter safe, effective and proper disposal of unused pharmaceuticals.

**6. Rulemaking.** The agency shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. Disposal; funding.** The program must operate with funding solely from the fund provided in subsection 5. The program may begin operation for 2 years on July 1st of any year in which notice is given by April 1st by the director of the agency to the State Budget Officer that funding has been procured for the fund that is sufficient to operate the program for 2 years.

See title page for effective date.

## CHAPTER 122

### S.P. 302 - L.D. 877

#### An Act To Establish Separate Geospatial Data Accounts for Use by the Maine Library of Geographic Information Board

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

Sec. 1. 5 MRSA §2006 is enacted to read:

#### §2006. Geospatial data accounts

**1. Accounts established.** There are established within the office separate accounts referred to in this section as "the accounts," to be administered by the geographic information board.

**2. Sources of funding.** The following must be paid into the accounts:

A. All money appropriated for inclusion in the accounts;

B. All interest earned from investments of the accounts;

C. Any money allocated from Other Special Revenue Funds accounts for the purpose of the accounts;

D. Proceeds from any bonds issued for the purpose of the accounts; and

E. Matching funds received from the Federal Government or other legal entity for geospatial data acquisition expenditures made from the accounts pursuant to subsection 4.

**3. Use of accounts.** The purpose of the accounts is to continue projects developed by the geographic information board. The accounts must be used to provide and maintain to the extent practicable statewide GIS data sets necessary for the efficient delivery of state services and to conserve state expenditures through partnerships with other GIS stakeholders interested in acquiring the same data sets. The accounts may be used at the discretion of the geographic information board for acquiring geospatial data primarily including but not limited to the following data sets:

A. An orthoimagery program. Imagery collected through this program must be from all areas of the State and be 4-band images that include the red, green, blue and near infrared bands; and

B. An elevation data set. A consistent statewide elevation data set must be collected using light detection and ranging technology or an equivalent method.

**4. Matching funds.** Money in the accounts used to purchase geospatial data must be matched by funding from other sources at at least a one-to-one ratio.

**5. Annual report.** The Chief Information Officer shall submit a written report by January 15, 2014 and annually thereafter to the Governor and the Legislature on the accounts' balance and expenditures.

**Sec. 2. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF  
Information Services 0155**

Initiative: Provides a base allocation to establish geo-spatial data accounts.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$500	\$500
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$500</b>	<b>\$500</b>
OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

See title page for effective date.

## CHAPTER 123 H.P. 923 - L.D. 1296

### An Act To Require the Secretary of State To Suspend a Person's License in Certain Instances Regardless of whether an Accident Report Has Been Filed

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

**Sec. 1. 29-A MRSA §1603, sub-§7,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**7. Unsatisfied judgment.** Upon receipt of a judgment against the owner or operator of a vehicle involved in an accident reported pursuant to section 2251, subsection 2 that resulted from a cause of action that arose from that accident, the Secretary of State shall immediately suspend the license and registration of the judgment debtor. Upon receipt of a judgment against the owner or operator of a vehicle resulting from an accident not reported pursuant to section 2251, subsection 2 that occurred on a public way or in a place where public traffic may reasonably be anticipated and caused bodily injury or death or property damage of at least \$1,000, the Secretary of State shall immediately suspend the license and registration of the judgment debtor.

See title page for effective date.

## CHAPTER 124 S.P. 415 - L.D. 1178

### An Act To Encourage the Use of Biofuels in the State

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

**Sec. 1. 10 MRSA §1663** is enacted to read:

#### §1663. Sale of biomass-based diesel blends and biodiesel blends

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Biodiesel" means the mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets the requirements of the American Society of Testing and Materials Standard D6751.

B. "Biomass-based diesel" means a diesel fuel substitute produced from nonpetroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency under 42 United States Code, Section 7545 (2012).

C. "Biomass-based diesel blend" and "biodiesel blend" mean a blend of biomass-based diesel or biodiesel and petroleum-based diesel fuel.

**2. Number 2 heating oil.** For purposes of this section, all references to diesel include #2 heating oil.

**3. Transfer document.** A person that sells or otherwise transfers title to a biomass-based diesel blend or biodiesel blend to any other person for resale of the product shall prepare a document evidencing the transfer. This transfer document may be in the form of an invoice, bill of lading, bill of sale or other written instrument meeting the requirements of this subsection. This transfer document must include the name of the transferor, the name of the transferee, the date of the transfer, the volume in gallons of the product transferred and either the volume in gallons or the percentage of biomass-based diesel or biodiesel that is contained in the blended product. A person making such a transfer shall maintain the transfer document required by this subsection for a period of 4 years from the transfer date. As used in this subsection, the term "resale" does not include a sale of product purchased at a retail outlet.

**4. Transferee not liable.** A transferee of a biomass-based diesel blend or biodiesel blend is not liable for failing to verify the accuracy of the information included in any transfer document conforming to the requirements of subsection 3 or for any other liability

arising from the transferee's reliance on such information.

**5. Supplement other requirements.** The requirements of this section are in addition to any other requirements or standards in state law.

See title page for effective date.

## CHAPTER 125 H.P. 605 - L.D. 854

### An Act To Clarify When a Manufactured Home Becomes Residential Real Property

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

**Sec. 1. 10 MRSA §9001, sub-§1, ¶E,** as enacted by PL 2005, c. 678, §3 and affected by §13, is amended to read:

E. As a valued and important component of the housing industry in this State, manufactured housing is recognized as residential property, whether it is real property or personal property, notwithstanding the requirements of Title 29-A, and manufactured housing for which no certificate of title has been issued is considered real property when it has been permanently affixed to real property that is owned by the owner of the manufactured housing.

**Sec. 2. 29-A MRSA §602, sub-§9-A** is enacted to read:

**9-A. Permanently affixed.** "Permanently affixed" means, with respect to manufactured housing placed on a foundation or slab or other form of permanent attachment to the site and connected to conventional and necessary utility systems.

**Sec. 3. 29-A MRSA §652, sub-§9, ¶E,** as enacted by PL 2005, c. 678, §7 and affected by §13, is amended to read:

E. Permanently affixed to real property that is owned by the owner of the manufactured housing within 30 days of the date of sale.

**Sec. 4. 29-A MRSA §708,** as enacted by PL 2005, c. 678, §12 and affected by §13, is amended to read:

#### §708. Manufactured housing

This subchapter applies to perfection of security interests in manufactured housing that is not permanently affixed to real property that is owned by the owner of the manufactured housing.

See title page for effective date.

## CHAPTER 126 H.P. 680 - L.D. 966

### An Act To Clarify an Exemption to the Municipal Subdivision Laws

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

**Sec. 1. 30-A MRSA §4401, sub-§4, ¶D-6,** as enacted by PL 2001, c. 359, §3, is amended to read:

D-6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection.

See title page for effective date.

## CHAPTER 127 H.P. 586 - L.D. 835

### An Act To Improve Organ Donation Awareness

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

**Sec. 1. 29-A MRSA §1312** is enacted to read:

#### §1312. Maine Organ and Tissue Donation Fund voluntary checkoff

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

**2. Contributions credited to Maine Organ and Tissue Donation Fund.** The Secretary of State shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the Secretary of State shall deduct the cost of administering the Maine Organ and Tissue Dona-

tion Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Organ and Tissue Donation Fund.

**Sec. 2. 29-A MRSA §1402-B, sub-§3, ¶¶C and D,** as enacted by PL 2011, c. 168, §4, are amended to read:

C. Assist the Secretary of State in developing strategies to increase donations that the council may find effective; and

D. Establish numerical goals for increasing organ and tissue donation rates in the State, to include a baseline account of current organ and tissue donation rates, as well as periodic benchmarks for success. The bureau may provide monthly donor designation rates for each branch office of the bureau to assist in identifying goals; and

**Sec. 3. 29-A MRSA §1402-B, sub-§3, ¶E** is enacted to read:

E. Administer the Maine Organ and Tissue Donation Fund established in subsection 4.

**Sec. 4. 29-A MRSA §1402-B, sub-§4** is enacted to read:

**4. Maine Organ and Tissue Donation Fund.** The Maine Organ and Tissue Donation Fund, referred to in this subsection as "the fund," is established as an interest-bearing account administered by the council for the purpose of facilitating the education and registration of residents of the State in organ donation. Any private or public funds appropriated, allocated, dedicated or donated to the fund, including from the Maine Organ and Tissue Donation Fund checkoff under section 1312, must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years. All money received into the fund must be used for the purposes of the fund except that balances in the fund may be used for the necessary expenses of the council in the administration of the fund.

**Sec. 5. Effective date.** This Act takes effect January 1, 2014.

Effective January 1, 2014.

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## CHAPTER 128

### S.P. 58 - L.D. 169

#### An Act To Provide Revenue to Veterans' Organizations and the Maine Veterans' Memorial Cemetery System Care Fund from Table Game Revenue

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

**Whereas,** veterans of this State are experiencing difficult times and services to which they are entitled should be provided without delay; and

**Whereas,** enactment of legislation establishing the Coordinated Veterans Assistance Fund, which will aid veterans in need, must take place before July 1, 2013; 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. 8 MRSA §1036, sub-§2-C, ¶D,** as enacted by PL 2011, c. 417, §10, is amended to read:

D. Two percent of net table game income must be deposited into an account held by the board for distribution to charitable nonprofit organizations that were eligible to conduct beano games and games of chance in accordance with Title 17, chapters 13 A and 62. The account is nonlapsing and no distributions may be made from the account before July 1, 2013 the Coordinated Veterans Assistance Fund established in Title 37-B, section 514.

**Sec. 2. 37-B MRSA §512, sub-§1,** as enacted by PL 2009, c. 471, §1, is amended to read:

**1. Maine Veterans' Memorial Cemetery System Care Fund establishment; purpose.** The Maine Veterans' Memorial Cemetery System Care Fund, known in this section as "the fund," is established for the purpose of ensuring ongoing care and maintenance of veterans' graves within the Maine Veterans' Memorial Cemetery System after plot interment allowances for burials within the system are no longer received from the United States Department of Veterans Affairs. The fund is established from deposits of 1/3 of

the funds received from the United States Department of Veterans Affairs for plot interment allowances and from annual deposits from the Coordinated Veterans Assistance Fund established by section 514. The fund may also accept private and public donations. The fund is separate from other perpetual care or cemetery maintenance funds that support veterans' cemeteries and were established prior to the effective date of this section.

**Sec. 3. 37-B MRSA §514** is enacted to read:

**§514. Coordinated Veterans Assistance Fund; establishment; report**

The Coordinated Veterans Assistance Fund, referred to in this section as "the fund," is established to provide financial assistance to veterans' service organizations. Beginning July 1, 2013 the director shall make distributions from the fund as follows:

**1. Transportation for medical needs of veterans.** Fifteen thousand dollars annually to a veterans' service organization that has maintained for the previous 5 years consecutively as of January 1, 2013 a program of providing transportation to veterans receiving medical services at the Veterans Administration Hospital at Togus or outreach centers of the veterans hospital;

**2. Veteran service officers at veterans hospital.** Sixty-four thousand five hundred dollars annually to each veterans' service organization that has funded and maintained a veteran service officer at the Veterans Administration Hospital at Togus for at least one year as of January 1, 2013; and

**3. Other veterans programs.** The remainder of the funds, distributed by the director after payment of any fees applied by the State for administration of the fund, as follows:

**A. Sixty-eight percent to the Maine Veterans Memorial Cemetery System Care Fund established by section 512, subsection 1;**

**B. Twenty percent to organizations that coordinate an annual event to benefit homeless veterans by providing warm clothing and personal items; and**

**C. Twelve percent to purchase flags for graves at veterans' cemeteries.**

Beginning in 2014, the director shall submit a report annually by February 15th regarding the distribution of these funds, including information from organizations that received the funds, to the joint standing committee of the Legislature having jurisdiction over veterans affairs.

**Sec. 4. Honorable service commemoration in fiscal year 2014-15.** Notwithstanding the Maine Revised Statutes, Title 37-B, section 514, the Director of the Bureau of Maine Veterans' Services within the

Department of Defense, Veterans and Emergency Management shall make a one-time distribution of \$15,000 to the fund established by Title 37-B, section 511.

**Sec. 5. Gambling Control Board to transfer funds.** Within 30 days after the effective date of this Act, all funds received as of June 30, 2013 by the Gambling Control Board within the Department of Public Safety for distribution to charitable nonprofit organizations pursuant to the Maine Revised Statutes, Title 8, section 1036, subsection 2-C, paragraph D must be transferred to the Maine Veterans' Memorial Cemetery System Care Fund established in Title 37-B, section 512.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF  
Veterans Services 0110**

Initiative: Establishes the Coordinated Veterans Assistance Fund with 2% of the net table game income from the casino in Bangor.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	\$186,707	\$152,360	\$148,448
OTHER SPECIAL REVENUE FUNDS			
TOTAL			

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT	2012-13	2013-14	2014-15
TOTALS			
OTHER SPECIAL REVENUE FUNDS			
DEPARTMENT	\$186,707	\$152,360	\$148,448
TOTAL - ALL FUNDS			

**PUBLIC SAFETY, DEPARTMENT OF  
Gambling Control Board Z002**

Initiative: Reduces funding from eliminating the 2% of net table game income from the casino in Bangor previously distributed to charitable nonprofit organiza-

tions that were eligible to conduct beano games and games of chance.

OTHER SPECIAL REVENUE FUNDS	2012-13	2013-14	2014-15
All Other	(\$186,707)	(\$152,360)	(\$148,448)
OTHER SPECIAL REVENUE FUNDS	(\$186,707)	(\$152,360)	(\$148,448)
TOTAL			
PUBLIC SAFETY, DEPARTMENT OF			
DEPARTMENT TOTALS	2012-13	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	(\$186,707)	(\$152,360)	(\$148,448)
DEPARTMENT	(\$186,707)	(\$152,360)	(\$148,448)
TOTAL - ALL FUNDS			
SECTION TOTALS	2012-13	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0	\$0

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

Effective May 24, 2013.

## CHAPTER 129

### H.P. 144 - L.D. 184

#### An Act To Enhance Transparency in Government by Implementing a Waiting Period for Legislators before They May Register as Lobbyists

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

**Sec. 1. 1 MRSA §1008, sub-§4,** as amended by IB 1995, c. 1, §5, is further amended to read:

**4. Lobbyist activities.** To administer the lobbyist disclosure laws, Title 3, chapter 15, and enforce the

waiting period required before former Legislators may engage in compensated lobbying as provided by section 1024;

**Sec. 2. 1 MRSA §1024** is enacted to read:

#### **§1024. Waiting period before engaging in lobbying activities**

**1. Actions precluded.** Beginning with the convening of the 127th Legislature, a person who has served as a Legislator may not engage in activities that would require registration as a lobbyist or lobbyist associate as defined by Title 3, section 312-A, subsections 10 and 10-A, respectively, until one year after that person's term as a Legislator ends. This subsection may not be construed to prohibit uncompensated lobbying by a former Legislator during the one-year period following the end of that Legislator's most recent term in office.

**2. Complaints and investigations.** A person may file a complaint with the commission specifying an alleged violation of this section. The commission staff shall notify the party against whom the complaint has been filed and may undertake the investigation of the alleged violation if directed by the commission. The commission may direct commission staff to undertake an investigation of an alleged violation of this section on its own motion.

**3. Penalty.** A person who intentionally violates this section is subject to a civil penalty not to exceed \$1,000, payable to the State and recoverable in a civil action.

See title page for effective date.

## CHAPTER 130

### H.P. 744 - L.D. 1051

#### An Act To Clarify the Authority and Responsibility of Forest Rangers

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

**Sec. 1. 12 MRSA §8901, sub-§2,** as amended by PL 2011, c. 657, Pt. W, §7 and c. 682, §38, is further amended to read:

**2. Powers and duties.** Forest rangers and the state supervisor shall:

A. Subject to supervision of the director, supervise the state forest fire wildfire control program, including personnel and facilities of all types;

B. Have the final on-site authority and responsibility for the control of forest fires wildfires;

- C. Develop and carry out a comprehensive program of forest fire wildfire prevention education and training of persons at all levels of command in order to meet supervisory needs during forest fire wildfire emergencies;
- D. Enforce Title 36, chapter 701 relating to blueberries, all laws relating to forests and forest preservation, laws relating to the Maine Land Use Planning Commission and laws and rules relating to lands under the jurisdiction of the Division of Parks and Public Lands;
- E. Investigate and gather evidence regarding the cause of forest fires wildfires;
- F. Have the authority to set backfires to control forest fires wildfires;
- G. Carry out such other duties as the director prescribes; and
- H. Have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. Entry into private property under this paragraph is not a trespass. This paragraph does not authorize entry into any building or structure.

Forest rangers and the state supervisor may also exercise the powers in this subsection when appropriate for agricultural and park fires.

**Sec. 2. 12 MRSA §8901, sub-§3, ¶A,** as amended by PL 2011, c. 657, Pt. W, §7 and c. 682, §38, is further amended to read:

- A. Forest rangers and the state supervisor, for the purpose of enforcing Title 36, chapter 701 relating to blueberries, forest and forest preservation laws, laws of the Maine Land Use Planning Commission and laws and rules relating to the lands under the jurisdiction of the Division of Parks and Public Lands, have statewide law enforcement powers equivalent to those of a sheriff, or a sheriff's deputy, in the sheriff's county, including the right to execute or serve criminal and civil violation processes against offenders, make warrantless arrests for crimes, investigate and prosecute offenders, require aid in executing forest ranger duties and deputize temporary aides;

**Sec. 3. 12 MRSA §8901, sub-§4** is enacted to read:

**4. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Escaped prescribed fire" means an uncontrolled fire on wildland caused by a prescribed fire that escaped control efforts and burned unintended land area.

B. "Escaped wildland fire use" means an out of control fire caused by a wildland fire use that escaped control efforts and burned unintended land area.

C. "Prescribed fire" means a forest or land management practice using fire applied in a knowledgeable manner to naturally occurring fuels on a specific land area under selected weather conditions to accomplish predetermined, well-defined management objectives.

D. "Wildfire" means an unplanned, unwanted wildland fire including an unauthorized human-caused fire, an escaped wildland fire use, an escaped prescribed fire and any other wildland fire with respect to which the Director of the Division of Forestry has determined that the objective is to put the fire out.

E. "Wildland" means an area in which development is essentially nonexistent, except for roads, railroads, powerlines and similar transportation facilities, and structures, if any, are widely scattered.

F. "Wildland fire use" means a management practice using a naturally occurring fire burning forest fuels on wildland that is not immediately controlled. The fire is allowed to burn within a predetermined area and is used to promote certain wilderness or management objectives.

See title page for effective date.

## CHAPTER 131

### S.P. 194 - L.D. 504

#### An Act To Amend the Election Laws and Other Related Laws

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

**Sec. 1. 5 MRSA §152,** as amended by PL 2011, c. 342, §3, is further amended to read:

#### **§152. Ratification of bond issue; signed statement**

In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of State shall prepare a signed statement, called the Treasurer's Statement, to accompany any question submitted to the electors for ratification of a bond issue setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors should be ratified. The Treasurer of State shall also set forth in that statement an estimate of costs involved, including explanation of, based on such factors as interest rates that may vary,

the interest cost contemplated to be paid on the amount to be issued, the total cost of principal and interest that will be paid at maturity and any other substantive explanatory information relating to the debt of the State as the Treasurer of State considers appropriate. To meet the requirement that the signed statement of the Treasurer of State accompany any ballot question for ratification of a bond issue, the statement may be printed on the ballot or it may be printed as a separate document that is made available to voters as provided in Title 21-A, sections ~~605~~ 605-A and 651.

**Sec. 2. 21-A MRSA §23, sub-§3,** as enacted by PL 1985, c. 161, §6, is amended to read:

**3. Primary and nomination petitions.** The Secretary of State shall keep primary petitions, nomination petitions and consents in his office for 2 years the office of the Secretary of State through the end of the calendar year in which the petition was filed.

**Sec. 3. 21-A MRSA §23, sub-§3-B** is enacted to read:

**3-B. Party formation documents.** The Secretary of State shall keep party formation declarations of intent and certification forms filed pursuant to section 303 in the office of the Secretary of State for 6 months after any appeal period has passed.

**Sec. 4. 21-A MRSA §23, sub-§4,** as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Receipts for ballots.** The Secretary of State and each clerk shall keep a record of receipts for ballots issued and received under sections 606 and 651 in his office the office of the Secretary of State for one year 6 months.

**Sec. 5. 21-A MRSA §23, sub-§12-A** is enacted to read:

**12-A. Informational filings.** The Secretary of State shall keep a copy of the election-specific informational filings and reports received from the municipal clerks and registrars in the office of the Secretary of State for 6 months after the election to which they pertain, except that the return of votes cast report must be kept for 2 years.

**Sec. 6. 21-A MRSA §122, first ¶,** as amended by PL 2011, c. 534, §6, is further amended to read:

A person may register to vote in person by appearing before the registrar by the registration deadline in section 121-A, proving that the person meets the qualifications of section 111, subsections 1 to 3, and completing and filing an application provided by the registrar containing the information required by section 152 or 154, if applicable. Township residents may register as provided in section 156.

**Sec. 7. 21-A MRSA §122, sub-§5,** as amended by PL 2007, c. 515, §3, is further amended to read:

**5. Alternative registration schedule for absentee voters.** If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk by the close of the polls on election day in order for the ballot to be counted and may not be sealed with the voted absentee ballot. If the application is received during the closed period and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot. An application by telephone under section 753-A, subsection 4 or an application by e-mail electronic means under section 753-A, subsection 6 does not establish a presumption of qualification under this section and the requestor must submit a properly completed voter registration application before the clerk may issue an absentee ballot.

**Sec. 8. 21-A MRSA §144, sub-§3,** as amended by PL 1995, c. 459, §16, is further amended to read:

**3. Restrictions during change of enrollment.** Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. A voter may sign a primary nomination petition during the 15-day period after filing an application to change enrollment and the voter's signature must be counted as valid, as long as the 15-day period has elapsed by the time the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is qualified to sign a petition for that office. A voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.

**Sec. 9. 21-A MRSA §161, sub-§2-A,** as amended by PL 2009, c. 370, §1, is further amended to read:

**2-A. Maintenance of voter registration information.** The registrar in each municipality shall keep the central voter registration system current at all times for the voters in the registrar's municipality. The Secretary of State is authorized to conduct maintenance of the central voter registration system. The Secretary of State shall by rule determine the program adopt rules for conducting voter list maintenance required by the National Voter Registration Act of 1993. Rules adopted pursuant to this subsection are routine techni-

cal rules as defined in Title 5, chapter 375, subchapter 2-A. A registrar may not cancel a voter's registration in the central voter registration system solely because the registered voter did not vote in previous elections. A voter's registration record in the central voter registration system must be cancelled by either the registrar for the voter's municipality or by the Secretary of State as follows:

- A. When it is determined that a voter has registered to vote in another jurisdiction in the State, the voter registration record from the former jurisdiction must be cancelled; and
- B. When it is determined that the voter has registered to vote in another jurisdiction outside of the State, the voter registration record in the State must be cancelled.

**Sec. 10. 21-A MRSA §196-A, sub-§1, ¶1** is enacted to read:

I. The Secretary of State shall make available free of charge to the federal or state court system the voter registration information for voters other than participants in the Address Confidentiality Program established in Title 5, section 90-B, statewide or by district as requested for the purpose of jury selection or other bona fide court purposes.

**Sec. 11. 21-A MRSA §303**, as amended by PL 2001, c. 310, §16, is further amended to read:

**§303. Formation of new party; organization by party enrollment**

In addition to the procedure under section 302, a party whose designation was not listed on the general election ballot in the last preceding general election qualifies to participate in a primary election, if it meets the requirements of subsections 1, and 2 and 3.

**1. Declaration of intent.** Ten or more voters who are not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of State between December 1st and December 30th of an even-numbered year. The declaration of intent must be on a form designed by the Secretary of State and must include:

- A. The designation of the proposed party; and
- B. The names, addresses, telephone numbers, if published, and signatures of the voters who file the declaration of intent.

**2. Enrollment of voters.** After filing Within 5 business days after the declaration of intent required in subsection 1 is filed, the voter or voters proposing to form the party may then the Secretary of State shall certify whether the application meets the requirements of subsection 1 and notify the applicants that they may enroll voters in the proposed party under sections 141 to 145. On or before December 1st of the odd-

numbered year following the filing of the application under subsection 1, the applicants must file a certification with the Secretary of State, on a form designed by the Secretary of State, that they have at least 5,000 voters enrolled in the proposed party. The Secretary of State shall verify the proposed party's enrollment figures within 5 business days of receiving the proposed party's certification and notify the applicants whether the proposed party has met the requirements to participate in a primary election in the subsequent even-numbered year.

**3. Petition.** After the filing of the declaration described in subsection 1, the Secretary of State or the Secretary of State's designee shall review the declaration and determine the form of the petitions to be submitted to the voters. The voter or voters proposing to form the party shall print the petitions in the form approved by the Secretary of State and may then circulate the petitions. These petitions must be signed, verified and certified in the same manner as primary petitions under section 335, subsections 3, 4 and 7, except that voters not enrolled in any party may also sign the petitions. Each page of the petition must have a caption, in conspicuous type, that contains the designation of the proposed party followed by the words "Petition to participate in the primary election." The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election and must contain the signatures and legal addresses of voters equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election. Petitions must be submitted to the appropriate municipal registrar for certification by 5 p.m. on the 10th day before the petition must be filed in the office of the Secretary of State or, if the 10th day is a Saturday, Sunday or legal holiday, by 5 p.m. on the next day that is not a Saturday, Sunday or a legal holiday. The registrar must complete the certification of the petitions and must return them to the circulators or their agents within 5 days of the date on which the petitions were submitted, Saturdays, Sundays and legal holidays excepted.

**4. Municipal caucuses.** A party that has qualified under subsections 1, and 2 and 3 to participate in a primary election must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article H 2. The chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3 with the Secretary of State before 5 p.m. on March 20th.

**5. Convention.** A party that has qualified under subsections 1, and 2 and 3 to participate in a primary election must in that same year conduct the municipal caucuses under subsection 4 and hold a state convention as prescribed by Article H 3, in order to have the party designation of its candidates printed on the ballot

in the general election of that year. The voter or group of voters who files file the declaration of intent may perform the duties of the state committee under section 321, subsection 1 for the party's initial convention.

**Sec. 12. 21-A MRSA §354, sub-§7, ¶B,** as amended by PL 1999, c. 264, §1, is further amended to read:

B. Petitions must be delivered to the registrar, or clerk at the request or upon the absence of the registrar, for certification by 5 p.m. on May 25th in the election year in which the petitions are to be used, except that petitions for a slate of candidates for the office of presidential elector must be delivered for certification by 5 p.m. on August 8th July 25th in the election year in which the petitions are to be used.

**Sec. 13. 21-A MRSA §354, sub-§8-A,** as amended by PL 1999, c. 264, §2, is further amended to read:

**8-A. Filed with the Secretary of State.** A nomination petition must be filed in the office of the Secretary of State by 5 p.m. on June 1st in the election year in which it is to be used, except that petitions for a slate of candidates for the office of presidential elector must be filed in the office of the Secretary of State by 5 p.m. on August 15th 1st in the election year in which the petitions are to be used.

**Sec. 14. 21-A MRSA §503, sub-§2,** as amended by PL 2007, c. 422, §2, is further amended to read:

**2. Representation of parties.** The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, county or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may

perform all the functions of an election clerk as prescribed by this Title.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other registered voter, as long as the balance between major political parties is maintained. ~~The municipal clerk shall complete a form provided by the Secretary of State when a registered voter changes party enrollment status in order to be available to serve as an election clerk and to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. The form must be included with all ballots separated into lots in accordance with section 695, subsection 2 when an election clerk who has changed party enrollment status as described in this subsection made the count for that lot of ballots and with tabulation results submitted to the Secretary of State. By January 15th after a general election, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs the number of forms required by this subsection that were submitted with tabulation results and whether any election that resulted in a recount included ballots that were counted by an election clerk who changed party enrollment status as described in this subsection.~~

**Sec. 15. 21-A MRSA §601, sub-§2, ¶A,** as amended by PL 1993, c. 473, §12 and affected by §46, is further amended to read:

A. Instructions must be printed ~~in bold type at the top of~~ on the ballot informing the voter how to designate the voter's choice on the ballot.

**Sec. 16. 21-A MRSA §601, sub-§2, ¶B,** as amended by PL 2009, c. 253, §23, is further amended to read:

B. The ballot must contain the legal name of each candidate, without any title, and ~~place~~ municipality or township of residence of each candidate, arranged alphabetically with the last name first, under the proper office designation. Municipality of residence is not required to be printed for candidates for President and Vice President of the United States. The initial letters of the last names of the candidates must be printed directly beneath each other in a vertical line. The names of candidates for any one office may not be split into more than one column regardless of number. The name of each candidate may be printed on the ballot in

only one space. For the general election ballot, the party or political designation of each candidate must be printed with each candidate's name. The party or political designation may be abbreviated.

**Sec. 17. 21-A MRSA §606, first ¶,** as repealed and replaced by PL 2011, c. 342, §16, is amended to read:

~~Within a reasonable time before any election, the~~  
The Secretary of State shall furnish each municipality with official ballots to be used for absentee voting and for voting on election day.

**Sec. 18. 21-A MRSA §663** is enacted to read:

**§663. Authority of Secretary of State during emergencies**

The Secretary of State may act administratively to facilitate voting by civilian registered voters of this State who live in an area within the United States that is affected by a natural disaster or other occurrence for which the governor of that state has declared a state of emergency covering that area, or for registered voters of this State who are emergency workers, utility workers or others responding to and offering assistance to the area in which a state of emergency has been declared. These administrative actions may include, but are not limited to, central issuance and receipt of absentee ballots for federal and state elections using the systems and procedures developed for uniformed service voters and overseas voters.

**Sec. 19. 21-A MRSA §695, sub-§6,** as enacted by PL 2007, c. 455, §37, is repealed.

**Sec. 20. 21-A MRSA §698, sub-§1,** as amended by PL 2001, c. 310, §44, is further amended to read:

**1. Paper ballots wrapped.** The election clerks shall wrap the tabulation of the count for each lot of ballots around that lot and secure it. Referendum ballots must be wrapped separately with their own tabulations unless the referendum ballot is combined with the candidate ballot. The tabulations must be signed by ~~the warden and~~ the 2 election clerks who counted that ballot lot.

**Sec. 21. 21-A MRSA §698, sub-§2-A,** as repealed and replaced by PL 2011, c. 342, §26, is amended to read:

**2-A. Used ballots secured.** The election officials shall use the tamper-proof ballot security containers described in section 609 to seal the used state ballots, wrapped with their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective ballots; void ballots; ~~unopened envelopes containing rejected absentee ballots;~~ envelopes containing challenge certificates; and the official tally tape from the electronic tabulating system. The containers must be further secured as follows.

A. Each tamper-proof ballot security container must be locked with a state-supplied lock and sealed with a uniquely numbered seal before leaving the voting place. The lock and seal numbers must correlate with a certificate identifying the person sealing the container and the time of the sealing.

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and locks at their own expense.

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State authorizes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed.

**Sec. 22. 21-A MRSA §698, sub-§3-A,** as enacted by PL 2011, c. 342, §27, is amended to read:

**3-A. Absentee envelopes sealed in separate containers.** The election officials shall seal the used absentee envelopes; from which the voted ballots have been removed and counted, with the applicable applications attached, and shall also seal the unopened envelopes containing rejected absentee ballots in one or more tamper-proof ballot security containers or other containers separate from the containers with the used or unused ballots. The municipal clerk shall keep these containers of used absentee envelopes and unopened envelopes sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the containers of used absentee envelopes and unopened envelopes and keep them in the clerk's office as a public record for the time required for retention of ballots under section 23.

**Sec. 23. 21-A MRSA §760-B, sub-§2,** as amended by PL 2009, c. 253, §51, is further amended to read:

**2. Notice of early processing.** The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under section 621-A, stating the time that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At

least 30 days before election day, the clerk shall provide a copy of the notice of election to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 30th day before election day, the municipality may not process absentee ballots prior to election day.

**Sec. 24. 21-A MRSA §780,** as amended by PL 2009, c. 563, §5, is further amended to read:

**§780. Absentee ballots; application**

A uniformed service voter or an overseas voter may request an absentee ballot as provided in section 753-A or by submitting a federal application or form requesting an absentee ballot as provided in section 783. With respect to any election for federal office, a clerk or the Secretary of State may not refuse to accept or process any otherwise valid voter registration application or absentee ballot application submitted by a uniformed service voter or an overseas voter on the grounds that the voter submitted the application more than 3 months before the election for which the application will be used. An application or request for an absentee ballot for a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783 remains valid for 2 years 18 months from the date of receipt of the application and entitles the voter to receive absentee ballots for all federal and state elections during that period.

See title page for effective date.

**CHAPTER 132  
H.P. 214 - L.D. 305**

**An Act To Eliminate Institute  
Councils for Mental Health  
Institutions**

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

**Sec. 1. 34-B MRSA §1207, sub-§1, ¶B,** as repealed and replaced by PL 2009, c. 415, Pt. A, §20, is amended to read:

B. Information may be disclosed if necessary to carry out the statutory functions of the department; the hospitalization provisions of chapter 3, subchapter 4; the provisions of section 1931; the purposes of sections 3607 A and section 3608; the purposes of Title 5, section 19506; the purposes of

United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319; or the investigation and hearing pursuant to Title 15, section 393, subsection 4-A;

**Sec. 2. 34-B MRSA §3604, sub-§5,** as amended by PL 2007, c. 286, §5, is further amended to read:

**5. Exclusion.** Beginning October 1, 1996, an entity that applies for the award or renewal of a grant or contract for the provision of mental health services must be a participating member of the institute council or the community service network, as established in section 3608, for the region of the State subject to that grant or contract.

**Sec. 3. 34-B MRSA §3607-A,** as enacted by PL 2007, c. 286, §7, is repealed.

**Sec. 4. 34-B MRSA §15002, sub-§2, ¶E,** as amended by PL 2007, c. 286, §11, is further amended to read:

E. Planning for the delivery of care takes into account the advice of the institute councils established under section 3607 A and the community service networks established under section 3608.

See title page for effective date.

**CHAPTER 133  
S.P. 250 - L.D. 701**

**An Act To Amend the Laws  
Governing Probation and  
Remove References to the  
Intensive Supervision Program  
of the Department of  
Corrections**

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

**Sec. 1. 15 MRSA §651, sub-§16,** as enacted by PL 2011, c. 214, §2 and affected by §6, is amended to read:

**16. Probation violation warrant.** "Probation violation warrant" means a bench warrant issued by a judicial officer in response to a motion to revoke the probation, intensive supervision or supervised release of an individual, requested by a probation officer or prosecutor.

**Sec. 2. 15 MRSA §652, sub-§4,** as enacted by PL 2011, c. 214, §2 and affected by §6, is amended to read:

**4. Corrections warrants.** Warrants issued by the Department of Corrections for violations of parole, probation, ~~intensive supervision~~ or supervised release or for escape or failure to report;

**Sec. 3. 15 MRSA §2121, sub-§2,** as amended by PL 2011, c. 601, §3, is further amended to read:

**2. Post-sentencing proceeding.** "Post-sentencing proceeding" means a court proceeding or administrative action occurring during the course of and pursuant to the operation of a sentence that affects whether there is incarceration or its length, including revocation of parole, failure to grant parole, an error of law in the computation of a sentence including administrative calculations of deductions relative to time detained pursuant to Title 17-A, section 1253, subsection 2 and default in payment of a fine or restitution. It does not include the following Title 17-A, Part 3 court proceedings: revocation of probation, ~~revocation of intensive supervision~~, revocation of supervised release for sex offenders or revocation of administrative release. It does not include the following administrative actions: calculations of good time and meritorious good time credits pursuant to Title 17-A, section 1253, subsections 3, 3-B, 4, 5 and 7 or similar deductions under Title 17-A, section 1253, subsections 8, 9 and 10; disciplinary proceedings resulting in a withdrawal of good-time credits or similar deductions under Title 17-A, section 1253, subsections 6, 8, 9 and 10; cancellation of furlough or other rehabilitative programs authorized under Title 30-A, sections 1556, 1605 and 1606 or Title 34-A, section 3035; cancellation of a supervised community confinement program granted pursuant to Title 34-A, section 3036-A; cancellation of a community confinement monitoring program granted pursuant to Title 30-A, section 1659-A; or cancellation of placement on community reintegration status granted pursuant to Title 34-A, section 3810 or 4112.

**Sec. 4. 15 MRSA §3003, sub-§17,** as amended by PL 1989, c. 113, §1, is further amended to read:

**17. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, ~~or to perform probation functions or to perform intensive supervision functions~~.

**Sec. 5. 17-A MRSA §2, sub-§17,** as amended by PL 2009, c. 142, §2, is further amended to read:

**17.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific

crimes, ~~or to perform probation functions or to perform intensive supervision functions~~ or who is an adult probation supervisor.

**Sec. 6. 17-A MRSA §755, sub-§1-A,** as amended by PL 2003, c. 711, Pt. A, §5, is repealed.

**Sec. 7. 17-A MRSA §755, sub-§3-A, ¶D,** as enacted by PL 2001, c. 383, §95 and affected by §156, is repealed.

**Sec. 8. 17-A MRSA §1152, sub-§2, ¶E,** as enacted by PL 1985, c. 821, §3, is repealed.

**Sec. 9. 17-A MRSA §1152, sub-§2, ¶G,** as amended by PL 2005, c. 527, §12, is further amended to read:

G. A fine as authorized by chapter 53. Such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, E, F, H, I, L, M and N;

**Sec. 10. 17-A MRSA §1175, first ¶,** as repealed and replaced by PL 2009, c. 652, Pt. A, §17, is amended to read:

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

**Sec. 11. 17-A MRSA §1175, sub-§3, ¶B,** as amended by PL 2009, c. 268, §9, is further amended to read:

B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, furlough, work release, ~~intensive supervision~~, supervised community confinement, home release monitoring or a similar program, administrative release or release under Title 15, section 104-A, or an unconditional release and discharge upon release from commitment under Title 15, section

101-D or upon the expiration of a sentence or upon discharge under Title 15, section 104-A;

**Sec. 12. 17-A MRSA §1202, sub-§1-B,** as amended by PL 2009, c. 142, §6, is further amended to read:

**1-B.** Notwithstanding subsection 1, if the State pleads and proves that the enumerated Class D or Class E crime was committed by the person against a family or household member, and if the court orders the person to complete a certified batterers' intervention program as defined in Title 19-A, section 4014, the person may be placed on probation for a period not to exceed 2 years, except that, on motion by the probation officer, the person on probation or the court, the term of probation must be terminated by the court when the probationer has served at least one year of probation, has completed the certified batterers' intervention program, has paid in full any victim restitution ordered and, from the time the period of probation commenced until the motion for termination is heard, has met all other conditions of probation.

A. As used in this subsection, the following definitions apply.

(1) "Enumerated Class D or Class E crime" means any Class D crime in chapter 9, any Class D or Class E crime in chapter 11, the Class D crimes described in sections 302 and 506-B and the Class D crimes described in sections 554, 555 and 758.

(2) "Family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

B. Termination under this subsection requires a judicial finding that the probationer has served at least one year of probation, has successfully completed a certified batterers' intervention program, has paid in full any victim restitution ordered and, from the time the period of probation commenced until the motion for termination is heard, has met all other conditions of probation.

**Sec. 13. 17-A MRSA §1204, sub-§5** is enacted to read:

**5.** Whenever the court requires as a condition of probation that the convicted person remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the probation officer, the Department of Corrections may impose on a person applying for such permission an application fee of \$25. The department may impose on a person an additional fee of \$25 per month if permission is sought and granted to leave the jurisdiction of the court on a periodic basis. Permission to leave may not be denied or withdrawn solely because the person is not able to pay the application fee or the additional fee. When a person fails to pay an imposed fee, the department

may refuse to process the application or may withdraw permission to leave if the failure to pay is attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received pursuant to this subsection must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this subsection must be used to defray costs associated with processing the applications, including, but not limited to, the cost of materials, equipment, training for probation officers and administration, and for the department's share of the costs of extraditing probationers who are fugitives from justice.

**Sec. 14. 17-A MRSA §1208,** as enacted by PL 1995, c. 368, Pt. R, §4, is amended to read:

#### **§1208. In lieu of probation revocation proceedings**

Whenever a probation officer has probable cause to believe that a person under the supervision of the probation officer has violated a condition of probation but the violation does not constitute a crime ~~or constitutes only a Class E crime~~, the probation officer, instead of commencing probation revocation proceedings under section 1205, may offer to the person on probation the option of adding one or more of the following conditions to the person's probation:

**1. Daily reporting program.** Participation in a daily reporting program;

**2. Public restitution program; treatment program.** Participation in a public restitution program or treatment program administered through a Department of Corrections' prerelease center correctional facility; or

**3. Residing at facility.** Residing at a Department of Corrections' prerelease center correctional facility for a period of time not to exceed 90 days.

If the person on probation agrees, in writing, to the additional conditions, the conditions must be implemented. If the person on probation does not agree or if the person fails to fulfill the additional conditions to the satisfaction of the probation officer, the probation officer may commence probation revocation proceedings under section 1205 or 1205-B for the violation that the probation officer had probable cause to believe occurred. If the person on probation fulfills the additional conditions to the satisfaction of the probation officer, the probation officer shall so notify the person in writing and the probation officer may not commence probation revocation proceedings for the violation that the probation officer had probable cause to believe occurred.

**Sec. 15. 17-A MRSA §1252, sub-§5-A, ¶B,** as amended by PL 2003, c. 232, §1, is further amended to read:

B. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in paragraph A, if:

(1) The court finds by substantial evidence that:

- (a) Imposition of a minimum unsuspended term of imprisonment under paragraph A will result in substantial injustice to the defendant. In making this determination, the court shall consider, among other considerations, whether the defendant did not know and reasonably should not have known that the victim was less than 18 years of age;
- (b) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not have an adverse effect on public safety; and
- (c) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not appreciably impair the effect of paragraph A in deterring others from violating section 1105-A, 1105-B, 1105-C or 1105-D; and

(2) The court finds that:

- ~~(b) The defendant is an appropriate candidate for an intensive supervision program, but would be ineligible to participate under a sentence imposed under paragraph A; or~~
- (c) The defendant's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under paragraph A would frustrate the general purposes of sentencing set forth in section 1151.

If the court imposes a sentence under this paragraph, the court shall state in writing its reasons for its findings and for imposing a sentence under this paragraph rather than under paragraph A; and

**Sec. 16. 17-A MRSA §1253, sub-§3,** as amended by PL 1993, c. 518, §1, is further amended to read:

**3.** Beginning October 1, 1983, a person sentenced to imprisonment for more than 6 months is entitled to receive a deduction of 10 days each month for observing all rules of the department and institution. The period from which the deduction is made must be calculated from the first day the person is delivered into the custody of the department and includes the full length of the unsuspended portion of the sentence. This provision does not apply to the suspended portion of the person's sentence pursuant to section 1203 ~~nor~~

~~does it apply to the suspended portion of a sentence under section 1262.~~ For the purpose of calculating good time under this subsection, a month is 30 days and a year is 12 months.

A. Deductions under this subsection must be calculated as follows for partial months.

Days of partial month	Maximum good time credit available
0 - 2 days	
3 - 5 days	1
6 - 8 days	2
9 - 11 days	3
12 - 14 days	4
15 - 17 days	5
18 - 20 days	6
21 - 23 days	7
24 - 26 days	8
27 - 29 days	9
30 days	10

**Sec. 17. 17-A MRSA §1256, sub-§1-A,** as amended by PL 2009, c. 142, §8, is further amended to read:

**1-A.** Subsection 1 applies to prisoners on ~~intensive supervision or~~ supervised community confinement pursuant to Title 34-A, section 3036-A.

**Sec. 18. 17-A MRSA c. 52,** as amended, is repealed.

**Sec. 19. 25 MRSA §2801-B, sub-§1, ¶A,** as amended by PL 2009, c. 142, §10, is further amended to read:

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

**Sec. 20. 26 MRSA §663, sub-§3, ¶L,** as enacted by PL 2009, c. 529, §3, is amended to read:

L. A person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except a prisoner who is:

- (1) Employed by a private employer;
- (2) Participating in a work release program;
- ~~(3) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;~~

(4) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;

(5) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; or

(6) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

**Sec. 21. 26 MRSA §962, sub-§6, ¶H,** as amended by PL 2009, c. 142, §11, is further amended to read:

H. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in a work release program ~~or on intensive supervision under Title 17-A, section 1261~~ or supervised community confinement pursuant to Title 34-A, section 3036-A.

**Sec. 22. 26 MRSA §979-A, sub-§6, ¶K,** as amended by PL 2009, c. 142, §12, is further amended to read:

K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in a work release program ~~or on intensive supervision under Title 17-A, section 1261~~ or supervised community confinement pursuant to Title 34-A, section 3036-A.

**Sec. 23. 28-A MRSA §2, sub-§13-A,** as amended by PL 2009, c. 142, §13, is further amended to read:

**13-A. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes, ~~or to perform probation functions or to perform intensive supervision functions~~ or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C.

**Sec. 24. 34-A MRSA §1001, sub-§14,** as amended by PL 2009, c. 142, §14, is further amended to read:

**14. Prisoner.** "Prisoner" means an adult person sentenced and committed to, transferred to or detained in the custody of the department, including, where the context indicates, a person ~~under intensive supervision or on supervised community confinement~~.

**Sec. 25. 34-A MRSA §1001, sub-§15-A,** as amended by PL 2001, c. 667, Pt. A, §50, is further amended to read:

**15-A. Regional correctional administrator.** "Regional correctional administrator" means the su-

pervisor of adult probation and parole ~~and intensive supervision~~ services or the supervisor of juvenile community corrections officer services for a region.

**Sec. 26. 34-A MRSA §5401,** as repealed and replaced by PL 1995, c. 502, Pt. F, §33, is amended to read:

#### **§5401. Administration of probation and parole services**

The Department of Corrections is charged with the administration of probation and parole services ~~and the Intensive Supervision Program~~ within the State.

**Sec. 27. 34-A MRSA §5402, sub-§2, ¶A,** as amended by PL 2005, c. 488, §19, is further amended to read:

A. Adopt and enforce rules for field probation and parole officers, juvenile community corrections officers, ~~and parole officers in correctional facilities and Intensive Supervision Program officers;~~

**Sec. 28. 34-A MRSA §5402, sub-§2, ¶B,** as amended by PL 2005, c. 488, §20, is further amended to read:

B. Appoint, subject to the Civil Service Law, regional correctional administrators, field probation and parole officers, juvenile community corrections officers, ~~Intensive Supervision Program officers~~ and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities, ~~persons on intensive supervision~~ and other persons placed under the supervision of an employee listed in this paragraph;

**Sec. 29. 34-A MRSA §5402, sub-§2, ¶D,** as amended by PL 1985, c. 821, §28, is further amended to read:

D. Provide necessary investigation of any criminal case or matter, including presentence investigation ~~and intensive supervision eligibility investigations~~, when requested by the court having jurisdiction;

**Sec. 30. 34-A MRSA §5402, sub-§2, ¶K,** as amended by PL 2005, c. 488, §21, is further amended to read:

K. Provide instruction and training courses for probation and parole officers, ~~for Intensive Supervision Program officers~~ and for juvenile community corrections officers;

**Sec. 31. 34-A MRSA §5404,** as amended by PL 2011, c. 680, §§7 and 8, is further amended to read:

**§5404. Probation and parole officers**

In addition to duties prescribed by the commissioner and by the court having jurisdiction, a probation and parole ~~or intensive supervision program~~ officer shall:

**1. Investigation.** Investigate any criminal case or matter concerning probation, supervised release for sex offenders, ~~or parole or intensive supervision~~ referred to the officer for investigation and report the result of the investigation;

**2. Arrest.** Arrest, after completing the entry level and orientation training course prescribed by the commissioner, in the following circumstances:

A. Arrest violators of probation or supervised release for sex offenders and parole violators and return parole violators upon request of the commissioner;

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035 or transferred from the facility under section 3036-A; and

C. If the officer has probable cause to believe that a person under the supervision of the department has violated a condition of that person's probation, supervised release for sex offenders, ~~or parole or intensive supervision~~, the officer may arrest that person;

**3. Supervision.** Supervise persons as follows:

A. Supervise the probation, supervised release for sex offenders, ~~or parole or intensive supervision~~ of each person placed under the officer's supervision to ensure that departmental resources are directed to the management of persons with a high risk of reoffending;

B. Supervise persons released from a correctional facility under section 3035 and supervise persons transferred to supervised community confinement under section 3036-A if the commissioner directs;

C. Keep informed of the conduct and condition of each person placed under the officer's supervision and use suitable methods to encourage the person to improve that person's conduct and condition; and

E. Supervise the transition from institutional confinement for persons residing in a prerelease center if the commissioner directs;

**3-A. Risk assessment; immunity from liability.**

Make a good faith effort to supplement any assessment tool for all domestic violence offenders with a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the

Department of Public Safety. A probation and parole ~~or intensive supervision program~~ officer shall implement protocols to override risk assessment scores based on the presence of domestic violence risk factors that indicate a higher risk.

Notwithstanding any other law to the contrary, the administration of the domestic violence risk assessment pursuant to this subsection or the failure to administer the assessment does not subject any state, municipal or county official or employee to liability in a civil action; and

**4. Records and reports.** Keep records of each case and make reports as required.

**Sec. 32. 34-A MRSA §11203, sub-§1-A,** as amended by PL 2009, c. 365, Pt. B, §4 and affected by §22, is further amended to read:

**1-A. Conditional release.** "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, ~~intensive supervision~~, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 54-G.

**Sec. 33. 34-A MRSA §11273, sub-§3,** as enacted by PL 2011, c. 663, §3, is amended to read:

**3. Conditional release.** "Conditional release" means supervised release of a registrant or an offender from institutional confinement for placement on probation, parole, ~~intensive supervision~~, supervised release for sex offenders, supervised community confinement, home release monitoring or release under Title 15, section 104-A or Title 17-A, chapter 54-G.

**Sec. 34. 34-B MRSA §1220, first ¶,** as amended by PL 2007, c. 286, §3, is further amended to read:

The department shall designate at least one individual within each of the 7 areas described in section 3608, subsection 1-A to act as liaison to the District Courts and Superior Courts of the State and to the Department of Corrections in its administration of probation and parole services ~~and the Intensive Supervision Program established pursuant to Title 17 A, section 1261.~~

**Sec. 35. 39-A MRSA §102, sub-§11, ¶E,** as amended by PL 2009, c. 529, §4, is further amended to read:

E. "Employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

- (1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;
- (2) Employed by a private employer;
- (3) Participating in a work release program;
- (4) ~~Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;~~
- (5) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;
- (6) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; or
- (7) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

**Sec. 36. 39-A MRSA §203, sub-§1, ¶C,** as amended by PL 2009, c. 142, §18, is repealed.

**Sec. 37. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 17-A, section 1202, subsection 1-C applies only to a person who commits a crime on or after the effective date of this Act and is subsequently placed on probation for that crime.

**Sec. 38. Appropriations and allocations.** The following appropriations and allocations are made.

#### CORRECTIONS, DEPARTMENT OF Adult Community Corrections 0124

Initiative: Allocates funds for the costs of processing out-of-state travel applications and the costs of extraditing probationers.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$10,313	\$13,750
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,313	\$13,750

See title page for effective date.

#### CHAPTER 134 S.P. 230 - L.D. 640

##### An Act Regarding Legal Representation in Certain Eviction Actions

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶P,** as amended by PL 2009, c. 480, §2 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; or

**Sec. 2. 4 MRSA §807, sub-§3, ¶Q,** as enacted by PL 2009, c. 480, §3, is amended to read:

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶R** is enacted to read:

R. A person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709.

This paragraph is repealed September 1, 2016.

See title page for effective date.

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#### CHAPTER 135 H.P. 400 - L.D. 581

##### An Act To Amend the Laws Governing Service of Process in Eviction Actions

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

**Sec. 1. 14 MRSA §6004** is repealed and the following enacted in its place:

##### §6004. Commencement of action

Until September 1, 2016, the process of forcible entry and detainer must be commenced and service

made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable. This paragraph is repealed September 1, 2016.

Beginning September 1, 2016, the process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.

See title page for effective date.

## CHAPTER 136 H.P. 419 - L.D. 600

### An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band

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

**Sec. 1. 12 MRSA §10853, sub-§8,** as amended by PL 2011, c. 327, §1, is further amended to read:

**8. Members of federally recognized nation, band or tribe.** The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including permits, stamps and other permission needed to hunt, trap and fish, to a person, 10 years of age or older, who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of

a federally recognized nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201 and the archery hunter education course under section 11106.

See title page for effective date.

## CHAPTER 137 H.P. 122 - L.D. 147

### An Act Regarding Adoption

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

**Sec. 1. 18-A MRSA §9-308, sub-§(a),** as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

**(a).** The court shall grant a final decree of adoption if the petitioner who filed the petition has been heard or has waived hearing and the court is satisfied from the hearing or record that:

- (1). All necessary consents, relinquishments or terminations of parental rights have been duly executed and filed with the court;
- (2). An adoption study, when required by section 9-304, has been filed with the court;
- (3). A list of all disbursements as required by section 9-306 has been filed with the court;
- (4). The petitioner is a suitable adopting parent and desires to establish a parent and child relationship with the adoptee;
- (5). The best interests of the adoptee are served by the adoption; and
- (6). All other requirements of this article have been met.

See title page for effective date.

## CHAPTER 138 S.P. 62 - L.D. 173

### An Act To Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries

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

**Sec. 1. 12 MRSA §12706, sub-§1, ¶Z,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 2. 12 MRSA §12707, sub-§2, ¶E,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

See title page for effective date.

## CHAPTER 139 H.P. 216 - L.D. 307

### An Act To Exempt Persons Who Serve in the Armed Forces from the Requirement To Take a Hunter Safety Course To Obtain a Hunting License

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

**Sec. 1. 12 MRSA §11105,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is amended to read:

#### **§11105. Safety course**

**1. Hunter safety course requirements.** A Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a juvenile license must submit proof of having successfully completed a hunter safety course as provided in section 10108 or an equivalent hunter safety course or satisfactory evidence of having previously held an adult license to hunt with firearms in this State or any other state, province or country in any year beginning with 1976.

When proof of competency can not otherwise be provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult hunting license or that the applicant has successfully completed the required hunter safety course.

**2. Hunter safety course exemption for certain members of armed forces domiciled in State.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from hunter safety course requirements under subsection 1 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 1.

**Sec. 2. 12 MRSA §11106,** as amended by PL 2007, c. 203, §§1 and 2, is further amended to read:

#### **§11106. Eligibility for archery hunting license**

**1. Age requirement.** A person is eligible to obtain an archery hunting license as provided in this section.

A. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 2 or holds an apprenticeship hunter license, or who is exempt under subsection 3, may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent.

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license.

**2. Archery hunter education requirements.** A Except as provided in subsection 3, a person who applies for an archery hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunter education course as described in section 10108 or an equivalent archery hunter education course or satisfactory evidence of having previously held an adult archery hunting license issued specifically for the purpose of hunting with bow and arrow in this State or any other state, province or country in any year after 1979.

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

**3. Archery hunter education course exemption for members of armed forces domiciled in State.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from archery hunter education course requirements under subsection 2 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 2.

**Sec. 3. 12 MRSA §11106-A, sub-§1,** as amended by PL 2007, c. 203, §3, is further amended to read:

**1. Big game license.** A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 3 or who is exempt under subsection 4 and who holds a valid big game license or an apprenticeship hunter license may obtain a crossbow license to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

**Sec. 4. 12 MRSA §11106-A, sub-§4** is enacted to read:

**4. Crossbow hunter education course exemption for members of armed forces domiciled in State.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from crossbow hunter education course requirements under subsection 3 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the requirements of this subsection must satisfy the conditions for exemption under subsection 3.

See title page for effective date.

## CHAPTER 140 H.P. 415 - L.D. 596

### An Act To Help Small Businesses and Promote Tourism by Allowing the Construction of a Deck over a River within a Downtown Revitalization Project

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

**Sec. 1. 38 MRSA §439-A, sub-§4-B** is enacted to read:

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

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

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

B. A downtown revitalization project under this subsection must be defined in a project plan ap-

proved by the legislative body of the municipality and may include the revitalization of buildings formerly used as mills that do not meet the water or wetland setback requirements in subsections 4 and 4-A.

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

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

See title page for effective date.

## CHAPTER 141 H.P. 559 - L.D. 808

### An Act To Amend the Laws Concerning Scrap Metal Processors

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

**Sec. 1. 30-A MRSA §3772, sub-§1-A**, as enacted by PL 2011, c. 545, §3, is amended to read:

**1-A. Form and method of payment.** A scrap metal processor shall provide payment to a seller only in the form of a credit card, as defined in Title 9-A, section 1-301, subsection 16, a debit card, as defined in Title 10, section 1271, subsection 3, or a check and. If payment is made by check, the scrap metal processor shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.

See title page for effective date.

## CHAPTER 142 H.P. 424 - L.D. 605

### An Act To Allow a Minor in the Police Explorer Program To Assist with Traffic Control at Civic Events

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

**Sec. 1. 26 MRSA §772, sub-§5**, as enacted by PL 2003, c. 59, §1, is amended to read:

**5. Application.** This section does not apply to minors in public and approved private schools where mechanical equipment is installed and operated primarily for purposes of instruction or minors who are

volunteer participants in a career-oriented law enforcement program and perform traffic control duties at civic events pursuant to section 786.

**Sec. 2. 26 MRSA §786** is enacted to read:

**§786. Traffic control duties**

**1. Traffic control duties permitted.** Notwithstanding any other provision of this article, a minor who is 14 years of age or older and is a volunteer participant in a career-oriented law enforcement program may perform traffic control duties in accordance with this section.

**2. Training.** A minor may not perform traffic control duties under this section until the minor has received traffic control training in accordance with the requirements of the supervising law enforcement agency. Proof of the minor's successful completion of the training must be maintained by the law enforcement agency.

**3. Supervision.** A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of a career-oriented law enforcement program. This supervision must:

A. Be from a close distance so that the officer does not become distracted or perform other duties; and

B. Include means of radio contact in the event that the minor needs to contact another officer for assistance.

**4. Limitations on events.** A minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows and charity events.

**5. Limitations on locations.** A minor may not:

A. Direct traffic or pedestrians on busy roadways or thoroughfares;

B. Assist in traffic control at places of heightened danger such as traffic stops or roadblocks;

C. Direct traffic in conjunction with crowd control or riot control;

D. Collect donations at a traffic light;

E. Direct traffic at funeral processions; or

F. Direct traffic at the scene of an emergency.

**6. Night activities prohibited.** A minor may perform the activities authorized under this section only during the period from sunrise to sunset.

See title page for effective date.

## CHAPTER 143

**H.P. 379 - L.D. 560**  
**An Act To Establish Maine Seniors Day**

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

**Sec. 1. 1 MRSA §150-J** is enacted to read:

**§150-J. Maine Seniors Day**

In recognition of the service and contributions of senior citizens in the State, and for those who continue to enhance the quality of life in the State with their values and experiences, the State designates the 2nd Saturday in September of each year as Maine Seniors Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity and encouraging businesses of the State to offer incentives for senior citizens to frequent their establishments. State agencies with promotional budgets may promote Maine Seniors Day prior to and on the 2nd Saturday in September.

See title page for effective date.

## CHAPTER 144

**H.P. 848 - L.D. 1204**

**An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal**

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

**Sec. 1. 30-A MRSA §2691, sub-§4,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8, 10, is further amended to read:

**4. Jurisdiction.** Any municipality establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. No board may assert jurisdiction over any matter unless the municipality has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Absent an express provision in a charter or ordinance that certain decisions of its code enforcement officer or board of appeals are only advisory or may not be appealed, a notice of violation or an enforcement order by a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn

by the Superior Court under the Maine Rules of Civil Procedure, Rule 80B. Any such decision that is not timely appealed is subject to the same preclusive effect as otherwise provided by law. Any board of appeals shall hear any appeal submitted to the board in accordance with Title 28-A, section 1054.

See title page for effective date.

## CHAPTER 145 S.P. 304 - L.D. 879

### An Act To Increase State Wildlife Revenues and Grow the Hunting and Fishing Industries

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

**Sec. 1. 12 MRSA §10853, sub-§4,** as amended by PL 2007, c. 651, §10, is further amended to read:

**4. Disabled veteran.** A resident disabled veteran or a nonresident disabled veteran who is a resident of New Hampshire or Vermont may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant is a resident disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "resident disabled veteran" means a person who:

- A. Is a resident as defined in section 10001, subsection 53 or is a resident of New Hampshire or Vermont;
- B. Is a veteran as defined in Title 37-B, section 505, subsection 2, paragraph A, subparagraph (3); and
- C. Has a service-connected disability evaluated at:
  - (1) One hundred percent; or
  - (2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards as defined in 42 United States Code, Section 1711 (b).

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit

under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 10001, subsection 53 and the permit or license is not revoked or suspended. For a resident of New Hampshire or Vermont to be eligible under this subsection, that resident's state must have a reciprocal agreement with this State.

See title page for effective date.

## CHAPTER 146 S.P. 121 - L.D. 326

### An Act To Update the Maine Emergency Management Laws

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

**Sec. 1. 37-B MRSA §701, sub-§3,** as enacted by PL 1983, c. 460, §3, is amended to read:

**3. Emergency powers.** Confer upon the Governor and the executive heads of governing bodies of the political subdivisions of the State certain emergency powers; and

**Sec. 2. 37-B MRSA §701, sub-§4,** as repealed and replaced by PL 2003, c. 510, Pt. A, §32, is amended to read:

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

**Sec. 3. 37-B MRSA §701, sub-§5** is enacted to read:

**5. Homeland security.** Authorize the Maine Emergency Management Agency to coordinate the State's homeland security-related preparedness, response, recovery, prevention and protection activities.

**Sec. 4. 37-B MRSA §702,** as amended by PL 2001, c. 662, §73, is further amended to read:

#### §702. Policy

It is declared to be the policy of the State that all emergency management and homeland security functions be coordinated to the maximum extent with the comparable functions of the Federal Government, including its various departments and agencies, of other states and localities, and of private agencies so that the most effective preparation and use may be made of the

nation's workforce, resources and facilities for dealing with any disaster that may occur.

**Sec. 5. 37-B MRSA §703, sub-§2-D** is enacted to read:

**2-D. Homeland security.** "Homeland security" means a concerted national effort to prevent and disrupt terrorist attacks, protect against man-made and natural hazards and respond to and recover from incidents that do occur.

**Sec. 6. 37-B MRSA §703, sub-§8** is enacted to read:

**8. Terrorism.** "Terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

**Sec. 7. 37-B MRSA §704,** as amended by PL 2007, c. 3, §1 and c. 167, §11, is further amended to read:

#### **§704. Director; duties**

The Maine Emergency Management Agency, as previously established and in this chapter called the "agency," is under the supervision of the Director of the Maine Emergency Management Agency, who in this chapter is called the "director." The director must be qualified by education, training or experience in managing emergencies or in the emergency management profession and is appointed by the Governor upon recommendation of the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and confirmation by the Legislature. The director serves at the pleasure of the Governor.

The director may employ technical, clerical, stenographic, administrative and operative assistants and other personnel, subject to the Civil Service Law, and make expenditures, with approval of the commissioner, that are necessary to carry out the purposes of this chapter.

The director, subject to the direction and control of the commissioner, is responsible administratively to the commissioner, retains direct access to the Governor in the case of an emergency and is responsible for notifying the Governor and the commissioner of all emergencies. The director is the executive head of the agency and is responsible for carrying out the program for emergency management. The director shall represent the Governor on all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State; shall coordinate the activities of all organizations for emergency management within the State; shall maintain liaison with and cooperate with emergency manage-

ment and public safety agencies and organizations of other states, the Federal Government and foreign countries, and their political subdivisions; prior to the annual meeting required in section 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 or the Governor.

The director, in consultation with the Office of Chief Medical Examiner, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of Chief Medical Examiner is responsible for execution of the plan, with full cooperation and assistance from all other members of the emergency management forces.

This plan must be reviewed and updated as necessary. The director shall see that the plan and the reviews receive suitable dissemination on a timely basis.

The director shall conduct periodic assessments at least once every 2 years, beginning January 15, 2007, of the use of public safety radio frequencies in emergency situations to ensure that first responders obtain sufficient training to understand and comply with adopted protocols and procedures.

The director shall develop and conduct an annual program of comprehensive public education, using all appropriate means of communication to educate and inform members of the public and public officials about emergency preparedness, response, recovery and mitigation. The program must incorporate the use of appropriate accessible formats to educate and inform individuals with disabilities, individuals who are elderly and non-English speaking residents of Maine.

The director shall develop and conduct an annual statewide program of emergency management exercises to test the policies and plans of the state, county and local emergency management agencies. The program must address all disasters identified pursuant to section 783, subsection 1.

The director shall:

**1. Emergency management; disaster response.** Represent the Governor in all matters pertaining to the comprehensive emergency management program and the disaster and emergency response of the State;

**2. Coordination.** Coordinate the activities of all organizations for emergency management within the State;

**3. Liaison.** Maintain liaison with and cooperate with emergency management and public safety agencies and organizations of other states, the Federal

Government and foreign countries and their political subdivisions;

**4. Local emergency management; assessment.** Prior to the annual meeting required in section 782, subsection 4, 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;

**5. Public safety radio frequencies; assessment.** Conduct periodic assessments at least once every 2 years of the use of public safety radio frequencies in emergency situations to ensure that first responders obtain sufficient training to understand and comply with adopted protocols and procedures;

**6. Public education.** Develop and conduct an annual program of comprehensive public education, using all appropriate means of communication to educate and inform members of the public and public officials about emergency preparedness, response, recovery, prevention and mitigation. The program must incorporate the use of appropriate accessible formats to educate and inform individuals with disabilities, individuals who are elderly and non-English-speaking residents of the State;

**7. Training program.** Develop and conduct an annual statewide program of emergency management training, including the assessment, development and implementation of appropriate training for state, county and local emergency management and response and support personnel, public officials and the public. The program must address all hazards and threats identified pursuant to section 783;

**8. Exercises; evaluations; corrective actions.** Develop and conduct an annual statewide program of emergency management exercises, evaluations and corrective actions to test and improve the policies and plans of the state, county and local emergency management agencies. The program must address all hazards and threats identified pursuant to section 783;

**9. Emergency operations center.** Maintain and operate a primary State Emergency Operations Center and designate an alternate State Emergency Operations Center pursuant to section 741, subsection 3, paragraph G-1;

**10. Risk assessment; emergency planning guidance.** Develop and disseminate risk assessment and emergency planning guidance in conformance with current federal requirements and national standards for use by the agency and county, regional and municipal jurisdictions;

**11. Comprehensive emergency management plan.** Develop and maintain a comprehensive emergency management plan for the State that is in con-

formance with guidance developed under subsection 10; and

**12. Additional duties and authority.** Carry out any additional duties and assume such additional authority as may be prescribed by the commissioner or the Governor.

**Sec. 8. 37-B MRSA §709** is enacted to read:

**§709. Governor's homeland security advisor**

The Commissioner of Defense, Veterans and Emergency Management serves as the Governor's homeland security advisor.

**Sec. 9. 37-B MRSA §741, sub-§3, ¶A,** as repealed and replaced by PL 2003, c. 510, Pt. A, §34, is amended to read:

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 or homeland security functions;

**Sec. 10. 37-B MRSA §741, sub-§3, ¶D,** as repealed and replaced by PL 2003, c. 510, Pt. A, §34, is amended to read:

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

**Sec. 11. 37-B MRSA §741, sub-§3, ¶G,** as amended by PL 2009, c. 252, §1, is further amended to read:

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 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 en-

acted 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

**Sec. 12. 37-B MRSA §741, sub-§3, ¶G-1** is enacted to read:

G-1. Establish and ensure maintenance of a primary facility designated as the State Emergency Operations Center from which the emergency co-ordination of response to and recovery from a disaster may be effectively carried out and ensure the identification of an alternate site that may be used for this purpose if necessary; and

**Sec. 13. 37-B MRSA §745**, as amended by PL 2009, c. 252, §§2 to 4, is further amended to read:

#### **§745. Disaster Recovery Fund**

**1. Fund established.** There is established the Disaster Relief Recovery Fund, referred to in this section as "the fund," to be administered by the agency.

**2. Sources of fund.** The following must be paid into the fund:

- A. All money appropriated for inclusion in the fund;
- B. All interest from investment of the fund;
- C. Any other money deposited in the fund from the Department of Defense, Veterans and Emergency Management, Disaster Assistance Relief, Other Special Revenue Funds account; and
- D. Reimbursement received from the Federal Government or other legal entity for disaster relief recovery assistance expenditures made from the fund.

**3. Use of fund.** The fund must be the first resource used when section 742 or 744 is invoked. The fund may be used for any of the following at the discretion of the Governor or Governor's designee:

- A. To provide disaster relief recovery assistance to individuals and families when a federal disaster declaration is not received;
- B. To provide disaster relief recovery assistance to local governmental units of the State for infrastructure repair and response when a federal disaster declaration is not received;
- C. Emergency response costs for state agencies;
- D. To provide low-interest loans to businesses for disaster relief recovery assistance when a federal disaster declaration is not received;

E. Disaster-related unmet needs of individuals and families following a federally declared disaster;

F. Matching funds for assistance to individuals in a federally declared disaster; and

G. Matching funds for assistance to state and local governmental units in a federally declared disaster.

**4. Fund balance.** The fund's balance may not exceed \$3,000,000, except by order of the Governor. In the absence of such an order, any amount, including interest, that accrues in excess of \$3,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532. Beginning July 1, 2010, the fund's maximum allowable balance must be adjusted annually on July 1st by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 2%.

**5. Annual report.** The director shall submit a written report by January 15, 2007 and annually thereafter to the Governor and the Legislature on the fund's balance and expenditures.

**6. Rules.** The agency shall adopt rules governing the process for the expenditure of funds from the fund. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 14. 37-B MRSA §783**, as amended by PL 2003, c. 404, §10 and c. 510, Pt. A, §36, is further amended to read:

#### **§783. Disaster emergency plan**

Each municipality, county and regional emergency management agency shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan must include, without limitation: The plan must be approved by the jurisdiction's governing body. The plan must follow the risk assessment and planning guidance provided by the director under section 704, subsection 10 and address the hazards and threats that pose the greatest risk to the jurisdiction and the capabilities and actions needed to respond to and recover from disasters.

**1. Identification of disasters.** Identification of disasters to which the jurisdiction is or may be vulnerable, specifically indicating the areas most likely to be affected;

**2. Action to minimize damage.** Identification of the procedures and operations which will be necessary to prevent or minimize injury and damage in the event those disasters occur;

**3. Personnel, equipment and supplies.** Identification of the personnel, equipment and supplies required to implement those procedures and operations

~~and the means by which their timely availability will be assured;~~

**4. Recommendations.** Recommendations to appropriate public and private agencies of all preventive measures found reasonable in light of risk and cost; and

**5. Other.** Other elements required by agency rule.

Each municipal, county and regional emergency management agency, as part of the development of a disaster emergency plan for the area subject to its jurisdiction, shall consult as it considers appropriate with hospitals institutions, organizations and businesses within its jurisdiction to ensure that the disaster plans developed by the municipality or agency and the hospitals those institutions, organizations and businesses are compatible. Institutions, organizations and businesses with which the municipality or agency may consult include, but are not limited to, hospitals, schools, health care facilities, group homes and day care centers.

**Sec. 15. 37-B MRSA §784-A,** as amended by PL 2005, c. 630, §2, is further amended to read:

#### **§784-A. Right to call for and employ assistance**

The Maine Emergency Management Agency and local organizations for emergency management may employ any person considered necessary to assist with emergency management activities. All persons called and employed for assistance shall proceed as directed by the Maine Emergency Management Agency or the local organization. Any person called and employed for assistance either within the State or in another state under chapter 16 or in a Canadian province under chapter 16-A is deemed to be an employee of the State for purposes of immunity from liability pursuant to section sections 822, 926 and 940 and for purposes of workers' compensation insurance pursuant to section sections 823, 928 and 942, except for persons excluded from the definition of employee pursuant to Title 39-A, section 102, subsection 11. A health care worker licensed in this State, either designated by the Maine Emergency Management Agency to perform emergency management or health activities in this State in a declared disaster or civil emergency pursuant to section 742 or designated by the Maine Emergency Management Agency to render aid in another state under chapter 16, is deemed to be an employee of the State for purposes of immunity from liability pursuant to this section and section 926 and for purposes of workers' compensation insurance pursuant to sections 823 and 928, except for persons excluded from the definition of employee pursuant to Title 39 A, section 102, subsection 11. A person holding a professional license in the State may be designated a member of the emergency management forces in that pro-

fessional capacity only after the individual or the license issuer provides confirmation of a valid license.

**Sec. 16. 37-B MRSA §823, first ¶,** as repealed and replaced by PL 2003, c. 510, Pt. A, §38, is amended to read:

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

**Sec. 17. 37-B MRSA §850,** as amended by PL 2001, c. 662, §98, is further amended to read:

#### **§850. Search and rescue plan**

The Director of the Maine Emergency Management Agency director shall prepare compile a state search and rescue plan encompassing all activities including land, sea and air searches for persons, boats and airplanes. In the preparation of this plan, the director shall review include such individual agency plans as currently exist, seek the advice and counsel of all currently designated federal and state search and rescue agencies and obtain their approval of the final compiled plan. All other search and rescue agencies shall cooperate with the agency in preparation of this plan. Responsibility for execution of the plan is with the individual state agencies that have responsibility for the area being searched or for lost or downed aircraft, as appropriate. These agencies shall follow all the provisions of the approved plan.

This plan must be reviewed and updated as necessary. The director shall see that the plan and its revisions receive suitable dissemination on a timely basis. Individual agencies shall submit revisions of their search and rescue plans to the director for comment and incorporation into the agency's statewide comprehensive emergency management plan for the State.

**Sec. 18. 37-B MRSA §§851 and 852** are enacted to read:

#### **§851. Mass fatality plan**

The director, in consultation with the Office of the Chief Medical Examiner, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and other agencies as appropriate, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of the Chief Medical Examiner is responsible for execution of the plan, and all members of the emergency management forces shall cooperate and assist the office in executing the plan.

This plan must be reviewed and updated as necessary. The director shall see that the plan and its revisions receive suitable dissemination on a timely basis.

**§852. Plans deemed part of statewide comprehensive plan**

An operational plan developed by an agency of the State that has jurisdiction over responding to an emergency is deemed to be part of the comprehensive emergency management plan for the State.

**Sec. 19. 37-B MRSA §1118, sub-§1, ¶¶B and C,** as enacted by PL 2001, c. 460, §3, are amended to read:

- B. All other dams, at least once every 6 12 years;
- C. Any dam, within 30 60 days of a request for an evaluation from the dam owner, the municipality in which the dam is located or the emergency management director of the county in which the dam is located; and

**Sec. 20. 37-B MRSA §1119, sub-§1, ¶¶A to C,** as enacted by PL 2001, c. 460, §3, are amended to read:

- A. All significant hazard potential dams, at least once every 4 6 years;
- B. All high hazard potential dams, at least once every 2 6 years;
- C. Any dam, within 30 60 days of a request for an inspection from the dam owner or the municipality in which the dam is located; and

**Sec. 21. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 37-B, chapter 13, subchapter 5, in the subchapter headnote, the words "search and rescue" are amended to read "special operational plans" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 147**  
**S.P. 518 - L.D. 1432**

**An Act To Revise the Laws of  
the Maine Criminal Justice  
Academy**

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

**Sec. 1. 17-A MRSA §1058, sub-§2, ¶C,** as enacted by PL 2007, c. 466, Pt. C, §6, is amended to read:

- C. An employee of a courier or security service in the course and scope of employment for the cou-

rier or security service, as approved by the state judicial marshal.

**Sec. 2. 25 MRSA §1611, sub-§5,** as amended by PL 2009, c. 421, §2, is further amended to read:

**5. Law enforcement officer or officer.** "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, ~~state judicial marshal or state judicial deputy marshal~~, forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner of Public Safety pursuant to section 2908, a motor vehicle investigator or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State.

**Sec. 3. 25 MRSA §2002, sub-§1,** as amended by PL 1989, c. 917, §7, is further amended to read:

**1. Corrections officer.** "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2, paragraph A.

**Sec. 4. 25 MRSA §2801,** as amended by PL 2005, c. 331, §1, is repealed and the following enacted in its place:

**§2801. Maine Criminal Justice Academy; purpose**

**1. Purpose of academy.** The purpose of the Maine Criminal Justice Academy is to provide a central training facility for criminal justice personnel. The academy shall promote the highest levels of professional law enforcement performance and facilitate coordination and cooperation between various criminal justice agencies.

**2. Purpose of board of trustees.** The purpose of the Maine Criminal Justice Academy Board of Trustees is to protect the public health and welfare. The board carries out this purpose by ensuring that the public is served by competent and honest criminal justice practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions, as are identified in this chapter. Other goals or objectives may not supersede this purpose.

**Sec. 5. 25 MRSA §2801-A,** as amended by PL 2005, c. 519, Pt. XXX, §2, is further amended to read:

**§2801-A. Definitions**

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

**1. Board.** "Board" means the Board of Trustees of the Maine Criminal Justice Academy.

**2. Corrections officer.** "Corrections officer" means: a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A.

A. For state agencies, the following class titles and their successor titles:

- (1) Training School Counselor I and II;
- (2) Training School Counselor Supervisor;
- (3) Corrections Officer I, II and III;
- (4) Guard;
- (5) Guard Sergeant;
- (6) Guard Lieutenant; and
- (7) Guard Captain; and

B. For county, municipal and other agencies subject to this chapter, a person responsible for the custody of persons confined in a penal institution pursuant to an order of a court or as a result of an arrest. As used in this paragraph, "penal institution" has the same meaning as in Title 15, section 1461, subsection 1.

**2-A. Judicial marshal.** "State judicial Judicial marshal" or "state judicial deputy marshal" means a law enforcement officer who possesses a current and valid certificate issued by the board pursuant to section 2803-A and is employed by the Judicial Branch a non-federal employer to provide security and protection to the Judicial Branch and the courts located within the State.

**3. Full time corrections officer.** "Full time corrections officer" means a person who is employed as a corrections officer with a reasonable expectation of working more than 1,040 hours in any one calendar year for performing corrections officer duties.

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

**5. Law enforcement officer.** "Law enforcement officer" means any a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes and who possesses a current and valid certificate issued by the board pursuant to section 2803-A. As used in this chapter, the term "law enforcement officer" does not include federal law enforcement officers or attorneys prosecuting for the State.

**6. Part time corrections officer.** "Part time corrections officer" means a person who is employed as a corrections officer with a reasonable expectation of working no more than 1,040 hours in any one calendar year for performing corrections officer duties.

**7. Part-time law enforcement officer.** "Part-time law enforcement officer" means a person who is employed as a law enforcement officer with a reasonable expectation of working no more than 1,040 hours in any one calendar year for performing law enforcement officer duties.

A. Possesses a current and valid certificate issued by the board pursuant to section 2803-A to perform duties as a part-time law enforcement officer and does not possess any other type of current and valid certificate issued by the board pursuant to section 2803-A;

B. Is employed as a law enforcement officer; and

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

**8. Transport officer.** "Transport officer" means a person who is responsible for transferring or conveying from one place to another individuals who are confined in a penal institution jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A. As used in this subsection, "penal institution" has the same meaning as in Title 15, section 1461, subsection 1.

**Sec. 6. 25 MRSA §2801-B,** as amended by PL 2011, c. 657, Pt. W, §§5 and 7, is further amended to read:

**§2801-B. Application of chapter; exemption**

**1. Training and policy exemption.** The training standards of this chapter and the requirements of section 2803-B do not apply to a person defined by this chapter as a law enforcement officer who is:

A. An employee of the Department of Corrections with a duty to perform probation functions or to perform intensive supervision functions or

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

B. An agent or a representative of the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands whose law enforcement powers are limited to those specified in Title 12, section 1806;

C. An agent or a representative of the Department of Agriculture, Conservation and Forestry, Division of Forestry whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3;

E. A harbor master;

F. A municipal shellfish conservation warden;

G. A security police officer appointed by the Commissioner of Public Safety pursuant to section 2908;

H. The State Fire Marshal or Assistant State Fire Marshal;

J. A state judicial marshal or state judicial deputy marshal;

K. A contract officer appointed by the Commissioner of Public Safety pursuant to Title 28-A, section 82-A; or

L. A transport officer.

This exemption does not include certification training requirements set out in this chapter that are specific to the positions identified in this subsection or, in the case of an investigative officer as described in Title 34-A, section 3011, training requirements set out in this chapter other than those of section 2803-B.

**2. Education, training and certification training required.** A law enforcement officer listed in subsection 1 must possess a current and valid certificate issued by the board prior to carrying out any law enforcement duties. The directors of the state agencies listed in subsection 1 shall provide adequate education and training for all law enforcement officers within their jurisdiction annually and provide documentation to the board by December 31st of each year. The board shall advise the directors concerning appropriate and adequate training.

**Sec. 7. 25 MRSA §2802, first ¶,** as amended by PL 2005, c. 331, §7, is further amended to read:

There is created a board of trustees for the academy consisting of 17 members as follows: the Commissioner of Public Safety, ex officio, the Attorney General, ex officio, the Game Warden Colonel in the Department of Inland Fisheries and Wildlife, ex offi-

cio, the Commissioner of Corrections, ex officio, and the Chief of the State Police, ex officio, and the following to be appointed by the Governor: a county sheriff, a chief of a municipal police department, 2 officers of municipal police departments who are not police chiefs, an educator who is not and has never been a sworn member of a law enforcement agency, a representative from a criminal justice agency not involved in the general enforcement of Maine criminal laws criminal prosecutor from one of the offices of the District Attorney, a representative of a federal law enforcement agency, 3 citizens each of whom are is not and have has never been a sworn members member of a law enforcement agency, a municipal official who is not and has never been a sworn member of a law enforcement agency and one nonsupervisory corrections officer representing a state or county correctional facility.

**Sec. 8. 25 MRSA §2803-A, sub-§5,** as enacted by PL 1989, c. 521, §§4 and 17, is amended to read:

**5. Training and certification of corrections officers in State.** In accordance with the requirements of this chapter, to approve establish training programs and certification standards for all corrections officers, including prescription of set requirements for board-approved courses, prescribe curriculum and setting of standards for graduation from those approved programs and certification of certify graduates of board-approved courses and persons graduating from the basic training course prescribed in for whom the board has waived the training requirements of this chapter. Certification shall must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance;

**Sec. 9. 25 MRSA §2803-A, sub-§5-A** is enacted to read:

**5-A. Training of corrections employees with law enforcement powers.** To establish certification standards and a preservice and in-service training program for employees of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011. This program must include:

A. Preservice law enforcement training under section 2804-B;

B. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E.

Except for investigative officers, these employees of the Department of Corrections are exempt from section 2804-C, but completion of the basic training under section 2804-C exempts a person from the preservice training requirements under paragraph A:

**Sec. 10. 25 MRSA §2803-A, sub-§8-B,** as amended by PL 2005, c. 519, Pt. XXX, §4, is further amended to read:

**8-B. Training of judicial marshals.** To establish certification standards and a preservice and in-service training program for ~~state~~ judicial marshals and ~~state~~ judicial deputy marshals. This program must include:

- A. Preservice law enforcement training under section 2804-B;
- B. An additional 40-hour basic court security ~~judicial marshal~~ training program developed and approved by the board that is specific to the duties of a ~~state~~ judicial marshal or ~~state~~ judicial deputy ~~marshal~~; and
- C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E.

~~State judicial Judicial~~ marshals and ~~state~~ judicial ~~deputy~~ marshals are exempt from section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

**Sec. 11. 25 MRSA §2803-A, sub-§8-C,** as enacted by PL 2005, c. 331, §13, is amended to read:

**8-C. Training of transport officers.** To establish certification standards and a training program for transport officers. This program must include ~~the pre-service law enforcement training under section 2804-B;~~

- A. The preservice law enforcement training under section 2804-B; and
- B. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E;

**Sec. 12. 25 MRSA §2803-A, sub-§9,** as enacted by PL 1989, c. 521, §§4 and 17, is amended to read:

**9. Other training programs.** To establish, ~~within the limits of funds available and with the approval of the commissioner~~, additional training programs considered to be beneficial to law enforcement officers, corrections officers and ~~other~~ criminal justice personnel;

**Sec. 13. 25 MRSA §2803-A, sub-§15,** as enacted by PL 1989, c. 521, §§4 and 17, is amended to read:

**15. Revocation or suspension of certification.** To ~~revoke or suspend a take disciplinary action concerning any certificate issued under section 2806 by the board, including but not limited to suspension or revocation; and~~

**Sec. 14. 25 MRSA §2803-A, sub-§16,** as amended by PL 2005, c. 331, §15, is further amended to read:

**16. Provide assistance and materials.** To provide to state, municipal and county corrections officers and state, municipal and county law enforcement officers any assistance or instructional materials the board considers necessary to fulfill the purposes of this chapter and Title 30-A, sections 381 and 2671-~~1~~

**Sec. 15. 25 MRSA §2803-A, sub-§§17 to 19** are enacted to read:

**17. Acceptance of gifts.** To accept, as recommended by the Director of the Maine Criminal Justice Academy, money, goods and services, gifts, bequests and endowments donated to the Maine Criminal Justice Academy to support any activities carried out by the Maine Criminal Justice Academy pursuant to this chapter. Any money donated to the academy and any proceeds from the sale of property bequeathed to the board pursuant to this section must be deposited in the academy's Other Special Revenue Funds account;

**18. Rules.** To adopt rules as the board determines necessary and proper to carry out this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and

**19. Issuance of subpoenas.** To conduct investigations and issue subpoenas to assist with investigations or as otherwise considered necessary for the fulfillment of its responsibilities and to hold hearings and issue subpoenas for witnesses, records and documents in the name of the board in accordance with the terms of Title 5, section 9060, except that the subpoena authority applies to any stage or type of an investigation and is not limited to an adjudicatory hearing.

**Sec. 16. 25 MRSA §2803-B, sub-§1, ¶C,** as enacted by PL 1993, c. 744, §5, is repealed.

**Sec. 17. 25 MRSA §2803-B, sub-§1, ¶J,** as amended by PL 2009, c. 451, §1, is further amended to read:

J. Public notification regarding persons in the community required to register under Title 34-A, ~~chapter chapters~~ 15 and 17;

**Sec. 18. 25 MRSA §2803-B, sub-§1, ¶K,** as amended by PL 2009, c. 451, §2, is further amended to read:

K. Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases; and

**Sec. 19. 25 MRSA §2803-B, sub-§1, ¶L,** as enacted by PL 2009, c. 451, §3, is amended to read:

L. Mental illness and the process for involuntary commitment; and

**Sec. 20. 25 MRSA §2803-B, sub-§1, ¶M** is enacted to read:

M. Freedom of access requests. The chief administrative officer of a municipal, county or state law enforcement agency shall certify to the board annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief administrative officer has designated a person who is trained to respond to a request received by the agency pursuant to Title 1, chapter 13.

**Sec. 21. 25 MRSA §2803-B, sub-§2,** as amended by PL 2011, c. 680, §5, is repealed and the following enacted in its place:

**2. Minimum policy standards.** The board shall establish minimum standards for each law enforcement policy pursuant to subsection 1 with the exception of the freedom of access policy under subsection 1, paragraph M. Minimum standards of new mandatory policies enacted by law must be adopted by the board no later than December 31st of the year in which the law takes effect.

**Sec. 22. 25 MRSA §2803-B, sub-§3,** as amended by PL 2011, c. 680, §6, 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 annually no later than January 1st of each year that the agency has adopted written policies consistent with the minimum standards established or amended by the board and that all officers have received orientation and training with respect to new mandatory policies or new mandatory policy changes pursuant to subsection 2. New mandatory policies enacted by law must be implemented by all law enforcement agencies no later than the July 1st after the board has adopted the minimum standards.

**Sec. 23. 25 MRSA §2803-B, sub-§6,** as enacted by PL 2003, c. 185, §1, is repealed.

**Sec. 24. 25 MRSA §2803-B, sub-§7,** as enacted by PL 2009, c. 336, §18, is repealed.

**Sec. 25. 25 MRSA §2803-C,** as enacted by PL 2005, c. 331, §18, is amended to read:

### **§2803-C. Penalty**

An agency that or individual who fails to comply with a provision of this chapter commits a civil violation for which the State or the local government entity whose officer or employee committed the violation or the individual who committed the violation may be adjudged a fine not to exceed \$500.

**Sec. 26. 25 MRSA §2803-D** is enacted to read:

### **§2803-D. Certificate admissible**

Notwithstanding any other law or rule of evidence, a certificate issued by the custodian of the records of the board, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as *prima facie* evidence of any fact stated in the certificate.

**Sec. 27. 25 MRSA §2804-A, first ¶,** as amended by PL 2005, c. 331, §19, is further amended to read:

The Commissioner of Public Safety, with the advice and consideration consent of the board of trustees, shall appoint a director, who is the administrator of the academy and the executive director of the board. Qualifications of the director must be established by the commissioner and the board jointly. The salary of the director must be established by the commissioner and the board jointly. The director may be dismissed for cause by the commissioner with the approval of the board.

**Sec. 28. 25 MRSA §2804-B, sub-§7,** as amended by PL 1993, c. 551, §1, is further amended to read:

**7. Part-time law enforcement officers.** The board shall certify law enforcement officers who successfully complete preservice law enforcement training and who have qualified with a firearm using the board firearm proficiency standards as reserve or part-time law enforcement officers. Thereafter, as a condition of continued service as a reserve or part-time law enforcement officer, the officer must satisfactorily maintain the preservice certification. The board shall maintain a roster of all currently certified reserve or part-time law enforcement officers. The roster must be available for inspection by the public at the academy during regular working hours.

**Sec. 29. 25 MRSA §2804-C, sub-§1,** as amended by PL 2005, c. 331, §21, is further amended to read:

**1. Required.** As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of initial full-time employment, the basic training course at the Maine Criminal Justice Academy approved by the board. If a person's failure to comply with this requirement was a result of that person's failure to satisfy any of the admission standards applicable to the basic training course and that person is subsequently employed as a full-time law enforcement officer within 12 months of termination of the initial employment by a municipality, a county, the State or any

other nonfederal employer, the person must have satisfied all the admission standards established by the board prior to the satisfaction of the board at the time of hire. As a condition of continued employment as a full-time law enforcement officer, the officer must satisfactorily maintain the basic certification by completing the recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board also, in individual cases, may waive the basic training requirement when the facts indicate that an equivalent course has been successfully completed. ~~This section does not apply to any person employed as a full time law enforcement officer by a municipality on September 23, 1971 or by a county on July 1, 1972.~~

**Sec. 30. 25 MRSA §2804-C, sub-§2-C,** as enacted by PL 2005, c. 684, §1, is amended to read:

**2-C. Receipt of firearms; training; procedure; liability.** Beginning January 1, 2008, the The Maine Criminal Justice Academy shall provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a court order under Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1. Such training must include education concerning the prohibitions on the purchase or possession of a firearm when a protection order has been obtained and communication with parties to protection orders concerning such prohibitions.

In developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm pursuant to Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

**Sec. 31. 25 MRSA §2804-C, sub-§3,** as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

**3. Certification.** The board shall certify each ~~law enforcement officer~~ person who meets the core curriculum training requirements.

**Sec. 32. 25 MRSA §2804-C, sub-§5,** as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

**5. Application to currently certified law enforcement officers.** This section does not apply to any law enforcement officer certified as meeting the law enforcement training requirements or to any full-time law enforcement officer employed by a state agency, including the University of Maine System, as of July 1, 1990 ~~or to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971 or by a county on July 1, 1972.~~

**Sec. 33. 25 MRSA §2804-D,** as amended by PL 2001, c. 386, §6, is further amended to read:

#### **§2804-D. Basic corrections training**

**1. Required.** As a condition to the continued employment of any person as a ~~full time~~ corrections officer ~~by a municipality, a county, the State or any other nonfederal employer~~, that person must successfully complete, within the first 12 months of employment, a basic training course of ~~not less than 80 hours~~ as approved by the board. Thereafter, as a condition of continued employment as a ~~full time~~ corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than ~~90~~ 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction ~~within the 2 years immediately preceding employment. This section applies to any person employed as a full time corrections officer on or after July 6, 1978. Administrators of facilities where there are corrections officers who are not full time are encouraged to develop an orientation program for those persons.~~ A full-time correctional trade instructor hired after January 1, 2002 must meet the training requirements established under this subsection for ~~full time~~ corrections officers.

**Sec. 34. 25 MRSA §2804-E,** as amended by PL 1997, c. 395, Pt. O, §5, is further amended to read:

#### **§2804-E. In-service law enforcement training**

**1. Required.** As a condition to the continued employment of a person as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty by a municipality, county, the State or other nonfederal employer, that person must successfully complete in-service training as prescribed by the board. ~~Failure to successfully complete in-service training by a law enforcement officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.~~

**2. Role of board.** The board shall establish in-service recertification training requirements, consistent with subsection 1, ~~and~~ coordinate delivery of in-service training ~~with postsecondary schools and other institutions and law enforcement agencies and admin-~~

~~ister in service training programs.~~ The in-service recertification training requirements must include information on new laws and court decisions and on new enforcement practices demonstrated to reduce crime or increase officer safety. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the recertification training requirements, the board shall cooperate with the state and local departments and agencies to which the in-service requirements apply to ensure that the standards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

**3. Additional certificates.** ~~The board may offer additional certificates to be awarded for completion of additional education, experience and certified board approved training.~~

**4. Credit for continuing education.** The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.

**5. Provision of in-service training.** ~~In-service training programs that meet the requirements established under subsection 2 or other in-service training programs may be provided by the Maine Criminal Justice Academy or the agency employing the law enforcement officer.~~

**Sec. 35. 25 MRSA §2804-F,** as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

#### **§2804-F. In-service corrections training**

**1. Required.** As a condition to the continued employment of any person as a ~~full time~~ corrections officer by a municipality, county, the State or other nonfederal employer, that person shall successfully complete in-service training as prescribed by the board. ~~Failure to successfully complete in-service training by a corrections officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.~~

**2. Role of board.** The board shall establish in-service training requirements, ~~consistent with subsection 1, and coordinate delivery of in-service training with post secondary and other institutions and corrections agencies and administer in-service training programs.~~ The in-service ~~recertification~~ training requirements ~~shall~~ ~~must~~ include information on new laws and court decisions. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the ~~recertification training~~ requirements, the board shall cooperate with the ~~State~~ ~~state~~ and local departments and agencies to which the in-service requirements apply to ensure that the stan-

dards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

**3. Provisions of in-service training.** In-service training programs ~~which that~~ meet the requirements established under subsection 2; ~~or other in-service training~~ may be provided by the Maine Criminal Justice Academy or the agency employing the corrections officer.

**4. Credit for continuing education.** ~~The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.~~

**Sec. 36. 25 MRSA §2804-K,** as amended by PL 2005, c. 519, Pt. XXX, §5, is further amended to read:

#### **§2804-K. Law enforcement training for judicial marshals**

As a condition to the continued employment of any person as a ~~full time state~~ judicial marshal ~~or state judicial deputy marshal~~, that person must successfully complete, within the first 12 months of employment, the training required under section 2803-A, subsection 8-B. Thereafter, as a condition of continued employment as a ~~full time state~~ judicial marshal ~~or state judicial deputy marshal~~, the ~~judicial~~ marshal must satisfactorily maintain the ~~state~~ judicial marshal ~~or state judicial deputy marshal~~ certification by completing recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend that period for not more than ~~90~~ 180 days.

**Sec. 37. 25 MRSA §2805-C,** as amended by PL 1997, c. 42, §1, is further amended to read:

#### **§2805-C. Complaint review committee**

**1. Committee.** The chair of the board shall appoint 3 members of the board to serve on the complaint review committee. One of the members must be one of the citizen members of the board. All members of the committee must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to ~~section 2806, subsection 1-A~~ 3.

**2. Investigation.** The committee shall investigate complaints regarding any violation of this chapter or rules established by the board by a ~~law enforcement or corrections officer~~ ~~person holding a certificate issued by the board pursuant to section 2803-A~~ and recommend appropriate action to the board.

**3. Investigation and notice of complaints.** Before proceeding with a hearing to suspend or revoke a ~~certificate issued by the board pursuant to section~~

2803-A, the board, the complaint review committee or board staff shall notify the chief administrative officer of the agency employing the certificate holder that the board is investigating the certificate holder. The chief administrative officer shall investigate the alleged conduct of the certificate holder and, notwithstanding any other provision of law, report the findings and provide copies of the investigative reports to the board within 30 days of receiving notice of the investigation. The board shall proceed with any suspension or revocation action it determines appropriate after receiving the chief administrative officer's findings and reports. This subsection does not preclude a chief administrative officer from investigating conduct that may give rise to grounds for suspension or revocation before receiving a request for an investigation from the board, the complaint review committee or board staff, as long as the chief administrative officer notifies the board following that investigation if the investigation reveals reasonable cause to believe that a certificate holder has engaged in conduct described in section 2806-A, subsection 5, and providing to the board the findings and investigative reports related to the conduct. Nothing in this subsection precludes the board from investigating the conduct of a certificate holder on its own or referring a matter of such conduct to another agency for investigation regardless of whether it receives an investigative report from the chief administrative officer under this section.

**Sec. 38. 25 MRSA §2806**, as amended by PL 2005, c. 331, §§26 and 27, is repealed.

**Sec. 39. 25 MRSA §2806-A** is enacted to read:

#### **§2806-A. Disciplinary sanctions**

**1. Disciplinary proceedings and sanctions.** The board or, as delegated, the complaint review committee, established pursuant to section 2805-C, or staff, shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board regarding noncompliance with or violation of this chapter or of any rules adopted by the board. Investigation may include an informal conference before the complaint review committee to determine whether grounds exist for suspension, revocation or denial of a certificate or for taking other disciplinary action pursuant to this chapter. The board, the complaint review committee or staff may subpoena witnesses, records and documents in any investigation or hearing conducted.

**2. Notice.** The board or, as delegated, the complaint review committee, established pursuant to section 2805-C, or staff, shall notify the certificate holder of the content of a complaint filed against the certificate holder as soon as possible, but in no event later than 60 days after the board or staff receives the initial pertinent information. The certificate holder has the right to respond within 30 days in all cases except

those involving an emergency denial, suspension or revocation, as described in Title 5, chapter 375, subchapter 5. If the certificate holder's response to the complaint satisfies the board, the complaint review committee or staff that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

**3. Informal conference.** If, in the opinion of the board, the complaint review committee, established pursuant to section 2805-C, or staff, the factual basis of the complaint is or may be true and the complaint is of sufficient gravity to warrant further action, the board or staff may request an informal conference with the certificate holder. The complaint review committee or staff shall provide the certificate holder with adequate notice of the conference and of the issues to be discussed. The certificate holder may, without prejudice, refuse to participate in an informal conference if the certificate holder prefers to request an adjudicatory hearing.

**4. Further action.** If the board or the complaint review committee, established pursuant to section 2805-C, finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The board, the complaint review committee or staff may negotiate a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the certificate holder and the board. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a certificate issued under this chapter. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

B. If a certificate holder offers to voluntarily surrender a certificate, the board, the complaint review committee or staff may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the certificate holder. These stipulations may be set forth only in a consent agreement entered into between the board and the certificate holder.

C. Unless specifically otherwise indicated in this chapter, if the board concludes that modification, suspension, revocation or imposition of any other sanction authorized under this chapter is in order, the board shall so notify the certificate holder and inform the certificate holder of the right to request

an adjudicatory hearing. If the certificate holder requests an adjudicatory hearing in a timely manner, the adjudicatory hearing must be held by the board, a subcommittee of 3 board members designated by the board chair or a hearing officer appointed by the board. The hearing must be in accordance with Title 5, chapter 375, subchapter 4. If a hearing officer conducts the hearing, the hearing officer, after conducting the hearing, shall file with the board all papers connected with the case and report recommended findings and sanctions to the board, which may approve or modify them. If the certificate holder wishes to appeal the final decision of the board, the certificate holder shall file a petition for review with the Superior Court within 30 days of receipt of the board's decision. Review under this paragraph must be conducted pursuant to Title 5, chapter 375, subchapter 7.

**5. Grounds for action.** The board may take action against any applicant for a certificate or certificate holder pursuant to this chapter or any rules adopted pursuant to this chapter, including, but not limited to, a decision to impose a civil penalty or to refuse to issue a certificate or to modify, suspend or revoke a certificate for any of the following reasons:

A. Failure to meet annual certification or recertification requirements. In enforcing this paragraph, the board shall, no later than March 31st of every year, review the certification of all law enforcement and corrections officers and decertify those individuals who do not meet certification or recertification requirements;

B. Absent extenuating circumstances as determined by the board, working more than 1,040 hours in any one calendar year as a part-time law enforcement officer performing law enforcement duties and while possessing a part-time law enforcement certificate issued by the board pursuant to section 2803-A;

C. Conviction of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45. Notwithstanding any other provision of law, the board may summarily and without hearing suspend or revoke any certificate as a result of any criminal conviction identified by this paragraph pursuant to Title 5, section 10004, subsection 1;

D. Juvenile adjudication of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime;

E. Guilty plea pursuant to a deferred disposition of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of

Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45;

F. Engaging in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45;

G. Conviction of or adjudication as a juvenile of a crime specified in paragraph D in another state or other jurisdiction, unless that crime is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred. Notwithstanding any other provision of law, the board may summarily and without hearing suspend or revoke any certificate as a result of any criminal conviction identified by this paragraph pursuant to Title 5, section 10004, subsection 1;

H. Engaging in conduct specified in paragraphs C and D in another state or other jurisdiction unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred;

I. Falsifying or misrepresenting material facts in obtaining or maintaining a certificate issued by the board pursuant to section 2803-A;

J. Engaging in conduct that violates the standards established by the board and that when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent certificate holder would observe in the same or similar situation; and

K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual act or sexual contact:

(1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;

(2) The other person was the alleged victim of that abuse;

(3) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation.

**6. Discipline.** The board may impose the following forms of discipline upon a certificate holder or applicant for a certificate:

A. Denial of an application for a certificate which may occur in conjunction with the imposition of other discipline;

B. Issuance of warning, censure or reprimand. Each warning, censure or reprimand issued must be based upon violation of a single applicable law, rule or condition of certification or must be based upon a single instance of actionable conduct or activity;

C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the certificate holder's record;

D. Revocation of a certificate;

E. Imposition of civil penalties of up to \$1,500 for each violation of applicable laws, rules or conditions of certification or for each instance of actionable conduct or activity; or

F. Imposition of conditions of probation. Probation may run for such time period as the board determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional supervision of the applicant or certificate holder; restrictions; and other conditions as the board determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or certificate holder. Failure to comply with the conditions of probation is a ground for disciplinary action against a certificate holder.

**7. Letter of guidance.** The board may issue a letter of guidance or concern to a certificate holder. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the certificate holder that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a certificate holder's file for a specified period of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the certificate holder within the specified time frame. Complaints, reports and investigation materials placed

on file remain confidential to the extent required by this chapter.

**8. Injunction.** The State may bring an action in Superior Court to enjoin a person from violating any provision of this chapter, regardless of whether civil or administrative proceedings have been or may be instituted.

**9. Recertification.** A person whose certificate has been revoked under this chapter may apply to the board for reinstatement of certification if:

A. The certificate was revoked for a cause other than engaging in conduct that is prohibited or penalized by state law as murder or as a Class A, Class B or Class C crime or for equivalent conduct in another state or other jurisdiction;

B. At least 3 years have elapsed since revocation of the certificate; and

C. A law enforcement or corrections agency has indicated a commitment to hire the individual if the individual is recertified.

The granting of recertification under this subsection is governed by Maine Criminal Justice Academy rules relating to certification. The individual is subject to all training requirements applicable to persons whose certification has lapsed.

**10. Confidentiality; access to documents.** All complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in suspension or revocation of a certificate that are considered by the board or the complaint review committee established pursuant to section 2805-C are confidential. If a person subject to this chapter requests an adjudicatory hearing under the Maine Administrative Procedure Act, that hearing must be open to the public. The hearing officer who presides over the hearing shall issue a written decision that states the conduct or other facts on the basis of which action is being taken and the reason for that action. Once issued, the hearing officer's written decision is a public record under the Freedom of Access Act, regardless of whether it is appealed.

**Sec. 40. 25 MRSA §2807**, as amended by PL 2005, c. 331, §28, is further amended to read:

**§2807. Reports of conviction or misconduct by certificate holder**

In Notwithstanding any other provision of law, in the event that a law enforcement or corrections officer certificate holder is convicted of a crime or violation or engages in conduct that could result in suspension or revocation of the officer's individual's certificate pursuant to section 2806 2806-A and the chief administrative officer of the agency employing the officer certificate holder or considering the individual for em-

ployment has knowledge of the conviction or conduct, ~~then the chief administrative officer shall expeditiously within 30 days~~ notify the Director of the Maine Criminal Justice Academy with the name of the ~~law enforcement or corrections officer certificate holder~~ and a brief description of the conviction or conduct.

**Sec. 41. 25 MRSA §2808, sub-§3,** as amended by PL 2005, c. 331, §32, is further amended to read:

**3. Reimbursement for training costs.** Whenever a full-time law enforcement officer, trained at the Maine Criminal Justice Academy at the expense of a particular governmental entity, is subsequently hired by another governmental entity as a full-time law enforcement officer within 5 years of graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula, unless a mutual agreement is reached.

A. If the officer is hired by the other governmental entity during the first year after graduation, that governmental entity shall reimburse the first governmental entity the full cost of the training costs.

B. If the officer is hired by the other governmental entity during the 2nd year after graduation, that governmental entity shall reimburse the first governmental entity 80% of the training costs.

C. If the officer is hired by the other governmental entity during the 3rd year after graduation, that governmental entity shall reimburse the first governmental entity 60% of the training costs.

D. If the officer is hired by the other governmental entity during the 4th year after graduation, that governmental entity shall reimburse the first governmental entity 40% of the training costs.

E. If the officer is hired by the other governmental entity during the 5th year after graduation, that governmental entity shall reimburse the first governmental entity 20% of the training costs.

F. If the officer graduated more than 5 years before subsequently being hired by the other governmental entity, that governmental entity is not obligated to reimburse the first governmental entity.

If the officer is subsequently hired by additional governmental entities within 5 years of graduation from the academy, each of those governmental entities is liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability must be determined according to the formula established by this subsection.

~~Reimbursement is not required when the trained officer hired by a governmental entity has had employ~~

~~ment with a prior governmental entity terminated at the discretion of the governmental entity.~~

**Sec. 42. 25 MRSA §2808-A, sub-§1, ¶B,** as enacted by PL 2007, c. 240, Pt. ZZZ, §1, is amended to read:

B. "Training" means the basic training provided to a ~~full time~~ corrections officer by the Maine Criminal Justice Academy, as described in section 2804-D.

**Sec. 43. 25 MRSA §2808-A, sub-§2,** as enacted by PL 2007, c. 240, Pt. ZZZ, §1, is amended to read:

**2. Reimbursement for training costs.** Whenever a ~~full time~~ corrections officer, trained at the Maine Criminal Justice Academy at the expense of a particular governmental entity, is subsequently hired by another governmental entity as a ~~full time~~ corrections officer or ~~full time law enforcement officer~~ within 5 years of graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula, unless a mutual agreement is reached.

A. If the corrections officer is hired by the other governmental entity during the first year after graduation, that governmental entity shall reimburse the first governmental entity the full cost of the training costs.

B. If the corrections officer is hired by the other governmental entity during the 2nd year after graduation, that governmental entity shall reimburse the first governmental entity 80% of the training costs.

C. If the corrections officer is hired by the other governmental entity during the 3rd year after graduation, that governmental entity shall reimburse the first governmental entity 60% of the training costs.

D. If the corrections officer is hired by the other governmental entity during the 4th year after graduation, that governmental entity shall reimburse the first governmental entity 40% of the training costs.

E. If the corrections officer is hired by the other governmental entity during the 5th year after graduation, that governmental entity shall reimburse the first governmental entity 20% of the training costs.

F. If the corrections officer graduated more than 5 years before subsequently being hired by the other governmental entity, that governmental entity is not obligated to reimburse the first governmental entity.

If the corrections officer is subsequently hired by additional governmental entities within 5 years of gradu-

tion from the academy, each of those governmental entities is liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability must be determined according to the formula established by this subsection.

~~Reimbursement is not required when the corrections officer hired by a governmental entity has had employment with a prior governmental entity terminated at the discretion of the governmental entity.~~

**Sec. 44. 25 MRSA §2809, first ¶,** as amended by PL 2003, c. 510, Pt. C, §7, is further amended to read:

Beginning January 1, 1991, the ~~The~~ board shall report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the implementation and effectiveness of this chapter. The purpose of the report is to provide the Legislature annual information on the law governing law enforcement training in order to ensure that appropriate and timely training is accomplished. The report must include the following:

**Sec. 45. 30-A MRSA §353,** as amended by PL 2005, c. 541, §2 and affected by §3, is further amended to read:

**§353. Officer not to act as attorney or draw papers; employee of jailer not to act as judge or attorney**

An officer may not appear before any court as attorney or adviser of any party in an action or draw any writ, complaint, declaration, citation, process or plea for any other person; all such acts are void. A person employed by the keeper of a jail in any capacity may not exercise any power or duty of a judicial officer or act as attorney for any person confined in the jail; all such acts are void. Beginning April 15, 2006, if commissioned as a notary public and authorized to do so by the sheriff, an employee of a jail, other than a ~~part-time or full-time~~ corrections officer or a deputy sheriff, may, without fee, exercise any power or duty of a notary public for any person confined in the jail.

See title page for effective date.

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**CHAPTER 148**  
**H.P. 903 - L.D. 1264**

**An Act Allowing the Harvesting of Yellow Perch with Seines**

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

**Sec. 1. 12 MRSA §12506, sub-§2, ¶¶B and C,** as amended by PL 2007, c. 463, §6 and affected by §9, are further amended to read:

- B. Suckers and yellow perch using trap nets, dip nets or spears; ~~and~~
- C. Lampreys by hand or using hand-held dip nets; ~~and~~

**Sec. 2. 12 MRSA §12506, sub-§2, ¶E** is enacted to read:

- E. Yellow perch using seines.

See title page for effective date.

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**CHAPTER 149**  
**H.P. 391 - L.D. 572**

**An Act Regarding Poker Runs Operated by Organizations Licensed To Conduct Games of Chance**

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

**Sec. 1. 17 MRSA §1835, sub-§8** is enacted to read:

**8. Wager limit exception.** Notwithstanding subsection 1, an organization that is licensed to conduct games of chance in accordance with this chapter is permitted to accept wagers up to \$50 per hand for a poker run. The organization must inform the Chief of the State Police 30 days in advance of the date when the organization intends to conduct a poker run with an increased wager limit. An organization is limited to 2 poker run events per calendar year in which wagers up to \$50 per hand are permitted. For the purposes of this subsection, "poker run" means a game of chance using playing cards that requires a player to travel from one geographic location to another in order to play the game.

See title page for effective date.

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**CHAPTER 150**  
**H.P. 636 - L.D. 912**

**An Act To Provide Another Alternative to the Civil Order of Arrest Process**

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

**Sec. 1. 14 MRSA §3134, sub-§2,** as amended by PL 1987, c. 708, §9, is repealed and the following enacted in its place:

**2. Alternative methods.** Prior to February 15, 2016, instead of requesting a civil order of arrest pursuant to subsection 1:

A. The judgment creditor may request the court to issue an order for appearance, and the court shall order the debtor to appear in court at a certain date and time for further disclosure proceedings. This order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor a personal recognizance bond to appear in court at the specified date and time; or

B. The creditor may proceed by way of a motion for contempt for failure to appear. This motion must be served upon the debtor with a contempt subpoena in the manner set forth in section 3136. If the debtor, after being duly served with a contempt subpoena, fails to appear at the time and place named in the contempt subpoena, the court may find the debtor in civil contempt and shall issue a civil order of arrest under section 3136, subsection 4 or, at the creditor's request, shall issue an order for appearance pursuant to paragraph A.

Beginning February 15, 2016, instead of requesting a civil order of arrest, the creditor may proceed by way of a motion for contempt for failure to appear. This motion must be served upon the debtor with a contempt subpoena in the manner set forth in section 3136. If the debtor, after being duly served with a contempt subpoena, fails to appear at the time and place named in the contempt subpoena, the court may find the debtor in civil contempt and shall issue a civil order of arrest under section 3136, subsection 4 or, at the creditor's request, shall issue an order for the debtor to appear in court at a certain date and time for further proceedings. The order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor the debtor's personal recognizance bond to appear in court at the specified date and time.

**Sec. 2. 14 MRSA §3135, 4th and 6th ¶¶,** as enacted by PL 2011, c. 177, §1, are amended to read:

If the debtor fails to appear at the time and place specified in a disclosure subpoena or contempt subpoena issued pursuant to section 3134, subsection 2 or in a personal recognizance bond obtained by the sheriff, clerk or court, and upon request of the judgment creditor, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the debtor, if any, together with the date the employer last reported wage information concerning the debtor and issue an additional civil order of arrest pursuant to section 3134 directing the sheriff to cause the debtor named in the order to be arrested and delivered to the District Court without obtaining from the debtor a personal recognizance bond. This paragraph is repealed February 15, 2016.

A debtor admitted to personal recognizance bond under this section or section 3134 shall date and sign the bond and provide the following information: date of birth, hair color, eye color, height, weight, gender, race, telephone number, name of employer, address of employer and days and hours of employment. This paragraph is repealed February 15, 2016.

**Sec. 3. 14 MRSA §3135,** as amended by PL 2011, c. 177, §1, is further amended by adding at the end 2 new paragraphs to read:

Beginning February 15, 2016, if the debtor fails to appear at the time and place specified in a personal recognizance bond obtained by the sheriff, clerk or court, and upon request of the judgment creditor, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the debtor, if any, together with the date the employer last reported wage information concerning the debtor and issue an additional civil order of arrest pursuant to section 3134 directing the sheriff to cause the debtor named in the order to be arrested and delivered to the District Court without obtaining from the debtor a personal recognizance bond.

Beginning February 15, 2016, a debtor admitted to personal recognizance bond under this section shall date and sign the bond and provide the following information: date of birth, hair color, eye color, height, weight, gender, race, telephone number, name of employer, address of employer and days and hours of employment.

See title page for effective date.

## CHAPTER 151

### S.P. 352 - L.D. 1038

#### An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act

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

**Whereas,** the State's Uniform Commercial Code, Article 4-A currently applies only to transfers of funds between commercial parties; and

**Whereas,** the federal Electronic Fund Transfer Act currently applies only to consumer wire transfers; and

**Whereas,** amendments to the federal Electronic Fund Transfer Act that govern remittance transfers and remittance transfers that are also electronic fund trans-

fers as defined in the federal Electronic Fund Transfer Act become effective in February 2013; and

**Whereas**, as a result of the amendments to the federal Electronic Fund Transfer Act, a fund transfer initiated by a remittance transfer is entirely outside the coverage of the Uniform Commercial Code, Article 4-A and the federal Electronic Fund Transfer Act; 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. 11 MRSA §4-1102**, as enacted by PL 1991, c. 812, §2, is amended to read:

**§4-1102. Subject matter**

Except as otherwise provided in section 4-1108 4-1109, this Article applies to funds transfers defined in section 4-1104.

**Sec. 2. 11 MRSA §4-1108**, as enacted by PL 1991, c. 812, §2, is repealed.

**Sec. 3. 11 MRSA §4-1109** is enacted to read:

**§4-1109. Relationship to federal Electronic Fund Transfer Act**

**(1).** Except as provided in subsection (2), this Article does not apply to a funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended.

**(2).** This Article applies to a funds transfer that is a remittance transfer as defined in the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended, unless the remittance transfer is an electronic fund transfer as defined in the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended.

**(3).** In a funds transfer to which this Article applies, in the event of an inconsistency between an applicable provision of this Article and an applicable provision of the Electronic Fund Transfer Act of 1978, Title XX, Public Law 95-630, 92 Stat. 3728, 15 United States Code, Section 1693 et seq., as amended, the provision of the Electronic Fund Transfer Act governs to the extent of the inconsistency.

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

Effective May 24, 2013.

**CHAPTER 152**

**S.P. 327 - L.D. 949**

**An Act To Ensure the Proportional Offset against Retirement Benefits of Workers' Compensation Awards**

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

**Sec. 1. 39-A MRSA §221, sub-§3, ¶A**, as amended by PL 1995, c. 76, §1, is further amended to read:

A. The employer's obligation to pay or cause to be paid weekly benefits other than benefits under section 212, subsection 2 or 3 is reduced by the following amounts:

(1) Fifty percent of the amount of the old-age insurance benefits received or being received under the United States Social Security Act. For injuries occurring on or after October 1, 1995, such a reduction may not be made if the old-age insurance benefits had started prior to the date of injury or if the benefits are spouse's benefits;

(2) The after-tax amount of the payments received or being received under a self-insurance plan or a wage continuation plan or under a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received if the employee did not contribute directly to the plan or to the payment of premiums regarding the disability insurance policy. If the self-insurance plans, wage continuation plans or disability insurance policies are entitled to repayment in the event of a workers' compensation benefit recovery, the insurance carrier shall satisfy the repayment out of funds the insurance carrier has received through the coordination of benefits provided for under this section;

(3) The proportional amount, based on the ratio of the employer's contributions to the total insurance premiums for the policy period involved, of the after-tax amount of the payments received or being received by the employee pursuant to a disability insurance policy provided by the same employer from

whom benefits under section 212 or 213 are received, if the employee did contribute directly to the payment of premiums regarding the disability insurance policy;

(4) The after tax amount of the pension or retirement payments received or being received pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, if the employee did not contribute directly to the pension or retirement plan or program;

(5) The proportional amount, based on the ratio of the employer's contributions to the total contributions to the plan or program, of the after-tax amount of the pension or retirement payments received or being received by the employee pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, if the employee did contribute regardless of whether the employee contributed directly to the pension or retirement plan or program; and

(6) For those employers who do not provide a pension plan, the proportional amount, based on the ratio of the employer's contributions to the total contributions made to a qualified profit sharing plan under the United States Internal Revenue Code, Section 401(a) or any successor to the United States Internal Revenue Code, Section 401(a) covering a profit sharing plan that provides for the payment of benefits only upon retirement, disability, death, or other separation of employment to the extent that benefits are vested under the plan.

See title page for effective date.

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## CHAPTER 153

### H.P. 324 - L.D. 474

#### An Act To Provide for Edible Landscaping in a Portion of Capitol Park

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

**Sec. 1. 3 MRSA §902, sub-§1-B** is enacted to read:

**1-B. Edible landscaping.** The commission shall arrange for and oversee the development and implementation of a plan to incorporate food-producing plants, shrubs or trees into the landscaping of a portion of Capitol Park. Use of edible landscaping must be

consistent with the overall plan for the park under section 902-A, subsection 2 and is subject to available funding for the park.

See title page for effective date.

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## CHAPTER 154

### S.P. 229 - L.D. 639

#### An Act To Require Payment Quotes in Service Contracts for the Harvesting and Hauling of Wood

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

**Sec. 1. 10 MRSA §2363-A, sub-§2,** as enacted by PL 1983, c. 804, §6, is amended to read:

**2. Weight scale.** Where When agreed upon by the parties, weight measurement may be used in all wood transactions, provided that under the following conditions:

A. The weight measurement shall may not be converted to volume;

B. Where When payment is made for services harvesting wood, all weight measurements shall must be expressed on a green wood basis. Except as otherwise provided by the state sealer, when the wood is not, or will not be, weighed within 15 days of felling, the person performing the services may, prior to hauling, require that the wood instead be measured by butt measure, or other authorized method of measurement; and

C. All sales Sales of wood chips may be based on oven-dried weight, except where when payment is made for harvesting wood.;

D. When a service contract for harvesting wood requires payment on a per tonnage basis, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the harvesting service; and

E. For service contracts for hauling wood, the contracting party must notify the contractor of the price per ton to be paid under the contract prior to the contractor's providing the hauling service.

Notification required under this subsection must be made in writing. Written notification may be communicated by United States mail, private courier or electronic means, including, but not limited to, e-mail and fax transmission.

See title page for effective date.

## CHAPTER 155

### H.P. 441 - L.D. 622

#### **An Act To Amend the Laws Concerning Reciprocal Disciplinary Actions in Harness Racing and Pulling Events**

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

**Whereas,** the harness racing season begins in late March and the fair season takes place beginning in the summer months and will likely commence before 90 days after adjournment; and

**Whereas,** the provisions of this bill are important to protect the integrity of the harness racing and pulling events in the State; 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. 7 MRSA §102** is enacted to read:

#### **§102. Reciprocal disciplinary action**

The department shall obtain current listings from other jurisdictions of persons who have been suspended or barred from pulling competitions. The department shall refuse to allow any person who has been suspended or barred from pulling competitions in another jurisdiction to compete in any pulling competition until the department receives notification from the jurisdiction that has suspended or barred the person from pulling competitions that the person is again eligible to compete in pulling competitions in that jurisdiction.

**Sec. 2. 8 MRSA §283,** as amended by PL 2003, c. 401, §16, is further amended to read:

#### **§283. Reciprocal disciplinary action**

The department shall ~~act to~~ obtain current listings from other ~~racing~~ jurisdictions of persons in harness racing occupations regulated by the ~~racing jurisdiction~~ commission who have been refused a license or who have had their license revoked or suspended. The commission shall refuse to license or shall suspend the license of ~~these persons~~ any person who has been refused a license or who has had that person's license revoked or suspended in another jurisdiction until notification from the jurisdiction that refused to license or

~~suspended or revoked the license of the person that they are the person is~~ again eligible for licensing in ~~the racing that jurisdiction or racing jurisdictions in question.~~

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

Effective May 29, 2013.

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## CHAPTER 156

### S.P. 266 - L.D. 728

#### **An Act To Amend the Laws Dealing with the Taxing of the Purchase of Extended Service Contracts and Extended Service Contract Claims for Trucks**

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

**Sec. 1. 36 MRSA §1752, sub-§11, ¶B,** as amended by PL 2011, c. 655, Pt. PP, §2 and affected by §4 and amended by c. 684, §1 and affected by §3, is repealed and the following enacted in its place:

**B. "Retail sale" does not include:**

- (1) Any casual sale;**
- (2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;**
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;**
- (4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;**
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;**
- (6) The sale, to a person engaged in the business of providing cable or satellite television services, of associated equipment for rental or lease to subscribers in conjunction with a sale**

of extended cable or extended satellite television services;

(7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

(8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant to Title 29-A, section 953;

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract sold on or after September 20, 2007 that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

(10) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in the form of tangible personal property, except resale as a casual sale;

(11) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except resale as a casual sale;

(12) The sale, to a retailer that is not required to register under section 1754-B, of tangible personal property for resale outside the State in the form of tangible personal property, except resale as a casual sale;

(13) The sale, to a retailer that is not required to register under section 1754-B, of a taxable service for resale outside the State, except resale as a casual sale;

(14) The sale of repair parts used in the performance of repair services on telecommunications equipment as defined in section 2551, subsection 19 pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the telecommunications equipment for a specific duration;

(15) The sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment;

(16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental; or

(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration.

**Sec. 2. 36 MRSA §1752, sub-§17-B,** as amended by PL 2011, c. 684, §2 and affected by §3, is further amended to read:

**17-B. Taxable service.** "Taxable service" means the rental of living quarters in a hotel, rooming house or tourist or trailer camp; the transmission and distribution of electricity; the rental or lease of an automobile, a camper trailer, or a motor home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a pickup truck or van with a gross vehicle weight of less than 26,000 pounds from a person primarily engaged in the business of renting automobiles; the sale of an extended service contract on an automobile or truck that entitles the purchaser to specific benefits in the service of the automobile or truck for a specific duration; and the sale of prepaid calling service.

**Sec. 3. 36 MRSA §1752, sub-§20-B** is enacted to read:

**20-B. Truck.** "Truck" means a self-propelled motor vehicle with at least 4 wheels designed and used primarily to carry property, not designed to run on tracks and having a gross vehicle weight rating greater than 10,000 pounds. A truck may be used to tow trailers or semitrailers.

See title page for effective date.

## CHAPTER 157

### S.P. 326 - L.D. 948

#### An Act To Promote the Installation of Masonry Stoves

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

**Sec. 1. 35-A MRSA §10153, sub-§8,** as enacted by PL 2009, c. 591, §1, is amended to read:

**8. Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems including but not limited to masonry stoves and wood pellet systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for

funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

See title page for effective date.

## CHAPTER 158 S.P. 561 - L.D. 1500

### **An Act Regarding the Cost of Copies of Medical Records**

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

**Sec. 1. 22 MRSA §1711, 5th ¶,** as amended by PL 2013, c. 32, §1, is further amended to read:

Reasonable costs incurred by the hospital in making and providing paper copies of medical records and additions to medical records must be borne by may be assessed as charges to the requesting person and the hospital may require payment prior to responding to the request. The charge for paper copies of records may not exceed \$5 for the first page and 35¢ 45¢ for each additional page, up to a maximum of \$250 for the entire medical record.

**Sec. 2. 22 MRSA §1711,** as amended by PL 2013, c. 32, §1, is further amended by adding after the 5th paragraph a new paragraph to read:

If a medical record exists in a digital or electronic format, the hospital shall provide an electronic copy of the medical record if an electronic copy is requested and it is reasonably possible to provide it. The hospital may assess as charges reasonable actual costs of staff time to create or copy the medical record and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed \$150.

**Sec. 3. 22 MRSA §1711-A,** as amended by PL 2013, c. 32, §2, is further amended to read:

#### **§1711-A. Fees charged for records**

Whenever a health care practitioner defined in section 1711-B furnishes in paper form requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report. The charge for the copies of records or the report may not exceed \$5 for the first page and 35¢ 45¢ for each additional page, up to a maximum of \$250 for the entire treatment record or medical report.

If a treatment record or medical report exists in a digital or electronic format, the health care practitioner shall provide an electronic copy of the treatment record or medical report if an electronic copy is requested and it is reasonably possible to provide it. The health care practitioner may assess as charges reasonable actual costs of staff time to create or copy the treatment record or medical report and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed \$150.

See title page for effective date.

## CHAPTER 159 H.P. 603 - L.D. 852

### **An Act To Amend Certain Provisions of Law Affecting the Judicial Branch**

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

**Sec. 1. 4 MRSA §17-A,** as enacted by PL 1993, c. 172, §1, is amended to read:

#### **§17-A. Publications and technology**

**1. Informational publications.** The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms and the procedures for the sale of these publications and forms.

**2. Fund; fees deposited.** All fees collected under this section from the sale of publications or forms must be deposited in a fund for use by the State Court Administrator to replace and update publications and forms and to fund new publications, forms and information technology.

**Sec. 2. 4 MRSA §153, first ¶,** as amended by PL 2005, c. 397, Pt. C, §4 and affected by §8, is further amended to read:

The State is divided into 28 judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

**Sec. 3. 4 MRSA §153, sub-§19** is repealed.

**Sec. 4. 4 MRSA §153, sub-§19-A** is enacted to read:

#### **19-A. Northern and Central Penobscot.**

Northern and Central Penobscot consists of the municipalities and unorganized territory of Hopkins Academy Grant Township, Long A Township, Medway, TA R7 WELS, Burlington, Edinburg, Lakeville, Lagrange, Lowell, Passadumkeag, Twombley, Puka-

kon Township and all municipalities and unorganized territory in Penobscot County lying to the north of these. The District Court for Northern and Central Penobscot must be held at Millinocket and Lincoln. The Chief Judge shall determine the level of service at each location.

**Sec. 5. 4 MRSA §153, sub-§20** is repealed.

**Sec. 6. 4 MRSA §183, sub-§1, ¶H** is enacted to read:

H. The Chief Judge of the District Court may employ a retired family law magistrate to serve on a per diem basis as an active retired family law magistrate. An active retired family law magistrate employed pursuant to this paragraph has the same jurisdiction and is subject to the same restrictions as before retirement. An active retired family law magistrate serves at the direction of the Chief Judge of the District Court and is compensated at the per diem rate of \$250 per day or \$150 per half-day, as long as the total of the per diem compensation and the active retired family law magistrate's state retirement pension received in any calendar year does not exceed the annual salary of a family law magistrate. Active retired family law magistrates are entitled to receive reimbursement for any expenses actually and reasonably incurred in the performance of their duties.

**Sec. 7. 4 MRSA §183, sub-§3,** as amended by PL 2005, c. 384, §1, is further amended to read:

**3. Reports.** The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January February 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family law magistrates in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family law magistrates under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family law magistrates.

**Sec. 8. 4 MRSA §423, first ¶,** as enacted by PL 1999, c. 780, §1, is amended to read:

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2002 and February 15th annually thereafter on the establishment and operation of alcohol and drug treatment programs in the courts. The report must cover at least the following:

**Sec. 9. 4 MRSA §454, 2nd ¶,** as amended by PL 1997, c. 134, §6, is further amended to read:

The When sufficient funding is allocated by the Legislature, the institute shall meet at least once every 3 years, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system. Inasmuch as possible the deliberations of the institute must be open to the general public.

**Sec. 10. 4 MRSA §1802, sub-§1-A** is enacted to read:

**1-A. Appellate counsel.** "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.

**Sec. 11. 4 MRSA §1804, sub-§3, ¶I,** as enacted by PL 2009, c. 419, §2, is amended to read:

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; and

**Sec. 12. 4 MRSA §1804, sub-§3, ¶J,** as repealed and replaced by PL 2011, c. 141, §1, is amended to read:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; and

**Sec. 13. 4 MRSA §1804, sub-§3, ¶K** is enacted to read:

K. Pay appellate counsel.

**Sec. 14. 15 MRSA §2115-A, sub-§8,** as amended by PL 1979, c. 663, §110, is further amended to read:

**8. Fees and costs.** The Law Court shall allow reasonable counsel fees and costs for the defense of appeals under this section, to be paid by the Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

**Sec. 15. 15 MRSA §2115-A, sub-§9,** as enacted by PL 1987, c. 461, is amended to read:

**9. Appeals to Federal Court; fees and costs.** The Law Court shall allow reasonable attorneys attorney's fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection shall must be paid out of the accounts of the Judicial Department Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

See title page for effective date.

## CHAPTER 160 H.P. 167 - L.D. 206

### **An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials**

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

**Whereas**, liens and other encumbrances without a legal basis have been filed against property of public employees and public officials; 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. 14 MRSA c. 755** is enacted to read:

### **CHAPTER 755**

#### **ACTIONS FOR FILING FALSE RECORDABLE INSTRUMENTS AGAINST PUBLIC EMPLOYEES AND PUBLIC OFFICIALS**

##### **§8601. Actions by public employees and public officials for recordable instruments filed without a legal basis**

**1. Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public employee" means a person employed by the State, a county, a municipality or any entity identified in statute as a public instrumentality.

B. "Public official" means a person elected or appointed to a public office.

C. "Recordable instrument" means any lien or encumbrance, the false filing of which is identified as a crime under Title 17-A, section 706-A.

**2. Expedited process for a court to review the filing of recordable instruments.** This subsection governs the procedure by which a public employee or public official may dispute the filing of a recordable instrument at a registry of deeds.

A. A public employee or public official who asserts that a recordable instrument was filed against property of the public employee or public official by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties may file, at any time, a motion for a judicial declaration that the recordable instrument is without a legal basis. The motion may be filed in the Superior Court in the county where the public employee or public official resides. The motion must be supported by a signed and notarized affidavit of the moving party setting forth a concise statement of the facts upon which the claim for relief is based.

B. The clerk of the court may not collect a filing fee for filing a motion under this subsection.

C. The court's finding may be made solely on a review of the documentation attached to the motion and the responses, if any, and without hearing any oral testimony if none is offered. The court's review may be made only upon not less than 20 days' notice to each secured party or creditor named in the recordable instrument. Each secured party or creditor named in the recordable instrument may respond to the motion based on pleadings, depositions, admissions and affidavits. The court's review of the pleadings, depositions, admissions and affidavits may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

D. The court shall enter judgment in favor of the moving party only if the pleadings, depositions, admissions and affidavits on file show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

E. After review, the court shall enter an appropriate finding of fact and conclusion of law, an attested copy of which must be filed and indexed under the moving party's name in the registry of deeds where the original recordable instrument was filed. The copy must be sent within 7 days following the date that the finding of fact and conclusion of law are issued by the court. A secured party or creditor may appeal the finding of fact and conclusion of law as provided in the Maine Rules of Appellate Procedure. In addition to the notice requirements of the Maine Rules of Appellate Procedure, the secured party or creditor shall give notice of the appeal to the registry of deeds where the original recordable instrument was filed.

This subsection is cumulative of other law under which a person may obtain judicial relief with respect to any filed or recorded document.

**3. Civil penalty and injunction.** A person who violates this subsection is subject to civil penalties and other relief as provided in this subsection.

A. A person may not knowingly file, attempt to file or cause to be filed in a registry of deeds a recordable instrument against the real or personal property of a public employee or a public official that the person knows:

- (1) Is without a legal basis; or
- (2) Was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official

in the exercise of the employee's or official's duties.

B. A person who violates this subsection is liable to each public employee or public official under paragraph A for:

- (1) The greater of:
  - (a) Ten thousand dollars; and
  - (b) Damages equal to the amount of the recordable instrument that was filed or attempted to be filed;
- (2) Court costs;
- (3) Reasonable attorney's fees;
- (4) Related expenses of bringing the action, including investigative expenses; and
- (5) Punitive damages in an amount determined by the court.

C. The following persons may bring an action to enjoin a violation of this subsection or to recover damages under this subsection:

- (1) The public employee or public official; and
- (2) The Attorney General.

D. An action under this subsection may be brought in any court in Kennebec County or in a county where any of the persons named in the cause of action under this subsection reside.

E. The fee for filing an action under this subsection is \$25. The plaintiff must pay the fee to the clerk of the court in which the action is filed. The plaintiff may not be assessed any other fee, cost, charge or expense by the clerk of the court.

F. A plaintiff who is unable to pay the filing fee and any fee for service of notice may follow the court procedures to waive such fees.

G. If the fee imposed under paragraph E is less than the filing fee the court imposes for filing other similar actions and the plaintiff prevails in the action, the court may order a defendant to pay to the court the difference between the fee paid under paragraph E and the filing fee the court imposes for filing other similar actions.

This subsection is cumulative of other law under which a person may obtain judicial relief with respect to any filed or recorded document. This subsection is not intended to be an exclusive remedy.

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

Effective May 29, 2013.

**CHAPTER 161**  
**H.P. 340 - L.D. 498**

**An Act To Allow a  
Municipality To Prohibit a Sex  
Offender from Residing within  
750 Feet of a Recreational  
Facility**

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

**Sec. 1. 30-A MRSA §3014, sub-§2, ¶B,** as reallocated by RR 2009, c. 1, §21, is amended to read:

B. A municipality may prohibit residence by a sex offender up to a maximum distance of 750 feet surrounding the real property comprising a public or private elementary, middle or secondary school or up to a maximum distance of 750 feet surrounding the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

See title page for effective date.

**CHAPTER 162**  
**H.P. 854 - L.D. 1210**

**An Act To Ensure Compliance  
with the Laws Governing  
Elections**

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

**Sec. 1. 21-A MRSA §1003, sub-§1,** as amended by PL 2011, c. 389, §3, is further amended to read:

**1. Investigations.** The commission may undertake audits and investigations to determine the facts concerning the registration of a candidate, treasurer, party committee, political action committee, ballot question committee or other political committee and contributions by or to and expenditures by a person, candidate, treasurer, party committee, political action committee, ballot question committee or other political committee whether a person has violated this chapter, chapter 14 or the rules of the commission. For this purpose, the commission may subpoena witnesses and records whether located within or without the State and take evidence under oath. A person or entity that fails to obey the lawful subpoena of the commission or to testify before it under oath must be punished by the

Superior Court for contempt upon application by the Attorney General on behalf of the commission. The Attorney General may apply on behalf of the commission to the Superior Court or to a court of another state to enforce compliance with a subpoena issued to a nonresident person. Service of any subpoena issued by the commission may be accomplished by:

- A. Delivering a duly executed copy of the notice to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of that person;
- B. Delivering a duly executed copy of the notice to the principal place of business in this State of the person to be served; or
- C. Mailing by registered or certified mail a duly executed copy of the notice, addressed to the person to be served, to the person's principal place of business.

See title page for effective date.

**CHAPTER 163**  
**H.P. 980 - L.D. 1372**

**An Act Relating to Proof of  
Citizenship for Renewal of a  
Driver's License or Nondriver  
Identification Card**

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

**Sec. 1. 29-A MRSA §1301, sub-§2-A,** as enacted by PL 2007, c. 648, §1, is amended to read:

**2-A. Legal presence requirement.** The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person is renewing a noncommercial driver's license and that person has continuously held a valid driver's license under this chapter since December 31, 1989 or was born before December 1, 1964.

**Sec. 2. 29-A MRSA §1410, sub-§8,** as enacted by PL 2007, c. 648, §3, is amended to read:

**8. Legal presence requirement.** The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States, except that the Secretary of State may exempt a person from the requirements of this subsection if that person has continuously held a nondriver identification card or valid driver's license

under this chapter since December 31, 1989 or was born before December 1, 1964.

See title page for effective date.

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## CHAPTER 164 S.P. 483 - L.D. 1376

### An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Workers' Compensation Act of 1992

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

**Sec. 1. 39-A MRSA §206, sub-§11,** as amended by PL 2007, c. 695, Pt. B, §24, is further amended to read:

**11. Generic drugs.** Providers shall prescribe generic drugs whenever medically acceptable for the treatment of an injury or disease for which compensation is claimed. An employee shall purchase generic drugs for the treatment of an injury or disease for which compensation is claimed if the prescribing provider indicates that generic drugs may be used and if generic drugs are available at the time and place of purchase under subsection 11-A. If an employee purchases a nongeneric drug when the prescribing provider has indicated that a generic drug may be used and a generic drug is available at the time and place of purchase, the insurer or self-insurer is required to reimburse the employee for the cost of the generic drug only. For purposes of this section subsection, "generic drug" has the same meaning found in Title 32, section 13702-A, subsection 14.

**Sec. 2. 39-A MRSA §206, sub-§11-A** is enacted to read:

**11-A. Pharmacy choice.** An employee who has been prescribed drugs for the treatment of an injury or disease for which compensation is claimed has the right to select the provider, pharmacy or pharmacist for dispensing and filling the prescription for the drugs.

For purposes of this subsection, "drug" has the same meaning as in Title 32, section 13702-A, subsection 11.

See title page for effective date.

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## CHAPTER 165 H.P. 238 - L.D. 333

### An Act To Amend the Provision of Law That Requires the Trade Name or Brand of Malt Liquor To Be Displayed in Full Sight of a Customer on a Faucet, Spigot or Dispensing Apparatus

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

**Sec. 1. 28-A MRSA §712, sub-§2,** as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

**2. Serve from faucet, spigot, dispensing apparatus by trade name.** A licensee may not furnish or serve any malt liquor from any faucet, spigot or other dispensing apparatus, unless:

A. The trade name or brand of the malt liquor served appears in full sight of the customer in legible lettering upon the faucet, spigot or dispensing apparatus; or

B. The licensee displays a list of all malt liquors currently available on tap that is clearly visible to patrons of the establishment in a manner that allows a patron to identify the trade name or brand of the malt liquor that is being dispensed from each faucet, spigot or dispensing apparatus.

See title page for effective date.

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## CHAPTER 166 H.P. 294 - L.D. 422

### An Act Regarding Enrollment and Graduation Rates of First-generation Higher Education Students

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

**Sec. 1. 20-A MRSA §10013** is enacted to read:

#### **§10013. Report on first-generation students**

**1. Data and strategies.** By January 15, 2014, and annually thereafter, the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Community College System and the Board of Trustees of the Maine Maritime Academy shall each submit to the joint standing committee of the

Legislature having jurisdiction over education matters a report that includes the following information regarding first-generation college students, as defined by the trustees of the respective institutions:

- A. Data regarding enrollment of first-generation college students and educational outcomes, including graduation rates for first-generation college students compared with other college students;
- B. A summary of strategies used and activities undertaken to increase enrollment and graduation rates of first-generation college students and any available data indicating the effect of those strategies and activities; and
- C. Plans for or recommendations regarding new strategies or actions designed to increase enrollment and graduation rates of first-generation college students.

After receiving a report under this section, the committee may submit legislation relating to the subject matter of the report.

See title page for effective date.

## CHAPTER 167 H.P. 335 - L.D. 485

### An Act To Amend and Clarify Certain Education Laws

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

#### PART A

**Sec. A-1. 20-A MRSA §1466, sub-§5, ¶D,** as enacted by PL 2009, c. 580, §9, is amended to read:

D. In a warrant under paragraph C, the municipal officers shall direct that the polls are to be open at by 10 a.m. and remain open until 8 p.m.

**Sec. A-2. 20-A MRSA §1466, sub-§13,** as amended by PL 2011, c. 678, Pt. J, §4, is further amended to read:

**13. Determination of results; execution of agreement.** If Except for a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that a majority of the voters voting on the article has voted in the affirmative and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agree-

ment for withdrawal. For a municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, if the commissioner finds that at least 2/3 of the votes validly cast in the municipality are in the affirmative, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

This subsection is repealed January 1, 2015.

**Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I,** as amended by PL 2011, c. 678, Pt. A, §3, is further amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article; and

**Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J,** as enacted by PL 2011, c. 678, Pt. A, §4, is amended to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004; and

**Sec. A-5. 20-A MRSA §6051, sub-§1, ¶K** is enacted to read:

K. A schedule of expenditures of federal awards.

#### PART B

**Sec. B-1. 20-A MRSA §15672, sub-§2-A, ¶A,** as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

A. Principal and interest costs for approved major capital projects in the allocation year, including the initial local share of school construction projects that received voter approval for all or part of their funding in referendum in fiscal year 1984-85, but excluding payments made with funds from state and local government accounts established under the federal Internal Revenue Code and regulations for disposition of excess, unneeded proceeds of bonds issued for a school project and excluding any principal and interest costs attributable to a school closed for lack of need pursuant to chapter 202;

**Sec. B-2. 20-A MRSA §15901, sub-§1, ¶D,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

D. The state board's intent to issue final design and funding approval subject to a favorable local vote and approval of final cost estimates.

**Sec. B-3. 20-A MRSA §15901, sub-§1-A** is enacted to read:

**1-A. Design and funding approval.** "Design and funding approval" means approval by the state board indicating that a school construction project's drawings and specifications have been developed to 100% completion, the project has gained the recommendations of the department and the school administrative unit is authorized to seek bids for the work.

**Sec. B-4. 20-A MRSA §15904, first ¶,** as amended by PL 1985, c. 248, §3, is further amended to read:

Prior to final design and funding approval by the state board, a school construction project, except a small scale school construction project as defined in section 15901, subsection 4-A, must receive a favorable vote conducted in accordance with the following.

**Sec. B-5. 20-A MRSA §15905, sub-§3,** as amended by PL 2011, c. 678, Pt. D, §1, is further amended to read:

**3. Certificate of approval.** A certificate of approval must be issued by the commissioner for each project approved for which design and funding approval has been given by the state board. The certificate must bear the amount approved for subsidy and other stipulations or conditions. The certificate must be signed by the commissioner and is conclusive evidence of the facts stated on it.

**Sec. B-6. 20-A MRSA §15909, sub-§§5 and 6,** as enacted by PL 2011, c. 678, Pt. A, §8, are amended to read:

**5. Records.** Financial All records and accounts for a school construction project must be kept for 7 years after the final audit compliance review.

**6. Compliance review.** Financial All records and accounts for state-funded school construction projects must be audited reviewed for compliance by department staff or certified public accountants contracted by under contract with the department.

## PART C

**Sec. C-1. 20-A MRSA §8601-A, sub-§1,** as repealed and replaced by PL 2011, c. 517, §1, is amended to read:

**1. Adult education.** "Adult education" means an education program primarily operated for individuals beyond the compulsory school age that is administered by school administrative units through a career pathways and service system and that, except as provided in section 8602-B, includes intake, assessment, career advising, instruction and individual learning plans; is guided by data management and analysis, annual monitoring and annual professional development plans; uses appropriately certified staff; is designed to meet identified local needs; makes use of partnerships

and alignment with workforce development, postsecondary institutions and support services; and offers at least 3 of the following:

- A. Basic literacy instruction or instruction in English as a Second Language;
- B. High school completion courses;
- C. College transition courses;
- D. Career pathways services; and
- E. Enrichment courses;
- F. Adult workforce training and retraining; and
- G. Adult career and technical education.

**Sec. C-2. 20-A MRSA §8601-A, sub-§14, ¶¶B and C,** as amended by PL 2011, c. 517, §5, are further amended to read:

B. Supplemental learners, who are adults pursuing courses or activities that are related, in a clear and applicable manner, to current full-time or part-time employment or wage-earning activities; and

C. Certificate learners, who are adults participating in a sequence of courses that provide individuals with the academic and technical knowledge and skills that individuals need to prepare for further education and careers in current or emerging employment sectors, including the skills and training and work credential programs conducted under the auspices of the boards of the local workforce investment areas designated pursuant to the federal Workforce Investment Act of 1998, Public Law 105-220, and the department; and

**Sec. C-3. 20-A MRSA §8601-A, sub-§14, ¶D,** as enacted by PL 2011, c. 517, §5, is repealed.

**Sec. C-4. 20-A MRSA §8601-A, sub-§22,** as enacted by PL 2011, c. 517, §6, is repealed.

**Sec. C-5. 20-A MRSA §8602-B** is enacted to read:

## §8602-B. Regions

Notwithstanding the other provisions of this chapter, a region may be reimbursed under section 8607-A, subsection 2 if it offers adult career and technical education courses and may be reimbursed under section 8607-A, subsection 9 if it offers adult workforce training and retraining courses. To be eligible for reimbursement for courses offered under section 8607-A, subsection 2 or 9, a region must perform intake and data management functions in the same manner as a school administrative unit as provided under section 8601-A, subsection 1.

**Sec. C-6. 20-A MRSA §8607-A, sub-§7,** as corrected by RR 2007, c. 1, §10, is amended to read:

**7. Other administrative costs.** Other administrative costs, including program promotion and related publicity, mailing and postage and telephone expenses for courses and programs described in subsections 2 to 5, 8 and 9, are reimbursed at the rate of 50% of these costs. The cost of interpreters for deaf students and deaf adult learners and the cost of translators for students and adult learners with limited English proficiency are reimbursed at the rate of 75% of these costs but only as a payment of last resort after the otherwise valid obligations of insurers or other 3rd parties to provide or pay for these services have been exhausted.

#### PART D

**Sec. D-1. 20-A MRSA §13025** is enacted to read:

##### **§13025. Investigations**

When conducting an investigation relating to the certification of teachers and other professional personnel under this chapter and rules of the state board, the commissioner may issue subpoenas for education records relevant to that investigation.

See title page for effective date.

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#### CHAPTER 168

S.P. 198 - L.D. 508

##### **An Act To Remove the Disqualification from Obtaining a Liquor License for a Law Enforcement Officer Who Does Not Directly Benefit Financially**

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

**Sec. 1. 28-A MRSA §601, sub-§2, ¶F,** as amended by PL 1995, c. 192, §1, is repealed and the following enacted in its place:

F. The applicant is a law enforcement officer or if a law enforcement officer benefits directly from the issuance of the license;

See title page for effective date.

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

**Sec. 1. 28-A MRSA §601, sub-§2, ¶F,** as amended by PL 1995, c. 192, §1, is repealed and the following enacted in its place:

**3. Assessment rates; program fund balance.** For assessment years prior to July 1, 2006, the assessment is 1.25% of premium. For assessment years

#### CHAPTER 169

H.P. 404 - L.D. 585

##### **An Act To Require the Development of a Statewide Approach to Seaweed Management**

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

**Sec. 1. 12 MRSA §6807,** as reallocated by RR 1999, c. 1, §19, is amended to read:

##### **§6807. Seaweed harvesting rules**

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest, the designation of sectors, limitations on harvest by sector, establishment of a process for allocation to sectors and gear and techniques that may be used in harvesting. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter H-A 2-A.

**Sec. 2. Statewide fisheries management plan for seaweed.** The Commissioner of Marine Resources shall develop a statewide fisheries management plan for seaweed pursuant to the Maine Revised Statutes, Title 12, section 6171, subsection 2-A and shall present that plan for review and comment to the Joint Standing Committee on Marine Resources no later than January 31, 2014. After review of the plan, the committee may report out a bill related to the plan to the Second Regular Session of the 126th Legislature.

See title page for effective date.

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#### CHAPTER 170

S.P. 236 - L.D. 645

##### **An Act To Allow the Adjustment of the Assessment Rate for the Rural Medical Access Program**

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

**Sec. 1. 24-A MRSA §6305, sub-§3,** as enacted by PL 2005, c. 122, §7, is amended to read:

**3. Assessment rates; program fund balance.** For assessment years prior to July 1, 2006, the assessment is 1.25% of premium. For assessment years

commencing July 1, 2006 and after, the assessment is ~~.75% 0.75%~~ of premium unless adjusted pursuant to this subsection rules adopted in accordance with subsection 4. The assessment rate is intended to result in collections no greater than \$500,000 per assessment year. When the program fund balance is \$50,000 or less, the assessment rate must increase to 1% of premium. When the program fund balance is more than \$50,000, the assessment rate must decrease to ~~.75%~~ of premium. The superintendent shall notify affected parties of any assessment rate adjustment and the effective date of that adjustment.

The program fund balance may be used to pay assistance to qualified eligible physicians in prior years for which there were insufficient funds. If all prior years' eligible qualified physicians have received assistance, any excess funds must be carried forward to subsequent plan years as part of the program fund balance. Excess funds must be applied first to the assessment year commencing July 1, 1998 and then to each successive assessment year.

For the purposes of this section, "program fund balance" means the total funds collected in excess of assistance paid for all years.

**Sec. 2. 24-A MRSA §6305, sub-§4** is enacted to read:

**4. Establishment of assessment rate by rule.** The superintendent may adopt rules pursuant to section 6311 establishing an assessment rate or a methodology for calculating an assessment rate designed to provide an adequate and reliable funding source for the program and allow for the orderly and prudent drawdown of any long-term fund balance in excess of reasonable program needs. The assessment rate may not result in expected collections exceeding \$500,000 per assessment year and may not exceed 0.75% of premium unless the program fund balance is \$50,000 or less, in which case the assessment rate must be set to a higher rate but may not exceed 1% of premium.

**Sec. 3. 24-A MRSA §6311**, as enacted by PL 1989, c. 931, §5 and amended by PL 2003, c. 689, Pt. B, §7, is further amended to read:

#### **§6311. Rules**

The superintendent and the Commissioner of Health and Human Services may adopt rules in accordance with the Maine Administrative Procedure Act to carry out this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## **CHAPTER 171**

### **H.P. 459 - L.D. 667**

#### **An Act To Increase Funding to Schools**

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

**Sec. 1. 20-A MRSA §15690, sub-§1, ¶D**, as amended by PL 2013, c. 1, Pt. C, §6, is repealed and the following enacted in its place:

D. In any fiscal year in which the sum of the State's contribution toward the cost of the components of essential programs and services, exclusive of federal funds that are provided and accounted for in the cost of the components of essential programs and services, falls below the State's target of 55% of the cost of the components of essential programs and services, the commissioner shall calculate the percentage of the State's 55% share that is funded by state appropriations and, notwithstanding any other provision of this paragraph, a school administrative unit may not have the amount of its state subsidy limited or reduced under paragraph C if the school administrative unit:

- (1) In fiscal year 2013-14, raises at least the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the State's contribution toward its 55% share of the cost of the components of essential programs and services;
- (2) In fiscal year 2014-15, raises the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the State's contribution toward its 55% share of the cost of the components of essential programs and services plus 33% of the difference between that percentage and 100% of its required local contribution; and
- (3) In fiscal year 2015-16, raises the same percentage of its required local contribution to the total cost of funding public education from kindergarten to grade 12, including state-funded debt service, as the State's contribution toward its 55% share of the cost of the components of essential programs and services plus 66% of the difference between that percentage and 100% of its required local contribution.

This paragraph is repealed June 30, 2016.

See title page for effective date.

## CHAPTER 172 S.P. 255 - L.D. 706

### **An Act To Amend the Workers' Compensation Self-insurance Laws**

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

**Sec. 1. 39-A MRSA §403, sub-§4-A,** as amended by PL 2009, c. 232, §2, is further amended to read:

**4-A. Group self-insurance reinsurance account.** As an alternative to obtaining a reinsurance contract providing coverage against losses arising out of one occurrence, an individual or group self-insurer authorized under this section may, with the approval of the Superintendent of Insurance, participate in a group self-insurance reinsurance account, referred to in this subsection as "an account," as provided in this subsection. A group self-insurer authorized under the laws of another state may participate in an account through a protected cell arrangement as provided in paragraph L. More than one account may be established pursuant to this subsection. An account established pursuant to this subsection may be established as either an independent private entity or an instrumentality of the State, but the debts and liabilities of an account established as an instrumentality of the State are not debts and liabilities of the State. An account established as an instrumentality of the State within 24 months of its formation, with the approval of the Superintendent of Insurance, may transfer all of its assets and liabilities into an account established as an independent private entity.

A. A group self-insurer that is subject to joint and several liability pursuant to subsection 4, paragraph F, a group self-insurer authorized under the laws of another state and that executes an agreement that its members will be jointly and severally liable in accordance with the provisions of paragraph L or an individual self-insurer authorized under this section that executes an agreement to be responsible for contingent assessment liability in accordance with the provisions of paragraph F may apply to reinsure through an account.

(1) Upon the petition of 4 or more authorized group self-insurers, the Superintendent of Insurance may approve an account for the deposit of funds in lieu of reinsurance.

(2) The account must indemnify its participating self-insurer members for claims in-

curred during the account's operation. The purpose of the account is to accumulate funds to provide coverage against losses arising out of one occurrence in excess of \$500,000 or such other amounts as may be permitted or required for particular members established retention levels consistent with the plan of operation established pursuant to paragraph B.

(3) A self-insurer is deemed to be a member of the account for reinsurance coverage for purposes of a claim if the self-insurer is a member of the account when an injury occurs or a covered occupational disease loss is incurred.

(4) A self-insurer that reinsurance through an account shall continue to make payments into that account in accordance with the plan of operation established pursuant to paragraph B.

(5) A self-insurer's participation in an account is considered as a component of the self-insurer's renewal application. A self-insurer's membership in an account is considered adequate protection against losses arising out of a single occurrence unless the Superintendent of Insurance determines, after considering the financial condition and catastrophic loss exposure of both the self-insurer and the account, that it is necessary to maintain additional reinsurance protection, maintain a lower self-insured retention level or provide some other form of additional security, singly or in combination.

B. An account must operate in accordance with a plan of operation established by the group self-insurer members and approved by the Superintendent of Insurance.

(1) Those group self-insurers creating an account shall submit to the Superintendent of Insurance a plan of operation and any amendments to it that are necessary to ensure the fair, reasonable and equitable administration of the account. The plan of operation is effective upon approval by the superintendent. Any amendments subsequent to the plan's initial approval must be submitted to the superintendent by the plan's board of directors and are effective upon approval by the superintendent.

(2) The plan of operation must:

(a) Create a board of directors and initial bylaws, including the terms and conditions of board membership and the manner by which board members are initially

- appointed and are replaced when vacancies occur;
- (b) Establish the procedures by which all the powers and duties of the account are performed, including, but not limited to, defining the date and conditions pursuant to which the account will commence coverage for claims by participating group self-insurer members and establishing provisions for determining limits of exposure for the account;
  - (c) Establish procedures for handling assets of a fund created pursuant to paragraph C;
  - (d) Establish underwriting rules and criteria by which rates are to be established;
  - (e) Establish procedures by which claims may be filed with the account;
  - (f) Establish an investment policy for a fund created pursuant to paragraph C;
  - (g) Establish procedures for records to be kept of all financial transactions of the account, its agents and the board of directors;
  - (h) Establish procedures for withdrawal from the account by a self-insurer member, which must, at a minimum, require 90 days' notice from the withdrawing self-insurer member to the board of directors and the Superintendent of Insurance;
  - (i) Establish, subject to approval by the Superintendent of Insurance, a minimum level of funding to be achieved by the account; and
  - (j) Contain additional provisions necessary or proper for the execution of the powers and duties of the board of directors and the ability of the account to meet its obligations; and
  - (k) Establish a standard per occurrence retention level for claims covered by the account.
- C. The bylaws of an account established pursuant to this subsection must establish the powers and duties of the board of directors of an account and must include the authority:
- (1) To administer a self-insurance specific reinsurance account fund, to be known in this subsection as "a fund," which must receive payments from participating self-insurer members of the account as required by paragraph A. The costs of administration by the board of directors and expenses of the account must be borne by the fund;
  - (2) In its discretion, to secure reinsurance for the fund's exposure and to otherwise invest the assets of the fund to effectuate the purpose of the account, subject to the approval of the Superintendent of Insurance;
  - (3) To accept or reject applications of self-insurers to be underwritten by the account, subject to the approval of the Superintendent of Insurance;
  - (4) To accept or reject applications of a self-insurer member to self-insure any exposure for one occurrence at a level other than \$500,000 the standard retention level provided in the plan of operation established pursuant to paragraph B, subject to:
    - (a) Compliance with applicable provisions of the plan of operation established pursuant to paragraph B;
    - (b) Notice to and prior approval by the Superintendent of Insurance; and
    - (c) For higher other retention levels, a statement from that member's actuary that the member has adequately funded its additional exposure;
  - (5) To create a mechanism for assessing participating self-insurer members if funds are insufficient to pay the claims of the account;
  - (6) To retain actuarial assistance to be used in the establishment of loss reserves, reinsurance and risk management for the account, and in the development of underwriting criteria and premium rates for self-insurer members. Rates are subject to approval by the Superintendent of Insurance;
  - (7) To associate with a participating self-insurer member in the defense, investigation or settlement of any claim, suit or proceeding that appears to involve indemnity by the account. This authority does not create a duty to investigate, handle, settle or defend any claims, suits or proceedings against a self-insurer member;
  - (8) To borrow funds;
  - (9) To amend the bylaws and plan of operation established pursuant to paragraph B, subject to the approval of the Superintendent of Insurance; and
  - (10) To exercise such other powers as are established in the plan of operation established pursuant to paragraph B.

D. An account is subject to examination and regulation by the Superintendent of Insurance. The board of directors of an account shall submit, within 120 days after the close of each fiscal year, an audited financial report and an actuarial report for the preceding fiscal year in a form approved by the superintendent. When the superintendent considers it necessary, the superintendent may require an account to maintain specific or aggregate reinsurance at such retention levels as the superintendent determines to be appropriate.

E. The Superintendent of Insurance may address any deficiency in reserves, assets or reinsurance of an account in accordance with this paragraph.

(1) The Superintendent of Insurance may conduct, upon reasonable notice, an examination to determine the financial condition of an account. An examiner duly qualified by the superintendent may examine the loss reserves, assets, liabilities, excess insurance and working capital of an account. If the superintendent finds that the reserves, excess insurance or assets may be inadequate, or that an account does not have working capital in an amount establishing the financial strength and liquidity of an account to pay claims promptly and showing evidence of the financial ability of an account to meet its obligations to self-insurer members, the superintendent shall notify an account of the inadequacy. Upon notification, the account within 30 days, or such other time as the superintendent approves, shall file with the superintendent its written plan specifying remedial action to be taken and the time frame for implementation of that plan.

(2) If the Superintendent of Insurance determines, after reviewing the information filed pursuant to paragraph D, that a hazardous financial condition exists, the superintendent shall notify an account of the condition. Upon notification, an account shall implement within 30 days, or such other time as the superintendent approves, its plan to correct any deficiencies and within 90 days shall file with the superintendent proof of remedial action taken. If the superintendent is satisfied that the plan submitted to improve the inadequate condition of an account is sufficient, the superintendent shall notify the account. The account shall report quarterly to the superintendent until any deficiencies and their causes have been corrected.

(3) The Superior Court may appoint the Superintendent of Insurance to act as receiver, in the same manner as for a delinquent insurer pursuant to Title 24-A, section 4360, if

the superintendent proves by clear and convincing evidence that a hazardous financial condition exists and that an account is unable or unwilling to take meaningful corrective action.

F. A self-insurer's liability for participating in an account is governed by this paragraph.

(1) Each participating self-insurer in an account has a contingent assessment liability in accordance with the plan of operation established pursuant to paragraph B for payment of claims and expenses incurred while a member of the account and must execute an agreement acknowledging that it is responsible for the prompt payment of all assessments necessary to ensure that the account is fully funded and that, if any participant in the account fails to pay an assessment when due for any reason, the remaining participants are liable for the shortfall.

(2) Each contract or other document certifying participation in the account, issued by the account, must contain a statement of the contingent liability of participating self-insurers.

G. An account is exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes levied on real or personal property.

H. This subsection does not create any liability on the part of, and a cause of action of any nature does not arise against, any self-insurer member, an account or its agents or employees, the board of directors of an account or its individual members or the Superintendent of Insurance or the superintendent's representatives for any acts or omissions taken by them in the performance of their powers and duties under this subsection. The immunity established by this subsection does not extend to willful neglect or malfeasance that would otherwise be actionable.

I. Assets of an account's fund may be used exclusively for payment of expenses of the account and payment of claims against the account and for no other purpose, except that an account established as an independent private entity pursuant to this subsection may issue such dividends to its members as are approved by the superintendent.

J. The Superintendent of Insurance shall adopt rules to administer and effectuate the intent of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

K. In the event of dissolution of an account established as an instrumentality of the State pursuant to this subsection, all assets remaining after the

satisfaction of all outstanding claims must be distributed to the Treasurer of State to be included in the Maine Self-Insurance Guarantee Association.

L. With the approval of the Superintendent of Insurance, a self-insurance reinsurance account may create one or more protected cells under its plan of operation for the purpose of reinsuring obligations of group self-insurers that are organized under the laws of another state. Any protected cell and all participating group self-insurers and their member employers are subject to the jurisdiction and oversight of the Superintendent of Insurance with respect to all matters relating to their participation on the account.

(1) Any out-of-state self-insurer that participates in the account may do so only through participation in a protected cell. An employer or group authorized by the Superintendent of Insurance to self-insure its Maine liabilities pursuant to this section is considered an out-of-state insurer to the extent that it is reinsuring out-of-state liabilities beyond the scope of its Maine self-insurance plan.

(2) The establishment of protected cells under this paragraph is a pilot project, limited to at most 2 protected cells, and approval of a protected cell or of a group self-insurer to participate in a protected cell is at the discretion of the Superintendent of Insurance. The Superintendent of Insurance may adopt rules pursuant to paragraph J to establish the terms and conditions of the pilot project, including criteria for the minimum and maximum size of a protected cell.

(3) A separate account must be established for each protected cell. All contributions from participants in a protected cell must be deposited into the protected cell account. Funds in a protected cell account may be used only for the payment of claims and expenses associated with that protected cell, which may include a reasonable administrative fee paid periodically into the general account. Notwithstanding any other provision of this subsection, participants in a protected cell are not liable for claims or expenses of any other protected cell or of the general account, and the general account is not liable for the claims of any protected cell or any expenses associated with such claims or otherwise specifically attributable to the protected cell.

(4) The minimum funding level for any protected cell may not be lower than the minimum funding level, calculated in accordance with the plan of operation and subject to paragraph E, that would apply to the general account with the same loss exposure and du-

ration of operation. If the protected cell account falls short of the minimum funding level at any time, the reinsurance account must assess all protected cell participants. If a participating group self-insurer fails to pay any assessment in full when due, the reinsurance account must assess the group's member employers. All assessments are enforceable by the Superintendent of Insurance through an adjudicatory proceeding under the Maine Administrative Procedure Act or through an action in the Superior Court.

(5) Each protected cell must have its own board of directors, at least 2/3 of whom must be chosen by the protected cell's participants. The plan of operation shall provide for a reasonable allocation of authority between the reinsurance account's board of directors and the protected cell's board of directors.

(6) No later than April 1st of each year, each reinsurance account with one or more protected cells must pay a regulatory assessment to the Bureau of Insurance from each protected cell account in the amount of 11/100 of 1% of the total standard reinsurance premium for the preceding calendar year for all participants in the protected cell for the level of coverage provided by the reinsurance account.

(7) All groups participating in a protected cell must provide the reinsurance account and the Superintendent of Insurance with financial and actuarial information sufficient to evaluate loss exposure and financial condition. All information provided to the superintendent by protected cell participants and their member employers is confidential pursuant to subsection 15. All protected cell participants and their member employers must authorize their domiciliary regulator to provide any information requested by the superintendent, which is confidential to the extent provided in Title 24-A, section 216, subsection 5.

(8) In evaluating the risk exposure of an out-of-state group self-insurer and in determining whether groups from different states may participate in the same protected cell, the reinsurance account and the Superintendent of Insurance shall consider any relevant differences in the states' regulatory frameworks for group self-insurance and in their workers' compensation benefit laws.

(9) A group self-insurer may not become a participant in a protected cell unless the group and all of its member employers have provided written acknowledgments to the Super-

intendent of Insurance that they are jointly and severally liable for the obligations of the protected cell and are subject to the jurisdiction of the superintendent and courts of the State for the enforcement of those obligations.

(10) Any disputes between self-insured members, the self-insurance reinsurance account and any protected cell, including but not limited to any dispute arising out of or relating to any enforcement order or mechanism imposed by the Superintendent of Insurance, must be resolved in this State and pursuant to the laws of this State.

**Sec. 2. 39-A MRSA §403, sub-§9,** as amended by PL 1995, c. 398, §4, is further amended to read:

**9. Acceptable deposit funds or investments for trust funds.** In addition to cash, the deposit funds or permissible investments for trust funds acceptable to the Superintendent of Insurance as a security deposit are bonds, notes and bills that are issued by and are the direct obligation of the United States Treasury; ~~the direct obligations of the following United States Government agencies: the Government National Mortgage Association; the Federal Home Loan Bank; the Federal Farm Credit Bank; the Student Loan Marketing Association; and the Federal National Mortgage Association; the direct obligations of any state of the United States or any subdivision of any state to which are pledged the full faith and credit of the state or subdivision, the unsecured debt of which is rated "A" or better by Standard and Poor's Corporation or the rating equivalent of Moody's Investors Service, Inc., Fitch Investors Service, Inc. or any other nationally recognized statistical rating agency; commercial paper rated as either "A-1" or "P-1" by Moody's Investors Service, Inc., Standard and Poor's Corporation or the rating equivalent of Fitch Investors Service, Inc. or any other nationally recognized statistical rating agency; money market funds rated "Aam" or "AAm-G" or better by Standard and Poor's Corporation or the rating equivalent of any other nationally recognized statistical rating agency; certificates of deposit issued by a duly chartered commercial bank or thrift institution in the State protected by the Federal Deposit Insurance Corporation if such a the bank or institution possesses assets of at least \$100,000,000 and maintains a ratio of capital to assets equal to or greater than 6 1/2%; savings certificates issued by any savings and loan association in the State protected by the Federal Deposit Insurance Corporation if such an association possesses assets of at least \$100,000,000 and maintains a ratio of capital to assets equal to or greater than 6 1/2%; corporate bonds rated "Aaa," "Aa1" or "Aa2" by Moody's Investors Service, Inc., or rated "AAA," "AA+" or "AA" by Standard and Poor's Corporation, or the rating equivalent of Fitch Investors Service, Inc. or any~~

~~other nationally recognized statistical agency, in an amount not to exceed 20% of the total investment portfolio; bonds that are issued by United States corporations, corporations acceptable to the superintendent or United States public entities and that are rated "A" or better by Standard and Poor's Corporation, or the rating equivalent of Moody's Investors Service, Inc., Fitch Investors Service, Inc. or any other nationally recognized statistical agency; and such other investments specifically approved by the superintendent. If an investment is downgraded so that it no longer meets the requirements of this subsection, its value may not be considered in determining whether a deposit or trust has surplus available for distribution, and the superintendent has discretion to discount or disallow the value of the investment for purposes of determining whether additional security is required.~~

Investments must be diversified in a prudent manner to ensure that funds are maintained at a sufficient level to discharge workers' compensation obligations incurred by the employer pursuant to this Title as those obligations become due and payable. ~~At least 30% of the portfolio must consist of cash, direct obligations of the United States Treasury, commercial paper, money market funds or certificates of deposit. No more than 5% of the portfolio, other than cash and direct obligations of the United States, may be concentrated in a single issuer, and the superintendent shall establish standards to limit concentration in a single industry or market sector.~~

See title page for effective date.

## CHAPTER 173

### H.P. 520 - L.D. 769

#### An Act To Create Fairness in Political Party Enrollment Deadlines

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

**Sec. 1. 21-A MRSA §144, sub-§3,** as amended by PL 1995, c. 459, §16, is further amended to read:

**3. Restrictions during change of enrollment.** Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. ~~A Notwithstanding subsection 4, a voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.~~

**Sec. 2. 21-A MRSA §144, sub-§4,** as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Change of residence.** When a voter changes his residence from one municipality to another and establishes a new voting residence there, he that voter may enroll in any party and vote at a caucus, convention or primary election, or file a petition as a candidate for nomination by primary election, regardless of his that voter's previous enrollment.

See title page for effective date.

## CHAPTER 174

### H.P. 867 - L.D. 1228

#### **An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2013-14**

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2013-14 is as follows:

Audit - Fiscal Administration	\$212,810
Education	12,069,217
Forest Fire Protection	150,000
Human Services - General Assistance	55,750
Property Tax Assessment - Operations	948,231

Maine Land Use Planning Commission - Operations	528,612
TOTAL STATE AGENCIES	\$13,964,620
County Reimbursements for Services:	
Aroostook	\$1,025,114
Franklin	1,258,685
Hancock	160,407
Kennebec	10,056
Oxford	877,519
Penobscot	996,500
Piscataquis	887,371
Somerset	1,412,944
Washington	812,645
TOTAL COUNTY SERVICES	\$7,441,241
COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND	
Tax Increment Financing Payments	\$3,510,000
TOTAL REQUIREMENTS	\$24,915,860
COMPUTATION OF ASSESSMENT	
Requirements	\$24,915,860
Less Deductions:	
General -	
State Revenue Sharing	\$0
Homestead Reimbursement	90,300
Miscellaneous Revenues	75,000
Transfer from undesignated fund balance	2,750,000
TOTAL GENERAL DEDUCTIONS	\$2,915,300
Educational -	
Land Reserved Trust	\$73,400
Tuition/Travel	119,000
Miscellaneous	17,500
Special - Teacher Retirement	191,900
TOTAL EDUCATION DEDUCTIONS	\$401,800

TOTAL DEDUCTIONS	\$3,317,100
TAX ASSESSMENT	\$21,598,791

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

Effective May 30, 2013.

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## CHAPTER 175 H.P. 884 - L.D. 1250

### An Act To Revise Maine's Unemployment Compensation Laws

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

**Sec. 1. 26 MRSA §1221, sub-§3, ¶A,** as amended by PL 2005, c. 40, §1, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and maintain, until the employer status is terminated, for the employer an experience rating record, to which are credited all the contributions that the employer pays on the employer's own behalf. This chapter may not be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund. Benefits paid to an eligible individual under the Maine Employment Security Law must be charged against the experience rating record of the claimant's most recent subject employer or to the General Fund if the otherwise chargeable experience rating record is that of an employer whose status as such has been terminated; except that no charge may be made to an individual employer but must be made to the General Fund if the commission finds that:

(1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was voluntary without good cause attributable to the employer;

(2) The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to the employer;

(3) Benefits paid are not chargeable against any employer's experience rating record in

accordance with section 1194, subsection 11, paragraphs B and C;

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5;

(6) The claimant was hired by the claimant's last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter 5-A, and the claimant's separation from this employer was because the employer restored the Legislator to the position after the Legislator's leave of absence as required by chapter 7, subchapter 5-A; or

(7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service; or

(8) The claimant was hired by the claimant's last employer to fill a position left open by an individual given a leave of absence for family medical leave provided under Maine or federal law, and the claimant's separation from this employer was because the employer restored the individual to the position at the completion of the leave.

See title page for effective date.

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## CHAPTER 176 H.P. 917 - L.D. 1290

### An Act To Encourage High School Students To Complete Community Service

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

**Sec. 1. 20-A MRSA §4722, sub-§2-A,** as enacted by PL 2009, c. 313, §16, is amended to read:

**2-A. Implementation of multiple pathways and opportunities.** Students may demonstrate achievement of the standards through multiple pathways as set

out under section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions and projects and community service.

**Sec. 2. 20-A MRSA §4722-A, sub-§2**, as enacted by PL 2011, c. 669, §7, is amended to read:

**2. Method of gaining and demonstrating proficiency.** Students must be allowed to gain proficiency through multiple pathways, as described in section 4703, and must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher-designed or student-designed assessments, portfolios, performance, exhibitions and projects and community service.

See title page for effective date.

## CHAPTER 177

S.P. 169 - L.D. 437

**An Act To Amend the State General Permit Process for Tidal Power To Remove a Conflict with a Federal Permit Requirement**

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

**Sec. 1. 38 MRSA §636-A, sub-§3, ¶D**, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

D. A copy of an environmental assessment issued by the Federal Energy Regulatory Commission for the proposed tidal energy demonstration project that includes a finding of "no significant environmental impact" pursuant to the National Environmental Policy Act of 1969, Public Law 91-190, 42 United States Code, Chapter 55, although the department may accept an application as complete for processing prior to the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact; and

**Sec. 2. 38 MRSA §636-A, sub-§4**, as enacted by PL 2009, c. 270, Pt. D, §8, is amended to read:

**4. Notification.** The department shall notify an applicant in writing within 60 days of its acceptance of the application as complete for processing or within 30 days of the Federal Energy Regulatory Commission's issuance of a finding of no significant environmental impact, whichever later occurs, if the department determines that the requirements of this section have not been met. The notification must specifically cite the

requirements of this section that have not been met. If the department has not notified the applicant under this subsection within the specified time period, a general permit is deemed to have been granted.

See title page for effective date.

## CHAPTER 178

H.P. 1089 - L.D. 1516

**An Act To Allow Certain Military Personnel To Administer Oaths and Perform the Duties of a Notary Public**

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

**Sec. 1. 37-B MRSA §390-C** is enacted to read:

**§390-C. Administration of oaths and notarial acts**

**1. Power to administer oaths.** A commissioned or warrant officer of the state military forces and other personnel of the state military forces authorized to administer oaths under the laws of this State may administer oaths for the purpose of the administration of military justice and for other purposes of military administration, including administering enlistment oaths to persons enlisting or reenlisting in the National Guard. A commissioned or warrant officer of the United States Armed Forces may administer enlistment oaths to persons enlisting or reenlisting in the National Guard.

**2. Powers of notary public.** A judge advocate or paralegal serving in the state military forces has, by virtue of the judge advocate's or paralegal's office and service, the powers of a notary public in the performance of all notarial acts to be executed for any member of the state military forces or United States Armed Forces or spouse of a member of the state military forces or United States Armed Forces. A fee may not be paid to or received by any person for the performance of a notarial act authorized in this subsection. The signature of any such person acting as a notary, together with that person's official title, is prima facie evidence that the signature is genuine, that the person holds the designated title and that the person is authorized to perform a notarial act. A notarization or acknowledgment accomplished under the authority of this subsection must generally follow the form below but is not required to be under official seal:

I, (name of notary public), certify that the foregoing instrument was subscribed and (sworn/affirmed) before me this (day of the month) day of (month), (year) by (name of person making statement), (state military

forces or United States Armed Forces service number/social security number), and who is known to me to be (a member of the state military forces or United States Armed Forces/the spouse of a member of the state military forces or United States Armed Forces).

See title page for effective date.

## CHAPTER 179

### S.P. 511 - L.D. 1417

#### An Act To Amend the Laws Governing Certain Human Services Licensing and Certification Requirements

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

**Sec. 1. 5 MRSA §19508,** as amended by PL 2005, c. 662, Pt. A, §3, is further amended to read:

#### §19508. Application to residents in children's homes

This chapter also applies to children with disabilities in children's homes, emergency children's shelters, family foster homes, specialized children's homes and children's residential child care facilities, as defined in Title 22, section 8101, and to other residential educational facilities, including the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf and other similar facilities.

**Sec. 2. 17-A MRSA §253, sub-§2, ¶G,** as amended by PL 2009, c. 211, Pt. B, §15, is further amended to read:

G. The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, day child care facility, facility operated by a family child care provider, children's residential child care facility, drug treatment center, youth camp licensed under Title 22, section 2495 or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class C crime;

**Sec. 3. 20-A MRSA §1, sub-§24-A, ¶¶A and D,** as enacted by PL 1985, c. 789, §§1 and 9, are amended to read:

A. An "emergency children's shelter," which is a facility operated by a corporation and licensed for the purpose of providing board and care to no more than 10 children over the age of 12 years, who may be runaways or abused children or

whose well-being is jeopardized by some other crisis or emergency, and providing services to a child for not more than 21 consecutive days, except with special permission;

D. A "children's residential child care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential child care facility does not mean family foster home, specialized children's home or an emergency children's shelter facility. The term includes, but is not limited to:

(1) A "group home," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;

(2) A "residential agency," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;

(3) A "residential treatment center," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing therapeutically planned therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are integrated integrated for children whose present handicaps preclude community outpatient treatment;

(4) A "residential treatment facility," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 moderately to severely handicapped children and which does not contain an educational component; and

(5) A "therapeutic group home," which is a children's residential child care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 moderately to severely handicapped children.

**Sec. 4. 20-A MRSA §7001, sub-§8,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**8. Children's residential care facility.** "Residential child Children's residential care facility" is a facility defined in Title 22, section 8101, subsection 4.

**Sec. 5. 22 MRSA §1812-K** is enacted to read:

**§1812-K. Intermediate care facility for persons with intellectual disabilities**

**1. Survey.** A state survey agency shall conduct a survey of each intermediate care facility for persons with intellectual disabilities not later than 15 months after the last day of the previous survey. The statewide average interval between surveys must be 12 months or less. The statewide average interval is computed at the end of each federal fiscal year by comparing the last day of the most recent survey for each participating facility to the last day of each facility's previous survey. As used in this section, "state survey agency" means the agency specified in 42 United States Code, Sections 1395aa and 1396 responsible for determining whether institutions and agencies meet requirements for participation in the State's Medicare and Medicaid programs.

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

**Sec. 6. 22 MRSA §7802, sub-§2, ¶B,** as amended by PL 2007, c. 324, §8, is further amended to read:

B. The terms of full licenses or approvals are as follows.

- (1) Except as provided in subparagraphs (2) to (7), the term of all full licenses and approvals issued pursuant to this chapter is for one year or the remaining period of a conditional or provisional license that has been issued for less than one year.
- (2) The term of a children's residential child care facility license is for 2 years.
- (3) The term of a drug treatment center license may be for either one or 2 years.
- (4) The term of a family foster home or specialized foster home license is for 2 years.
- (5) The term of a child care facility license issued under section 8301-A, subsection 2 is for 2 years.
- (6) The term of a home day care certificate issued under section 8301-A, subsection 3 is for 2 years.
- (7) The term of an adult day care program license pursuant to chapter 1679 is for either one or 2 years at the discretion of the department.

**Sec. 7. 22 MRSA §8101,** as amended by PL 2011, c. 186, Pt. A, §1 and c. 187, §1, is further amended to read:

**§8101. Definitions**

As used in this subtitle, unless the context otherwise indicates, the following terms have the following meanings.

**1. Children's home.** "Children's home" means any residence maintained exclusively or in part for the board and care of one or more children under the age of 18. "Children's home" does not include:

- A. A facility established primarily to provide medical care;
- B. A youth camp licensed under section 2495; or
- C. A school established solely for educational purposes except as provided in subsection 4.

**2. Emergency children's shelter.** "Emergency children's shelter" means a children's home facility that operates to receive children 24 hours a day and that limits placement to 30 consecutive days or less. For purposes of this section, the definition of "children" includes a person under the age of 21 years of age. "Emergency children's shelter" does not mean a family foster home or specialized children's home and, if, If emergency shelter is a service of provided by a children's residential child care facility, the service is restricted to a designated physical area of the facility.

**3. Family foster home.** "Family foster home" means a children's home, other than an Indian foster family home, that is a private dwelling where substitute parental care is provided within a family on a regular, 24-hour a day, residential basis. The total number of children in care may not exceed 6, including the family's legal children under 16 years of age, with no more than 2 of these children under the age of 2. "Family foster home" includes the home of a resource family whether the family provides foster care, kinship care, adoption or permanency guardianship services, as long as the home meets the requirements and standards for adoption of children in foster care. Family foster homes licensed by the Department of Health and Human Services or relatives' homes approved by the Department of Health and Human Services as meeting licensing standards are eligible for insurance pursuant to Title 5, section 1728-A. In any action for damages against a family foster home provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claim for and award of those damages, including costs and interest, may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant

that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be deemed to make the operation of a family foster home a state activity nor may it expand in any way the liability of the State or foster parent.

**3-A. Indian foster family home.** "Indian foster family home" means a foster home licensed, approved or specified by the Indian child's tribe where substitute parental care is provided for an Indian child as defined in the Indian Child Welfare Act, 25 United States Code, Section 1901, et seq.

**4. Children's residential care facility.** "~~Residential child~~ Children's residential care facility" means a children's ~~home~~ facility that provides board and care for one or more children on a regular, 24-hour a day, residential basis. For purposes of this section, the definition of "children" includes a person under 21 years of age. A ~~children's~~ residential ~~child~~ care facility does not mean a family foster home, a specialized children's home or an emergency ~~children's~~ shelter facility. The term includes, but is not limited to:

- B. An approved treatment facility under Title 5, section 20003, subsection 3;
- C. A drug treatment center under section 8001; and
- E. A residential facility under Title 34-B, section 1431; and
- F. A children's residential treatment facility with secure capacity.

**4-A. Shelter for homeless children.** "Shelter for homeless children" means ~~an emergency shelter~~ a facility designed to provide for the overnight lodging and supervision of children 10 years of age or older for no more than 30 consecutive overnights. For purposes of this section, the definition of "children" includes a person under 21 years of age.

**4-B. Children's residential treatment facility with secure capacity.** "~~Residential~~ Children's residential treatment facility with secure capacity" means a children's ~~home~~ residential care facility that provides a mental health intensive treatment program to a child whose diagnostic assessment indicates that the persistent pattern of the child's mental health presents a likely threat of harm to self or others and requires treatment in a setting that prevents the child from leaving the program. For purposes of this section, the definition of "children" includes a person under 21 years of age.

**5. Specialized children's home.** "Specialized children's home" means a children's home where care is provided to no more than 4 moderately to severely handicapped children by a caretaker who is specifi-

cally educated and trained to provide for the particular needs of each child placed. The total number of children in a specialized children's home may not exceed 4, including the caretaker's legal children under 16 years of age, with no more than 2 children under the age of 2.

**Sec. 8. 22 MRSA §8102, sub-§1,** as amended by PL 2003, c. 673, Pt. V, §3 and affected by §29, is further amended to read:

**1. Rules.** The department shall adopt rules for the various levels of children's ~~homes~~ residential care facilities, including, but not limited to, facilities that are private nonmedical institutions, in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, sub-chapter 2-A. The rules must be designed to protect the health, safety, well-being and development of children and must include, but are not limited to:

- A. The number and qualifications of staff;
- B. Rights and responsibilities of parents, children and staff;
- C. The nature, provision, documentation and management of programs of care or treatment; and
- D. The physical environment.

**Sec. 9. 22 MRSA §8107, sub-§4,** as enacted by PL 2007, c. 320, §1, is amended to read:

**4. Parents of children receiving services.** Adult parents may reside with their children in a ~~children's~~ residential ~~child~~ care facility in order to facilitate the care of the child when the department has determined it to be in the best interest of the child.

**Sec. 10. 26 MRSA §2164, sub-§3,** as amended by PL 2009, c. 628, §1, is further amended to read:

**3. Certification.** Participants who complete training under this section with a ~~200 hour~~ 180-hour curriculum approved by the Department of Health and Human Services to include both theoretical and practical training receive a statewide certificate granted by the Department of Health and Human Services. This certificate or a certificate issued under subsection 4 is required for employment as an activities coordinator in this State after December 31, 1993, except that a person employed as an activities coordinator on October 9, 1991 who has completed a training program approved by the Department of Health and Human Services is not required to obtain a certificate under this section.

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See title page for effective date.

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**CHAPTER 180**  
**H.P. 906 - L.D. 1267**

**An Act To Recodify the Land  
Surveyor Licensing Laws**

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

**Sec. 1. 5 MRSA §12004-A, sub-§21,** as amended by PL 1989, c. 346, §1, is further amended to read:

**21.**

Board of Licensure for Professional Land Surveyors	\$35/Day	32 MRSA §13902 §18211
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**Sec. 2. 17 MRSA §2511, sub-§1, ¶A,** as enacted by PL 2003, c. 550, §1, is amended to read:

A. "Established property line" means a line demarcated by monuments, signs, markings, pins, reference points or other markers that denotes a change in ownership between abutting properties. These established property line markers must have been placed upon mutual agreement of the abutting landowners, based on historical physical evidence of a preexisting boundary line, or by a licensed professional surveyor pursuant to Title 32, chapter 141.

**Sec. 3. 30-A MRSA §4403, sub-§3, ¶D,** as enacted by PL 1995, c. 93, §1, is amended to read:

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 141 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 13907 18226.

**Sec. 4. 32 MRSA c. 121,** as amended, is repealed.

**Sec. 5. 32 MRSA c. 141** is enacted to read:

**CHAPTER 141**  
**PROFESSIONAL LAND SURVEYORS**  
**SUBCHAPTER 1**  
**GENERAL PROVISIONS**

**§18201. Definitions**

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

**1. Board.** "Board" means the Board of Licensure for Professional Land Surveyors.

**2. Commissioner.** "Commissioner" means the Commissioner of Professional and Financial Regulation.

**3. Department.** "Department" means the Department of Professional and Financial Regulation.

**4. Land surveying.** "Land surveying" means any service or work involving the application of special knowledge of the rules of evidence and boundary laws, principles of mathematics and the related physical and applied sciences for measuring and locating lines, angles, elevations and natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water. This service or work is for the purposes of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including topography, alignment and grades of streets and for the preparation and perpetuation of maps, record plats, field note records and property descriptions that represent these surveys.

A person practices or offers to practice land surveying within the meaning and intent of this chapter if that person engages in land surveying or by verbal claim, sign, advertisement, letterhead, card or in any other way makes a representation that the person is a professional land surveyor or makes a representation that the person is able to perform or does perform any land surveying service or work or any other service designated by the practitioner that is recognized as land surveying.

**5. Land surveyor-in-training.** "Land surveyor-in-training" means a person licensed under this chapter to practice land surveying under the responsible charge of a professional land surveyor.

**6. Person.** "Person" means an individual.

**7. Professional land surveyor.** "Professional land surveyor" means a person licensed under this chapter to practice land surveying.

**8. Responsible charge.** "Responsible charge" means direct control and personal supervision of land surveying.

**§18202. License required**

Except as provided in section 18203, it is unlawful for a person to practice land surveying or advertise or offer to practice land surveying without a license issued under this chapter.

**§18203. Exemptions**

This chapter may not be construed to prevent the practice by:

**1. Other professions.** A person licensed in this State under any other provision of law from engaging in the practice for which the person is licensed;

**2. Federal Government employees.** An officer or employee of the Federal Government while engaged within this State in the practice of land surveying for the Federal Government;

**3. Interstate commerce corporation employees.** An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of that corporation, as long as an officer or employee of that corporation customarily in responsible charge of the surveying work of that corporation within this State is licensed under this chapter; or

**4. Unlicensed person.** A person working under the responsible charge of a professional land surveyor.

#### **§18204. Penalties**

**1. Unlicensed practice.** A person who violates section 18202 is subject to the provisions of Title 10, section 8003-C.

#### **§18205. Civil actions**

A person or entity may not bring or maintain any action in the courts of the State for the collection of compensation for land surveying services without first proving that the person performing the land surveying was properly licensed by the board at the time the cause of action arose.

### **SUBCHAPTER 2**

## **BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS**

#### **§18211. Board of licensure for professional land surveyors**

**1. Establishment.** The Board of Licensure for Professional Land Surveyors is established within the department pursuant to Title 5, section 12004-A, subsection 21 to carry out the purposes of this chapter.

**2. Members.** The board consists of 7 members appointed by the Governor. Each member must be a resident of this State. The board consists of:

A. Two public members as defined in Title 5, section 12004-A; and

B. Five members who hold valid professional land surveyor licenses and have been licensed as professional land surveyors for at least 10 years immediately prior to appointment to the board.

**3. Terms; removal.** Terms of the members of the board are for 5 years. Appointments of members must comply with Title 10, section 8009. Members may be removed by the Governor for cause.

**4. Meetings; chair; quorum.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum.

#### **§18212. Rules**

The board may establish guidelines and rules by which this chapter is administered, including adopting a code of conduct and standards of practice. Except where otherwise indicated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **§18213. Duties and powers**

The board shall administer and enforce this chapter and evaluate the qualifications of applicants for licensure.

#### **§18214. Denial or refusal to renew license; disciplinary action**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for suspension or revocation in any state of a professional or occupational license, certification or registration for disciplinary reasons or rejection of any application for reasons related to untrustworthiness.

### **SUBCHAPTER 3**

## **LICENSURE; SCOPE; ADMINISTRATION**

#### **§18221. General qualifications**

An applicant for licensure under this chapter:

**1. Application.** Shall submit an application to the board together with the fee as set under section 18229; and

**2. Age.** Must be at least 18 years of age at the time of application.

#### **§18222. License limited to persons**

Only a person may be licensed under this chapter. A firm, company, partnership, limited liability company or corporation may practice or offer to practice land surveying as long as the practice of land surveying is performed by a professional land surveyor licensed in this State.

#### **§18223. Land surveyor-in-training**

**1. Scope of practice.** A land surveyor-in-training license entitles the holder to perform land surveying services under the responsible charge of a professional land surveyor.

**2. Professional qualifications.** Each applicant for a land surveyor-in-training license must pass an examination approved by the board and meet one of the following qualifications:

- A. Hold a bachelor's degree or higher from a program that includes a minimum surveying core curriculum approved by the board;
- B. Hold an associate's degree from a program that includes a minimum surveying core curriculum approved by the board and demonstrate 2 years of surveying experience acceptable to the board;
- C. Successfully complete a minimum surveying core curriculum approved by the board and demonstrate 6 years of surveying experience acceptable to the board; or
- D. Demonstrate 7 years of surveying experience acceptable to the board.

#### **§18224. Professional land surveyor**

**1. Scope of practice.** A professional land surveyor license entitles the holder to perform land surveying services.

**2. Professional qualifications.** An applicant for a professional land surveyor license must:

- A. Be a land surveyor-in-training in this State or hold a license from another jurisdiction with qualifications similar to those required for a land surveyor-in-training under section 18223, and have a specific record of 2 additional years of progressive combined office and field experience acceptable to the board; and
- B. Successfully pass an examination approved by the board.

#### **§18225. Continuing education required for professional land surveyors**

As a prerequisite to renewal of a professional land surveyor license, the applicant must complete continuing education as set forth by rules adopted by the board.

#### **§18226. Seals; stamps**

**1. Seal; design; final documents; alteration; official notice.** A professional land surveyor shall obtain a seal of the design authorized by the board by rule.

- A. All final documents, including plans, descriptions, reports, maps, plats or other drawings must be signed and sealed by the issuing professional land surveyor, as prescribed in the rules of the board.
- B. If an item bearing the seal of a professional land surveyor is altered, the altering professional land surveyor's seal and signature must be affixed

with the notation "altered by," the date and a specific description of the alteration.

C. An official of this State, or of any city, county, town or village in the State, charged with the enforcement of laws, rules, ordinances or regulations may not accept or approve any plans or other documents prepared within the meaning and intent of this chapter that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed.

#### **§18227. Applicants licensed in another jurisdiction**

An applicant who is licensed, in good standing, under the laws of another jurisdiction may qualify for licensure under this chapter by submitting evidence satisfactory to the board that the applicant has met all of the qualifications for licensure equivalent to those set forth by this chapter for that level of licensure. The applicant may be required to take examinations as the board determines necessary to determine the applicant's qualifications.

#### **§18228. Renewal**

A license expires on the date set by the commissioner pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A renewal license is issued for each ensuing licensing period in the absence of any reason or condition that might warrant the refusal to grant a license, upon receipt by the board of the written request of the applicant and the fee for the license as set under section 18229 and upon the applicant's presenting evidence of compliance with the requirements of section 18225.

Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee as set under section 18229 in addition to the renewal fee as set under section 18229. A person who submits an application for renewal more than 90 days after the licensure renewal date is subject to all requirements governing new applicants under this chapter, including a late fee, renewal fee and additional late fee as set under section 18229, except that the board may waive examination, giving due consideration to the protection of the public.

#### **§18229. Fees**

The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**SUBCHAPTER 4**  
**RIGHT OF ENTRY**

**§18231. Right of entry for professional land surveyor performing land surveying services**

When performing land surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform land surveying services.

**1. No authority to intentionally damage or move object.** Nothing in this section may be construed as giving authority or license to a professional land surveyor or the surveyor's assistant to intentionally destroy, injure, damage or move any object, chattel or item on the lands of another without the permission of the owner.

**2. Civil liability for actual damage.** This section may not be construed to remove civil liability for actual damage to land, chattel, crops or personal property.

**3. No authority to enter building used as residence or for storage.** This section may not be construed to give a professional land surveyor or the surveyor's assistant the authority to enter any building or structure used as a residence or for storage.

**4. Reasonable effort to notify landowners.** A professional land surveyor shall make reasonable effort to notify a landowner upon whose land it is necessary for the professional land surveyor to enter or cross. Notice provided as follows meets the requirement of this subsection:

A. Written notice delivered by hand to the landowner or to the residence of the landowner upon whose land the surveyor may enter or cross, delivered at least 24 hours prior to the surveyor's entering the land; or

B. Written notice mailed by first class mail to the landowner upon whose land the surveyor may enter or cross, postmarked at least 5 days prior to the surveyor's entering the land. The surveyor may rely on the address of the landowner as contained in the municipal property tax records or their equivalent.

**5. Owner or occupant of land; duty of care; liability.** The duty of care an owner or occupant of land owes to the professional land surveyor and the surveyor's assistant is the same as that owed a trespasser.

**6. Professional land surveyor and assistant identification.** A professional land surveyor and the surveyor's assistant shall carry means of proper identification as to their licensure or employment and shall display this identification to anyone requesting identification.

**7. Compliance with safety regulations.** A professional land surveyor and the surveyor's assistant shall comply with all federal and state safety rules and regulations that apply to the land that they enter or cross pursuant to this section.

**Sec. 6. Effective date.** This Act takes effect January 1, 2014.

Effective January 1, 2014.

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**CHAPTER 181**  
**S.P. 382 - L.D. 1100**

**An Act To Update and Revise  
the Laws Governing the Maine  
Arts Commission**

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

**Sec. 1. 27 MRSA §405**, as amended by PL 1991, c. 622, Pt. V, §4, is further amended to read:

**§405. Hearings; contracts**

The ~~commission~~ Maine Arts Commission is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals or organizations, and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the ~~educational objectives of the commission's programs~~ mission; to make and sign any agreements and to do and perform any acts that are necessary to carry out the purposes of this chapter. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or agency of the State such assistance and data as necessary to carry out its powers and duties.

**Sec. 2. 27 MRSA §408**, as amended by PL 1989, c. 700, Pt. B, §36, is repealed.

**Sec. 3. 27 MRSA §410**, as enacted by PL 1997, c. 532, §1, is repealed.

**Sec. 4. 27 MRSA §411**, as enacted by PL 1997, c. 762, §1, is amended to read:

#### **§411. Arts Education Program**

The Maine Arts Commission shall establish the Arts in Education Program, referred to in this subchapter as the "program," to provide support for planning and implementing artist residencies and related school and community arts programs to increase arts education opportunities in the State. The program is designed on a 3 year rotating basis. The program allows a public school system to participate by developing a comprehensive arts education plan, activities to implement the plan and an evaluation of the plan. "the program."

**Sec. 5. 27 MRSA §412**, as enacted by PL 1997, c. 762, §1, is amended to read:

#### **§412. Duties of the Maine Arts Commission**

To accomplish the goals of the program, the The Maine Arts Commission shall provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities. The commission shall lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting. The commission shall:

**1. Funding.** Provide funding to 1/3 of the schools in the State each year on a 3 year rotating basis;

**2. Professional artists.** Use professional artists in developing a process for achieving learning results;

**3. School systems.** Invite school systems, through their superintendents, to participate in the program;

**4. Goals.** Work with school systems to identify common education goals;

**5. Training; information; seed money.** Provide training, information and seed money to each local arts education committee composed of school personnel and residents of the school district to develop a 3 year plan to increase arts education opportunities; and

**6. Curriculum; projects.** Promote artist residencies, professional development for teachers, curriculum development and advocacy and information projects.

**7. Research.** Conduct research on arts education for elementary and secondary schools; and

**8. Programs.** Operate arts education and outreach programs to combine the presentation of art with arts education.

See title page for effective date.

## **CHAPTER 182**

### **H.P. 491 - L.D. 719**

#### **An Act To Ensure Access to Information in the Property Tax Abatement Process**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 36 MRSA §842**, as amended by PL 2001, c. 396, §16, is further amended to read:

#### **§842. Notice of decision**

The assessors or municipal officers shall give to any person applying to them for an abatement of taxes notice in writing of their decision upon the application within 10 days after they take final action thereon. The notice of decision must include the reason or reasons supporting the decision to approve or deny the abatement request and state that the applicant has 60 days from the date the notice is received to appeal the decision. It must also identify the board or agency designated by law to hear the appeal. If the assessors or municipal officers, before whom an application in writing for the abatement of a tax is pending, fail to give written notice of their decision within 60 days from the date of filing of the application, the application is deemed to have been denied, and the applicant may appeal as provided in sections 843 and 844, unless the applicant has in writing consented to further delay. Denial in this manner is final action for the purposes of notification under this section but failure to send notice of decision does not affect the applicant's right of appeal. This section does not apply to applications for abatement made under section 841, subsection 2.

See title page for effective date.

**CHAPTER 183**  
**S.P. 244 - L.D. 695**

**An Act To Amend the Site  
Location of Development Laws**

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

**Sec. 1.** **38 MRSA §488, sub-§29** is enacted to read:

**29. Exemption for new construction at or modification of existing development.** New construction at or modification of an existing licensed development that is permitted pursuant to this article is exempt from review under this article if:

A. The additional disturbed area not to be revegetated does not exceed 10,000 square feet ground area in any calendar year and does not exceed 20,000 square feet ground area in total; and

B. The construction or modification does not involve a division of the parcel of land.

The permittee shall annually notify the department of any new construction or modification undertaken during the previous 12 months that is governed by this subsection. The notice must identify the type, location and ground area of the new construction or modification. At the time of the annual notification, the permittee shall provide to the department development plans, certified by a professional engineer, for new construction or modification governed by this subsection.

See title page for effective date.

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**CHAPTER 184**  
**H.P. 382 - L.D. 563**

**An Act To Clarify Tax  
Increment Financing**

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

**Sec. 1.** **30-A MRSA §5222, sub-§13**, as enacted by PL 2001, c. 669, §1, is amended to read:

**13. Original assessed value.** "Original assessed value" means the assessed value of a development district as of March 31st of the tax year preceding the year in which it was designated and, for development districts designated on or after April 1, 2014, "original assessed value" means the taxable assessed value of a development district as of March 31st of the tax year preceding the year in which it was designated by the legislative body of a municipality or a plantation.

**Sec. 2. 30-A MRSA §5223, sub-§3**, as amended by PL 2011, c. 675, §2 and c. 691, Pt. A, §31, is further amended to read:

**3. Conditions for approval.** Designation of a development district is subject to the following conditions.

A. At least 25%, by area, of the real property within a development district must meet at least one of the following criteria:

- (1) Must be a blighted area;
- (2) Must be in need of rehabilitation, redevelopment or conservation work including a fisheries and wildlife or marine resources project; or
- (3) Must be suitable for commercial or arts district uses.

B. The total area of a single development district may not exceed 2% of the total acreage of the municipality or plantation. The total area of all development districts may not exceed 5% of the total acreage of the municipality or plantation.

C. The original assessed value of a proposed tax increment financing district plus the original assessed value of all existing tax increment financing districts within the municipality or plantation may not exceed 5% of the total value of taxable property within the municipality or plantation as of April 1st preceding the date of the commissioner's approval of the designation of the proposed tax increment financing district.

Excluded from the calculation in this paragraph is any district excluded from the calculation under former section 5253, subsection 1, paragraph C and any district designated on or after the effective date of this chapter that meets the following criteria:

- (1) The development program contains project costs, authorized by section 5225, subsection 1, paragraph A, that exceed \$10,000,000;
- (2) The geographic area consists entirely of contiguous property owned by a single taxpayer;
- (3) The assessed value exceeds 10% of the total value of taxable property within the municipality or plantation; and
- (4) The development program does not contain project costs authorized by section 5225, subsection 1, paragraph C.

For the purpose of this paragraph, "contiguous property" includes a parcel or parcels of land divided by a road, power line or right-of-way.

~~D. The aggregate value of municipal and plantation general obligation indebtedness financed by the proceeds from tax increment financing districts within any county may not exceed \$50,000,000 adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City Average from January 1, 1996 to the date of calculation.~~

- ~~(1) The commissioner may adopt rules necessary to allocate or apportion the designation of captured assessed value of property within proposed tax increment financing districts to permit compliance with the condition in this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2 A.~~
- ~~(2) The acquisition, construction and installation of all real and personal property improvements, buildings, structures, fixtures and equipment included within the development program and financed through municipal or plantation bonded indebtedness must be completed within 8 years of the commissioner's approval of the designation of the tax increment financing district.~~

The conditions in paragraphs A to ~~D~~ C do not apply to approved downtown tax increment financing districts, tax increment financing districts that consist solely of one or more community wind power generation facilities owned by a community wind power generator that has been certified by the Public Utilities Commission pursuant to Title 35-A, section 3403, subsection 3 or transit-oriented development districts.

**Sec. 3. 30-A MRSA §5224, sub-§2, ¶H,** as enacted by PL 2001, c. 669, §1, is amended to read:

H. The duration of the ~~program development district~~, which may not exceed ~~a total of 30 tax~~ years from the date of designation of the district ~~beginning with the tax year in which the designation of the development district is effective pursuant to section 5226 or, if specified in the development program, the subsequent tax year~~; and

**Sec. 4. 30-A MRSA §5225, sub-§1, ¶C,** as repealed and replaced by PL 2011, c. 675, §3, is amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails or employment training within the municipality or plantation, including, but not limited to:

- (1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing

of the municipality or plantation as a business or arts location;

- (2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;
- (3) Funding to establish permanent economic development revolving loan funds ~~or~~, investment funds and grants;
- (4) Costs of services and equipment to provide skills development and training ~~for residents of, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in~~ the municipality or plantation. These costs ~~may not exceed 20% of the total project costs and~~ must be designated as training funds in the development program;
- (5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;
- (6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses;
- (7) Costs associated with a new or expanded transit service, limited to:
  - (a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and
  - (b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; and
- (8) Costs associated with the development of fisheries and wildlife or marine resources projects; and

**Sec. 5. 30-A MRSA §5226, sub-§3,** as amended by PL 2011, c. 101, §17, is further amended to read:

**3. Effective date.** A designation of a tax increment financing district or a development program for a tax increment financing district is effective upon approval by the commissioner. A designation of a development district other than a tax increment financing district is effective upon approval by the municipal or plantation legislative body. A development program other than a development program for a tax increment financing district is effective upon adoption by the municipal or plantation legislative body.

**Sec. 6. 30-A MRSA §5231,** as amended by PL 2011, c. 101, §24, is further amended to read:

#### **§5231. Bond financing**

The legislative body of a municipality or plantation may authorize, issue and sell bonds, including, but not limited to, general obligation or revenue bonds or notes, that mature within 20 30 years from the date of issue to finance all project costs needed to carry out the development program within the development district. The plantation or municipal officers authorized to issue the bonds or notes may borrow money in anticipation of the sale of the bonds for a period of up to 3 years by issuing temporary notes and notes in renewal of the bonds. All revenues derived under section 5227 or under section 5228, subsection 1 received by the municipality or plantation are pledged for the payment of the activities described in the development program and used to reduce or cancel the taxes that may otherwise be required to be expended for that purpose. The notes, bonds or other forms of financing may not be included when computing the municipality's or plantation's net debt. Nothing in this section restricts the ability of the municipality or plantation to raise revenue for the payment of project costs in any manner otherwise authorized by law.

See title page for effective date.

## **CHAPTER 185**

### **H.P. 215 - L.D. 306**

#### **An Act To Exempt Members of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs from Special Training Requirements for Archery and Trapping**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas,** trapping animals and hunting animals with bows are a part of the cultural practices of Maine's Indian tribes and have been for uncounted generations; and

**Whereas,** requiring members of these tribes to undertake special archery or trapping training in order to obtain licenses to hunt or trap is an intrusion on these cultural practices; and

**Whereas,** these unnecessary requirements need to be removed immediately in order to recognize and protect these cultural practices; 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. 12 MRSA §11106, sub-§2,** as amended by PL 2007, c. 203, §2, is further amended to read:

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

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

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

**Sec. 2. 12 MRSA §11106-A, sub-§3,** as amended by PL 2007, c. 203, §4, is further amended to read:

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

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

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

**Sec. 3. 12 MRSA §12201, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**3. Successful completion of trapper evaluation program required for license.** A Except as provided in paragraph A, a person who applies for a state license to trap, other than a junior license, must submit proof of having successfully completed an education course of the type described in section 10108, subsection 7 or satisfactory evidence of having previously held an adult license to trap in this State or any other state, province or country in any year beginning with 1978.

When proof or evidence can not otherwise be provided, the person may substitute a signed affidavit that that person has previously held the required adult trapping license or that that person has successfully completed the required trapper education course.

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

graph is exempt from the requirements of this subsection.

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

Effective May 31, 2013.

## CHAPTER 186

### H.P. 130 - L.D. 155

#### An Act To Streamline the Approval of Accessibility Structures

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

**Whereas,** when a person with a disability requires approval to build a ramp that provides access to that person's dwelling, delay in the approval process can pose significant hardship; and

**Whereas,** applying for approval through a municipal board can be a slow process, and this Act allows an application to be made through a municipal code enforcement officer, which could provide a more expeditious proceeding; 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. 30-A MRSA §4353, sub-§4,** as amended by PL 1997, c. 148, §1, is further amended to read:

**4. Variance.** Except as provided in subsections 4-A, 4-B and 4-C and section 4353-A, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The land in question can not yield a reasonable return unless a variance is granted;
- B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. The granting of a variance will not alter the essential character of the locality; and

D. The hardship is not the result of action taken by the applicant or a prior owner.

Under its home rule authority, a municipality may, in a zoning ordinance, adopt additional limitations on the granting of a variance, including, but not limited to, a provision that a variance may be granted only for a use permitted in a particular zone.

**Sec. 2. 30-A MRSA §4353-A** is enacted to read:

**§4353-A. Code enforcement officer; authority for disability structures permits**

Notwithstanding section 4353, a municipality by ordinance may authorize a code enforcement officer to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling.

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.

For the purposes of this section, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

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

Effective May 31, 2013.

**CHAPTER 187**  
**S.P. 36 - L.D. 85**

**An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence**

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

**Sec. 1. 29-A MRSA §2411, sub-§5, ¶D,** as amended by PL 2007, c. 531, §2 and affected by §10, is further amended to read:

D. For a person having 3 or more previous OUI offenses within a 10-year period, which is a Class C crime:

- (1) A fine of not less than \$2,100, except that if the person failed to submit to a test at the request of a law enforcement officer, a fine of not less than \$2,500;
- (2) A period of incarceration of not less than 6 months, except that if the person failed to submit to a test at the request of a law enforcement officer, a period of incarceration of not less than 6 months and 20 days;
- (3) A court-ordered suspension of a driver's license for a period of ~~6~~ 8 years; and
- (4) In accordance with section 2416, a court-ordered suspension of the person's right to register a motor vehicle; and
- (5) ~~In accordance with section 2508, installation of an ignition interlock device in the motor vehicle the person operates for a period of 4 years after the period of suspension has run;~~

**Sec. 2. 29-A MRSA §2508, sub-§1, ¶C,** as amended by PL 2009, c. 482, §1, is further amended to read:

C. The license of a person with 4 or more OUI offenses may be reinstated after ~~the expiration of 4 years of the period of suspension period has run~~ if the person has installed for a period of 4 years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. ~~This paragraph applies only to 4th or subsequent offenses committed after August 31, 2008.~~

See title page for effective date.

**CHAPTER 188**  
**H.P. 408 - L.D. 589**

**An Act To Strengthen the Law Regarding Texting and Driving**

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

**Sec. 1. 29-A MRSA §2119, sub-§3,** as amended by PL 2011, c. 654, §7, is repealed and the following enacted in its place:

**3. Penalties.** The following penalties apply to a violation of this section.

A. A person who violates this section commits a traffic infraction for which a fine of not less than \$250 may be adjudged.

B. A person who violates this section after previously having been adjudicated as violating this

section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

- (1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;
- (2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and
- (3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section.

See title page for effective date.

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## CHAPTER 189

### H.P. 904 - L.D. 1265

#### An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act

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

**Sec. 1. 12 MRSA §10106, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Commissioner's authority.** The State assents to the Federal Aid in Wildlife Restoration Act, Public Law, September 2, 1937, chapter 899, as amended, and the Federal Aid in Fish Restoration Act, Public Law, August 9, 1950, chapter 658, as amended. The commissioner is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife and fish restoration projects, as defined in those Acts of Congress, in compliance with those Acts and with rules and regulations promulgated by the United States Secretaries of Agriculture and Interior under those Acts. In accordance with the Constitution of Maine, Article IX, Section 22, the commissioner shall ensure that none of the revenue collected, received or recovered by the department from license and permit fees; fines; the sale, lease or rental of property; penalties; and all other revenue sources pursuant to the laws of the State

administered by the department, is diverted to any purpose other than administration of the department.

See title page for effective date.

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## CHAPTER 190

### H.P. 239 - L.D. 334

#### An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment

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

**Sec. 1. 12 MRSA §13113, sub-§1, ¶¶A and B,** as enacted by PL 2005, c. 93, §3, are repealed.

**Sec. 2. 12 MRSA §13113, sub-§1, ¶D,** as enacted by PL 2005, c. 93, §3, is amended to read:

D. Is performing winter snowmobile trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags.

**Sec. 3. 12 MRSA §13113, sub-§3,** as enacted by PL 2005, c. 93, §3 and amended by PL 2011, c. 657, Pt. W, §§5 and 7, is further amended to read:

**3. Application and issuance.** The commissioner may register trail-grooming equipment upon application by the owner if the owner is ~~an~~ a nonprofit organization that has an approved contract for snowmobile trail grooming with the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-Road Vehicle Division or a person that can provide proof to the department at the time of application that the person is a member of an organization eligible to register trail-grooming equipment under this section. The commissioner may establish procedures necessary to carry out the purposes of this section.

See title page for effective date.

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## CHAPTER 191

### S.P. 87 - L.D. 251

#### An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults

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

**Sec. 1. 17-A MRSA §757-C** is enacted to read:

**§757-C. Trafficking in contraband in a state hospital**

**1.** A person is guilty of trafficking in contraband in a state hospital if:

A. That person intentionally conveys or attempts to convey a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class C crime;

B. That person intentionally conveys or attempts to convey contraband other than a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class D crime; or

C. Being a patient at a state hospital, that person intentionally makes, obtains or possesses contraband. Violation of this paragraph is a Class D crime.

**2.** As used in this section, "contraband" means any tool or other item that may be used to facilitate a violation of section 755, a dangerous weapon or a scheduled drug as defined in section 1101, subsection 11, unless, in the case of a patient at a state hospital, the drug was validly prescribed to the patient and was approved for use by that patient pursuant to the procedures of the state hospital. As used in this section, "state hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

See title page for effective date.

## CHAPTER 192 H.P. 194 - L.D. 257

### An Act To Protect Newborns Exposed to Drugs or Alcohol

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

**Sec. 1.** 22 MRSA §4002, sub-§5-B is enacted to read:

**5-B. Fetal alcohol spectrum disorders.** "Fetal alcohol spectrum disorders" means conditions whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol exposure identified in a child from birth to 12 months of age.

**Sec. 2.** 22 MRSA §4004-B, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

**§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs or with fetal alcohol spectrum disorders**

The department shall act to protect infants born identified as being affected by illegal substance abuse

or suffering from, demonstrating withdrawal symptoms resulting from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, or having fetal alcohol spectrum disorders, regardless of whether or not the infant is abused or neglected. The department shall:

**1. Receive notifications.** Receive reports notifications of infants who may be affected by illegal substance abuse or suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum disorders;

**2. Investigate.** Promptly investigate all reports notifications received of infants born who may be affected by illegal substance abuse or suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum disorders as determined to be necessary by the department to protect the infant;

**3. Determine if infant is affected.** Determine whether or not each infant reported for whom the department conducts an investigation is affected by illegal substance abuse or suffers from, demonstrates withdrawal symptoms resulting from prenatal drug exposure or has fetal alcohol spectrum disorders;

**4. Determine if infant is abused or neglected.** Determine whether or not the infant for whom the department conducts an investigation is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

**5. Develop plan for safe care.** For each infant whom the department determines to be affected by illegal substance abuse or suffering from demonstrating withdrawal symptoms resulting from prenatal drug exposure or to have fetal alcohol spectrum disorders, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

**6. Comply with section 4004.** For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

**Sec. 3.** 22 MRSA §4011-B, as enacted by PL 2003, c. 673, Pt. Z, §5, is amended to read:

**§4011-B. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders**

**1. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders.** A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by illegal substance abuse or suffering from demonstrating with-

drawal symptoms resulting that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether or not the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum disorders shall notify the department of that condition in the infant. The report notification required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.

- A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."
- B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.

**2. Definition.** For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.

See title page for effective date.

## CHAPTER 193

### S.P. 516 - L.D. 1430

#### An Act To Clarify the Permitted Use of Aquatic Pesticides

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

**Sec. 1. 38 MRSA §464, sub-§4, ¶A,** as amended by PL 2007, c. 291, §1, is further amended to read:

A. Notwithstanding section 414-A, the department may not issue a water discharge license for any of the following discharges:

- (1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that:
  - (a) Discharges into these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist;
  - (b) Storm water discharges in compliance with state and local requirements are exempt from this subparagraph;

(c) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species are exempt from this subparagraph;

(d) Chemical discharges for the purpose of restoring water quality in GPA waters approved by the department are exempt from this subparagraph; and

(e) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species are exempt from this subparagraph. When the department issues a license for the discharge of aquatic pesticides authorized under this division, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and

(f) Discharges of pesticides approved by the department are exempt from this subparagraph that are:

- (i) Unintended and an incidental result of the spraying of pesticides;
- (ii) Applied in compliance with federal labeling restrictions; and
- (iii) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

(2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;

(3) Any discharge into a tributary of GPA waters that by itself or in combination with other activities causes water quality degradation that would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters except for aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species in the GPA waters or a tributary to the GPA waters; the following:

(a) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species in the GPA waters or a tributary to the GPA waters; or

(b) Discharges of pesticides approved by the department that are:

- (i) Unintended and an incidental result of the spraying of pesticides;
- (ii) Applied in compliance with federal labeling restrictions; and
- (iii) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

(4) Discharge of pollutants to waters of the State that imparts color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class;

(5) Discharge of pollutants to any water of the State that violates sections 465, 465-A and 465-B, except as provided in section 451; causes the "pH" of fresh waters to fall outside of the 6.0 to 8.5 range; or causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range;

(6) New discharges of domestic pollutants to the surface waters of the State that are not conveyed and treated in municipal or quasi-municipal sewage facilities. For the purposes of this subparagraph, "new discharge" means any overboard discharge that was not licensed as of June 1, 1987, except discharges from vessels and those discharges that were in continuous existence for the 12 months preceding June 1, 1987, as demonstrated by the applicant to the department with clear and convincing evidence. The volume of the discharge from an overboard discharge facility that was licensed as of June 1, 1987 is determined by the actual or estimated volume from the facilities connected to the overboard discharge facility during the 12 months preceding June 1, 1987 or the volume allowed by the previous license, whichever is less, unless it is found by the department that an error was made during prior licensing. The months during which a discharge may occur from an overboard discharge facility that was licensed as of June 1, 1987 must be determined by the

actual use of the facility at the time of the most recent license application prior to June 1, 1987 or the actual use of the facility during the 12 months prior to June 1, 1987, whichever is greater. If the overboard discharge facility was the primary residence of an owner at the time of the most recent license application prior to June 1, 1987 or during the 12 months prior to June 1, 1987, then the facility is considered a year-round residence. "Year-round residence" means a facility that is continuously used for more than 8 months of the year. For purposes of licensing, the department shall treat an increase in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge takes place as a new discharge of domestic pollutants;

(7) After the Administrator of the United States Environmental Protection Agency ceases issuing permits for discharges of pollutants to waters of this State pursuant to the administrator's authority under the Federal Water Pollution Control Act, Section 402(c)(1), any proposed license to which the administrator has formally objected under 40 Code of Federal Regulations, Section 123.44, as amended, or any license that would not provide for compliance with applicable requirements of that Act or regulations adopted thereunder;

(8) Discharges for which the imposition of conditions can not ensure compliance with applicable water quality requirements of this State or another state;

(9) Discharges that would, in the judgment of the Secretary of the United States Army, substantially impair anchorage or navigation;

(10) Discharges that would be inconsistent with a plan or plan amendment approved under the Federal Water Pollution Control Act, Section 208(b); and

(11) Discharges that would cause unreasonable degradation of marine waters or when insufficient information exists to make a reasonable judgment whether the discharge would cause unreasonable degradation of marine waters.

Notwithstanding subparagraph (6), the department may issue a wastewater discharge license allowing for an increase in the volume or quantity of discharges of domestic pollutants from any university, college or school administrative unit sewage facility, as long as the university, college or school administrative unit has a wastewater discharge license valid on the effective date of this

paragraph and the increase in discharges does not violate the conditions of subparagraphs (1) to (5) and (7) to (11) or other applicable laws.

**Sec. 2. 38 MRSA §465, sub-§1, ¶C,** as amended by PL 2007, c. 291, §2, is further amended to read:

C. Except as provided in this paragraph, there may be no direct discharge of pollutants to Class AA waters.

(1) Storm water discharges that are in compliance with state and local requirements are allowed.

(2) A discharge to Class AA waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, is allowed if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

(a) The department may issue no more than a total of 3 discharge licenses pursuant to this subparagraph and subsection 2, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective for more than 5 years from the date of issuance.

(3) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species are allowed.

(4) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species are allowed. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and

post the notice on the department's publicly accessible website.

**(5) Discharges of pesticides approved by the department are allowed that are:**

(a) Unintended and an incidental result of the spraying of pesticides;

(b) Applied in compliance with federal labeling restrictions; and

(c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

**Sec. 3. 38 MRSA §465, sub-§2, ¶C,** as amended by PL 2007, c. 291, §3, is further amended to read:

C. Except as provided in this paragraph, direct discharges to these waters licensed after January 1, 1986 are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist.

(1) This paragraph does not apply to a discharge of storm water that is in compliance with state and local requirements.

(2) This paragraph does not apply to a discharge to Class A waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

(a) The department may issue no more than a total of 3 discharge licenses pursuant to this subparagraph and subsection 1, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective

for more than 5 years from the date of issuance.

(3) This paragraph does not apply to aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species.

(4) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will be equal to or better than the existing water quality of the receiving waters as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and

(5) This paragraph does not apply to discharges of pesticides approved by the department that are:

- (a) Unintended and an incidental result of the spraying of pesticides;
- (b) Applied in compliance with federal labeling restrictions; and
- (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

**Sec. 4. 38 MRSA §465-A, sub-§1, ¶C,** as amended by PL 2007, c. 291, §5, is further amended to read:

C. There may be no new direct discharge of pollutants into Class GPA waters. The following are exempt from this provision:

- (1) Chemical discharges for the purpose of restoring water quality approved by the department;
- (2) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species;
- (3) Storm water discharges that are in compliance with state and local requirements; and

(4) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and

(5) Discharges of pesticides approved by the department that are:

- (a) Unintended and an incidental result of the spraying of pesticides;
- (b) Applied in compliance with federal labeling restrictions; and
- (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

Discharges into these waters licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist. Materials may not be placed on or removed from the shores or banks of a Class GPA water body in such a manner that materials may fall or be washed into the water or that contaminated drainage may flow or leach into those waters, except as permitted pursuant to section 480-C. A change of land use in the watershed of a Class GPA water body may not, by itself or in combination with other activities, cause water quality degradation that impairs the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters.

**Sec. 5. 38 MRSA §465-B, sub-§1, ¶C,** as amended by PL 2009, c. 654, §7, is further amended to read:

C. There may be no direct discharge of pollutants to Class SA waters, except for the following:

- (1) Storm water discharges that are in compliance with state and local requirements;
- (2) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; and

(3) An overboard discharge licensed prior to January 1, 1986 if no practicable alternative exists; and

(4) Discharges of pesticides approved by the department that are:

- (a) Unintended and an incidental result of the spraying of pesticides;
- (b) Applied in compliance with federal labeling restrictions; and
- (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

See title page for effective date.

## CHAPTER 194 H.P. 1033 - L.D. 1439

### An Act To Repeal Certain Maine Criminal Code Provisions Addressing So-called Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead To Define Them as Schedule W Drugs

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

**Sec. 1. 15 MRSA §5821, sub-§§1 and 2**, as amended by PL 2011, c. 465, §1, are further amended to read:

**1. Scheduled drugs.** All scheduled drugs and all synthetic hallucinogenic drugs, as defined in Title 17 A, section 1101, subsection 16 A, that have been manufactured, made, created, grown, cultivated, sold, bartered, traded, furnished for consideration, furnished, distributed, dispensed, possessed or otherwise acquired in violation of any law of this State, any other state or of the United States;

**2. Materials related to scheduled drugs.** All raw materials, products and equipment of any kind that are used or intended for use in manufacturing, compounding, processing, delivering, cultivating, growing or otherwise creating any scheduled drug or any synthetic hallucinogenic drug, as defined in Title 17 A, section 1101, subsection 16 A, in violation of any law of this State, any other state or the United States;

**Sec. 2. 15 MRSA §5821, sub-§3-A**, as amended by PL 2011, c. 465, §2, is further amended to read:

**3-A. Firearms and other weapons.** Law enforcement officers may seize all firearms and dangerous weapons that they may find in any lawful search for scheduled drugs or synthetic hallucinogenic drugs, as defined in Title 17 A, section 1101, subsection 16 A, in which scheduled drugs or synthetic hallucinogenic drugs are found. Except for those seized weapons listed in a petition filed in the Superior Court pursuant to section 5822, all weapons seized, after notice and opportunity for hearing, must be forfeited to the State by the District Court 90 days after a list of the weapons and drugs seized is filed in the District Court in the district in which the weapons and drugs were seized. A weapon need not be forfeited if the owner appears prior to the declaration of forfeiture and satisfies the court, by a preponderance of evidence, of all of the following:

- A. That the owner had a possessory interest in the weapon at the time of the seizure sufficient to exclude every person involved with the seized drugs or every person at the site of the seizure;
- B. That the owner had no knowledge of or involvement with the drugs and was not at the site of the seizure; and
- C. That the owner had not given any involved person permission to possess or use the weapon.

Post-hearing procedures are as provided in section 5822.

A confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand.

**Sec. 3. 15 MRSA §5821, sub-§6**, as amended by PL 2011, c. 465, §3, is further amended to read:

**6. Money instruments.** Except as provided in paragraph A, all money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a scheduled drug or synthetic hallucinogenic drug, as defined in Title 17 A, section 1101, subsection 16 A, in violation of Title 17-A, chapter 45; all proceeds traceable to such an exchange; and all money, negotiable instruments and securities used or intended to be used to facilitate any violation of Title 17-A, chapter 45.

- A. No property may be forfeited under this subsection, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner;

**Sec. 4. 15 MRSA §5821, sub-§7**, as amended by PL 2011, c. 465, §4, is further amended to read:

**7. Real property.** Except as provided in paragraph A, all real property, including any right, title or interest in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended for use, in any manner or part, to commit or to facilitate the commission of a violation of Title 17-A, section 1103, 1105-A, 1105-B, or 1105-C, ~~1120, 1121 or 1123~~ that is a Class A, Class B or Class C crime, with the exception of offenses involving marijuana.

A. Property may not be forfeited under this subsection, to the extent of an interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner. When an owner of property that is that person's primary residence proves by a preponderance of the evidence that the owner is the spouse or minor child of the coowner of the primary residence who has used or intended to use the residence, in any manner or part, to commit or facilitate the commission of a violation of Title 17-A, section 1103, 1105-A, 1105-B, or 1105-C, ~~1120, 1121 or 1123~~, the State shall bear the burden of proving knowledge or consent of the spouse or minor child by a preponderance of the evidence;

**Sec. 5. 17-A MRSA §1101, sub-§16-A**, as amended by PL 2011, c. 578, §§1 and 2, is repealed.

**Sec. 6. 17-A MRSA §1102, sub-§1, ¶N**, as amended by PL 2001, c. 419, §5, is further amended to read:

N. Flunitrazepam or its chemical equivalent; and

**Sec. 7. 17-A MRSA §1102, sub-§1, ¶O**, as enacted by PL 2001, c. 419, §6, is amended to read:

O. Unless listed or described in another schedule, the following hallucinogenic drugs or their salts, isomers and salts of isomers whenever the existence of the salts, isomers and salts of isomers is possible within the chemical designation:

- (1) 3, 4 - methylenedioxy amphetamine, MDA;
- (2) 5 methoxy - 3, 4 methylenedioxy amphetamine, MDMA;
- (3) 3, 4, 5 - trimethoxy amphetamine, TMA;
- (4) 4 - methyl - 2, 5 - dimethoxyamphetamine, DOM;
- (5) 2, - 3 methylenedioxyamphetamine;
- (6) 2, 5 - dimethoxyamphetamine, DMA;
- (7) 4 - bromo - 2, 5 - dimethoxyamphetamine, DOB;

- (8) 4 methoxyamphetamine;
- (9) 3, 4 - methylenedioxymethamphetamine, MDMA;
- (10) 4 - bromo - 2, 5 - dimethoxyphenethylamine, NEXUS;
- (11) 3, 4 - methylenedioxy-N-ethylamphetamine, MDE;
- (12) Paramethoxymethamphetamine, PMMA;
- (13) Paramethoxyamphetamine, PMA; and
- (14) Paramethoxyethylamphetamine, PMEA; and

**Sec. 8. 17-A MRSA §1102, sub-§1, ¶P** is enacted to read:

P. Unless listed or described in another schedule, the following synthetic hallucinogenic drugs:

- (1) 3, 4 - methylenedioxymethcathinone, MDMC;
- (2) 3, 4 - methylenedioxypyrovalerone, MDPV;
- (3) 4 - methylmethcathinone, 4-MMC;
- (4) 4 - methoxymethcathinone, bk-PMMA, PMMC;
- (5) 3 - fluoromethcathinone, FMC;
- (6) 4 - fluoromethcathinone, FMC;
- (7) Naphthylpyrovalerone, NRG-1;
- (8) Beta-keto-N-methylbenzodioxolylpropylamine;
- (9) 4 - methylethcathinone, 4-MEC;
- (10) Butylone;
- (11) Eutylone;
- (12) Pentedrone;
- (13) Pentyline;
- (14) 2, 5 - dimethoxy-4-ethylphenethylamine; or
- (15) A derivative of cathinone, including any compound, material, mixture, preparation or other product, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
  - (a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further sub-

stituted in the ring system by one or more other univalent substituents;

(b) By substitution at the 3-position with an acyclic alkyl substituent; or

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

This subparagraph does not include a drug listed in section 1102 or a drug approved by the United States Food and Drug Administration.

**Sec. 9. 17-A MRSA §1102, sub-§5,** as enacted by PL 1975, c. 499, §1, is repealed.

**Sec. 10. 17-A MRSA §§1119 to 1123,** as enacted by PL 2011, c. 465, §6, are repealed.

**Sec. 11. 17-A MRSA §1201, sub-§1, ¶A-1,** as amended by PL 2011, c. 640, Pt. B, §7, is further amended to read:

A-1. The conviction is for a Class D or Class E crime other than:

(1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;

(2) A Class D crime that the State pleads and proves was committed against a family or household member or a dating partner under chapter 9 or 13 or section 554, 555 or 758. As used in this subparagraph, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4; "dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A;

(2-A) A Class D crime under Title 5, section 4659, subsection 1, Title 15, section 321, subsection 6 or Title 19-A, section 4011, subsection 1;

(3) A Class D or Class E crime in chapter 11 or 12;

(4) A Class D crime under section 210-A;

(4-A) A Class E crime under section 552;

(5) A Class D or Class E crime under section 556, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(6) A Class D crime in chapter 45 relating to a schedule W drug;

(7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B;

(8) A Class D crime under Title 17, section 1031; or

~~(9) A Class D crime under Title 17 A, section 1119, subsection 1, or~~

(10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence.

**Sec. 12. 22 MRSA §2383-B, sub-§2-A,** as enacted by PL 2011, c. 465, §8, is repealed.

**Sec. 13. 22 MRSA §2383-B, sub-§3, ¶D-1,** as enacted by PL 2011, c. 465, §9, is repealed.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 22, chapter 558, in the chapter headnote, the words "marijuana, scheduled drugs, imitation scheduled drugs, certain synthetic hallucinogenic drugs and hypodermic apparatuses" are amended to read "marijuana, scheduled drugs, imitation scheduled drugs and hypodermic apparatuses" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

## CHAPTER 195

### H.P. 1065 - L.D. 1484

#### An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles

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

**Whereas,** the Maine Revised Statutes, Title 29-A, section 2357, subsection 2, paragraph E contains language that repeals that paragraph October 1, 2013, and this legislation removes that language; and

**Whereas,** the date of adjournment of the First Regular Session of the 126th Legislature is uncertain,

and this legislation needs to take effect by October 1, 2013; 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. 29-A MRSA §2357, sub-§2, ¶E**, as enacted by PL 2007, c. 652, §3, is amended to read:

E. On the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under section 505 and hauling potatoes, 64,000 pounds. This paragraph is repealed October 1, 2013.

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

Effective June 4, 2013.

## CHAPTER 196 H.P. 486 - L.D. 714

### An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service

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

**Sec. 1. 12 MRSA §8306, sub-§1**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

**1. Quarantines.** The Notwithstanding any other provision of law, the director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Conserva-

tion and Forestry or the Secretary of Agriculture of the United States or is not in effect.

**Sec. 2. 12 MRSA §8306, sub-§2, ¶B**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

- (1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;
- (2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or
- (3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States.

**Sec. 3. Report.** By December 15, 2013, the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry shall report on the rules adopted pursuant to this Act to the Joint Standing Committee on Agriculture, Conservation and Forestry.

See title page for effective date.

## CHAPTER 197 H.P. 584 - L.D. 833

### An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments

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

**Sec. 1. 30-A MRSA §3406**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

#### §3406. Service charges for sewage or storm water disposal

The municipal officers may establish a schedule of service charges from time to time upon improved real estate connected with a municipal sewer or sewer system or storm water disposal system for the use of the system. These service charges shall must include reserve fund contributions. For purposes of this section, "storm water disposal system" means storm water and flood control devices, structures, conveyances,

facilities or systems, including natural streams and rivers and other water bodies used wholly or partly to convey or control storm water or floodwater.

**1. Interest.** The municipal officers may charge interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

**2. Lien.** There ~~shall be~~ is a lien on real estate served or benefited by a municipal sewer or sewer system or storm water disposal system to secure the payment of service charges and interest on delinquent accounts established under this chapter. This lien takes precedence over all other claims on the real estate, excepting only claims for taxes.

**3. Collection.** The treasurer of the municipality may collect the service charges and interest on delinquent accounts in the same manner as granted by Title 38, section 1208, to treasurers of sanitary sewer districts with reference to rates established and due under Title 38, section 1202.

**Sec. 2. 30-A MRSA §3406-A,** as enacted by PL 2005, c. 306, §1, is amended to read:

#### **§3406-A. Landlord access to tenant bill payment information**

If a tenant is billed for municipal sewer or storm water disposal system service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the municipality shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's sewer or storm water disposal system service account, including any amounts due or overdue. For purposes of this section, "storm water disposal system" has the same meaning as in section 3406.

See title page for effective date.

## **CHAPTER 198**

### **S.P. 475 - L.D. 1356**

#### **An Act To Improve the Statutes Governing Road Associations**

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

**Sec. 1. 23 MRSA §3101, sub-§1, ¶B,** as enacted by PL 2007, c. 625, §1, is amended to read:

B. "Repairs and maintenance" does not include paving, except in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair and maintain pavement existing as of July 1, 2007. "Main-

tenance" includes, but is not limited to, snowplowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way.

**Sec. 2. 23 MRSA §3101, sub-§2,** as amended by PL 2009, c. 239, §1, is further amended to read:

**2. Call of meeting.** When 4 or more parcels of land are benefited by a private road, private way or bridge as an easement or by fee ownership of the private road, private way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting. The notary may issue a warrant or similar written notice setting forth the time, place and purpose of the meeting. Copies of the warrant or similar written notice must be mailed by means of the United States Postal Service to the owners of all the parcels benefited by the private road, private way or bridge at the addresses set forth in the municipal tax records at least 30 days before the date of the meeting. The notice must inform the owners of the planned meeting's agenda and specify all items to be voted on, including, but not limited to, all proposed budget items or amendments that will determine the amount of money to be paid by each owner pursuant to subsection 5. Subsequent meetings may be called in the same manner or by a commissioner or board appointed at a previous meeting pursuant to subsection 5.

**Sec. 3. 23 MRSA §3101, sub-§4,** as enacted by PL 2007, c. 625, §1, is amended to read:

**4. Voting.** Each parcel of land benefited by a private road, private way or bridge represents one vote under this section; except that, if the bylaws of the association authorize more than one vote, then each parcel may represent no more than 2 votes under this subsection. The call to a meeting may state that an owner may elect in writing to appoint another owner to vote in the owner's stead. Owners voting by absentee ballot must be polled on all voting items that were not included in the agenda and the final tally must be reported to the owners.

**Sec. 4. 23 MRSA §3101, sub-§4-A,** as enacted by PL 2009, c. 239, §2, is amended to read:

**4-A. Road associations.** A road association under this subchapter through its commissioner or board may address present and future repair and maintenance of a private road, private way or bridge as authorized by the owners at meetings called and conducted pursuant to this section until the association is dissolved by a majority vote of its members.

**Sec. 5. 23 MRSA §3101, sub-§5,** as enacted by PL 2007, c. 625, §1, is amended to read:

**5. Commissioner or board; assessment for repair, maintenance and other costs.** The owners of parcels of land benefited by a private road, private way or bridge at a meeting called pursuant to subsection 2 may choose a commissioner or board, to be sworn. By a majority vote of the owners present and voting in person or by written proxy or absentee ballot, the owners may determine what repairs and maintenance are necessary and the materials to be furnished or amount of money to be paid by each owner for repairs and maintenance and may determine the amount of money to be paid by each owner for other costs, including, but not limited to, the cost of liability insurance for the officers, directors and owners and costs of administration. The determination of each owner's share of the total cost must be fair and equitable and based upon a formula provided for in the road association's bylaws or adopted by the owners at a meeting called and conducted pursuant to this section. The commissioner or board shall report the outcome of all votes to all the owners by United States mail within 30 days. Special assessments for emergency repairs and maintenance may be made at a duly held meeting called for that purpose. Emergency repairs and maintenance are those actions necessary to maintain or restore the functionality of the private road, private way or bridge.

**Sec. 6. 23 MRSA §3101, sub-§5-A,** as enacted by PL 2009, c. 239, §3, is amended to read:

**5-A. Easements.** A road association under this section subchapter may negotiate an easement for the installation of a ditch, drain, culvert or other storm water management infrastructure to benefit the private road, private way or bridge. The easement must specify when a ditch, drain, culvert or other storm water management infrastructure must be maintained and include reasonable performance standards to guide the timing and extent of its upkeep and repair. The easement must also be recorded at the registry of deeds in the county in which the property subject to the easement is located. A ditch, drain, culvert or other storm water management infrastructure subject to an easement under this subsection must be under the control of and maintained by the road association.

**Sec. 7. 23 MRSA §3101, sub-§9** is enacted to read:

**9. Insurance.** A road association under this subchapter may purchase liability insurance to defend and indemnify the road association's officers, directors and owner members for any and all claims of liability or violation of law concerning the private road, private way or bridge and may include the costs of such insurance in the determination of each owner's share of the total cost under subsection 5.

**Sec. 8. 23 MRSA §3102,** as amended by PL 2007, c. 625, §2, is further amended to read:

**§3102. Commissioner's or board's duties; neglect of owners to pay**

The commissioner or board chosen under section 3101, with respect to the private road, private way or bridge, has the powers of a road commissioner. If any owner, on requirement of the commissioner or board, neglects to furnish that owner's proportion of labor, materials or money, the same may be furnished by the other owners and recovered of the owner neglecting to pay in a civil action, together with costs of suit and reasonable attorney's fees. Such civil action may be brought in the name of and by the road association created pursuant to this subchapter and the decision to bring that civil action may be made by the commissioner or board or as otherwise provided for in the road association's bylaws. The commissioner's or board's apportioning of the cost of repairs to the road undertaken pursuant to the provisions of section 3101 may not exceed 1% of an individual owner's municipal property valuation in any calendar year.

**Sec. 9. 23 MRSA §3103,** as amended by PL 2007, c. 625, §3, is further amended to read:

**§3103. Contracts for repair**

The owners, at a meeting held under section 3101, may by a majority vote of the owners present and voting in person or by written proxy or absentee ballot authorize a contract to be made for making repairs to and maintaining the private road, private way or bridge by the year or for a lesser time and may raise money for that purpose pursuant to section 3101, subsection 5. The commissioner or board shall collect the money as town taxes are collected and is liable for neglect of duty as town collectors are for similar neglects.

**Sec. 10. 23 MRSA §3104,** as amended by PL 2007, c. 625, §4, is further amended to read:

**§3104. Penalties and process**

Money recovered under sections 3102 and 3103 is for the use of the owners. In any notice of claim or process for its the money's recovery, a description of the owners in general terms as owners of parcels of land benefited by the private road, private way or bridge, clearly describing each owner's parcel of land by the book and page number of the owner's deed as recorded in the county's registry of deeds and the private road, private way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan recorded in the county's registry of deeds, the plan's recording reference is sufficient. Such process is not abated by the death of any owner or by the transfer of any owner's interest. Any money owed pursuant to section 3101, 3102 or 3103 is an obligation that is personal to the owners of the subject parcels, jointly or

severally, and also burdens the parcel and runs with the land upon the transfer of any owner's interest. The commissioner or board may cause to be recorded in the county's registry of deeds a notice of claim for money owed pursuant to section 3101, 3102 or 3103 that is more than 90 days delinquent and may add to the amount owed the recording costs. The recording of such notice does not constitute slander of title. Before recording such notice or service of process of a complaint for collection in a civil action, the commissioner or board shall give the owner against whom such action is to be taken written notice, in the same manner as written notices of meetings are provided for in section 3101, of the intended action if the debt is not paid within 20 days of the date of the written notice. This written notice to cure must be sent at least 30 days before the recording of the notice of claim or the service of process of the complaint for collection in a civil action.

See title page for effective date.

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## CHAPTER 199 H.P. 608 - L.D. 857

### An Act To Examine Fees Charged by Municipalities Concerning Outdoor-related Activities

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

**Sec. 1. 12 MRSA §13201, first ¶,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §421 and affected by §422, is further amended to read:

A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating or charging a fee for the hunting, trapping or fishing for any species of fish or wildlife; the possession or use of any equipment expressly permitted for use in hunting under this Part; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles or any other subject matter relating to all-terrain vehicles, watercraft or snowmobiles regulated under chapter 935 or 937 or under any other provisions of this Part, except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by that municipality. For purposes of this section, except as provided in subsection 3, the regulation of fishing includes the regulation of ice fishing shacks. This section does not prohibit:

**Sec. 2. 30-A MRSA §3007, sub-§5,** as amended by PL 2003, c. 332, §1, is further amended to read:

**5. Firearms and hunting equipment.** A municipality shall consult with the Department of Inland Fisheries and Wildlife during the process of the consideration of the adoption or amendment of a firearm discharge ordinance. The area in which the discharge of firearms is prohibited by a firearm discharge ordinance must be described in the ordinance using clearly defined physical boundaries as points of reference. For purposes of this subsection, the term "clearly defined physical boundaries" includes but is not limited to roads, waterways and utility corridors. After January 1, 2000, a municipality that adopts or amends a firearm discharge ordinance shall provide the Commissioner of Inland Fisheries and Wildlife with a copy of the new or amended firearm discharge ordinance and a copy of any maps that show the areas in the municipality affected by the new or amended ordinance within 30 days from the date that the ordinance is enacted or amended. A municipality may not include bows and arrows in any firearms discharge adopt or enforce any ordinance prohibited under Title 12, section 13201.

See title page for effective date.

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## CHAPTER 200 H.P. 251 - L.D. 346

### An Act Concerning the Collection of Sales Tax by Any Businesses Making Sales to Persons in Maine

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

**Sec. 1. 36 MRSA §1754-B, sub-§1, ¶D,** as amended by PL 2005, c. 218, §18, is further amended to read:

D. Every person that has a substantial physical presence in this State sufficient to satisfy the requirements of the due process and commerce clauses of the United States Constitution and that makes retail sales in this State of tangible personal property or taxable services on behalf of a principal that is outside of this State if the principal is not the holder of a valid registration certificate. For purposes of this paragraph, paragraph E and paragraph G, the following activities do not constitute a substantial physical presence in this State sufficient to satisfy the requirements of the due process and commerce clauses of the United States Constitution:

(1) Solicitation of business in this State through catalogs, flyers, telephone or electronic media when delivery of ordered goods is effected by the United States mail or by an interstate 3rd-party common carrier;

(2) Attending trade shows, seminars or conventions in this State;

(3) Holding a meeting of a corporate board of directors or shareholders or holding a company retreat or recreational event in this State;

(4) Maintaining a bank account or banking relationship in this State; or

(5) Using a vendor in this State for printing;

**Sec. 2. 36 MRSA §1754-B, sub-§1, ¶E,** as enacted by PL 1995, c. 640, §3, is amended to read:

E. Every agent, representative, salesperson, solicitor or distributor that has a substantial physical presence in this State sufficient to satisfy the requirements of the due process and commerce clauses of the United States Constitution and that receives compensation by reason of sales of tangible personal property or taxable services made outside this State by a principal for use, storage or other consumption in this State;

**Sec. 3. 36 MRSA §1754-B, sub-§1, ¶G,** as amended by PL 2007, c. 328, §5, is further amended to read:

G. Every seller of tangible personal property or taxable services that has a substantial physical presence in this State sufficient to satisfy the requirements of the due process and commerce clauses of the United States Constitution. The following activities do not constitute a substantial physical presence for the purpose of this paragraph:

(1) Solicitation of business in this State through catalogs, flyers, telephone or electronic media when delivery of ordered goods is effected by the United States mail or by an interstate 3rd party common carrier;

(2) Attending trade shows, seminars or conventions in this State;

(3) Holding a meeting of a corporate board of directors or shareholders or holding a company retreat or recreational event in this State;

(4) Maintaining a bank account or banking relationship in this State; or

(5) Using a vendor in this State for printing, drop shipping or telemarketing services;

**Sec. 4. 36 MRSA §1754-B, sub-§1-A** is enacted to read:

**1-A. Persons presumptively required to register.** This subsection creates a rebuttable presumption that a seller not subject to subsection 1 is engaged in the business of selling tangible personal property or

taxable services for use in this State and is required to register as a retailer with the assessor.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Affiliated person" means a person that is a member of the same controlled group of corporations as the seller or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. For purposes of this subparagraph, "controlled group of corporations" has the same meaning as in the Code, Section 1563(a).

(2) "Person" means an individual or entity that qualifies as a person under the Code, Section 7701(a)(1).

(3) "Seller" means a person that sells, other than in a casual sale, tangible personal property or taxable services.

B. A seller is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if an affiliated person has a substantial physical presence in this State or if any person, other than a person acting in its capacity as a common carrier, that has a substantial physical presence in this State:

(1) Sells a similar line of products as the seller and does so under a business name that is the same or similar to that of the seller;

(2) Maintains an office, distribution facility, warehouse or storage place or similar place of business in the State to facilitate the delivery of property or services sold by the seller to the seller's customers;

(3) Uses trademarks, service marks or trade names in the State that are the same or substantially similar to those used by the seller;

(4) Delivers, installs, assembles or performs maintenance services for the seller's customers within the State;

(5) Facilitates the seller's delivery of property to customers in the State by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the State; or

(6) Conducts any activities in the State that are significantly associated with the seller's ability to establish and maintain a market in the State for the seller's sales.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part. A seller may rebut the presumption created in this paragraph by demonstrating that the person's activities in the State are not significantly associated with the seller's ability to establish or maintain a market in this State for the seller's sales.

C. A seller that does not otherwise meet the requirements of paragraph B is presumed to be engaged in the business of selling tangible personal property or taxable services for use in this State if the seller enters into an agreement with a person under which the person, for a commission or other consideration, while within this State:

- (1) Directly or indirectly refers potential customers, whether by a link on an Internet website, by telemarketing, by an in-person presentation or otherwise, to the seller; and
- (2) The cumulative gross receipts from retail sales by the seller to customers in the State who are referred to the seller by all persons with this type of an agreement with the seller are in excess of \$10,000 during the preceding 12 months.

A seller who meets the requirements of this paragraph shall register with the assessor and collect and remit taxes in accordance with the provisions of this Part.

A seller may rebut the presumption created in this paragraph by submitting proof that the person with whom the seller has an agreement did not engage in any activity within the State that was significantly associated with the seller's ability to establish or maintain the seller's market in the State during the preceding 12 months. Such proof may consist of sworn, written statements from all of the persons within this State with whom the seller has an agreement stating that they did not engage in any solicitation in the State on behalf of the seller during the preceding 12 months; these statements must be provided and obtained in good faith.

A person who enters into an agreement with a seller under this paragraph to refer customers by a link on an Internet website is not required to register or collect taxes under this Part solely because of the existence of the agreement.

**Sec. 5. Report and legislation regarding the Streamlined Sales and Use Tax Agreement.**

The Office of Fiscal and Program Review shall prepare a report concerning the Streamlined Sales and Use Tax Agreement, referred to in this section as "the agreement," which is an effort of state governments, with input from local governments and the private

sector, to simplify and modernize sales and use tax collection and administration. The report must:

1. Provide information regarding any pending or recently enacted federal legislation that provides states with the authority to compel remote sellers, such as online and catalogue retailers, to collect and remit sales tax imposed on purchases made by residents of another state;
2. Identify the options available to Maine under the federal legislation referred to in subsection 1 and the steps needed in order to compel remote sellers to collect sales tax and remit the tax to Maine;
3. Identify any changes to the Maine Revised Statutes that are needed to conform the State's laws to the agreement and the options available to provide conformity;
4. Identify the impact of each option identified pursuant to subsection 3; and
5. Identify and explain any fiscal and policy issues associated with conformity with the agreement.

The Office of Fiscal and Program Review may enlist the assistance of an entity outside of the Legislature to aid the office in completion of the report. The office shall submit its report, along with different proposals for legislation to conform the State's sales and use tax laws with the agreement, to the Joint Standing Committee on Taxation no later than January 15, 2014. The Joint Standing Committee on Taxation may submit a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

**Sec. 6. Application.** The provisions of the Maine Revised Statutes, Title 36, section 1754-B, subsection 1-A, paragraph C apply to sales made, uses occurring and services rendered on or after the effective date of this Act regardless of the date on which the seller and the person entered into the agreement described in that paragraph; except that, when calculating the 12-month period for purposes of determining whether the threshold amount specified in Title 36, section 1754-B, subsection 1-A, paragraph C, subparagraph (2) has been met, the 12-month period begins one year immediately preceding the seller's registering as a retailer pursuant to this Act.

See title page for effective date.

## CHAPTER 201

### H.P. 623 - L.D. 900

#### An Act Regarding the Disclosure of Certain Records in Criminal Matters

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

**Sec. 1. 5 MRSA §7070, sub-§5** is enacted to read:

**5. Constitutional obligations of a prosecutor.**

Notwithstanding this section or any other provision of law, this section does not preclude the disclosure of confidential personnel records and the information contained in those records to the Attorney General, a deputy attorney general, an assistant attorney general, a district attorney, a deputy district attorney, an assistant district attorney or the equivalent departments or offices in a federal jurisdiction that are related to the determination of and compliance with the constitutional obligations of the State or the United States to provide discovery to a defendant in a criminal matter. A person or entity participating in good faith disclosure under this subsection or participating in a related proceeding is immune from criminal and civil liability for the act of disclosure or for participating in the proceeding.

**Sec. 2. 30-A MRSA §503, sub-§3** is enacted to read:

**3. Constitutional obligations of a prosecutor.**

Notwithstanding this section or any other provision of law, this section does not preclude the disclosure of confidential personnel records and the information contained in those records to the Attorney General, a deputy attorney general, an assistant attorney general, a district attorney, a deputy district attorney, an assistant district attorney or the equivalent departments or offices in a federal jurisdiction that are related to the determination of and compliance with the constitutional obligations of the State or the United States to provide discovery to a defendant in a criminal matter. A person or entity participating in good faith disclosure under this subsection or participating in a related proceeding is immune from criminal and civil liability for the act of disclosure or for participating in the proceeding.

**Sec. 3. 30-A MRSA §2702, sub-§3** is enacted to read:

**3. Constitutional obligations of a prosecutor.**

Notwithstanding this section or any other provision of law, this section does not preclude the disclosure of confidential personnel records and the information contained in those records to the Attorney General, a deputy attorney general, an assistant attorney general, a district attorney, a deputy district attorney, an assistant district attorney or the equivalent departments or offices in a federal jurisdiction that are related to the determination of and compliance with the constitutional obligations of the State or the United States to provide discovery to a defendant in a criminal matter. A person or entity participating in good faith disclosure under this subsection or participating in a related

proceeding is immune from criminal and civil liability for the act of disclosure or for participating in the proceeding.

See title page for effective date.

**CHAPTER 202**

**S.P. 223 - L.D. 633**

**An Act To Grant the Commissioner of Health and Human Services and the Commissioner's Designees the Independent Authority To Issue Adjudicatory Subpoenas**

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

**Sec. 1. 22-A MRSA §207, sub-§10** is enacted to read:

**10. Adjudicatory subpoena power.** In an adjudicatory proceeding conducted by the department, the commissioner may issue subpoenas to require the attendance and testimony of witnesses and the production of evidence or discovery relating to an issue of fact in the proceeding and may designate employees of the department to issue such subpoenas. Subpoenas must be issued in accordance with Title 5, section 9060.

See title page for effective date.

**CHAPTER 203**

**S.P. 51 - L.D. 130**

**An Act To Stabilize Education Funding by Reducing the Impact of Changes in Property Valuation**

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

**Sec. 1. 20-A MRSA §15672, sub-§23,** as amended by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and affected by c. 12, Pt. WW, §18, is repealed and the following enacted in its place:

**23. Property fiscal capacity.** "Property fiscal capacity" means:

A. Prior to fiscal year 2014-15, the certified state valuation for the year prior to the most recently certified state valuation;

B. For fiscal year 2014-15, the average of the certified state valuations for the 2 most recent years

prior to the most recently certified state valuation; and

C. For fiscal year 2015-16 and each subsequent fiscal year, the average of the certified state valuations for the 3 most recent years prior to the most recently certified state valuation.

See title page for effective date.

## CHAPTER 204 H.P. 707 - L.D. 1009

### An Act Concerning Fertilizer and Lime Products

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

Whereas, it is imperative that this legislation take effect for the upcoming planting season; 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. 7 MRSA §742, sub-§1-A** is enacted to read:

**1-A. Biosolids.** "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled, including material derived from biosolids and septic tank sludge, also known as septage.

**Sec. 2. 7 MRSA §742, sub-§4** is repealed and the following enacted in its place:

**4. Commercial fertilizer.** "Commercial fertilizer" means a substance containing one or more recognized fertilizer materials bearing a guaranteed analysis on the product label of a packaged product or the accompanying delivery paperwork or invoice of a bulk fertilizer. It does not include unmanipulated animal and vegetable manures.

**Sec. 3. 7 MRSA §742, sub-§11-A** is enacted to read:

**11-A. Packaged biosolids.** "Packaged biosolids" means biosolids distributed in a sealed container provided by the distributor of the material.

**Sec. 4. 7 MRSA §742, sub-§17** is enacted to read:

**17. Unpackaged biosolids.** "Unpackaged biosolids" means biosolids distributed in a loose, unpackaged form in an unsealed container, including, but not limited to, a tote bag, tote tank, bin, tank, trailer, spreader truck, railcar and pickup truck bed or other container provided by the final user solely for transport of the material.

**Sec. 5. 7 MRSA §743-B** is enacted to read:

### §743-B. Exemption for biosolids

Sections 743 and 743-A do not apply to packaged biosolids or unpackaged biosolids that are derived primarily from residuals regulated by Title 38, chapter 13 and by rules adopted by the Department of Environmental Protection governing solid waste management matters concerning composting facilities and the agronomic utilization of residuals when those biosolids include a legible and conspicuous disclaimer on their marketing materials and labeling specifically stating: "This product is not a commercial fertilizer, and any nutrient claims are not a guaranteed analysis." If a fertilizer material percentage statement appears on a label or accompanying delivery documentation, except for those products for which delivery documentation is required by Department of Environmental Protection rule, that product must be registered as a fertilizer.

**Sec. 6. 7 MRSA §764-A** is enacted to read:

### §764-A. Exemption for industrial by-products

Section 764 does not apply to unpackaged industrial by-products derived primarily from residuals regulated by Title 38, chapter 13 and by rules adopted by the Department of Environmental Protection governing solid waste management matters concerning composting facilities and the agronomic utilization of residuals when those industrial by-products include a legible and conspicuous disclaimer on their marketing materials and labeling specifically stating: "This product is an industrial by-product, and any claims of neutralizing value and fineness are not guarantees."

Industrial by-products exempted under this section need not comply with sections 765 and 766.

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

Effective June 5, 2013.

## CHAPTER 205 H.P. 717 - L.D. 1019

### An Act To Protect the State's Property Rights in Maine State Museum Research

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

Whereas, research projects are ongoing at the Maine State Museum; and

Whereas, in order to protect individuals' personally identifiable information, it is imperative that this Act take effect 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,

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

Sec. 1. 27 MRSA §86-B is enacted to read:

**§86-B. Confidentiality of certain research and personal information**

**1. Draft research and materials.** Museum draft research, publications and exhibit materials, including scientific, archaeological and historical findings, are confidential and not public records for the purposes of Title 1, chapter 13, subchapter 1 until complete and presented to the public. The Museum Director may authorize disclosure before publication or presentation to the public.

**2. Personal history research and materials.** Personal information contained in any record about the individual that is obtained by the Maine State Museum in the course of a historical research project is confidential and not a public record for the purposes of Title 1, chapter 13, subchapter 1 until:

A. The individual authorizes the release of the personal information as a public record; or

B. The death of the individual, except that the Museum Director may, at the request of the individual, designate in writing that personal information about the individual remain confidential for a specified period, not to exceed 25 years after the death of the individual, to protect the privacy of the individual or the privacy of the parent or child of the individual.

For the purposes of this section, "personal information" means any information about an individual's personal history, including, but not limited to, medical, psychiatric, employment, counseling and other information of a personal or private nature.

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

Effective June 5, 2013.

**CHAPTER 206**  
**H.P. 405 - L.D. 586**

**An Act To Enable Municipalities To Establish Business Development Loan Programs Using Municipally Raised or Appropriated Money**

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

Sec. 1. 30-A MRSA §5726, sub-§13, as enacted by PL 2001, c. 78, §2, is amended to read:

13. **Elderly housing.** Provide municipally owned rental housing for the elderly; and

Sec. 2. 30-A MRSA §5726, sub-§14, as enacted by PL 2001, c. 78, §2, is amended to read:

14. **Affordable housing.** Facilitate affordable housing; and

Sec. 3. 30-A MRSA §5726, sub-§15 is enacted to read:

**15. Job creation and retention.** Establish revolving loan fund programs to assist in job creation and retention for local for-profit and nonprofit enterprises if approved by a municipal referendum election pursuant to sections 2528, 2529 and 2532, even if the municipality or plantation has not accepted the provisions of section 2528.

See title page for effective date.

**CHAPTER 207**  
**S.P. 457 - L.D. 1318**

**An Act To Clarify the Law Regarding Advertising Signs outside Premises Licensed To Sell Alcohol**

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

Sec. 1. 28-A MRSA §710, sub-§1, as amended by PL 1997, c. 373, §69, is further amended to read:

**1. Advertising outside of licensed premises.** A person, except wholesale licensees and certificate of approval holders, may not advertise or permit to be

advertised, by more than ~~one sign~~ 2 signs, on the outside of any licensed premises, or on any building, ground or premises under that person's control and contiguous or adjacent to the licensed premises:

- A. The fact that the licensee has liquor or any brand of liquor for sale;
- B. The price at which liquor is sold by the licensee; or
- C. Any other advertisement that indicates any reference to liquor.

For agency liquor stores, one of the 2 signs permitted by this subsection is an agency liquor store sign as described by rule.

See title page for effective date.

## CHAPTER 208

H.P. 493 - L.D. 721

**An Act To Provide  
Transparency in Public-private  
Partnerships for  
Transportation Projects**

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

**Sec. 1.** **23 MRSA §4251, sub-§4, ¶L**, as enacted by PL 2009, c. 648, Pt. A, §1, is repealed.

**Sec. 2.** **23 MRSA §4251, sub-§10**, as enacted by PL 2009, c. 648, Pt. A, §1, is repealed and the following enacted in its place:

**10. Information in public record.** Except as provided in subsection 10-A, information obtained by the department under this subchapter is a public record pursuant to Title 1, chapter 13, subchapter 1.

**Sec. 3.** **23 MRSA §4251, sub-§10-A** is enacted to read:

**10-A. Confidential information.** Information submitted to the department relating to a public-private partnership proposal under this subchapter is confidential and not a public record under Title 1, chapter 13, subchapter 1 if the private entity submitting the information designates the information as being only for the confidential use of the department and if:

- A. The information is a trade secret as defined in Title 10, section 1542, subsection 4; or
- B. Disclosure of the information would result in a business or competitive disadvantage, loss of business, invasion of privacy or other significant detriment to the private entity to whom the record belongs or pertains.

If legal action is filed to gain access to the information designated as confidential under this subsection, the private entity must defend its designation and the department shall release the information in accordance with the order of the reviewing court. Failure to defend the designation under this subsection constitutes a waiver of confidentiality by the private entity and the department shall release the information.

See title page for effective date.

## CHAPTER 209

H.P. 909 - L.D. 1270

**An Act To Provide That  
Innkeepers and Certain  
Campground Operators Are  
Not Considered Landlords**

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

Whereas, the summer tourist season is approaching; and

Whereas, it is imperative that this legislation take effect immediately so that innkeepers and campground operators are ready for the tourist season; 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.** **30-A MRSA §3801, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Innkeeper.** "Innkeeper" means a person who keeps an inn, hotel or motel to provide lodging to travelers and others for compensation and who maintains the sleeping accommodations. An innkeeper is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

**Sec. 2.** **30-A MRSA §3821, sub-§1**, as amended by PL 2005, c. 185, §2, is further amended to read:

**1. Register of guests.** Every person conducting a hotel or lodging house shall have a register kept and maintained in the hotel or lodging house at all times. The name of every guest or person renting a room or rooms in the hotel or lodging house must be written in

the register. The person renting the room or rooms, or someone under that person's direction, shall sign the register. The proprietor of the hotel or lodging house, or the proprietor's agent, shall then write the number of each room assigned to each guest, together with the date that room is rented, opposite the name or names so registered. A guest of a hotel or lodging house is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

**Sec. 3. 30-A MRSA §3837, first ¶,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The owner or manager of an inn, hotel, restaurant, lodging house, camping area or boardinghouse may request that any person on the premises of that establishment who is causing unnecessary disturbance to other persons on the premises or who is damaging or destroying property belonging to or in use by the inn, hotel, restaurant, lodging house, camping area or boardinghouse leave the premises immediately. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may use a reasonable degree of force against that person to remove that person from the premises. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may request a law enforcement officer to remove that person from the premises.

**Sec. 4. 30-A MRSA §3838, first ¶,** as amended by PL 1997, c. 59, §1, is further amended to read:

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel, lodging house or campground to or may eject from the hotel, lodging house or campground premises or may request a law enforcement officer to remove from the premises:

**Sec. 5. 33 MRSA §589, sub-§§6 and 8,** as enacted by PL 1985, c. 390, are amended to read:

**6. Membership camping operator.** "Membership camping operator" means any person who offers camping or outdoor recreational opportunities through the use of camping sites and who solicits membership camping contracts paid for in cash, by installment or periodic payments, including annual fees, by which the purchasers of memberships obtain the right to use camping sites or other camping or recreational facilities of the membership camping operator. "Membership camping operator" does not include mobile home parks as defined in Title 22, section 2494-9081. A membership camping operator is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

**8. Purchaser.** "Purchaser" means a person who enters into a membership camping contract and ob-

tains the right to use the facilities of a membership camping operator. A purchaser is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2013.

Effective July 1, 2013.

## CHAPTER 210

### H.P. 1004 - L.D. 1408

#### An Act To Amend the Laws Relating to Secession by a Municipality from a County

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

**Whereas,** a municipality must hold a referendum on the question of whether the citizens of the municipality wish to secede from one county and join another county before the municipality may file legislation with the Legislature; and

**Whereas,** it is an expense for a municipality to hold a referendum; and

**Whereas,** if the Legislature fails to pass legislation allowing the secession of a municipality, the municipality has incurred an undue expense; and

**Whereas,** if a municipality is allowed to file legislation and then hold a referendum after the results of the legislation have been determined, the expense of the referendum would be warranted; and

**Whereas,** Legislative Document 27, An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County, is now before the Legislature and the procedure for secession was not followed; and

**Whereas,** it is imperative to have this legislation take effect immediately so that Legislative Document 27 can proceed; 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. 30-A MRSA §2174-A** is enacted to read:

**§2174-A. Legislative approval of a vote on secession**

In order to secede, a municipality must receive approval from the Legislature for the municipality to hold a vote on the proposed secession.

**Sec. 2. 30-A MRSA §2175, sub-§1,** as enacted by PL 2007, c. 401, §1, is amended to read:

**1. Petition.** Upon approval of the Legislature and receipt of a petition that seeks to have a municipality secede from one county and join another county signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall call, advertise and hold a public hearing at least 14 days and no more than 60 days after certifying the petition. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

A. The purpose of the public hearing under this section is to allow municipal residents and officers to discuss secession. The public hearing must include a formal presentation by those initiating the petition that must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the municipality and the county from which the municipality is seceding. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the county from which the municipality is seceding as well as in the municipality.

**Sec. 3. 30-A MRSA §2176,** as enacted by PL 2007, c. 401, §1, is repealed.

**Sec. 4. 30-A MRSA §2177,** as enacted by PL 2007, c. 401, §1, is amended to read:

**§2177. County approval of secession**

Upon approval of the Legislature by the voters to secede, both the county from which the municipality is seceding and the county that the municipality is joining under this subchapter shall hold a referendum vote during the next scheduled regular election. Both counties must agree by a majority vote in favor of secession. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the County of X and the County of Y to secede from the County of X and join the County of Y. Do you support X (municipality) seceding from the County of X and joining the

County of Y and the municipality continuing to pay debt service owed to the County of X?

Yes No"

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

Effective June 5, 2013.

## CHAPTER 211

### H.P. 1007 - L.D. 1419

**An Act To Allow a Setoff of a  
Third-party Bailor's Property  
under Certain Conditions**

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

**Sec. 1. 15 MRSA §1074,** as amended by PL 2003, c. 673, Pt. P, §1, is further amended to read:

**§1074. Property of defendant and 3rd parties as bail**

**1. Cash.** Whenever cash is deposited as bail to secure the appearance of and conformance to conditions of release by a defendant in a criminal proceeding, either preconviction or post-conviction, the cash is deemed to be the property of the defendant unless, at the time the cash is deposited, the defendant or the person offering the cash as bail designates under oath another person to whom the cash belongs. If a person other than the defendant has been designated as the owner of the cash, it must be returned to that person unless otherwise forfeited or subject to setoff under subsection 3-A. If the defendant is deemed to be the owner of the cash, it must be returned to the defendant unless otherwise forfeited or subject to setoff as provided in this section.

**1-A. Miscellaneous costs.** The Chief Justice of the Supreme Judicial Court is authorized to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.

**2. Real estate.** When a defendant in a criminal proceeding is the owner of real estate and offers that real estate as security for appearance before any court, the defendant must file a bail lien and otherwise comply with the requirements of section 1071 as if the defendant were a surety. A discharge of the bail lien is governed by section 1071, unless the bail has been forfeited or is subject to setoff in accordance with this section.

**3. Setoff of defendant's property.** When a defendant has deposited cash or other property owned by the defendant as bail or has offered real estate owned by the defendant and subject to a bail lien as bail and

the cash, other property or real estate has not been forfeited, the court, before ordering the cash or other property returned to the defendant or discharging the real estate bail lien, shall determine whether the cash, other property or real estate or any portion of the cash, other property or real estate is subject to setoff as authorized by this section. The court may order all or a portion of the bail owned by a defendant that has not been forfeited to be first paid and applied to one or more of the following:

- A. Any fine, forfeiture, penalty or fee imposed upon a defendant as part of the sentence for conviction of any offense arising out of the criminal proceeding for which the bail has been posted and the sentence for conviction of any offense in an unrelated civil or criminal proceeding;
- B. Any amount of restitution the defendant has been ordered to pay as part of the sentence imposed in the proceeding for which bail has been posted and in any unrelated proceeding;
- C. Any amount of attorney's fees or other expense authorized by the court at the request of the defendant or attorney and actually paid by the State on behalf of the defendant on the ground that the defendant has been found to be indigent in the proceeding for which bail has been posted and in any unrelated proceeding; and
- D. Any surcharge imposed by Title 4, section 1057.

The court shall apply any bail collected pursuant to this subsection first to restitution.

**3-A. Setoff of 3rd party's property.** When a person other than the defendant has deposited cash or other property owned by the person as bail on behalf of the defendant or has offered real estate owned by the person and subject to a bail lien as bail on behalf of the defendant and the cash, other property or real estate has not been forfeited, the court, before ordering the cash or other property returned to the person or discharging the real estate bail lien, shall determine whether the cash, other property or real estate or any portion of the cash, other property or real estate is subject to setoff as authorized by this section. The court may order all or a portion of the bail owned by the person that has not been forfeited to be first paid and applied to one or more of the following:

- A. Any fine, forfeiture, penalty or fee owed by the person arising out of any civil or criminal proceeding;
- B. Any amount of restitution the person has been ordered to pay as part of any court proceeding;
- C. Any amount of attorney's fees or other expense authorized by the court at the request of the person or the person's attorney and actually paid by the State on behalf of the person on the ground

that the person has been found to be indigent in any proceeding; and

D. Any surcharge imposed by Title 4, section 1057.

The court shall apply any bail collected pursuant to this subsection first to restitution.

**4. Enforcement orders.** If the court determines that bail owned by a defendant or 3rd party should be ordered set off as authorized by this section, the court may issue any appropriate orders considered necessary to enforce the setoff. The orders may include, but are not limited to:

- A. A direction to the clerk of courts to pay cash bail directly to a specified person, organization or government;
- B. An order directed to a public official or the defendant requiring that other property or real estate be sold and the proceeds paid to a specified person, organization or government; and
- C. An order requiring the defendant to convey clear and marketable title or other evidence of ownership of interest in real estate or other property to a specified person, organization or government.

See title page for effective date.

## CHAPTER 212

### S.P. 130 - L.D. 350

#### An Act To Amend the Laws Governing Gambling

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

**Whereas,** licensed casinos provide a draw for tourists to enter the State during the summer season, resulting in a need for increasing the number of employees; and

**Whereas,** an employee licensing system that allows employees to work in casinos pending license approval will allow for adequate staffing of casinos and provide needed employment opportunities; and

**Whereas,** in order to allow the State's casino industry to prepare for this year's summer season, this legislation must take effect within the 90-day period; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 8 MRSA §1001, sub-§2,** as amended by IB 2009, c. 2, §1, is further amended to read:

**2. Associated equipment.** "Associated equipment" means any component part used, or intended for use, in a slot machine or table game, ~~including, but not limited to, software, integrated circuit chips, printed wired assemblies, printed wired boards, printing mechanisms, video display monitors and metering devices.~~

**Sec. 2. 8 MRSA §1001, sub-§13-A** is enacted to read:

**13-A. Electronic facsimile.** "Electronic facsimile" means a game approved by the board that is played in an electronic or electromechanical format that replicates a table game by incorporating all of the characteristics of the game. "Electronic facsimile" does not include a slot machine.

**Sec. 3. 8 MRSA §1001, sub-§20,** as amended by IB 2009, c. 2, §7, is further amended to read:

**20. Gaming employee.** "Gaming employee" means any person connected directly with a gambling facility, including cashiers, change personnel, counting room personnel, hosts, persons who extend credit or offer complimentary services, machine mechanics, security personnel, supervisors or managers. "Gaming employee" also includes employees of a slot machine distributor or table game distributor or gambling services vendor whose duties are directly involved with repair or distribution of slot machines, gaming devices or table games.

**Sec. 4. 8 MRSA §1001, sub-§27,** as amended by IB 2009, c. 2, §9, is further amended to read:

**27. Key executive.** "Key executive" means any executive of a licensee having power to exercise a significant influence over decisions concerning the operation or distribution of slot machines or table games or gambling services.

**Sec. 5. 8 MRSA §1001, sub-§34,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**34. Payback percentage.** "Payback percentage" means the percentage, ~~on an annual average basis~~, of the total value of money or tokens, credits or similar objects or things of value used to play a slot machine that is returned to players of that slot machine as winnings, prizes or credits.

**Sec. 6. 8 MRSA §1001, sub-§36-A,** as enacted by PL 2009, c. 266, §1, is amended to read:

**36-A. Promotional credit.** "Promotional credit" means any noncashable electronic thing of value used solely to play a slot machine that is provided by a slot machine operator or a casino operator to customers and approved by the Gambling Control Board. Promotional credits played by slot machine customers have no value attributed to their use for purposes of calculating gross slot machine income, net slot machine income and payback percentage.

**Sec. 7. 8 MRSA §1001, sub-§45,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

**Sec. 8. 8 MRSA §1003, sub-§2, ¶H,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

H. Pursuant to subchapter 5, cause the department to investigate all complaints made to the board regarding ownership, distribution or operation of slot machines or table games and all violations of this chapter or rules adopted under this chapter;

**Sec. 9. 8 MRSA §1003, sub-§2, ¶L,** as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

L. Ensure that the slot machine operator or casino operator does not have access to any system that is capable of programming slot machines;

**Sec. 10. 8 MRSA §1003, sub-§3, ¶I,** as amended by IB 2009, c. 2, §25, is further amended to read:

I. Establishment of a list of persons who are to be excluded or removed from any slot machine facility or casino, including those persons who voluntarily request that their names be included on the list of excluded persons. These rules must define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino would, in the opinion of the board, be inimical to the interest of the State;

(1) Define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino would, in the opinion of the board, be inimical to the interest of the State; and

(2) Provide that, before making a payout of winnings in an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee, after any interception of winnings required by law to

pay child support debt or other obligations, shall intercept money or anything of value that an excluded person is seeking to redeem as a result of wagers made by the person after that person has been excluded. The rules must offer the excluded person the right to an administrative hearing with reasonable notice to contest the interception of winnings. Winnings intercepted must be remitted by the licensee to the board or its designee for deposit in an Other Special Revenue Funds account within the office of substance abuse within the Department of Health and Human Services to address gambling addiction:

**Sec. 11. 8 MRSA §1004-A, sub-\$2, ¶B,** as enacted by IB 2009, c. 2, §26, is amended to read:

B. The casino must contain a count room and such other secure facilities as may be required by the board for the counting and storage of cash, coins, tokens, checks, plaques, gaming vouchers, coupons and other devices or items of value used in wagering and approved by the board that are received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. A drop box or other device in which these items are deposited at the gaming tables, and any area in which these boxes and devices are kept while in use, must be equipped with a locking device to which there are 2 keys, one of which must be under the exclusive control of the board and the other of which must be under the exclusive control of the casino operator approved by the board. These drop boxes and other devices may not be brought into or removed from a casino room except at such times, in such places and according to such procedures as the board may require.

**Sec. 12. 8 MRSA §1006, sub-\$8** is enacted to read:

**8. Voluntary exclusion.** Notwithstanding Title 1, section 401, records and information obtained or developed by the board as part of establishing and administering the list of persons who voluntarily request exclusion from any slot machine facility or casino under section 1003, subsection 3, paragraph I are confidential except that information may be released with the written consent of the person requesting voluntary exclusion and as is necessary to inform the slot machine facility or casino licensee and enforce the voluntary exclusion. Statistical data and general information that do not allow for a person on the voluntary exclusion list to be personally identified are not confidential.

**Sec. 13. 8 MRSA §1015, sub-\$1,** as amended by IB 2009, c. 2, §32, is further amended to read:

**1. License required.** A person may not be employed by a slot machine operator, casino operator, slot machine distributor, table game distributor or gambling services vendor unless the person is licensed to do so by the board, temporarily authorized as an employee pursuant to subsection 4 or granted a waiver by the board pursuant to subsection 3.

**Sec. 14. 8 MRSA §1015, sub-§§4 and 5** are enacted to read:

**4. Employees authorized temporarily.** A new employee of a slot machine operator, casino operator, slot machine distributor, table game distributor or gambling services vendor is temporarily authorized to work in a position requiring an employee license pursuant to subsection 1 as of the date a completed employee license application is received by the board. A completed employee license application is composed of:

- A. The completed form for application for an employee license approved by the board;
- B. Two complete sets of the fingerprints of the applicant;
- C. The fee for processing the employee license application as prescribed by the board; and
- D. The results of the background investigation conducted by the employer.

If the department determines after receiving an employee license application under this subsection that the application is incomplete, it may suspend the new employee's temporary authorization until such time as the new employee files a completed application.

Temporary authorization is not available for renewal of employee licenses.

**5. Termination of temporary authorization.** Unless suspended or revoked, a temporary authorization under subsection 4 continues until the granting or denial of the new employee's employee license application in accordance with sections 1016, 1017 and 1019 and any applicable rules adopted by the board. An applicant whose temporary authorization is suspended or revoked is not eligible for employment in a position requiring an employee license pursuant to subsection 1 until such time as the suspension or revocation is withdrawn or an employee license is issued.

**Sec. 15. 8 MRSA §1016, sub-\$1, ¶D,** as amended by IB 2009, c. 2, §33, is further amended to read:

D. In the case of a person applying to be a slot machine operator or casino operator, the person has sufficient knowledge and experience in the business of operating slot machines or casinos to effectively operate the slot machine facilities or casino to which the license application relates in

accordance with this chapter and the rules and standards adopted under this chapter; and

**Sec. 16. 8 MRSA §1016, sub-§1, ¶E**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

**Sec. 17. 8 MRSA §1016, sub-§1, ¶F**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

F. If the applicant is a business organization, the applicant is organized in this State, although that business organization may be a wholly or partially owned subsidiary of an entity that is organized pursuant to the laws of another state or a foreign country; and

**Sec. 18. 8 MRSA §1016, sub-§1, ¶G**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

**Sec. 19. 8 MRSA §1016, sub-§1-A** is enacted to read:

**1-A. Further qualifications.** In addition to the qualifications set forth in subsection 1, and notwithstanding Title 5, chapter 341, the board may refuse to grant a license if the person has had a gambling-related license application denied or an adverse action taken against a gambling-related license by authorities in this State or any other jurisdiction. For purposes of this subsection, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action. In making a determination under this subsection, the board shall consider whether the person has established sufficient rehabilitation to warrant the public trust.

**Sec. 20. 8 MRSA §1016, sub-§2**, as amended by PL 2009, c. 487, Pt. B, §3, is further amended to read:

**2. Suitability.** In addition to the minimum qualifications set forth in subsection 1 and subsection 1-A, a person may not receive a license unless the board determines that the person is suitable and that the public interest is served by granting or renewing the person's license. In making a determination of suitability, the board shall consider whether the person:

A. Is of good moral character. In determining whether a person is of good moral character, the board shall consider qualities that include but are not limited to honesty, candor, trustworthiness, diligence, reliability, observance of fiduciary and financial responsibility and respect for the rights of others;

B. Has not in any jurisdiction been convicted of or pled guilty or nolo contendere to a crime punishable by one year or more of imprisonment;

C. Has not been adjudicated of committing a civil violation or been convicted of a criminal violation involving dishonesty, deception, misappropriation or fraud;

D. Has not engaged in conduct in this State or any other jurisdiction that would constitute a violation of this chapter, chapter 11 involving gambling, Title 17, chapter 13-A or 62 or Title 17-A, chapter 39 or substantially similar offenses in other jurisdictions;

E. Is not a fugitive from justice, a drug abuser, a drug addict, a drug-dependent person, an illegal alien or a person who was dishonorably discharged from the Armed Forces of the United States;

F. Is current in filing all applicable tax returns and in the payment of all taxes, penalties and interest owed to this State, any other state or the Internal Revenue Service, excluding items under formal appeal; and

G. Has demonstrated financial responsibility. For the purposes of this paragraph, "financial responsibility" means a demonstration of a current and expected future condition of financial solvency sufficient to satisfy the board that the person can successfully engage in business without jeopardy to the public health, safety and welfare. "Financial responsibility" may be determined by an evaluation of the total history concerning the person, including past, present and expected condition and record of financial solvency, business record and accounting and managerial practices.

Title 5, chapter 341 does not apply to this section.

**Sec. 21. 8 MRSA §1016, sub-§3**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**3. Applicant other than individual.** If the person required to meet the minimum qualifications and suitability requirements specified in subsections 1, 1-A and 2 is a business organization, the key executives, directors, officers, partners, shareholders, creditors, owners and associates of the person must meet the suitability requirements specified in subsection 2.

**Sec. 22. 8 MRSA §1017, sub-§1, ¶¶C and D**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, are amended to read:

C. A record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this chapter or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not

limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license, or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action;

D. All information the board determines is necessary or appropriate to determine whether the applicant satisfies the minimum qualifications specified in section 1016, subsection subsections 1 and 1-A; and

**Sec. 23. 8 MRSA §1020, sub-§2, ¶D**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

**Sec. 24. 8 MRSA §1020, sub-§2, ¶G**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

G. Must have a minimum average daily aggregate payback percentage of 89% computed for all slot machines operated at each slot machine facility or casino on a weekly quarterly basis; and

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

Effective June 10, 2013.

## CHAPTER 213 H.P. 83 - L.D. 101

### An Act To Allow a Junior Hunter To Take One Antlerless Deer without an Antlerless Deer Permit

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

**Sec. 1. 12 MRSA §11109, sub-§3, ¶A**, as amended by PL 2009, c. 213, Pt. OO, §2, is further amended to read:

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not include an antlerless deer permit.

**Sec. 2. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2009, c. 213, Pt. OO, §2, is further amended to read:

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. A nonresident junior hunting license does not include an antlerless deer permit.

**Sec. 3. 12 MRSA §11152, sub-§8** is enacted to read:

**8. Junior hunter consideration.** An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to persons with a valid junior hunting license. As part of the special consideration to junior hunters, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to persons with a valid junior hunting license who apply for an antlerless deer permit in that district.

See title page for effective date.

## CHAPTER 214 S.P. 179 - L.D. 447

### An Act To Increase Patient Choice in Health Care Facilities and Health Care Settings

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

**Sec. 1. 22 MRSA §1831**, as enacted by PL 1997, c. 337, §1, is amended to read:

#### §1831. Patient referrals

**1. Provision of information.** In order to provide for informed patient or resident decisions, a hospital or nursing facility shall provide lists a standardized list of licensed providers of care and services and available physicians for all patients or residents prior to discharge for whom home health care, hospice care, acute rehabilitation care, a hospital swing bed as defined in section 328, subsection 15 or nursing care is needed. The list must include a clear and conspicuous notice of the rights of the patient or resident regarding choice of providers.

A. For all patients or residents requiring home health care or hospice care, the list must include all licensed home health care and hospice providers that request to be listed and any branch offices, including addresses and phone numbers, that serve the area in which the patient or resident resides.

B. For all patients or residents requiring nursing facility care or a hospital swing bed, the list must include all nursing appropriate facilities that request to be listed that serve the area in which the patient or resident resides or wishes to reside and the physicians available within those facilities that request to be listed.

C. The hospital or nursing facility shall disclose to the patient or resident any direct or indirect fi-

nancial interest the hospital or nursing facility has in the nursing facility or home health care provider.

**2. Rulemaking.** The department shall establish by rule guidelines necessary to carry out the purposes of this section, including but not limited to the standardized list referenced in subsection 1 and contact information for the long-term care ombudsman program under section 5107-A. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A 2-A.

**Sec. 2. Rules regarding the responsibilities of medical directors in nursing facilities.** The Department of Health and Human Services shall amend its rules regarding licensure of nursing facilities, Rule Chapter 110, chapter 16, to require that the responsibilities of a facility's medical director include ongoing guidance in the development and implementation of resident care policies, including review and revision of existing policies as required in the guidelines for nursing facilities issued by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. The rules must require all facilities, including those that are corporately owned, to be able to demonstrate that the development, review and approval of resident care policies or procedures provide opportunity for medical director input. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 215

H.P. 359 - L.D. 540

### An Act To Amend the Laws Governing the Discharge of a Firearm or Crossbow near a Dwelling or Building

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

**Sec. 1. 12 MRSA §11209,** as amended by PL 2009, c. 340, §14, is further amended to read:

#### §11209. Discharge of firearm or crossbow near dwelling or building

##### 1. Prohibition. A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including muzzle-loading firearms, ~~or crossbow or bow and arrow or cause a projectile to pass as a result of that discharge~~ within 100 yards of a building or residential dwelling without the permission of the

owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm, crossbow or bow and arrow.

**2. Penalty.** A person who violates subsection 1 commits a Class E crime.

See title page for effective date.

## CHAPTER 216

S.P. 267 - L.D. 729

### An Act To Allow Charter Schools To Request Waivers from Certain Requirements

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

**Sec. 1. 20-A MRSA §2412, sub-§5, ¶I** is enacted to read:

I. Except as provided in subparagraph (2), the commissioner may grant a public charter school a waiver of one or more requirements applicable to the public charter school upon receipt of an application from the public charter school that includes the basis for the waiver request and a plan to reduce reliance on waivers in subsequent years. A public charter school may submit an application for a waiver to the commissioner only upon receiving prior approval from the public charter school's authorizer of the same waiver request.

(1) Financial hardship is one criterion the commissioner must consider in determining whether to grant a waiver to the public charter school.

(2) A public charter school may not apply to the commissioner for a waiver of any of the following requirements:

- (a) Civil rights and health and safety requirements as described in paragraph A;
  - (b) Student assessment and accountability requirements as described in paragraph B;
  - (c) Conflict of interest and public records and proceedings requirements as described in paragraph C;
  - (d) Criminal history record checks and fingerprinting requirements as described in paragraph F; and
  - (e) Special education requirements as described in paragraph G.
- (3) By February 1st of each year, the commissioner shall report the number of waivers requested and the number granted and the reason for each waiver request for the prior year to the joint standing committee of the Legislature having jurisdiction over education matters and post the report on the department's publicly accessible website.

See title page for effective date.

## CHAPTER 217

### S.P. 292 - L.D. 867

#### An Act To Streamline, Amend and Clarify Certain Professional and Occupational Licensing Statutes

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

##### PART A

**Sec. A-1. 10 MRSA §8003, sub-§5-A, ¶F,** as enacted by PL 2007, c. 402, Pt. C, §3, is amended to read:

F. The office, board or commission may issue a letter of guidance or concern to a licensee as part of the dismissal of a complaint against the licensee. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the licensee that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The office, board or commission may place letters of guidance or concern, together with any underlying complaint, report and investiga-

tion materials, in a licensee's file for a specified period of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the office, board or commission in any subsequent action commenced against the licensee within the specified time frame. Complaints, reports and investigation materials placed on file are confidential only to the extent that confidentiality is required pursuant to Title 24, chapter 21.

**Sec. A-2. 10 MRSA §8009,** as enacted by PL 2007, c. 402, Pt. C, §6, is amended to read:

##### §8009. Standardized terms

Notwithstanding any other provision of law, upon expiration of a professional or occupational licensing board member's term, that member serves until a successor is appointed and qualified. The successor's term commences at the expiration of the preceding term, regardless of the date of appointment. A vacancy occurring prior to the expiration of a specified term must be filled by appointment of a similarly qualified individual as a replacement. The replacement member serves for the remainder of the unexpired term, regardless of the date of appointment.

##### PART B

**Sec. B-1. 10 MRSA §9003, sub-§2, ¶D,** as repealed and replaced by PL 1995, c. 462, Pt. A, §26, is repealed and the following enacted in its place:

D. Two members who are dealers;

**Sec. B-2. 10 MRSA §9003, sub-§2, ¶E,** as repealed and replaced by PL 1995, c. 462, Pt. A, §26, is repealed.

**Sec. B-3. 10 MRSA §9021, sub-§7,** as enacted by PL 1993, c. 642, §25, is repealed.

##### PART C

**Sec. C-1. 32 MRSA §220, sub-§1, ¶C,** as enacted by PL 1991, c. 396, §11, is repealed.

**Sec. C-2. 32 MRSA §220, sub-§2, ¶C,** as repealed and replaced by PL 2007, c. 390, §1, is repealed.

**Sec. C-3. 32 MRSA §220-C** is enacted to read:

##### §220-C. License limited to individuals

A license under this subchapter may be issued only to an individual, and licensure must be determined on individual and personal qualifications. A firm, corporation, company, partnership or limited liability company may not be licensed under this chapter.

**Sec. C-4. 32 MRSA §225, first ¶,** as amended by PL 2007, c. 402, Pt. F, §21, is further amended to read:

Each licensed architect or landscape architect shall upon licensure obtain a seal of such design as the board authorizes and directs ~~and shall submit an impression of the seal to the board~~. Technical submissions prepared by or under the direct supervision of a licensed architect or under the direct supervision of a licensed landscape architect must be stamped with the seal during the life of the licensee's license. It is unlawful for anyone to stamp or seal any documents with the seal after the license named on the seal has expired or has been revoked, unless the license has been renewed or reissued.

#### PART D

**Sec. D-1. 32 MRSA §1451, first ¶,** as amended by PL 2007, c. 402, Pt. J, §2, is further amended to read:

The State Board of Funeral Service, as established by Title 5, section 12004-A, subsection 18, consists of ~~§ 7~~ members, 5 of whom must be persons licensed for the practice of funeral service for 10 consecutive years or who have had 10 consecutive years' experience as a practitioner of funeral service in this State immediately preceding their appointment and ~~3~~ 2 of whom must be public members as defined in Title 5, section 12004-A. Members are appointed by the Governor for a term of 4 years. A national organization of retired persons may submit a list of applicants to the Governor for use in the selection process of one of the public members. Appointments of members must comply with Title 10, section 8009. A board member may be removed by the Governor for cause.

**Sec. D-2. Appropriations and allocations.** The following appropriations and allocations are made.

#### PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

##### Licensing and Enforcement 0352

Initiative: Reduces Personal Services and All Other allocations due to the decrease in the number of members of the State Board of Funeral Services from 8 to 7.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	(\$175)	(\$210)
All Other	(\$291)	(\$438)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$466)	(\$648)

#### PART E

**Sec. E-1. 32 MRSA §3113-B, sub-§4,** as amended by PL 2007, c. 402, Pt. N, §4, is further amended to read:

**4. Graduate physical therapist or assistant.** The supervised practice of a graduate physical therapist or graduate physical therapist assistant, who is approved by the board to sit for examination, until ~~the results of the examination have been published 60 days after the publication of examination results~~. The graduate must work in a facility employing at least one physical therapist licensed to practice in this State who assumes responsibility for patient-related activities of the applicant;

**Sec. E-2. 32 MRSA §3114-A, sub-§2,** as amended by PL 2003, c. 250, Pt. A, §2, is further amended to read:

**2. Application.** To ~~qualify for examination or to apply for a license as a physical therapist or physical therapist assistant, an applicant shall:~~

- A. Submit ~~a written~~ an application with supporting documents to the board on forms provided by the board; and
- B. Pay ~~an~~ an application a required fee as set under section 3116-A.

~~In case the application is denied and permission to take the examination refused, the examination fee only must be returned to the applicant. An applicant who fails to pass the examination is entitled to a reexamination within 6 months upon repayment of the examination fee only. If an applicant fails one section of the examination, that applicant must repeat the entire examination. An applicant may not take any part of the examination more than 3 times, unless that applicant submits evidence of having acquired additional formal education related to the previously failed examination section or sections.~~

#### PART F

**Sec. F-1. 32 MRSA §3401, sub-§2,** as enacted by PL 2003, c. 446, §1 and affected by §4, is amended to read:

**2. Master plumbers.** ~~Two~~ Three of the members of the board must be master plumbers as defined in section 3301, and one of those ~~2~~ 3 members must be a member of a bona fide labor organization.

**Sec. F-2. 32 MRSA §3401, sub-§3-A,** as amended by PL 2007, c. 402, Pt. O, §2, is repealed.

#### PART G

**Sec. G-1. 32 MRSA §13857, sub-§2, ¶B,** as enacted by PL 2003, c. 542, §1, is amended to read:

- B. An applicant who is licensed in good standing at the time of application to the board under the laws of a jurisdiction that has not entered into a reciprocal agreement with the Board of Counseling Professionals Licensure may qualify for licensure by submitting evidence to the board that the applicant has actively practiced with held a sub-

stantially equivalent valid license for at least 5 consecutive years immediately preceding application to the board at the level of licensure applied for in this State.

**Sec. G-2. 32 MRSA §13857, sub-§2, ¶D,** as enacted by PL 2003, c. 542, §1 and amended by PL 2011, c. 286, Pt. B, §5, is repealed.

## PART H

**Sec. H-1. 32 MRSA §14022,** as amended by PL 2009, c. 112, Pt. A, §21, is further amended to read:

### §14022. Place of business

A licensee shall designate and maintain a principal place of business where real estate appraisal records may be inspected for purposes consistent with this chapter. A nonresident is not required to maintain a place of business in this State if the nonresident maintains an active place of business in ~~the state of domicile another jurisdiction~~.

**Sec. H-2. 32 MRSA §14034, sub-§2, ¶A,** as enacted by PL 1999, c. 185, §5, is amended to read:

A. Submit evidence that the applicant is licensed in good standing under the laws of ~~the applicant's state of domicile another jurisdiction~~;

## PART I

**Sec. I-1. 32 MRSA §18101, sub-§11,** as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

**11. Solid fuel.** "Solid fuel" means coal, wood, pellets and other similar organic materials or any combination of them.

## PART J

**Sec. J-1. 32 MRSA §292, sub-§3,** as amended by PL 2007, c. 402, Pt. G, §8, is further amended to read:

**3. Reputation.** The applicant must have a good reputation for honesty, fair dealing and competency. ~~The applicant shall furnish recommendations from at least 2 references who have known the applicant for at least one year and by their signature attest that the applicant has such a reputation.~~

**Sec. J-2. 32 MRSA §2279, sub-§2-A,** as enacted by PL 1997, c. 294, §6, is repealed.

**Sec. J-3. 32 MRSA §2281,** as amended by PL 1997, c. 294, §9, is further amended to read:

### §2281. Waiver of requirements for licensure

The board shall grant a license to any person who, prior to July 25, 1984, successfully completed an examination administered by the Psychological Corporation under contract with the American Occupational Therapy Certification Board if that person meets the

requirements of section 2279, subsections 1,~~—2~~A and 3.

**Sec. J-4. 32 MRSA §7053, sub-§3-B, ¶B,** as enacted by PL 2003, c. 429, §4 and affected by §7, is amended to read:

B. Any documentation as required by the board, which may include, but is not limited to:

- (1) Evidence of employment in a social service delivery field; and
- (2) Evidence of an arrangement of consultation to be provided in accordance with subsection 3-C, paragraph B; and
- (3) Letters of professional recommendation.

**Sec. J-5. 32 MRSA §13191, sub-§5,** as amended by PL 2007, c. 402, Pt. BB, §21, is further amended to read:

**5. Reputation.** The applicant must have a good reputation for honesty, truthfulness, fair dealing and competency. ~~The applicant must furnish recommendations from at least 3 persons not related to the applicant who have known the applicant for at least one year immediately preceding the date of the application and by their signature attest that the applicant has such a reputation.~~

**Sec. J-6. 32 MRSA §14021, sub-§5,** as amended by PL 2007, c. 402, Pt. GG, §9, is further amended to read:

**5. Reputation.** The applicant must have a good reputation for honesty, truthfulness, fair dealing and competency. ~~The applicant shall furnish recommendations from at least 3 persons not related to the applicant who have known the applicant for at least one year immediately preceding the date of the application and by their signature attest that the applicant has such a reputation.~~

## PART K

**Sec. K-1. 32 MRSA §294, sub-§1, ¶B,** as enacted by PL 1999, c. 146, §5 and amended by PL 2011, c. 286, Pt. B, §5, is repealed.

**Sec. K-2. 32 MRSA §12232, sub-§3, ¶B,** as enacted by PL 2009, c. 242, §13, is amended to read:

B. To comply with the provisions of this chapter and the board's rules; and

**Sec. K-3. 32 MRSA §12232, sub-§3, ¶C,** as enacted by PL 2009, c. 242, §13, is amended to read:

C. To the stipulation that, in the event the license from the state of the individual's principal place of business is no longer valid, the individual will cease offering or rendering professional services in the State individually and on behalf of a firm; and

**Sec. K-4. 32 MRSA §12232, sub-§3, ¶D,** as enacted by PL 2009, c. 242, §13, is repealed.

**Sec. K-5. 32 MRSA §12263,** as amended by PL 2009, c. 242, §22, is repealed.

**Sec. K-6. 32 MRSA §13173, sub-§4, ¶B,** as enacted by PL 1987, c. 395, Pt. A, §212, is repealed.

**Sec. K-7. 32 MRSA §13193,** as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

#### **§13193. Nonresidents**

All nonresident license applicants shall be required to file a properly completed irrevocable consent to service, as described for agencies in section 13173, subsection 4, paragraph B. In lieu of education and experience requirements, nonresident original license applicants must hold a similar active license in good standing in their place of legal residence and shall appear at such time and place as the director may designate for the purpose of written examination pertaining to Maine real estate laws.

**Sec. K-8. 32 MRSA §13857, sub-§2, ¶D,** as enacted by PL 2003, c. 542, §1 and amended by PL 2011, c. 286, Pt. B, §5, is repealed.

**Sec. K-9. 32 MRSA §14024, sub-§1,** as enacted by PL 1999, c. 185, §5, is repealed.

**Sec. K-10. 32 MRSA §14034, sub-§2, ¶A,** as enacted by PL 1999, c. 185, §5, is amended to read:

A. Submit evidence that the applicant is licensed in good standing under the laws of the applicant's state of domicile; and

**Sec. K-11. 32 MRSA §14034, sub-§2, ¶B,** as enacted by PL 1999, c. 185, §5, is repealed.

**Sec. K-12. 32 MRSA §14510,** as enacted by PL 1993, c. 444, §1, is repealed.

**Sec. K-13. 32 MRSA §14714,** as enacted by PL 2001, c. 324, §12, is repealed.

#### **PART L**

**Sec. L-1. 32 MRSA §3656, last ¶,** as enacted by PL 2007, c. 402, Pt. P, §14, is repealed.

See title page for effective date.

### **CHAPTER 218**

#### **S.P. 474 - L.D. 1355**

#### **An Act To Increase the Monetary Limit for Card Games**

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

**Sec. 1. 17 MRSA §1834, sub-§4,** as enacted by PL 2009, c. 487, Pt. A, §2, is amended to read:

**4. Games of cards.** The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than a \$5 \$10 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$5 \$10 daily entry fee is gambled by any person in connection with the game of cards, is \$30 for each calendar year or portion of a calendar year. For card games that are played by placing the maximum bet of \$1 per hand or deal, the license fee is the same as provided in subsection 2.

**Sec. 2. 17 MRSA §1835, sub-§1, ¶B,** as amended by PL 2009, c. 652, Pt. C, §3 and affected by §4, is further amended to read:

B. Licensed card games that award part or all of the entry fees paid to participate in the game as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$5 \$10 daily entry fee and no more than 50 60 players at any one time at any one location.

See title page for effective date.

### **CHAPTER 219**

#### **S.P. 479 - L.D. 1360**

#### **An Act To Amend the Motor Fuel Distribution and Sales Act**

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

**Sec. 1. 10 MRSA §1453, sub-§1-C** is enacted to read:

**1-C. Consignment.** "Consignment" means a written or oral agreement between a franchisor and a franchisee whereby the franchisor maintains ownership of motor fuel provided to the franchisee and the franchisee sells the motor fuel on behalf of the franchisor at a price determined by the franchisor.

**Sec. 2. 10 MRSA §1453, sub-§4,** as enacted by PL 1975, c. 549, is amended to read:

**4. Franchise agreement.** "Franchise agreement" shall mean any means a written or oral agreement, for a definite or indefinite period, between a refiner and a retail dealer or between a distributor and a retail dealer or between a refiner and a distributor under which:

A. A retail dealer or a distributor promises to sell or distribute the any petroleum product or products of the a refiner; or

B. A retail dealer or a distributor is granted the right to use a trademark, trade name, service mark

or other identifying symbol or name owned by a refiner; or

C. A retail dealer or a distributor is granted the right to occupy premises owned, leased or controlled by a refiner or distributor: and:

(1) Promises to sell or distribute any petroleum products of the refiner or the distributor; or

(2) Is granted the right to use a trademark, trade name, service mark or other identifying symbol or name owned by the refiner or the distributor.

**Sec. 3. 10 MRSA §1453, sub-§8,** as enacted by PL 1975, c. 549, is amended to read:

**8. Person.** "Person" shall mean any means a natural person, corporation, partnership, trust or other entity; and, in the case of any entity, the term shall also include includes any other entity which that has a majority interest in such the entity or effectively controls such the entity as well as the officers, directors and other persons in active control of each such entity;.

**Sec. 4. 10 MRSA §1454, sub-§1,** as enacted by PL 1975, c. 549, is amended to read:

**1. Franchise agreements.** When a franchise agreement between a refiner and a retail dealer or a distributor or between a distributor and a retail dealer covers the sale of petroleum products and those sales constitute more than 35% of the retail dealer's gross sales and such those gross sales are more than \$30,000 annually, every such the franchise agreement shall be is subject to the nonwaivable provisions set forth in this subsection, whether or not they are expressly set forth in the agreement.

A. Each A retail dealer and each or distributor as franchisee shall have has the right to cancel a franchise agreement until midnight of the 7th business day after the day on which the agreement was signed, by giving the franchisor written notice of the cancellation. Upon the franchisee's giving the franchisor such a notice, all money, equipment and merchandise loaned, sold or delivered to the franchisee under the agreement shall must be returned to the franchisor for full credit, or the cash equivalent. If the franchisor is the owner of the real estate upon which the franchisee conducted his business, the franchisee shall deliver full possession of the real estate to the franchisor immediately upon such cancellation.

B. No An agreement shall may not contain any a provision which that in any way limits the right of either party to trial by jury, the interposition of counterclaims or crossclaims.

C. The price at which a franchisee sells products shall may not be fixed or maintained by a franchi-

sor, nor shall may any person seek to do so, nor shall may the price of products be subject to enforcement or coercion by any person in any manner. Nothing herein shall, but this paragraph may not be construed to prohibit a franchisor from suggesting prices and to franchisees or counseling with franchisees concerning prices. Each agreement shall must have, in ten point 10-point type, the legend: "PRICE FIXING OR MANDATORY PRICES FOR ANY PRODUCTS COVERED IN THIS AGREEMENT IS PROHIBITED. A SERVICE STATION DEALER OR WHOLESALE DISTRIBUTOR MAY SELL ANY PRODUCTS LISTED IN THIS AGREEMENT FOR A PRICE WHICH HE THAT THE SERVICE STATION DEALER OR WHOLESALE DISTRIBUTOR ALONE MAY DECIDE." The provisions of this paragraph do not apply to any petroleum products included in a franchisor's consignment agreement with a franchisee or to any franchise agreement that provides for petroleum products to be sold on consignment by a franchisee on behalf of a franchisor.

D. No A franchisor shall may not withhold his consent to any assignment, transfer or sale of the franchise agreement, provided that as long as the assignee, transferee or purchaser of the franchise agreement meets the qualifications required in the franchise agreement.

E. If the franchise agreement requires the franchisee to provide a cash deposit in advance for the use of the service station or delivery of fuel, except as advance payment in whole or in part for product ordered, such the cash deposit shall must be held by the franchisor, and may be used by the franchisor in his the franchisor's business, and shall be retained for the term of the agreement unless it is sooner terminated. Interest at a rate of at least 6% shall the one-year United States Treasury bill rate, or the rate of a comparable instrument if the one-year United States Treasury bill rate is not offered, as of the first business day of the year in which the interest is paid must be paid to the franchisee at least annually on the use of the cash deposit to the extent not otherwise applied by the franchisor to obligations of the franchisee as provided in the franchise agreement. Within 90 days after the termination of the agreement, any portion of the cash deposit shall that has not otherwise been applied by the franchisor to obligations of the franchisee as provided in the franchise agreement must be returned, together with any unpaid interest on such any unused cash deposit at the rate of at least 6% per year the one-year United States Treasury bill rate, or the rate of a comparable instrument if the one-year United States Treasury bill is not offered, as

of the first business day of the year in which the interest is paid.

For purposes of this paragraph, "one-year United States Treasury bill rate" means the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last full week of the calendar year immediately prior to the year in which interest is paid.

F. ~~An~~ agreement shall may not provide for the use of any promotion, premium, coupon, give-away or rebate in the operation of the business, except that a dealer may participate in a promotion, premium, coupon, give-away or rebate sponsored by the franchisor, if the dealer so desires.

**Sec. 5. 10 MRSA §1454, sub-§2**, as amended by PL 1975, c. 623, §§6-C and 6-D, is further amended to read:

**2. Termination of franchise agreements.** ~~No refiner or distributor, as A franchisor, shall~~ may not, directly or through any officer, agent or employee, terminate, cancel or fail to renew a franchise agreement, except for good cause. For purposes of this section, "good cause shall include" includes, but is not limited to:

A. With respect to franchise agreements wherein in which the franchisor leases real property and improvements to the franchisee:

(1) The sale or lease of ~~such the~~ real property and improvements by the franchisor to other than a subsidiary or affiliate of the franchisor for any use;

(2) The sale or lease of ~~such the~~ real property and improvements to a subsidiary or affiliate of the franchisor, for a purpose other than the wholesale distribution or the retail sale of motor fuels;

(3) The conversion of ~~such the~~ real property and improvements to a use other than the wholesale distribution or the retail sale of motor fuels; or

(4) The lawful termination of lease, license or other nonownership under which the franchisor is entitled to possession or control of ~~such the~~ real property and improvements;

B. Mutual agreement of the franchisor and franchisee to terminate, cancel or not renew the franchise agreement;

C. Criminal misconduct or a violation of law relating to the business or premises of the ~~dealer~~ franchisee;

D. Fraud, which shall include, includes but is not limited to the following:

- (1) Adulteration of the franchisor's products;
- (2) Commingling of funds;
- (3) Misleading consumers or misbranding of gasoline;
- (4) Trademark violations;
- (5) Intentionally overcharging or deceiving customers as to repairs ~~which that~~ are not needed; and
- (6) Intentionally deceiving the franchisor regarding a term of the term of the lease;

E. Failure of the ~~dealer~~ franchisee to open for business for 5 consecutive days, exclusive of holidays, and reasonable vacation and sick days;

F. Bankruptcy or insolvency of the ~~dealer~~ franchisee;

G. Nonpayment of rent, or loss by the franchisor of its legal right to grant possession of leased premises to the ~~dealer~~ franchisee; or

H. Public condemnation or other public taking; and

I. Substantial noncompliance with the obligations of the franchise agreement.

**Sec. 6. 10 MRSA §1454, sub-§3**, as enacted by PL 1975, c. 549, is amended to read:

**3. Notice of termination.** ~~The Except when a franchise agreement is terminated, cancelled or not renewed by mutual agreement of the franchisor and the franchisee, the~~ franchisor shall give the franchisee advance written notice of termination, cancellation or intent not to renew. Notwithstanding any statute to the contrary, advance notice required by this subsection shall must precede the effective date of such termination, cancellation or nonrenewal by at least:

A. ~~45 Forty-five~~ days where when the asserted cause is substantial noncompliance with the obligations of the franchise agreement specified in subsection 2, paragraph H or I;

B. ~~120~~ One hundred twenty days where when the asserted cause is among those specified in subsection 2, paragraph A; or

C. ~~7~~ Seven days where when the asserted cause is among those specified in subsection 2, paragraphs paragraph C, D and E, F or G.

**Sec. 7. 10 MRSA §1454, sub-§4**, as enacted by PL 1975, c. 549, is amended to read:

**4. Compensation on termination of franchise.** Upon the termination of any franchise, the franchisee shall be is entitled to fair and reasonable compensation by the franchisor for the franchisee's remaining inventory, supplies, equipment and furnishings purchased by the franchisee from the franchisor or its approved

~~sources and costs and expenses paid to the franchisor under the terms of the franchise or any ancillary or collateral agreement; provided no except that compensation shall be is not allowed for personalized items which that have no value to the franchisor.~~

**Sec. 8. 10 MRSA §1456, sub-§2,** as enacted by PL 1975, c. 549, is amended to read:

**2. Court action.** The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under this chapter, ~~which it that the court~~ finds to exist, including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages ~~where when~~ indicated, in suits under this chapter and may, unless such suit is frivolous, direct that costs, reasonable attorney attorney's and expert witness fees incurred by the franchisee in those portions of the action in which the franchisee is the prevailing party be paid by the franchisor.

See title page for effective date.

## CHAPTER 220 H.P. 1049 - L.D. 1464

### An Act To Streamline the Laws Related to Transportation

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

**Sec. 1. 23 MRSA §704, sub-§6,** as amended by PL 2003, c. 571, §2, is further amended to read:

**6. Access denied.** ~~The Notwithstanding any other provision of this Title, the Department of Transportation and the municipalities shall deny ingress to and egress from property abutting the a controlled access highway when access rights have been acquired established by the department pursuant to chapter 7, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and may allow access upon a determination by the commissioner that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers. The commissioner may approve or deny a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection 2.~~

**Sec. 2. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 23, in the title headnote, the word "highways" is amended to read "transportation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 3. Maine Revised Statutes, Title 23.** The Department of Transportation shall work with the Office of Policy and Legal Analysis and the Revisor of Statutes to examine the organization and structure of, and the language contained in, the Maine Revised Statutes, Title 23 and develop recommendations regarding reorganizing or updating that Title or a portion or portions of that Title. The Department of Transportation shall submit those recommendations to the Joint Standing Committee on Transportation no later than December 4, 2013.

See title page for effective date.

## CHAPTER 221 S.P. 478 - L.D. 1359

### An Act To Update and Simplify Maine Gasoline Requirements

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

**Whereas,** in order to meet federal Clean Air Act requirements, from May 1st to September 15th, retailers who sell gasoline in 7 southern counties in the State may sell only gasoline that has a Reid vapor pressure no greater than 7.8 psi; and

**Whereas,** before the State can require the 7 counties to sell only reformulated gasoline during the summer months, the Department of Environmental Protection must submit a request to the United States Environmental Protection Agency; and

**Whereas,** sufficient lead time is necessary for submittal of the State's request by the Department of Environmental Protection and review of the State's request by the United States Environmental Protection Agency prior to the 2014 summer season; 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. 38 MRSA §582, sub-§10-B** is enacted to read:

**10-B. Reformulated gasoline.** "Reformulated gasoline" has the same meaning as in 40 Code of Federal Regulations, Section 80.2(ee) (2012).

**Sec. 2. 38 MRSA §585-N** is enacted to read:

**§585-N. Reformulated gasoline**

Beginning May 1, 2014, a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County may sell only reformulated gasoline in those counties.

**Sec. 3. Report.** The Department of Environmental Protection shall study the feasibility of easing the multiple gasoline requirements in this State and achieving the use of a single type of gasoline for all of the State. The Department of Environmental Protection shall submit a report and implementing legislation directing the State to use a single type of gasoline to the Joint Standing Committee on Environment and Natural Resources by December 4, 2013. The Joint Standing Committee on Environment and Natural Resources may report out a bill on the subject matter of the department's report to the Second Regular Session of the 126th Legislature.

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

Effective June 11, 2013.

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## CHAPTER 222

### H.P. 687 - L.D. 973

#### An Act To Make Veterans' Property Tax Exemption Applications Confidential

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period so that its provisions are in place to protect veterans as soon as possible; 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. 36 MRSA §653, sub-§1, ¶G,** as amended by PL 1989, c. 501, Pt. Z, is further amended to read:

G. Any person who desires to secure exemption under this subsection shall make written application and file written proof of entitlement on or before the first day of April, in the year in which the exemption is first requested, with the assessors of the place in which the person resides. Notwithstanding Title 1, chapter 13, an application and proof of entitlement filed pursuant to this paragraph is confidential and may not be made available for public inspection. The assessors shall thereafter grant the exemption to any person who is so qualified and remains a resident of that place or until they are notified of reason or desire for discontinuance.

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

Effective June 10, 2013.

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## CHAPTER 223

### H.P. 756 - L.D. 1063

#### An Act To Remove a Conflict in the Law Restricting the Sale or Purchase of Targeted Methamphetamine Precursors

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

**Whereas,** Public Law 2011, chapter 584 made changes to the law restricting the sale of targeted methamphetamine precursors; and

**Whereas,** the changes did not address restrictions on packaging in the law, causing a conflict in state and federal law; and

**Whereas,** this conflict needs to be addressed quickly so that sales of legal methamphetamine precursors can continue; 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. 32 MRSA §13796, sub-§2,** as enacted by PL 2005, c. 430, §8 and affected by §10, is repealed.

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

Effective June 10, 2013.

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## CHAPTER 224 H.P. 905 - L.D. 1266

### **An Act To Provide the Securities Administrator with the Power To Investigate Potential Violations Involving the Sale of Business Opportunities**

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

**Whereas,** the Securities Administrator is charged with enforcing the law regulating the sale of business opportunities for the protection of those seeking to start their own businesses in the State; and

**Whereas,** current law clearly provides authority to the Securities Administrator to take administrative enforcement action to curb potential and existing violations of the business opportunities law; and

**Whereas,** the authority of the Securities Administrator to conduct investigations to uncover potential and existing violations is not as clear; and

**Whereas,** this legislation provides the Securities Administrator with explicit authority to conduct investigations of potential and existing violations of the business opportunities law; and

**Whereas,** this legislation will ensure that those persons seeking to start their own businesses in the State are investing in legitimate business opportunities; 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. 32 MRSA §4699-A** is enacted to read:  
**§4699-A. Investigatory powers of Securities Administrator**

**1. Investigations.** The Securities Administrator may conduct investigations, within or outside the State, as the Securities Administrator finds necessary or appropriate to:

- A. Determine whether a person has violated, or is about to violate, a provision of this chapter or a rule or order of the Securities Administrator; or
- B. Aid in enforcement of this chapter.

**2. Publication.** The Securities Administrator may publish information concerning a violation of this chapter or a rule or order of the Securities Administrator.

**3. Power of Securities Administrator.** For purposes of an investigation or proceeding under this chapter, the Securities Administrator or the Securities Administrator's designee may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records that the Securities Administrator or designee considers relevant or material to the investigation or proceeding.

**4. Court order.** If a person does not give testimony or produce the documents required by the Securities Administrator or the Securities Administrator's designee pursuant to an administrative subpoena, the Securities Administrator or designee may apply for a court order compelling compliance with the subpoena or the giving of the required testimony. The request for order of compliance may be addressed to either:

- A. The Superior Court located in Kennebec County or the Superior Court where service may be obtained on a person refusing to testify or produce the documents required by the Securities Administrator, if the person is within the State; or
- B. The appropriate court of the state having jurisdiction over the person refusing to testify or produce the documents required by the Securities Administrator, if the person is outside the State.

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

Effective June 10, 2013.

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**CHAPTER 225**  
**S.P. 437 - L.D. 1276**

**An Act Regarding Research  
and Development in Maine**

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

**Sec. 1. 5 MRSA §15305**, as enacted by PL 1999, c. 401, Pt. AAA, §3, is amended to read:

**§15305. Limitation of powers**

The institute may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor does it have the power of eminent domain or any other power not provided to business corporations generally. Bonds, notes and other evidences of indebtedness of the institute may not in any way be a debt or liability of the State or constitute a pledge of the faith and credit of the State. The institute may not expend more than 7% 10% of funds appropriated per biennium by the State for management and related operating costs of the institute.

**Sec. 2. 10 MRSA §948, sub-§1, ¶H**, as enacted by PL 2011, c. 698, §3, is amended to read:

H. Apportioning a minimum percentage of the annual disbursements from the fund among the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias and, the University of Maine at Presque Isle and the Maine Maritime Academy to support research and development as follows: beginning July 1, 2013 a minimum of 2.5% and beginning July 1, 2015 a minimum of 3%.

See title page for effective date.

**CHAPTER 226**  
**S.P. 66 - L.D. 177**

**An Act To Expand Moose Hunting Opportunities**

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

**Sec. 1. 12 MRSA §11154, sub-§9**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**9. Selection procedure.** Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is 70 years of age or older or will attain 70 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to

subsection 8 and who applies for and is otherwise eligible to obtain the permit

**Sec. 2. 12 MRSA §11154, sub-§9-A** is enacted to read:

**9-A. Permits in road safety management areas.**

A person who has been selected as a permittee to hunt in a wildlife management district that the commissioner has designated as a road safety management area and who indicates to the commissioner that the person wishes to decline the permit retains any points accumulated, as long as the person appropriately indicates the intent to decline within a reasonable amount of time after receiving notice from the commissioner of the person's permit and the person's right to decline the permit under this subsection. For purposes of this subsection, "road safety management area" means a wildlife management district in which the predominant moose management goal is to reduce the moose population to the extent necessary to minimize the danger to motorists.

See title page for effective date.

**CHAPTER 227**  
**H.P. 593 - L.D. 842**

**An Act To Facilitate the Use of Electronic Monitoring**

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

**Sec. 1. 15 MRSA §1026, sub-§3, ¶A**, as repealed and replaced by PL 2007, c. 518, §3, is amended to read:

A. If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2-A will not reasonably ensure the appearance of the defendant at the time and place required, will not reasonably ensure that the defendant will refrain from any new criminal conduct, will not reasonably ensure the integrity of the judicial process or will not reasonably ensure the safety of others in the community, the judicial officer shall order the pretrial release of the defendant subject to the least restrictive further condition or combination of conditions that the judicial officer determines will reasonably ensure the appearance of the defendant at the time and place required, will reasonably ensure that the defendant will refrain from any new criminal conduct, will reasonably ensure the integrity of the judicial process and will reasonably ensure the safety of others in the community. These conditions may include that the defendant:

- (1) Remain in the custody of a designated person or organization agreeing to supervise

the defendant, including a public official, public agency or publicly funded organization, if the designated person or organization is able to reasonably ensure the appearance of the defendant at the time and place required, that the defendant will refrain from any new criminal conduct, the integrity of the judicial process and the safety of others in the community. When it is feasible to do so, the judicial officer shall impose the responsibility upon the defendant to produce the designated person or organization. The judicial officer may interview the designated person or organization to ensure satisfaction of both the willingness and ability required. The designated person or organization shall agree to notify immediately the judicial officer of any violation of release by the defendant;

- (2) Maintain employment or, if unemployed, actively seek employment;
- (3) Maintain or commence an educational program;
- (4) Abide by specified restrictions on personal associations, place of abode or travel;
- (5) Avoid all contact with a victim of the alleged crime, a potential witness regarding the alleged crime or with any other family or household members of the victim or the defendant or to contact those individuals only at certain times or under certain conditions;
- (6) Report on a regular basis to a designated law enforcement agency or other governmental agency;
- (7) Comply with a specified curfew;
- (8) Refrain from possessing a firearm or other dangerous weapon;
- (9) Refrain from use or excessive use of alcohol and from any use of drugs;
- (10) Undergo, as an outpatient, available medical or psychiatric treatment, or enter and remain, as a voluntary patient, in a specified institution when required for that purpose;
- (10-A) Enter and remain in a long-term residential facility for the treatment of substance abuse;
- (11) Execute an agreement to forfeit, in the event of noncompliance, such designated property, including money, as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community and post

with an appropriate court such evidence of ownership of the property or such percentage of the money as the judicial officer specifies;

- (12) Execute a bail bond with sureties in such amount as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community;
- (13) Return to custody for specified hours following release for employment, schooling or other limited purposes;
- (14) Report on a regular basis to the defendant's attorney;
- (15) Notify the court of any changes of address or employment;
- (16) Provide to the court the name, address and telephone number of a designated person or organization that will know the defendant's whereabouts at all times;
- (17) Inform any law enforcement officer of the defendant's condition of release if the defendant is subsequently arrested or summoned for new criminal conduct; and
- (18) Satisfy any other condition that is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community; and
- (19) Participate in an electronic monitoring program, if available.

**Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶L,** as repealed and replaced by PL 1977, c. 53, §4, is amended to read:

L. To perform specified work for the benefit of the State, a county, a municipality, a School Administrative District, other public entity or a charitable institution; or

**Sec. 3. 17-A MRSA §1204, sub-§2-A, ¶M,** as enacted by PL 1977, c. 53, §4, is amended to read:

M. To satisfy any other conditions reasonably related to the rehabilitation of the convicted person or the public safety or security; or

**Sec. 4. 17-A MRSA §1204, sub-§2-A, ¶N** is enacted to read:

N. To participate in an electronic monitoring program, if available.

**Sec. 5. 34-A MRSA §1218**, as enacted by PL 2011, c. 655, Pt. EEE, §1, is repealed.

**Sec. 6. 34-A MRSA §1807** is enacted to read:

**§1807. Electronic Monitoring Fund**

The Electronic Monitoring Fund, referred to in this section as "the fund," is established within the board and is a nonlapsing fund to be used by the board for the purpose of funding the use of electronic monitoring pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (19) and Title 17-A, section 1204, subsection 2-A, paragraph N. The board may accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources, and funds in the fund must be used for the purposes specified in this section.

**Sec. 7. PL 2011, c. 655, Pt. EEE, §2** is repealed.

**Sec. 8. Development and implementation of a pilot project.** The Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, shall assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. The commission shall report by February 15, 2014 to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project. The joint standing committee may report out a bill implementing the recommendations of the commission to the Second Regular Session of the 126th Legislature.

**Sec. 9. Transfer; unexpended funds; Electronic Monitoring Fund.** Notwithstanding any other provision of law, the State Controller shall transfer the unexpended balance in the Department of Corrections, Electronic Monitoring Fund to the State Board of Corrections, Electronic Monitoring Fund upon the effective date of this Act.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, STATE BOARD OF**

**Electronic Monitoring Fund - State Board of Corrections N160**

Initiative: Provides a base allocation to establish the Electronic Monitoring Fund under the State Board of Corrections.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS	\$500	\$500
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See title page for effective date.

**CHAPTER 228**

**S.P. 504 - L.D. 1410**

**An Act To Update the Fair Credit Reporting Act Consistent with Federal Law**

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

**Sec. 1. 10 MRSA c. 209-B** is enacted to read:

**CHAPTER 209-B**

**FAIR CREDIT REPORTING ACT**

**§1306. Short title**

This chapter may be known and cited as "the Fair Credit Reporting Act."

**§1307. Statement of purpose**

**1. Findings.** The Legislature makes the following findings.

A. Creditors, insurers and prospective employers are dependent upon fair and accurate consumer reporting. Inaccurate consumer reports directly impair the efficiency of economic decisions, and unfair consumer reporting methods undermine the public confidence that is essential to our economic system.

B. An elaborate mechanism has been developed for investigating and evaluating the creditworthiness, credit standing, credit capacity, character and general reputation of consumers.

C. Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

D. There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality and a respect for the consumer's right to privacy.

**2. Purposes.** The purposes of this chapter are to:

A. Require consumer reporting agencies to adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance and other information in a manner that is fair and equitable to the consumer, with regard for confidentiality, accuracy, relevancy and proper

use of this information in accordance with the requirements of this chapter; and

B. Supplement the provisions of the United States Fair Credit Reporting Act of the United States Consumer Credit Protection Act, 15 United States Code, Section 1681 et seq.

### **§1308. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. Unless the context otherwise indicates, any word or phrase that is not defined in this chapter but that is defined in the federal Fair Credit Reporting Act has the meaning set forth in the federal Fair Credit Reporting Act.

**1. Administrator.** "Administrator" means the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation.

**2. Consumer.** "Consumer" means an individual about whom a consumer report or an investigative consumer report has been prepared by a consumer reporting agency or an office of a consumer reporting agency.

**3. Consumer reporting agency.** "Consumer reporting agency" means a person that, for monetary fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports or investigative consumer reports to 3rd parties.

**4. Federal Fair Credit Reporting Act.** "Federal Fair Credit Reporting Act" means the Fair Credit Reporting Act, 15 United States Code, Section 1681 et seq., as amended.

**5. Person subject to this chapter.** "Person subject to this chapter" means a person subject to the provisions of the federal Fair Credit Reporting Act and a consumer reporting agency.

**6. Proper identification.** "Proper identification" means that information generally considered sufficient to identify a person.

**7. Security freeze.** "Security freeze" means a notice placed in a consumer report at the request of the consumer pursuant to section 1310 that prohibits a consumer reporting agency from releasing the consumer report or any information in the report without that consumer's express authorization.

**8. Supervised financial organization.** "Supervised financial organization" has the same meaning as in Title 9-A, section 1-301, subsection 38-A.

### **§1309. Incorporation by reference of federal law and rulemaking**

**1. Federal law and regulation.** A person subject to this chapter shall comply with the federal Fair Credit Reporting Act and the provisions of 12 Code of Federal Regulations, Section 1022.1 et seq., as amended.

**2. Rules.** Subject to the limitations in 15 United States Code, Section 1681t, the administrator may adopt rules not inconsistent with the provisions of 12 Code of Federal Regulations, Section 1022.1 et seq., as amended; 16 Code of Federal Regulations, Section 681.1 et seq.; and 16 Code of Federal Regulations, Section 682.1 et seq. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### **§1310. Additional requirements for persons subject to this chapter**

In addition to the compliance requirements of section 1309, subsection 1, a person subject to this chapter shall comply with this section.

**1. Security freeze by consumer reporting agency; time in effect.** A person subject to this chapter shall comply with the following provisions regarding security freezes.

**A. A consumer may place a security freeze on the consumer's consumer report as follows.**

(1) A consumer who has been the victim of identity theft may place a security freeze on the consumer's consumer report by making a request in writing by certified mail to a consumer reporting agency with a valid copy of a police report, investigative report or complaint the consumer has filed with a law enforcement agency about unlawful use of personal information by another person. In the case of a victim of identity theft, a consumer reporting agency may not charge a fee for placing, removing or suspending for a specific party or period of time a security freeze on a consumer report.

(2) A consumer who has not been the victim of identity theft may place a security freeze on the consumer's consumer report by making a request in writing by certified mail to a consumer reporting agency. A consumer reporting agency may charge a fee of no more than \$10 to a consumer for each security freeze, removal of a security freeze or temporary suspension of a security freeze for a period of time or for reissuing the same or a new personal identification number if the consumer fails to retain the original personal identification number provided by the agency under paragraph D. A consumer reporting agency

may charge a fee of not more than \$12 for a temporary suspension of a security freeze for a specific party.

B. Subject to the exceptions in paragraph M, when a security freeze has been placed on an account the consumer reporting agency may not:

- (1) Release the consumer report or any information from it without the express authorization of the consumer; or
- (2) Release information from a consumer report to a 3rd party without express authorization of the consumer. This subparagraph does not prevent a consumer reporting agency from advising a 3rd party that a security freeze is in effect with respect to the consumer report.

C. A consumer reporting agency shall place a security freeze on a consumer report no later than 5 business days after receiving a written request from the consumer.

D. The consumer reporting agency shall send a written confirmation of the security freeze to the consumer within 10 business days after receiving a written request from the consumer and shall provide the consumer with a personal identification number or password, other than the consumer's social security number, to be used by the consumer when providing authorization for the release of the consumer report to a specific party or for a period of time.

E. If a consumer wishes to allow access to a consumer report by a specific party or for a period of time while a security freeze is in place, the consumer may contact the consumer reporting agency, request that the security freeze be temporarily suspended and provide the following:

- (1) Proper identification;
- (2) The personal identification number or password provided by the consumer reporting agency pursuant to paragraph D; and
- (3) The proper information regarding the specific party granted access or the time period for which the consumer report is to be available to users.

F. A consumer reporting agency may develop procedures involving the use of telephone, facsimile transmission, the Internet or other medium of electronic communications to receive and process a request from a consumer to temporarily suspend a security freeze on a consumer report pursuant to paragraph E in an expedited manner. A consumer reporting agency may not charge a fee to a consumer for use of these procedures in excess of those fees otherwise permitted under this section.

G. A consumer reporting agency that receives a request from a consumer to temporarily suspend a security freeze on a consumer report pursuant to paragraph E shall comply with the request no later than 3 business days after receiving the request.

H. A consumer reporting agency shall remove or temporarily suspend a security freeze placed on a consumer report only:

- (1) Upon consumer request pursuant to paragraph E or K; or
- (2) If the security freeze was due to a material misrepresentation of fact by the consumer. If a consumer reporting agency intends to remove a security freeze from a consumer report pursuant to this subparagraph, the consumer reporting agency shall notify the consumer in writing prior to removing the security freeze.

I. If a 3rd party requests access to a consumer report on which a security freeze is in effect and this request is in connection with an application for credit or any other use and the consumer does not allow access to the consumer report for that specific party or period of time, the 3rd party may treat the application as incomplete.

J. If a consumer requests a security freeze pursuant to this subsection, the consumer reporting agency shall disclose to the consumer the processes of placing and temporarily lifting a security freeze and the process for allowing access to information from the consumer report for a specific party or period of time while the security freeze is in place. A consumer reporting agency shall provide a sample copy of the agency's disclosure form to the administrator at the annual registration or reregistration under section 1310-A and any time there is a material change in the disclosure form required by this paragraph.

K. A security freeze must remain in place until the consumer requests that the security freeze be removed. A consumer reporting agency shall remove a security freeze within 3 business days of receiving a request for removal from a consumer who provides:

- (1) Proper identification; and
- (2) The personal identification number or password provided by the consumer reporting agency pursuant to paragraph D.

L. A consumer reporting agency shall require proper identification of the person making a request to place or remove a security freeze.

M. The provisions of this subsection, including the security freeze, do not apply to the use of a consumer report by:

(1) A person or person's subsidiary, affiliate, agent or assignee with which the consumer has or, prior to assignment, had an account, contract or debtor-creditor relationship for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract or debt or extending credit to a consumer with a prior or existing account, contract or debtor-creditor relationship, subject to the requirements of 15 United States Code, Section 1681b. For purposes of this subparagraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases and account upgrades and enhancements;

(2) A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted under paragraph E for purposes of facilitating the extension of credit or another permissible use;

(3) A person acting pursuant to a court order, warrant or subpoena;

(4) Child support enforcement officials when investigating a child support case pursuant to Title 19-A or the federal Social Security Act, Title IV-D;

(5) The Department of Health and Human Services or its agents or assignees acting to investigate Medicaid fraud;

(6) The Department of Administrative and Financial Services, Maine Revenue Services; municipal taxing authorities; the Secretary of State, Bureau of Motor Vehicles; or any of their agents or assignees, acting to investigate or collect delinquent taxes or assessments, including interest and penalties and unpaid court orders, or to fulfill any of their other statutory or charter responsibilities;

(7) A person's use of credit information for prescreening as provided by the federal Fair Credit Reporting Act or this chapter;

(8) A person for the sole purpose of providing a credit file monitoring subscription service to which the consumer has subscribed;

(9) A consumer reporting agency for the sole purpose of providing a consumer with a copy of that consumer's report upon the consumer's request; and

(10) The administrator pursuant to section 1310-A.

**2. Duties of consumer reporting agency if security freeze is in place.** If a security freeze is in place, a consumer reporting agency may not change any of the following official information in a con-

sumer report without sending written confirmation of the change to the consumer within 30 days after the change is posted to the consumer's file: name, date of birth, social security number and address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings and transposition of numbers or letters. In the case of an address change, the written confirmation must be sent to the new address and the former address.

**3. Persons not required to place security freeze.** The following persons are not required to place on a consumer report a security freeze pursuant to subsection 1, except that any person that is not required to place a security freeze on a consumer report under the provisions of subsection 1 is subject to a security freeze placed on a consumer report by another consumer reporting agency from which it obtains information:

A. A check services or fraud prevention services company that reports on incidents of fraud or issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers or similar methods of payment;

B. A deposit account information services company that issues reports regarding account closures due to fraud, overdrafts, automated teller machine abuse or similar negative information regarding a consumer to inquiring financial institutions for use only in reviewing that consumer's request for a deposit account at the inquiring financial institution; and

C. A consumer reporting agency that:

(1) Acts only to resell credit information by assembling and merging information contained in a database of one or more consumer reporting agencies; and

(2) Does not maintain a permanent database of credit information from which new consumer reports are produced.

**4. Reporting of child support debts.** Information regarding child support debt must be provided as required under this subsection.

A. The Department of Health and Human Services, upon request of a consumer reporting agency, shall make available information regarding the amount of overdue child support owed by any parent.

B. Prior to making the information available to a requesting agency, the department shall provide the obligor parent with notice of the proposed action. The parent must be given 20 days in which to contest the accuracy of the information before the information may be made available.

C. The department may impose a fee upon the requesting agency in an amount not exceeding the actual cost of providing the information.

Nothing in this section prevents the department from voluntarily providing information to a consumer reporting agency regarding any individual who is indebted to the department for failure to pay child support.

**5. Solicitation of loans using prescreened trigger lead information from consumer report.** Solicitation of loans using prescreened trigger lead information from consumer reports is subject to the requirements of this subsection. For the purposes of this subsection, "prescreened trigger lead information" means information in a consumer report provided to a nonaffiliated 3rd party by a consumer reporting agency that the agency has reason to believe will be used to solicit a loan or extension of credit.

A. When using prescreened trigger lead information derived from a consumer report to solicit a consumer who has applied for a loan with another lender or loan broker, a lender or loan broker may not use unfair or deceptive practices described in paragraph B.

B. Without limitation, it is an unfair or deceptive practice to:

(1) Fail to state in the initial phase of the solicitation from a lender or loan broker that the solicitor is not affiliated with the lender or loan broker with which the consumer initially applied;

(2) Fail in the initial solicitation to conform to state and federal law relating to prescreened solicitations using consumer reports, including the requirement to make a firm offer of credit to the consumer;

(3) Knowingly or negligently use information regarding consumers who have opted out of prescreened offers of credit or who have placed their contact information on the most current federal do-not-call registry; or

(4) Solicit a consumer with offers of certain rates, terms and costs with intent to subsequently raise the rates or change the terms to the consumer's detriment.

**6. Consumer mortgage reports.** In any consumer credit transaction involving a consumer report relating to a loan to be secured by a first mortgage on an owner-occupied dwelling, whenever a user has requested such a report and because or partly because of information contained in the report adverse action is taken, the user shall provide a copy of the report to the consumer. This requirement does not apply if the consumer reporting agency provides a copy of the report to the consumer.

**7. Dissemination of consumer report information prohibited.** Every user of a consumer report or an investigative consumer report is prohibited from disseminating to any other person, other than the consumer who is the subject of the report, any such report other than information contained in its own files as a result of its direct experience with the consumer. Except for information or records obtained directly or indirectly and with the consent of the individual to whom it relates, from a licensed physician, medical practitioner, hospital, clinic or other medical or medically related facility, a consumer reporting agency may not by contract or otherwise prohibit a user of any consumer report or investigative consumer report from disclosing the contents of the report to the consumer to whom it relates. A contractual provision in violation of this section is unenforceable.

**8. Medical expenses debts; court or administrative orders.** A debt collector may report overdue medical expenses for a minor child to a consumer reporting agency, but only in the name of the responsible party identified in a court order or administrative order and only if the debt collector is notified orally or in writing of the existence of the order. In addition, a report may not be made until after the debt collector has notified, or made a good faith effort to notify, the responsible party of that party's obligation to pay the overdue medical expenses. Existing information regarding overdue medical expenses for a minor child in the name of a person other than the responsible party identified in a court order or administrative order is considered inaccurate information and is subject to correction. A debt collector or consumer reporting agency may request reasonable verification of the order, including a certified copy of the order.

**9. Nonliability.** A person may not be held liable for any violation of this section if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of this section.

#### **§1310-A. Administrative enforcement**

**1. Authority.** The administrator, within the limits provided by law, may:

A. Receive and act on complaints, take action designed to obtain voluntary compliance with this chapter, refer complaints to the Department of Professional and Financial Regulation, Bureau of Financial Institutions pursuant to subsection 9 or refer cases to the Attorney General, who shall appear for and represent the administrator in court;

B. Counsel groups and persons on their rights and duties under this chapter;

C. Establish programs for the education of consumers with respect to the provisions of this chapter;

D. Make studies appropriate to effectuate the purposes and policies of this chapter and make the results available to the public;

E. Issue advisory rulings designed to clarify the applicability of any statutory provision of this chapter necessary or proper to effectuate its purposes;

F. Maintain a public file of all enforcement proceedings instituted and of their disposition, including all assurances of voluntary compliance accepted and their terms and the pleadings and briefs in all actions in which the administrator is a party; and

G. Request registration and annual reregistration of consumer reporting agencies located in this State or serving users within this State and set an annual registration fee not to exceed \$100, the aggregate of which must be used by the administrator to enforce this chapter.

**2. Investigatory powers.** The administrator has the following investigatory powers except in cases in which the Department of Professional and Financial Regulation, Bureau of Financial Institutions or the Attorney General has exclusive authority pursuant to subsection 9.

A. The administrator may annually investigate any person whom the administrator believes has engaged in conduct governed by this chapter, except that the administrator may, at any time, investigate any person the administrator believes to be a consumer reporting agency. If the administrator has reasonable cause to believe that any person has violated this chapter, the administrator may investigate that person at any time. During any investigation, the administrator may administer oaths or affirmations and, upon the administrator's own motion or upon request of any party, may subpoena witnesses, compel their attendance, adduce evidence and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition and location of any books, documents or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence. If the administrator finds a violation of this chapter, the administrator shall so notify all parties to the transactions involved.

B. If the records of a person under investigation are located outside this State, the person, at the administrator's option, may either make the original records or facsimiles of the record available to the administrator at a convenient location within this State or pay the reasonable and necessary expenses for the administrator or the administrator's

representative to examine them at the place where the records are maintained. The administrator may designate representatives, including comparable officials of the state in which the records are located or federal officials, to inspect the records on the administrator's behalf.

C. The expenses of the administrator necessarily incurred in the examination of persons subject to this chapter must be chargeable to that person in the same manner and for the same expenses set forth in Title 9-A, section 6-106, subsection 6, except that users of consumer reports may not be charged examination expenses unless the administrator finds a violation of this chapter.

**3. Administrative enforcement orders.** After notice and hearing, the administrator may order a person to cease and desist from engaging in violations of this chapter. The administrator may also order affirmative action designed to correct past or future violations of this chapter. Any hearing held under this subsection must be conducted in accordance with the procedures of Title 5, chapter 375, subchapter 4. A respondent aggrieved by an order of the administrator may obtain judicial review of the order and the administrator may, through the Attorney General, obtain an order of the court for enforcement of its order in the Superior Court. The proceedings for review or enforcement must be initiated and conducted in accordance with Title 5, chapter 375, subchapter 7.

**4. Assurance of discontinuance.** If it is claimed that a person has engaged in conduct that could be subject to any order by the administrator, the administrator shall first attempt to negotiate an assurance in writing that the person will not engage in the same or similar conduct in the future, prior to initiating an enforcement order under subsection 3. The assurance may include, but is not limited to, admissions of past specific acts by the person or that such acts violated this chapter or other statutes. A violation of an assurance of discontinuance is a violation of this chapter.

**5. Civil action.** The administrator, through the Attorney General, may bring a civil action against a person to recover a civil penalty for knowingly violating this chapter or violating an assurance of discontinuance, and if the court finds that the defendant has engaged in a knowing violation of this chapter or a violation of an assurance of discontinuance, it may assess a civil penalty of not more than \$5,000.

If the defendant establishes by a preponderance of evidence that repeated violations were the result of a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such violation or error, a penalty may not be imposed under this subsection.

**6. Remedies not affected.** The grant of powers to the administrator in this section does not affect

remedies available to the Attorney General or to consumers under this chapter or under other principles of law or equity.

**7. Venue.** The administrator, through the Attorney General, may bring actions or proceedings in a court in a county or division in which an act on which the action or proceeding is based occurred or in a county or division in which a respondent resides or transacts business.

**8. Bureau of Insurance.** With respect to those examinations authorized by subsection 2, paragraph A, the administrator shall, where applicable, coordinate examinations for compliance with this chapter with examinations conducted by the Department of Professional and Financial Regulation, Bureau of Insurance for compliance with Title 24-A.

**9. Bureau of Financial Institutions.** When a supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A is a person subject to this chapter and the Department of Professional and Financial Regulation, Bureau of Financial Institutions charters or regulates the supervised financial organization, the Bureau of Financial Institutions has exclusive authority pursuant to this chapter over the supervised financial organization. This authority is in addition to the authority of the Bureau of Financial Institutions in Title 9-B. The Attorney General has authority to enforce the provisions of this chapter for any other supervised financial organization that is a person subject to this chapter.

#### **§1310-B. Criminal violations**

**1. Obtaining information under false pretenses.** A person who knowingly and intentionally obtains information on a consumer from a consumer reporting agency under false pretenses commits a Class D crime.

**2. Unauthorized provision of information.** An officer or employee of a consumer reporting agency who knowingly and intentionally provides information concerning an individual from the agency's files to a person not authorized to receive that information commits a Class D crime.

#### **§1310-C. Civil liability for willful noncompliance**

A consumer reporting agency or user of information that willfully and knowingly fails to comply with a requirement imposed under this chapter with respect to a consumer is liable to that consumer for and the court may award an amount equal to the sum of:

**1. Actual damages.** Actual damages sustained by the consumer as a result of the failure;

**2. Treble damages.** An amount equal to 3 times the actual damages according to subsection 1; and

**3. Costs and attorney's fees.** In the case of a successful action to enforce a liability under this sec-

tion, the costs of the action together with reasonable attorney's fees as determined by the court.

#### **§1310-D. Civil liability for negligent noncompliance**

A consumer reporting agency or user of information that is negligent in failing to comply with a requirement imposed under this chapter with respect to a consumer is liable to that consumer in an amount equal to the sum of:

**1. Actual damages.** Actual damages sustained by the consumer as a result of the failure;

**2. Additional damages.** Such amount of additional damages as the court may allow, but not less than \$100 for each violation of this chapter involving negligence, and for each consumer report containing any item of information that was inaccurate and that contributed in whole or in part to the decision to take adverse action against the consumer; and

**3. Costs and attorney's fees.** In the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

#### **§1310-E. Jurisdiction of courts; limitation of actions**

An action to enforce liability created under this chapter may be brought in any court of competent jurisdiction within 2 years from the date on which the liability arises, except that when a defendant has materially and willfully misrepresented any information required under this chapter to be disclosed to an individual and the information so misrepresented is material to the establishment of the defendant's liability to that individual under this chapter, the action may be brought at any time within 2 years after the discovery by the individual of the misrepresentation.

#### **§1310-F. Relation to other laws and the powers of the Superintendent of Financial Institutions**

This chapter does not limit the obligations of a supervised financial organization to comply with other state and federal laws to which the supervised financial organization is subject, or the authority of the Superintendent of Financial Institutions conferred by Title 9-B, including the authority to examine and supervise a supervised financial organization to ensure compliance with state and federal laws and regulations as set forth in Title 9-B, section 211, subsection 3.

#### **§1310-G. Enforcement powers in addition to those in federal law**

The enforcement powers of the administrator under this chapter are in addition to the State's enforcement powers authorized under federal law.

**§1310-H. Additional state-specific provisions**

**1. Fee for disclosure.** In addition to any rights to which a consumer is entitled under federal law, a consumer reporting agency may not impose a fee for a consumer report provided to a consumer upon request once during any 12-month period. For a 2nd or subsequent report provided during a 12-month period, a consumer reporting agency may charge a consumer a fee not to exceed \$5.

**2. Time to reinvestigate.** Notwithstanding any provision of federal law, if a consumer disputes any item of information contained in the consumer's file on the grounds that it is inaccurate and the dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall reinvestigate and record the current status of the information within 21 calendar days of notification of the dispute by the consumer, unless it has reasonable grounds to believe that the dispute by the consumer is frivolous.

**3. Nonliability.** A person may not be held liable for any violation of this section if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of subsections 1 and 2.

**Sec. 2. 10 MRSA c. 210,** as amended, is repealed.

**Sec. 3. Revisor's review; cross-references.** The Revisor of Statutes shall review the Maine Revised Statutes and include in the errors and inconsistencies bill submitted to the Second Regular Session of the 126th Legislature pursuant to Title 1, section 94 any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Act.

See title page for effective date.

## CHAPTER 229

### S.P. 566 - L.D. 1511

#### **An Act Regarding Coordinated Access to Public Records of State Agencies**

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

**Sec. 1. 5 MRSA §200-I, sub-§2, ¶¶D and E,** as enacted by PL 2007, c. 603, §1, are amended to read:

D. Furnish, upon request, advisory opinions regarding the interpretation of and compliance with

the State's freedom of access laws to any person or public agency or official in an expeditious manner. The ombudsman may not issue an advisory opinion concerning a specific matter with respect to which a lawsuit has been filed under Title 1, chapter 13. Advisory opinions must be publicly available after distribution to the requestor and the parties involved; and

E. Make recommendations concerning ways to improve public access to public records and proceedings; and

**Sec. 2. 5 MRSA §200-I, sub-§2, ¶F** is enacted to read:

E. Coordinate with the state agency public access officers the compilation of data through the development of a uniform log to facilitate record keeping and annual reporting of the number of requests for information, the average response time and the costs of processing requests.

**Sec. 3. Development of centralized methods for public record requests; report.** The Department of the Attorney General, with input from the Department of Administrative and Financial Services, Office of Information Technology and state agency public access officers as defined in the Maine Revised Statutes, Title 1, section 402, subsection 5, shall:

1. Review the current system used by state agencies for receiving and responding to requests for public records in accordance with Title 1, chapter 13, subchapter 1; and

2. Review the feasibility of developing a centralized system for coordinating the receipt of and response to requests to state agencies for public records in accordance with Title 1, chapter 13, subchapter 1.

A centralized system developed by the Department of the Attorney General must include a single website address, a single e-mail address and a directory for the public to use to make requests for public records of all state agencies. By January 5, 2014, the Department of the Attorney General shall submit to the Joint Standing Committee on Judiciary a report relating to the reviews under this section, including findings and recommendations and suggested statutory changes needed to implement the recommendations. The Joint Standing Committee on Judiciary may report out a bill relating to the subject matter of the report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

**CHAPTER 230**  
**S.P. 324 - L.D. 946**

**An Act To Allow  
Municipalities To Petition the  
Department of Marine  
Resources To Establish  
Dive-only Areas for Scallops in  
Mooring Fields**

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

**Sec. 1. 12 MRSA §6728-C** is enacted to read:

**§6728-C. Dive-only areas**

**1. Dragging in dive-only areas prohibited.** A person may not take scallops by dragging in a dive-only area, as established in subsection 2.

**2. Dive-only areas established.** At the written request of a municipality, the commissioner may establish in harbors where there are 5 or more moorings within that municipality dive-only areas where a person may fish for or take scallops by hand.

**3. Violation.** A person who violates subsection 1 commits a civil violation for which the following penalties apply:

**A. For a first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;**

**B. For a 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and**

**C. For a 3rd or subsequent offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized. This penalty is imposed in addition to the penalty imposed under section 6728-B.**

**4. Rules.** The commissioner may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 231**  
**H.P. 320 - L.D. 470**

**An Act Regarding Working Waterfront Projects**

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

**Sec. 1. 38 MRSA §439-A, sub-§6,** as amended by PL 2007, c. 292, §22, is further amended to read:

**6. Clearing of vegetation.** Within the shoreland area, municipal ordinances shall must provide for effective vegetative screening between buildings and shorelines. Notwithstanding any provision in a local ordinance to the contrary, vegetative screening requirements shall must be no less restrictive than the following:

A. Within a strip extending 100 feet inland from the normal high-water line of a great pond classified as GPA under section 465-A or a river that flows to a great pond classified as GPA under section 465-A or within a strip extending 75 feet inland from the normal high-water line of other water bodies or the upland edge of a wetland, there shall may be no cleared opening or openings, except for approved construction, greater than 250 square feet and a well-distributed stand of vegetation shall must be retained. The restrictions in this paragraph do not apply to the construction of a structure or the establishment of a land use within 75 feet of the normal high-water line of a water body or upland edge of a wetland that is specifically allowed by municipal ordinance in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner;

B. Within a shoreland area zoned for resource protection abutting a great pond there shall may be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards; and

C. Selective Except as otherwise provided in this paragraph, selective cutting of no more than 40% of the total volume of trees 4.5 4 inches or more in diameter, measured at 4 1/2 feet above ground level, is allowed in any 10-year period, as long as a well-distributed stand of trees and other natural vegetation remains. Rules adopted by the board may allow for 70% of a lot to be nonvegetated in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter, which shall must then be incorporated into local ordinances.

**Sec. 2. 38 MRSA §439-A, sub-§6-A** is enacted to read:

**6-A. Clearing of vegetation; exception.** The following exceptions to the standards governing the clearing of vegetation apply.

A. The standards in subsection 6, paragraphs A and C do not apply to properties that are located within areas designated as commercial fisheries and maritime activities districts or other equiva-

lent zoning districts approved by the commissioner that support commercial fisheries and maritime activities if:

- (1) The commissioner determines that special local conditions exist and a local municipal ordinance is approved in accordance with section 438-A, subsection 3; and
- (2) The districts are in existence at the time this subsection becomes effective.

B. The standards in subsection 6, paragraphs A and C and any standards related to the clearing of vegetation contained in a municipal ordinance enacted in accordance with section 438-A, subsection 3 do not apply to remediation activities that are necessary to clean up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner that is part of a state or federal brownfields program or a voluntary response action program under section 343-E and that is located along:

- (1) A coastal wetland; or
- (2) A river that does not flow to a great pond classified as GPA under section 465-A.

**Sec. 3. 38 MRSA §480-B, sub-§§11 and 12** are enacted to read:

**11. Working waterfront activity.** "Working waterfront activity" means an activity that qualifies a parcel of land as working waterfront land. "Working waterfront activity" includes commercial fishing activities; commercial boat building and repair; commercial hauling, launching, storage and berthing of boats; marine construction; marine freight and passenger transportation; and other similar commercial activities that are dependent on the waterfront. As used in this subsection, "commercial fishing activities" has the same meaning as in Title 36, section 1132, subsection 3.

**12. Working waterfront land.** "Working waterfront land" means a parcel of land, or a portion thereof, abutting water to the head of tide, land located in the intertidal zone or submerged land that is used primarily or predominantly to provide access to or support the conduct of a working waterfront activity.

**Sec. 4. 38 MRSA §480-BB, sub-§2, ¶B,** as enacted by PL 2011, c. 362, §1, is amended to read:

B. If a vernal pool depression is bisected by a property boundary and a landowner proposing to cause an impact does not have permission to enter the abutting property, only that portion of the vernal pool depression located on property owned or controlled by that landowner may be considered in determining whether the vernal pool is signifi-

cant. A written department determination that a vernal pool is not significant pursuant to this paragraph remains valid regardless of timeframe.

**Sec. 5. 38 MRSA §480-BB, sub-§2, ¶C** is enacted to read:

C. Rules adopted under this section may not require an applicant for a license for a working waterfront activity on working waterfront land that is part of a state or federal brownfields program or a voluntary response action program under section 343-E to compensate for lost habitat function with a function of equal or greater value or to provide a compensation fee pursuant to section 480-Z.

See title page for effective date.

## CHAPTER 232

### S.P. 153 - L.D. 373

#### An Act To Provide Clarity to Priority Chemical Reporting Requirements

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

**Sec. 1. 38 MRSA §1695, sub-§1,** as amended by PL 2011, c. 319, §6, is further amended to read:

**1. Reporting of chemical use.** Not later than 180 days after a priority chemical is identified pursuant to section 1694, a person who is a manufacturer or distributor of a children's product for sale in the State that contains a priority chemical, as identified pursuant to section 1694, in an amount greater than a de minimis level shall notify the department in writing unless waived by the commissioner pursuant to this section or exempt from this chapter pursuant to section 1697. This written notice must be made within 180 days after a priority chemical is identified. If the sale of the children's product does not commence until after the 180-day reporting period ends, this written notice must be made within 30 days of sale of the children's product in the State. This written notice must identify the children's product, the number of units sold or distributed for sale in the State or nationally, the priority chemical or chemicals contained in the children's product, the amount of such chemicals in each unit of children's product and the intended purpose of the chemicals in the children's product.

See title page for effective date.

**CHAPTER 233**  
**H.P. 1038 - L.D. 1444**

**An Act Relating to Title  
 Insurers Issuing Closing or  
 Settlement Protection**

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

**Sec. 1.** **24-A MRSA §3202** is enacted to read:

**§3202. Closing protection letters**

**1. Title insurer may issue closing or settlement protection.** A title insurer may issue closing or settlement protection on a form of closing protection letter approved by the superintendent pursuant to section 2412. Only a buyer, borrower or lender that is a party to a transaction in which a title insurance policy will be issued by or on behalf of the title insurer issuing the closing or settlement protection is eligible to receive the benefit of closing or settlement protection. Closing or settlement protection issued pursuant to this subsection must benefit each buyer, borrower and lender that is a party to the transaction for which that closing or settlement protection is issued.

**2. Indemnity.** The closing or settlement protection issued pursuant to subsection 1 may indemnify a buyer, borrower or lender against loss because of one of the following acts of a policy-issuing title insurance agent or other settlement service provider under the terms and conditions of the closing protection letter as issued by the title insurer:

A. Theft or misappropriation of settlement funds in connection with a transaction, but only to the extent that the theft relates to the status of the title to an insured interest in land or to the validity, enforceability and priority of the lien of the mortgage on an insured interest in land; and

B. Failure to comply with the written closing instructions when agreed to by the settlement agent or title agent, but only to the extent that the failure to comply with the instructions relates to the status of the title to an insured interest in land or the validity, enforceability and priority of the lien of the mortgage on an insured interest in land.

**3. Fee.** The fee charged by a title insurer for closing or settlement protection coverage must be filed with the superintendent pursuant to section 2304-A. The fee may not be subject to any agreement requiring a division of fees or premiums collected on behalf of the title insurer. A title insurer may charge only one fee for a closing or settlement protection letter for the protection of all parties receiving the benefit of closing or settlement protection in connection with the real property transaction giving rise to the issuance of the closing or settlement protection letter.

**4. Provision of other protection prohibited.** Except as provided in this section, a title insurer may not provide any protection that purports to indemnify against improper acts or omissions of a person with regard to settlement or closing services.

See title page for effective date.

**CHAPTER 234**  
**H.P. 782 - L.D. 1112**

**An Act To Amend the Maine Juvenile Code and Related Statutes**

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

**Sec. 1.** **15 MRSA §101-C, sub-§1**, as amended by PL 2009, c. 268, §2, is further amended to read:

**1. Written demand for records.** When a person or entity has been ordered to perform an examination or evaluation pursuant to section 101-D, a diagnostic evaluation pursuant to section 3309-A, a competency examination pursuant to 3318-A, an evaluation and treatment pursuant to section 3318-B, or an examination of a juvenile with reference to insanity or abnormal condition of mind, and the person to be examined has sought the examination, joined in a request or order for the examination or has entered a plea or answer of not criminally responsible by reason of insanity, that person or entity may make written demand upon any individual, partnership, association, corporation, institution or governmental entity to produce the records or copies of the records, in whatever medium preserved, of the subject of the examination or evaluation.

**Sec. 2.** **15 MRSA §3003, sub-§1**, as enacted by PL 1977, c. 520, §1, is amended to read:

**1. Adjudicatory hearing.** "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition under chapter 507 are supported by evidence beyond a reasonable doubt that satisfies the standard of proof required.

**Sec. 3.** **15 MRSA §3003, sub-§9**, as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 4.** **15 MRSA §3003, sub-§17**, as amended by PL 1989, c. 113, §1, is repealed.

**Sec. 5.** **15 MRSA §3003, sub-§19-A** is enacted to read:

**19-A. Mental disease or defect.** "Mental disease or defect" has the same meaning as in Title 17-A, section 39, subsection 2 except that "mental disease or defect" does not include, in and of itself, the fact that a

juvenile has not attained the level of mental or emotional development normally associated with persons 18 years of age or older.

**Sec. 6. 15 MRSA §3003, sub-§20,** as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 7. 15 MRSA §3003, sub-§22,** as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 8. 15 MRSA §3103-A** is enacted to read:

**§3103-A. Provisions of Title 17-A, Part 1 made applicable**

The following provisions of Title 17-A, Part 1 are applicable to juvenile crimes:

**1. Chapter 1.** Chapter 1, except section 1; section 2, subsections 3-C and 5-B; and sections 6, 8, 9 and 17;

**2. Chapter 2.** Chapter 2, except section 40;

**3. Chapter 3.** Chapter 3, except section 60; and

**4. Chapter 5.** Chapter 5.

**Sec. 9. 15 MRSA §3305,** as amended by PL 2011, c. 336, §3, is further amended to read:

**§3305. Answer**

An answer to a petition need not be entered by a juvenile or by the juvenile's parents, guardian or legal custodian. A juvenile must personally appear, and the juvenile or the juvenile's counsel may enter an answer asserting the absence of criminal responsibility by reason of insanity or denying, admitting or not contesting the allegations of the petition, in accordance with Rules 11 and 11A, Maine Rules of Criminal Procedure, except that, if the case has been continued for investigation and for a bind-over hearing pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer to the petition other than a denial or assertion of the absence of criminal responsibility by reason of insanity until the court has conducted a bind-over hearing and has decided to retain jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has withdrawn the request to have the juvenile tried as an adult. An answer may be both a denial and an assertion of the absence of criminal responsibility by reason of insanity. If the juvenile or the juvenile's counsel declines to enter an answer, the court shall enter an answer of denial.

Upon the acceptance of such an answer If the court accepts an answer admitting or not contesting the allegations of the petition, a dispositional hearing shall must be set at the earliest practicable time that will allow for the completion of a predisposition study conducted pursuant to section 3311 and for service of notice as required by section 3314, subsection 1, paragraph C-1 or C-2. If the answer entered is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines

to accept an answer admitting or not contesting the allegations of the petition, the matter must be set for further proceedings.

**Sec. 10. 15 MRSA §3315, sub-§1,** as amended by PL 2001, c. 696, §6 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**1. Right to review.** Every disposition pursuant to section 3314 and 3318-B, other than unconditional discharge, must be reviewed not less than once in every 12 months until the juvenile is discharged. The review must be made by a representative of the Department of Corrections unless the juvenile was has been committed to the Department custody of the Commissioner of Health and Human Services, in which case such review must be made by a representative of the Department of Health and Human Services. A report of the review must be made in writing to the juvenile's parents, guardian or legal custodian. A copy of the report must be forwarded to the program or programs that were reviewed, and the department whose personnel made the review shall retain a copy of the report in their files. The written report must be prepared in accordance with subsection 2. When a juvenile is placed in the custody of the Department Commissioner of Health and Human Services, reviews and permanency planning hearings must be conducted in accordance with Title 22, section 4038. Title 22, sections 4005, 4039 and 4041 also apply.

**Sec. 11. 15 MRSA §3402, sub-§5,** as amended by PL 1991, c. 202, is further amended to read:

**5. Time for appeals.** An appeal from the juvenile court to the Superior Court must be taken within 7 days of after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

See title page for effective date.

## CHAPTER 235

### H.P. 991 - L.D. 1388

#### An Act To Clarify Civil Liability of Persons Making False Claims to the Department of Health and Human Services

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

**Sec. 1. 22 MRSA §15, first ¶,** as amended by PL 1995, c. 191, §1, is further amended to read:

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be

made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be materially false, fictitious or fraudulent, or who, for the purpose of obtaining or aiding another to obtain the payment or approval of such a claim, knowingly makes any false written statement or knowingly submits any false document that the person does not believe to be true, material to a false, fictitious or fraudulent claim or who knowingly enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any materially false, fictitious or fraudulent claim, shall or who knowingly makes or causes to be made a false written statement or record material to an obligation to pay or transmit money or property to the department or knowingly conceals or knowingly and improperly materially avoids or materially decreases an obligation to pay or transmit money or property to the department, in addition to any criminal liability that may be provided by law, be subject to civil suit by this State in the Superior Court for recovery of civil penalties to include the following:

**Sec. 2. 22 MRSA §15**, as amended by PL 1995, c. 191, §§1 to 4, is further amended by adding at the end a new paragraph to read:

For purposes of this section, "knowing" or "knowingly" means that, with respect to information, a person has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information or acts in reckless disregard of the truth or falsity of the information. A person may act knowingly without specific intent to defraud.

See title page for effective date.

## CHAPTER 236 H.P. 713 - L.D. 1015

### An Act To Expand Crossbow Hunting

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

**Sec. 1. 12 MRSA §10952, sub-§1**, as enacted by PL 2011, c. 61, §1, is amended to read:

**1. Hunting with a bow and arrow or a crossbow.** A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow or a crossbow during any open season on that bird or animal.

**Sec. 2. 12 MRSA §10952, sub-§2**, as enacted by PL 2011, c. 61, §1, is repealed.

**Sec. 3. 12 MRSA §10953, sub-§1**, as amended by PL 2011, c. 61, §2, is repealed and the following enacted in its place:

**1. Species and seasons.** Except as provided in this Part, a person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow during the spring open season on wild turkey in areas open to wild turkey hunting as established by rule in section 11701;

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; and

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. This paragraph does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404, except as provided in subsection 1-A.

**Sec. 4. 12 MRSA §11603, sub-§1**, as amended by PL 2005, c. 477, §13, is further amended to read:

**1. Prohibition.** A person may not use a .17 or .22 caliber rimfire firearm, or a shotgun using shot loads or a crossbow to hunt moose.

**Sec. 5. 12 MRSA §11603, sub-§1-A**, as enacted by PL 2011, c. 61, §5, is repealed.

**Sec. 6. 12 MRSA §11701, first ¶**, as amended by PL 2003, c. 552, §9 and affected by §15; c. 614, §9; and c. 655, Pt. C, §§2 and 6, is further amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules

must permit the use of a crossbow during the spring open wild turkey hunting season.

See title page for effective date.

## CHAPTER 237

S.P. 77 - L.D. 241

### An Act To Amend Certain Laws Governing the Bureau of Maine Veterans' Services

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

**Sec. 1. 37-B MRSA §505, sub-§2, ¶G,** as enacted by PL 2001, c. 662, §66, is amended to read:

G. In order to be eligible for benefits under this subsection, a student must apply for a Federal Pell Grant under 20 United States Code, Section 1070a. The director shall estimate the number of students anticipated that will use this program and provide the estimate to state institutions upon request.

**Sec. 2. 37-B MRSA §509, sub-§1,** as enacted by PL 2003, c. 404, §7, is amended to read:

**1. Certificate of release.** A certificate of release or discharge from, casualty report, death notice or other record pertaining to active duty service issued by the United States Government, classified by the United States Government as confidential and filed for safe-keeping with any state, county or local government authority is confidential for a period of 75 62 years following its filing date of issuance. During that 75 year 62-year period, it is unlawful for a person to permit inspection of the record, to disclose information contained in the record or to issue a copy of all or any part of the record except as authorized by this section or by court order. Nothing in this section may be construed to make a record confidential that is not directed to be confidential by the United States Government.

See title page for effective date.

## CHAPTER 238

S.P. 574 - L.D. 1519

### An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards

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

## PART A

**Sec. A-1. 24-A MRSA §216, sub-§5,** as amended by PL 1999, c. 184, §19, is repealed and the following enacted in its place:

5. In order to assist the superintendent in the regulation of insurers in this State, it is the duty of the superintendent to maintain as confidential a document or information received from the National Association of Insurance Commissioners or International Association of Insurance Supervisors, public officials of other jurisdictions and members of supervisory colleges in which the superintendent participates pursuant to section 222, subsection 7-B, agencies of the Federal Government or political subdivisions or other agencies of this State, if the document or the information has been provided to the superintendent with notice that it is confidential under the laws of the jurisdiction that is the source of the document or information.

A. Any information furnished pursuant to this subsection by or to the superintendent that has been designated confidential by the official agency or other entity furnishing the information remains the property of the agency furnishing the information and must be held as confidential by the recipient of the information, except as authorized by the official, agency or other entity furnishing the information to the superintendent, with prior notice to interested parties and consistent with other applicable laws. The authority of the superintendent, pursuant to paragraph B, to permit further disclosure to a 3rd party or to the public of information shared by the superintendent is subject to the same requirements and conditions that apply if the superintendent discloses the information directly to a 3rd party or to the public.

B. The superintendent may share information, including otherwise confidential information, with the National Association of Insurance Commissioners or International Association of Insurance Supervisors, public officials of other jurisdictions and members of supervisory colleges in which the superintendent participates pursuant to section 222, subsection 7-B, agencies of the Federal Government or political subdivisions or other agencies of this State, if the recipient of the information agrees to maintain the same level of confidentiality as is available under Maine law and has demonstrated that it has the legal authority to do so.

C. The superintendent may enter into one or more written agreements with the National Association of Insurance Commissioners governing sharing and using information under this subsection that:

(1) Specify procedures and protocols regarding the confidentiality and security of information shared with the National Association of Insurance Commissioners and its affiliates

and subsidiaries pursuant to this paragraph, including procedures and protocols for sharing by the National Association of Insurance Commissioners with other state, federal or international insurance regulators;

(2) Specify that ownership of information shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries pursuant to this paragraph remains with the superintendent and that the use of information by the National Association of Insurance Commissioners is subject to the direction of the superintendent;

(3) Require prompt notice to be given by the National Association of Insurance Commissioners to any insurer whose confidential information is in the possession of the National Association of Insurance Commissioners pursuant to this paragraph when that information is the subject of a request or subpoena for disclosure or production; and

(4) Require the National Association of Insurance Commissioners and its affiliates and subsidiaries to consent to intervention by an insurer in any judicial or administrative action in which the National Association of Insurance Commissioners and its affiliates and subsidiaries may be required to disclose confidential information about the insurer shared with the National Association of Insurance Commissioners and its affiliates and subsidiaries pursuant to this paragraph.

D. This subsection does not alter prohibitions or restrictions applicable to ex parte contacts in the course of an adjudicatory proceeding in which a state agency is a party.

E. For purposes of this subsection, "other agencies of this State" includes bureau personnel and consultants designated as serving in an advocacy capacity in an adjudicatory proceeding before the superintendent.

**Sec. A-2. 24-A MRSA §222, sub-§1,** as repealed and replaced by PL 1975, c. 356, §1, is repealed.

**Sec. A-3. 24-A MRSA §222, sub-§1-A** is enacted to read:

**1-A. Examination.** For purposes of ascertaining compliance with law, or relationships and transactions between any person as defined hereafter and any insurer or proposed insurer subject to this section, the superintendent may as often as the superintendent determines to be advisable examine the accounts, records, documents and transactions pertaining to or affecting the insurance affairs or proposed insurance affairs, or transactions of the insurer or proposed in-

surer as may be in the possession of any holding company, its subsidiaries or affiliates as is necessary to ascertain the financial condition, including the enterprise risk to the insurer by the ultimate controlling party, or legality of conduct of the insurer or proposed insurer or the insurance holding company system as a whole or any combination of entities within the insurance holding company system and to verify the accuracy of any information provided or required to be provided to the superintendent pursuant to this section.

A. The superintendent's investigatory and examination authority under this subsection extends to the examination of:

(1) Any business entity structured to hold the stock of an insurance company, or person holding the shares of voting stock or policyholder proxies of an insurer as voting trustee or otherwise, for the purpose of controlling the management thereof;

(2) Any insurance producer, adjuster or consultant or other insurance or reinsurance representative or intermediary or any person acting as or purporting to be any of the foregoing;

(3) Any person having a contract giving that person by its terms or in fact the exclusive or dominant right to manage or control the insurer; and

(4) Any person in this State engaged in or proposing to be engaged in or acting as or purporting to be so engaged or proposing to be engaged in the business of insurance or in this State assisting in the promotion, formation or financing of an insurer or insurance holding corporation or corporation or other group financing an insurer or the production of its business.

B. Subject to the limitations contained in this subsection and in addition to the powers that the superintendent has under section 221 and sections 223 to 228 relating to the examination of insurers, the superintendent may order an insurer registered under subsection 8 to produce records, books or papers in the possession of the insurer or affiliates as may be necessary to verify the accuracy of the information required to be provided to the superintendent under this section and any additional information pertinent to transactions between the insurer and affiliates. The books, records, papers and information are subject to examination in the same manner as prescribed in this chapter for an examination conducted under section 221, except that expenses incurred by the superintendent in examining an affiliate that is not an insurer must be borne by the registered insurer subject to the limitations of section 228, subsection 1. The su-

perintendent may issue subpoenas, administer oaths and examine any person under oath for purposes of determining compliance with this subsection.

C. A member of an insurer's insurance holding company system shall comply fully and accurately with a request by the insurer to provide it with information necessary to respond to an examination request by the superintendent pursuant to this section.

D. The superintendent may order an insurer registered under subsection 8 to produce information not in the possession of the insurer if the insurer can obtain access to the information pursuant to contractual relationships, statutory obligations or any other lawful method. If the insurer cannot obtain the information requested by the superintendent, the insurer shall provide the superintendent a written objection with a detailed explanation of the reason that the insurer cannot obtain the information and the identity of the holder of the information. It is a violation of this section to submit an objection to production of information without a reasonable basis or to fail to produce information on the basis of an objection that the superintendent has denied after notice and opportunity for hearing.

**Sec. A-4. 24-A MRSA §222, sub-§2, ¶B,** as amended by PL 1999, c. 113, §8, is further amended to read:

B. Control.

(1) 'Control', including 'controlling', 'controlled by' and 'under common control with', "Control," including "controlling," "controlled by" and "under common control with," means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is solely the result of an official position with or a corporate office held by the person. Control is presumed to exist if any person is the beneficial owner of 10% or more of the voting securities or guaranty capital shares, if applicable, or voting rights in the case of mutual or reciprocal insurers, or guaranty capital shares if a mutual insurer has established a guaranty fund, has the right to cast 10% or more of the votes in the election of directors or other governing body of any other person. A beneficial owner may rely in determining the amount of voting securities of any person outstanding upon information set forth in that person's most recent quarterly or annual report filed

with the Securities and Exchange Commission pursuant to the Exchange Act unless the beneficial owner knows or has reason to believe that the information contained in the quarterly or annual report is inaccurate. Two or more domestic mutual insurance companies that have restricted their licensed territories to the State are not considered subject to this section merely because those insurance companies commonly share facilities, incurred expenses, or personnel services, or otherwise utilize cost allocations based on generally accepted accounting principles including pro rata sharing of assumed risks. A person may have more than one controlling person, even if those controlling persons are not acting in concert.

(2) Notwithstanding the presumption of control contained in subparagraph (1), the superintendent, upon application of the insurance company, may determine that the insurer is not controlled by the person presumed to control it. In addition, the superintendent, after notice and an opportunity to be heard, may determine, notwithstanding the absence of the presumption in subparagraph (1), that a person does control an insurance company or companies.

(3) The presumption of control contained in subparagraph (1) does not apply to a securities broker-dealer holding, in the usual and customary broker's function, less than 20% of the voting securities of another person.

**Sec. A-5. 24-A MRSA §222, sub-§2, ¶B-1,** as enacted by PL 1989, c. 385, §3, is repealed and the following enacted in its place:

B-1. Exchange Act. "Exchange Act" means the federal Securities Act of 1933, 15 United States Code, Chapter 2-A, Subchapter 1 and the federal Securities Exchange Act of 1934, 15 United States Code, Chapter 2-B.

**Sec. A-6. 24-A MRSA §222, sub-§2, ¶B-2** is enacted to read:

B-2. Enterprise risk. "Enterprise risk" means an activity, circumstance, event or series of events involving one or more affiliates of an insurer that, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer, or of its insurance holding company system as a whole, including, but not limited to, anything that would cause or exacerbate a risk-based capital event as described in sections 6453 to 6456 or would cause the insurer to be in unsound or hazardous financial condition as determined by the superintendent.

**Sec. A-7. 24-A MRSA §222, sub-§2, ¶D,** as repealed and replaced by PL 1975, c. 356, §1, is amended to read:

D. Insurer. "Insurer" shall have has the same meaning given it as in section 4 and includes a fraternal benefit society required to be licensed under section 4124 or 4125.

**Sec. A-8. 24-A MRSA §222, sub-§2, ¶¶D-3 to D-5** are enacted to read:

D-3. Own risk and solvency assessment or ORSA. "Own risk and solvency assessment" or "ORSA" means a confidential internal assessment that is conducted by an insurer or insurance holding company system of the material and relevant risks associated with its current business plan and the sufficiency of its capital resources to support those risks and that is appropriate to the nature, scale and complexity of the operations of the insurer or insurance holding company system.

D-4. ORSA guidance manual. "ORSA guidance manual" means the NAIC Own Risk and Solvency Assessment (ORSA) Guidance Manual, as amended from time to time. A change in the ORSA guidance manual is effective with regard to this State on January 1st following the calendar year in which the change has been adopted by the National Association of Insurance Commissioners.

D-5. ORSA summary report. "ORSA summary report" means a confidential high-level summary of an insurer's or insurance holding company system's own risk and solvency assessment and includes a combination of separate reports that collectively meet the requirements of the ORSA guidance manual.

**Sec. A-9. 24-A MRSA §222, sub-§4-A,** as enacted by PL 1989, c. 385, §5, is repealed.

**Sec. A-10. 24-A MRSA §222, sub-§4-B,** as enacted by PL 1989, c. 385, §5, is repealed.

**Sec. A-11. 24-A MRSA §222, sub-§4-C** is enacted to read:

**4-C. Acquisitions; tender offers; divestitures.** The following provisions apply to a transaction or proposed transaction that results or might result in the change of direct or indirect control of a domestic insurer.

A. Except as provided in paragraph B, a person other than the issuer may not make a tender offer for, or a request or invitation for tenders of, or an agreement to exchange securities for, or otherwise acquire any voting security, or any security convertible into a voting security, of a domestic insurer or of any person controlling a domestic insurer if, as a result of the consummation thereof,

the person making the tender offer, request or agreement would, directly or indirectly, acquire actual or presumptive control of the insurer or controlling person, and a person may not enter into an agreement to merge with or otherwise acquire actual or presumptive control of a domestic insurer or its controlling person, unless:

(1) The person has filed with the superintendent and has sent the domestic insurer an application containing the information required by paragraph C;

(2) The offer, request, invitation, agreement or acquisition has been approved by the superintendent in the manner prescribed in subsection 7; and

(3) Ten days has elapsed from the date of approval by the superintendent and no injunction or other court order precludes consummation of the offer, request, invitation, agreement or acquisition.

B. A controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer in any manner, including any partial divestiture that would cause that person to cease to be a controlling person, shall file with the superintendent, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days before the cessation of control, unless the divestiture transaction consists of the transfer of the divesting person's interest to one or more acquiring persons, all of whom have reported their respective acquisitions pursuant to paragraph A. Unless the superintendent grants an exemption under paragraph D, the divesting person shall file an application substantially similar to the application required under paragraph C, with such modifications as the superintendent determines to be appropriate based on the nature of the transaction. The superintendent shall decide whether to approve the application using the criteria in subsection 7, paragraph A and may hold a public hearing if the superintendent determines that a hearing is in the interests of policyholders or the public. If 20 days has elapsed after the superintendent's receipt of a notice filed under this paragraph and the superintendent has not disapproved the proposed divestiture or postponed its effective date pending further review, the superintendent is deemed to have granted an exemption under paragraph D, subparagraph (2).

C. An application required by paragraph A must contain the following information as applicable, made under oath or affirmation, except that if the proposed transaction is subject to regulation under the Exchange Act or Title 32, chapter 135, the superintendent may accept the relevant documents filed with the United States Securities and Ex-

change Commission or the Department of Professional and Financial Regulation, Office of Securities in lieu of some or all of the documents required by this paragraph:

(1) The name and address of each person by whom or on whose behalf the merger or other acquisition of control is to be effected and:

(a) If the person acquiring control is an individual, the person's principal occupation and all offices and positions held during the past 5 years and any convictions for crimes other than minor traffic violations during the past 10 years; and

(b) If the person acquiring control is not an individual, a report of the nature of its business operations during the past 5 years or for a lesser period the person and any predecessors have been in existence; an informative description of the business intended to be done by the person and the person's subsidiaries; and a list of all individuals who are or who have been selected to become directors or executive officers of the person or who perform or will perform functions appropriate to such positions. The list must include the information required by division (a) for each individual listed;

(2) The source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction through which funds were or are to be obtained for any such purpose, including any pledge of the insurer's stock or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing consideration. If a source of consideration is a loan made in the lender's ordinary course of business, the identity of the lender is confidential if the person filing the application so requests;

(3) Fully audited financial information as to the earnings and financial condition of each acquiring person for the preceding 5 fiscal years, or for a lesser period if the acquiring person and any predecessors have been in existence for less than 5 years, and similar unaudited information as of a date not earlier than 90 days before the filing of the application;

(4) Any plans or proposals that each acquiring person may have to liquidate the insurer, to sell its assets or merge or consolidate it with any person or to make any other material change in its business or corporate structure or management;

(5) The number of shares of any security referred to in paragraph A that each acquiring person proposes to acquire, the terms of the offer, request, invitation, agreement or acquisition referred to in paragraph A and a statement as to the method by which the fairness of the proposal was arrived at;

(6) The amount of each class of any security referred to in paragraph A that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring person;

(7) A full description of any contracts, arrangements or understandings with respect to any security referred to in paragraph A in which any acquiring person is involved, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits or the giving or withholding of proxies. The description must identify the persons with whom the contracts, arrangements or understandings have been entered into;

(8) A description of the purchase by any acquiring person of any security referred to in paragraph A during the 12 calendar months preceding the filing of the application, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid;

(9) A description of any recommendations to purchase any security referred to in paragraph A made during the 12 calendar months preceding the filing of the application by any acquiring person or by anyone based upon interviews with or at the suggestion of the acquiring person;

(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for and agreements to acquire or exchange any securities referred to in paragraph A and copies of any additional related soliciting material that has been distributed;

(11) The terms of any agreement, contract or understanding made or proposed to be made with any broker-dealer as to solicitation of securities referred to in paragraph A for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard to the solicitation of securities referred to in paragraph A;

(12) An agreement by the person required to file the application to provide the annual enterprise risk report required by subsection 8,

paragraph B-1 for as long as control by the person exists;

(13) An acknowledgement by the person required to file the application that the person and all subsidiaries within its control in the insurance holding company system will provide information to the superintendent upon request as necessary to evaluate enterprise risk to the insurer;

(14) A statement as to whether or not the proposed transaction will result in an increase in market share in this State in any line of insurance as specified in the annual statement required to be filed under section 423 for one or more insurers with combined market share greater than 5% and, if so, such further information on the competitive impact of the proposed transaction as the superintendent requires by rule or order; and

(15) Such additional information as the superintendent may prescribe by rule or order.

D. The superintendent may exempt a person otherwise subject to the requirements of this subsection and subsection 7 from some or all of those requirements if the person demonstrates to the satisfaction of the superintendent that an exemption will not be detrimental to the interests of policyholders in the State or the public and that the transaction satisfies at least one of the following criteria:

(1) The interests of the State in regulating the transaction are minimal relative to the interests of other jurisdictions or are minimal relative to the impact of the transaction as a whole;

(2) The person proposes a divestiture of control under paragraph B and the superintendent determines that the prior approval process is not necessary in the circumstances of the transaction;

(3) A party proposing to acquire presumed control submits a disclaimer fully disclosing all material relationships and bases for affiliation with the insurer and demonstrating to the satisfaction of the superintendent that the person will not be acquiring actual control. As a condition of granting an exemption under this subparagraph, the superintendent may require the person to agree to reasonable restrictions on the exercise of rights or powers that might otherwise tend to result in control;

(4) The superintendent elects to participate in a consolidated approval proceeding conducted under the laws of one or more other

states pursuant to subsection 7-A, paragraph E; and

(5) The transaction involves the control of a person that is not primarily engaged in the business of insurance, directly or through its affiliates, and there will be no material impact on the management or operations of a domestic insurer.

A person requesting an exemption under this paragraph must agree to provide additional information if needed by the superintendent and to postpone the effective date of the transaction if ordered by the superintendent while the request for exemption is pending.

E. A broker-dealer that is exempt from the requirements of this section pursuant to subsection 2, paragraph B, subparagraph (3) shall disclose to the superintendent the identity of any person, or group of persons the broker-dealer knows or reasonably believes to be acting in concert, on whose behalf the broker-dealer knows or reasonably believes that the broker-dealer holds 5% or more of the voting securities of a domestic insurer or of any entity the broker-dealer knows or reasonably believes to be a controlling person of a domestic insurer. A broker-dealer shall disclose to the superintendent on request the beneficial owners of any securities held by the broker-dealer of any entity that is, or that the superintendent believes might be or might become, a member of the insurance holding company system of an insurer subject to registration under subsection 8.

**Sec. A-12. 24-A MRSA §222, sub-§5,** as amended by PL 1989, c. 385, §6, is further amended to read:

**5. Tender offer material.** All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders of such voting securities for control of a domestic insurer or its controlling person made by or on behalf of any such person shall must contain any information specified in subsection 4-B 4-C as the superintendent may prescribe, and shall must be filed with the superintendent at the time that material is first published or sent or given to security holders. Copies of any additional material soliciting or requesting such tender offers subsequent to the initial solicitation or request shall must contain the information that the superintendent may prescribe as necessary or appropriate in the public interest or for the protection of policyholders, and shall must be filed with the superintendent at the time copies of that material are first published or sent or given to security holders.

**Sec. A-13. 24-A MRSA §222, sub-§6,** as amended by PL 2007, c. 466, Pt. D, §1, is further amended to read:

**6. Information as to applicant.** If ~~the~~ a person required to file ~~the statement referred to in subsection 4-A an application under subsection 4-C~~ is a partnership, limited partnership, syndicate or other group, the superintendent may require that the information called for by subsection 4-A 4-C must be given with respect to each partner of ~~such the~~ the partnership or limited partnership, each member of ~~such the~~ the syndicate or group and each person who controls ~~any~~ such partner or member. If ~~the~~ a person required to file ~~the statement referred to in subsection 4-A an application under subsection 4-C~~ is a corporation, the superintendent may require that the information called for ~~thereby by subsection 4-C~~ must be given with respect to ~~such the~~ the corporation and each officer and director thereof and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding securities of ~~such the~~ the corporation.

**Sec. A-14. 24-A MRSA §222, sub-§7,** as amended by PL 2007, c. 466, Pt. D, §2, is further amended to read:

**7. Approval, disapproval of proposed change of control.**

A. The superintendent shall hold a hearing in accordance with the procedures set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV 4, within 30 days after the ~~statement application~~ required by subsection 4-A 4-C has been filed with the superintendent. The superintendent shall make a determination within 30 days after the conclusion of that hearing. The superintendent shall approve any purchase, exchange, merger or other ~~acquisition change of control~~ referred to in subsection 4-A 4-C unless the superintendent finds that:

(1) After the change of control, the domestic insurer could not satisfy the requirements for the issuance of a certificate of authority according to requirements in force at the time of the issuance, or last renewal or continuation of its certificate of authority to do the insurance business ~~which that~~ it intends to transact in this State;

(2) The effect of the purchases, exchanges, merger of a controlling person of the insurer, or other ~~acquisitions changes~~ of control may be substantially to lessen competition in insurance in this State or tend to create a monopoly ~~therein; in this State~~ or would violate the laws of this State or of the United States relating to monopolies or restraints of trade;

(3) The financial condition of an acquiring person ~~is such as~~ would jeopardize the financial stability of the insurer or prejudice the interest of its policyholders;

(4) The plans or proposals ~~which that~~ the acquiring ~~or divesting~~ person has to liquidate the insurer, to sell its assets or to merge it with any person, or to make any other major change in its business or corporate structure or management, are unfair or prejudicial to policyholders;

(5) The competence, experience and integrity of those persons who would control the operation of the insurer indicate that it would not be in the interest of policyholders or the public to permit them to do so;

(6) Any merger of a domestic insurer does not comply with section 3474; or

(7) The ~~acquisition change~~ of control would tend to affect adversely the contractual obligations of the domestic insurer or its ability and tendency to render service in the future to its policyholders and the public.

B. Subparagraphs Paragraph A, subparagraphs (3) to (7) do not apply to any change of control if and to the extent that the superintendent, by rule or by order, exempts the ~~same change of control~~ from the provisions of those subparagraphs as not ~~comprehended included~~ within the purpose of this subsection.

C. Merger, consolidation or bulk reinsurance as to a domestic insurer ~~shall may~~ be effectuated only pursuant to the applicable provisions of chapter 47, subchapter IV, 4 and sections 3875, 4108 and 4109, as related to organization and powers of insurers.

D. Violation.

(1) Failure to file the ~~statement application~~ required under subsection 4-A 4-C constitutes a violation of this ~~chapter section~~.

(2) Effectuation of or any attempt to effectuate an acquisition of, control of, ~~divestiture of control of~~ or merger with a domestic insurer ~~within earlier than~~ 30 days of ~~after~~ the filing of the ~~statement application~~ required by subsection 4-A, prior to 4-C, before the superintendent's decision if a hearing is held or after disapproval of ~~such acquisition of control or merger~~ by the superintendent ~~of the acquisition, divestiture or merger~~, constitutes a violation of this ~~chapter section~~.

**Sec. A-15. 24-A MRSA §222, sub-§§7-A and 7-B** are enacted to read:

**7-A. Consolidated proceedings.** If a proposed change of control requires, or is part of a series of related transactions that require, the approval of the insurance regulators of more than one state, a person filing an application under subsection 4-C with respect

to the change of control may file a request for a consolidated approval proceeding with the National Association of Insurance Commissioners.

A. The applicant shall file a copy of the application made under subsection 4-C with the National Association of Insurance Commissioners within 5 days after making the request for a consolidated approval proceeding.

B. Within 10 days after receiving notice from the National Association of Insurance Commissioners of a request for a consolidated approval proceeding, the superintendent shall issue an order, with notice to the applicant and to the National Association of Insurance Commissioners, specifying whether the superintendent elects to participate in the consolidated proceeding or to opt out of the consolidated proceeding.

C. If the superintendent opts out of the consolidated approval proceeding pursuant to paragraph B, the superintendent shall hold a public hearing under subsection 7 unless the superintendent grants an exemption under subsection 4-C, paragraph D. Opting out of the consolidated proceeding does not preclude or limit the superintendent's authority to coordinate a proceeding conducted under subsection 7 with the consolidated proceeding or with other parallel proceedings in other states.

D. With the agreement of the other participating insurance regulators, the superintendent may initiate a consolidated approval proceeding under this paragraph to render decisions on all applications within the scope of the order of consolidation issued by the superintendent. A consolidated approval proceeding convened under this paragraph is a public adjudicatory proceeding. Except as provided in this paragraph, the proceeding must be conducted in the same manner as a proceeding under subsection 7.

(1) A person who would have the right to participate in a proceeding on any of the consolidated applications held under subsection 7 or substantially similar laws of other states has the right to participate in the proceeding.

(2) The chief insurance regulator of a participating state has the right to participate in making the decision or in designating a decision-making panel.

(3) The proceeding is public, except that deliberations of a decision-making panel are not public proceedings and communications in the course of those deliberations among panel members and their advisers, other than the decision itself, are not public records.

(4) The proceeding may be held in any state with a significant connection to the subject transactions or in a nearby location in an adjacent state. Sessions may be held in different states. Provision must be made for parties, witnesses, insurance regulators and members of the public to attend and participate in the proceeding by telecommunication.

(5) The superintendent, decision-making panel or presiding officer may vary the applicable procedural requirements under this Title and Title 5 to the extent the superintendent, panel or presiding officer determines to be reasonably necessary for the fair and effective administration of a consolidated multistate proceeding.

(6) The decision is subject to judicial review in the same manner as a final agency action of the superintendent.

E. The superintendent may participate, including serving as a decision maker or member of a decision-making panel, in a consolidated approval proceeding conducted under the laws of one or more other states if the consolidated proceeding provides for a public hearing with substantially similar rights of participation and judicial review as a proceeding conducted pursuant to paragraph D. If the superintendent elects under this paragraph to participate in a consolidated proceeding that is conducted under the laws of one or more other states, the application is exempt from further review under this section pursuant to subsection 4-C, paragraph D, subparagraph (4) and the consolidated proceeding, notwithstanding the superintendent's participation, is not subject to any provisions of the law of this State governing adjudicatory proceedings, judicial review, public records or public meetings.

**7-B. Supervisory colleges.** In order to assess the business strategy, financial position, legal and regulatory position, risk exposure including enterprise risk, risk management and governance processes of a domestic insurer that is part of an insurance holding company system with international operations, the superintendent may participate in a supervisory college with other regulators charged with supervision of the insurer or its affiliates, including other state, federal and international regulatory agencies. A supervisory college may be convened as either a temporary or permanent forum for communication and cooperation among the regulators charged with the supervision of the insurer or its affiliates.

A. The superintendent's powers with respect to supervisory colleges include, but are not limited to:

- (1) Initiating the establishment of a supervisory college or participating in a supervisory college initiated by one or more other regulators;
  - (2) Entering into agreements providing the basis for cooperation between the superintendent and the other participating regulators and for the activities of the supervisory college, including but not limited to agreements for sharing confidential information under section 216, subsection 5;
  - (3) Obtaining and providing assistance in examinations conducted under subsection 1-A or under the examination authority of other participating jurisdictions;
  - (4) Clarifying the membership and participation of other regulators in the supervisory college;
  - (5) Clarifying the functions of the supervisory college and the role of other regulators, including the designation of the superintendent or another member of the supervisory college as a group-wide supervisor;
  - (6) Coordinating the ongoing activities of the supervisory college, including planning meetings, supervisory activities and processes for information sharing; and
  - (7) Establishing a crisis management plan.
- B. A domestic insurer whose activities are subject to this subsection is liable for and shall pay the reasonable expenses of the superintendent's participation in a supervisory college, including reasonable travel expenses. The superintendent may establish a regular assessment to the insurer for the payment of these expenses.
- C. This section may not be construed to delegate to a supervisory college the authority of the superintendent to regulate or supervise an insurer or its affiliates within this State.

**Sec. A-16. 24-A MRSA §222, sub-§8, ¶A,** as amended by PL 1999, c. 113, §11, is further amended to read:

A. Every An insurer that is authorized to do business in this State and that is a member of an insurance holding company system shall register with the superintendent, except that these requirements do not apply to a foreign insurer domiciled in a jurisdiction that in the opinion of the superintendent has adopted by statute or regulation disclosure statements and standards substantially similar to those contained in this chapter section. An insurer domiciled in a jurisdiction that has not adopted by statute or regulation disclosure requirements and standards substantially similar to those contained

in this section may be treated as a domestic insurer for purposes of this section. Each insurer that is subject to registration under this subsection shall register within 15 days after it becomes subject to registration, and annually thereafter by May 1st, unless the superintendent, for good cause shown, extends the time for registration and then an insurer must file shall register within that extended time. Nothing in this This section may be construed to does not prohibit the superintendent from requesting any authorized insurer that is a member of a an insurance holding company system and not subject to registration under this section for to provide a copy of the registration statement or other information filed by such insurer with the insurance regulatory authority of its state of domicile. Upon request of the insurer or of the insurance regulatory authority of another jurisdiction in which the insurer is authorized to transact insurance, the superintendent at the insurer's expense shall furnish a copy of the registration statement or other information filed by a domestic insurer with the superintendent pursuant to this chapter section;

**Sec. A-17. 24-A MRSA §222, sub-§8, ¶B,** as amended by PL 2001, c. 72, §5, is further amended to read:

B. Every An insurer subject to registration shall file a registration statement on a form provided by with the superintendent, which on a form and in a format prescribed by the National Association of Insurance Commissioners. The registration statement must contain current information about:

- (1) The capital structure, general financial condition, ownership and management of the insurer and of any person controlling the insurer;
- (1-A) The identity and relationship of every member of the insurance holding company system;
- (2) The following transactions currently outstanding between the insurer and its affiliates:
  - (a) Loans and other investments, and purchases, sales or exchanges of securities of the affiliate by the insurer or of the insurer by its affiliates;
  - (b) Purchases, sales or exchanges of assets;
  - (c) Transactions not in the ordinary course of business;
  - (d) Guarantees or undertakings for the benefit of an affiliate that result in an actual contingent exposure of the insurer's assets to liability, other than insurance

contracts entered into in the ordinary course of the insurer's business;

(e) All management and service contracts and all cost-sharing arrangements, other than cost allocation arrangements based upon generally accepted accounting principles;

(f) Reinsurance agreements; ~~and~~

(g) Dividends and other distributions to shareholders; and

(h) Consolidated tax allocation agreements;

(2-A) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

(2-B) If requested by the superintendent, financial statements of or within the insurance holding company system, including all affiliates. The required financial statements may include but are not limited to annual audited financial statements filed with the United States Securities and Exchange Commission pursuant to the Exchange Act. An insurer required to file financial statements pursuant to this subparagraph may satisfy the request by providing the superintendent with the most recently filed parent corporation financial statements that have been filed with the United States Securities and Exchange Commission;

(3) Other matters concerning transactions between the insurer and any affiliate as may be required by the superintendent; and

(4) Any other information required by the superintendent by rule;

**Sec. A-18. 24-A MRSA §222, sub-§8,  
¶B-1 to B-3 are enacted to read:**

B-1. The controlling person with ultimate control of an insurer subject to registration shall also file an annual enterprise risk report. The report must be appropriate to the nature, scale and complexity of the operations of the insurance holding company system and must, to the best of the controlling person's knowledge and belief, identify the material risks within the insurance holding company system, if any, that could pose enterprise risk to the insurer. The report must be filed with the lead state regulator of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the National Association of Insurance Commissioners;

B-2. An insurer subject to registration shall file statements confirming that the insurer's board of directors oversees corporate governance and internal controls and that the insurer's officers or senior management have approved and implemented and continue to maintain and monitor corporate governance and internal control procedures;

B-3. A domestic insurer that is subject to registration, and has annual premium of \$500,000,000 or more or is a member of an insurance holding company system with annual premium of \$1,000,000,000 or more, shall conduct an own risk and solvency assessment in accordance with the requirements of this paragraph at least annually, and also at any time when there are significant changes to the risk profile of the insurer or its insurance holding company system, except as otherwise provided in subparagraph (1). For purposes of this paragraph, "premium" means direct written and unaffiliated assumed premium, including international direct and assumed premium but excluding premiums reinsured with the Federal Crop Insurance Corporation within the United States Department of Agriculture, Risk Management Agency and with the National Flood Insurance Program within the United States Department of Homeland Security, Federal Emergency Management Agency.

(1) This paragraph does not apply if:

(a) The insurer is an agency, authority or instrumentality of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia or a state or political subdivision of a state;

(b) The insurer and its insurance holding company system did not meet either of the minimum premium criteria of this paragraph in the financial statements immediately preceding their most recent financial statements and the superintendent has not required compliance with this paragraph under subparagraph (2); or

(c) The superintendent has granted a waiver from the requirements of this paragraph based upon unique circumstances. In deciding whether to grant a waiver, the superintendent may consider the type and volume of business written by the insurer, the ownership and organizational structure of the insurer and its insurance holding company system and any other factor the superintendent considers relevant to the insurer or the insurer's insurance holding company system. If the insurer's insurance holding

company system includes insurers domiciled in more than one state, the superintendent shall coordinate with the lead regulator and with other domiciliary regulators in considering whether to grant the insurer's request for a waiver.

(2) The superintendent may require an insurer that does not meet either of the minimum premium criteria of this paragraph to comply with the requirements of this paragraph if:

(a) The superintendent determines that the insurer should be subject to this paragraph due to unique circumstances, including, but not limited to, the type and volume of business written by the insurer, the ownership and organizational structure of the insurer and its insurance holding company system, federal agency requests and international supervisor requests;

(b) The insurer is subject to a corrective order or required to adopt a risk-based capital plan under sections 6453 to 6456;

(c) The superintendent has determined in accordance with rules adopted by the superintendent that the insurer is in hazardous financial condition; or

(d) The superintendent has determined that the insurer otherwise exhibits qualities of a troubled insurer.

(3) If an insurer's insurance holding company system has annual premium of \$1,000,000,000 or more, the assessment and reporting required by this paragraph must be conducted for each insurer within the insurance holding company system, either on a systemwide basis or separately for insurers or combinations of insurers within the insurance holding company system.

(4) An insurer subject to this paragraph shall maintain a risk management framework to assist the insurer with identifying, assessing, monitoring, managing and reporting on its material and relevant risks. An insurer may satisfy this requirement by participating in an applicable risk management framework maintained by the insurance holding company system of which the insurer is a member.

(5) An insurer subject to this paragraph shall prepare and submit regular ORSA summary reports that satisfy the requirements of this subparagraph and shall provide additional information to the superintendent upon request.

(a) Beginning no later than 2015, the ORSA summary report must be prepared at least annually, on a timetable consistent with the insurer's internal strategic planning processes, and submitted to the lead regulator of the insurer's insurance holding company system, as determined by the procedures within a financial analysis handbook adopted by the National Association of Insurance Commissioners. If the superintendent is not the lead regulator, the insurer shall submit the insurer's or insurance holding company system's most recent ORSA summary report to the superintendent on request.

(b) The ORSA summary report must be prepared consistent with the ORSA guidance manual. Documentation and supporting information must be maintained and made available upon examination by or upon request of the superintendent.

(c) The insurer's or insurance holding company system's chief risk officer, or other executive having responsibility for the oversight of the insurer's enterprise risk management process, shall sign the ORSA summary report attesting to the best of the signer's belief and knowledge that the insurer applies the enterprise risk management process described in the ORSA summary report and that a copy of the report has been provided to the insurer's board of directors or the appropriate committee of the board.

(d) An insurer may comply with this paragraph by providing the most recent ORSA summary report and a report or reports that are substantially similar to the ORSA summary report that are provided by the insurer or another member of its insurance holding company system to the insurance commissioner of another state or to an insurance supervisor or regulator of a foreign jurisdiction if that report provides information that is comparable to the information described in the ORSA guidance manual. Any report in a language other than English must be accompanied by an English translation.

(6) The superintendent's review of the ORSA summary report, and any additional requests for information, must be consistent with accepted regulatory procedures for the analysis and examination of multistate or global insurers and insurance groups.

**Sec. A-19. 24-A MRSA §222, sub-§8, ¶C,** as enacted by PL 1975, c. 356, §1, is amended to read:

C. ~~No information need be disclosed An insurer does not need to disclose on the registration statement filed pursuant to this subsection if such information that is not material to the purposes of this chapter section.~~ Unless the superintendent by rule, regulation or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit or investments, involving 1/2 of 1% or less of an insurer's admitted assets as of December 31st immediately preceding shall are not be deemed material for purposes of this section;

**Sec. A-20. 24-A MRSA §222, sub-§8, ¶I,** as enacted by PL 1975, c. 356, §1, is amended to read:

I. Any person may file with the superintendent a disclaimer of affiliation with any authorized insurer ~~or such a~~. A disclaimer of affiliation may be filed by the insurer or any member of an insurance holding company system. The disclaimer shall must fully disclose all material relationships and bases for affiliation between ~~such the disclaiming~~ person and the insurer as well as the bases for disclaiming ~~such~~ affiliation. ~~After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the superintendent disallows the disclaimer.~~ The superintendent shall disallow a disclaimer only after a hearing thereon with notice to all parties in interest, and after making specific findings of fact to support such disallowance.

(1) An approved disclaimer relieves the disclaiming person of the duty to register under this section.

(2) A disclaimer is deemed approved unless the superintendent, within 30 days after receipt of a complete disclaimer, including any additional information required by the superintendent, either disallows the disclaimer or notifies the disclaiming person that a hearing will be held on the disclaimer.

(3) The superintendent may condition the approval of a disclaimer on terms and conditions reasonably designed to ensure that the disclaiming person will not exercise actual control or acquire the right to actual control over the insurer without triggering the prior approval process under subsections 4-C and 7.

(4) If the superintendent takes action on a disclaimer without hearing, including the imposition of conditions not agreed to by the disclaiming person, an aggrieved person has the right to a hearing.

(5) The superintendent may rescind the approval of a disclaimer, after notice and opportunity for hearing, on the basis of new information or changed circumstances demonstrating the existence of control over the insurer.

**Sec. A-21. 24-A MRSA §222, sub-§9,** as amended by PL 1991, c. 828, §5, is further amended to read:

**9. Transactions with affiliates; standards.**

Transactions by insurers subject to registration with their affiliates ~~that occur after the effective date of this chapter~~ are subject to the following standards.

A. The terms, including any charges or fees for services performed, must be fair and reasonable.

A-1. Agreements for cost-sharing services and management must include any provisions required by the superintendent by rule.

B. The books, accounts and records of each party must be so maintained as to disclose clearly and accurately the nature and details of the transaction, including all accounting information necessary to support the reasonableness of any charges or fees.

C. The insurer's surplus to policyholders following any dividends or distributions to stockholder affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

D. Expenses incurred and payment received must be allocated to the insurer in conformity with customary insurance accounting practices consistently applied.

E. A domestic insurer ~~must~~ shall notify the superintendent in writing at least 30 days in advance, unless the superintendent authorizes a shorter period, before entering into ~~or materially amending or modifying~~ any of the following kinds of transactions with any member of its holding company system:

(1) Sales, purchases, exchanges, loans or extensions of credit, guarantees or investments that are equal to or exceed:

(a) With respect to nonlife insurers, the lesser of 3% of the insurer's admitted assets as of December 31st of the preceding year ~~or and~~ 25% of surplus to policyholders;

(b) With respect to life insurers, 3% of the insurer's admitted assets as of December 31st of the preceding year; or

(c) With respect to nonprofit hospital and medical service organizations and their 100% controlled affiliates that op-

- erate as monoline health insurers or health maintenance organizations, the lesser of 5% of the entity's admitted assets as of December 31st of the preceding year ~~or and~~ 25% of surplus to policyholders;
- (2) Loans or extensions of credit to any person who is not an affiliate, if the insurer makes the loan or extension of credit with the agreement or understanding that the proceeds in whole or in substantial part, are to be used to make loans or extensions of credit to, purchase assets of or make investments in any affiliate of the insurer if the loan, extension of credit, purchase or investment is equal to or exceeds:
- (a) With respect to nonlife insurers, the lesser of 3% of the insurer's admitted assets as of December 31st of the preceding year ~~or and~~ 25% of surplus to policyholders;
  - (b) With respect to life insurers, 3% of the insurer's admitted assets as of December 31st of the preceding year; or
  - (c) With respect to nonprofit hospital and medical service organizations and their 100% controlled affiliates that operate as monoline health insurers or health maintenance organizations, the lesser of 5% of the entity's admitted assets as of December 31st of the preceding year ~~or and~~ 25% of surplus to policyholders;
- (3) Reinsurance All reinsurance pooling agreements ~~or modifications to the~~ and all reinsurance agreements in which the reinsurance premium or a change in the insurer's liabilities, ~~or the projected reinsurance premium or a projected change in the insurer's liabilities in any of the next 3 years~~, equals or exceeds 5% of the insurer's surplus to policyholders, as of December 31st of the preceding year, including those agreements that may require as consideration the transfer of assets from an insurer to a nonaffiliate if an agreement or understanding exists between the insurer and nonaffiliate that any portion of the assets will be transferred to one or more affiliates of the insurer;
- (4) Management All management agreements, cost-sharing arrangements ~~and tax allocation agreements~~, service contracts ~~that and guaranties, with the exception of guarantees that are quantifiable in amount and do not exceed, in the aggregate, the lesser of 0.5% of admitted assets and 10% of surplus as regards~~
- policyholders as of December 31st of the preceding year;
- (a) ~~Delegate authority to effectuate reinsurance;~~
  - (b) ~~Provide for delegated corporate governance;~~
  - (c) ~~Provide for servicing of claims liabilities; or~~
  - (d) ~~In any other way contribute an element of expense that is material when related to operations of the insurer;~~
- (5) Any transactions that are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the superintendent determines that those separate transactions were entered into over any 12-month period for such a purpose, the superintendent may exercise authority under this subsection; and
- (6) Any other material transactions specified by rule that the superintendent has determined may adversely affect the interests of the insurer's policyholders.
- A notice of amendment or modification of a transaction must include the reasons for the change and the financial impact on the domestic insurer. The insurer shall notify the superintendent within 30 days after terminating an agreement previously reported under this paragraph.
- The superintendent shall disapprove ~~any such a transaction that is subject to this paragraph if it the transaction~~ violates the standards of this section or other applicable law or adversely affects the interests of policyholders. The superintendent's failure to make a determination on a proposed transaction within 30 days after it has been submitted for review has the effect of an approval, unless the superintendent has issued a notice of adjudicatory hearing on the proposal in accordance with section 230.
- Any violation of this subsection, in addition to the penalties contained in subsection 14, renders the transactions voidable at the initiative of the superintendent or otherwise under applicable law. The superintendent's approval of a transaction in accordance with this section, whether actual or by acquiescence, may not override any applicable law and does not operate to authorize any transaction that would be contrary to law if it involved an insurer not a member of the same holding company system.

**Sec. A-22. 24-A MRSA §222, sub-§10,** as amended by PL 1993, c. 313, §10, is further amended to read:

**10. Insurer's surplus; adequacy factors.** For the purposes of this chapter section, in determining whether an insurer's surplus to policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors, among others, may be considered:

- A. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria;
- B. The extent to which the insurer's business is diversified among the several lines of insurance;
- C. The number and size of the risks insured in each line of business;
- D. The extent of the geographical dispersion of the insurer's insured risks;
- E. The nature and extent of the insurer's reinsurance program;
- F. The quality, diversification and liquidity of the insurer's investment portfolio;
- G. The recent past and projected future trend in the size of the insurer's surplus as regards policyholders;
- H. The quality and liquidity of investments in subsidiaries or affiliates. The department may discount any such investment or treat any investment as a nonadmitted asset for purposes of determining the adequacy of surplus as regards policyholders whenever the investment so warrants;
- I. The adequacy of the insurer's reserves;
- J. The surplus as regards policyholders maintained by other comparable insurers in respect of the factors set out in this subsection; and
- K. The quality of the company's earnings and the extent to which the reported earnings include extraordinary items.

**Sec. A-23. 24-A MRSA §222, sub-§11-C, ¶B,** as enacted by PL 2009, c. 511, Pt. A, §5, is amended to read:

B. The superintendent shall issue an order restricting or disallowing the payment of dividends and distributions if the superintendent determines that the insurer's surplus would not be reasonable in relation to the insurance company's outstanding liabilities, that the insurer's surplus would be inadequate to that company's financial needs or, that the insurer's financial condition would constitute a condition hazardous to policyholders, claimants or the public or that a violation of subsection 4-C

prevents the superintendent from sufficiently understanding the enterprise risk to the insurer posed by its affiliates or by its insurance holding company system.

**Sec. A-24. 24-A MRSA §222, sub-§12,** as amended by PL 1999, c. 113, §13, is repealed.

**Sec. A-25. 24-A MRSA §222, sub-§13,** as amended by PL 1989, c. 385, §9, is repealed.

**Sec. A-26. 24-A MRSA §222, sub-§13-A** is enacted to read:

**13-A. Confidential information.** This section applies to holding company information that is in the possession or control of the superintendent or that is in the possession or control of the National Association of Insurance Commissioners as a result of a filing under this section or as a result of information sharing by the superintendent as authorized by this section.

A. For purposes of this subsection, "holding company information" means any of the following documents, materials and other information if the document, material or other information has not specifically and expressly been designated as a public record by other applicable law:

- (1) Information obtained by the superintendent pursuant to an examination or investigation pursuant to subsection 1-A to the same extent as the information would have been confidential if obtained in an examination or investigation conducted under section 220 or 221;
- (2) A registration statement or report filed under subsection 8, including all supporting information;
- (3) A report filed under subsection 9, including all supporting information;
- (4) A notice of proposed divestiture filed under subsection 4-C, paragraph B, until the divestiture transaction has occurred;
- (5) A disclosure of the beneficial owner of securities made by a broker-dealer pursuant to subsection 4-C, paragraph E;
- (6) The identity of a lender that is to finance a proposed transaction if declared confidential under subsection 4-C, paragraph C, subparagraph (2);
- (7) Information filed in support of any required attestation of risk management or internal controls under subsection 4-C, paragraph C, subparagraph (12) or (13);
- (8) A competitive impact statement filed under subsection 4-C, paragraph C, subparagraph (14), including all supporting information;

(9) Information obtained under an information-sharing agreement entered into pursuant to this section to the extent that it is protected by the confidentiality provisions of the agreement;

(10) Information obtained pursuant to this section from a jurisdiction other than this State to the extent that it is confidential under the laws of the jurisdiction in which it is normally maintained; and

(11) Information obtained under this section to the extent that it is confidential under other applicable law, including, but not limited to, section 216, section 225 and Title 1, section 402, subsection 3.

B. Except as otherwise provided by paragraphs D and E or specifically and expressly provided by other applicable law, holding company information is confidential, is not a public record, is not subject to a subpoena, is not subject to discovery or admissible as evidence in any private civil action and may not be made public by the superintendent without prior written consent of the relevant insurer. The privilege provided under this paragraph does not supersede any other applicable privilege or confidentiality protection, nor does disclosure of confidential holding company information to the superintendent constitute a waiver of any such privilege or protection. Neither the superintendent nor any person who received holding company information from or under the authority of the superintendent under this section may be permitted or required to testify in any private civil action concerning holding company information that is confidential under this subsection.

C. The superintendent may share holding company information that is confidential under this subsection only in accordance with the requirements of section 216, subsection 5 and the following additional requirements.

(1) The recipient of the information must agree in writing to maintain the same level of confidentiality as is available under Maine law. This requirement may be satisfied through a multilateral confidentiality agreement to which both the superintendent and the recipient are parties.

(2) The superintendent may not share confidential holding company information with or through the National Association of Insurance Commissioners except in accordance with an information-sharing agreement entered into in accordance with section 216, subsection 5, paragraph C.

(3) If the recipient of the information is in the United States, the recipient's state must have statutes or rules that expressly protect holding company information at a level at least equivalent to the protections provided by this subsection and section 216, subsection 5.

(4) ORSA-related information subject to subsection 8, paragraph B-3 may, with the written consent of the insurer, be shared with a 3rd-party consultant under an agreement containing the conditions specified in section 216, subsection 5, paragraph C. In addition, any agreement for sharing ORSA-related information with the National Association of Insurance Commissioners or a 3rd-party consultant must further provide that:

(a) The recipient of the information agrees in writing to maintain the confidentiality and privileged status of the ORSA-related information and has verified in writing the legal authority to maintain confidentiality;

(b) Any preauthorization granted under the agreement for further sharing of information provided by the superintendent must be limited to only the domiciliary regulators of other insurers in the same insurance holding company system; and

(c) The National Association of Insurance Commissioners or a 3rd-party consultant may not store ORSA-related information shared pursuant to this subparagraph in a permanent database after the underlying analysis is completed.

D. This subsection does not prohibit the superintendent from using holding company information in the furtherance of any regulatory or legal action brought as a part of the superintendent's official duties.

E. Unless otherwise provided by applicable law, the superintendent may, after giving notice and opportunity for hearing to the insurer and any affiliates, controlling person or other persons that would be affected, order one or more items of holding company information, other than ORSA-related information, to be made a public record in its entirety or in redacted form if the superintendent determines that public disclosure will be in the interest of policyholders, shareholders or the public.

**Sec. A-27. 24-A MRSA §222, sub-§14, ¶A,**  
as amended by PL 2007, c. 466, Pt. D, §3, is further amended to read:

A. Any person who willfully violates any of the provisions of this section, or the rules and regulations promulgated by the superintendent under authority thereof, or any person who willfully, in a filing pursuant to subsection 4-A 4-C or a registration pursuant to subsection 8, paragraph B, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, must upon conviction be fined not more than \$1,000 or imprisoned not more than 3 years, or both;

**Sec. A-28. 24-A MRSA §222, sub-§18,** as amended by PL 1999, c. 113, §14, is further amended to read:

**18. Rules.** The superintendent may, upon notice and opportunity for all interested persons to be heard, adopt reasonable rules as necessary to carry out and effectuate provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-29. 24-A MRSA §222, sub-§19,** as enacted by PL 1975, c. 356, §1, is amended to read:

**19. Supplemental to existing provisions.** This section, as to insurance holding company systems, supplements in particular those provisions contained in sections 407, subsection 2; 410, subsection 1, paragraph B; 413; 423-C; 425; 1115; 1136; 3414; 3474; 3475; 3476; 3483; 3875 and 4407; and the provisions of this section shall be are deemed to supersede or modify any such provisions or any other provisions of the Maine Insurance Code, as it may be amended, only this Title to the extent inconsistent therewith.

**Sec. A-30. 24-A MRSA §423-F** is enacted to read:

#### **§423-F. Own risk and solvency assessment**

**1. General requirement.** A domestic insurer that is not subject to registration under section 222, subsection 8 shall comply with the requirements of section 222, subsection 8, paragraph B-3 if the requirements of that paragraph would apply if the insurer were subject to registration. The superintendent is considered the insurer's lead regulator for purposes of this section.

**2. Confidentiality.** All documents prepared or filed pursuant to this section are confidential to the same extent and subject to the same terms and procedures as if they were prepared or filed pursuant to section 222, subsection 8, paragraph B-3.

**Sec. A-31. 24-A MRSA §1157, sub-§5, ¶D,** as amended by PL 2001, c. 72, §15, is further amended to read:

D. Investments made or acquired by subsidiaries referred to in paragraph B, subparagraph (1), are

considered to be made or acquired directly by the insurer, pro rata, in the case of a subsidiary not wholly owned, and, to such extent, are subject to all the provisions and limitations on the making of investments specified in this chapter with respect to investments by the insurer; must be valued in accordance with the provisions of section 901-A and any other applicable provisions of this Title and any applicable rules adopted by the superintendent; and must be located pursuant to section 3408. Those subsidiaries are subject to examination by the superintendent under section 221, subsection 1, and section 222, subsection + 1-A.

**Sec. A-32. 24-A MRSA §4356, sub-§§12 and 13,** as enacted by PL 1969, c. 132, §1, are amended to read:

**12.** If the insurer has requested or consented to rehabilitation by vote or written authorization of a majority of its directors or stockholders, or members, as to mutual insurers; or

**13.** If the insurer has failed to pay any valid judgment against it within 30 days after the same became final; or

**Sec. A-33. 24-A MRSA §4356, sub-§14** is enacted to read:

**14.** If a violation of section 222, subsection 4-C prevents the superintendent from sufficiently understanding the enterprise risk to the insurer posed by its affiliates or by its insurance holding company system.

**Sec. A-34. Effective date.** This Part takes effect January 1, 2014.

#### **PART B**

**Sec. B-1. 24-A MRSA §601, sub-§26,** as amended by PL 2003, c. 203, §1, is further amended to read:

**26. Accredited reinsurers.** Application fee fees for accreditation as reinsurer of reinsurers may not exceed \$500.

**Sec. B-2. 24-A MRSA §601, sub-§26-A** is enacted to read:

**26-A. Certified reinsurers.** Application fees for certification of reinsurers may not exceed \$1,000.

**Sec. B-3. 24-A MRSA §731-B, sub-§1, ¶B-1,** as enacted by PL 2001, c. 47, §2, is amended to read:

B-1. Is accredited as a reinsurer in this State, in accordance with the following standards.

(1) To apply for accreditation, a reinsurer shall file with the superintendent a written application on a form prescribed by the superintendent, accompanied by the fee prescribed in section 601, subsection 26 and an agree-

ment to submit to the jurisdiction of the courts of this State and to the authority of the superintendent to examine the reinsurer's books and records.

(2) An accredited reinsurer must be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien reinsurer, that reinsurer must be entered through and licensed to transact insurance or reinsurance in at least one state.

(3) An accredited reinsurer shall file with the superintendent, as part of its application and annually thereafter, a copy of its annual statement filed with the insurance department of its state of domicile or United States port of entry and a copy of its most recent audited financial statement.

(4) A reinsurer applying for accreditation that maintains a surplus as regards to policyholders in an amount not less than \$20,000,000 is deemed to be accredited if the reinsurer's application is not denied by the superintendent within 90 days after submission of the application. The superintendent has the discretion to grant accreditation to an applicant with a surplus less than \$20,000,000 subject to such terms and conditions as the superintendent determines to be necessary and appropriate for the protection of domestic ceding insurers and their policyholders.

~~The superintendent may deny, suspend, revoke or place restrictions upon a reinsurer's accreditation after notice and opportunity for hearing, for failure to comply with the requirements of this paragraph or for any grounds that would warrant similar action against the certificate of authority of an authorized insurer.~~

**Sec. B-4. 24-A MRSA §731-B, sub-§1, ¶B-2 is enacted to read:**

B-2. Is certified as a reinsurer in this State and secures its obligations in accordance with this paragraph.

(1) To be eligible for certification, the assuming insurer must meet the following requirements:

(a) The assuming insurer must be domiciled and licensed to transact insurance or reinsurance in a jurisdiction determined by the superintendent to be a qualified jurisdiction pursuant to subparagraph (3);

(b) The assuming insurer must maintain minimum capital and surplus, or its equivalent, in an amount to be deter-

mined by the superintendent pursuant to rules adopted under subsection 7;

(c) The assuming insurer must maintain financial strength ratings from 2 or more rating agencies determined by the superintendent to be acceptable pursuant to rules adopted under subsection 7;

(d) The assuming insurer must agree to submit to the jurisdiction of this State and to appoint an agent for service of process in the same manner as provided for authorized insurers under section 421 and agree to provide security for 100% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;

(e) The assuming insurer must agree to meet applicable information filing requirements as determined by the superintendent, both with respect to an initial application for certification and on an ongoing basis;

(f) The assuming insurer must pay the application fee prescribed in section 601, subsection 26-A and, to the extent provided in rules adopted under subsection 7, must agree to pay reasonable costs of review; and

(g) The assuming insurer must satisfy any other requirements for certification established by the superintendent.

(2) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying the requirements of subparagraph (1):

(a) The association may satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which must include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the superintendent to provide adequate protection;

(b) The incorporated members of the association may not be engaged in any business other than underwriting as a member of the association and must be subject to the same level of regulation and solvency control by the association's

- domiciliary regulator as are the unincorporated members; and
- (c) Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the superintendent an annual certification by the association's domiciliary regulator of the solvency of each underwriter member of the association or, if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.
- (3) The superintendent shall create and publish a list of jurisdictions that are qualified to serve as the domiciliary regulators of certified reinsurers.
- (a) In order to determine whether the domiciliary jurisdiction of an alien assuming insurer is eligible to be recognized as a qualified jurisdiction, the superintendent shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits and the extent of reciprocal recognition afforded by the jurisdiction to reinsurers licensed and domiciled in the United States. To be recognized as qualified, a jurisdiction must agree to share information and cooperate with the superintendent with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the superintendent has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. The superintendent may consider additional factors.
- (b) If the National Association of Insurance Commissioners has published a list of recommended qualified jurisdictions, the superintendent shall consider that list in determining qualified jurisdictions. If the superintendent recognizes a jurisdiction as qualified that does not appear on the list published by the National Association of Insurance Commissioners, the superintendent shall make detailed findings of fact supporting the recognition in accordance with criteria to be developed in rules adopted under subsection 7.
- (c) United States jurisdictions that are accredited by the National Association of
- Insurance Commissioners must be recognized as qualified jurisdictions.
- (d) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the superintendent may suspend the reinsurer's certification indefinitely, in lieu of revocation.
- (4) The superintendent shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies determined to be acceptable pursuant to rules adopted under subsection 7. The superintendent shall publish a list of all certified reinsurers and their ratings.
- (5) A certified reinsurer shall secure all obligations assumed from United States ceding insurers under this subsection, and under comparable laws of other states, at a level consistent with its rating and in a form acceptable to the superintendent, in compliance with rules adopted under subsection 7.
- (a) If the security is insufficient, the superintendent shall reduce the allowable credit by an amount proportionate to the deficiency and may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.
- (b) The reinsurer may secure its obligations as a certified reinsurer through a multibeneficiary trust that meets the requirements of paragraph C and subsection 2-A, with the following modifications.
- (i) The maximum credit allowable may exceed the value of the qualifying security to the extent provided in this subparagraph.
- (ii) The minimum trustee surplus is \$10,000,000, rather than the amount specified in paragraph C.
- (iii) If the certified reinsurer also maintains a multibeneficiary trust for obligations required to be fully secured under paragraph C or comparable laws of other states, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions and

for its obligations that are required to be fully secured. The trust accounts may not be approved as qualifying security unless the reinsurer has bound itself by the language of the trust and by agreement with the insurance regulator with principal oversight of each such trust account, to apply, upon termination of any such trust account, the remaining surplus of that trust to the extent necessary to fund any deficiency of any other such trust account.

(c) If a certified reinsurer does not secure its obligations through a qualifying multibeneficiary trust, it must secure its obligations to the ceding insurer consistent with the requirements of subsection 3, except that the maximum credit allowable may exceed the value of the qualifying security to the extent provided in this subparagraph.

(d) For purposes of this subparagraph, a certified reinsurer whose certification has been terminated for any reason must be treated as a certified reinsurer required to secure 100% of its obligations, unless the superintendent has continued to assign a higher rating, as permitted by other provisions of this section, to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(6) If an applicant for certification has been certified as a reinsurer in a jurisdiction accredited by the National Association of Insurance Commissioners, the superintendent may defer to that jurisdiction's certification to grant certification in this State and may defer to the rating assigned by that jurisdiction.

(7) A certified reinsurer that ceases to assume new business in this State may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the superintendent shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.

**Sec. B-5. 24-A MRSA §731-B, sub-§1, ¶C,** as amended by PL 2001, c. 47, §3, is further amended to read:

C. Maintains a trust fund in a qualified United States financial institution for the payment of the

valid claims of its United States ceding insurers, their assigns and successors in interest.

(1) The assuming insurer shall report annually to the superintendent information substantially the same as that required to be reported on the National Association of Insurance Commissioners Annual Statement form by licensed insurers to enable the superintendent to determine the sufficiency of the trust fund.

(2) In the case of a single assuming insurer, the trust must consist of a trustee account representing the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers and, in addition, unless the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least 3 full years, must include a trustee surplus of at least \$20,000,000. The trust must provide that after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least 3 full years, the insurance regulator with principal oversight of the trust may authorize a reduction in the required trustee surplus, but only after a finding, based on an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and must consider all material risk factors, including when applicable the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than 30% of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

(3-A) A group including incorporated and individual unincorporated underwriters may secure its obligations with funds held in trust in compliance with the following standards.

(a) For reinsurance ceded under reinsurance agreements with an inception, amendment or renewal date on or after August 1, 1995 January 1, 1993, the trust must consist of a trustee account in an amount at least equal to the group's respective underwriters' several liabilities attributable to reinsurance ceded by United States domiciled ceding insurers

to any member underwriter that is a member of the group.

(b) Notwithstanding the other provisions of this section, for reinsurance ceded under reinsurance agreements with an inception date on or before July 31, 1995 December 31, 1992 and not amended or renewed after that date, the trust must consist of a trustee account in an amount not less than the group's respective underwriters' several insurance and reinsurance liabilities attributable to business written in the United States.

(c) In addition, the group shall maintain a trustee surplus of at least \$100,000,000 held jointly for the benefit of the United States domiciled ceding insurers of any member of the group for all years of account.

An incorporated member of the group may not be engaged in any business other than underwriting as a member of the group and is subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members. Within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the superintendent an annual certification by the group's domiciliary regulator of the solvency of each underwriter member of the group or, if a certification is unavailable, financial statements prepared by independent public accountants.

(4-A) The superintendent in rules adopted pursuant to subsection 7 may establish alternative criteria for approval of a reinsurance trust if the superintendent determines that the criteria provide adequate protection to policyholders of United States ceding insurers and are in substantial conformance with standards approved by the National Association of Insurance Commissioners.

(5) The trust must be established in a form approved by the superintendent and consistent with any rules adopted by the superintendent pursuant to this section. The form of the trust and any amendments to the trust must also have been approved by the insurance regulatory official of the state where the trust is domiciled or of another state that, pursuant to the terms of the trust instrument, has accepted principal regulatory oversight of the trust. The trust instrument must provide that contested claims are valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The

trust must vest legal title to its assets in the trustees of the trust for the benefit of the assuming insurer's United States ceding insurers, their assigns and successors in interest. The trust and the assuming insurer are subject to examination, as determined by the superintendent, at the assuming insurer's expense. The trust must remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust.

(6) The trustees of the trust shall report to the superintendent in writing by February 28th of each year, setting forth the balance of the trust and listing the trust's investments at the end of the preceding year and certifying the date of termination of the trust, if so planned, or certifying that the trust does not expire before December 31st of the current year.

(7) The corpus of the trust is to be valued as any other admitted asset or assets;

**Sec. B-6. 24-A MRSA §731-B, sub-§1, ¶D,**  
as amended by PL 2001, c. 47, §4, is further amended to read:

D. Does not meet the requirements of paragraph A, B, B-1, B-2 or C, but only with respect to risks located in a jurisdiction where that reinsurance is required by law. The superintendent for good cause after notice and opportunity for hearing may disallow or reduce the credit otherwise permitted under this paragraph.

**Sec. B-7. 24-A MRSA §731-B, sub-§1-A** is enacted to read:

1-A. The superintendent may suspend or revoke a reinsurer's accreditation or certification under subsection 1, after notice and opportunity for hearing, for failure to meet the applicable requirements of subsection 1 or on any ground that would warrant similar action against the certificate of authority of an authorized insurer.

A. A suspension or revocation under this subsection may not take effect until after the superintendent's order following a hearing, unless:

(1) The reinsurer waives its right to a hearing;

(2) The superintendent's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subsection 1, paragraph B-2, subparagraph (6); or

(3) The superintendent finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the superintendent's action.

B. While a reinsurer's accreditation or certification is suspended pursuant to this subsection, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit under subsection 1 except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection 3. If a reinsurer's accreditation or certification is revoked pursuant to this subsection, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection 1, paragraph B-2, subparagraph (5) or subsection 3.

C. The superintendent may deny an application for accreditation or certification under subsection 1, or may impose conditions or restrictions on a reinsurer's accreditation or certification, on any ground for which accreditation or certification may be suspended or revoked.

**Sec. B-8. 24-A MRSA §731-B, sub-§3, ¶B,** as enacted by PL 1989, c. 846, Pt. E, §2 and affected by §4, is amended to read:

B. Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those designated as exempt from filing in the purposes and procedures manual of the Securities Valuation Office, and qualifying as admitted assets; or

**Sec. B-9. 24-A MRSA §731-D,** as enacted by PL 1989, c. 846, Pt. E, §2 and affected by §4, is amended to read:

#### **§731-D. Notification of reinsurance changes**

Upon request of the The superintendent, an may by rule or order require an insurer shall to promptly inform the superintendent in writing of the cancellation or any other material change of any of the insurer's reinsurance treaties or arrangements. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. B-10. 24-A MRSA §731-E** is enacted to read:

#### **§731-E. Reinsurance concentration risk**

**1. Reinsurance claim exposure.** An insurer shall manage its reinsurance recoverables proportionate to its own book of business. A domestic insurer shall notify the superintendent within 30 days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, ex-

ceed 50% of the insurer's last reported surplus to policyholders or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, are likely to exceed this limit.

**2. Diversification.** An insurer shall diversify its reinsurance program to the extent reasonably necessary to avoid imprudent concentrations of risk. A domestic insurer shall notify the superintendent within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20% of the insurer's gross written premium in the prior calendar year or after the insurer has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit.

**3. Risk management.** A notice provided by an insurer under subsection 1 or 2 must include a demonstration that the insurer is safely managing the exposure.

### **PART C**

**Sec. C-1. 24-A MRSA §951,** as amended by PL 1983, c. 346, §1, is repealed and the following enacted in its place:

#### **§951. Short title**

This subchapter may be known and cited as "the Standard Valuation Law."

**Sec. C-2. 24-A MRSA §951-A** is enacted to read:

#### **§951-A. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Appointed actuary.** "Appointed actuary" means the actuary appointed by an insurer pursuant to section 952-A, subsection 1.

**2. NAIC.** "NAIC" means the National Association of Insurance Commissioners or its successor organization.

**3. Operative date.** "Operative date," with respect to the initial adoption of the valuation manual, means January 1st of the first calendar year beginning at least 6 months after all of the following events have occurred:

A. The valuation manual has been adopted by the NAIC by an affirmative vote of at least 42 members or 3/4 of the members voting, whichever is greater;

B. The NAIC's model standard valuation law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions has been enacted by states representing greater

than 75% of the direct premiums written as reported in the following annual statements submitted for 2008: life, accident and health annual statements; health annual statements; or fraternal annual statements; and

C. The NAIC's model standard valuation law, as amended by the NAIC in 2009, or legislation including substantially similar terms and provisions has been enacted by at least 42 of the following 55 jurisdictions: the 50 states of the United States, American Samoa, the District of Columbia, Guam, the Commonwealth of Puerto Rico and the United States Virgin Islands.

**4. Policyholder behavior.** "Policyholder behavior" means any action a policyholder, contract holder or any other person with the right to elect options, such as a certificate holder, may take under a policy or contract subject to this subchapter, including, but not limited to, lapse, withdrawal, transfer, deposit, premium payment, loan, annuitization or benefit elections prescribed by the policy or contract, but excluding events of mortality or morbidity that result in benefits prescribed in their essential aspects by the terms of the policy or contract.

**5. Principle-based valuation.** "Principle-based valuation" means a reserve valuation that uses one or more methods or one or more assumptions determined by the insurer and is subject to section 960.

**6. Qualified actuary.** "Qualified actuary" means an individual who is qualified to sign the applicable statement of actuarial opinion in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements and who meets all applicable requirements specified in the valuation manual or by rule adopted by the superintendent.

**7. Subject lines of insurance.** "Subject lines of insurance" means life insurance, accident and health insurance and deposit-type contracts, as those terms are defined in the valuation manual.

**8. Tail risk.** "Tail risk" means a risk for which the frequency of low-probability events is higher than expected under a normal probability distribution or the risk of events of very significant magnitude.

**9. Valuation manual.** "Valuation manual" means the manual of valuation instructions adopted by the NAIC as specified in section 959.

**Sec. C-3. 24-A MRSA §952, sub-§1,** as amended by PL 1973, c. 585, §12, is further amended to read:

1. The superintendent shall annually value, or cause to be valued, the reserve liabilities, hereinafter called reserves, for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer transacting business in this State in

accordance with this subchapter, except that in the case of an alien insurer, such valuation shall must be limited to its United States business; and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods, net level premium method or other, used in the calculation of such reserves. In calculating such reserves, ~~he~~ the superintendent may use group methods and approximate averages for fractions of a year or otherwise. In lieu of the valuation of the reserves required of any foreign or alien insurer, ~~he~~ the superintendent may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the superintendent when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by law of that state or jurisdiction. For policies and contracts issued before the operative date of the valuation manual or not addressed by the valuation manual, reserves must be determined according to sections 953 to 958-A. For policies and contracts issued after the operative date of the valuation manual, reserves must be determined according to sections 959 and 960 and as specified by the valuation manual.

**Sec. C-4. 24-A MRSA §952, sub-§3** is enacted to read:

3. Beginning on the operative date of the valuation manual, a life or health insurer and a casualty or multiple lines insurer transacting health insurance shall comply with the applicable requirements of this subchapter if the insurer is required to hold a certificate of authority to write one or more subject lines of insurance in this State or if the insurer has written, issued or reinsured contracts of one or more subject lines of insurance in this State and has at least one such policy in force or on claim.

**Sec. C-5. 24-A MRSA §952-A,** as amended by PL 2011, c. 320, Pt. A, §6, is further amended to read:

#### **§952-A. Actuarial opinion of reserves**

1. **General.** ~~A~~ life An insurer doing business in this State subject to this subchapter shall annually appoint a qualified actuary, in accordance with any applicable requirements of the valuation manual or rules adopted by the superintendent, and annually submit the opinion of a qualified the appointed actuary as to whether the reserves and related actuarial items of that ~~life~~ insurer held in support of the policies and contracts specified by the superintendent by rule are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior

reported amounts and comply with applicable laws of this State. ~~The Before the operative date of the valuation manual, the superintendent by rule shall define the specifics of this the opinion and. On and after the operative date of the valuation manual, if the valuation manual has prescribed specific requirements applicable to the opinion, the opinion must comply with those requirements. The superintendent by rule may add any other items considered necessary to its the scope of the opinion.~~

**2. Actuarial analysis of reserves and assets supporting those reserves.** ~~A life Except as otherwise authorized or required in accordance with rules adopted by the superintendent or applicable provisions of the valuation manual, an insurer, except as exempted by or pursuant to rule, subject to this subchapter shall include in the opinion required by subsection 1 an opinion of the same qualified appointed actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the superintendent by rule, when considered in light of the assets held by the insurer with respect to the reserves and related actuarial items, including, but not limited to, the investment earnings on the assets and the considerations anticipated to be received and retained under the policies and contracts, adequately provide for the insurer's obligations under the policies and contracts, including, but not limited to, the benefits under and expenses associated with the policies and contracts.~~

The superintendent may provide by rule for a transition period for establishing any higher reserves that the ~~qualified appointed~~ actuary may consider necessary in the opinion required by this subsection.

**3. Requirement for opinion under subsection 2.** An opinion required by subsection 2 is governed by the following provisions.

A. A memorandum, in form and substance acceptable to the superintendent as specified ~~in the valuation manual or by rule~~, must be prepared to support the actuarial opinion.

B. If the insurer fails to provide a supporting memorandum at the request of the superintendent within a period specified ~~in the valuation manual or by rule~~ or the superintendent determines that the supporting memorandum provided by the insurer fails to meet the ~~prescribed~~ standards ~~prescribed by the rules~~ or is otherwise unacceptable to the superintendent, the superintendent may engage a qualified actuary at the expense of the insurer to review the opinion and the basis for the opinion and prepare a supporting memorandum as required by the superintendent.

**4. Requirement for all opinions.** An opinion required pursuant to subsection 1 or 2 is governed by the following provisions.

A. The opinion must be submitted with the annual statement reflecting the valuation of reserve liabilities for each year ending on or after December 31, 1995.

B. The opinion must apply to all business in force, including individual and group health insurance plans, in a form and substance acceptable to the superintendent as specified by rule.

B-1. ~~The opinion must comply with the requirements of any applicable rules and, on and after the operative date of the valuation manual, must comply with all applicable requirements of the valuation manual.~~

C. The opinion must be based on standards adopted by the ~~actuarial standards board~~ Actuarial Standards Board or its successor and, to the extent applicable, on ~~those any~~ additional standards as prescribed by the valuation manual or prescribed by the superintendent by rule prescribes.

D. In the case of an opinion required to be submitted by a foreign or alien insurer, the superintendent may accept the opinion filed by that insurer with the insurance supervisory official of another state if the superintendent determines that the opinion reasonably meets the requirements applicable to an insurer domiciled in this State.

E. For the purposes of this section, "qualified actuary" means a member in good standing of the American Academy of Actuaries who meets the requirements set forth in the rules of the American Academy of Actuaries.

F. Except in cases of fraud or willful misconduct, a ~~qualified the appointed~~ actuary is not liable for damages to any person, other than the insurer and the superintendent, for any act, error, omission, decision or conduct with respect to the ~~qualified appointed~~ actuary's opinion.

G. ~~Disciplinary action by the The superintendent may take disciplinary action against the insurer or the qualified appointed actuary must be defined in rules established by the superintendent pursuant to section 12-A for knowing violations of this section and may establish additional grounds for disciplinary action by rule.~~

H. ~~Except as provided in paragraphs K, L and M, any memorandum in support of the opinion and any other documents, materials or other information provided by the insurer to the superintendent in connection with the memorandum are confidential, must be kept confidential by the superintendent and are not subject to subpoena or discovery, nor admissible in evidence in any private civil action. The superintendent is authorized to use the documents, materials or other information in the furtherance of any regulatory or legal action~~

~~brought as a part of the superintendent's official duties.~~

I. Neither the superintendent nor any person who received documents, materials or other information while acting under the authority of the superintendent is permitted or required to testify in any private civil action concerning any confidential documents, materials or information pursuant to paragraph H.

J. Disclosure to the superintendent under this section or as a result of sharing of documents, materials or other information pursuant to section 216 does not constitute a waiver of any applicable privileges or claim of confidentiality in the documents, materials or other information.

K. A memorandum in support of the opinion, and any other documents, materials or other information provided by the life insurer to the superintendent in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action pursuant to this section or by rule adopted pursuant to this section.

L. The memorandum or other documents, materials or other information may otherwise be released by the superintendent with the written consent of the life insurer or upon a written request by the American Academy of Actuaries stating that the memorandum or other documents, materials or other information is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the superintendent for preserving the confidentiality of the memorandum or other documents, materials or other information.

M. Once any portion of a memorandum is cited by the life insurer in its marketing or is cited by the life insurer before a governmental agency other than a state insurance agency or is released by the life insurer to the news media, all portions of the memorandum become public records.

**5. Applicability to health carriers.** A health carrier not otherwise subject to this section or section 993 shall file an actuarial opinion in accordance with the applicable National Association of Insurance Commissioners annual statement instructions. For purposes of this section, "health carrier" means an insurer, health maintenance organization, nonprofit corporation subject to Title 24 or fraternal benefit society that provides health insurance or comparable health benefits. This section and rules adopted pursuant to this section apply to health carriers to the extent provided in the valuation manual. Before the operative date of the valuation manual, this section and rules adopted pursuant to this section apply to health carriers to the extent that they specifically refer to health carriers or impose requirements that are consistent with and no more stringent than the annual statement instructions.

ers to the extent that they specifically refer to health carriers or impose requirements that are consistent with and no more stringent than the annual statement instructions.

**Sec. C-6. 24-A MRSA §952-B** is enacted to read:

#### **§952-B. Applicability of reserving methodologies**

Sections 953 to 958-A do not apply to a policy or contract that is issued on or after the operative date of the valuation manual and is subject to section 959, unless those sections are made applicable by reference in whole or part in the valuation manual.

**Sec. C-7. 24-A MRSA §955, sub-§2,** as enacted by PL 1993, c. 634, Pt. B, §2, is amended to read:

**2. Minimum aggregate reserves for all policies.** The aggregate reserves for all policies, contracts and benefits may not be less than the aggregate reserves determined necessary by the qualified appointed actuary in the opinion required by section 952-A.

**Sec. C-8. 24-A MRSA §956, sub-§2,** as enacted by PL 1993, c. 634, Pt. B, §3, is amended to read:

**2. Lower standard of valuation.** Any insurer that adopts any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard provided in section 955 may adopt, with the approval of the superintendent, any lower standards of valuation, but not lower than the minimum required, provided, however, except that for the purposes of this section the holding of additional reserves previously determined necessary by a qualified the appointed actuary in the opinion required by section 952-A may not be determined to be the adoption of a higher standard of valuation.

**Sec. C-9. 24-A MRSA §§959 to 962** are enacted to read:

#### **§959. Reserves subject to valuation manual**

**1. General requirement.** On and after the operative date of the valuation manual, reserves on policies and contracts of subject lines of insurance must be valued as follows, except as otherwise specifically provided in this section or in rules adopted by the superintendent:

A. For policies and contracts issued on and after the operative date of the valuation manual, in accordance with the valuation manual;

B. For policies and contracts described in sections 953 to 958-A and issued before the operative date of the valuation manual, in accordance with those sections; and

C. For health insurance policies and contracts issued before the operative date of the valuation

manual, and any other policies and contracts outside the scope of paragraphs A and B, in accordance with rules adopted by the superintendent.

**2. Necessary provisions.** The valuation manual must specify all of the following:

A. Definitions of the policies and contracts subject to this section;

B. The following minimum valuation standards for all policies and contracts subject to this section:

(1) The commissioners reserve valuation method for life insurance contracts, other than annuity contracts;

(2) The commissioners annuity reserve valuation method for annuity contracts; and

(3) Minimum reserves for all other policies or contracts;

C. Provisions specifying which policies and contracts or types of policies and contracts are subject to section 960 and specifying the minimum valuation standards consistent with those provisions;

D. For policies and contracts subject to section 960:

(1) Requirements for the format of reports to the superintendent under section 960, subsection 3, paragraph C, which must include information necessary to determine whether the valuation is appropriate and in compliance with this subchapter;

(2) Assumptions to be prescribed for risks over which the insurer does not have significant control or influence; and

(3) Procedures for corporate governance and oversight of the actuarial function and a process for appropriate waiver or modification of such procedures;

E. For policies and contracts not subject to section 960, a minimum valuation standard that either:

(1) Is consistent with the minimum standard of valuation for policies and contracts issued before the operative date of the valuation manual; or

(2) Develops reserves that quantify the benefits and guarantees, and the funding, associated with the policies and contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring;

F. Other requirements, including, but not limited to, those relating to reserve methods, models for

measuring risk, generation of economic scenarios, assumptions, margins, use of insurer experience, risk measurement, disclosure, certifications, reports, actuarial opinions and memoranda, transition rules and internal controls; and

G. The data and form of the data required under section 961. The requirements must specify to whom the data must be submitted and may specify other requirements, including requirements with respect to data analyses and reporting of analyses.

**3. Supplementation and resolution of conflicts.**

In the absence of a specific valuation requirement or if the superintendent determines that a specific valuation requirement in the valuation manual is not consistent with the requirements or purposes of this subchapter, an insurer shall comply with minimum valuation standards prescribed by the superintendent by rule or order.

**4. Examination.** For an insurer subject to this section, the superintendent may hire, contract with or otherwise engage a qualified actuary, at the insurer's expense, to perform an actuarial examination of the insurer and provide an opinion on the appropriateness of any reserve assumption or method used by the insurer or to review and provide an opinion on the insurer's compliance with any requirement of this subchapter. The superintendent may rely on any actuarial opinion issued on behalf of another insurance regulator in the United States that is relevant to an insurer's compliance with this subchapter.

**5. Corrections.** The superintendent may require an insurer to change any assumption or method as determined necessary by the superintendent to comply with the requirements of the valuation manual or this subchapter, and the insurer shall adjust the reserves as required by the superintendent.

**6. Violations.** Violations of this subchapter are subject to all remedies specified in section 12-A or otherwise available by law.

**7. Changes to valuation manual.** Unless a later effective date is specified or the superintendent has disapproved the change by rule, a change to the valuation manual is effective on January 1st following the adoption of the change by an affirmative vote of the NAIC representing:

A. At least 3/4 of the NAIC members voting;

B. At least a majority of the total NAIC membership; and

C. Jurisdictions totaling greater than 75% of the aggregate written direct premiums reported in the most recently available life, accident and health annual statements; health annual statements; and fraternal annual statements.

**§960. Requirements for principle-based reserves**

**1. Scope.** This section applies to all policies and contracts for which principle-based reserving is required by the valuation manual, unless exempted by the superintendent in accordance with the following standards:

- A. An exemption under this subsection may not be granted unless the insurer is licensed and doing business exclusively in this State;
- B. The exemption must be in writing;
- C. The superintendent may rescind or modify the exemption in writing at any time, with reasonable notice to the insurer;
- D. The exemption may apply to all business written by the insurer or to specific policy or contract forms or product lines; and
- E. An insurer granted an exemption under this subsection shall value its reserves using the assumptions and methods used before the operative date of the valuation manual, in addition to any requirements established by the superintendent by rule or by the terms of the order granting the exemption.

**2. Standards.** An insurer shall establish reserves for policies and contracts subject to this section using a valuation methodology that meets all applicable requirements of the valuation manual and that:

- A. Quantifies the benefits and guarantees, and the funding, associated with the policies and contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the policies and contracts. For policies and contracts with significant tail risk, the methodology must reflect conditions appropriately adverse to quantify the tail risk;
- B. Incorporates assumptions, risk analysis methods and financial models and management techniques that are consistent with, but not necessarily identical to, those used within the insurer's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods;
- C. Incorporates assumptions that are derived in one of the following manners:
  - (1) The assumption is prescribed in the valuation manual; or
  - (2) For assumptions that are not prescribed in the valuation manual, the assumptions are:
    - (a) Established using the insurer's available experience, to the extent that it is relevant and statistically credible; or

(b) To the extent that insurer-specific data is not available, relevant or statistically credible, established using other relevant, statistically credible experience; and

D. Provides margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve.

**3. Oversight and controls.** An insurer using a principle-based valuation for one or more policies or contracts subject to this section as specified in the valuation manual shall:

- A. Establish procedures for corporate governance and oversight of the actuarial valuation function consistent with those described in the valuation manual;
- B. Provide to the superintendent and the insurer's board of directors an annual certification of the effectiveness of the internal controls with respect to the principle-based valuation. Such controls must be designed to ensure that all material risks inherent in the liabilities and associated assets subject to principle-based valuation are included in the valuation and that valuations are made in accordance with the valuation manual. The certification must be based on the controls in place as of the end of the preceding calendar year; and
- C. Develop, and file with the superintendent upon request, a principle-based valuation report that complies with standards prescribed in the valuation manual.

**4. Formulaic components.** A principle-based valuation may include a formulaic reserve component and must do so when prescribed by the valuation manual or required by the superintendent.

**5. Applicability of rules.** Rules adopted by the superintendent pursuant to this subchapter before January 1, 2014 do not apply to policies, contracts or actuarial opinions issued on or after the operative date of the valuation manual unless expressly made applicable by rule or order of the superintendent.

**§961. Experience reporting**

For all policies and contracts in force on or after the operative date of the valuation manual, an insurer shall submit mortality, morbidity, policyholder behavior and expense experience data, as applicable, and other data as prescribed in the valuation manual.

**§962. Confidentiality**

**1. Information subject to this section.** For purposes of this section, "protected valuation information" means:

A. A memorandum in support of an opinion submitted under section 952-A and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the superintendent or any other person in connection with the memorandum;

B. All documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the superintendent or any other person in the course of an examination made under section 959, subsection 4 that would be confidential under section 225, subsection 3 if they had been prepared or obtained under section 221;

C. Any reports, documents, materials and other information developed by an insurer in support of, or in connection with, an annual certification of internal controls under section 960, subsection 3, paragraph B and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the superintendent or any other person in connection with such reports, documents, materials and other information;

D. Any principle-based valuation report developed under section 960, subsection 3, paragraph C and any other documents, materials and other information, including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the superintendent or any other person in connection with such a report;

E. Any documents, materials, data and other information submitted by an insurer under section 961, referred to in this paragraph as "experience data," and any other documents, materials, data and other information, including, but not limited to, all working papers, and copies thereof, created or produced in connection with such experience data that include any potentially insurer-identifying or personally identifiable information and that are provided to or obtained by the superintendent or any other person and any other documents, materials, data and other information including, but not limited to, all working papers, and copies thereof, created, produced or obtained by or disclosed to the superintendent or any other person in connection with such experience data and materials; and

F. Any information received by the superintendent from the Actuarial Board for Counseling and Discipline or its successor related to a memorandum or report described in paragraph A or D, if the information has been provided with notice or

the understanding that it is confidential or privileged under applicable law.

**2. Confidentiality of information subject to this section.** Except as provided in this subsection, all protected valuation information is confidential, must be kept confidential by the superintendent, is not a public record and is not subject to subpoena or discovery or admissible in evidence in any private civil action. The superintendent may use the documents, materials or other information in the furtherance of any regulatory or legal action brought as a part of the superintendent's official duties, including sharing the information on a confidential basis under section 216, subsection 5.

A. Neither the superintendent nor any person who receives documents, materials or other information while acting under the authority of the superintendent is permitted or required to testify in any private civil action concerning any protected valuation information.

B. Disclosure to the superintendent under this section or as a result of sharing of documents, materials or other information pursuant to section 216 does not constitute a waiver of any applicable privilege or claim of confidentiality with regard to the documents, materials or other information.

C. The superintendent may share protected valuation information described in subsection 1, paragraphs A and D with the Actuarial Board for Counseling and Discipline or its successor upon a request stating that the information is required for the purpose of professional disciplinary proceedings and that the disciplinary entity agrees, and has the legal authority to agree, to maintain the confidentiality and privileged status of the information in the same manner and to the same extent as required for the superintendent. The superintendent may request and receive confidential information described in subsection 1, paragraph F from the Actuarial Board for Counseling and Discipline or its successor. The superintendent may enter into information-sharing agreements to facilitate the exchange of information under this paragraph.

D. For protected valuation information described in subsection 1, paragraphs A and D, the confidentiality provided by this subsection may be limited or terminated as follows:

(1) The information may be subject to subpoena for the purpose of defending an action seeking damages from the appointed actuary submitting the actuarial memorandum or principle-based valuation report;

(2) The information may be released with the written consent of the insurer; and

(3) If any portion of an actuarial memorandum or principle-based valuation report is cited by the insurer in its marketing or is publicly volunteered by the insurer before a governmental agency other than a state insurance agency or is released by the insurer to the news media, all portions of the memorandum or report become public records.

**Sec. C-10. 24-A MRSA §992, sub-§1,** as enacted by PL 2007, c. 281, §2 and affected by §3, is repealed and the following enacted in its place:

**1. Covered kinds of insurance.** "Covered kinds of insurance" means property insurance as defined in section 705 and casualty insurance as defined in section 707 and does not include health insurance as defined in section 704, unless required by the applicable NAIC annual statement instructions to be included in the property and casualty actuarial opinion of a casualty insurer or multiple lines insurer, or property insurance written by domestic mutual assessment insurers pursuant to chapter 51.

**Sec. C-11. 24-A MRSA §2532-A, sub-§8, ¶¶F and G,** as enacted by PL 1983, c. 346, §13, are amended to read:

F. Any approved commissioners standard ordinary mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the superintendent for use in determining the minimum nonforfeiture standard in accordance with paragraph H, may be substituted for the Commissioners 1980 Standard Ordinary Mortality Table with or without 10-year select mortality factors or for the Commissioners 1980 Extended Term Insurance Table; and

G. Any approved commissioners standard industrial mortality tables, adopted after 1980 by the National Association of Insurance Commissioners, that are approved by regulation promulgated by the superintendent for use in determining the minimum nonforfeiture standard in accordance with paragraph H, may be substituted for the Commissioners 1961 Standard Industrial Mortality Table or the Commissioners 1961 Industrial Extended Term Insurance Table; and

**Sec. C-12. 24-A MRSA §2532-A, sub-§8, ¶H** is enacted to read:

H. For policies issued before the operative date of the valuation manual, as defined in section 951-A, subsection 3, the superintendent may adopt rules approving commissioners standard mortality tables for use in determining the minimum nonforfeiture standard. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For policies issued on or after the operative date of the valuation manual, the applicable commissioners standard mortality tables specified in the valuation manual are approved for use in determining the minimum nonforfeiture standard unless superseded by rule adopted by the superintendent.

tion manual, the applicable commissioners standard mortality tables specified in the valuation manual are approved for use in determining the minimum nonforfeiture standard unless superseded by rule adopted by the superintendent.

**Sec. C-13. 24-A MRSA §2532-A, sub-§9,** as enacted by PL 1983, c. 346, §13, is amended to read:

9. The nonforfeiture interest rate per annum for any policy issued in a particular calendar year shall must be equal to 125% of the calendar year statutory valuation interest rate for that policy as defined in the Standard Valuation Law, rounded to the nearer 1/4 of 1%, except as otherwise provided in the valuation manual for policies issued on and after the operative date of the valuation manual, as defined in section 951-A, subsection 3.

## PART D

**Sec. D-1. 24-A MRSA §6451, sub-§6,** as amended by PL 1997, c. 81, §3, is repealed and the following enacted in its place:

**6. Negative trend.** "Negative trend" means:

A. With respect to a life or health insurer, a negative trend over a period of time, as determined in accordance with the trend test calculation included in the risk-based capital instructions; and

B. With respect to a property and casualty insurer, a trend that meets the triggering criteria, as determined in accordance with the trend test calculation included in the risk-based capital instructions.

**Sec. D-2. 24-A MRSA §6453, sub-§1, ¶A,** as amended by PL 2009, c. 511, Pt. E, §2, is further amended to read:

A. The filing of a risk-based capital report by an insurer that indicates that:

(1) The insurer's total adjusted capital is greater than or equal to its regulatory action level risk-based capital but less than its company action level risk-based capital; or

(2) The insurer has total adjusted capital that is greater than or equal to its company action level risk-based capital but has a negative trend, if its total adjusted capital is less than the product of its authorized control level risk-based capital and: 3.0.

(a) If the insurer is a life or health insurer, 2.5; or

(b) If the insurer is a health organization as described in section 6451 A, subsection 2, 3.0;

**PART E**

**Sec. E-1. 24-A MRSA §421, sub-§7,** as enacted by PL 1999, c. 113, §18, is amended to read:

7. Any person or entity required by Title 24 or this Title to appoint an agent for service of process who does not have a valid appointment on file with the superintendent or required by applicable law to appoint the superintendent as agent for service of process is deemed to have appointed the superintendent as agent for service of process, and process may be served within this State in the same manner as provided in section 2105. This subsection does not relieve that person or entity from the any requirement to appoint an agent for service of process or from the applicable penalties for failure to comply with that requirement.

**Sec. E-2. 24-A MRSA §4435, sub-§6,** as amended by PL 1989, c. 67, §2, is further amended to read:

**6. Member insurer.** "Member insurer" means any authorized insurer which that writes any kind of insurance to which this subchapter applies and that is not a risk retention group as defined in section 6093, subsection 13. If an insurer is authorized at the time of an insolvency and subsequently is approved to withdraw its license authority for the kinds of insurance covered by any account to which claims relating to the insolvency are allocated, the withdrawn insurer shall continue to be a member of each account solely for purposes of assessments relating to claims resulting from the insolvency until these claims are paid or otherwise extinguished.

**Sec. E-3. 24-A MRSA §6095, sub-§1, ¶C,** as amended by PL 1997, c. 592, §73, is further amended to read:

C. A designation of an agent for the purpose of receiving service of legal documents or process. That designation is subject to the provisions of section 421, except that the appointment of a private agent is optional. A risk retention group that does not elect to designate an agent in accordance with section 421, subsection 1 shall appoint the superintendent as its agent.

**Sec. E-4. 24-A MRSA §6098, sub-§2,** as amended by PL 1997, c. 592, §74, is further amended to read:

**2. Registration.** The purchasing group shall register with the superintendent and designate an the superintendent as its agent solely for the purpose of receiving service of legal documents or process, except that the requirements do not apply in the case of a purchasing group:

A. That in any state of the United States:

(1) Was domiciled before April 2, 1986; and

(2) Is domiciled on and after October 27, 1986;

B. That:

(1) Before October 27, 1986, purchased insurance from an insurance carrier licensed in any state; and

(2) Since October 27, 1986, purchased its insurance from an insurance carrier licensed in any state;

C. That was a purchasing group under the requirements of the Product Liability Retention Act of 1981 before October 27, 1986; and

D. That does not purchase insurance that was not authorized for purposes of an exemption under that Act, as in effect before October 27, 1986. That designation shall be subject to section 421.

**Sec. E-5. 24-A MRSA §6718,** as amended by PL 2011, c. 90, Pt. I, §7, is repealed and the following enacted in its place:

#### **§6718. Rules**

**1. Authority.** The superintendent may adopt rules to implement this chapter. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Risk retention groups.** Notwithstanding section 6719, the superintendent shall adopt rules establishing financial standards and corporate governance standards for captive insurance companies that are risk retention groups as defined in section 6093, subsection 13. Such rules may include, but are not limited to, rules making specified provisions of this Title applicable to captive insurance companies that are risk retention groups, subject to any modifications that the superintendent determines to be appropriate to the nature of a risk retention group's business. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## **CHAPTER 239**

### **H.P. 1113 - L.D. 1544**

#### **An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, immediate enactment of this legislation is necessary in order for it to be effective in time to assist lobster and crab fishing licensees who require the temporary medical allowance for this coming fishing season; 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. 12 MRSA §6447, sub-§5-D**, as amended by PL 2007, c. 615, §10, is further amended to read:

**5-D. Council authority; under 18 waiting list.** Notwithstanding any other provision in this subchapter and upon approval in a referendum under subsection 6, a lobster management policy council in a limited-entry zone may propose to the commissioner that the limitation described in this subsection be placed on entry by individuals into that zone in accordance with rules adopted by the department.

This limitation would require that the number of individuals who are authorized to be issued a lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone without meeting the requirements of section 6448, subsection 4, in accordance with section 6448, subsection 8, paragraph A, be limited to the number of new zone entrants who enter that zone in accordance with section 6448, subsection 7-A. This limitation may not be applied to a person who is under 18 years of age and lives on a year-round basis on an island within the coastal waters that is not connected to the mainland by any artificial structure.

The commissioner shall maintain a waiting list of individuals who have identified the limited-entry zone as their declared lobster zone in accordance with section 6448, subsection 8, paragraph A. For the purposes of this subsection, an individual on a waiting list maintained by the commissioner does not need to meet the eligibility requirements of section 6421, subsection 5-A in order to purchase a student license.

The commissioner may establish by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 12 MRSA §6448, sub-§2**, as amended by PL 2007, c. 204, §§4 to 6, is further amended to read:

**2. Rules for limited-entry zones.** The commissioner may adopt rules establishing limits on new zone entrants to a lobster management zone. These rules must be adopted in accordance with this subsection.

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster management policy council is not required to submit the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner.

A-1. A lobster management policy council may recommend to the commissioner whether the exit ratio adopted for a lobster management zone should be applied to the number of licenses that are not renewed or to the number of trap tags associated with the licenses that are not renewed. The lobster management policy council is not required to submit the recommendation to referendum.

B. The commissioner may initiate rulemaking under this subsection only upon receipt of a proposal under paragraph A or a recommendation under paragraph A-1. The commissioner shall hold a public hearing on the proposed rules pursuant to Title 5, section 8052. The public hearing must be held in the zone in which the rules would apply and the results of the written survey regarding the exit ratio must be entered into the record.

C. In accordance with subsection 7-A, the commissioner shall adopt rules that establish an exit ratio between the number of trap tags retired by individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of trap tags issued to new zone entrants authorized under subsection 7. An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council; either:

(1) The number of trap tags retired by individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of trap tags issued to new zone entrants authorized under subsection 7-A; or

(2) The number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their de-

clared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7-A.

An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council.

D. Upon written notification from the lobster management policy council that a majority of the council has voted to conduct a survey in a zone regarding a proposal for an exit ratio to limit new zone entrants to the zone, the commissioner shall close the zone to new zone entrants until the commissioner either adopts rules under this subsection or declares that the commissioner will not initiate rulemaking under this subsection. In no event may the zone remain closed for longer than one year unless the commissioner has adopted rules establishing limits on new zone entrants to the zone. This paragraph does not apply to surveys conducted in accordance with subsection 10.

E. When a lobster management policy council proposes to the commissioner a change in the exit ratio established under paragraph C and a new exit ratio is adopted by rule under this subsection, the commissioner shall allow individuals who meet the following conditions to enter the zone in accordance with the previously existing exit ratio:

- (1) The individual has completed the requirements of the apprenticeship program established under section 6422 by the date the commissioner receives written notification from the lobster management policy council that a majority of the council has voted to conduct a survey pursuant to paragraph D;
- (2) The individual's name is listed on the waiting list maintained under subsection 6 by the date the commissioner receives written notification from the lobster management policy council that a majority of the council has voted to conduct a survey pursuant to paragraph D.

This paragraph does not apply when the methodology by which new entrants are calculated is changed from trap tags to licenses or when an exit ratio based on the number of trap tags retired is adopted, in accordance with paragraph C, for the first time in a lobster management zone.

F. When a lobster management policy council proposes to the commissioner to establish an exit ratio for the first time to limit new zone entrants under paragraph A, it may also propose to the commissioner a provision to exempt from the exit ratio, upon completion of the apprentice program, an individual who has completed at least 92% of

the hours required and at least 92% of the days required by the apprentice program established under section 6422 by the date the commissioner receives written notification from the lobster management policy council pursuant to paragraph D.

**Sec. 3. 12 MRSA §6448, sub-§4, ¶B,** as enacted by PL 1999, c. 508, §3, is amended to read:

B. Is authorized as a new zone entrant by the commissioner pursuant to subsection 7-A to declare that zone as the person's declared lobster zone.

**Sec. 4. 12 MRSA §6448, sub-§7,** as amended by PL 2007, c. 204, §7, is repealed.

**Sec. 5. 12 MRSA §6448, sub-§7-A** is enacted to read:

**7-A. Authorization of new zone entrants.** The commissioner shall determine by February 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner may adopt rules consistent with subsection 2, paragraph B to implement this subsection. Upon adoption of rules, the exit ratio must be used to establish the number of new zone entrants in accordance with subsection 2, paragraph C by:

A. Dividing the number of trap tags that may be issued to new zone entrants by the zone trap limit under section 6431-A. The number of new zone entrants must be rounded down to the nearest whole number and the remaining trap tags carried over to the following year's allocation; or

B. Applying the exit ratio to the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year.

The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so. If a person who holds a current Class I, Class II or Class III lobster and crab fishing license is authorized as a new zone entrant and

declares the zone as that person's declared lobster zone, the commissioner shall change the zone identified on that person's license to the limited-entry zone for which the person is authorized.

**Sec. 6. 12 MRSA §6448, sub-§8,** as amended by PL 2011, c. 486, §§3 and 4, is further amended to read:

**8. Exceptions.** Notwithstanding subsection 4, the following persons may be issued a Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone without meeting the requirements in subsection 4.

A. A person who is under 18 years of age who successfully completed the requirements of the apprentice program under section 6422 and who submitted documentation of completion of the apprentice program to the department before attaining 18 years of age may declare any zone as that person's declared lobster zone as long as the individual has met all apprentice program rules that may have been adopted in that zone.

B. A person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal pursuant to section 6310, subsection 2, paragraph A, subparagraph (1) or (2) may declare as that person's declared lobster zone the zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license.

C. A person who is issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph D may declare as that person's declared lobster zone the zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license.

D. A person who is issued a Class I, Class II or Class III lobster and crab fishing license and is 70 years of age or older may declare any zone as that person's declared lobster zone.

E. A person who has either successfully completed the requirements of the apprentice program under section 6422 or held a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year and who has registered to enter an established island limited-entry program as described under section 6449 may declare as that person's declared lobster zone the zone in which that island limited-entry program is located when the person becomes eligible to enter the island limited-entry program.

The trap tags or license issued to a person who declares a limited-entry zone as that person's declared lobster zone pursuant to this subsection may not be counted for the purposes of the exit ratio or the num-

ber of new zone entrants that may be authorized for that zone.

**Sec. 7. 12 MRSA §6448, sub-§10,** as enacted by PL 2007, c. 204, §9, is repealed.

**Sec. 8. 12 MRSA §6449, sub-§1,** as enacted by PL 2009, c. 294, §2, is amended to read:

**1. Proposal to the commissioner.** Notwithstanding section 6448, subsection 7-A, a year-round island community may petition the commissioner for the establishment of an island limited-entry zone program if a minimum of 5 island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license or 10% of the island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license, whichever is greater, signs the petition submitted to the commissioner. If 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders that are residents on the island voting in a referendum held pursuant to section 6447, subsection 6 support the establishment of an island limited-entry zone program, the commissioner may adopt rules to establish such a program, including a waiting list. Before establishing or amending the number of licenses available to island residents, the commissioner shall determine the number of licenses preferred by 2/3 of the Class I, Class II or Class III lobster and crab fishing license holders resident on the island. The commissioner may accept the preferences proposed by 2/3 of the license holders as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for the lobster management zone in which the island is located before making the decision.

**Sec. 9. 12 MRSA §6450** is enacted to read:

#### **§6450. Temporary medical allowance**

**1. Temporary medical allowance.** Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder but not under the license holder's direct supervision if the following criteria are met:

A. The individual who will be fishing has successfully completed an apprentice program under section 6422;

B. The individual who will be fishing is the child or spouse of the individual who holds the Class I, Class II or Class III lobster and crab fishing license;

C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall

provide the commissioner with documentation from a physician describing the illness or other medical condition; and

D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance.

A temporary medical allowance may not exceed one year. A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activities of the individual fishing under the temporary medical allowance.

**Sec. 10. Authority.** The Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 126th Legislature regarding lobster licenses and methods for expanding opportunity in the limited-entry lobster fishery.

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

Effective June 12, 2013.

## CHAPTER 240

### H.P. 19 - L.D. 15

#### An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased

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

**Sec. 1. 28-A MRSA §4, sub-§1,** as amended by PL 2013, c. 2, §1, is further amended to read:

**1. Hours for sale of liquor.** Except as provided in paragraphs A to D, licensees may sell or deliver liquor from 6 5 a.m. on any day until 1 a.m. of the following day.

A. Licensees may not sell liquor on Sunday between the hours of 6 a.m. and 9 a.m., except on March 17th.

B. Licensees may sell liquor on January 1st of any year from 12 midnight to 2 a.m.

(1) In areas in which liquor may be sold except on Sundays, if January 1st falls on a Monday, licensees may sell or deliver liquor between 9 p.m. Sunday, December 31st and 2 a.m. January 1st, notwithstanding any local option decisions to the contrary.

D. Wholesale licensees may sell or deliver liquor to licensed establishments from 4 a.m. on any day until 1 a.m. the following day.

See title page for effective date.

## CHAPTER 241

### H.P. 1045 - L.D. 1460

#### An Act To Update and Clarify the Laws Governing the Operation of Bicycles on Public Roadways

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

**Sec. 1. 29-A MRSA §101, sub-§83,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**83. Traffic.** "Traffic" means pedestrians, ridden or herded animals, vehicles, bicycles and other conveyances either singly or together using public way for travel.

**Sec. 2. 29-A MRSA §2060, sub-§1-A,** as amended by PL 2009, c. 484, §3, is further amended to read:

**1-A. Right turns near bicyclists or roller skiers.** A person operating a motor vehicle that passes near a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn at any intersection or into any road or way unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis.

**Sec. 3. 29-A MRSA §2060, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Left turns on 2-way roadways.** At an intersection where traffic is permitted to move in both directions on each way entering the intersection, an approach for a left turn must be made in that portion of the right half of the way nearest the center line and by passing to the right of the center line where it enters the intersection. After entering the intersection, an operator must make the left turn so as to leave the intersection to the right of the center line of the roadway being entered.

When practicable, the left turn must be made in that portion of the intersection to the left of the center of the intersection.

An operator intending to turn to the left must yield the right-of-way to a vehicle traffic approaching from the opposite direction that is so close as to constitute an immediate hazard.

**Sec. 4. 29-A MRSA §2063, sub-§2,** as amended by PL 2009, c. 484, §5, is further amended to read:

**2. Riding to the right.** A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time and place shall drive operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier or:

- A. When overtaking and passing another roller skier, bicycle or other vehicle proceeding in the same direction;
- B. When preparing for or making a left turn at an intersection or into a private road or driveway;
- C. When proceeding straight in a place where right turns are permitted; and
- D. When necessary to avoid hazardous conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, roller skiers, pedestrians, animals, broken pavement, glass, sand, puddles, ice, surface hazards or opening doors from parallel-parked vehicles, or a lane of sub-standard width that makes it unsafe to continue along the right portion of the way. For purposes of this paragraph, "lane of substandard width" means a lane that is too narrow for a bicycle or roller skier and a vehicle to travel safely side by side in the lane.

This subsection does not apply in a municipality that, by ordinance approved by the Department of Public Safety and the Department of Transportation, makes other provisions regarding the operating location of a bicycle or roller skier on a roadway.

**Sec. 5. 29-A MRSA §2070, sub-§1-A,** as amended by PL 2009, c. 484, §6, is further amended to read:

**1-A. Passing bicycle or roller skier.** An operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction shall exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than 3 feet while the motor vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so.

The collision of a motor vehicle with a person operating a bicycle or roller skis is prima facie evidence of a violation of this subsection.

See title page for effective date.

## CHAPTER 242

S.P. 231 - L.D. 641

### An Act To Exempt Agriculture, Timber Harvesting and Public Employees from Certain Oversight in Shoreland Areas

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

**Whereas,** changes to the requirement that farmers must ensure that a person certified in erosion control practices be present during earth-moving activity are needed for the current growing season; and

**Whereas,** the 2013 growing season will begin prior to the effective date of nonemergency legislation; 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. 38 MRSA §436-A, sub-§1-B** is enacted to read:

**1-B. Agriculture.** "Agriculture" means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

**Sec. 2. 38 MRSA §439-B, sub-§3,** as enacted by PL 2007, c. 593, §2, is repealed and the following enacted in its place:

**3. Application.** This section does not apply to:

A. Activities resulting in less than one cubic yard of earth material being added or displaced;

B. A person or firm engaged in agriculture or timber harvesting if best management practices

for erosion and sedimentation control are used; and

C. Municipal, state and federal employees engaged in projects associated with that employment.

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

Effective June 12, 2013.

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## CHAPTER 243

### S.P. 243 - L.D. 694

#### An Act To Clarify Solid Waste Policy Relating to State-owned Disposal Facilities

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

**Sec. 1. 38 MRSA §1310-N, sub-§1, ¶B,** as amended by PL 2007, c. 414, §2, is further amended to read:

B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, except that this paragraph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility; and

**Sec. 2. 38 MRSA §1310-AA, sub-§1-B** is enacted to read:

**1-B. State-owned solid waste disposal facilities.** This subsection applies to public benefit determinations for solid waste disposal facilities owned by the State.

A. The department may not process or act upon any application for a new, modified or amended solid waste license for a solid waste disposal facility acquired by the State after January 1, 2007, including an application to expand, until the facility has applied for and received a public benefit determination.

B. A solid waste disposal facility owned by the State before January 1, 2007 is deemed to hold a public benefit determination for the licensed disposal capacity at the facility on the effective date of this subsection. The department may require the holder of a public benefit determination under this paragraph to submit an application for a modified public benefit determination if the department finds that a material change in the underlying facts or circumstances has occurred or is proposed, including, but not limited to, a change in the disposal capacity or a change of the owner

or operator of the facility. The department may not process or act upon any application to expand a solid waste disposal facility owned by the State before January 1, 2007 until the facility has applied for and received a public benefit determination.

**Sec. 3. 38 MRSA §1310-AA, sub-§6,** as enacted by PL 2009, c. 348, §2 and affected by §3, is repealed.

**Sec. 4. Application.** The provisions of this Act do not apply to an application for a license pending on the effective date of this Act.

See title page for effective date.

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## CHAPTER 244

### H.P. 594 - L.D. 843

#### An Act To Promote the Financial Literacy of High School Students

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

**Sec. 1. 20-A MRSA §4722, sub-§2, ¶B,** as amended by PL 2011, c. 294, §1, is further amended to read:

B. Social studies and history, including American history, government and civics 2, civics and personal finance--2 years;

**Sec. 2. 20-A MRSA §6209, sub-§4,** as amended by PL 2007, c. 259, §5, is further amended to read:

**4. Review cycle.** The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results.

See title page for effective date.

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## CHAPTER 245

### S.P. 114 - L.D. 281

#### An Act To Reform Maine's Whitewater Rafting Laws

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

**Sec. 1. 12 MRSA §12901, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 2. 12 MRSA §12901, sub-§2,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §320 and affected by §422, is repealed.

**Sec. 3. 12 MRSA §12907, sub-§2-A** is enacted to read:

**2-A. Number of licenses.** A commercial whitewater outfitter is allowed to possess up to 3 commercial whitewater outfitter's licenses on allocated rivers.

**Sec. 4. 12 MRSA §12907, sub-§8,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 5. 12 MRSA §12912, sub-§3, ¶A,** as enacted by PL 2003, c. 655, Pt. B, §336 and affected by §422, is amended to read:

A. Except as provided in this subsection, an outfitter may not carry:

- (1) On any unallocated rapidly flowing river more than 92 120 passengers per day; or
- (2) On any allocated rapidly flowing river more than 92 120 passengers per day ~~or more than the allocations for that outfitter's largest single day on that river, whichever number is greater except on allocated days when a licensed outfitter may carry only up to the number of allocations the outfitter has been allocated.~~ On allocated days, that limit may be exceeded only as provided in section 12913, subsection 2, paragraph A, subparagraph 4. On unallocated days, an outfitter may occasionally carry up to 4 additional passengers to accommodate problems in booking. Abuse of the privilege to carry 4 additional passengers results in its loss for a period to be determined by the commissioner.

**Sec. 6. 12 MRSA §12913, sub-§2,** as amended by PL 2011, c. 68, §1, is further amended to read:

**2. Allocation required.** This subsection governs commercial whitewater trips on rivers subject to allocation requirements.

A. Except as provided in this paragraph, a person may not operate a commercial whitewater trip on the Kennebec River between Harris Station and West Forks or on the West Branch Penobscot River between McKay Station and Pockwockamus Falls without an allocation or in excess of an allocation on any day for which allocations are es-

tablished under this subsection or by the department by rule.

(1) Allocations are not established and are not required for other rivers or for other stretches of the Kennebec River or the West Branch Penobscot River.

(2) Allocations are required for Saturdays on the Kennebec River between Harris Station and West Forks for the period of July 1st to August 31st. Allocations are required for Saturdays on the West Branch Penobscot River between McKay Station and Pockwockamus Falls for the period of July 1st to August 31st. The commissioner may adopt rules establishing allocations for Sundays for the period of July 1st to August 31st. If the department determines that the recreational use limit will be reached on other days, the department shall provide by rule for allocations. Rules adopted under this subparagraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(3-A) Under extenuating circumstances as determined by the commissioner, the commissioner may allow the emergency transfer of a commercial whitewater rafting trip from a rapidly flowing river to another rapidly flowing river as long as sufficient water is available in the river to which the commercial whitewater rafting trip is to be transferred. Notwithstanding subsection 3, the commissioner may allow the recreational use limits to be exceeded pursuant to this subparagraph. Under no circumstances is a transfer of a whitewater rafting trip allowed to the West Branch Penobscot River. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the implementation of this subparagraph. A transfer authorized under this subparagraph is not restricted to an outfitter holding an allocation.

(4) An outfitter may occasionally exceed the allocation by 2 passengers on a trip of up to 40 passengers, or 4 passengers on a trip of more than 40 passengers, to accommodate problems in booking, as long as the average of the number of passengers carried on an outfitter's 10 best allocated days for each river and for each allocated day of the week does not exceed the outfitter's allocation for that river and day. Abuse by an outfitter of the privilege to carry additional passengers results in the loss of the privilege for a period to be determined by the commissioner.

(6) The following penalties apply to violations of this paragraph.

(a) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(b) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

~~B. Not more than one member of an affiliated group may conduct whitewater trips on any river or stretch of river for which a specific allocation is required, including on days for which an allocation is not required. The following penalties apply to violations of this paragraph.~~

~~(1) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.~~

~~(2) A person who violates this paragraph after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5 year period commits a Class E crime.~~

~~C. Three or more years after the period of affiliation, the department may, in its discretion, consider requests by any former member of an affiliated group to run passengers on allocated rivers. The burden rests on the former member of an affiliated group to demonstrate that the reasons for any finding of affiliation have so diminished in effect that the public interest will be served by considering the former member's request to run passengers on an allocated river.~~

See title page for effective date.

## CHAPTER 246

### S.P. 73 - L.D. 237

#### An Act To Establish Uniform Quorum, Meeting and Chair Requirements for Professional and Occupational Licensing Boards

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

### PART A

Sec. A-1. 10 MRSA §8010 is enacted to read:

### §8010. Quorum; chair

Notwithstanding any provision of law to the contrary, a majority of the members serving on a board or commission under section 8001, subsection 38 constitutes a quorum. The board or commission shall elect its chair.

### PART B

Sec. B-1. 10 MRSA §9003, sub-§7, as amended by PL 2007, c. 402, Pt. D, §1, is further amended to read:

7. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum.

Sec. B-2. 32 MRSA §63-A, sub-§3, as amended by PL 2007, c. 402, Pt. E, §1, is further amended to read:

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four members of the board constitute a quorum for all purposes.

Sec. B-3. 32 MRSA §213, as amended by PL 2007, c. 402, Pt. F, §4, is further amended to read:

#### §213. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Five members of the board constitute a quorum.

Sec. B-4. 32 MRSA §288, sub-§4, as amended by PL 2007, c. 402, Pt. G, §2, is further amended to read:

4. Meetings. The board shall meet at least once a year and at such other times as the board determines necessary. Three members of the board constitute a quorum for the transaction of business under this chapter.

Sec. B-5. 32 MRSA §502, as repealed and replaced by PL 2007, c. 402, Pt. H, §4, is amended to read:

#### §502. Meetings; chair; powers and duties

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. Four mem-

~~bers of the board constitute a quorum for the transaction of business. The board has the power to make and adopt rules and a code of ethics consistent with law necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but a rule or code of ethics may not be made that is unreasonable or contravenes this chapter.~~

**Sec. B-6. 32 MRSA §1153**, as amended by PL 2007, c. 402, Pt. I, §7, is further amended to read:

#### **§1153. Meetings; chair; rules**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~ The board may adopt, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 2, rules it determines necessary for the holding of examinations and for carrying out this chapter; and shall provide for reciprocity of licensing as required to implement section 1206.

**Sec. B-7. 32 MRSA §1451, 3rd ¶**, as amended by PL 2007, c. 402, Pt. J, §2, is further amended to read:

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

**Sec. B-8. 32 MRSA §2273, sub-§3**, as amended by PL 2007, c. 402, Pt. L, §1, is further amended to read:

**3. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary and may be convened at the call of the chair or a majority of the members of the board. ~~Three members of the board constitute a quorum.~~

**Sec. B-9. 32 MRSA §3112, sub-§2**, as amended by PL 2007, c. 402, Pt. N, §3, is further amended to read:

**2. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

**Sec. B-10. 32 MRSA §3403**, as amended by PL 2007, c. 402, Pt. O, §3, is further amended to read:

#### **§3403. Meeting; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

**Sec. B-11. 32 MRSA §3602**, as amended by PL 2007, c. 402, Pt. P, §3, is further amended to read:

#### **§3602. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum, but a A license to practice podiatry may not be granted except upon the affirmative vote of a majority of the members of the board.~~

**Sec. B-12. 32 MRSA §3822**, as amended by PL 2007, c. 402, Pt. Q, §7, is further amended to read:

#### **§3822. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

**Sec. B-13. 32 MRSA §4856**, as amended by PL 2007, c. 402, Pt. R, §3, is further amended to read:

#### **§4856. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-14. 32 MRSA §4907, sub-§4**, as amended by PL 2007, c. 402, Pt. S, §5, is further amended to read:

**4. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-15. 32 MRSA §5505, sub-§4**, as amended by PL 2007, c. 402, Pt. T, §2, is further amended to read:

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

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

**Sec. B-16. 32 MRSA §6210,** as amended by PL 2011, c. 691, Pt. D, §10, is further amended to read:

#### **§6210. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~A majority of the board constitutes a quorum.~~

**Sec. B-17. 32 MRSA §7029,** as amended by PL 2007, c. 402, Pt. V, §5, is further amended to read:

#### **§7029. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-18. 32 MRSA §9703, sub-§3,** as amended by PL 2007, c. 402, Pt. W, §1, is further amended to read:

**3. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

**Sec. B-19. 32 MRSA §9853, sub-§5,** as amended by PL 2007, c. 402, Pt. X, §1, is repealed.

**Sec. B-20. 32 MRSA §9903, sub-§3,** as amended by PL 2007, c. 402, Pt. Y, §1, is further amended to read:

**3. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

**Sec. B-21. 32 MRSA §12214, sub-§1,** as repealed and replaced by PL 2007, c. 402, Pt. Z, §6, is amended to read:

**1. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair, who must be a certified public accountant. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call

of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

**Sec. B-22. 32 MRSA §12502, sub-§6,** as amended by PL 2007, c. 402, Pt. AA, §1, is further amended to read:

**6. Meetings; chair.** The board shall meet at least once a year to conduct its business and elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-23. 32 MRSA §13062, sub-§5,** as amended by PL 2007, c. 402, Pt. BB, §4, is repealed.

**Sec. B-24. 32 MRSA §13718, sub-§4,** as amended by PL 2007, c. 402, Pt. DD, §6, is repealed.

**Sec. B-25. 32 MRSA §13852, sub-§7,** as amended by PL 2009, c. 112, Pt. A, §19, is further amended to read:

**7. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

**Sec. B-26. 32 MRSA §13902, sub-§4,** as amended by PL 2007, c. 402, Pt. FF, §1, is further amended to read:

**4. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-27. 32 MRSA §14011, sub-§5,** as amended by PL 2007, c. 402, Pt. GG, §3, is further amended to read:

**5. Meetings; chair.** The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

**Sec. B-28. 32 MRSA §17202,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

#### **§17202. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum for all purposes.~~

**Sec. B-29. 32 MRSA §18122,** as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

**§18122. Meetings; chair**

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

See title page for effective date.

**CHAPTER 247**

**H.P. 119 - L.D. 144**

**An Act To Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License**

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

Whereas, this legislation clarifies that a requirement imposed by the 124th Legislature that a person possess a valid hunting license when training dogs for hunting does not apply on Sundays, when hunting is not allowed, and training dogs occurs throughout the year; 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. 12 MRSA §12051, sub-§1,** as amended by PL 2011, c. 253, §21 and c. 309, §4, is further amended to read:

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

- A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.
- B. A person may train sporting dogs on wild birds at any time, including Sundays.
- C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding

ing the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

A Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109.

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

**Sec. 2. 12 MRSA §12051, sub-§6** is enacted to read:

**6. Effect of revocation.** A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902.

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

Effective June 13, 2013.

**CHAPTER 248**

**S.P. 604 - L.D. 1563**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013**

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

Whereas, the 90-day period will 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,

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

**PART A**

**Sec. A-1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)****Medical Care - Payments to Providers 0147**

Initiative: Provides funding to support MaineCare costs not funded in fiscal year 2012-13 based on an adjustment made in Public Law 2013, chapter 1.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$1,986,200	\$0	\$0
GENERAL FUND TOTAL	\$1,986,200	\$0	\$0

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding in the Medical Care - Payments to Providers program necessary to make cycle payments for the remainder of fiscal year 2012-13.

GENERAL FUND	2012-13	2013-14	2014-15
All Other	\$33,300,776	\$0	\$0
GENERAL FUND TOTAL	\$33,300,776	\$0	\$0
FEDERAL EXPENDITURES FUND	2012-13	2013-14	2014-15
All Other	\$55,667,366	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$55,667,366	\$0	\$0

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

DEPARTMENT TOTALS	2012-13	2013-14	2014-15
GENERAL FUND	\$35,286,976	\$0	\$0
FEDERAL EXPENDITURES FUND	\$55,667,366	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$90,954,342	\$0	\$0
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**PART B**

**Sec. B-1. Continuation of limited period positions in fiscal year 2012-13.** Notwithstanding the Maine Revised Statutes, Title 5, section 1583-A, or any other provision of law, those limited-period positions recommended for continuation in Legislative Document 1509, "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, 2014 and June 30, 2015" of the 126th Legislature may continue to be occupied through June 30, 2013.

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

Effective June 14, 2013.

**CHAPTER 249  
H.P. 97 - L.D. 115****An Act To Join in a Prohibition  
on Motor Fuel Containing  
Corn-based Ethanol**

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

**Sec. 1. 10 MRSA §1457-B** is enacted to read:

**§1457-B. Prohibition on sale, consignment or distribution of motor fuel containing corn-based ethanol; contingent effective date**

**1. Prohibition on sale of motor fuel containing corn-based ethanol.** A distributor, blender or retail dealer may not sell, consign or distribute motor fuel containing corn-based ethanol.

**2. Contingent effective date.** This section does not take effect until at least 10 other states or a number of states with a collective population of 30,000,000 have enacted laws that prohibit the sale of motor fuel containing corn-based ethanol. The Commissioner of Agriculture, Conservation and Forestry shall notify the Revisor of Statutes when 10 other states or a number of states having a collective population of 30,000,000 have adopted laws that prohibit the sale of motor fuel containing corn-based ethanol.

See title page for effective date.

**CHAPTER 250**  
**H.P. 176 - L.D. 215**

**An Act To Protect Landlords  
When Tenants Fail To Pay  
Utility Bills**

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

**Sec. 1.** 35-A MRSA §704, sub-§1-A is enacted to read:

**1-A. Agreements with landlords.** A transmission and distribution utility shall, upon request of a landlord, enter into an agreement with that landlord with respect to a residential rental property receiving transmission and distribution service in the name of that landlord's tenant to automatically transfer the service to the name of the landlord if the service would otherwise be disconnected. The transmission and distribution utility must notify the landlord within 72 hours of the transfer of the service to the landlord's name. Except upon the consent of the tenant, the transmission and distribution utility may not disclose to the landlord any personal or confidential information regarding the tenant or the tenant's account, except that a utility may disclose to the landlord that the service has been transferred to the landlord's name and any other information necessary to enable the utility to continue service to the premises.

The transmission and distribution utility may charge a reasonable fee for the costs associated with the transfer of the service to the landlord's name.

See title page for effective date.

**CHAPTER 251**  
**S.P. 78 - L.D. 242**

**An Act To Improve the  
Military Bureau Laws**

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

**Sec. 1.** 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2011, c. 112, §1, is further amended to read:

D. Have the following powers and duties.

- (1) The Adjutant General shall administer the department subordinate only to the Governor.
- (2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) The Adjutant General may prepare a budget for the department.

(4) The Adjutant General may transfer personnel from one bureau to another within the department.

(5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State who shall credit them to the Construction and Capital Repair Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now

within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, public or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in

action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

**Sec. 2. 37-B MRSA §4**, as amended by PL 1997, c. 643, Pt. Q, §5, is repealed and the following enacted in its place:

#### **§4. Directors of bureaus**

1. Bureau of Maine Veterans' Services. The Director of the Bureau of Maine Veterans' Services is appointed by the commissioner and serves at the pleasure of the commissioner.

2. Maine Emergency Management Agency. The Director of the Maine Emergency Management Agency is appointed by the Governor upon the recommendation of the commissioner, reports administratively to the commissioner and serves at the pleasure of the Governor.

The Director of the Bureau of Maine Veterans' Services and the Director of the Maine Emergency Management Agency shall perform civilian duties as assigned by the commissioner or Governor.

**Sec. 3. 37-B MRSA §112**, as amended by PL 2001, c. 662, §19, is further amended to read:

## **§112. Joint Force Headquarters**

The Adjutant General shall organize a staff to be called a State Area Command, STARC the Joint Force Headquarters. It shall command, control and supervise Army and Air National Guard units employed in support of civil authorities in the protection of life, property and preservation of peace, order and public safety under competent orders of state authorities. In the event of mobilization of some or all Army and Air National Guard units by the President of the United States, it shall assist the State in organizing and training a militia, if required, perform command and control functions in support of civil authorities, as directed, and prepare to reconstitute the Army National Guard and Air National Guard when units are relieved from federal service. It must be commanded by a federally recognized officer who may be the Adjutant General or an Assistant Adjutant General.

**Sec. 4. 37-B MRSA §399**, as amended by PL 2003, c. 646, §13, is repealed and the following enacted in its place:

### **§399. Revenue**

Revenue generated by the authority must first be used to support the operation of the authority, including segregation of money for future capital repairs. At the close of the fiscal year, unreserved retained earnings as identified by the State Controller may be transferred at any time prior to the closing of the books to:

**1. Capital repairs; tuition assistance.** An account established within the Military Bureau to be used for capital repairs and maintenance of state military facilities and Maine National Guard tuition assistance;

**2. Official representation funds.** An account established within the Military Bureau to be used for official representation funds, in an amount not to exceed \$10,000 annually;

**3. Unfunded priorities.** An account established within the Military Bureau to be used for the Adjutant General's unfunded priorities, in an amount not to exceed \$10,000 annually; and

**4. Maine National Guard Foundation Fund.** An account established within the Military Bureau to be used for the Maine National Guard Foundation Fund or its successor fund, in an amount not to exceed \$10,000 annually.

**Sec. 5. 37-B MRSA §415-A, sub-§1, ¶C**, as enacted by PL 2001, c. 662, §48, is amended to read:

**C. A general officer commander** An officer with the rank of colonel in the chain of command of an individual being considered for nonjudicial punishment may impose one or more of the following punishments:

- (1) Forfeiture of up to 5 days' pay;

- (2) Up to 16 hours of extra duties;
- (3) Prohibition of promotion of up to one year; or
- (4) Reduction of one grade for enlisted members.

**Sec. 6. 37-B MRSA §461** is enacted to read:

### **§461. Sexual assault**

**1. Prohibition; sexual assault.** Any person subject to this Code who commits an offense prohibited under Title 17-A, chapter 11 is guilty of that offense under this Code.

**2. Punishment.** Any person found guilty of an offense prohibited under Title 17-A, chapter 11 must be punished as a court-martial may direct.

See title page for effective date.

## **CHAPTER 252**

### **H.P. 196 - L.D. 259**

#### **An Act To Allow a Person To Rent a Slaughterhouse for the Slaughtering and Processing of Poultry**

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

**Sec. 1. 22 MRSA §2511, sub-§11**, as enacted by PL 1999, c. 771, §1, is amended to read:

**11. Custom slaughterhouse.** "Custom slaughterhouse" means a person who maintains a slaughtering facility that is a licensed establishment or a registered establishment under this chapter for the purposes of slaughtering livestock or poultry for another person's exclusive use by that person and members of that person's household and that person's nonpaying guests and employees, and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, domesticated deer, sheep, swine, goats, domestic rabbits, equines, poultry or other designated animals useable as human food.

**Sec. 2. 22 MRSA §2511, sub-§41-A** is enacted to read:

**41-A. Registered establishment.** "Registered establishment" means a person registered under section 2514-A.

**Sec. 3. 22 MRSA §2514, sub-§1**, as enacted by PL 1999, c. 777, §1, is amended to read:

**1. License or registration required.** A person may not engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat

food products or poultry products, unless that person holds a valid license issued under this chapter or is registered under section 2514-A. Categories of licensure include:

- A. Commercial slaughterers;
- B. Custom slaughterers, except that itinerant custom slaughterers who slaughter solely at a customer's home or farm and who do not own, operate or work at a slaughtering plant are exempt from the licensing provisions of this section;
- C. Commercial processors;
- D. Custom processors;
- E. Wholesale distributors, except that livestock producers and livestock dealers who sell carcasses to or through inspected slaughterhouses are exempt from having to obtain a wholesale distributor's license under this paragraph. All other licensing provisions are applicable;
- F. Retail vendors;
- G. Meat and poultry product brokers;
- G-1. Mobile poultry processing unit operators;
- H. Renderers;
- I. Public warehouse operators;
- J. Animal food manufacturers;
- K. Handlers of dead, dying, disabled or diseased animals; and
- L. Any other category that the commissioner may by rule establish.

**Sec. 4. 22 MRSA §2514-A** is enacted to read:

#### §2514-A. Registration

1. Registration permitted. A person may engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat food products or poultry products if that person is registered under this section. A person may register under this section if the person is a:

- A. Custom slaughterer, except that itinerant custom slaughterers who slaughter solely at a customer's home or farm and who do not own, operate or work at a slaughtering plant are exempt from the registration provisions of this section;
- B. Custom processor;
- C. Poultry producer who processes fewer than 1,000 birds annually under section 2517-C; and
- D. Person in any other category that the commissioner may by rule establish.

**Sec. 5. 22 MRSA §2517-D** is enacted to read:

#### §2517-D. Rental of a licensed slaughterhouse

1. Contract slaughtering. A commercial slaughterhouse or custom slaughterhouse licensed under section 2514 or a custom slaughterhouse registered under section 2514-A, but not engaging in the custom slaughter of poultry, may enter into a contract with a poultry producer who otherwise meets the requirements of the exemption for poultry producers that slaughter or process 20,000 or fewer poultry under the federal Poultry Products Inspection Act, 21 United States Code, Section 464(c)(3) to rent that slaughterhouse to the poultry producer for the slaughter and processing of the poultry producer's poultry.

Poultry slaughtered and processed under the rental contract must be slaughtered and processed by the poultry producer.

A poultry producer that otherwise meets the requirements of the 20,000 or fewer poultry exemption, and having the intent to rent a slaughterhouse that is currently used by another poultry producer that meets the requirements of the exemption, must obtain approval from the administrator of the federal Food Safety and Inspection Service within the United States Department of Agriculture prior to rental of the slaughterhouse.

2. Restrictions on point of sale. Poultry slaughtered and processed under this section may not be offered for sale or transportation in interstate commerce.

3. Labeling. Packaging for poultry slaughtered and processed under this section must bear the name and address of the renting poultry producer and the statement "Exempted P.L. 90-492."

**Sec. 6. 22 MRSA §2518**, as amended by PL 2009, c. 354, §4, is further amended to read:

#### §2518. Periodic review of noninspected registered or licensed establishments

1. Review by inspector. The commissioner may cause require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected. The commissioner shall cause require establishments that are required to be licensed under section 2514 or registered under section 2514-A but are exempt from inspection under section 2517-C to be reviewed annually by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

2. Review of certain slaughter or preparation establishments. Inspection may not be provided under this chapter at any establishment for the slaughter

of livestock or poultry or the preparation of any livestock products or poultry products that are not intended for use as human food, but these products must, prior to their offer for sale or transportation in intra-state commerce, unless naturally inedible by humans, be denatured or otherwise identified, as prescribed by rules of the commissioner, to deter their use for human food. These licensed establishments are subject to periodic review.

**3. Subject to review.** A periodic review under this section must include an examination of:

- A. The licensed establishment's sanitation practices;
- B. Sanitation in the areas where meat and poultry products are prepared, stored and displayed;
- C. The adequacy of a refrigeration system used for meat food products and poultry products;
- D. Labeling; and
- E. Meat food products or poultry products for wholesomeness or adulteration.

In addition, the inspector conducting the periodic review may conduct any other examination necessary to ensure compliance with this chapter and the rules adopted pursuant to this chapter.

**4. Access.** For purposes of a periodic review of a licensed establishment, inspectors have access during normal business hours to every part of a licensed establishment required to have inspection under this chapter, whether the licensed establishment is operated or not.

**Sec. 7. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 22, chapter 562-A, subchapter 2, in the subchapter headnote, the word "licensing" is amended to read "licensing and registration" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

## CHAPTER 253 S.P. 318 - L.D. 941

### An Act To Facilitate the Expansion of the State's Liquor Distribution System

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

**Sec. 1. 28-A MRSA §453, sub-§2-A,** as amended by PL 2009, c. 213, Pt. JJJJ, §1, is further amended to read:

**2-A. Limitation on number of agency liquor stores.** Beginning July 1, 2009, the bureau may license up to 10 agency liquor stores in a municipality with a population over 50,000; up to 8 agency liquor stores in a municipality with a population over 20,000 but less than 50,001; up to 5 agency liquor stores in a municipality with a population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; and up to 3 agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001. In addition, the bureau may establish one agency liquor store in a municipality where the population is less than 2,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store location.

Nothing in this subsection may be construed to reduce the number of agency stores the bureau may license in a municipality as of June 30, 2009.

See title page for effective date.

## CHAPTER 254 H.P. 666 - L.D. 953

### An Act To Provide for and Recognize the Right of the Houlton Band of Maliseet Indians To Fish for Marine Organisms

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

**Sec. 1. 12 MRSA §6302-A, sub-§1,** as amended by PL 2013, c. 8, §1, is further amended to read:

**1. Tribal exemption; commercial harvesting licenses.** A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of

chapter 625, except that the member of the tribe, nation or band:

- A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;
- B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and
- C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

~~A member of the Houlton Band of Maliseet Indians who is a resident of the State is not required to hold an elver fishing license under section 6505 A to conduct activities authorized under that license if that member holds a valid license issued by the band or the agent of the band to conduct the activities authorized under that license. A member of the Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection is subject to all laws and rules applicable to a person who holds an elver fishing license issued under section 6505 A and to all the provisions of chapter 625, except that the member of the band may utilize elver fishing gear tagged with elver fishing gear tags issued by the band or the agent of the band in a manner consistent with tags issued pursuant to section 6505 B. A member of the Houlton Band of Maliseet Indians is not required to pay elver fishing gear fees under section 6505 B if the band or the agent of the band issues that member elver fishing gear tags.~~

**Sec. 2. 12 MRSA §6302-A, sub-§2,** as amended by PL 2011, c. 598, §17, is further amended to read:

**2. Tribal exemption; sustenance or ceremonial tribal use.** Notwithstanding any other provision of law, a member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs ~~or~~ Houlton Band of Maliseet Indians who is a resident of the State may at any time take, possess, transport and distribute:

- A. Any marine organism, except lobster, for sustenance use if the tribal member holds a valid sustenance fishing license issued by the tribe, nation or band or the agent of the band. A sustenance

fishing license holder who fishes for sea urchins may not harvest sea urchins out of season;

- B. Lobsters for sustenance use, if the tribal member holds a valid sustenance lobster license issued by the tribe, nation or band or the agent of the band. The sustenance lobster license holder's traps must be tagged with sustenance use trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B; however, a sustenance lobster license holder may not harvest lobsters for sustenance use with more than 25 traps; and
- C. Any marine organism for noncommercial use in a tribal ceremony within the State, if the member holds a valid ceremonial tribal permit issued to the tribal member by the Joint Tribal Council of the Passamaquoddy Tribe or the governor and council at either Passamaquoddy reservation, by the Penobscot Reservation Tribal Council ~~or~~, by the Aroostook Band of Micmacs Tribal Council or its agent or by the Houlton Band of Maliseet Indians Tribal Council or its agent.

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, ~~or~~ Aroostook Band Trust Land, as defined in Title 30, section 7202, subsection 2, or Houlton Band Trust Land, as defined in Title 30, section 6203, subsection 2-A, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

A member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who takes a marine organism under a license or permit issued pursuant to this subsection must comply with all laws and rules applicable to a person who holds a state license or permit that authorizes the taking of that organism, except that a state law or rule that sets a season for the harvesting of a marine organism does not apply to a member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who takes a marine organism for sustenance use or for noncommercial use in a tribal ceremony. A member of the Passamaquoddy Tribe, Penobscot Nation ~~or~~, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a license or permit under this subsection is exempt from paying elver gear fees under section 6505-B or trap tag fees under section 6431-B and is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section

6671. A member of the Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who fishes for or takes lobster under a license or permit issued pursuant to this subsection must comply with the closed periods under section 6440.

**Sec. 3. 12 MRSA §6302-A, sub-§3, ¶¶A-2, C-2 and D-3** are enacted to read:

A-2. The Houlton Band of Maliseet Indians or its agent may issue to members of the band up to 10 commercial lobster and crab fishing licenses in any calendar year, including all licenses equivalent to Class I, Class II or Class III licenses and student licenses, but not including apprentice licenses. Licenses issued under this paragraph are subject to the eligibility requirements of section 6421, subsection 5;

C-2. The commissioner shall adopt rules authorizing the Houlton Band of Maliseet Indians or its agent to issue to members of the band commercial sea urchin licenses if the commissioner determines that sea urchin resources are sufficient to permit the issuance of new licenses. The commissioner may not authorize the Houlton Band of Maliseet Indians or its agent to issue more than 24 commercial sea urchin licenses to members of the band in any calendar year;

D-3. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 10 commercial licenses for the taking of scallops in any calendar year, except that the commissioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses to members of the band for the taking of scallops if the commissioner determines that scallop resources are sufficient to permit the issuance of new licenses;

**Sec. 4. 12 MRSA §6302-A, sub-§4,** as amended by PL 2011, c. 598, §17, is further amended to read:

**4. Sea urchin and scallop handfishing and tender licenses; limitations.** The Passamaquoddy Tribe, Penobscot Nation or Aroostook Band of Micmacs or its agent or Houlton Band of Maliseet Indians or its agent may not issue a license or permit pursuant to subsection 1 or 2:

A. For the harvesting of sea urchins or scallops by hand unless the license or permit applicant meets the diver competency requirements of section 6531; and

B. For the tending of a person who fishes for or takes scallops or sea urchins by diving unless the

applicant meets the safety training requirements of section 6533.

See title page for effective date.

## CHAPTER 255

H.P. 696 - L.D. 982

### An Act To Create a Gambling Offset To Enhance the Collection of Child Support

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

**Sec. 1. 8 MRSA §300-B** is enacted to read:

#### §300-B. Interception of pari-mutuel winnings to pay child support debt

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action.

B. "Department" means the Department of Health and Human Services.

C. "Registry operator" means the department or an entity with whom the department enters into a contract to maintain the registry pursuant to subsection 3.

**2. Interception.** A licensee shall intercept pari-mutuel winnings to pay child support debt in accordance with this section.

**3. Registry.** The department shall create and maintain, or shall contract with a private entity to create and maintain, a secure, electronically accessible registry containing information regarding individuals with outstanding child support debt. The department shall regularly enter into the registry information including:

A. The name and social security number of each individual with outstanding child support debt;

B. The account number or identifier assigned by the department to the outstanding child support debt;

C. The amount of the outstanding child support debt; and

D. Any other information necessary to effectuate the purposes of this section.

**4. Electronic access to information; procedures.** A licensee shall electronically access the registry in accordance with this subsection.

**A.** Before making a payout on a winning wager of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the individual who placed the winning wager and shall electronically submit this information to the registry operator.

**B.** Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the individual who placed the winning wager is listed in the registry. If the individual is listed in the registry, the registry operator shall inform the licensee of the amount of the individual's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the individual of the right to an administrative hearing.

**C.** If the registry operator informs the licensee that the individual who placed a winning wager is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual.

**D.** If the registry operator informs the licensee that the individual who placed a winning wager is listed in the registry, the licensee may not make payment to the individual unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the individual of the amount of winnings that is in excess of the amount of the individual's outstanding child support debt.

**5. Lien against winnings.** If the registry operator informs a licensee pursuant to this section that an individual who placed a winning wager is listed in the registry, the department has a valid lien upon and claim of lien against the payout on the winning wager in the amount of the individual's outstanding child support debt.

**6. Withholding of winnings.** The licensee shall withhold from any payout on a winning wager an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the individual who placed the winning wager. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the individual from whom payment was withheld, the account number or identifier assigned to the debt, the amount withheld, the date of withholding and the name and location of the licensee.

**7. Licensee costs.** Notwithstanding subsection 6, the licensee may retain \$10 from an amount withheld pursuant to this section to cover the cost of the licensee's compliance with this section.

**8. Administrative hearing.** An individual from whom an amount was withheld pursuant to this section has the right, within 15 days of receipt of the notice of withholding, to request from the department an administrative hearing. The hearing is limited to questions of whether the debt is liquidated and whether any postliquidation events have affected the individual's liability. The administrative hearing decision constitutes final agency action.

**9. Authorization to provide information.** Notwithstanding any other provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

**10. Confidentiality of information.** The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

**11. Effect of compliance; noncompliance.** A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of \$500 and the amount the licensee is required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.

**12. Exemption for agricultural fairs.** This section does not apply to payouts on winning wagers placed on races conducted at agricultural fairs.

**13. Biennial review.** The department shall report to the Legislature and the Governor on or before January 31, 2015 and biennially thereafter on:

A. The number of names of individuals submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years;

B. The number of individuals who were found to be listed in the registry in each of the preceding 2 calendar years;

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and

D. The amount of withheld winnings refunded to individuals as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years.

**Sec. 2. 8 MRSA §1066** is enacted to read:

**§1066. Interception of slot machine or table game winnings to pay child support debt**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Child support debt" means child support debt that has been liquidated by judicial or administrative action.

B. "Department" means the Department of Health and Human Services.

C. "Registry operator" means the department or an entity with whom the department enters into a contract to maintain the registry pursuant to subsection 3.

D. "Winner" means a slot machine customer or a table game customer to whom cash is returned as winnings.

**2. Interception.** A licensee shall intercept slot machine and table game winnings to pay child support debt in accordance with this section.

**3. Registry.** The department shall create and maintain, or shall contract with a private entity to create and maintain, a secure, electronically accessible registry containing information regarding individuals with outstanding child support debt. The department shall regularly enter into the registry information including:

A. The name and social security number of each individual with outstanding child support debt;

B. The account number or identifier assigned by the department to the outstanding child support debt;

C. The amount of the outstanding child support debt; and

D. Any other information necessary to effectuate the purposes of this section.

**4. Electronic access to information; procedures.** A licensee shall electronically access the registry in accordance with this subsection.

A. Before making a payout of winnings of an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the

United States Internal Revenue Service, the licensee shall obtain the name, address, date of birth and social security number of the winner and shall electronically submit this information to the registry operator.

B. Upon receipt of information pursuant to paragraph A, the registry operator shall electronically inform the licensee whether the winner is listed in the registry. If the winner is listed in the registry, the registry operator shall inform the licensee of the amount of the winner's outstanding child support debt and the account number or identifier assigned to the outstanding child support debt and shall provide the licensee with a notice of withholding that informs the winner of the right to an administrative hearing.

C. If the registry operator informs the licensee that the winner is not listed in the registry or if the licensee is unable to obtain information from the registry operator on a real-time basis after attempting in good faith to do so, the licensee may make payment to the winner.

D. If the registry operator informs the licensee that the winner is listed in the registry, the licensee may not make payment to the winner unless the amount of the payout exceeds the amount of outstanding child support debt, in which case the licensee may make payment to the winner of the amount of winnings that is in excess of the amount of the winner's outstanding child support debt.

**5. Lien against winnings.** If the registry operator informs a licensee pursuant to this section that a winner is listed in the registry, the department has a valid lien upon and claim of lien against the winnings in the amount of the winner's outstanding child support debt.

**6. Withholding of winnings.** The licensee shall withhold from any winnings an amount equal to the amount of the lien created under subsection 5 and shall provide a notice of withholding to the winner. Within 7 days after withholding an amount pursuant to this subsection, the licensee shall transmit the amount withheld to the department together with a report of the name, address and social security number of the winner, the account number or identifier assigned to the debt, the amount withheld, the date of withholding and the name and location of the licensee.

**7. Licensee costs.** Notwithstanding subsection 6, the licensee may retain \$10 from an amount withheld pursuant to this section to cover the cost of the licensee's compliance with this section.

**8. Administrative hearing.** A winner from whom an amount was withheld pursuant to this section has the right, within 15 days of receipt of the notice of withholding, to request from the department an admin-

istrative hearing. The hearing is limited to questions of whether the debt is liquidated and whether any postliquidation events have affected the winner's liability. The administrative hearing decision constitutes final agency action.

**9. Authorization to provide information.** Notwithstanding any other provision of law to the contrary, the licensee may provide to the department or registry operator any information necessary to effectuate the intent of this section. The department or registry operator may provide to the licensee any information necessary to effectuate the intent of this section.

**10. Confidentiality of information.** The information obtained by the department or registry operator from a licensee pursuant to this section and the information obtained by the licensee from the department or registry operator pursuant to this section are confidential and may be used only for the purposes set forth in this section. An employee or prior employee of the department, the registry operator or a licensee who knowingly or intentionally discloses any such information commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

**11. Effect of compliance; noncompliance.** A licensee, the department and the registry operator are not liable for any action taken in good faith to comply with this section. A licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien created under subsection 5 is liable to the department for the greater of \$500 and the amount the person was required to withhold and transmit to the department under this section, together with costs, interest and reasonable attorney's fees.

**12. Biennial review.** The department shall report to the Legislature and the Governor on or before January 31, 2015 and biennially thereafter on:

A. The number of names of winners submitted by licensees to the registry operator pursuant to this section in each of the preceding 2 calendar years;

B. The number of winners who were found to be listed in the registry in each of the preceding 2 calendar years;

C. The amount of winnings withheld by licensees pursuant to this section in each of the preceding 2 calendar years; and

D. The amount of withheld winnings refunded to winners as the result of administrative hearings requested pursuant to this section in each of the preceding 2 calendar years.

### Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

## HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

### Child Support 0100

Initiative: Allocates funds for the one-time technology costs of implementing a registry of individuals with outstanding child support debt.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$102,146	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$102,146	\$0

### Temporary Assistance for Needy Families 0138

Initiative: Allocates funds for additional child support payments to families.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$121,275	\$121,275
OTHER SPECIAL REVENUE FUNDS TOTAL	\$121,275	\$121,275

## HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	\$223,421	\$121,275
DEPARTMENT TOTAL - ALL FUNDS	\$223,421	\$121,275

See title page for effective date.

## CHAPTER 256

### S.P. 332 - L.D. 987

### An Act To Amend the Procedures Used To Identify and Select Appointees to the Maine Land Use Planning Commission and To Make Other Technical Changes to the Agriculture, Conservation and Forestry Laws

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

**Sec. 1. 7 MRSA §320, sub-§6,** as enacted by PL 2007, c. 660, §8, is amended to read:

**6. Reporting.** The commissioner shall submit an annual report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of grants made under section 319 during the previous calendar fiscal year. The report must address the effectiveness of the program. Effectiveness measures may include, but are not limited to, evaluation of the number of companies retained, expanded or created; the increase in the number of jobs created or retained; any increased business revenues and new capital raised; improved wages paid to employees; and any new capital investment and increase in profitability.

**Sec. 2. 7 MRSA §435, sub-§5,** as amended by PL 2007, c. 660, §14, is further amended to read:

**5. Report.** The commissioner shall submit an annual report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The report must include a summary of loans made under this section during the previous calendar fiscal year and loans outstanding categorized by the types of agricultural enterprises receiving the loans. The report must address the effectiveness of the program. Effectiveness measures may include, but are not limited to, evaluation of the number of companies retained, expanded or created; the increase in the number of jobs created or retained; any increased business revenues and new capital raised; improved wages paid to employees; and any new capital investment and increase in profitability.

**Sec. 3. 12 MRSA §683-A,** as enacted by PL 2011, c. 682, §7 and amended by c. 657, Pt. W, §5, is further amended to read:

#### **§683-A. Creation of Maine Land Use Planning Commission**

The Maine Land Use Planning Commission, as established by Title 5, section 12004-D, subsection 1-A to carry out the purposes stated in section 681, is created within the Department of Agriculture, Conservation and Forestry and in this chapter called "the commission." The commission is charged with implementing this chapter. The commission consists of 9 members, ~~nominated appointed~~ in accordance with subsections 1 and 2. All ~~nominations appointments~~ under this section are subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Senate.

**1. Appointment by the Governor.** Except as provided in subsection 2, the Governor shall ~~nominate~~

~~appoint~~ one member to the commission. In selecting a ~~nominee an appointee~~, the Governor shall actively seek and give consideration to persons residing in or near the unorganized and deorganized areas of the State and to persons residing on unorganized coastal islands. ~~A nominee An appointee~~ under this subsection must be familiar with the needs and issues affecting the commission's jurisdiction and must:

- A. Reside in the commission's jurisdiction;
- B. Work in the commission's jurisdiction;
- C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction; or
- D. Have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they relate to the commission's jurisdiction.

**2. Appointment of members representing a county.** One member must be ~~nominated appointed~~ by each of the 8 counties with the most acreage in the unorganized or deorganized areas subject to the jurisdiction of the commission. The ~~board of~~ county commissioners ~~of for~~ each of the counties shall ~~nominate~~ appoint by majority vote a resident of that county to serve as a member of the commission. A county commissioner ~~nominated~~ who is a candidate for appointment to serve on the commission may not vote on that nomination appointment. In making ~~nominations the appointment~~, the ~~board of~~ county commissioners shall actively seek and give consideration to persons residing in or near the unorganized or deorganized areas within the county. ~~The board of county commissioners shall advertise the position in the same manner as the county advertises personnel positions. The board of county commissioners shall accept written or electronic applications from candidates, conduct interviews with candidates as determined by the board and select from among those candidates an appointee.~~

~~A nomineee An appointee~~ under this subsection must have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they relate to the commission's jurisdiction and must:

- A. Reside in the commission's jurisdiction;
- B. Work in the commission's jurisdiction; or
- C. Be a former resident or be retired after having worked for a minimum of 5 years within the commission's jurisdiction.

If a ~~board of~~ county ~~commissioners~~ fails to ~~nominate appoint~~ a member to the commission under this subsection within 90 business days of a vacancy on the commission to be filled by that county, the Governor shall ~~nominate appoint~~ a resident of that county meeting the criteria in subsection 1 to fill the vacancy.

For any county appointee, the board of county commissioners shall provide to the President of the Senate and the Speaker of the House of Representatives the name and address of the appointee, together with information concerning that person's background and qualifications, in the same manner required of the Governor for nominations made pursuant to Title 3, section 154. A board of county commissioners has the same authority as the Governor, pursuant to Title 3, section 154, to withdraw the name of an appointee at any time before the Senate votes. The provisions of Title 3, sections 155 to 158 apply to the process of legislative review and confirmation of all county appointees to the commission.

**3. Eligibility.** A state employee may not be appointed to or serve as a member of the commission. A ~~county commissioner~~, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, ~~a commissioner~~, an official or employee from that county or municipality may not participate in that proceeding as a member of the commission. An incumbent county commissioner appointed to serve on the commission may not serve simultaneously as a county commissioner and a member of the commission.

**4. Terms.** All members are appointed to 4-year terms. Any member who has not been ~~renominate~~ ~~reappointed~~ by the Governor or ~~the a board of~~ county commissioners prior to the expiration of that member's term may not continue to serve on the commission, unless the Governor notifies the Legislature in writing prior to the expiration of that member's term that extension of that member's term is required to ensure fair consideration of specific major applications pending before the commission. That member's term ends upon final commission decisions on the specific applications identified in the Governor's communication. Any member ~~renominate~~ ~~reappointed~~ by the Governor or ~~a board of~~ county commissioners prior to the expiration of that member's term shall ~~continue~~ ~~continues~~ to serve on the commission until the ~~nomination~~ appointment is acted upon by the Legislature. Once a member of the commission has been appointed by the Governor or a board of county commissioners, a vacancy of that seat must be filled by the same appointing authority as provided in this section. A vacancy during an unexpired term is filled as provided in this section, but only for the unexpired portion of the term.

**5. Rules.** Unless otherwise provided in this chapter, rules adopted by the commission under this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 12 MRSA §685-A, sub-§14,** as enacted by PL 2011, c. 599, §2 and amended by c. 657, Pt. W, §§5 and 7, is further amended to read:

**14. Land management roads, gravel pits and water crossings.** Beginning November 1, 2012, the Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings by land management roads and gravel pits of less than 5 acres in protection districts and management districts in accordance with rules adopted under section 8867-E. For the purposes of this subsection, "land management road" has the same meaning as under section 8868, subsection 7.

**Sec. 5. 12 MRSA §1839, sub-§1, ¶A,** as enacted by PL 1997, c. 678, §13, is amended to read:

A. A complete account of the income and expenditures pertaining to nonreserved public lands during the preceding ~~calendar~~ fiscal year;

**Sec. 6. 12 MRSA §1839, sub-§1, ¶B,** as enacted by PL 1997, c. 678, §13 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

B. A summary of the division's management activities during the preceding ~~calendar~~ fiscal year regarding timber, recreation, wildlife and other subjects as appropriate;

**Sec. 7. 12 MRSA §1853, sub-§1, ¶A,** as enacted by PL 1997, c. 678, §13, is amended to read:

A. A complete account of the income and expenditures pertaining to public reserved lands during the preceding ~~calendar~~ fiscal year;

**Sec. 8. 12 MRSA §1853, sub-§1, ¶B,** as enacted by PL 1997, c. 678, §13 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

B. A summary of the division's management activities during the preceding ~~calendar~~ fiscal year regarding timber, recreation, wildlife and other subjects as appropriate;

**Sec. 9. 12 MRSA §1862, sub-§12, ¶A,** as enacted by PL 1997, c. 678, §13, is amended to read:

A. A complete account of the income and expenditures pertaining to submerged lands during the preceding ~~calendar~~ fiscal year;

**Sec. 10. 12 MRSA §1862, sub-§12, ¶B,** as enacted by PL 1997, c. 678, §13 and amended by PL 2011, c. 657, Pt. W, §7, is further amended to read:

B. A summary of the division's management activities during the preceding ~~calendar~~ fiscal year regarding leases, easements and other appropriate subjects;

**Sec. 11. 12 MRSA §8867-E, sub-§1,** as enacted by PL 2011, c. 599, §5 and amended by c. 657, Pt. W, §7, is further amended to read:

**1. Regulation.** In accordance with section 685-A, subsection 14, beginning November 1, 2012, the director of the division shall administer and enforce the regulation of construction, maintenance and repair of land management roads, water crossings by land management roads and gravel pits of less than 5 acres in areas designated as protection districts and management districts by the commission.

**Sec. 12. P&SL 1989, c. 108, §4,** as amended by P&SL 2003, c. 11, §1, is further amended to read:

**Sec. 4. Location of the reserve.** The reserve is located in the Town of Wells and includes lands between the Little River to the north and the Ogunquit River to the south. The boundary to the east parallels the shoreline, excluding the shoreline development, and to the west includes lands adjacent to the Wells coastal wetlands and within the drainage basins of their tributary streams. Specifically, the reserve contains:

1. Lands in the Rachel Carson National Wildlife Refuge managed by the United States Fish and Wildlife Service;
2. Land purchased or acquired for a state park managed by the Department of Agriculture, Conservation and Forestry;
3. Submerged tidal lands managed by the Department of Agriculture, Conservation and Forestry;
4. Land purchased by the Town of Wells or the State;
5. Land donated by the Town of Wells to the Department of Agriculture, Conservation and Forestry as a conservation easement; and
6. Other lands or interests in land in the location described in this section acquired by the reserve from willing sellers or added to the reserve by agreement for the purpose of furthering the reserve's conservation, research or educational programs.

**Sec. 13. P&SL 1989, c. 108, §6, sub-§5,** as amended by P&SL 2003, c. 11, §2, is repealed.

**Sec. 14. P&SL 1989, c. 108, §6, sub-§5-A** is enacted to read:

5-A. Within 6 months after the close of its fiscal year, the authority shall provide a copy of its financial statements, audited by an independent auditor selected by the authority, to the Commissioner of Agriculture, Conservation and Forestry and any other state agency that requests them. The audited financial statements must comply with federal Office of Management and Budget requirements.

**Sec. 15. P&SL 1989, c. 108, §7, sub-§1** is amended to read:

1. The Commissioner of Agriculture, Conservation and Forestry, or the commissioner's designee;

**Sec. 16. P&SL 1989, c. 108, §7, sub-§5, ¶A** is amended to read:

- A. The Director of the State Planning Office or the director's designee Maine Coastal Program; and

**Sec. 17. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 12, section 683-A, subsection 4, members initially appointed to the Maine Land Use Planning Commission after January 2013 are appointed to staggered terms. The member initially appointed by the Governor serves a term of one year. The members initially appointed by the boards of county commissioners serve as follows: the member initially appointed by the board of county commissioners of the county with the highest acreage of unorganized and deorganized areas serves a term of one year; the member initially appointed by the board of county commissioners of the county with the 2nd-highest acreage of unorganized and deorganized areas serves a term of one year; the member initially appointed by the board of county commissioners of the county with the 3rd-highest acreage of unorganized and deorganized areas serves a term of 2 years; the member initially appointed by the board of county commissioners of the county with the 4th-highest acreage of unorganized and deorganized areas serves a term of 2 years; the member initially appointed by the board of county commissioners of the county with the 5th-highest acreage of unorganized and deorganized areas serves a term of 3 years; the member initially appointed by the board of county commissioners of the county with the 6th-highest acreage of unorganized and deorganized areas serves a term of 3 years; the member initially appointed by the board of county commissioners of the county with the 7th-highest acreage of unorganized and deorganized areas serves a term of 4 years; the member initially appointed by the board of county commissioners of the county with the least acreage of unorganized and deorganized areas serves a term of 4 years.

See title page for effective date.

## CHAPTER 257

### H.P. 715 - L.D. 1017

#### An Act Relating to Employee Leasing Company Registration

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

**Sec. 1. 32 MRSA §14051, sub-§5,** as enacted by PL 1991, c. 468, §4, is amended to read:

**5. Superintendent.** "Superintendent" means the Superintendent of Insurance Consumer Credit Protection.

**Sec. 2. 32 MRSA §14054, sub-§2,** as enacted by PL 1991, c. 468, §4, is repealed and the following enacted in its place:

**2. Treatment of fees.** Fees provided for by this chapter are appropriated for the use of the Bureau of Consumer Credit Protection. Any balance of these funds does not lapse but must be carried forward to be expended for the same purpose in the following year.

**Sec. 3. 32 MRSA §14055, sub-§1, ¶B,** as amended by PL 1991, c. 885, Pt. E, §42 and affected by §47, is further amended to read:

B. The superintendent Superintendent of Insurance shall adopt rules governing the provision of workers' compensation insurance as required by Title 39-A, chapter 9 for workers provided by an employee leasing company to any client company. These rules must be consistent with subsection 2 and reflect consideration of the needs and operational efficiencies of employee leasing companies and the costs to the workers' compensation system. If either the employee leasing company or the client company has secured the payment of compensation in conformity with former Title 39, chapter 1 or Title 39-A, chapter 9, the immunity from liability described in that chapter extends to and is binding on the client company, the employee leasing company, all employees leased to any client company and any other employees of the employee leasing company or the client company. An employee leasing company is not responsible for securing the payment of compensation in conformity with Title 39-A nor deprived of the defenses listed in Title 39-A, section 103 with respect to those persons for whom the provision of benefits is not required under Title 39-A in the absence of an employee leasing arrangement.

**Sec. 4. 32 MRSA §14055, sub-§2, ¶A,** as amended by PL 1991, c. 885, Pt. E, §43 and affected by §47, is further amended to read:

A. Under rules adopted pursuant to subsection 1, paragraph B, the superintendent Superintendent of Insurance may provide a determination of the circumstances and conditions, if any, under which an employee leasing company may be the policyholder of a workers' compensation insurance policy providing coverage to employees leased to client companies. Additionally or alternatively, the superintendent Superintendent of Insurance may require by rule that:

(1) The employee leasing company purchase separate policies through the Maine Employers' Mutual Insurance Company, established pursuant to Title 24-A, section 3703, for client companies subject to Title 39-A; and

(2) The policies be assigned to one servicing carrier and, to the extent practical, administered on a unified basis. The superintendent Superintendent of Insurance also may provide by rule that the employee leasing company or the President of the Maine Employers' Mutual Insurance Company request from the superintendent Superintendent of Insurance a waiver of a rule adopted pursuant to this subparagraph if it is impractical for one servicing carrier to service all the client companies of an employee leasing company.

**Sec. 5. 32 MRSA §14055, sub-§5,** as amended by PL 1997, c. 29, §2, is further amended to read:

**5. Disclosure.** The employee leasing company shall disclose to client companies services to be rendered, including costs, and the respective rights and obligations of the parties prior to entering into or receiving a leasing arrangement. This disclosure must include a statement that the client company may take complaints to the Bureau of Insurance Consumer Credit Protection.

**Sec. 6. 32 MRSA §14059** is enacted to read:

#### **§14059. Rules**

The superintendent may adopt rules to administer the provisions of this chapter for the protection of client companies, including rules regarding the ability of the Bureau of Consumer Credit Protection to receive and respond to complaints. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## **CHAPTER 258**

### **S.P. 359 - L.D. 1042**

#### **An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees**

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

**Sec. 1. 28-A MRSA §1051, sub-§8** is enacted to read:

**8. Liquor taste-testing events for general public on retail licensee's premises.** The bureau may

authorize an on-premise retail licensee to conduct taste testings of liquor open to the public on the licensed premises. Taste-testing events under this subsection must be conducted during hours that are authorized by the bureau for the sale of liquor on the licensed premises and may be held in collaboration with a certificate of approval holder, sales representative licensed under section 1502 or wholesale licensee. The following conditions apply to all taste-testing events conducted under this subsection.

A. Liquor may not be served to persons who have not yet attained 21 years of age.

B. A person may not be served more than a total of 12 ounces of malt liquor having an alcohol content of 6% or less; for malt liquor having an alcohol content greater than 6% but less than 12%, a person may not be served more than a total of 6 ounces; or, for malt liquor having an alcohol content of 12% or greater, a person may not be served more than a total of 3 ounces.

C. A person may not be served more than a total of 5 ounces of wine having an alcohol content of 14% or less; or, for wine having an alcohol content greater than 14%, a person may not be served more than a total of 3 ounces of wine.

D. A person may not be served more than a total of 1 1/2 ounces, in 1/2 ounce servings, of distilled spirits having an alcohol content of 80 proof or less; or, for distilled spirits containing an alcohol content of greater than 80 proof, a person may not be served more than a total of 3/4 of an ounce in 1/4 ounce servings.

E. A person may not be charged a fee for any liquor served as part of a taste-testing event.

F. A person may not be served who is visibly intoxicated.

G. A taste-testing event must be conducted within the hours of retail sale established in this Title.

H. The retail licensee must obtain the written permission of the bureau before conducting a taste-testing event.

I. The retail licensee may conduct no more than one taste-testing event per month.

J. A taste-testing event is not allowed in any municipality where on-premises and off-premises sales are not allowed pursuant to chapter 5.

K. The retail licensee must notify the bureau of the date and time scheduled for a taste-testing event.

L. Liquor served at a taste-testing event may be provided by the retail licensee purchasing the liquor from a wholesale licensee or agency liquor store. A record of a transaction under this para-

graph must be maintained and made available to the bureau.

M. The retail licensee shall establish a designated area in which to conduct a taste-testing event in accordance with this section and shall make reasonable attempts to ensure that tastings are confined to the designated area.

N. The retail licensee, with prior approval from the bureau, may conduct an invitation-only taste-testing event at the licensed premises in place of or to coincide with a taste-testing event that is open to the public.

O. After a taste-testing event is concluded, the retail licensee may return any unused portion of liquor used to conduct the taste-testing event to the licensee's existing stock.

P. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide and distribute food or snacks to be consumed in conjunction with the liquor to be tasted at no cost to the public or the retail licensee if the total cost for the food or snacks does not exceed \$200 per event. Any remaining food or snacks provided in conjunction with a taste-testing event must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

Q. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may provide material to advertise the liquor being offered at the taste-testing event or for the promotion of responsible use of alcohol. A certificate of approval holder, licensed sales representative or wholesale licensee may use the advertising material only for promotional display on the licensed premises. Advertising material related to the taste-testing event may include signs, coasters, napkins, table tents and items of like value and must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the event.

R. A certificate of approval holder, licensed sales representative or wholesale licensee who participates in a taste-testing event may distribute novelties to the public during the event at a cost not to exceed \$3 per novelty. All remaining novelties under this paragraph must be removed by the certificate of approval holder, licensed sales representative or wholesale licensee from the licensed premises at the conclusion of the taste-testing event.

The bureau may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Report.** By February 15, 2015, the division within the Department of Public Safety responsible for administering the laws relating to liquor licensing and enforcement shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters regarding the administration of taste-testing events conducted in accordance with the Maine Revised Statutes, Title 28-A, section 1051, subsection 8. The report must include information pertaining to the enforcement of the laws governing taste-testing events and any administrative or enforcement concerns reported to or encountered by the division. The committee is authorized to report out a bill after consideration of the report and any recommendations made by the division.

See title page for effective date.

## CHAPTER 259 H.P. 793 - L.D. 1121

### An Act To Promote the Production of Maine Beverages

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

**Sec. 1. 32 MRSA §1866-E, sub-§6,** as enacted by PL 2003, c. 499, §8, is amended to read:

**6. Small manufacturers, bottlers and brewers exempt.** Except as otherwise provided in this subsection, a manufacturer who produces no more than 50,000 gallons of its product in a calendar year is exempt from the requirements of this section for that year. A brewer who produces no more than 50,000 gallons of its product or a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product in a calendar year is exempt from the requirements of this section for that year.

See title page for effective date.

## CHAPTER 260 H.P. 800 - L.D. 1135

### An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

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

**Sec. 1. 38 MRSA §480-Q, sub-§5-A** is enacted to read:

**5-A. Motorized recreational gold prospecting.** Notwithstanding section 480-C, a permit is not required for motorized recreational gold prospecting as long as the provisions of this subsection are met.

A. A person may perform motorized recreational gold prospecting only from June 15th to September 15th and only with written permission of the relevant landowner.

B. A person may not perform motorized recreational gold prospecting that causes an undue adverse effect on natural resources. The area in which the motorized recreational gold prospecting is performed must be kept free of litter, trash and any other materials that may constitute a hazardous or nuisance condition.

C. The following provisions limit the use of equipment in motorized recreational gold prospecting.

(1) Equipment may not have any fuel, oil or hydraulic leaks or cause any unlicensed discharge.

(2) Motorized equipment may not exceed 7 horsepower.

(3) The inside diameter of a suction dredge intake nozzle and hose may not exceed 4 inches.

(4) The area of a sluice may not exceed 10 square feet.

(5) A flume may not be used to transport water outside of a stream channel.

D. A person may not use mercury, nitric acid or other chemicals for extraction in motorized recreational gold prospecting.

E. A person may not perform motorized recreational gold prospecting in a manner that:

(1) Disturbs a stream bank, including but not limited to digging into the bank or dredging or altering water flow within a stream channel in a manner that causes the bank to erode or collapse;

(2) Removes or damages vegetation or woody debris such as root wads, stumps or logs within a stream channel, on the bank or on nearby upland, including cutting or abrasion of trees;

(3) Diverts, dams or otherwise obstructs a stream;

(4) Deposits soil, rocks or any other foreign material from outside of the channel into a stream; or

(5) Deposits stream bottom sediments or rocks onto the bank or upland.

F. Upon completion of one or more consecutive days of motorized recreational gold prospecting, a person who performed the motorized recreational gold prospecting shall smooth out dredge spoils and refill dredge holes below the normal high-water mark of the stream in order to restore the approximate original contours of the stream bottom and not deflect the current.

G. Motorized recreational gold prospecting is prohibited within the following areas:

- (1) Waters closed to motorized recreational gold prospecting in the unorganized territories identified in rules adopted by the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission; and
- (2) Waters closed to motorized recreational gold prospecting identified in rules adopted by the Department of Environmental Protection.

**Sec. 2. Rulemaking.** The Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission may each adopt rules identifying specific waters in which motorized recreational gold prospecting is not allowed. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Authority to submit legislation.** The Joint Standing Committee on Environment and Natural Resources may report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

See title page for effective date.

## CHAPTER 261 H.P. 804 - L.D. 1139

### An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements

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

**Sec. 1. 30-A MRSA §462** is enacted to read:

#### **§462. Aid to other law enforcement agencies**

Except as otherwise provided by county charter or ordinance, the county commissioners may authorize the sheriff or other designee to request other counties to provide law enforcement officers to assist the requesting county. The county commissioner may authorize the sheriff or other designee to provide law

enforcement officers to assist other counties when so requested by a properly authorized sheriff or other designee of the requesting county.

The authorizations of the county commissioners under this section must be accompanied by an agreement between the requesting county and the responding county that specifies which county is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the law enforcement officers of the responding county in the course of assisting the requesting county.

If a request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting county and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the sheriff or the sheriff's designee may request assistance from or provide assistance to another county or law enforcement agency whether or not an agreement between the 2 counties or parties exists. Each law enforcement department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

The law enforcement officers of the responding county or law enforcement agency have the same authority as law enforcement officers within the limits of the requesting county, except as to the service of civil process and, when assisting the other county, have the same privileges and immunities as when acting within their own jurisdiction.

**Sec. 2. 30-A MRSA §2674**, as amended by PL 2001, c. 65, §1, is further amended to read:

#### **§2674. Aid to other law enforcement agencies**

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police law enforcement officers to assist the requesting municipality. The county commissioners may authorize the sheriff or other designee to request a municipality to provide law enforcement officers to assist the requesting county. The municipal officers may authorize the chief of police or other designee to provide police law enforcement officers to assist other municipalities or counties when so requested by a properly authorized chief of police, sheriff or other designee of the requesting municipality or county.

The authorizations of the municipal officers or county commissioners must be accompanied by an agreement between the requesting municipality or county and the responding municipality or county that specifies which municipality governmental entity is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the police law enforcement officers of the responding municipality or county in the course of assisting the requesting municipality or county.

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality or county and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the police chief of any municipality or sheriff of any county or the chief's or sheriff's designee may request assistance from or provide assistance to another municipality or law enforcement agency whether or not an agreement between the 2 municipalities or parties exists. Each police law enforcement department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

The police law enforcement officers of the responding municipality or county or law enforcement agency have the same authority as police law enforcement officers within the limits of the requesting municipality or county, except as to the service of civil process, and, when assisting other municipalities, have the same privileges and immunities as when acting within their own jurisdiction.

See title page for effective date.

## CHAPTER 262 S.P. 432 - L.D. 1238

### An Act To Improve Professional Training for Licensed Mental Health Clinicians

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

**Sec. 1. 32 MRSA §3831, sub-§2,** as amended by PL 2007, c. 402, Pt. Q, §9, is further amended to read:

**2. Psychologist.** A candidate for this license shall furnish the board with satisfactory evidence that the candidate is trustworthy and competent to practice as a psychologist in such manner as to safeguard the interest of the public; has received a doctorate degree reflecting comprehensive training in psychology from an accredited institution recognized by the board as maintaining satisfactory standards, at the time the degree was granted; has had at least 2 years of experience in psychology of a type considered by the board to be qualifying in nature; is competent in psychology, as shown by passing such examinations as the board determines necessary; is not considered by the board to be engaged in unethical practice; and has not within the preceding 6 months failed an examination. The board shall recognize that valid comprehensive training in psychology must be received in or accepted by a single program, but may be obtained through a degree given by administrative units other than a department of psychology, including programs approved by the National Association of School Psychologists or the American Psychological Association designation program or their successors or other organizations approved by the board. The board shall adopt a list of these programs. Individuals with degrees from programs not on that list must be evaluated on a case-by-case basis.

Beginning January 1, 2020, a candidate for initial licensure shall furnish the board with satisfactory evidence that the candidate has successfully completed a minimum of 3 hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. A candidate may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work provided through any combination of contact hours, Internet hours and distance learning programs, as evidenced by certification from an accredited educational institution. The board shall accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum. A candidate for initial licensure that is unable to demonstrate completion of the requirement of 3 hours of course work at the time the initial application is submitted shall demonstrate to the board that this requirement has been fulfilled upon the candidate's first application for license renewal.

**Sec. 2. 32 MRSA §3835, first ¶,** as amended by PL 2007, c. 402, Pt. Q, §11, is further amended to read:

Licenses issued under this chapter expire biennially or as established by the Commissioner of Professional and Financial Regulation. A person licensed under this chapter shall submit, on or before the estab-

lished expiration date, an application for license renewal together with the renewal fee as set under section 3833-A. Beginning January 1, 2020, a person that submits an application for license renewal shall demonstrate to the satisfaction of the board a one-time successful completion of a minimum of 3 contact hours of course work in family or intimate partner violence screening and referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. The board may accept equivalent courses in spousal or partner abuse screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Continuing education courses taken pursuant to this paragraph may be used to satisfy the licensee's required hours of continuing education.

**Sec. 3. 32 MRSA §7053, sub-§1,** as amended by PL 1987, c. 735, §69, is further amended to read:

**1. Licensed clinical social worker.** To be qualified as a licensed clinical social worker, an applicant shall have demonstrated to the satisfaction of the board adherence to the ethics of the social work profession; shall have successfully completed the examination prescribed by the board; and shall have received either:

A. A ~~masters~~ master's or doctoral degree in social work or social welfare from an accredited educational institution; in a clinical concentration and:

- (1) Shall have subsequently completed 2 years of social work experience with 96 hours of consultation in a clinical setting; or
- (2) Shall have demonstrated 2 years of full-time clinical social work experience or its equivalent and have completed the graduate degree prior to January 1, 1987; and have completed 2 years of subsequent social work experience with 96 hours of consultation in a private setting; or

B. A ~~masters~~ master's or doctoral degree in social work in a nonclinical concentration from an accredited educational institution and:

- (1) Shall have subsequently completed 4 years of social work experience with 192 hours of consultation in a clinical setting; or
- (2) Shall have demonstrated 2 years of full-time clinical social work experience or its equivalent and have completed the graduate degree prior to January 1, 1987; and have completed 4 years of subsequent social work experience with 192 hours of consultation in a private setting.

The board may waive up to one year of the post-master of social work, clinical experience requirement pursuant to this subsection for those candidates who demonstrate to the satisfaction of the board equivalent clinical experience prior to receiving the ~~masters~~ master's degree in social work.

The board shall issue rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, defining the clinical experience required for this level of licensure.

Beginning January 1, 2020, an applicant for initial licensure shall demonstrate to the satisfaction of the board successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution. The board shall accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum. An applicant for initial licensure that is unable to demonstrate completion of the requirement of 12 hours of course work at the time the initial application is submitted shall demonstrate to the board that this requirement has been fulfilled upon the applicant's first application for license renewal.

**Sec. 4. 32 MRSA §7060,** as amended by PL 2007, c. 402, Pt. V, §15, is further amended by adding after the first paragraph a new paragraph to read:

Beginning January 1, 2020, an applicant for license renewal shall demonstrate to the satisfaction of the board a one-time successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution or equivalent teaching or practice experience. The board may accept equivalent courses in family or intimate partner violence screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Continuing education

courses taken pursuant to this paragraph may be used to satisfy the licensee's required hours of continuing education.

**Sec. 5. 32 MRSA §13858, sub-§2,** as amended by PL 2003, c. 542, §2, is further amended to read:

**2. Licensed clinical professional counselor.** To be qualified as a licensed clinical professional counselor, an applicant must demonstrate to the satisfaction of the board adherence to the ethics of the counseling profession, successfully complete the examination prescribed by the board and have:

A. A master's degree or a doctoral degree in counseling or an allied mental health field from an accredited institution or a program approved by the board. Such schooling must include a minimum core curriculum and total credit hours as adopted by the board; and

B. Two years of experience after obtainment of a master's degree or a doctoral degree to include at least 3,000 hours of supervised clinical experience with a minimum of 100 hours of personal supervision; and

C. Beginning January 1, 2020, demonstrated to the satisfaction of the board successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work taken in fulfillment of other educational requirements for licensure or through separate course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution. The board shall accept certification from the accredited educational institution from which the applicant is a graduate that verifies the applicant's satisfaction of this requirement within the applicant's completed course curriculum. An applicant for initial licensure that is unable to demonstrate completion of the requirements of this paragraph at the time the initial application is submitted shall demonstrate to the board that these requirements have been fulfilled upon the applicant's first application for license renewal.

**Sec. 6. 32 MRSA §13860, sub-§2,** as amended by PL 1997, c. 128, §1, is further amended to read:

**2. Continuing education and supervision.** The board, by rule, may establish continuing education and supervision requirements. Applicants for license renewal of license must show proof of satisfying the

continuing education requirements set forth by the board. If a license lapses due to failure of the licensee to meet continuing education requirements, the licensee may renew the license upon completion of the required continuing education. Beginning January 1, 2020, applicants for license renewal shall demonstrate to the satisfaction of the board a one-time successful completion of a minimum of 12 hours of course work in family or intimate partner violence, including course work in spousal or partner abuse that addresses screening, referral and intervention strategies, including knowledge of community resources, cultural factors, evidence-based risk assessment and same-gender abuse dynamics. An applicant may fulfill this requirement through course work provided through contact hours, Internet hours or distance learning programs, as evidenced by certification from an accredited educational institution or equivalent teaching or practice experience. The board may accept equivalent courses in family or intimate partner violence screening and referral and intervention strategies or equivalent teaching or practice experience completed prior to January 1, 2020 in satisfaction of this requirement. Continuing education courses taken pursuant to this subsection must be applied to the licensee's required hours of continuing education.

See title page for effective date.

## CHAPTER 263

### S.P. 486 - L.D. 1379

#### An Act Regarding the Valuation of Certain Vehicles

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

**Sec. 1. 36 MRSA §1482, sub-§1, ¶C,** as amended by PL 2011, c. 646, §3, is further amended to read:

C. For the privilege of operating a motor vehicle or camper trailer on the public ways, each motor vehicle, other than a stock race car, or each camper trailer to be so operated is subject to excise tax as follows, except as specified in subparagraph (3) ~~or~~, (4) or (5): a sum equal to 24 mills on each dollar of the maker's list price for the first or current year of model, 17 1/2 mills for the 2nd year, 13 1/2 mills for the 3rd year, 10 mills for the 4th year, 6 1/2 mills for the 5th year and 4 mills for the 6th and succeeding years. The minimum tax is \$5 for a motor vehicle other than a bicycle with motor attached, \$2.50 for a bicycle with motor attached, \$15 for a camper trailer other than a tent trailer and \$5 for a tent trailer. The excise tax on a stock race car is \$5.

(1) On new registrations of automobiles, trucks and truck tractors, the excise tax payment must be made prior to registration and is for a one-year period from the date of registration.

(2) Vehicles registered under the International Registration Plan are subject to an excise tax determined on a monthly proration basis if their registration period is less than 12 months.

(3) For commercial vehicles manufactured in model year 1996 and after, the amount of excise tax due for trucks or truck tractors registered for more than 26,000 pounds and for Class A special mobile equipment, as defined in Title 29-A, section 101, subsection 70, is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

(4) For buses manufactured in model year 2006 and after, the amount of excise tax due is based on the purchase price in the original year of title rather than on the list price. Verification of purchase price for the application of excise tax is determined by the initial bill of sale or the state sales tax document provided at point of purchase. The initial bill of sale is that issued by the dealer to the initial purchaser of a new vehicle.

(5) For trucks or truck tractors registered for more than 26,000 pounds that have been reconstructed using a prepackaged kit that may include a frame, front axle or body but does not include a power train or engine and for which a new certificate of title is required to be issued, the amount of excise tax due is based on the maker's list price of the prepackaged kit.

For motor vehicles being registered pursuant to Title 29-A, section 405, subsection 1, paragraph C, the excise tax must be prorated for the number of months in the registration.

**Sec. 2. 36 MRSA §1482, sub-§4,** as amended by PL 1997, c. 200, §1, is further amended to read:

**4. Maker's list price.** The maker's list price of a vehicle to be used shall must be obtained from sources approved by the State Tax Assessor, except for a truck or truck tractor described under subsection 1, paragraph C, subparagraph (5). Where When the maker's list price of a vehicle is not readily obtainable the State Tax Assessor shall prescribe the maker's list price to

be used or the manner in which the maker's list price shall be is determined.

A. At the time of payment of the excise tax prior to a new registration for a new passenger vehicle purchased from a motor vehicle dealer licensed in any state for the sale of new passenger vehicles, the owner shall submit the manufacturer's suggested retail price sticker, or a copy of the sticker, to the excise tax collector. In the case of rental and fleet vehicles, other documentation may be provided at the discretion of the municipal excise tax collector.

This paragraph applies only to those vehicles for which a manufacturer's suggested retail price sticker is required by the Federal Government.

See title page for effective date.

## CHAPTER 264

### H.P. 990 - L.D. 1387

#### An Act To Provide Clarity and Consistency in Routine Public Health Licensing Activities

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

**Sec. 1. 17 MRSA §3966,** as amended by PL 2011, c. 369, §9, is further amended to read:

#### §3966. Animals in food stores

It is unlawful for any person, other than the owner or manager, to bring an animal into a store where food is sold for human consumption or into a restaurant where food is prepared and served on the premises. This section does not apply to a person requiring the services of a service animal.

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection 9-E, paragraph A or B.

**Sec. 2. 22 MRSA §1686, first ¶,** as repealed and replaced by PL 1987, c. 769, Pt. A, §73, is amended to read:

Unless it is licensed for fewer than 13 seats and is not licensed for on premise consumption of alcoholic beverages, an An eating establishment shall must provide at least one toilet facility for the use of its customers. Toilet facilities which that require access through the food preparation area or the use of which would in any way cause the establishment to be in violation of any state law or rule shall may not be considered as fulfilling this requirement. The location of the toilets shall must be clearly marked, and the toilets must be maintained in a sanitary condition, and in good repair and their location must be identifiable

from the eating area. There shall may not be no a charge for their use. Lavatory facilities shall must be located within or immediately adjacent to all toilet rooms or vestibules.

**Sec. 3. 22 MRSA §2491, sub-§7,** as amended by PL 2011, c. 193, Pt. A, §4, is further amended to read:

**7. Eating establishment.** "Eating establishment" means any place where food or drink is prepared and served, or served to the public for consumption on the premises, or catering establishments, or establishments dispensing food from vending machines, or establishments preparing foods for vending machines dispensing foods other than in original sealed packages, such as hotels, motels, boarding homes, restaurants, take-out restaurants, mobile eating places, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tea-rooms, sandwich shops, soda fountains, bars, cocktail lounges, night clubs, roadside stands, industrial feeding establishments, private or public institutions routinely serving foods such as schools, retail frozen dairy product establishments, airports, parks, theaters, recreational camps, youth camps or any other catering or nonalcoholic drinking establishments or operations where food is prepared and served or served for consumption on the premises, or catering establishments where food is prepared, or where foods are prepared for vending machines dispensing food other than in original sealed packages.

**Sec. 4. 22 MRSA §2491, sub-§7-F,** as enacted by PL 2011, c. 193, Pt. A, §6, is amended to read:

**7-F. Lodging place.** "Lodging place" means a building or structure, or any part of a building or structure, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes. "Lodging place" includes, but is not limited to, hotels, motels, guest homes and cottages bed and breakfasts and inns where the owner or managing entity maintains the sleeping accommodations lodging facilities and the structures are located in the same general physical location. "Lodging place" includes a property under common management where 4 or more rooms, cottages or condominium units are rented to the public. "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated with educational institutions, permanent residences, rooming houses, tenancies at will or rental properties with tenant and landlord relationships.

**Sec. 5. 22 MRSA §2491, sub-§17** is enacted to read:

**17. Vacation rental.** "Vacation rental" means a residential property that is rented for vacation, leisure or recreation purposes for a day, a week or a month.

and typically under 30 days but not for more than an entire summer or winter season, to a person who has a place of permanent residence to which the person intends to return.

**Sec. 6. 22 MRSA §2498, sub-§1,** as amended by PL 2011, c. 193, Pt. B, §§4 to 6, is further amended to read:

**1. Authorization.** The department is authorized to impose one or more of the following sanctions when a violation of this chapter, or rules enacted pursuant to this chapter, occurs and the department determines that a sanction is necessary and appropriate to ensure compliance with state licensing rules or to protect the public health.

A. The department may impose penalties for violations of this chapter, or the rules adopted pursuant to this chapter, on any eating establishment, eating and lodging place, lodging place, recreational camp, youth camp, public pool or public spa or campground. The penalties may not be greater than \$100 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. Penalties may be imposed for each violation of the rules.

B. The department may direct an eating establishment, eating and lodging place, lodging place, recreational camp, youth camp, public pool or public spa or campground to correct any violations in a manner and within a time frame that the department determines is appropriate to ensure compliance with state rules or to protect the public health. Failure to correct violations within the time frames constitutes a separate finable violation.

C. Any person, corporation, firm or copartnership that operates any eating establishment, eating and lodging place, lodging place, recreational camp, youth camp, public pool or public spa or campground without first obtaining a license as required by this chapter must be punished, upon adjudication of unlicensed operation, by a fine of not less than \$25 nor more than \$200, and upon a 2nd or subsequent adjudication of unlicensed operation must be punished by a fine of not less than \$200 nor more than \$500. Each day any such person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense.

D. In the event of any violation of this section or any rule pursuant to this chapter, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

E. A person, corporation, firm or copartnership that fails to pay a penalty imposed pursuant to this chapter:

- (1) May be referred to the Attorney General for appropriate enforcement action; and
- (2) In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees.

**Sec. 7. 22 MRSA §2501, first ¶,** as amended by PL 2011, c. 193, Pt. B, §10, is further amended to read:

Private homes are not deemed or considered lodging places and subject to a license when not more than 5 rooms are let; such private homes must post in a visible location in each rented room a card with the following statement in text that is easily readable in no less than 18-point boldface type of uniform font "This lodging place is not regulated by the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention." The homes must provide guests upon check-in with a notice containing the same information. A license is not required from vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions; or fraternity and sorority houses affiliated with educational institutions, or from private homes used in emergencies for the accommodation of persons attending conventions, fairs or similar public gatherings, nor from temporary eating establishments and temporary lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations, nor from any boarding care facilities or children's homes that are licensed under section 7801.

**Sec. 8. 32 MRSA §1222,** as enacted by PL 1979, c. 87, §1, is amended to read:

#### **§1222. Licensure; penalty**

**1. License required.** No A person may not practice electrology in this State unless that person is registered with licensed by the department under this chapter. A license issued under this chapter is valid for one year from the date of issuance.

**2. Criminal penalty.** Any person who practices electrology in violation of subsection 1 is guilty of a Class E crime.

**3. Civil penalty.** A person who practices electrology without a license or who violates the sterilization, sanitation or safety standards adopted by the department under this chapter commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

**4. Enforcement.** A person who fails to pay a penalty imposed pursuant to this chapter:

- A. May be referred to the Attorney General for appropriate enforcement action; and

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees.

**Sec. 9. 32 MRSA §1231-A,** as enacted by PL 1991, c. 416, §3, is amended to read:

#### **§1231-A. Licensure requirements**

**1. Licensure requirements.** Except as provided in section 1233, the department shall register issue a license to any person under this chapter who:

- A. Is at least 17 years of age;
- B. Has a high school diploma or its equivalent; and
- C. Passes an inspection under section 1243 within 60 days before that person is registered the license is issued.

**2. Exemption.** A person who has a valid electrology license from the department as of January 1, 1991 is exempt from the requirements of subsection 1.

**3. Reciprocity.** Except as provided in section 1233 and notwithstanding the requirements of subsection 1, the department shall register issue a license to any applicant under this chapter who provides the department with evidence that the applicant has 3 years of experience as an electrologist in another state. That proof must consist of notarized copies of the license or registration issued by the state where the applicant last practiced electrology.

**Sec. 10. 32 MRSA §1232,** as enacted by PL 1979, c. 87, §1, is repealed.

**Sec. 11. 32 MRSA §1233, first ¶,** as enacted by PL 1979, c. 87, §1 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

The following shall be are grounds for the department's refusal to register issue a license to any person or for the District Court's suspension or revocation of the registration license of any person:

**Sec. 12. 32 MRSA §1233, sub-§3,** as enacted by PL 1979, c. 87, §1, is amended to read:

**3. Fraudulently obtaining license.** Attempting to register obtain a license or registering obtaining a license under this chapter by means of fraud or under false pretenses.

**Sec. 13. 32 MRSA §1241,** as enacted by PL 1979, c. 87, §1 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

#### **§1241. Powers and duties**

The department shall register or refuse to register persons under this chapter, may investigate, inspect,

examine and review persons and premises as necessary to properly administer this chapter; and may make any appropriate complaint to the District Court.

**Sec. 14. 32 MRSA §4204** is repealed and the following enacted in its place:

#### **§4204. Penalties**

**1. Penalty.** A person who fails to be licensed as required by this chapter, violates the sterilization, sanitation or safety standards adopted by the Department of Health and Human Services under section 4251 or performs tattooing on a minor commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

**2. Enforcement.** A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the Department of Health and Human Services, including attorney's fees.

**Sec. 15. 32 MRSA §4252,** as amended by PL 2009, c. 589, §11, is further amended to read:

#### **§4252. Issuance of licenses**

The Department of Health and Human Services is empowered to may license persons to practice the art of tattooing. Such licenses are issued annually by the department upon the payment of a for a term of one year and may be renewed annually. The fee for an initial license or a renewal license may not exceed \$250. Licenses expire on September 30th of each year. All fees collected by the department pursuant to this section must be deposited in a special revenue account dedicated to a health inspection program.

**Sec. 16. 32 MRSA §4318** is enacted to read:

#### **§4318. Penalties**

**1. Penalty.** A person who fails to be licensed as provided by section 4312 or violates the sterilization, sanitation or safety standards adopted by the department under section 4313 commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

**2. Enforcement.** A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest,

costs and fees incurred by the department, including attorney's fees.

**Sec. 17. 32 MRSA §4327,** as enacted by PL 1997, c. 206, §1, is repealed and the following enacted in its place:

#### **§4327. Penalties**

**1. Penalty.** A person who fails to be licensed as provided by section 4324, violates the sterilization, sanitation or safety standards adopted by the department under section 4326 or performs body piercing on a minor without parental consent under section 4323 commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged for each violation.

**2. Enforcement.** A person who fails to pay a penalty imposed pursuant to this chapter:

A. May be referred to the Attorney General for appropriate enforcement action; and

B. In addition to all fines and penalties imposed pursuant to this chapter, is liable for any interest, costs and fees incurred by the department, including attorney's fees.

**Sec. 18. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 32, chapter 18, subchapter 2, in the subchapter headnote, the word "registration" is amended to read "licensure" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 19. Appropriations and allocations.** The following appropriations and allocations are made.

#### **HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

##### **Health - Bureau of 0143**

Initiative: Allocates funds for payment of fees to the Office of the Attorney General.

	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS		
All Other	\$7,200	\$7,200

  

OTHER SPECIAL REVENUE FUNDS TOTAL	\$7,200	\$7,200
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See title page for effective date.

**CHAPTER 265**  
**H.P. 1022 - L.D. 1433**

**An Act To Amend the Laws  
Governing Mental  
Responsibility for Criminal  
Conduct**

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

**Sec. 1. 15 MRSA §101-D, sub-§4,** as amended by PL 2011, c. 542, Pt. A, §8, is further amended to read:

**4. Commitment for observation.** The court may commit the defendant to the custody of the Commissioner of Health and Human Services for placement in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism, as set forth in this subsection. If the State Forensic Service determines that observation of the defendant will materially enhance its ability to perform an examination ordered pursuant to subsection 1, 2, 3 or 9 and the defendant is incarcerated, the observation may take place at the correctional facility where the defendant is incarcerated if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the observation. If the observation is to take place in a correctional facility, the court may not commit the defendant to the custody of the Commissioner of Health and Human Services.

A. If the State Forensic Service determines that observation of the defendant in an appropriate institution for the care of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism will materially enhance its ability to perform an evaluation examination ordered pursuant to subsection 1, 2, 3 or 9, the State Forensic Service shall so advise the court. The State Forensic Service may make this determination based upon consultation with the defendant's attorney and the attorney for the State and the court and upon such other information as it determines appropriate. In addition, the State Forensic Service may include such a determination in a report to the court that recommends further evaluation of the defendant.

B. Upon a determination by the State Forensic Service under paragraph A, a court having jurisdiction in a criminal case may commit the defendant to the custody of the Commissioner of Health and Human Services for placement in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treat-

ment for persons who have intellectual disabilities or autism for observation for a period not to exceed 60 days. If the State Forensic Service requires additional time for observation, it shall communicate its request and the reasons for that request to the court and to counsel for the parties. The court shall accommodate a party's request to be heard on the issue of whether an extension should be granted and may extend the commitment for up to an additional 90 days. Unless the defendant objects, an order under this paragraph must authorize the institution or residential program where the defendant is placed by the Commissioner of Health and Human Services to provide treatment to the defendant. When further observation of the defendant is determined no longer necessary by the State Forensic Service, the commissioner shall report that determination to the court and the court shall terminate the commitment. If the defendant had been incarcerated prior to the commitment for observation and if, during the period of observation, the defendant presents a substantial risk of causing bodily injury to staff or others that cannot be managed in an appropriate institution for the care and treatment of people with mental illness or in an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism, the commissioner may return the defendant to the correctional facility. The commissioner shall report the risk management issues to the court. Upon receiving the report, the court shall review the report and may enter any order authorized by this section, including termination of the commitment.

C. If the court has provided for remand to a correctional facility following the commitment under paragraph B, the correctional facility shall execute the remand order upon advice from the Commissioner of Health and Human Services that commitment is determined no longer necessary.

**Sec. 2. 15 MRSA §101-D, sub-§5,** as amended by PL 2013, c. 21, §2, is further amended to read:

**5. Finding of incompetence; custody; bail.** If, after hearing upon motion of the attorney for the defendant or upon the court's own motion, the court finds that any defendant is incompetent to stand trial, the court shall continue the case until such time as the defendant is determined by the court to be competent to stand trial and may either:

A. Commit the defendant to the custody of the Commissioner of Health and Human Services to be placed in an for appropriate placement for observation, care and treatment in an institution for the care and treatment of people with mental illness or in, an appropriate residential program that

provides care and treatment for persons who have intellectual disabilities or autism ~~for observation, care and treatment, an intermediate care facility for persons who have intellectual disabilities or autism, a crisis stabilization unit, a nursing home, a residential care facility, an assisted living facility, a hospice, a hospital or any living situation specifically approved by the court.~~ At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and ~~one year~~ 180 days, the State Forensic Service or other appropriate office of the Department of Health and Human Services shall forward a report to the Commissioner of Health and Human Services relative to the defendant's competence to stand trial and its reasons. The Commissioner of Health and Human Services shall without delay file the report with the court having jurisdiction of the case. The court shall ~~without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the State Forensic Service's report or the report of another appropriate office of the Department of Health and Human Services to the court states that the defendant is either now competent or not restorable, the court shall within 30 days hold a hearing.~~ If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, the court shall recommit the defendant to the custody of the Commissioner of Health and Human Services ~~to be placed in an~~ for appropriate placement for observation, care and treatment in an institution for the care and treatment of people with mental illness ~~or in~~ an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism, an intermediate care facility for persons who have intellectual disabilities or autism, a crisis stabilization unit, a nursing home, a residential care facility, an assisted living facility, a hospice, a hospital or any living situation specifically approved by the court. When a person who has been evaluated on behalf of the court by the State Forensic Service or other appropriate office of the Department of Health and Human Services is committed into the custody of the Commissioner of Health and Human Services under this paragraph, the court shall order that the State Forensic Service or other appropriate office of the Department of Health and Human Services share any information that it has collected or generated with respect to the person with the institution or residential program in which the person is placed. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or

803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, order the Commissioner of Health and Human Services to commence proceedings pursuant to Title 34-B, chapter 3, subchapter 4. If the defendant is charged with an offense other than an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence and the correctional facility to which the defendant must be transported shall execute the court's order; or

B. Issue a bail order in accordance with chapter 105-A, with or without the further order that the defendant undergo observation at ~~a state mental hospital or mental health facility~~ an institution for the care and treatment of people with mental illness, an appropriate residential program that provides care and treatment for persons who have intellectual disabilities or autism, an intermediate care facility for persons who have intellectual disabilities or autism, a crisis stabilization unit, a nursing home, a residential care facility, an assisted living facility, a hospice, a hospital approved by the Department of Health and Human Services ~~or a living situation specifically approved by the court~~ or by arrangement with a private psychiatrist or licensed clinical psychologist and treatment when it is determined appropriate by the State Forensic Service. When outpatient observation and treatment is ordered an examination must take place within 45 days of the court's order and the State Forensic Service shall file its report of that examination within 60 days of the court's order. The State Forensic Service's report to the court must contain the opinion of the State Forensic Service concerning the defendant's competency to stand trial and its reasons. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial, which must be held pursuant to and consistent with the standards set out in paragraph A.

**Sec. 3. 15 MRSA §101-D, sub-§8,** as enacted by PL 2009, c. 268, §3, is further amended to read:

**8. No release during commitment period; violation.** A person ordered or committed for examination, observation, care or treatment pursuant to this section may not be released from the designated institution placement during the period of examination. An individual responsible for or permitting the release of a person ordered committed pursuant to this section for examination, observation, care or treatment from the designated institution placement commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

**Sec. 4. 15 MRSA §103-A, sub-§2** is enacted to read:

**2. Commencement of commitment.** When a person subject to an undischarged straight term of imprisonment or to an unsuspended portion of a split sentence for a Maine conviction is, for a different Maine offense, found not criminally responsible by reason of insanity or is the recipient of a negotiated insanity plea, the person must first serve the undischarged term of imprisonment or the unsuspended portion of the split sentence before commencing the commitment to the custody of the Commissioner of Health and Human Services ordered by the court pursuant to section 103 unless the court orders otherwise.

**Sec. 5. 15 MRSA §104-A, sub-§2,** as amended by PL 2005, c. 263, §3, is further amended to read:

**2. Modified release treatment.** Any individual committed pursuant to section 103 may petition the Superior Court for the county in which that person is committed for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time if the individual is monitored by a multidisciplinary treatment team affiliated with the institution and meets face to face with a team member at least every 14 days and with a team member qualified to prescribe medication at least monthly. The petition must contain a report from the institutional staff, including at least one psychiatrist, and the report must define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change; and the estimated duration of the treatment program before further change. This petition must be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program. If the court considers that the individual being off the grounds, as described in the treatment plan, is inappropriate, it shall notify the hospital that the plan is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall

give notice of the receipt of this program by mailing a copy to the office of the district attorney that prosecuted the criminal charges for which the person was committed under section 103, the offices of the district attorneys in whose district the release petition was filed or in whose district release may occur and the Attorney General who may file objections and request a hearing on the matter. Representatives of the Attorney General and the office that prosecuted the person may appear at any hearing on the matter. At the hearing, the court shall receive the testimony of a member of the State Forensic Service who has examined the person, any independent psychiatrist or licensed clinical psychologist who is employed by the prosecutor and has examined the person and any other relevant testimony. If the court does not respond within 60 days to the proposed treatment plan and no objections and request for hearing are filed by the district attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan. The Commissioner of Health and Human Services shall inform the public safety officer of the municipality or the sheriff's office of the county in which the person will spend any unsupervised time under the release treatment program of that program.

See title page for effective date.

## CHAPTER 266

### H.P. 1032 - L.D. 1438

#### **An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, Statutory Post-conviction Review, the Maine Criminal Code and a Related Statute**

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

**Sec. 1. 15 MRSA §1091-A,** as enacted by PL 1995, c. 456, §1, is amended to read:

#### **§1091-A. Failure to report**

**1. Failure to report after stay of execution.** A defendant who has been sentenced but granted a stay of execution to report at until a specific time specified date or event and who, in fact, fails to report as ordered is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.

~~It is an affirmative defense that the failure to appear resulted from just cause.~~

**2. Affirmative defense.** It is an affirmative defense to prosecution under subsection 1 that the failure to report resulted from just cause.

**3. Strict liability.** Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

**Sec. 2. 15 MRSA §2124, sub-§1, ¶F,** as enacted by PL 2011, c. 601, §7, is amended to read:

F. Restitution imposed by the challenged criminal judgment that has not been paid and in a case when a person has not inexcusably violated Title 17-A, section 1328-A or inexcusably defaulted in payment of any portion. Any challenge as to the amount of restitution ordered is further limited by Title 17-A, section 1330-A; ~~or~~

**Sec. 3. 15 MRSA §2124, sub-§1, ¶F-1** is enacted to read:

~~F-1. Community service work imposed by the challenged criminal judgment that has not been fully performed and in a case when a person has not inexcusably failed to complete the work within the time specified by the court; or~~

**Sec. 4. 15 MRSA §2125,** as amended by PL 2011, c. 601, §8, is further amended to read:

#### **§2125. Ground for relief**

A person who satisfies the prerequisites of section 2124 may show that the challenged criminal judgment or sentence is unlawful or unlawfully imposed, or that the impediment resulting from the challenged post-sentencing proceeding is unlawful, as a result of any error or ground for relief, whether or not of record, unless the error is harmless or unless relief is unavailable for a reason provided in section 2126 ~~or~~, section 2128 unless section 2128-A applies, or section 2128-B.

**Sec. 5. 15 MRSA §2126,** as amended by PL 1985, c. 556, §2, is further amended to read:

#### **§2126. Exhaustion**

A person under restraint or impediment specified in section 2124 must also demonstrate that ~~he the person~~ has previously exhausted remedies incidental to proceedings in the trial court, on appeal or administrative remedies. A person who has taken an appeal from a judgment of conviction ~~or~~, a juvenile adjudication or a judgment of not criminally responsible by reason of insanity is not precluded from utilizing the remedy of this chapter while the appeal is pending, provided that the. The post-conviction review proceeding is auto-

matically stayed pending resolution of the appeal unless the Appellate Court on motion and for good cause otherwise directs.

**Sec. 6. 15 MRSA §2138, sub-§12,** as amended by PL 2011, c. 601, §13, is further amended to read:

**12. Exhaustion.** A person who has taken a direct appeal from the judgment of conviction is not precluded from utilizing the remedy of this chapter while the appeal is pending, as long as the. The resolution of the motion is automatically stayed pending final disposition of the direct appeal unless the Supreme Judicial Court, sitting as the Law Court, on motion otherwise directs.

A person who has initiated a collateral attack upon the judgment of conviction under chapter 305-A is not precluded from utilizing the remedy of this chapter while that post-conviction review proceeding is pending, as long as. The resolution of the motion is automatically stayed pending final disposition of the post-conviction review proceeding unless the assigned justice or judge in the post-conviction review proceeding otherwise directs.

**Sec. 7. 17-A MRSA §757, sub-§1, ¶B,** as enacted by PL 1975, c. 499, §1, is amended to read:

B. Being a person in official custody, ~~he the person~~ intentionally makes, obtains or possesses contraband.

**Sec. 8. 17-A MRSA §1304, sub-§3, ¶B,** as enacted by PL 1999, c. 367, §5, is amended to read:

B. If it appears that the default is excusable, the court may give the offender additional time for payment ~~or~~, may reduce the amount of each installment ~~or may permit the offender to perform community service work at a rate authorized by paragraph A, subparagraph (2), supervised by the sheriff of the county in which the court that assessed the fine is located or by a community confinement monitoring agency with which that sheriff has contracted under Title 30-A, section 1659-A.~~

**Sec. 9. 22 MRSA §2383-B, sub-§2, ¶¶E and F,** as amended by PL 1997, c. 340, §5, are further amended to read:

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs, controlled substances or hypodermic apparatuses while acting within the course of their professional practice; ~~and~~

F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under

chapter 252-A while acting within the scope of their employment under such programs; and

**Sec. 10. 22 MRSA §2383-B, sub-§2, ¶G** is enacted to read:

G. Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing.

See title page for effective date.

## CHAPTER 267 H.P. 1070 - L.D. 1493

### **An Act To Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information**

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

#### **PART A**

**Sec. A-1. 16 MRSA c. 3, sub-c. 8,** as amended, is repealed.

**Sec. A-2. 16 MRSA c. 7** is enacted to read:

### **CHAPTER 7 CRIMINAL HISTORY RECORD INFORMATION ACT**

#### **§701. Short title**

This chapter may be known and cited as "the Criminal History Record Information Act."

#### **§702. Scope; application**

This chapter governs the dissemination of criminal history record information by a Maine criminal justice agency. This chapter establishes 2 distinct categories of criminal history record information and provides for the dissemination of each:

**1. Public criminal history record information.** Public criminal history record information, the dissemination of which is governed by section 704; and

**2. Confidential criminal history record information.** Confidential criminal history record information, the dissemination of which is governed by section 705.

#### **§703. Definitions**

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

**1. Administration of criminal justice.** "Administration of criminal justice" means activities relat-

ing to the apprehension or summonsing, detention, pretrial release, post-trial release, prosecution, adjudication, sentencing, correctional custody and supervision or rehabilitation of accused persons or convicted criminal offenders. "Administration of criminal justice" includes the collection, storage and dissemination of criminal history record information.

**2. Confidential criminal history record information.** "Confidential criminal history record information" means criminal history record information of the following types:

A. Unless the person remains a fugitive from justice, summons and arrest information without disposition if an interval of more than one year has elapsed since the date the person was summonsed or arrested and no active prosecution of a criminal charge stemming from the summons or arrest is pending;

B. Information disclosing that the responsible law enforcement agency or officer has elected not to refer a matter to a prosecutor;

C. Information disclosing that the responsible prosecutorial office or prosecutor has elected not to initiate or approve criminal proceedings;

D. Information disclosing that a grand jury has determined that there is insufficient evidence to warrant the return of a formal charge;

E. Information disclosing that a criminal proceeding has been indefinitely postponed or dismissed because the person charged is found by the court to be mentally incompetent to stand trial or to be sentenced;

F. Information disclosing that a criminal charge has been filed, if the filing period is indefinite or for more than one year;

G. Information disclosing that a criminal charge has been dismissed by a court with prejudice or dismissed with finality by a prosecutor other than as part of a plea agreement;

H. Information disclosing that a person has been acquitted of a criminal charge. A verdict or accepted plea of not criminally responsible by reason of insanity, or its equivalent, is not an acquittal of the criminal charge;

I. Information disclosing that a criminal proceeding has terminated in a mistrial with prejudice;

J. Information disclosing that a criminal proceeding has terminated based on lack of subject matter jurisdiction;

K. Information disclosing that a criminal proceeding has been terminated because the court lacked jurisdiction over the defendant; and

L. Information disclosing that a person has been granted a full and free pardon or amnesty.

**3. Criminal history record information.**

"Criminal history record information" means information of record collected by a criminal justice agency or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency that connects a specific, identifiable person, including a juvenile treated by statute as an adult for criminal prosecution purposes, with formal involvement in the criminal justice system either as an accused or as a convicted criminal offender. "Criminal history record information" includes, but is not limited to, identifiable descriptions or notations of: summonses and arrests; detention; bail; formal criminal charges such as complaints, informations and indictments; any disposition stemming from such charges; post-plea or post-adjudication sentencing; involuntary commitment; execution of and completion of any sentencing alternatives imposed; release and discharge from involuntary commitment; any related pretrial and post-trial appeals, collateral attacks and petitions; and petitions for and warrants of pardons, commutations, reprieves and amnesties. "Criminal history record information" does not include: identification information such as fingerprints, palmprints, footprints or photographic records to the extent that the information does not indicate formal involvement of the specific individual in the criminal justice system; information of record of civil proceedings, including traffic infractions and other civil violations; intelligence and investigative record information as defined in section 803; or information of record of juvenile crime proceedings or their equivalent. Specific information regarding a juvenile crime proceeding is not criminal history record information notwithstanding that a juvenile has been bound over and treated as an adult or that by statute specific information regarding a juvenile crime proceeding is usable in a subsequent adult criminal proceeding. "Formal involvement in the criminal justice system either as an accused or as a convicted criminal offender" means being within the jurisdiction of the criminal justice system commencing with arrest, summons or initiation of formal criminal charges and concluding with the completion of every sentencing alternative imposed as punishment or final discharge from an involuntary commitment based upon a finding of not criminally responsible by reason of insanity or its equivalent.

**4. Criminal justice agency.** "Criminal justice agency" means a federal, state or State of Maine government agency or any subunit of a government agency at any governmental level that performs the administration of criminal justice pursuant to a statute or executive order. "Criminal justice agency" includes federal courts, Maine courts, courts in any other state, the Department of the Attorney General, district attorneys' offices and the equivalent departments or offices

in any federal or state jurisdiction. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government and the government of any federally recognized Indian tribe.

**5. Disposition.** "Disposition" means information of record disclosing that a criminal proceeding has been concluded, although not necessarily finalized, and the specific nature of the concluding event. "Disposition" includes, but is not limited to: an acquittal; a dismissal, with or without prejudice; the filing of a charge by agreement of the parties or by a court; the determination that a defendant is currently a fugitive from justice; a conviction, including the acceptance by a court of a plea of guilty or nolo contendere; a deferred disposition; a proceeding indefinitely continued or dismissed due to a defendant's incompetence; a finding of not criminally responsible by reason of insanity or its equivalent; a mistrial, with or without prejudice; a new trial ordered; an arrest of judgment; a sentence imposition; a resentencing ordered; an execution of and completion of any sentence alternatives imposed, including but not limited to fines, restitution, correctional custody and supervision, and administrative release; a release or discharge from a commitment based upon a finding of not criminally responsible by reason of insanity or its equivalent; the death of the defendant; any related pretrial and post-trial appeals, collateral attacks and petitions; a pardon, commutation, reprieve or amnesty; and extradition. "Disposition" also includes information of record disclosing that the responsible law enforcement agency or officer has elected not to refer a matter to a prosecutor, that the responsible prosecutorial office or prosecutor has elected not to initiate or approve criminal proceedings or that a grand jury has determined that there is insufficient evidence to warrant the return of a formal charge.

**6. Dissemination.** "Dissemination" means the transmission of information by any means, including but not limited to orally, in writing or electronically, by or to anyone outside the criminal justice agency that maintains the information.

**7. Executive order.** "Executive order" means an order of the President of the United States or the chief executive of a state that has the force of law and that is published in a manner permitting regular public access.

**8. Public criminal history record information.** "Public criminal history record information" means criminal history record information that is not confidential criminal history record information, including information recorded pursuant to section 706.

**9. State.** "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam and American Samoa. "State" also includes the

federal government of Canada and any provincial government of Canada and the government of any federally recognized Indian tribe.

**10. Statute.** "Statute" means an Act of Congress or an act of a state legislature or a provision of the Constitution of the United States or the constitution of a state.

#### **§704. Dissemination of public criminal history record information**

**1. Generally.** Public criminal history record information is public for purposes of Title 1, chapter 13. Public criminal history record information may be disseminated by a Maine criminal justice agency to any person or public or private entity for any purpose. Public criminal history record information is public whether it relates to a crime for which a person is currently within the jurisdiction of the criminal justice system or it relates to a crime for which a person is no longer within that jurisdiction. There is no time limitation on dissemination of public criminal history record information.

**2. Required inquiry to State Bureau of Identification.** A Maine criminal justice agency, other than a court, shall query the Department of Public Safety, State Bureau of Identification before disseminating any public criminal history record information for a noncriminal justice purpose to ensure that the most up-to-date disposition information is being used. "Non-criminal justice purpose" means a purpose other than for the administration of criminal justice or criminal justice agency employment.

#### **§705. Dissemination of confidential criminal history record information**

**1. Generally.** A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information only to:

A. Other criminal justice agencies for the purpose of the administration of criminal justice and criminal justice agency employment;

B. Any person for any purpose when expressly authorized by a statute, executive order, court rule, court decision or court order containing language specifically referring to confidential criminal history record information or one or more of the types of confidential criminal history record information;

C. Any person with a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice or to conduct investigations determining the employment suitability of prospective law enforcement officers. The agreement must specifically authorize access to data, limit the use of the data to purposes for which given, ensure security and

confidentiality of the data consistent with this chapter and provide sanctions for any violations;

D. Any person for the express purpose of research, evaluation or statistical purposes or under an agreement with the criminal justice agency. The agreement must specifically authorize access to confidential criminal history record information, limit the use of the information to research, evaluation or statistical purposes, ensure the confidentiality and security of the information consistent with this chapter and provide sanctions for any violations;

E. Any person who makes a specific inquiry to the criminal justice agency as to whether a named individual was summonsed, arrested or detained or had formal criminal charges initiated on a specific date;

F. The public for the purpose of announcing the fact of a specific disposition that is confidential criminal history record information, other than that described in section 703, subsection 2, paragraph A, within 30 days of the date of occurrence of that disposition or at any point in time if the person to whom the disposition relates specifically authorizes that it be made public; and

G. A public entity for purposes of international travel, such as issuing visas and granting of citizenship.

**2. Confirming existence or nonexistence of information.** A Maine criminal justice agency may not confirm the existence or nonexistence of confidential criminal history record information to any person or public or private entity that would not be eligible to receive the information itself.

**3. Required inquiry to State Bureau of Identification.** A Maine criminal justice agency, other than a court, shall query the Department of Public Safety, State Bureau of Identification before disseminating any confidential criminal history record information for a noncriminal justice purpose to ensure that the most up-to-date disposition information is being used. "Noncriminal justice purpose" means a purpose other than for the administration of criminal justice or criminal justice agency use.

#### **§706. Public information about persons detained following arrest**

**1. Requirement of record.** A Maine criminal justice agency that maintains a holding facility, as defined in Title 34-A, section 1001, subsection 9, or other facility for pretrial detention shall record the following information concerning each person delivered to it for pretrial detention for any period of time:

A. The identity of the arrested person, including the person's name, year of birth, residence and occupation, if any;

B. The statutory or customary description of the crime or crimes for which the person was arrested including the date and geographic location where the crime is alleged to have occurred;

C. The date, time and place of the arrest; and

D. The circumstances of the arrest including, when applicable, the physical force used in making the arrest, the resistance made to the arrest, what weapons were involved, the arrested person's refusal to submit and the pursuit by the arresting officers.

**2. Time and method of recording.** A Maine criminal justice agency shall record the information under subsection 1 immediately upon delivery of an arrested person to the criminal justice agency for detention. The criminal justice agency shall record and maintain the information in chronological order and keep the information in a suitable, permanent record. The information required by this section may be combined by a sheriff with the record required by Title 30-A, section 1505.

**3. Information public.** The information required to be recorded and maintained by this section is public criminal history record information.

#### **§707. Unlawful dissemination of confidential criminal history record information**

**1. Offense.** A person is guilty of unlawful dissemination of confidential criminal history record information if the person intentionally disseminates confidential criminal history record information knowing it to be in violation of any of the provisions of this chapter.

**2. Classification.** Unlawful dissemination of confidential criminal history record information is a Class E crime.

#### **§708. Inapplicability of this chapter to criminal history record information contained in certain records**

This chapter does not apply to criminal history record information contained in:

**1. Posters, announcements, lists.** Posters, announcements or lists used for identifying or apprehending fugitives from justice or wanted persons;

**2. Records of entry.** Records of entry, such as calls for service, formerly known as "police blotters," that are maintained by criminal justice agencies, that are compiled and organized chronologically and that are required by law or long-standing custom to be made public;

**3. Records of public judicial proceedings.** Records of public judicial proceedings:

A. Retained at or by the District Court, Superior Court or Supreme Judicial Court. Public access to

and dissemination of such records for inspection and copying are as provided by rule or administrative order of the Supreme Judicial Court; and

B. From federal courts and courts of other states;

**4. Published opinions.** Published court or administrative opinions not impounded or otherwise declared confidential;

**5. Records of public proceedings.** Records of public administrative or legislative proceedings;

**6. Records of traffic crimes.** Records of traffic crimes maintained by the Secretary of State or by a state department of transportation or motor vehicles or the equivalent thereof for the purposes of regulating the issuance, suspension, revocation or renewal of a driver's, pilot's or other operator's license; and

**7. Pardons, commutations, reprieves and amnesties.** Petitions for and warrants of pardons, commutations, reprieves and amnesties.

#### **§709. Right to access and review**

**1. Inspection.** If a Maine criminal justice agency maintains criminal history record information about a person, the person or the person's attorney may inspect the criminal history record information. A criminal justice agency may prescribe reasonable hours and locations at which the right may be exercised and any additional restrictions, including satisfactory verification of identity by fingerprint comparison, as are reasonably necessary to ensure the security and confidentiality of the criminal history record information and to verify the identity of the person seeking to inspect that information. The criminal justice agency shall supply the person or the person's attorney with a copy of the criminal history record information pertaining to the person on request and payment of a reasonable fee.

**2. Review.** A person or the person's attorney may request amendment or correction of criminal history record information concerning the person by addressing, either in person or in writing, the request to the criminal justice agency in which the information is maintained. The request must indicate the particular record involved, the nature of the amendment or correction sought and the justification for the amendment or correction.

On receipt of a request, the criminal justice agency shall take necessary steps to determine whether the questioned criminal history record information is accurate and complete. If investigation reveals that the questioned criminal history record information is inaccurate or incomplete, the criminal justice agency shall immediately correct the error or deficiency.

Not later than 15 days, excluding Saturdays, Sundays and legal public holidays, after the receipt of a request, the criminal justice agency shall notify the requesting person in writing either that the criminal justice

agency has corrected the error or deficiency or that it refuses to make the requested amendment or correction. The notice of refusal must include the reasons for the refusal, the procedure established by the criminal justice agency for requesting a review by the head of the criminal justice agency of that refusal and the name and business address of that official.

**3. Administrative appeal.** If there is a request for review, the head of the criminal justice agency shall, not later than 30 days from the date of the request, excluding Saturdays, Sundays and legal public holidays, complete the review and either make the requested amendment or correction or refuse to do so. If the head of the criminal justice agency refuses to make the requested amendment or correction, the head of the criminal justice agency shall permit the requesting person to file with the criminal justice agency a concise statement setting forth the reasons for the disagreement with the refusal. The head of the criminal justice agency shall also notify the person of the provisions for judicial review of the reviewing official's determination under subsection 4.

Disputed criminal history record information disseminated by the criminal justice agency with which the requesting person has filed a statement of disagreement must clearly reflect notice of the dispute after the filing of such a statement. A copy of the statement must be included, along with, if the criminal justice agency determines it appropriate, a copy of a concise statement of the criminal justice agency's reasons for not making the amendment or correction requested.

**4. Judicial review.** If an administrative appeal brought pursuant to subsection 3 is denied by the head of the criminal justice agency, that decision is final agency action subject to appeal to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

**5. Notification.** When a criminal justice agency has amended or corrected a person's criminal history record information in response to a written request as provided in subsection 2 or a court order, the criminal justice agency shall, within 30 days thereof, advise all prior recipients who have received that information within the year prior to the amendment or correction that the amendment or correction has been made. The criminal justice agency shall also notify the person who is the subject of the amended or corrected criminal history record information of compliance with this subsection and the prior recipients notified.

**6. Right of access and review of court records.** This section does not apply to the right of access and review by a person or the person's attorney of criminal history record information about that person retained at or by the District Court, Superior Court or Supreme Judicial Court. Access and review of court records retained by the District Court, Superior Court or Su-

preme Judicial Court are as provided by rule or administrative order of the Supreme Judicial Court.

#### **§710. Application to prior Maine criminal history record information**

The provisions of this chapter apply to criminal history record information in existence before July 29, 1976, including that which has been previously expunged under any other provision of Maine law, as well as to criminal history record information in existence on July 29, 1976 and thereafter.

**Sec. A-3. 16 MRSA c. 9** is enacted to read:

#### **CHAPTER 9**

#### **INTELLIGENCE AND INVESTIGATIVE RECORD INFORMATION ACT**

##### **§801. Short title**

This chapter may be known and cited as "the Intelligence and Investigative Record Information Act."

##### **§802. Application**

This chapter applies to a record that is or contains intelligence and investigative record information and that is collected by or prepared at the direction of or kept in the custody of any Maine criminal justice agency.

##### **§803. Definitions**

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

**1. Administration of civil justice.** "Administration of civil justice" means activities relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible civil violations and prospective and pending civil actions. It includes the collection, storage and dissemination of intelligence and investigative record information relating to the administration of civil justice. "Administration of civil justice" does not include known, suspected or possible traffic infractions.

**2. Administration of criminal justice.** "Administration of criminal justice" means activities relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible crimes. It includes the collection, storage and dissemination of intelligence and investigative record information relating to the administration of criminal justice.

**3. Administration of juvenile justice.** "Administration of juvenile justice" means activities relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible juvenile crimes. "Administration of juvenile justice" includes the collection, storage and dissemination of intelli-

gence and investigative information relating to the administration of juvenile justice.

**4. Criminal justice agency.** "Criminal justice agency" means a federal, state or State of Maine government agency or any subunit of a government agency at any governmental level that performs the administration of criminal justice pursuant to a statute or executive order. "Criminal justice agency" includes the Department of the Attorney General, district attorneys' offices and the equivalent departments or offices in any federal or state jurisdiction. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government and the government of any federally recognized Indian tribe.

**5. Dissemination.** "Dissemination" means the transmission of information by any means, including but not limited to orally, in writing or electronically, by or to anyone outside the criminal justice agency that maintains the information.

**6. Executive order.** "Executive order" means an order of the President of the United States or the chief executive of a state that has the force of law and that is published in a manner permitting regular public access.

**7. Intelligence and investigative record information.** "Intelligence and investigative record information" means information of record collected by or prepared by or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency while performing the administration of criminal justice or, exclusively for the Department of the Attorney General and district attorneys' offices, the administration of civil justice. "Intelligence and investigative record information" includes information of record concerning investigative techniques and procedures and security plans and procedures prepared or collected by a criminal justice agency or other agency. "Intelligence and investigative record information" does not include criminal history record information as defined in section 703, subsection 3 and does not include information of record collected or kept while performing the administration of juvenile justice.

**8. State.** "State" means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam and American Samoa. "State" also includes the federal government of Canada and any provincial government of Canada and the government of any federally recognized Indian tribe.

**9. Statute.** "Statute" means an Act of Congress or an act of a state legislature or a provision of the Constitution of the United States or the constitution of a state.

#### **§804. Limitation on dissemination of intelligence and investigative record information**

Except as provided in sections 805 and 806, a record that contains intelligence and investigative record information is confidential and may not be disseminated by a criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

**1. Interfere with criminal law enforcement proceedings.** Interfere with law enforcement proceedings relating to crimes;

**2. Result in dissemination of prejudicial information.** Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;

**3. Constitute an invasion of privacy.** Constitute an unwarranted invasion of personal privacy;

**4. Disclose confidential source.** Disclose the identity of a confidential source;

**5. Disclose confidential information.** Disclose confidential information furnished only by a confidential source;

**6. Disclose trade secrets or other confidential commercial or financial information.** Disclose trade secrets or other confidential commercial or financial information designated as such by the owner or source of the information, by the Department of the Attorney General or by a district attorney's office;

**7. Disclose investigative techniques or security plans.** Disclose investigative techniques and procedures or security plans and procedures not known by the general public;

**8. Endanger law enforcement or others.** Endanger the life or physical safety of any individual, including law enforcement personnel;

**9. Disclose statutorily designated confidential information.** Disclose information designated confidential by statute;

**10. Interfere with civil proceedings.** Interfere with proceedings relating to civil violations, civil enforcement proceedings and other civil proceedings conducted by the Department of the Attorney General or by a district attorney's office;

**11. Disclose arbitration or mediation information.** Disclose conduct of or statements made or documents submitted by any person in the course of any mediation or arbitration conducted under the auspices of the Department of the Attorney General; or

**12. Identify source of consumer or antitrust complaints.** Identify the source of a complaint made

to the Department of the Attorney General regarding a violation of consumer or antitrust laws.

#### **§805. Exceptions**

This chapter does not preclude dissemination of intelligence and investigative record information that is confidential under section 804 by a Maine criminal justice agency to:

**1. Another criminal justice agency.** Another criminal justice agency;

**2. A person or entity for purposes of intelligence gathering or ongoing investigation.** A person or public or private entity as part of the criminal justice agency's administration of criminal justice or the administration of civil justice by the Department of the Attorney General or a district attorney's office;

**3. An accused person or that person's agent or attorney.** A person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

A. The responsible prosecutorial office or prosecutor; or

B. A court rule or court order of this State or of the United States.

As used in this subsection, "agent" means a licensed professional investigator, an expert witness or a parent, foster parent or guardian if the accused person has not attained 18 years of age;

**4. Court.** A federal court, the District Court, Superior Court or Supreme Judicial Court or an equivalent court in another state;

**5. An authorized person or entity.** A person or public or private entity expressly authorized to receive the intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks of intelligence and investigative record information or specifically refers to a type of intelligence or investigative record; or

**6. Secretary of State.** The Secretary of State for use in the determination and issuance of a driver's license suspension.

#### **§806. Exceptions subject to reasonable limitations**

Subject to reasonable limitations imposed by a Maine criminal justice agency to protect against the harms described in section 804, this chapter does not preclude dissemination of intelligence and investigative record information confidential under section 804 by a Maine criminal justice agency to:

**1. A government agency responsible for investigating child or adult abuse, neglect or exploitation.**

tion. A government agency or subunit of a government agency in this State or another state that pursuant to statute is responsible for investigating abuse, neglect or exploitation of children or incapacitated or dependent adults if the intelligence and investigative record information is used in the investigation of suspected abuse, neglect or exploitation;

**2. A crime victim or that victim's agent or attorney.** A crime victim or that victim's agent or attorney. As used in this subsection, "agent" means a licensed professional investigator or an immediate family member if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

**3. A counselor or advocate.** A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, or an advocate, as defined in section 53-B, subsection 1, paragraph A, with a specific agreement with a criminal justice agency. An agreement between a criminal justice agency and a sexual assault counselor or an advocate must, at a minimum, include provisions that:

A. Permit the sexual assault counselor or advocate to use a report or record that contains intelligence and investigative record information if the intelligence and investigative record information is used in planning for the safety of a victim named in the report or record;

B. Prohibit the sexual assault counselor or advocate from further disseminating a report or record that contains intelligence and investigative record information;

C. Require the sexual assault counselor or advocate to ensure that a report or record that contains intelligence and investigative record information remain secure and confidential;

D. Require the sexual assault counselor or advocate to destroy a report or record that contains intelligence and investigative record information within 30 days after the sexual assault counselor's or advocate's receiving the report or record;

E. Permit the criminal justice agency to perform reasonable and appropriate audits in order to ensure that a report or record containing intelligence and investigative record information that are obtained by and that are in the custody of the sexual assault counselor or advocate are maintained in accordance with the requirements of this subsection;

F. Require the sexual assault counselor or advocate to indemnify and hold harmless the criminal justice agency with respect to any litigation that may result from the provision of reports or records that contain intelligence and investigative record information;

G. Permit a criminal justice agency to immediately and unilaterally revoke an agreement made under this subsection; and

H. Provide sanctions for any violations of this subsection.

The Commissioner of Public Safety may adopt a model agreement pursuant to this subsection for use by criminal justice agencies, sexual assault counselors and advocates.

**§807. Confirming existence or nonexistence of confidential intelligence and investigative record information**

A criminal justice agency may not confirm the existence or nonexistence of intelligence and investigative record information confidential under section 804 to any person or public or private entity that is not eligible to receive the information itself.

**§808. No right to access or review**

A person who is the subject of intelligence and investigative record information maintained by a criminal justice agency has no right to inspect or review that information for accuracy or completeness.

**§809. Unlawful dissemination of intelligence and investigative record information**

**1. Offense.** A person is guilty of unlawful dissemination of intelligence and investigative record information if the person intentionally disseminates intelligence and investigative record information knowing it to be in violation of any of the provisions of this chapter.

**2. Classification.** Unlawful dissemination of intelligence and investigative record information is a Class E crime.

**PART B**

**Sec. B-1. 1 MRSA §402, sub-§3-A,** as amended by PL 2001, c. 477, §1, is further amended to read:

**3-A. Public records further defined.** "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, conviction data public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough;

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, conviction data public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, conviction data public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information.

**Sec. B-2. 5 MRSA §19506, sub-§1,** as amended by PL 2001, c. 357, §13, is further amended to read:

**1. Records.** Agency personnel must be granted access to all records, reports and supporting information, other than records, reports and supporting information created in the course of an ongoing criminal investigation by the Attorney General, a district attorney's office or a law enforcement agency or records, reports and supporting information designated as confidential by Title 16, section 614 804, that:

A. Pertain to a person who is a client of the agency, if the person or the person's legal guardian or other legal representative has authorized the agency to have that access;

C. Describe incidents of abuse, exploitation, neglect or injury, and the steps taken to investigate those incidents, prepared by any staff person of any facility serving persons with disabilities or by any agency charged with investigating allegations of abuse, exploitation, neglect and injury occurring at facilities that serve persons with disabilities; or

D. Pertain to an individual who is or was a person with a disability and who is the subject of a complaint received by the agency or who, as a result of monitoring or other activities resulting from a complaint or other evidence, the agency has probable cause to believe has been or is being abused, exploited or neglected and who:

(1) By reason of a mental or physical condition is unable to authorize the agency to have access and is either under public guardianship or without a legal guardian or other representative who may authorize the agency to have access;

(2) Has a legal guardian, conservator or other legal representative who has been contacted by the agency upon receipt of the name and address of the guardian, conservator or representative, and the agency has offered assistance to that person to resolve the situation, and that person has failed or refused to act on behalf of the individual; or

(3) Is deceased or whose whereabouts are unknown.

Agency personnel must be given access to the records of a person with a disability and other records relevant to conducting an investigation within 3 business days of the agency making a written request. When the agency determines there is probable cause to believe that the health or safety of the person is in serious or immediate jeopardy or in event of the death of a person with a disability, the agency must be given access to records within 24 hours of the agency making a written request.

**Sec. B-3. 9-A MRSA §13-115, sub-§1, ¶A,** as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

- A. Criminal, civil and administrative information, including ~~nonconviction data~~ confidential criminal history record information as defined in Title 16, section ~~644~~ 703, subsection 9~~2~~;

**Sec. B-4. 10 MRSA §8003-B, sub-§3,** as amended by PL 1993, c. 719, §4 and affected by §12, is further amended to read:

**3. Attorney General records.** The provision or disclosure of investigative records of the Department of the Attorney General to a departmental employee designated by the commissioner or to a complaint officer of a board or commission does not constitute a waiver of the confidentiality of those records for any other purposes. Further disclosure of those investigative records is subject to Title 16, section ~~644~~ 804 and the discretion of the Attorney General.

**Sec. B-5. 15 MRSA §709, sub-§1-A,** as enacted by PL 1987, c. 680, §1, is amended to read:

**1-A. Administration of criminal justice.** "Administration of criminal justice" has the same meaning as in Title 16, section ~~644~~ 703, subsection 1.

**Sec. B-6. 15 MRSA §3308, sub-§7, ¶A,** as enacted by PL 1985, c. 426, is amended to read:

- A. For purposes of this subsection the following terms have the following meanings.

- (1) "Administration of criminal justice" has the same meaning as found in Title 16, section ~~644~~ 703, subsection 1.
- (2) "Administration of juvenile criminal justice" means ~~detection, activities related to the apprehension or summonsing, detention, conditional or unconditional release, informal adjustment, initial appearance, bind over, adjudication or disposition, custody and supervision or rehabilitation of accused juveniles or adjudicated juvenile criminal offenders. It includes juvenile crime identification activities and the collection, storage and dissemination of juvenile crime information.~~

(3) "Criminal justice agency" has the same meaning as found in Title 16, section ~~644~~ 703, subsection 4.

(4) "Dissemination" has the same meaning as found in Title 16, section ~~644~~ 703, subsection 6.

**Sec. B-7. 16 MRSA §614, sub-§3, ¶D,** as amended by PL 2009, c. 181, §2, is further amended to read:

- D. A victim or victim's agent or attorney, subject to reasonable limitations to protect the interest described in subsection 1; ~~or~~

**Sec. B-8. 16 MRSA §614, sub-§3, ¶E,** as enacted by PL 2009, c. 181, §3, is amended to read:

- E. An advocate, as defined in section 53-B, subsection 1, paragraph A, with a specific agreement with a criminal justice agency and subject to reasonable limitations to protect the interests described in subsection 1. An agreement between an advocate and a criminal justice agency must, at a minimum, include provisions that:

- (1) Permit the advocate to use reports or records that contain intelligence and investigative information for the purpose of planning for the safety of the victim named in the reports;
- (2) Prohibit the advocate from further disseminating reports or records that contain intelligence and investigative information;
- (3) Require the advocate to ensure that reports or records that contain intelligence and investigative information remain secure and confidential;
- (4) Require the advocate to destroy reports or records that contain intelligence and investigative information within 30 days after receiving the report or record;
- (5) Permit the criminal justice agency to perform reasonable and appropriate audits in order to ensure that records containing intelligence and investigative information that are obtained by and that are in the custody of the advocate are maintained in accordance with the requirements of this paragraph;
- (6) Require the advocate to indemnify and hold harmless the criminal justice agency with respect to any litigation that may result from the provision of reports or records that contain intelligence and investigative information;
- (7) Permit the criminal justice agency to immediately and unilaterally revoke an agreement made pursuant to this paragraph; and

(8) Provide sanctions for any violations of this paragraph.

The Commissioner of Public Safety may adopt a model policy to standardize the provisions contemplated in this paragraph; or

**Sec. B-9. 16 MRSA §614, sub-§3, ¶F** is enacted to read:

F. The Secretary of State for use in the determination and issuance of a driver's license suspension.

**Sec. B-10. 16 MRSA §632,** as enacted by PL 1993, c. 346, §1, is amended to read:

#### **§632. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Administration of criminal justice.** "Administration of criminal justice" has the same meaning as defined in section ~~611~~ 703, subsection 1.

**2. Conviction data.** "Conviction data" has the same meaning as defined in section ~~611~~, subsection 2.

**2-A. Confidential criminal history record information.** "Confidential criminal history record information" has the same meaning as defined in section ~~703~~, subsection 2.

**3. Criminal history record information.** "Criminal history record information" has the same meaning as defined in section ~~611~~ 703, subsection 3.

**4. Criminal justice agency.** "Criminal justice agency" has the same meaning as defined in section ~~611~~ 703, subsection 4.

**5. Criminal record information system.** "Criminal record information system" means a system including equipment, facilities, procedures and agreements for the collection, processing, preservation and dissemination of criminal record information including criminal history record information.

**6. Disposition.** "Disposition" has the same meaning as defined in section ~~611~~ 703, subsection 5.

**7. Executive order.** "Executive order" has the same meaning as defined in section ~~611~~ 703, subsection 7.

**8. Nonconviction data.** "Nonconviction data" has the same meaning as defined in section ~~611~~, subsection 9.

**9. Offender.** "Offender" means an individual, juvenile or adult, accused or convicted of a criminal offense under the laws of this State or federal law.

**10. Offender-based tracking information.** "Offender-based tracking information" means information collected during the administration of criminal

justice by criminal justice agencies related to an identifiable person who has been determined to be an offender.

**11. Person.** "Person" has the same meaning as defined in section ~~611~~, subsection 10.

**11-A. Public criminal history record information.** "Public criminal history record information" has the same meaning as defined in section 703, subsection 8.

**12. State.** "State" has the same meaning as defined in section ~~611~~ 703, subsection ~~4~~ 9.

**13. Statute.** "Statute" has the same meaning as defined in section ~~611~~ 703, subsection ~~4~~ 10.

**Sec. B-11. 17 MRSA §1023, sub-§3,** as enacted by PL 2001, c. 422, §13, is amended to read:

**3. Cooperation between agencies.** For the purposes of this section, law enforcement officers, the commissioner or the commissioner's designee, humane agents, a state veterinarian and certified animal control officers may exchange information and reports pertaining to an investigation of cruelty to animals pursuant to Title 16, chapter 3, subchapter VIII subsection 4 and Title 7, section 3909, subsection 6.

**Sec. B-12. 18-A MRSA §9-304, sub-§(a-1), ¶(2),** as corrected by RR 2001, c. 1, §21, is amended to read:

(2). The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(i) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of Maine conviction data public criminal history record information as defined in Title 16, section 703, subsection 8.

(ii) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(iii) Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the court for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau

can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(iv) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section ~~620~~ 709.

(v) State and federal criminal history record information may be used by the court for the purpose of screening prospective adoptive parents in determining whether the adoption is in the best interests of the child.

(vi) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the court are for official use only and may not be disseminated outside the court except as required under Title 22, section 4011-A.

(vii) The expense of obtaining the information required by this paragraph is incorporated in the adoption filing fee established in section 9-301. The Probate Court shall collect the total fee and transfer the appropriate funds to the Department of Public Safety and the department.

**Sec. B-13. 18-A MRSA §9-304, sub-§(a-2), ¶(1),** as enacted by PL 2003, c. 575, §2, is amended to read:

(1). The department may request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(i) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of Maine conviction data public criminal history record information as defined in Title 16, section 703, subsection 8.

(ii) The criminal history record information obtained from the Federal Bureau of Investi-

gation must include other state and national criminal history record information.

(iii) Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the department for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(iv) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section ~~620~~ 709.

(v) State and federal criminal history record information may be used by the department for the purpose of screening prospective adoptive parents in determining whether the adoption is in the best interests of the child.

(vi) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the department are for official use only and may not be disseminated outside the department except to a court considering an adoption petition under subsection (a-1).

**Sec. B-14. 20-A MRSA §6103, sub-§1,** as amended by PL 1997, c. 452, §3, is further amended to read:

**1. Criminal history record information obtained; reliance.** The commissioner shall obtain criminal history record information containing a record of conviction data confidential criminal history record information as defined in Title 16, section 703, subsection 2 from the Maine Criminal Justice Information System for any person applying for certification, authorization, approval or renewal. The commissioner may rely on information provided by the Maine Criminal Justice Information System within 24 months

prior to the issuance of a certificate, authorization, approval or renewal.

**Sec. B-15. 20-A MRSA §6103, sub-§8,** as enacted by PL 1997, c. 452, §3, is amended to read:

**8. Applicant's access to criminal history record check.** The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of a criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal record check may inspect and review criminal record information pursuant to Title 16, section 620 709.

**Sec. B-16. 22 MRSA §3022, sub-§14,** as enacted by PL 2001, c. 221, §5, is amended to read:

**14. Access to report documents.** Report documents, as defined in section 3035, subsection 2, in the possession or custody of a medical examiner or the Office of the Chief Medical Examiner constitute investigative information. Release and inspection are governed by Title 16, section 644 804. Release and inspection are also contingent upon the person's request specifying a specific decedent or decedents and the payment of any required fee under section 3035.

**Sec. B-17. 22 MRSA §3480, sub-§1, ¶B,** as corrected by RR 2009, c. 2, §56, is amended to read:

B. Obtain ~~nonconviction data~~ confidential criminal history record information and other criminal history record information under Title 16, section 644 703, which the commissioner, the commissioner's delegate or the legal counsel for the department ~~deems~~ considers relevant to a case of alleged abuse, neglect or exploitation.

**Sec. B-18. 22 MRSA §4007, sub-§1-A, ¶D,** as enacted by PL 2007, c. 351, §2, is amended to read:

D. Records that are required to be maintained by the court as confidential under this subsection may be disclosed to:

- (1) A state agency if necessary to carry out the statutory function of that agency;
- (2) A guardian ad litem appointed to the case; or
- (3) A criminal justice agency, as defined by Title 16, section 644 703, subsection 4, if necessary to carry out the administration of criminal justice or the administration of juvenile justice, and such disclosure is otherwise permitted pursuant to section 4008.

In making such disclosure, the court shall order the party receiving the information to maintain the information as confidential.

**Sec. B-19. 22 MRSA §4021, sub-§1, ¶B,** as amended by PL 2007, c. 586, §15, is further amended to read:

B. Obtain ~~nonconviction data~~ confidential criminal history record information and other criminal history record information under Title 16, chapter 3, ~~subchapter 8~~ 7 that the commissioner, the commissioner's delegate or the legal counsel for the department considers relevant to an abuse or neglect case or the investigation of a suspicious child death.

**Sec. B-20. 22 MRSA §4038-E, sub-§7, ¶A,** as enacted by PL 2011, c. 402, §15, is amended to read:

A. The department may, pursuant to rules adopted pursuant to Title 18-A, section 9-304, subsection (a-2), request a background check for each permanency guardian. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(1) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of ~~Maine conviction data~~ public criminal history record information as defined in Title 16, section 703, subsection 8.

(2) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(3) Each permanency guardian of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the department for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(4) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections

16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section ~~620~~ 709.

(5) State and federal criminal history record information may be used by the department for the purpose of screening each permanency guardian in determining whether the adoption is in the best interests of the child.

(6) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the department are for official use only and may not be disseminated outside the department except to a court considering an adoption petition under this section.

**Sec. B-21. 25 MRSA §1541, sub-§3, ¶B,** as enacted by PL 2001, c. 372, §1, is amended to read:

B. Notwithstanding chapter 199, the fingerprints and descriptive information of any person that have been submitted to the Federal Bureau of Investigation for the purpose of conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system, as defined in section 1703, subsection 12, are not a criminal history record, as defined by section 1703, subsection 5, or criminal history record information, as defined by Title 16, section ~~644~~ 703, subsection 3, and such submittal is not an activity related to criminal justice, as defined by section 1703, subsection 6, or the administration of criminal justice, as defined by Title 16, section ~~644~~ 703, subsection 1.

**Sec. B-22. 25 MRSA §1541, sub-§6,** as amended by PL 2007, c. 539, Pt. PPP, §1, is further amended to read:

**6. Establishment of fees.** The State Bureau of Identification may charge a fee to individuals, non-governmental organizations, 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 ~~8~~ 7. 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. One dollar of each fee generated under this subsection must be deposited to the Other Special Revenue account within the Bureau of State Police to offset the cost of maintenance and replace-

ment of both hardware and software associated with the criminal history record check system. The remaining revenues generated from these fees must be credited to the General Fund.

**Sec. B-23. 29-A MRSA §2117-A, sub-§5,** as enacted by PL 2009, c. 605, §1, is amended to read:

**5. Data retention.** Data collected or retained through the use of an automated license plate recognition system in accordance with subsection 3 that are not considered intelligence and investigative record information as defined by Title 16, section ~~644~~ 803, subsection ~~8~~ 7, or data collected for the purposes of commercial motor vehicle screening, may not be stored for more than 21 days.

**Sec. B-24. 29-A MRSA §2251, sub-§7-A, ¶B,** as amended by PL 2011, c. 654, §8, is further amended to read:

B. Except as provided in paragraph B-1 and Title 16, section 805, subsection 6, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13.

**Sec. B-25. 32 MRSA §85, sub-§3,** as amended by PL 2011, c. 271, §8, is further amended to read:

**3. Minimum requirements for licensing.** In setting rules for the licensure of emergency medical services persons, the board shall ensure that a person is not licensed to care for patients unless that person's qualifications are at least those specified in this subsection. Any person who meets these conditions is considered to have the credentials and skill demonstrations necessary for licensure to provide emergency medical treatment.

A. The person must have completed successfully the training specified in rules adopted by the board pursuant to the Maine Administrative Procedure Act.

C. The person must have successfully completed a state cognitive test for basic emergency medical treatment and a board-approved practical evaluation of emergency medical treatment skills.

The board shall obtain criminal history record information containing a record of ~~conviction data~~ public criminal history record information as defined in Title 16, section 703, subsection 9 for an applicant seeking licensure under this subsection. Information obtained pursuant to this subsection is confidential and may be used only to determine suitability for issuance of a license to provide emergency medical services. The results of criminal history record checks received by

the board are for official use only and may not be disseminated outside the board. The applicant for licensure shall pay the expense of obtaining the information required by this subsection.

**Sec. B-26. 34-A MRSA §1001, sub-§§19 and 20,** as enacted by PL 1987, c. 633, §1, are amended to read:

**19. Administration of criminal justice.** "Administration of criminal justice" has the same meaning as in Title 16, section ~~644~~ 703, subsection 1.

**20. Criminal justice agency.** "Criminal justice agency" has the same meaning as in Title 16, section ~~644~~ 703, subsection 4.

**Sec. B-27. 34-A MRSA §1216, sub-§1,** as amended by PL 2011, c. 515, §2 and c. 662, §22, is repealed and the following enacted in its place:

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

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

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

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

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

E. To persons engaged in research if:

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

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

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

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

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

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

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

(2) The disclosure is approved by the commissioner.

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

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

**Sec. B-28. 34-A MRSA §11221, sub-§8,** as enacted by PL 2003, c. 371, §7, is amended to read:

**8. Criminal justice agency access to information.** The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section ~~644~~ 703, subsection 4.

**Sec. B-29. 34-A MRSA §11221, sub-§10,** as amended by PL 2011, c. 299, §2, is further amended to read:

**10. Registrant access to information.** The bureau shall provide all information described in subsection 1, paragraphs A to F to a registrant who requests that person's own information. The process for access and review of that information is governed by Title 16, section ~~620~~ 709.

**Sec. B-30. 34-A MRSA §11281, sub-§6,** as enacted by PL 2011, c. 663, §3, is amended to read:

**6. Criminal justice agency access to information.** The bureau shall provide access to the information described in subsection 1 to criminal justice agencies. For purposes of this subsection, "criminal justice agency" has the same meaning as in Title 16, section ~~644~~ 703, subsection 4.

## PART C

**Sec. C-1. 7 MRSA §3909, sub-§6** is enacted to read:

**6. Confidential information.** The names of and other identifying information about persons providing information pertaining to criminal or civil cruelty to animals to the department are confidential information and may not be released.

**Sec. C-2. 17 MRSA §1023, sub-§4** is enacted to read:

**4. Confidential information.** The names of and other identifying information about persons providing information pertaining to criminal or civil cruelty to animals to the Department of Agriculture, Conservation and Forestry are confidential information and may not be released.

## PART D

**Sec. D-1. 15 MRSA §3308-A** is enacted to read:

**§3308-A. Dissemination of juvenile intelligence and investigative record information by a Maine criminal justice agency**

The following provisions apply to the dissemination of juvenile intelligence and investigative record information collected by or at the direction of or kept in the custody of any Maine criminal justice agency.

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Administration of juvenile justice" means activities relating to the anticipation, prevention, detection, monitoring or investigation of known, suspected or possible juvenile crimes. "Administration of juvenile justice" includes the collection, storage and dissemination of juvenile intelligence and investigative record information relating to the administration of juvenile justice.

B. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

C. "Dissemination" has the same meaning as in Title 16, section 803, subsection 5.

D. "Executive order" has the same meaning as in Title 16, section 803, subsection 6.

E. "Juvenile intelligence and investigative record information" means information of record collected by a criminal justice agency or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency while performing the administration of juvenile justice. "Juvenile intelligence and investigative record information" includes information of record concerning investigative techniques and procedures and security plans and procedures prepared or collected by a criminal justice agency or another agency. "Juvenile intelligence and investigative record information" does not include criminal history record information as defined in Title 16, section 703, subsection 3 or intelligence and investigative record information as defined in Title 16, section 803, subsection 7.

F. "State" has the same meaning as in Title 16, section 803, subsection 8.

G. "Statute" has the same meaning as in Title 16, section 803, subsection 9.

**2. Information part of proceeding.** To the extent the juvenile intelligence and investigative record information has been made part of the court records of a juvenile proceeding, dissemination of that juvenile intelligence and investigative record information by a Maine criminal justice agency must be as provided by section 3307 and section 3308.

**3. Limited dissemination.** Except as otherwise provided in subsection 2, juvenile intelligence and investigative record information is confidential and may be disseminated by a Maine criminal justice agency only to:

A. Another criminal justice agency;

B. A person or public or private entity as part of performing the administration of juvenile justice;

C. A juvenile accused of a juvenile crime or that juvenile's agent or attorney for adjudicatory or dispositional purposes if authorized by;

(1) The responsible prosecutorial office or prosecutor; or

(2) A court rule or court order of this State or of the United States.

As used in this paragraph, "agent" means a licensed professional investigator, an expert witness or the juvenile's parents, guardian or legal custodian;

D. A juvenile crime victim or that victim's agent or attorney if authorized by:

(1) Statute; or

(2) A court order.

As used in this paragraph, "agent" means a licensed professional investigator or an immediate family member if, due to death, age, physical or mental disease, disorder or intellectual disability or autism, the victim cannot realistically act on the victim's own behalf;

E. A federal court, the District Court, including when it is exercising the jurisdiction conferred by section 3101, the Superior Court or the Supreme Judicial Court and an equivalent court in another state; and

F. A person or public or private entity expressly authorized to receive the juvenile intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks to intelligence or investigative record information or specifically refers to a type of intelligence or investigative record.

See title page for effective date.

## CHAPTER 268

### H.P. 1094 - L.D. 1523

#### An Act To Strengthen the Laws Governing Mandatory Reporting of Child Abuse or Neglect

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

Sec. 1. 22 MRSA §4011-A, sub-§7 is enacted to read:

**7. Children under 6 months of age or otherwise nonambulatory.** A person required to make a report under subsection 1 shall report to the department if a child who is under 6 months of age or other-

wise nonambulatory exhibits evidence of the following:

A. Fracture of a bone;

B. Substantial bruising or multiple bruises;

C. Subdural hematoma;

D. Burns;

E. Poisoning; or

F. Injury resulting in substantial bleeding, soft tissue swelling or impairment of an organ.

See title page for effective date.

## CHAPTER 269

### S.P. 596 - L.D. 1555

#### An Act To Strengthen Maine's Hospitals and To Provide for a New Spirits Contract

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

**Whereas,** this legislation involves the operation of the liquor laws and makes changes necessary to maximize revenues for the benefit of the people of Maine; and

**Whereas,** the State's existing wholesale spirits contract is set to expire June 30, 2014; and

**Whereas,** the use of the competitive bid process to issue a contract for the operation of the wholesale spirits business should be initiated as soon as practicable; and

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

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

#### PART A

**Sec. A-1. 28-A MRSA §2, sub-§§31-A and 31-B** are enacted to read:

**31-A. Spirits administration.** "Spirits administration" or "administration" means the management of spirits activities involving the distribution and sale of spirits by the alcohol bureau or any person awarded a contract under section 90. "Spirits administration" includes, but is not limited to, financial and performance management; profitable and responsible growth

management; management of contracts; management of agency liquor store matters and orders; personnel management; monitoring and reporting of spirits inventory; management of bailment records and billing; management of accounts receivable, accounts payable and tax collection and reporting; and sales and profit reporting. "Spirits administration" does not include warehousing and distribution of spirits by the alcohol bureau.

**31-B. Spirits trade marketing.** "Spirits trade marketing" or "trade marketing" means oversight and management by the alcohol bureau or any person awarded a contract under section 90. "Spirits trade marketing" includes, but is not limited to, agency liquor store category management, analysis and recommendations; agency liquor store shelf reset recommendations; agency liquor store displays, advertising, point-of-sale material and event marketing recommendations; development, production and distribution of sales, marketing and informational publications; consultation and coordination with suppliers and brokers on matters affecting their brands; and development, production and distribution of any social responsibility initiatives and compliance related to those initiatives.

**Sec. A-2. 28-A MRSA §83, sub-§5-B** is enacted to read:

**5-B. Report on expenditures.** Expenditures and investments made by the alcohol bureau, including but not limited to reductions in the list price at which all spirits are sold and incentives offered to agency liquor stores, must be reported annually to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and alcoholic beverage matters. The report must include the impact of those spending initiatives on the number of cases of spirits sold in the State and on sales generally.

**Sec. A-3. 28-A MRSA §88,** as enacted by PL 2003, c. 20, Pt. LLL, §2 and affected by §4, is repealed.

**Sec. A-4. 28-A MRSA §90** is enacted to read:

**§90. Contract for operations of wholesale liquor activities**

**1. Statement of purpose.** The Legislature finds that it is in the public interest to seek efficiencies and maximize growth in the State's wholesale spirits business while ensuring that growth in revenue from the business is achieved in a socially responsible manner. The contracting of the operations of the wholesale spirits business should serve this purpose and provide the State's agency liquor store partners with effective and efficient services in order to responsibly serve consumers of spirits in the State.

**2. Contract for operations.** The Commissioner of Administrative and Financial Services, referred to in this section as "the commissioner," shall enter into a

contract for warehousing, distribution and spirits administration and a contract for spirits trade marketing, each for a term of 10 years. Each contract must be awarded pursuant to a competitive bid process in a manner similar to the process described in Title 5, chapter 155, subchapter 1-A. The commissioner is prohibited from contracting with a bidder who also holds a license in this State or another state to distill, bottle or manufacture spirits.

**3. Development of request for bid proposals; fee.** The commissioner shall develop a request for proposals designed to encourage vigorous bidding for the purpose of awarding 2 contracts for the operations of the State's wholesale spirits business. The commissioner shall request bids for the operation of spirits trade marketing separately from bids for the combined operations of warehousing, distribution and spirits administration. In order to be considered for a contract to conduct spirits trade marketing, a bidder must submit a nonrefundable application fee of up to \$5,000. In order to be considered for a contract to conduct warehousing, distribution and spirits administration, a bidder must submit a nonrefundable application fee of up to \$20,000. The application fee must be credited to an Other Special Revenue Funds account within the division of purchases within the Department of Administrative and Financial Services to be used for managing the application process. A request for proposals must inform potential bidders of the State's target gross revenue profit margin over the term of the contract and require the bidder to affirm that the bidder, or any of the principal officers of the bidder, does not hold or have a direct financial interest in a license or permit in this State or any other state for the distillation, bottling or manufacture of alcoholic beverages. The request for proposals must instruct potential bidders to propose the scope of operations the bidder will provide and the fee for that service expressed as a percentage of revenue generated by the wholesale business. The request for proposals must direct bidders to indicate if the bidder intends to use subcontractors and to identify those subcontractors. The request for proposals must also inform potential bidders that they may propose incentives for the bidder intended to encourage responsible growth of revenue and enhanced efficiencies in services provided.

**4. Information provided by bidders.** A bidder seeking consideration of the award of a contract for the operations of the State's wholesale spirits business pursuant to this section shall comply with the requirements of this subsection.

A. A bidder on a contract to operate the warehousing, distribution and spirits administration functions of the wholesale spirits business shall identify services or operations for which the bidder may use a subcontractor and shall demonstrate:

- (1) The bidder's financial capacity and access to capital to maintain the operations;
- (2) The bidder's capabilities to provide adequate transportation and distribution of liquor to agency liquor stores;
- (3) The bidder's warehousing capabilities and proposed bailment rates for liquor and related fees to be charged to liquor suppliers;
- (4) That the bidder, including any principal officer of the bidder and any named subcontractor, is of good moral character and has not been found to have violated any state or federal law or rule governing the manufacture, distribution or sale of alcoholic beverages;
- (5) The bidder's knowledge of the wholesale liquor business, alcoholic beverage industry or a related field;
- (6) The bidder's plan to provide agency liquor stores with a minimum of 2 deliveries per week;
- (7) The bidder's methods for processing orders and invoices, including any minimum ordering requirements, split case restrictions and inventory control plans;
- (8) The bidder's business plan to provide services in a manner that will assist the State in achieving a target growth rate comparable to or exceeding that of other states that control the sale and distribution of alcoholic beverages;
- (9) The bidder's plan for enhancing services to liquor suppliers and agency liquor stores; and
- (10) The positive impact on the economy, employment and state revenues that the bidder's overall proposal will provide.

B. A bidder on a contract to provide spirits trade marketing shall:

- (1) Demonstrate the bidder's business plan and marketing strategies to encourage responsible growth to the wholesale spirits business;
- (2) Demonstrate the bidder's experience or knowledge, if any, of responsible marketing of alcoholic beverages;
- (3) Identify services for which the bidder may use a subcontractor;
- (4) Demonstrate that the bidder, including any principal officer of the bidder and any named subcontractor, is of good moral character and has not been found to have violated any state or federal law or rule governing the

manufacture, distribution or sale of alcoholic beverages; and

- (5) Demonstrate the positive impact on the economy, employment and state revenues that the bidder's overall proposal will provide.

In addition to the requirements of paragraphs A and B, the commissioner, in order to ensure that the objective of maximizing growth in the State's wholesale spirits business is achieved, may require bidders to provide additional information, including disclosure of the potential of a bidder's direct and substantial conflict of interest with the State's financial interest.

**5. Award criteria and issuance of contract.**

The commissioner shall select successful bidders for the contract to conduct the operations of warehousing, distribution and spirits administration and the contract to provide spirits trade marketing; however, both contracts may be awarded to the same bidder. The commissioner shall choose the best value bidder in conformity with Title 5, section 1825-B, subsection 7 and shall consider as criteria for award the information required to be provided in subsection 4, as applicable. When selecting a successful bidder for the contract to conduct the operations of warehousing, distribution and spirits administration, the commissioner may not consider as cause for disqualification for consideration any weakness in or inability to demonstrate proficiency in any one criterion listed in subsection 4, paragraph A, subparagraphs (6) to (10).

The commissioner shall ensure that the following criteria are met before entering into a contract with a bidder for operations of warehousing, distribution and spirits administration:

- A. That revenue to the State from the sale of spirits is predictable over the term of the contract;
- B. That revenue from the sale of spirits will be maximized by the issuance of the contract and achieved through efficiency of services or profit sharing or both;
- C. That the contract establishes standards of efficiency and quality of operations;
- D. That the bidder has demonstrated that services provided to agency liquor stores will be enhanced;
- E. That, upon execution of the contract, the disruption of services to agency liquor stores and suppliers will be minimal or absent; and
- F. That the contract provides that the alcohol bureau must approve all bailment rates and related fees.

**6. Contract provisions; oversight and performance review.** A contract provided to a successful bidder in accordance with this section must require that the person awarded the contract submit to the alcohol bureau, in a form determined by the alcohol

bureau, an annual report audited by an independent 3rd party. The alcohol bureau, following receipt of the report, shall provide the report annually to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and alcoholic beverages matters. The contract must prohibit the person awarded the contract from engaging in activities reserved for agency liquor stores licensed as reselling agents to provide spirits to establishments licensed for on-premises consumption. The contract must also include provisions that allow for ongoing performance standards review so that deficiencies in such standards may result in amendments to the contract or nullification. Performance standards subject to contract amendments or nullification include:

A. Working in partnership with the State to achieve the goal of a revenue growth rate comparable to the average growth rate of other states that control the sale and distribution of alcoholic beverages;

B. Transparency in annual reporting and conformance to the reporting requirements established by the alcohol bureau; and

C. Except for a contract awarded to conduct spirits trade marketing, responsiveness to the service needs of agency liquor stores.

**7. Price regulation.** The alcohol bureau shall regulate the wholesale and retail prices of all liquor sold by a person awarded a contract in accordance with this section.

**Sec. A-5. 28-A MRSA §453, sub-§2-C,** as enacted by PL 2009, c. 213, Pt. JJJJ, §2, is amended to read:

**2-C. Licenses.** Beginning July 1, 2009, the The bureau shall consider whether the applicant can satisfy the following criteria when determining whether to issue an agency liquor store license under this section:

A. The Except as provided in subsection 2-D, the applicant has held a license to sell malt liquor and wine for off-premises consumption for more than one year immediately preceding application without a violation of any provision of this Title;

B. The applicant will be able to stock at least \$10,000 worth of spirits purchased from the State or the State's wholesale distributor upon issuance of an agency liquor store license; and

C. The applicant can purchase the initial stock of spirits using a bank check or other financial instrument that certifies that funds are available.

**Sec. A-6. 28-A MRSA §453, sub-§2-D** is enacted to read:

**2-D. Exception.** If a retailer that is located in this State and has at least 5 locations licensed as an agency liquor store is sold or ownership is transferred

to another company that will assume operation of some or all of the retailer's stores and that company submits an application for an agency liquor store license at some or all of those stores, the bureau may waive the requirement of subsection 2-C, paragraph A. The bureau may provide this waiver only if the applicant has held a license in another state to sell malt liquor and wine or spirits at retail for off-premises consumption, for at least one year prior to submitting the application, without a violation of the laws governing the sale of alcoholic beverages in that state and can provide the bureau with documentation of financial success as determined by the bureau.

**Sec. A-7. 28-A MRSA §606, sub-§4,** as amended by PL 2003, c. 20, Pt. SS, §6 and affected by §8 and c. 51, Pt. C, §2, is repealed.

**Sec. A-8. 28-A MRSA §606, sub-§4-A** is enacted to read:

**4-A. Discount rates for agency liquor stores; rulemaking.** Beginning July 1, 2014 the alcohol bureau shall set the price of spirits at a minimum discount of 12% of the list price. The alcohol bureau may establish discount rates greater than 12%, including graduated discount rates, but those discount rates must be established by rules that ensure that any graduated discount rate is structured in a way that does not adversely affect agency liquor stores that stock a low level of inventory. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-9. Price regulation rulemaking.** The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall adopt or amend rules as necessary for the effective implementation of price regulation of the wholesale and retail liquor business pursuant to the Maine Revised Statutes, Title 28-A, section 90, subsection 7 by July 1, 2014. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-10. Effective date.** Those sections of this Part that repeal the Maine Revised Statutes, Title 28-A, section 88 and Title 28-A, section 606, subsection 4 take effect July 1, 2014.

## PART B

**Sec. B-1. 22-A MRSA §216** is enacted to read:

### **§216. Health Care Liability Retirement Fund**

The Health Care Liability Retirement Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the Department of Health and Human Services. The fund consists of proceeds from the sale of liquor operation revenue bonds pursuant to Title 30-A, section 6053. The money in the fund must be used for the purpose of making payments to

health care providers for services provided prior to December 1, 2012 under the MaineCare program established by Title 22, chapter 855. When, as determined by the commissioner, there exist no outstanding amounts owed to health care providers eligible to be paid from the fund, the State Controller shall transfer all amounts in the fund to the Liquor Operation Revenue Fund established in Title 30-A, section 6054.

**Sec. B-2. 30-A MRSA c. 225, sub-c. 5** is enacted to read:

## **SUBCHAPTER 5**

### **LIQUOR OPERATION REVENUE BONDS**

#### **§6051. Declaration of public policy; funding**

The Legislature finds and declares that revenue financing bonds as authorized in this subchapter are tax-exempt or taxable bonds payable from sources as provided in this subchapter and such bonds do not include a legal or equitable claim against tax revenues of the State and do not represent constitutional debt of or a pledge of the full faith and credit of the State. The Legislature also finds that issuance of the revenue financing bonds authorized in this subchapter and use of the proceeds of those bonds do not violate the terms of the Constitution of Maine, Article V, Part Third.

#### **§6052. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Ancillary obligation.** "Ancillary obligation" means the obligation of the bond bank in connection with liquor operation revenue bonds issued under this subchapter under any of the following entered into by the bond bank:

A. A credit enhancement or liquidity agreement, including without limitation an obligation in the form of bond insurance, a surety bond, a letter of credit, a standby bond purchase agreement, a reimbursement agreement, liquidity facility or other similar arrangement;

B. A remarketing agreement, auction agent agreement, broker-dealer agreement or other agreement relating to the marketing of liquor operation revenue bonds, an interest rate swap or another type of swap or hedging contract; or

C. An investment agreement, forward purchase agreement or similarly structured investment contract.

**2. Cost of issuance.** "Cost of issuance" means an item of expense directly or indirectly payable or reimbursable by the bond bank and related to the authorization, sale or issuance of liquor operation revenue bonds, including, but not limited to, underwriting fees

and fees and expenses of professional consultants and fiduciaries.

**3. Financing costs.** "Financing costs" means all costs of issuance, capitalized interest, capitalized operating expenses and debt service reserves, fees and costs of any ancillary obligation or other fees, expenses and costs related to issuing, securing and marketing liquor operation revenue bonds.

**4. Fund.** "Fund" means the Liquor Operation Revenue Fund established in section 6054.

**5. Liquor operation revenue bond.** "Liquor operation revenue bond" means a bond, note or other evidence of indebtedness issued by the bond bank pursuant to this subchapter.

#### **§6053. Liquor operation revenue bonds authorized**

**1. Revenue bonds.** Notwithstanding any other provision of law and upon written approval of the Governor, the bond bank may issue liquor operation revenue bonds of up to \$183,500,000 plus financing costs, and excluding bonds to refund bonds, for the purpose of retiring amounts determined by the Commissioner of Health and Human Services to be owed by the State to health care providers as provided by Title 22-A, section 216. The bonds are payable solely from funds as provided in this subchapter.

**2. Amount and terms.** The bond bank may issue liquor operation revenue bonds from time to time in amounts and upon such terms as the bond bank considers appropriate. The terms of the liquor operation revenue bonds, their payment schedule and other terms and provisions to facilitate their creditworthiness must be determined by the bond bank.

**3. Form; interest; taxability.** The bond bank shall determine the terms of the liquor operation revenue bonds, including:

A. The form of the liquor operation revenue bonds;

B. The rate or rates at which the liquor operation revenue bonds bear interest and whether such interest is intended to be includable in or excludable from the gross income of the bond owners for federal and state income tax purposes pursuant to the United States Internal Revenue Code of 1986, as amended; and

C. The maturity, except that a liquor operation revenue bond may not mature later than June 30, 2024.

**4. Not a pledge of the full faith or credit; not a debt.** Liquor operation revenue bonds are not in any way a debt or liability of the State and do not constitute a loan of the credit of the State or create any debt or debts or liability or liabilities on behalf of the State or constitute a pledge of the faith and credit of the State. All liquor operation revenue bonds issued by

the bond bank, unless funded or refunded by bonds of the bond bank, are payable solely from revenues or funds pledged or available for their payment as authorized in this subchapter. Each liquor operation revenue bond must contain on its face a statement to the effect that the bond bank is obligated to pay the principal, interest and redemption premium, if any, solely from the revenues pledged for those purposes and that neither the faith and credit nor the taxing power of the State is pledged to the payment of the principal, interest or redemption premium, if any, on the liquor operation revenue bonds.

**5. Bond proceeds.** Except as otherwise provided under the indenture of trust or resolution of the bond bank authorizing the liquor operation revenue bonds, the net proceeds from any sale of liquor operation revenue bonds must be deposited into the Health Care Liability Retirement Fund established in Title 22-A, section 216.

**6. Agreements with financial institutions.** For the purposes of this subchapter, the bond bank may enter into an ancillary obligation or other agreement or contract with a commercial bank, trust company or banking or other financial institution within or outside the State that is necessary, desirable or convenient in the opinion of the bond bank to provide any services to the bond bank to assist the bond bank in effectuating the purposes of this subchapter. The bond bank may enter into, amend or terminate any ancillary obligation or other agreement as the bond bank determines to be necessary or appropriate. The ancillary obligation or other agreement may include without limitation contracts commonly known as interest rate swap agreements, forward purchase contracts or guaranteed investment contracts and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts may be entered into by the bond bank in connection with or incidental to entering into or maintaining any agreement that secures liquor operation revenue bonds issued under this subchapter or any investment or contract providing for investment of reserves or similar facility guaranteeing an investment rate for a period of years not to exceed the underlying terms of the liquor operation revenue bonds. The determination by the bond bank that an ancillary obligation or other agreement or the amendment or termination of an ancillary obligation or other agreement is necessary or appropriate as provided in this section is conclusive. An ancillary obligation or other agreement may contain provisions regarding payment, security, default, remedy, termination and payments and other terms and conditions as determined by the bond bank after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and to any other criteria as may be appropriate.

A liquor operation revenue bond or any ancillary obligation or other agreement made pursuant to this sub-

section may contain a recital that it is issued or executed, respectively, pursuant to this subchapter. The recital is conclusive evidence of the validity of the liquor operation revenue bond or ancillary obligation or other agreement and of the regularity of the proceedings relating to them.

**7. Remedies of holders of bonds.** If the bond bank defaults in the payment of principal of or interest on any issue of liquor operation revenue bonds after the principal and interest become due, whether at maturity or upon call for redemption or otherwise, and that default continues for a period of 30 days, or if the bond bank fails or refuses to comply with this subchapter or defaults in an agreement made with the holders of an issue of liquor operation revenue bonds, the holders of 25% in aggregate principal amount of liquor operation revenue bonds then outstanding, by instrument or instruments filed in the office of the clerk of courts of Kennebec County and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders. The trustee, in the trustee's own name, by mandamus or other suit, action or proceeding at law or in equity, shall enforce all rights of the bondholders or holders of the ancillary obligations or other agreements and require the bond bank to carry out any other agreements with the bondholders or holders of such ancillary obligations or other agreements and to perform the bond bank's duties required under this subchapter, as long as the bonds are limited revenue obligations. An obligation to make debt service payments does not constitute a debt or liability of the State or any political subdivision of the State within the meaning of any constitutional or statutory limitation, or a loan of the credit of the State, or a pledge of the faith and credit of the State or any political subdivision of the State, and the State has no legal obligation to appropriate money for those payments or other such obligations. Payments of the principal of, redemption premium, if any, and interest on the liquor operation revenue bonds must be made solely from amounts derived from the fund or as otherwise authorized by this subchapter. Neither the faith and credit nor the taxing power of the State or of any political subdivision of the State is pledged to the payment of the principal of, redemption premium for, if any, or interest on the liquor operation revenue bonds.

**8. State authorized to enter into contracts.** The State, including any department, commission, agency or other instrumentality of the State, is authorized to enter into an agreement, contract or other arrangement with the bond bank in connection with the issuance of liquor operation revenue bonds.

**9. Reserve fund for liquor operation revenue bonds.** The bond bank may establish a capital reserve fund for the benefit of holders of liquor operation revenue bonds subject to the provisions of section 6006, subsection 5.

**10. Agreement of the State.** The bond bank is authorized to include the following statement in its liquor operation revenue bonds or contracts or ancillary obligations: "The State hereby pledges to and agrees with the holders of any liquor operation revenue bonds issued pursuant to the Maine Revised Statutes, Title 30-A, chapter 225, subchapter 5 and with those parties who may enter into any ancillary obligation or contract with the Maine Municipal Bond Bank pursuant to that subchapter that the State will not limit, alter, restrict or impair the rights vested in the Maine Municipal Bond Bank and in any party to an ancillary obligation or contract until the liquor operation revenue bonds, together with interest, including interest on any unpaid installment of interest and all costs and expenses in connection with any actions or proceedings by or on behalf of the bondholders, are fully met and discharged and such contracts and ancillary obligations are fully performed on the part of the Maine Municipal Bond Bank."

Nothing in this subchapter precludes the limitation or alteration of the rights vested in the bond bank and holders of liquor operation revenue bonds if and when adequate provision is made by law for the protection of the holders of liquor operation revenue bonds of the bond bank or those entering into contracts or ancillary obligations with the bond bank.

#### **§6054. Liquor Operation Revenue Fund**

**1. Fund established.** The Liquor Operation Revenue Fund, referred to in this section as "the fund," is a nonlapsing fund established within the bond bank to receive the amounts referred to in subsection 2 and to pay amounts due under the liquor operation revenue bonds and any ancillary obligations. The fund must be held separate and apart from all other money, funds and accounts of the bond bank.

**2. Funding.** Notwithstanding section 85, subsection 1, beginning July 1, 2014, there must be deposited directly into the fund any amounts received pursuant to Title 28-A, section 90 and Title 22-A, section 216 and any other money or funds transferred or made available to the bond bank only for the purposes of the fund from any other source including without limitation amounts required to be deposited in the fund by the terms of any ancillary obligation or other agreement related to liquor operation revenue bonds.

**3. Use of fund during bond retirement period; fiscal years before July 1, 2017.** Money in the fund must be held and applied solely to the payment of the liquor operation revenue bonds and any ancillary obligations secured by the fund as the bonds and ancillary obligations become due and payable and for the retirement of liquor operation revenue bonds, including costs of administering the fund, the bonds and the ancillary obligations and the payment of any redemption premium required to be paid when any liquor operation revenue bonds are redeemed or retired before ma-

turity or for the payment of ancillary obligations; except that, to the extent there is money in the fund not needed in accordance with terms of the liquor operation revenue bonds and ancillary obligations, before June 30th of each year, the bond bank shall withdraw an amount not exceeding \$16,714,844 in the fiscal year ending June 30, 2015, \$16,639,000 in the fiscal year ending June 30, 2016 and \$16,817,000 in the fiscal year ending June 30, 2017 to be paid to the State and distributed as follows:

A. First, to the General Fund as undedicated revenue up to \$9,714,884 in the fiscal year ending June 30, 2015, \$9,639,000 in the fiscal year ending June 30, 2016 and \$9,817,000 in the fiscal year ending June 30, 2017;

B. Second, the remainder, if any, in each fiscal year divided in equal amounts to an account within the Department of Health and Human Services and an account within the Department of Environmental Protection, up to \$3,500,000 per account or the maximum amount allowed for federal matching funds purposes under federal water programs, whichever is less, to be used for revolving loan funds for drinking water systems and wastewater treatment; and

C. Third, the remainder, if any, to an account within the Department of Transportation to be used for the construction of highways and bridges.

**4. Use of fund during bond retirement period; from July 1, 2017 until bonds retired.** Money in the fund must be held and applied solely to the payment of the liquor operation revenue bonds and any ancillary obligations secured by the fund as the bonds and ancillary obligations become due and payable and for the retirement of liquor operation revenue bonds, including costs of administering the fund, the bonds and the ancillary obligations and the payment of any redemption premium required to be paid when any liquor operation revenue bonds are redeemed or retired before maturity or for the payment of ancillary obligations; except that, to the extent there is money in the fund not needed in accordance with terms of the liquor operation revenue bonds and ancillary obligations, before June 30th of each year, the bond bank shall withdraw an amount not exceeding \$7,000,000 to be paid to the State and distributed as follows:

A. First, in equal amounts to an account within the Department of Health and Human Services and an account within the Department of Environmental Protection, up to \$3,500,000 per account or the maximum amount allowed for federal matching funds purposes under federal water programs, whichever is less, to be used for revolving loan funds for drinking water systems and wastewater treatment; and

B. The remainder, if any, to an account within the Department of Transportation to be used for the construction of highways and bridges.

Immediately upon retirement of all outstanding liquor operation revenue bonds and ancillary obligations secured by the fund, the bond bank shall withdraw any excess money in the fund and transfer it to the Maine Budget Stabilization Fund established in Title 5, section 1532.

**5. Use of fund after bond retirement.** After all liquor operation revenue bonds and any ancillary obligations secured by the fund have been retired, additional proceeds credited to the fund from Title 22-A, section 216 and Title 28-A, section 90 must be disbursed on a quarterly basis to the State, after payment of costs of administering the fund, and credited by the State Controller as follows:

A. The lesser of 15% and the maximum amount allowed for federal matching funds purposes under federal water programs, divided equally between an account within the Department of Health and Human Services and an account within the Department of Environmental Protection for revolving loan funds for drinking water systems and wastewater treatment;

B. Thirty-five percent to an account within the Department of Transportation for construction of highways and bridges; and

C. The remainder to the Maine Budget Stabilization Fund established in section 1532.

## PART C

**Sec. C-1. 28-A MRSA §81, sub-§1,** as amended by PL 1999, c. 535, §3, is further amended to read:

**1. Oversight of Bureau of Alcoholic Beverages and Lottery Operations.** The commission shall monitor the operation of the alcohol bureau in its administration of the laws relating to the sale of spirits and fortified wine.

**Sec. C-2. 28-A MRSA §81, sub-§2,** as amended by PL 1999, c. 535, §3, is further amended to read:

**2. Advice.** The commission shall advise the director of the alcohol bureau regarding the administration of the functions of the alcohol bureau. The commission may advise the Governor and the Legislature regarding issues relating to the operation of the alcohol bureau and the administration of the laws relating to the sale of spirits and fortified wine.

**Sec. C-3. 28-A MRSA §83,** as amended by PL 2011, c. 693, §§1 and 2, is further amended to read:

## §83. Bureau of Alcoholic Beverages and Lottery Operations

**1. Bureau of Alcoholic Beverages and Lottery Operations; rules.** Until the effective date of the privatization of the entire wholesale liquor business authorized by section 88, the The alcohol bureau or a wholesale liquor provider contracted pursuant to section 90 shall manage the sale, distribution and merchandising of spirits and fortified wine through state liquor stores, agency liquor stores and licensees. The alcohol bureau may establish rules and procedures for the administration of the state liquor laws under its jurisdiction. The rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The day-to-day activities of the alcohol bureau are under the supervision of the Commissioner of Administrative and Financial Services and the director of the alcohol bureau.

**2. Purchase.** Until the effective date of the privatization of the wholesale liquor business authorized by section 88, the The alcohol bureau or a wholesale liquor provider contracted pursuant to section 90 may buy and have in its possession spirits and fortified wine for sale to the public. The alcohol bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits and fortified wine must be free from adulteration and misbranding.

**3. Sell at retail.** The alcohol bureau may sell at retail in state liquor stores in original packages, either over the counter or by shipment to points within the State, spirits of all kinds and fortified wine for consumption off the premises of state liquor stores operated under the direction of the alcohol bureau.

**4. Enter into contracts.** Subject to any applicable laws relating to public contracts, the alcohol bureau may enter into contracts or agreements and establish contract performance standards for the wholesale purchase of spirits and fortified wine.

**5. Investigate and recommend changes.** The alcohol bureau shall carry out a continuous study and investigation of the sale of alcoholic beverages throughout the State and the operation and administration of state activities and recommend to the Commissioner of Administrative and Financial Services any changes in the laws or rules and methods of operation that are in the best interest of the State. By December 1, 2012, the commissioner shall conduct a cost-benefit analysis of the discount price at which agency liquor stores purchase spirits and fortified wine from the State or wholesale liquor provider contracted by the State that includes consideration of how the discount price may be adjusted to allow agency liquor stores' revenue trends to mirror proportionally any upward trend in spirits sales and revenue realized by the State or the State's wholesale liquor provider. The commissioner shall update the cost-benefit analysis at least every 2 years and shall make the analysis available,

upon request, to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters.

**5-A. Sales incentives to agents; rules.** The alcohol bureau may adopt rules to provide for a sales incentive program for agency liquor stores. The alcohol bureau shall consider federal regulations that govern sales incentives for alcoholic beverages and the effect of a sales incentive program on General Fund revenue and pending or existing contracts with a wholesale liquor provider when developing an incentive program. Notwithstanding subsection 1, rules adopted in accordance with this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

**6. Certification; annual report.** The alcohol bureau shall certify monthly to the Treasurer of State, the commission and the Commissioner of Administrative and Financial Services a complete statement of the revenues and expenses for liquor sales for the preceding month. The alcohol bureau shall make an annual report to the Governor of its activities and of the amount of liquor license fees collected by the bureau, together with other information it considers advisable or that the Governor requires.

**7. Public meetings.** The alcohol bureau and the commission may hold public meetings each year at various locations within the State for the purpose of outlining operations under the liquor laws, receiving suggestions and disseminating information to the public.

**Sec. C-4. 28-A MRSA §84, sub-§1,** as corrected by RR 1999, c. 2, §29, is amended to read:

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

**Sec. C-5. 28-A MRSA §85, sub-§2,** as enacted by PL 1997, c. 373, §28, is amended to read:

**2. Inventory.** The alcohol bureau may keep and have on hand a stock of spirits and fortified wine for sale, the value of which, when priced for resale must be computed on the delivered case cost F.O.B. liquor warehouse designated by the commission filed by liquor suppliers. The inventory value must be based upon actual cost for which payment may be due and may not at any time exceed the amount of working capital authorized. Spirits and fortified wine may not be considered in the inventory until payment has been made for them.

**Sec. C-6. 28-A MRSA §453-C, sub-§1,** as amended by PL 2005, c. 539, §5, is further amended to read:

**1. Agent licensed to resell spirits purchased from the alcohol bureau.** An agent licensed to resell spirits and fortified wine purchased from the State to a retail licensee licensed for on-premises consumption must be licensed as a reselling agent. An agent is prohibited from reselling liquor to a retail licensee licensed for on-premises consumption except for spirits and fortified wine purchased from the alcohol bureau or a state liquor store. A reselling agent may not resell fortified wine purchased from wholesalers licensed to sell beer and wine in the State.

**Sec. C-7. 28-A MRSA §453-C, sub-§2,** as enacted by PL 2001, c. 711, §6, is amended to read:

**2. License fee.** The fee for a state license to resell spirits and fortified wine to a retail licensee licensed for on-premises consumption is \$50 annually.

**Sec. C-8. 28-A MRSA §461, first ¶,** as enacted by PL 2011, c. 140, §1, is amended to read:

An agency liquor store shall maintain a minimum number of product codes in accordance with this section. For the purposes of this section, "product code" means a single spirit or fortified wine product purchased from the State or the State's wholesale distributor.

**Sec. C-9. 28-A MRSA §501,** as enacted by PL 2003, c. 20, Pt. SS, §4 and affected by §8 and c. 51, Pt. C, §2, is amended to read:

#### **§501. Wholesale liquor provider; definition**

As used in this chapter, unless the context otherwise indicates, "wholesale liquor provider" means an entity or entities contracted by the State as an agent of the State for the purpose of providing wholesale spirits and fortified wine to establishments licensed by the State to sell spirits and fortified wine for off-premises consumption.

**Sec. C-10. 28-A MRSA §503,** as enacted by PL 2003, c. 20, Pt. SS, §4 and affected by §8 and c. 51, Pt. C, §2, is amended to read:

#### **§503. Sale to on-premises licensees prohibited**

A wholesale liquor provider shall sell spirits and fortified wine to establishments licensed by the State to sell liquor for off-premises consumption. A wholesale liquor provider is prohibited from selling spirits and fortified wine directly to establishments licensed by the State to sell liquor for on-premises consumption.

**Sec. C-11. 28-A MRSA §606, sub-§8,** as amended by PL 2005, c. 539, §6, is further amended to read:

**8. Limits on price.** An agency liquor store shall sell all spirits and fortified wine purchased from the alcohol bureau at the retail price established by the commission.

**Sec. C-12. 28-A MRSA §1651, sub-§1,** as amended by PL 1999, c. 166, §1, is further amended to read:

**1. State liquor tax.** Except as provided in subsection 2, the commission shall determine and set the list price at which to sell all spirits and fortified wine that will produce an aggregate state liquor tax sufficient to pay all liquor-related expenses of the Bureau of Alcoholic Beverages and Lottery Operations and to return to the General Fund an amount substantially equal to the amount of state liquor tax collected in the previous fiscal year. ~~With the exception of the discount agency liquor stores in Kittery and Calais, list prices must be uniform statewide.~~

C. The commission shall add any cost to the State related to handling containers returned for refund pursuant to Title 32, section 1863-A to the established price without markup.

**Sec. C-13. Effective date.** This Part takes effect July 1, 2014.

#### PART D

**Sec. D-1. Appropriations and allocations.** The following appropriations and allocations are made.

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Alcoholic Beverages - General Operation 0015

Initiative: Allocates funds to reflect the transfer of 50% of the costs of the Director Alcoholic Beverages/Lottery Operations position and a Public Service Manager II position and 100% of the costs of a Public Service Coordinator I position from the State Lottery Fund to the State Alcoholic Beverage Fund and to provide funding for administrative costs and contracts to operate the wholesale liquor business in the State.

STATE ALCOHOLIC BEVERAGE FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$210,462
All Other	\$0	\$11,533,800
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$0	\$11,744,262

##### Lottery Operations 0023

Initiative: Deallocates funds to reflect the transfer of 50% of the costs of the Director Alcoholic Beverages/Lottery Operations position and a Public Service Manager II position and 100% of the costs of a Public Service Coordinator I position from the State Lottery Fund to the State Alcoholic Beverage Fund.

STATE LOTTERY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$210,462)
STATE LOTTERY FUND TOTAL	\$0	(\$210,462)

##### Purchases - Division of 0007

Initiative: Allocates funds for the costs associated with developing and reviewing the request for proposals from potential bidders for contracts related to liquor sales and operations.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$70,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$70,000	\$0

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	\$70,000	\$0
STATE ALCOHOLIC BEVERAGE FUND	\$0	\$11,744,262
STATE LOTTERY FUND	\$0	(\$210,462)
DEPARTMENT TOTAL - ALL FUNDS	\$70,000	\$11,533,800

#### ENVIRONMENTAL PROTECTION, DEPARTMENT OF

##### Land and Water Quality 0248

Initiative: Allocates funds for the state share to match available federal matching funds for wastewater treatment projects.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$1,313,700
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,313,700

<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>	<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>	<b>2013-14</b>	<b>2014-15</b>
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,313,700	FEDERAL EXPENDITURES FUND	\$306,700,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,313,700	OTHER SPECIAL REVENUE FUNDS	\$183,500,000	\$1,313,700
<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>			<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$490,200,000</b>	<b>\$1,313,700</b>
<b>Health - Bureau of 0143</b>			<b>SECTION TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
Initiative: Allocates funds for the state share to match available federal matching funds for drinking water projects.			FEDERAL EXPENDITURES FUND	\$306,700,000	\$0
OTHER SPECIAL REVENUE FUNDS	<b>2013-14</b>	<b>2014-15</b>	OTHER SPECIAL REVENUE FUNDS	\$183,570,000	\$2,627,400
All Other	\$0	\$1,313,700	STATE ALCOHOLIC BEVERAGE FUND	\$0	\$11,744,262
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,313,700	STATE LOTTERY FUND	\$0	(\$210,462)
<b>Health Care Liability Retirement Fund N157</b>			<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$490,270,000</b>	<b>\$14,161,200</b>
Initiative: Authorizes the expenditure of bond proceeds from the sale of liquor operation revenue bonds for the state share of payments to health care providers for services provided prior to December 1, 2012.			<b>Emergency clause.</b> In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.		
OTHER SPECIAL REVENUE FUNDS	<b>2013-14</b>	<b>2014-15</b>	Effective June 14, 2013, unless otherwise indicated.		
All Other	\$183,500,000	\$0			
OTHER SPECIAL REVENUE FUNDS TOTAL	\$183,500,000	\$0			
<b>Medical Care - Payments to Providers 0147</b>					
Initiative: Allocates the federal share of payments to health care providers for services provided prior to December 1, 2012.			<b>CHAPTER 270</b>		
FEDERAL EXPENDITURES FUND	<b>2013-14</b>	<b>2014-15</b>	<b>H.P. 1126 - L.D. 1557</b>		
All Other	\$306,700,000	\$0			
FEDERAL EXPENDITURES FUND TOTAL	\$306,700,000	\$0	<b>An Act To Reapportion the Districts of the State Senate, State House of Representatives and County Commissioners</b>		

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

#### PART A

**Sec. A-1. 21-A MRSA §1203-A, first ¶, as enacted by PL 2005, c. 13, §2 and affected by §3, is amended to read:**

**The For Legislatures until the 127th Legislature, the State Senate consists of 35 Senators with one**

Senator elected from each of the following districts.  
This section is repealed December 3, 2014.

**Sec. A-2. 21-A MRSA §1203-B** is enacted to read:

**§1203-B. State Senate districts**

For Legislatures beginning with the 127th Legislature, the State Senate consists of 35 Senators, with one Senator elected from each of the following districts.

**1. Senate District 1.** Senate District 1 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Allagash; Ashland; Caribou; Castle Hill; Caswell; Connor Township; Cyr; Eagle Lake; Fort Kent; Frenchville; Garfield; Grand Isle; Hamlin; Limestone; Madawaska; Mapleton; Masardis; Nashville; New Canada; New Sweden; Northwest Aroostook; Oxbow; Perham; Portage Lake; Square Lake; St. Agatha; St. Francis; St. John; Stockholm; Van Buren; Wade; Wallagrass; Washburn; Westmanland; Winterville; and Woodland.

**2. Senate District 2.** Senate District 2 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Amity; Bancroft; Blaine; Bridgewater; Cary; Central Aroostook; Chapman; Crystal; Dyer Brook; Easton; Fort Fairfield; Glenwood; Hammond; Haynesville; Hersey; Hodgdon; Houlton; Island Falls; Linneus; Littleton; Ludlow; Macwahoc; Mars Hill; Merrill; Monticello; Moro; New Limerick; Oakfield; Orient; Presque Isle; Reed; Sherman; Smyrna; South Aroostook; Westfield; and Weston; and the following census units of the Penobscot River: Block 4293 of Tract 952900; and

B. In Penobscot County, the minor civil divisions and unorganized territories of Carroll; Drew; Kingman Township; Lakeville; Lee; Mount Chase; Patten; Prentiss Township; Springfield; Stacyville; Twombly Ridge Township; T3R1 NBPP; Webster; Whitney (Pukakon) Township; T5R1 NBPP; and Winn; and the following census units in North Penobscot: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081,

1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1312, 1320, 1321, 1324, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1359, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1413, 1414, 1415, 1416, 1417, 1418, 1421, 1739, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1758, 1760, 1761, 1762, 1763, 1764, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1787, 1790, 1791, 1793, 1794, 1809, 1810, 1811, 1812, 1814, 1815, 1816, 1817, 1818 and 1819 of Tract 029000.

**3. Senate District 3.** Senate District 3 consists of:

A. In Kennebec County, the minor civil division of Rome; and

B. In Somerset County, the minor civil divisions and unorganized territories of Anson; Bingham; Canaan; Caratunk; Central Somerset; Cornville; Dennistown; Embden; Highland; Jackman; Madison; Mercer; Moose River; Moscow; New Portland; Norridgewock; Northeast Somerset; Northwest Somerset; Pittsfield; Pleasant Ridge; Seboomook Lake; Skowhegan; Smithfield; Solon; Starks; The Forks; and West Forks.

**4. Senate District 4.** Senate District 4 consists of:

A. In Penobscot County, the minor civil divisions of Alton; Bradford; Charleston; Dexter; Garland; and Lagrange;

B. Piscataquis County; and

C. In Somerset County, the minor civil divisions of Athens; Brighton; Cambridge; Detroit; Harmony; Hartland; Palmyra; Ripley; and St. Albans.

**5. Senate District 5.** Senate District 5 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of Argyle Township; Chester; East Millinocket; Edinburg; Enfield; Greenbush; Howland; Mattawamkeag; Maxfield; Medway; Milford; Millinocket; Old Town; Orono; Passadumkeag; Penobscot Indian Island; Seboeis; Veazie; and Woodville; and the following census units in North Penobscot: Blocks 1290, 1318, 1319, 1322, 1323, 1335, 1346, 1347, 1348, 1349, 1350, 1351, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1407, 1408, 1409, 1410, 1411, 1412, 1419, 1420, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715,

1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1740, 1756, 1757, 1759, 1765, 1766, 1786, 1788, 1789, 1792, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808 and 1813 of Tract 029000; and Block 1058 of Tract 031000.

**6. Senate District 6.** Senate District 6 consists of:

A. In Hancock County, the minor civil divisions and unorganized territories of Gouldsboro; Sullivan; and Winter Harbor; and the following census units in East Hancock: Blocks 1370, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, and 1430 of Tract 965100; and

B. Washington County.

**7. Senate District 7.** Senate District 7 consists of:

A. In Hancock County, the minor civil divisions and unorganized territories of Amherst; Aurora; Bar Harbor; Blue Hill; Brooklin; Brooksville; Central Hancock; Cranberry Isles; Deer Isle; Eastbrook; Ellsworth; Franklin; Frenchboro; Hancock; Lamoine; Mariaville; Marshall Island; Mount Desert; Osborn; Otis; Sedgwick; Sorrento; Southwest Harbor; Stonington; Surry; Swans Island; Tremont; Trenton; and Waltham; and the following census units in East Hancock: Blocks 1131, 1132, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1150, 1151, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1203, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1371, 1372, 1373, 1374, 1375, 1382, 1383, 1384, 1387, 1388,

1389, 1410, 1423, 1426, 1431 and 1434 of Tract 965100.

**8. Senate District 8.** Senate District 8 consists of:

A. In Hancock County, the minor civil divisions and unorganized territories of Bucksport; Castine; Dedham; Great Pond; Northwest Hancock, T32 MD; Orland; Penobscot; and Verona Island; and the following census units in East Hancock: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1133, 1134, 1135, 1145, 1146, 1147, 1148, 1149, 1152, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1385, 1393, 1394, 1395, 1396, 1397, 1398, 1407, 1408, 1409, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1424, 1425, 1427, 1428, 1429, 1432, 1433, 1435, 1436 and 1437 of Tract 965100; and

B. In Penobscot County, the minor civil divisions and unorganized territories of Bradley; Brewer; Burlington; Clifton; East Central Penobscot; Edington; Holden; Lincoln; Lowell; and Orrington.

**9. Senate District 9.** Senate District 9 consists of:

A. In Penobscot County, the minor civil divisions of Bangor and Hermon.

**10. Senate District 10.** Senate District 10 consists of:

A. In Penobscot County, the minor civil divisions of Carmel; Corinna; Corinth; Dixmont; Etna; Exeter; Glenburn; Hampden; Hudson; Kenduskeag; Levant; Newburgh; Newport; Plymouth; and Stetson.

**11. Senate District 11.** Senate District 11 consists of:

A. Waldo County.

**12. Senate District 12.** Senate District 12 consists of:

A. In Knox County, the minor civil divisions and unorganized territories of Appleton; Camden; Cribhaven; Cushing; Friendship; Hope; Isle au Haut; Matinicus Isle; Mussel Ridge Islands; North Haven; Owls Head; Rockland; Rockport; South Thomaston; St. George; Thomaston; Union; Vinalhaven; and Warren.

**13. Senate District 13.** Senate District 13 consists of:

A. In Kennebec County, the minor civil division of Windsor;

B. In Knox County, the minor civil division of Washington; and

C. In Lincoln County, the minor civil divisions and unorganized territories of Alna; Boothbay; Boothbay Harbor; Bremen; Bristol; Damariscotta; Edgecomb; Hibberts Gore; Jefferson; Louts Island; Monhegan; Newcastle; Nobleboro; Somerville; South Bristol; Southport; Waldoboro; Westport Island; Whitefield; and Wiscasset.

**14. Senate District 14.** Senate District 14 consists of:

A. In Kennebec County, the minor civil divisions of Chelsea; Farmingdale; Gardiner; Hallowell; Manchester; Monmouth; Pittston; Randolph; Readfield; West Gardiner; and Winthrop.

**15. Senate District 15.** Senate District 15 consists of:

A. In Kennebec County, the minor civil divisions of Augusta; China; Oakland; Sidney; and Vassalboro.

**16. Senate District 16.** Senate District 16 consists of:

A. In Kennebec County, the minor civil divisions and unorganized territories of Albion; Benton; Clinton; Unity Township; Waterville; and Winslow; and

B. In Somerset County, the minor civil division of Fairfield.

**17. Senate District 17.** Senate District 17 consists of:

A. Franklin County; and

B. In Kennebec County, the minor civil divisions of Belgrade; Fayette; Mount Vernon; and Vienna.

**18. Senate District 18.** Senate District 18 consists of:

A. In Androscoggin County, the minor civil divisions of Livermore and Livermore Falls; and

B. In Oxford County, the minor civil divisions and unorganized territories of Andover; Bethel; Buckfield; Byron; Canton; Dixfield; Gilead; Greenwood; Hanover; Hartford; Hebron; Lincoln; Lovell; Magalloway; Mexico; Milton Township; Newry; North Oxford; Peru; Roxbury; Rumford; South Oxford; Stoneham; Stow; Sumner; Sweden; Upton; Waterford; West Paris; and Woodstock.

**19. Senate District 19.** Senate District 19 consists of:

- A. In Cumberland County, the minor civil divisions of Bridgton; Harrison; Naples; and Sebago; and
- B. In Oxford County, the minor civil divisions of Brownfield; Denmark; Fryeburg; Hiram; Norway; Otisfield; Oxford; Paris; and Porter.

**20. Senate District 20.** Senate District 20 consists of:

- A. In Androscoggin County, the minor civil divisions of Auburn; Mechanic Falls; Minot; and Poland; and
- B. In Cumberland County, the minor civil division of New Gloucester.

**21. Senate District 21.** Senate District 21 consists of:

- A. In Androscoggin County, the minor civil division of Lewiston.

**22. Senate District 22.** Senate District 22 consists of:

- A. In Androscoggin County, the minor civil divisions of Durham; Greene; Leeds; Lisbon; Sabattus; Turner; and Wales; and
- B. In Kennebec County, the minor civil divisions of Litchfield and Wayne.

**23. Senate District 23.** Senate District 23 consists of:

- A. In Lincoln County, the minor civil division of Dresden; and
- B. Sagadahoc County.

**24. Senate District 24.** Senate District 24 consists of:

- A. In Cumberland County, the minor civil divisions of Brunswick; Freeport; Harpswell; North Yarmouth; and Pownal.

**25. Senate District 25.** Senate District 25 consists of:

- A. In Cumberland County, the minor civil divisions of Chebeague Island; Cumberland; Falmouth; Gray; Long Island; and Yarmouth; and the following census units in the minor civil division

of Westbrook: Blocks 1000, 1001, 1002, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019 of Tract 002600; and Blocks 2000, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024 and 3025 of Tract 002700.

**26. Senate District 26.** Senate District 26 consists of:

- A. In Cumberland County, the minor civil divisions of Baldwin; Casco; Frye Island; Raymond; Standish; and Windham.

**27. Senate District 27.** Senate District 27 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Tract 000100; Tract 000200; Tract 000300; Tract 000500; Tract 000600; Tract 001000; Tract 001100; Tract 001200; and Tract 001300; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3017 of Tract 001500; Tract 001800; Block 1000 of Tract 001900; Blocks 1005, 1027, 1028, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060 and 1063 of Tract 002002; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2023, 2025, 2026, 2027 and 2028 of Tract 002200; Tract 002300; Tract 002400; and Blocks 0006, 0007, 0012, 0017, 0018, 0019, 0021, 0022, 0023, 0024, 0026 and 0027 of Tract 990000.

**28. Senate District 28.** Senate District 28 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Block 2027 of Tract 001500; Tract 001700; Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014,

2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009 and 4010 of Tract 001900; Tract 002001; Blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1029, 1030, 1031, 1035, 1061, 1062, 1064, 1065, 1066, 1067, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2057 of Tract 002002; Tract 002101; Tract 002102; and Blocks 2019, 2021, 2022, 2024, 2029, 2030, 2031 and 2032 of Tract 002200; and

B. In Cumberland County, the following census units in the minor civil division of Westbrook: Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2014, 2015, 2016, 2017, 2018, 2019, 3020, 3026 and 3027 of Tract 002700; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2014, 2015, 2016, 2017, 2018, 2019, 3020, 3026 and 3027 of Tract 002700; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042 of Tract 002800; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038,

4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022 and 5023 of Tract 002900.

**29. Senate District 29.** Senate District 29 consists of:

A. In Cumberland County, the minor civil divisions of Cape Elizabeth and South Portland; and the following census units in the minor civil division of Scarborough: Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1033, 1034, 1035, 1050, 1089, 1090, 1096, 1097, 1098, 1099, 1100, 1101, 1102 and 1103 of Tract 017301; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2038, 2047, 2048 and 2062 of Tract 017303; Blocks 1051, 4000, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021 of Tract 017304; and Blocks 0041, 0042, 0043, 0044, 0045, 0046, 0047, 0048 and 0049 of Tract 990000.

**30. Senate District 30.** Senate District 30 consists of:

A. In Cumberland County, the minor civil division of Gorham; and the following census units in the minor civil division of Scarborough: Blocks 1000, 1007, 1008, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1091, 1092, 1093, 1094, 1095, 1104, 1105, 1106, 1107, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052,

3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071 and 3072 of Tract 017301; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060 and 2061 of Tract 017303; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043 and 4001 of Tract 017304; and

B. In York County, the following census units in the minor civil division of Buxton: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013,

4014, 4015, 4016, 4018, 4028, 4044, 4045 and 4046 of Tract 020000.

**31. Senate District 31.** Senate District 31 consists of:

A. In York County, the following census units in the minor civil division of Buxton: Blocks 4003, 4017, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058 and 4059 of Tract 02000; and the minor civil divisions of Hollis; Limington; Old Orchard Beach; and Saco.

**32. Senate District 32.** Senate District 32 consists of:

A. In York County, the minor civil divisions of Alfred; Arundel; Biddeford; Dayton; Kennebunkport; and Lyman.

**33. Senate District 33.** Senate District 33 consists of:

A. In York County, the minor civil divisions of Cornish; Limerick; Newfield; Parsonsfield; Sanford; Shapleigh; and Waterboro.

**34. Senate District 34.** Senate District 34 consists of:

A. In York County, the minor civil division of Acton; and the following census units in the minor civil division of Berwick: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2042, 2043, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038 of Tract 032000; and the minor civil divisions of Kennebunk; Lebanon; North Berwick; and Wells.

**35. Senate District 35.** Senate District 35 consists of:

A. In York County, the following census units in the minor civil division of Berwick: Blocks 1010, 1011, 1012, 1016, 1024, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2040, 2041, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073,

2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081,  
2082, 2083, 2084, 2085, 2086, 2087, 2090, 2091,  
2092, 2093, 2094, 2095 and 2096 of Tract  
032000; and the minor civil divisions of Eliot,  
Kittery, Ogunquit; South Berwick; and York.

**Sec. A-3. Application.** The districts established in section 2 of this Part take effect for the election of Senators of the Maine Legislature beginning with the 127th Legislature.

## PART B

**Sec. B-1. 21-A MRSA §1204-A**, as amended by PL 2003, c. 688, Pt. A, §24, is further amended by adding a new first paragraph to read:

For Legislatures until the 127th Legislature, the following House Districts are established. This section is repealed December 3, 2014.

**Sec. B-2. 21-A MRSA §1204-B** is enacted to read:

## **§1204-B. State House districts**

For Legislatures beginning with the 127th Legislature, the following House Districts are established.

**1. House District 1.** House District 1 consists of:

A. In York County, the following census units in the minor civil division of Kittery: Tract 038001; Blocks 1003, 1004, 1006, 1007, 1013, 1014, 1021, 1022, 1023, 1024, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1042, 1043, 1045, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024 of Tract 038002; and Block 0016 of Tract 990100.

## **2. House District 2.** House District 2 consists of:

A. In York County, the minor civil division of Eliot; the following census units in the minor civil division of South Berwick: Blocks 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 4018, 4019, 4020, 4026 and 4027 of Tract 035000; and the following census units in the minor civil division of Kittery: Blocks 1000, 1001, 1002, 1005, 1008, 1009, 1010, 1011, 1012, 1015,

1016, 1017, 1018, 1019, 1020, 1025, 1026, 1027,  
1028, 1039, 1040, 1041, 1044 and 1047 of Tract  
038002.

### **3. House District 3.** House District 3 consists of:

A. In York County, the following census units in the minor civil division of York: Tract 036001; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034 of Tract 036002; and Blocks 0013, 0014 and 0015 of Tract 990100.

#### **4. House District 4.** House District 4 consists of:

A. In York County, the minor civil division of Ogunquit; the following census units in the minor civil division of Sanford: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 3000, 3001, 3002, 3003, 3004, 3008, 3010, 3011, 3012, 3013 and 3014 of Tract 030300; the following census units in the minor civil division of Wells: Blocks 3029, 3030, 3031, 3032, 3033, 3034, 3036, 3037, 3038, 3039, 3068, 3069, 3070, 3071, 3072, 3074, 3077, 3078, 3079, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4046, 4047, 4048 and 4051 of Tract 034002; and the following census units in the minor civil division of York: Blocks 2018, 2019, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047,

4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055,  
4056, 4057, 4058, 4059, 4060, 4061, 5000, 5001,  
5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009,  
5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017,  
5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025,  
5026 and 5027 of Tract 036002.

**5. House District 5.** House District 5 consists of:

A. In York County, the minor civil division of Berwick; and the following census units in the minor civil division of North Berwick: Blocks 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3016, 3017, 3018, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3061 and 3062 of Tract 033000.

## **6. House District 6.** House District 6 consists of:

## **7. House District 7.** House District 7 consists of:

A. In York County, the following census units in the minor civil division of Wells: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016,

2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,  
2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032,  
2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040,  
2041, 2042, 2043, 4000, 4001, 4002, 4003, 4004,  
4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012,  
4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020,  
4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028,  
4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036,  
4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044,  
4045, 4046, 4047, 4048, 5000, 5001, 5002, 5003,  
5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011,  
5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019,  
5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027,  
5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035,  
5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043,  
5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051,  
6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007,  
6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015,  
6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023,  
6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031,  
6032, 6033, 6034, 6035, 6036, 6037, 6038, 7000,  
7001, 7002, 7003, 7004, 7005, 7006, 7007, 7008,  
7009, 7010, 7011, 7012, 7013, 7014, 7015, 7016,  
7017, 7018, 7019, 7020, 7021, 7022, 7023, 7024,  
7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032,  
7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040,  
7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048,  
7049, 7050, 7051, 7052, 7053, 7054, 7055, 7056,  
7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064,  
7065, 7066, 7067, 7068, 7069, 7070, 7071, 7072,  
7073, 7074, 7075, 7076, 7077, 7078, 7079 and  
7080 of Tract 034001; Blocks 1000, 1001, 1002,  
1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010,  
1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018,  
1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004,  
2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012,  
2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020,  
2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028,  
2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036,  
2037, 2038, 2039, 3000, 3001, 3002, 3003, 3004,  
3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,  
3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020,  
3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028,  
3035, 3040, 3041, 3042, 3043, 3044, 3045, 3046,  
3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054,  
3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062,  
3063, 3064, 3065, 3073, 3075, 3076, 3080, 3081,  
3082, 4000, 4001, 4002, 4003, 4004, 4005, 4006,  
4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014,  
4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022,  
4023, 4024, 4025, 4026, 4045, 4049 and 4050 of  
Tract 034002; and Block 0011 of Tract 990100.

**8. House District 8.** House District 8 consists of:

A. In York County, the following census units in the minor civil division of Kennebunk: Tract 028001; and Blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1035, 1036, 1037.

1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1053, 1054, 1055, 1056, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3021, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043 and 5044 of Tract 028002.

**9. House District 9.** House District 9 consists of:

A. In York County, the minor civil division of Kennebunkport; the following census units in the minor civil division of Biddeford: Blocks 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025 of Tract 025300; Tract 025400; Block 0006 of Tract 990100; and the following census units in the minor civil division of Kennebunk: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3021, 3022, 3023, 3033 and 3034 of Tract 025201; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034 and 4035 of Tract 025300; and Blocks 0006, 0009 and 0010 of Tract 990100.

**10. House District 10.** House District 10 consists of:

A. In York County, the minor civil divisions of Arundel and Dayton; and the following census units in the minor civil division of Lyman: Blocks 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 3020, 3022 and 3023 of Tract 028002; and Blocks 0006, 0009 and 0010 of Tract 990100.

3038, 3039, 3040, 3041, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034 and 4035 of Tract 024500.

**11. House District 11.** House District 11 consists of:

A. In York County, the following census units in the minor civil division of Biddeford: Tract 025100; Blocks 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032 of Tract 025201; Blocks 2003, 2004, 2005, 2006, 2007, 2008 and 2009 of Tract 025202; and Blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031 and 1032 of Tract 025300.

**12. House District 12.** House District 12 consists of:

A. In York County, the following census units in the minor civil division of Biddeford: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3021, 3022, 3023, 3033 and 3034 of Tract 025201; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018 and 6019 of Tract 025202; and Blocks 1002, 1013 and 1014 of Tract 025300.

**13. House District 13.** House District 13 consists of:

A. In York County, the minor civil division of Old Orchard Beach.

**14. House District 14.** House District 14 consists of:

A. In York County, the following census units in the minor civil division of Saco: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008,

1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2047, 2048, 2051, 2059, 2064, 2068, 2069, 2070, 2073, 2074 and 2075 of Tract 005200; Blocks 1014, 1015, 1016, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017 of Tract 005300; Tract 005400; and Blocks 0004 and 0005 of Tract 990100.

**15. House District 15.** House District 15 consists of:

A. In York County, the following census units in the minor civil division of Saco: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1020, 1021, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034 of Tract 005100; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2050, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017 of Tract 005300.

**16. House District 16.** House District 16 consists of:

A. In York County, the minor civil division of Hollis; the following census units in the minor civil division of Saco: Blocks 1017, 1018, 1019, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029,

1041, 1042 and 1048 of Tract 005100; and the following census units in the minor civil division of Buxton: Blocks 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058 and 4059 of Tract 020000.

**17. House District 17.** House District 17 consists of:

A. In York County, the minor civil division of Waterboro; and the following census units in the minor civil division of Lyman: Blocks 2002, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2043, 2044, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017 of Tract 024500.

**18. House District 18.** House District 18 consists of:

A. In York County, the following census units in the minor civil division of Sanford: Blocks 1026, 1027, 1028, 2002, 2003 and 2018 of Tract 030100; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 2013, 2014, 2015, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2035 of Tract 030201; Tract 030202; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 3000 and 3001 of Tract 030203; and Blocks 3005, 3006, 3007 and 3009 of Tract 030300.

**19. House District 19.** House District 19 consists of:

A. In York County, the following census units in the minor civil division of Sanford: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029 of Tract 030100; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2016, 2017, 2018, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2036, 2037 and 2038 of Tract 030201; Blocks 1015, 1016, 1017, 1018, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025 and 3026 of Tract 030203; and Blocks 2010, 2011 and 2012 of Tract 030300.

**20. House District 20.** House District 20 consists of:

A. In York County, the minor civil divisions of Acton and Lebanon; and the following census units in the minor civil division of Shapleigh: Blocks 4008, 4009, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4026, 4027, 4028, 4030, 4031, 4032, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 5034, 5070, 5088, 5089, 5090, 5091, 5092, 5093, 5094, 5095, 5096, 5097, 5098, 5099, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5108, 5109, 5110, 5111, 5112, 5114, 5115, 5116 and 5117 of Tract 023500.

**21. House District 21.** House District 21 consists of:

A. In York County, the minor civil divisions of Alfred and Newfield; the following census units in the minor civil division of Parsonsfield: Blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2046, 2048, 2049, 2050, 2051, 2052, 2053, 2056, 2057, 2058, 2059, 2060.

2061, 2062, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067 and 3068 of Tract 022500; the following census units in the minor civil division of Limerick: Blocks 1034, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 2011, 2012, 2013, 2014, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051 of Tract 023000; and the following census units in the minor civil division of Shapleigh: Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4010, 4025, 4029, 4033, 4034, 4035, 4036, 4037, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5067, 5068, 5069, 5071, 5072, 5073, 5074, 5075, 5076, 5077, 5078, 5079, 5080, 5081, 5082, 5083, 5084, 5085, 5086, 5087 and 5113 of Tract 023500.

**22. House District 22.** House District 22 consists of:

A. In Cumberland County, the following census units in the minor civil division of Standish: Blocks 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1056, 1057, 1058, 1059, 1060, 1061 and 1062 of Tract 017001; and

B. In York County, the following census units in minor civil division of Buxton: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000,

2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2038, 2050, 3000, 3032, 3033 and 3044 of Tract 020000; the following census units in the minor civil division of Limerick: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2028 and 2029 of Tract 023000; and the minor civil division of Limington.

**23. House District 23.** House District 23 consists of:

A. In Cumberland County, the following census units in the minor civil division of Standish: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036 and 3037 of Tract 017001; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050.

2051, 2052, 3001, 3002 and 3004 of Tract 017002.

**24. House District 24.** House District 24 consists of:

A. In Cumberland County, the following census units in the minor civil division of Windham: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4016, 5000, 5001, 5002, 5003, 5004, 5005, 5008, 5009, 5010, 5013, 5014, 5015, 6000, 6001, 6002, 6003, 6004, 6005 and 6006 of Tract 004801; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1019, 1020, 1021, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 1041, 1042, 1043, 1044, 1046, 1049, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017 and 3018 of Tract 004802.

**25. House District 25.** House District 25 consists of:

A. In Cumberland County, the following census units in the minor civil division of Windham: Blocks 4015, 4017, 5006, 5007, 5011, 5012, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039 and 6040 of Tract 004801; Blocks 1009, 1016, 1017, 1018, 1022, 1023, 1024, 1026, 1038, 1039, 1044, 1045, 1047, 1048 and 3007 of Tract 004802; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046.

2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054,  
2055, 2056, 2057, 2058, 2059, 2060, 2061, 3000,  
3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008,  
3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016,  
3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024,  
3025 and 3026 of Tract 004803.

**26. House District 26.** House District 26 consists of:

A. In Cumberland County, the following census units in the minor civil division of Gorham: Blocks 1045, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032 of Tract 004001; Blocks 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3010, 3011, 3012, 4008, 4009, 4010, 4011, 4012, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035 and 5036 of Tract 004002; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052 and 2053 of Tract 004100.

**27. House District 27.** House District 27 consists of:

A. In Cumberland County, the following census units in the minor civil division of Gorham: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 1047 and 1048 of Tract 004001; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4013, 4014 and 4015 of Tract 004002, and Blocks 2000, 2001, 2002,

2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,  
2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018,  
2019, 2020, 2021, 2022, 2023, 2025, 2037, 2038,  
2054, 2055, 2056, 3000, 3001, 3002, 3003, 3004,  
3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012,  
3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020,  
3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028,  
3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036,  
3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044,  
3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052,  
3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060,  
3061, 3062, 3063 and 3064 of Tract 004100; and  
the following census units in the minor civil division of Scarborough: Blocks 1040, 1041, 2000,  
2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008,  
2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016,  
2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024,  
2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032,  
2033, 2034, 2035, 2038, 2039, 2040, 2041, 2042  
and 2075 of Tract 017301.

**28. House District 28.** House District 28 consists of:

A. In Cumberland County, the following census units in the minor civil division of Scarborough: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 2036, 2037, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2076, 2077, 2078, 2079, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071 and 3072 of Tract 017301; Blocks 2019, 2020, 2024, 2025 and 2029 of Tract 017303; and Blocks 2003, 2005, 2006, 2007, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024,

3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042 and 3043 of Tract 017304.

**29. House District 29.** House District 29 consists of:

A. In Cumberland County, the following census units in the minor civil division of Scarborough: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2023, 2026, 2027, 2028, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062 of Tract 017303; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 2000, 2001, 2002, 2004, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021 of Tract 017304; and Blocks 0041, 0042, 0043, 0044, 0045, 0046, 0047, 0048 and 0049 of Tract 990000.

**30. House District 30.** House District 30 consists of:

A. In Cumberland County, the following census units in the minor civil division of Cape Elizabeth: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2032 of Tract 003701; Blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033,

1034, 1035, 1036, 1037, 1038, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030 of Tract 003702; and Blocks 0028, 0029, 0030, 0031, 0032, 0033, 0034, 0035, 0036, 0037, 0038, 0039 and 0040 of Tract 990000.

**31. House District 31.** House District 31 consists of:

A. In Cumberland County, the following census units in the minor civil division of South Portland: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3042, 3047 and 3048 of Tract 003200; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 3000 and 3001 of Tract 003400; and Tract 003500.

**32. House District 32.** House District 32 consists of:

A. In Cumberland County, the following census units in the minor civil division of South Portland: Blocks 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 3004, 3005 and 3006 of Tract 003100; Blocks 3041, 3043, 3044, 3045 and 3046 of Tract 003200; Tract 003300; Blocks 2005, 2011, 2012, 2013, 2014, 2015, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024 and 5025 of Tract 003400; and the following census units in the minor civil division of Cape Elizabeth: Blocks 2030 and 2031 of Tract 003701; and Blocks 1000, 1001, 1002, 1003, 1004, 2000, 2001, 2002 and 2003 of Tract 003702.

**33. House District 33.** House District 33 consists of:

A. In Cumberland County, the following census units in the minor civil division of South Portland: Tract 003000; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 3000, 3001, 3002, 3003, 3007, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025 and 4026 of Tract 003100.

**34. House District 34.** House District 34 consists of:

A. In Cumberland County, the following census units in the minor civil division of Westbrook: Tract 002800 and Tract 002900.

**35. House District 35.** House District 35 consists of:

A. In Cumberland County, the following census units in the minor civil division of Westbrook: Tract 002600 and Tract 002700.

**36. House District 36.** House District 36 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Blocks 2003, 2004, 2005, 2006, 2007 and 2009 of Tract 001800; Block 1002 of Tract 001900; Block 1042 of Tract 00201; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2044, 2045, 2046, 2047, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007 of Tract 002102; and Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032 of Tract 002200.

**37. House District 37.** House District 37 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Blocks 1019, 1020, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015 and 3016 of Tract 001700; Blocks 3006, 3007, 3008, 3021 and 3022 of Tract 001900; Blocks 1000, 1001, 1002, 1003, 1004, 1005,

1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1064, 1065, 1066, 1067, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2057 of Tract 002002; and Blocks 2040, 2041, 2042 and 2043 of Tract 002102.

**38. House District 38.** House District 38 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Blocks 1021, 1022, 1023, 2004, 2006, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2057 of Tract 002002; and Blocks 2040, 2041, 2042 and 2043 of Tract 002102.

**39. House District 39.** House District 39 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Tract 000100; Tract 000200; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012 of Tract 001300; Block 2038 of Tract 001500; and Block 1063 of Tract 002002.

2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2063, 2064, 2065, 2066, 2067, 2068 and 2069 of Tract 000300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1036, 1037, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022 of Tract 000500; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3017, 3018, 3020, 3021, 3022, 3058, 3059, 3060, 3061, 3062 and 3063 of Tract 002400; and Blocks 0006, 0007, 0012, 0017, 0018, 0019, 0021, 0022, 0023, 0024, 0026 and 0027 of Tract 990000.

**40. House District 40.** House District 40 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Blocks 1018, 1019 and 1020 of Tract 000300; Blocks 1017, 1019, 1031, 1032, 1033, 1034, 1035, 2004 and 2005 of Tract 000500; Tract 000600; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001 and 2006 of Tract 001000; Blocks 2000, 2006 and 2008 of Tract 001300; Blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2035, 2036, 2037, 2039, 2040, 3008, 3012, 3013, 3014 and 3015 of Tract 001500; and Blocks 1005, 1028, 1033, 1034 and 1040 of Tract 002002.

**41. House District 41.** House District 41 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland:

Blocks 1004, 1034, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3009, 3010, 3011, 3016 and 3017 of Tract 001500; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 2000, 3000, 3001, 3009, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015 of Tract 001700; Blocks 3004, 3005, 3016, 3017, 3020, 3021, 3022, 3023, 3024, 3025 and 3026 of Tract 001800; Blocks 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009 and 4010 of Tract 001900; and Blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1029 and 1030 of Tract 002002.

**42. House District 42.** House District 42 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2000, 2001, 2002, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3000, 3001, 3002, 3003, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3018, 3019 and 3027 of Tract 001800; Block 1000 of Tract 001900; Blocks 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024 of Tract 002200; and Tract 002300.

**43. House District 43.** House District 43 consists of:

A. In Cumberland County, the following census units in the minor civil division of Portland: Tract 002101; and Blocks 1000, 1001, 1002, 1003, 1006, 1007 and 1016 of Tract 002200; and the following census units in the minor civil division of Falmouth: Blocks 1008, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2038, 2041, 2042, 2043, 2044, 2046, 2047, 2048, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030,

3031, 3032, 3033, 3037, 3038, 3039 and 3040 of Tract 002502.

**44. House District 44.** House District 44 consists of:

A. In Cumberland County, the following census units in the minor civil division of Falmouth: Tract 002501; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2039, 2040, 2045, 2049, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3034, 3035, 3036, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021 and 5022 of Tract 002502.

**45. House District 45.** House District 45 consists of:

A. In Cumberland County, the minor civil division of Cumberland and the following census units in the minor civil division of Gray: Blocks 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 4024, 4026, 4027, 4028, 4029, 4030, 4031, 4032 and 4033 of Tract 004702.

**46. House District 46.** House District 46 consists of:

A. In Androscoggin County, the minor civil division of Durham; and

B. In Cumberland County, the minor civil division of North Yarmouth and the following census units in the minor civil division of Pownal: Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4065, 4066, 4067, 4068, 4069, 4080, 4081, 4084, 4089, 4090, 4091, 4092, 4093 and 4094 of Tract 011500.

**47. House District 47.** House District 47 consists of:

A. In Cumberland County, the minor civil divisions of Chebeague Island, Long Island and Yarmouth.

**48. House District 48.** House District 48 consists of:

A. In Cumberland County, the minor civil division of Freeport and the following census units in the minor civil division of Pownal: Blocks 4063, 4064, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4082, 4083, 4085, 4086, 4087, 4088, 4095 and 4096 of Tract 011500.

**49. House District 49.** House District 49 consists of:

A. In Cumberland County, the following census units in the minor civil division of Brunswick: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5028, 5029, 5030, 5034, 5035, 5036, 5037, 5038, 5039 and 5040 of Tract 011201; Blocks 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1022, 1023, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 4000, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4012, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4039, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019 and 5020 of Tract 011202; and Tract 011300.

**50. House District 50.** House District 50 consists of:

A. In Cumberland County, the following census units in the minor civil division of Brunswick: Blocks 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028,

4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055 and 4056 of Tract 011100; Blocks 5003, 5012, 5013, 5014, 5015, 5016, 5017, 5026, 5027, 5031, 5032, 5033, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021, 6022, 6023 and 6024 of Tract 011201; and Blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1010, 1011, 1020, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 4001, 4010, 4011, 4013, 4014, 4015, 4037, 4038, 4040, 4041, 4042, 4043, 5021, 5022, 5023 and 5024 of Tract 011202.

**51. House District 51.** House District 51 consists of:

A. In Cumberland County, the following census units in the minor civil division of Brunswick: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 2006, 3000 and 3007 of Tract 011100; and Blocks 3026 and 3027 of Tract 011202; and the minor civil division of Harpswell; and

B. In Sagadahoc County, the minor civil division of West Bath.

**52. House District 52.** House District 52 consists of:

A. In Sagadahoc County, the minor civil division of Bath.

**53. House District 53.** House District 53 consists of:

A. In Lincoln County, the minor civil division of Dresden; and

B. In Sagadahoc County, the minor civil divisions of Arrowsic; Georgetown; Phippsburg; and Woolwich; and the following census units in the minor civil division of Richmond: Blocks 1000, 1001, 1002, 1003 and 1026 of Tract 970100.

**54. House District 54.** House District 54 consists of:

A. In Sagadahoc County, the minor civil division of Topsham.

**55. House District 55.** House District 55 consists of:

A. In Sagadahoc County, the minor civil divisions and unorganized territories of Bowdoin; Bowdoinham; and Perkins Island; and the following census units in the minor civil division of Richmond: Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039 of Tract 970100.

**56. House District 56.** House District 56 consists of:

A. In Androscoggin County, the minor civil division of Lisbon.

**57. House District 57.** House District 57 consists of:

A. In Androscoggin County, the minor civil divisions of Greene and Sabattus.

**58. House District 58.** House District 58 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Lewiston: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2025, 2026, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078 and 2079 of Tract 020600; Blocks 2019, 2020,

2021, 2022 and 2023 of Tract 020700; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024 and 4025 of Tract 020800.

**59. House District 59.** House District 59 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Lewiston: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1023 of Tract 020300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015 of Tract 020700; Blocks 2000, 2001 and 2003 of Tract 020800; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030 and 3031 of Tract 020900.

**60. House District 60.** House District 60 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Lewiston: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1050, 1051, 1052, 1053, 1058, 1059, 1065 and 1067 of Tract 020100; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017 of Tract 020200; Blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031 of Tract 020300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031 of Tract 020400; Blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of Tract 020500; and Blocks 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032 of Tract 020600.

2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3012, 3013, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007 and 4008 of Tract 020300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006 and 1007 of Tract 020500; Blocks 2006, 2016, 2017 and 2018 of Tract 020700; and Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030 of Tract 020900.

**61. House District 61.** House District 61 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Lewiston: Blocks 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1047, 1048, 1049, 1054, 1055, 1056, 1057, 1060, 1061, 1062, 1063, 1064 and 1066 of Tract 020100; Blocks 3009, 3010, 3011, 3014, 3015, 4009, 4010 and 4011 of Tract 020300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007 of Tract 020400; Blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030 of Tract 020500; and Blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030 of Tract 020600.

**62. House District 62.** House District 62 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Auburn: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028 of Tract 010100; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031 of Tract 010200; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031 of Tract 010300.

1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2020, 2021 and 2022 of Tract 010300; Block 2000 of Tract 010400; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029 and 2030 of Tract 010500; and Block 1010 of Tract 010800.

**63. House District 63.** House District 63 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Auburn: Blocks 2020, 2021, 2022, 2023, 2024 and 2025 of Tract 010100; Blocks 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024, 1025, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029 and 2030 of Tract 010400; Blocks 1025, 2004, 2005, 2027, 2028, 2031 and 2032 of Tract 010500; Tract 010600; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074 and 2075 of Tract 010700; and Blocks 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027 of Tract 010800.

**64. House District 64.** House District 64 consists of:

A. In Androscoggin County, the minor civil division of Minot; and the following census units in the minor civil division of Auburn: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2025, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070 and 3071 of Tract

010200; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2017 and 2019 of Tract 010300; Blocks 1000, 1001, 1002, 1004, 1005, 1006, 1021 and 1022 of Tract 010400; Blocks 1012, 1013, 1014 and 1027 of Tract 010700; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047 of Tract 010800.

**65. House District 65.** House District 65 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Poland: Blocks 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2025, 2042, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2081, 2082, 2083, 2084, 2085, 2087, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039 and 3040 of Tract 041000; and

B. In Cumberland County, the minor civil division of New Gloucester.

**66. House District 66.** House District 66 consists of:

A. In Androscoggin County, the minor civil division of Poland: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 2021, 2024, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2043, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080 and 2086 of Tract 041000; and

B. In Cumberland County, the following census units in the minor civil division of Raymond: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1016, 1017, 1029, 1030, 1031, 1032, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029,

2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2049, 2054, 2055, 2056, 2061, 2062, 2063, 2064, 2065, 2066, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049 and 3050 of Tract 012000; and the following census units in the minor civil division of Casco: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039 and 3040 of Tract 013000.

**67. House District 67.** House District 67 consists of:

A. In Cumberland County, the minor civil division of Frye Island; the following census units in the minor civil division of Gray: Tract 004701: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1038, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4025, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041 and 4042 of Tract 004702; the following census units in the minor civil division of Raymond: Blocks 1009, 1010, 1011, 1012, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077.

1078, 1079, 1080, 1081, 1082, 2045, 2046, 2047, 2048, 2050, 2051, 2052, 2053, 2057, 2058, 2059 and 2060 of Tract 012000; and the following census units in the minor civil division of Casco: Block 1050 of Tract 012000; Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078 and 4079 of Tract 013000; and Blocks 2000 and 2001 of Tract 016500.

**68. House District 68.** House District 68 consists of:

A. In Cumberland County, the minor civil divisions of Baldwin, Naples and Sebago; and

B. In York County, the minor civil division of Cornish; and the following census units in the minor civil division of Parsonsfield: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2013, 2014, 2015, 2016, 2017, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2047, 2054, 2055 and 2063 of Tract 022500.

**69. House District 69.** House District 69 consists of:

A. In Cumberland County, the minor civil divisions of Bridgton and Harrison; and

B. In Oxford County, the minor civil division of Denmark.

**70. House District 70.** House District 70 consists of:

A. In Oxford County, the minor civil divisions of Brownfield; Fryeburg; Hiram; Porter; and the following census units in the minor civil division of Lovell: Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2029, 2030, 2031, 2032, 2033, 2037, 2038, 2039, 2098, 2099, 2102, 2103, 2107, 2108, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2133, 2134, 2135, 2136, 2137, 2138, 2153, 2156, 2157, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3035, 3036, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051.

3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 and 3075 of Tract 966600.

**71. House District 71.** House District 71 consists of:

A. In Oxford County, the minor civil divisions of Norway, Sweden, Waterford and West Paris.

**72. House District 72.** House District 72 consists of:

A. In Androscoggin County, the minor civil division of Mechanic Falls; and

B. In Oxford County, the minor civil divisions of Otisfield and Oxford.

**73. House District 73.** House District 73 consists of:

A. In Oxford County, the minor civil divisions of Buckfield, Hebron and Paris.

**74. House District 74.** House District 74 consists of:

A. In Androscoggin County, the following census units in the minor civil division of Livermore: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1031, 1032, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2034 and 2035 of Tract 043000; and the minor civil division of Livermore Falls; and

B. In Franklin County, the minor civil division of Jay.

**75. House District 75.** House District 75 consists of:

A. In Androscoggin County, the minor civil divisions of Leeds and Turner; and the following census units in the minor civil division of Livermore: Blocks 1010, 1014, 1029, 1030, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 2028, 2029, 2030, 2031, 2032, 2033, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051 and 2052 of Tract 043000.

**76. House District 76.** House District 76 consists of:

A. In Kennebec County, the minor civil divisions of Belgrade, Fayette, Mount Vernon, Rome, Vienna and Wayne.

**77. House District 77.** House District 77 consists of:

A. In Kennebec County, the minor civil division of Sidney; and the following census units in the minor civil division of Oakland: Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 4051, 4053, 5007, 5008, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026 and 5027 of Tract 025000.

**78. House District 78.** House District 78 consists of:

A. In Kennebec County, the minor civil division of Winslow; and the following census units in the minor civil division of Benton: Blocks 1008, 1009, 1010, 1011, 1022, 1023, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1050 of Tract 022000.

**79. House District 79.** House District 79 consists of:

A. In Kennebec County, the minor civil divisions and unorganized territories of Albion, China and Unity Township; and the following census units in the minor civil division of Benton: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1027, 1048, 1049, 1051, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059 and 2060 of Tract 022000.

**80. House District 80.** House District 80 consists of:

A. In Kennebec County, the minor civil divisions of Vassalboro and Windsor; and the following census units in the minor civil division of Augusta: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1022, 1023, 1024, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2037 and 2049 of Tract 010100; and Block 1026 of Tract 010500; and

B. In Lincoln County, the minor civil divisions and unorganized territories of Hibberts Gore and Somerville.

**81. House District 81.** House District 81 consists of:

A. In Kennebec County, the minor civil divisions of Readfield and Winthrop; and the following census units in the minor civil division of Monmouth: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1049, 2040 and 2080 of Tract 013000.

**82. House District 82.** House District 82 consists of:

A. In Androscoggin County, the minor civil division of Wales; and

B. In Kennebec County, the minor civil division of Litchfield; and the following census units in the minor civil division of Monmouth: Blocks 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2081, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038 and 3039 of Tract 013000.

**83. House District 83.** House District 83 consists of:

A. In Kennebec County, the minor civil divisions of Farmingdale and Gardiner.

**84. House District 84.** House District 84 consists of:

A. In Kennebec County, the minor civil divisions of Hallowell, Manchester and West Gardiner.

**85. House District 85.** House District 85 consists of:

A. In Kennebec County, the following census units in the minor civil division of Augusta: Blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1027, 1037, 1038,

1039, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2018, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4029 of Tract 010100; Blocks 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4027 of Tract 010300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 2000, 2001, 2002, 2003, 2007, 2011, 2017, 2018, 2020, 2024 and 2025 of Tract 010400; and Tract 010500.

**86. House District 86.** House District 86 consists of:

A. In Kennebec County, the following census units in the minor civil division of Augusta: Tract 010200; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3026, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018 and 4019 of Tract 010300; and Blocks 2004, 2005, 2006, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2019, 2021, 2022, 2023, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061 and 2062 of Tract 010400.

**87. House District 87.** House District 87 consists of:

A. In Kennebec County, the minor civil divisions of Pittston and Randolph; and

B. In Lincoln County, the minor civil divisions of Alna and Wiscasset.

**88. House District 88.** House District 88 consists of:

A. In Kennebec County, the minor civil division of Chelsea; and

B. In Lincoln County, the minor civil divisions of Jefferson and Whitefield; and the following census units in the minor civil division of Nobleboro: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1044, 1045, 1070, 1071, 1072, 1073, 1076, 1077, 1078, 1081, 1082, 1083, 1084, 1085, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040 and 2056 of Tract 975300.

**89. House District 89.** House District 89 consists of:

A. In Lincoln County, the minor civil divisions of Boothbay; Boothbay Harbor; Edgecomb; Southport; and Westport Island; and the following census units in the minor civil division of South Bristol: Blocks 1000, 1002, 1003, 1004, 1005, 1006, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109 and 1110 of Tract 975700; and Blocks 0007, 0008, 0009, 0010 and 0015 of Tract 990000.

**90. House District 90.** House District 90 consists of:

A. In Lincoln County, the minor civil divisions and unorganized territories of Bremen; Bristol; Damariscotta; Louts Island; Monhegan; and Newcastle; the following census units in the minor civil division of Nobleboro: Blocks 1018, 1028, 1030, 1040, 1041, 1042, 1043, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1074, 1075, 1079, 1080, 2013, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055 and 2057 of Tract 975300; and the following census units in the minor civil division of South Bristol: Blocks 1001, 1007, 1008, 1009, 1010, 1019, 1020, 1033 and 1047 of Tract 975700.

**91. House District 91.** House District 91 consists of:

A. In Knox County, the minor civil divisions of Friendship and Washington; and the following census units in the minor civil division of Union: Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4086, 4087, 4088, 4089 and 4090 of Tract 970300; and

B. In Lincoln County, the minor civil division of Waldoboro.

**92. House District 92.** House District 92 consists of:

A. In Knox County, the minor civil divisions and unorganized territories of Criehaven, Cushing, Matinicus Isle, Mussel Ridge Islands, South Thomaston, St. George and Thomaston.

**93. House District 93.** House District 93 consists of:

A. In Knox County, the minor civil divisions of Owls Head and Rockland.

**94. House District 94.** House District 94 consists of:

A. In Knox County, the minor civil divisions of Camden and Rockport; and

B. In Waldo County, the minor civil division of Islesboro.

**95. House District 95.** House District 95 consists of:

A. In Knox County, the minor civil divisions of Appleton; Hope; and Warren; and the following census units in the minor civil division of Union: Blocks 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4091, 4092, 4093, 4094, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058 and 5059 of Tract 970300.

**96. House District 96.** House District 96 consists of:

A. In Waldo County, the minor civil divisions of Belmont, Liberty, Lincolnville, Montville, Morrill, Palermo and Searsmont.

**97. House District 97.** House District 97 consists of:

A. In Waldo County, the minor civil divisions of Belfast, Northport and Waldo.

**98. House District 98.** House District 98 consists of:

A. In Waldo County, the minor civil divisions of Frankfort, Searsport, Swanville and Winterport.

**99. House District 99.** House District 99 consists of:

A. In Waldo County, the minor civil divisions of Brooks, Burnham, Freedom, Jackson, Knox, Monroe, Thorndike, Troy and Unity.

**100. House District 100.** House District 100 consists of:

A. In Penobscot County, the minor civil divisions of Corinna; Dixmont; Newport; and Plymouth; and the following census units in the minor civil division of Etna: Blocks 2005, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2047, 2051 and 2052 of Tract 013500.

**101. House District 101.** House District 101 consists of:

A. In Penobscot County, the minor civil divisions of Hampden and Newburgh.

**102. House District 102.** House District 102 consists of:

A. In Penobscot County, the minor civil divisions of Glenburn, Kenduskeag and Levant.

**103. House District 103.** House District 103 consists of:

A. In Penobscot County, the minor civil divisions of Carmel and Hermon; and the following census units in the minor civil division of Etna: Blocks 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2019, 2020, 2021, 2022, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2051, 2052, 2053, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 5007, 5008, 5010, 5011, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029 and 5030 of Tract 024102; and Blocks 1025, 1027, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024 and 5025 of Tract 024200.

**104. House District 104.** House District 104 consists of:

A. In Penobscot County, the minor civil divisions of Charleston, Dexter, Exeter, Garland and Stetson.

**105. House District 105.** House District 105 consists of:

A. In Somerset County, the minor civil divisions of Cambridge, Canaan, Hartland, Palmyra, Ripley and St. Albans.

**106. House District 106.** House District 106 consists of:

A. In Kennebec County, the minor civil division of Clinton; and

B. In Somerset County, the minor civil divisions of Detroit and Pittsfield.

**107. House District 107.** House District 107 consists of:

A. In Somerset County, the minor civil division of Skowhegan; and the following census units in the minor civil division of Madison: Blocks 1042, 1043 and 1044 of Tract 966500.

**108. House District 108.** House District 108 consists of:

A. In Somerset County, the minor civil divisions of Fairfield, Mercer and Smithfield.

**109. House District 109.** House District 109 consists of:

A. In Kennebec County, the following census units in the minor civil division of Waterville: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2013, 2014, 2017, 2018, 2019, 2020, 2021, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2051, 2052, 2053, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 5007, 5008, 5010, 5011, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029 and 5030 of Tract 024102; and Blocks 1025, 1027, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024 and 5025 of Tract 024200.

**110. House District 110.** House District 110 consists of:

A. In Kennebec County, the following census units in the minor civil division of Waterville: Tract 024101; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2033, 2034, 2050, 2054, 2055, 2056, 2057, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5009, 5012, 5013, 5014 and 5031 of Tract 024102; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1028, 1029, 1030, 1031 and 1032 of Tract 024200; and the following census units in the minor civil division of Oakland: Blocks 1000, 1001, 1015, 3000, 3001, 3002, 3003, 3004, 3005, 3014, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4052, 5000, 5001, 5002, 5003, 5004, 5005, 5006 and 5009 of Tract 025000.

**111. House District 111.** House District 111 consists of:

A. In Somerset County, the minor civil divisions of Norridgewock and Solon; and the following census units in the minor civil division of Madison: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054 and 3055 of Tract 966500.

**112. House District 112.** House District 112 consists of:

A. In Franklin County, the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Carthage, East Central Franklin, Kingfield, Phillips, Sandy River, South Franklin and Weld; and

B. In Somerset County, the minor civil divisions of Anson, New Portland and Starks.

**113. House District 113.** House District 113 consists of:

A. In Franklin County, the minor civil divisions of Farmington and New Sharon.

**114. House District 114.** House District 114 consists of:

A. In Franklin County, the minor civil divisions of Chesterville, Industry, New Vineyard, Strong, Temple and Wilton.

**115. House District 115.** House District 115 consists of:

A. In Oxford County, the minor civil divisions and unorganized territories of Milton Township, Roxbury, Rumford, Sumner and Woodstock.

**116. House District 116.** House District 116 consists of:

A. In Oxford County, the minor civil divisions of Canton, Dixfield, Hartford, Mexico and Peru.

**117. House District 117.** House District 117 consists of:

A. In Franklin County, the minor civil divisions and unorganized territories of Coplin, Dallas, Eustis, North Franklin, Rangeley, Rangeley Plantation and West Central Franklin; and

B. In Oxford County, the minor civil divisions and unorganized territories of Andover, Bethel, Byron, Gilead, Greenwood, Hanover, Lincoln, Magalloway, Newry, North Oxford, South Oxford, Stoneham, Stow, and Upton; and the following census units in the minor civil division of Lovell: Blocks 3033, 3034, 3037, 3038 and 3039 of Tract 966600.

**118. House District 118.** House District 118 consists of:

A. In Franklin County, the unorganized territories of Wyman Township;

B. In Piscataquis County, the minor civil divisions of Kingsbury and Wellington; and

C. In Somerset County, the minor civil divisions and unorganized territories of Athens, Bingham, Brighton, Caratunk, Central Somerset, Cornville, Dennistown, Embden, Harmony, Highland, Jackson, Moose River, Moscow, Northeast Somerset, Northwest Somerset, Pleasant Ridge, Seboomook Lake, The Forks and West Forks.

**119. House District 119.** House District 119 consists of:

A. In Piscataquis County, the minor civil divisions and unorganized territories of Abbot, Beaver

Cove, Blanchard, Bowerbank, Greenville, Guilford, Monson, Northeast Piscataquis, Northwest Piscataquis, Parkman, Sangerville, Sebec, Shirley and Willimantic.

**120. House District 120.** House District 120 consists of:

A. In Piscataquis County, the minor civil divisions and unorganized territories of Atkinson, Brownville, Dover-Foxcroft, Lake View, Medford, Milo and Orneville Township.

**121. House District 121.** House District 121 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of Alton, Argyle Township, Corinth, Hudson and Milford.

**122. House District 122.** House District 122 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of Old Town and Penobscot Indian Island; the following census units in the minor civil division of Medway: Blocks 1015 and 1045 of Tract 026500; and the following census units in North Penobscot: Block 1058 of Tract 031000.

**123. House District 123.** House District 123 consists of:

A. In Penobscot County, the following census units in the minor civil division of Orono: Tract 006100; blocks 1000, 1001, 1002, 1003, 1004, 1013, 1014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3012, 3013 and 3014 of Tract 006200; and Tract 006300.

**124. House District 124.** House District 124 consists of:

A. In Penobscot County, the following census units in the minor civil division of Bangor: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2020, 2021, 2022, 2023, 2024, 2025, 2046, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 4009 of Tract 000200; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015 of Tract 000300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020.

1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1040 of Tract 031100; and the following census units in the minor civil division of Orono: Blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017 of Tract 000200; Blocks 3001, 3002 and 3003 of Tract 000300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1040 of Tract 000400; Block 1000 of Tract 000900; and Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3024, 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4029, 4030, 4031, 4032 and 4033 of Tract 031100.

**125. House District 125.** House District 125 consists of:

A. In Penobscot County, the following census units in the minor civil division of Bangor: Blocks 2000, 2005, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4017 of Tract 000200; Blocks 3001, 3002 and 3003 of Tract 000300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058 of Tract 000400; Block 1000 of Tract 000900; and Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3024, 3025, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4029, 4030, 4031, 4032 and 4033 of Tract 031100.

**126. House District 126.** House District 126 consists of:

A. In Penobscot County, the following census units in the minor civil division of Bangor: Blocks 2001, 2002, 2003, 2004, 2015 and 2016 of Tract 000200; Blocks 1024, 1026, 1053, 1054, 1056, 1059 and 1060 of Tract 000400; Blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008 and 5010 of Tract 000500; Blocks 1001, 1002, 1003, 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 1022, 1023, 1024, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3014 of Tract 000900; and Blocks 3006, 3007, 3008, 3009, 3022, 3023, 4027 and 4028 of Tract 031100.

**127. House District 127.** House District 127 consists of:

A. In Penobscot County, the following census units in the minor civil division of Bangor: Blocks 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2017, 2018, 2019, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044 and 2045 of Tract 000200; Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 4000, 4001, 4002, 4003, 4004, 5009 and 5011 of Tract 000500; Tract 000600; Tract 000700; Blocks 1006, 1007, 1018, 1019, 1020, 3010, 3011, 3012, 3013, 3015 and 3016 of Tract 000900.

**128. House District 128.** House District 128 consists of:

A. In Penobscot County, the following census units in the minor civil division of Brewer: Tract 004100; Tract 004200; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2001, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 4000, 4001, 4002, 4003, 4004, 4005 and 4006 of Tract 004300.

**129. House District 129.** House District 129 consists of:

A. In Penobscot County, the minor civil divisions of Clifton; Eddington; Holden; and Veazie; and the following census units in the minor civil division of Brewer: Blocks 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2032, 2033, 2034 and 2035 of Tract 004300.

**130. House District 130.** House District 130 consists of:

A. In Hancock County, the minor civil division of Bucksport; and  
B. In Penobscot County, the minor civil division of Orrington.

**131. House District 131.** House District 131 consists of:

A. In Hancock County, the minor civil divisions of Dedham, Orland, Otis, Penobscot and Verona Island; and  
B. In Waldo County, the minor civil divisions of Prospect and Stockton Springs.

**132. House District 132.** House District 132 consists of:

A. In Hancock County, the minor civil divisions of Ellsworth and Trenton.

**133. House District 133.** House District 133 consists of:

A. In Hancock County, the minor civil divisions of Blue Hill, Brooklin, Brooksville, Castine, Sedgwick and Surry.

**134. House District 134.** House District 134 consists of:

A. In Hancock County, the minor civil divisions of Cranberry Isles, Deer Isle, Frenchboro, Marshall Island, Southwest Harbor, Stonington, Swans Island and Tremont; and

B. In Knox County, the minor civil divisions of Isle au Haut, North Haven and Vinalhaven.

**135. House District 135.** House District 135 consists of:

A. In Hancock County, the minor civil divisions of Bar Harbor, Lamoine and Mount Desert.

**136. House District 136.** House District 136 consists of:

A. In Hancock County, the minor civil divisions and unorganized territories of Central Hancock; Gouldsboro; Hancock; Mariaville; Osborn; Sorrento; Sullivan; Waltham; and Winter Harbor; and the following census units in East Hancock: Blocks 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1361, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1386, 1390, 1391, 1392, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1423 and 1430 of Tract 965100; and

B. In Washington County, the minor civil division of Steuben.

**137. House District 137.** House District 137 consists of:

A. In Hancock County, the minor civil divisions and unorganized territories of Amherst; Aurora; Eastbrook; Franklin; Great Pond; and Northwest Hancock; and the following census units in East Hancock: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084,

1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1358, 1359, 1360, 1362, 1363, 1364, 1365, 1382, 1383, 1384, 1385, 1387, 1388, 1389, 1393, 1394, 1395, 1396, 1397, 1398, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1424, 1425, 1426, 1427, 1428, 1429, 1431, 1432, 1433, 1434, 1435, 1436 and 1437 of Tract 965100;

B. In Penobscot County, the minor civil divisions and unorganized territories of Bradford, Bradley, East Central Penobscot, Edinburg, Greenbush, Lagrange and Passadumkeag; and

C. In Washington County, the minor civil divisions and unorganized territories of Beddington; Deblois; Northfield; Wesley; and the following census units in North Washington: Blocks 3235, 3240, 3257, 3258, 3259, 3260, 3261, 3262, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336,

3337, 3338, 3339, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3461, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3674, 3684, 3685, 3686, 3687, 3688, 3697, 3701, 3702, 3703, 3736, 3738, 3739, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3765, 3766, 3767, 3768, 3769, 3770, 3774, 3775, 3776, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3788, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3816, 3817, 3891, 3892, 3893, 3894, 3895, 3896, 3899, 3900, 3901, 3903, 3904, 3905, 3906, 3907, 3912, 3913, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3950, 3951, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3985, 3987, 3988, 3992 and 3994 of Tract 955100.

### **138. House District 138.** House District 138 consists of:

A. In Washington County, the minor civil divisions and unorganized territories of Addison; Beals; Cherryfield; Columbia; Columbia Falls; Harrington; Jonesboro; Jonesport; Marshfield; Milbridge; and Whitneyville; and the following census units in North Washington: Blocks 1000,

1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1057, 1058, 1059, 1060, 1061, 1062, 1067, 1068, 1088, 1098, 1099, 1100, 1101, 1108 and 1159 of Tract 956300.

**139. House District 139.** House District 139 consists of:

A. In Washington County, the minor civil divisions and unorganized territories of Cutler; East Machias; Eastport; Lubec; Machias; Machiasport; Roque Bluffs; and Whiting; and the following census units in East Central Washington: Blocks 2014, 2015, 2016, 2021, 2022, 2023, 2024, 2044, 2047, 2048, 2049, 2067, 2074, 3022, 3023, 3024, 3029, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3179, 3207, 3208, 3209, 3210, 3211, 3212, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3228, 3229, 3230, 3231, 3232, 3233, 3236, 3237, 3238, 3239, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3263, 3341, 3345, 3347, 3348, 3948, 3949, 3952, 3953, 3954, 3983, 3986, 3989, 3990, 3993, 3995, 3996, 3997, 3998 and 3999 of Tract 955100; and Blocks 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2103 and 2104 of Tract 955300; and the following census units in East Central Washington: Blocks 2017, 2018, 2019, 2020, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2045, 2046, 2068, 2069, 2070 and 2073 of Tract 955800; and Blocks 3048, 3049, 3050, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3144, 3145, 3146, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3248, 3249, 3252, 3257, 3258, 3275, 3276, 3277, 3278,

**140. House District 140.** House District 140 consists of:

A. In Washington County, the minor civil divisions and unorganized territories of Baileyville, Baring, Calais, Charlotte, Passamaquoddy Indian Township, Passamaquoddy Pleasant Point, Pembroke, Perry and Robbinston.

**141. House District 141.** House District 141 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of Burlington; Carroll; Chester; Drew; Kingman Township; Lakeville; Lee; Lowell; Mattawamkeag; Prentiss Township; Springfield; Twombley Ridge Township, T3R1 NBPP; Webster; Whitney (Pukakon) Township, T5R1 NBPP; and Winn; and

B. In Washington County, the minor civil divisions and unorganized territories of Alexander; Codyville; Cooper; Crawford; Danforth; Dennysville; Grand Lake Stream; Meddybemps; Princeton; Talmadge; Topsfield; Vanceboro; and Waite, and the following census units in North Washington: Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1030, 1031, 1032, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1079, 1080, 1083, 1084, 1085, 1086, 1087, 1088, 1093, 1102, 1103, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1182, 1183, 1184, 1185, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233,

3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3326, 3327, 3336, 3345, 3356, 3357, 3358, 3359, 3363, 3364, 3370, 3372, 3373, 3374, 3375, 3376, 3377, 3378 and 3379 of Tract 955900.

**142. House District 142.** House District 142 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of Enfield; Howland; Lincoln; Maxfield; Seboeis; and Woodville; and the following census units in North Penobscot: Blocks 1478, 1479, 1481, 1490, 1491, 1492, 1494, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1572, 1573, 1574, 1575, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1716, 1717, 1723, 1724, 1765 and 1766 of Tract 029000.

**143. House District 143.** House District 143 consists of:

A. In Penobscot County, the minor civil divisions and unorganized territories of East Millinocket; Millinocket; and Patten; the following census units in the minor civil division of Medway: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1077, 1078, 1079, 1080, 1082, 1083, 1084, 1085, 1086.

1087, 1088, 1089, 1090, 1091, 1092, 1095, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112 and 1113 of Tract 026500; and the following census units in North Penobscot: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1312, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1335, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466,

1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1480, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1493, 1495, 1496, 1497, 1498, 1570, 1571, 1576, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1718, 1719, 1720, 1721, 1722, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818 and 1819 of Tract 029000.

**144. House District 144.** House District 144 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Amity; Bancroft; Cary; Glenwood; Haynesville; Hodgdon; Houlton; Macwahoc; Orient; Reed; South Aroostook; and Weston; and the following census units of the Penobscot River: Block 4293 of Tract 952900.

**145. House District 145.** House District 145 consists of:

A. In Aroostook County, the minor civil divisions of Bridgewater, Central Aroostook, Crystal, Dyer Brook, Hammond, Hersey, Island Falls, Linneus, Littleton, Ludlow, Merrill, Monticello, Moro, New Limerick, Oakfield, Sherman and Smyrna; and

B. In Penobscot County, the minor civil divisions of Mount Chase and Stacyville.

**146. House District 146.** House District 146 consists of:

A. In Aroostook County, the minor civil divisions of Blaine, Castle Hill, Chapman, Mapleton, Mars Hill, Perham, Wade, Washburn, Westfield and Woodland.

**147. House District 147.** House District 147 consists of:

A. In Aroostook County, the following census units in the minor civil division of Presque Isle: Tract 951800; Blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1032, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2090, 2091, 2092, 2093, 2094 and 2095 of Tract 952000.

2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072 and 2073 of Tract 951900; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2090, 2091, 2092, 2093, 2094 and 2095 of Tract 952000.

**148. House District 148.** House District 148 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Caswell; Connor Township; Cyr; Easton; Fort Fairfield; Hamlin; Limestone; and Stockholm; and the following census units in the minor civil division of Presque Isle: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046 of Tract 951900; and Blocks 2061, 2062, 2063, 2064, 2065, 2083, 2084, 2085, 2086, 2087, 2088 and 2089 of Tract 952000.

**149. House District 149.** House District 149 consists of:

A. In Aroostook County, the minor civil divisions of Caribou, New Sweden and Westmanland.

**150. House District 150.** House District 150 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Frenchville, Grand Isle, Madawaska, Square Lake, St. Agatha and Van Buren.

**151. House District 151.** House District 151 consists of:

A. In Aroostook County, the minor civil divisions and unorganized territories of Allagash, Ashland, Eagle Lake, Fort Kent, Garfield, Masardis, Nashville, New Canada, Northwest Aroostook, Oxbow,

Portage Lake, St. Francis, St. John, Wallagrass and Winterville.

**Sec. B-3. Application.** The districts established in section 2 of this Part take effect for the election of Representatives of the Maine Legislature beginning with the 127th Legislature.

## PART C

**Sec. C-1. 30-A MRSA §66-A,** as amended by PL 2005, c. 683, Pt. A, §50, is repealed.

**Sec. C-2. 30-A MRSA §66-B** is enacted to read:

### **§66-B. County commissioner districts**

**1. Creation of Androscoggin County Commissioner Districts.** Androscoggin County is divided into the following 7 districts.

A. Commissioner District Number 1, in the County of Androscoggin, consists of the following census units in the minor civil division of Lewiston: Tract 020100; Blocks 1012, 1013, 1015, 1016, 2008, 2009, 2010, 2011 and 2012 of Tract 020200; Blocks 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2020, 2021, 2022, 2023, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011 of Tract 020300; Tract 020400; Blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3032 of Tract 020500; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2014, 2015, 2016, 2017, 2018, 2019 and 2058 of Tract 020600; Blocks 2019, 2020, 2021, 2022 and 2023 of Tract 020700; and Block 1034 of Tract 020800. The term of office of the county commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Androscoggin, consists of the following census units in the minor civil division of Lewiston: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2013, 2014, 2015, 2016 and 2017 of Tract 020200; Blocks 1000, 1001, 1002, 1003, 1004,

1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1023, 2000, 2001, 2017, 2018, 2019 and 2024 of Tract 020300; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006 and 1007 of Tract 020500; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015 of Tract 020700; Blocks 2000, 2001, 2002, 2003, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 4012, 4013, 4015, 4016, 4017 and 4018 of Tract 020800; and Tract 020900. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Androscoggin, consists of the minor civil divisions of Durham and Greene; and, the following census units in the minor civil division of Lewiston: Blocks 3019, 3020, 3021 and 3022 of Tract 020500; Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078 and 2079 of Tract 020600; and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4014, 4019, 4020, 4021, 4022, 4023, 4024 and 4025 of Tract 020800. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of Androscoggin, consists of the minor civil divisions of Lisbon, Sabattus and Wales. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of Androscoggin, consists of the following census units in the minor civil division of Auburn: Tract 010100; Blocks 1000, 1001, 1002,

1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3066, 3068, 3069 and 3070 of Tract 010200; Tract 010300; Tract 010400; Tract 010500; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2015 of Tract 010600; Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1020, 1023, 1024, 1025, 1026, 2036, 2037, 2038, 2039 and 2040 of Tract 010700, and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022 of Tract 010800. The term of office of the county commissioner from this district expires in 2016 and every 4 years thereafter.

F. Commissioner District Number 6, in the County of Androscoggin, consists of the following census units in the minor civil division of Auburn: Blocks 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3065, 3067 and 3071 of Tract 010200; Blocks 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074 and 2075 of Tract 010700; and Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007,

2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047 of Tract 010800; and the minor civil divisions of Mechanic Falls and Poland. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

G. Commissioner District Number 7, in the County of Androscoggin, consists of the minor civil divisions of Leeds, Livermore, Livermore Falls, Minot and Turner. The term of office of the county commissioner from this district expires in 2016 and every 4 years thereafter.

**2. Creation of Aroostook County Commissioner Districts.** Aroostook County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Aroostook, consists of the minor civil divisions and unorganized territories of Amity, Bancroft, Blaine, Bridgewater, Cary, Central Aroostook, Crystal, Dyer Brook, Easton, Fort Fairfield, Glenwood, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc, Mars Hill, Merrill, Monticello, Moro, New Limerick, Oakfield, Orient, Oxbow, Reed, Sherman, Smyrna, South Aroostook and Weston and the following census units of the Penobscot River: Block 4293 of Tract 952900. The term of office of the county commissioner from this district expires in 2014 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Aroostook, consists of the minor civil divisions and unorganized territories of Ashland, Caribou, Castle Hill, Chapman, Garfield, Mapleton, Masardis, Northwest Aroostook, Presque Isle, Washburn and Westfield. The term of office of the county commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Aroostook, consists of the minor civil divisions and unorganized territories of Allagash, Caswell, Connor Township, Cyr, Eagle Lake, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, Nashville, New Canada, New Sweden, Perham, Portage Lake, Square Lake, St. Agatha, St. Francis, St. John, Stockholm, Van Buren, Wade, Wallagrass, Westmanland, Winterville and Woodland. The term of office of the county commissioner from this district expires in 2016 and every 4 years thereafter.

**3. Creation of Cumberland County Commissioner Districts.** Cumberland County is divided into the following 5 districts.

A. Commissioner District Number 1, in the County of Cumberland, consists of the minor civil divisions of Baldwin, Bridgton, Gorham, Scarborough, Sebago and Standish. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Cumberland, consists of the minor civil divisions of Casco, Falmouth, Frye Island, Gray, Harrison, Naples, New Gloucester, Raymond and Windham. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Cumberland, consists of the minor civil divisions of Brunswick, Chebeague Island, Cumberland, Freeport, Harpswell, Long Island, North Yarmouth, Pownal and Yarmouth. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of Cumberland, consists of the minor civil division of Cape Elizabeth; the following census units in the minor civil division of Portland: Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1029, 2001, 2002, 2003, 2004, 2005, 2006, 2013, 2014, 2015, 2016, 2017, 2018 and 2044 of Tract 002102 and Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1016, 1019, 2000 and 2001 of Tract 002200; and the minor civil divisions of South Portland and Westbrook. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of Cumberland, consists of the following census units in the minor civil division of Portland: Tract 000100; Tract 000200; Tract 000300; Tract 000500; Tract 000600; Tract 001000; Tract 001100; Tract 001200; Tract 001300; Tract 001500; Tract 001700; Tract 001800; Tract 001900; Tract 002001; Tract 002002; Blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2007, 2008, 2009, 2010, 2011, 2012, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2045, 2046, 2047, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007 of Tract 002102; Blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032 of Tract 002200; Tract

002300; Tract 002400; and Blocks 0006, 0007, 0012, 0017, 0018, 0019, 0021, 0022, 0023, 0024, 0026 and 0027 of Tract 990000. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

#### **4. Creation of Franklin County Commissioner Districts.** Franklin County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Carthage, Jay, South Franklin, Temple and Wilton. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Franklin, consists of the minor civil divisions of Chesterville, Farmington and New Sharon. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Franklin, consists of the minor civil divisions and unorganized territories of Avon, Carrabassett Valley, Coplin, Dallas, East Central Franklin, Eustis, Industry, Kingfield, New Vineyard, North Franklin, Phillips, Rangeley, Rangeley Plantation, Sandy River, Strong, Weld, West Central Franklin and Wyman Township. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

#### **5. Creation of Hancock County Commissioner Districts.** Hancock County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Hancock, consists of the minor civil divisions and unorganized territories of Amherst, Aurora, Blue Hill, Central Hancock, East Hancock, Eastbrook, Ellsworth, Gouldsboro, Great Pond, Mariaville, Northwest Hancock, Osborn, Otis, Sorrento, Sullivan, Surry, Waltham and Winter Harbor. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Hancock, consists of the minor civil divisions of Brooklin, Brooksville, Bucksport, Castine, Dedham, Deer Isle, Orland, Penobscot, Sedgwick, Stonington and Verona Island. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Hancock, consists of the minor civil divisions and unorganized territories of Bar Harbor, Cranberry Isles, Franklin, Frenchboro, Hancock, Lamoine, Marshall Island, Mount Desert, South-

west Harbor, Swan's Island, Tremont and Trenton. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**6. Creation of Kennebec County Commissioner Districts.** Kennebec County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Kennebec, consists of the minor civil divisions of Augusta, Chelsea, China, Manchester, Sidney, Vassalboro and Windsor. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Kennebec, consists of the minor civil divisions of Farmingdale, Fayette, Gardiner, Hallowell, Litchfield, Monmouth, Mount Vernon, Pittston, Randolph, Readfield, Vienna, Wayne, West Gardiner and Winthrop. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Kennebec, consists of the minor civil divisions and unorganized territories of Albion, Belgrade, Benton, Clinton, Oakland, Rome, Unity Township, Waterville and Winslow. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**7. Creation of Knox County Commissioner Districts.** Knox County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Knox, consists of the minor civil divisions of Owls Head, Rockland, South Thomaston and Thomaston. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Knox, consists of the minor civil divisions of Cushing, Friendship, St. George, Union, Warren and Washington. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Knox, consists of the minor civil divisions and unorganized territories of Appleton, Camden, Cribhaven, Hope, Isle au Haut, Matinicus Isle, Mussel Ridge Islands, North Haven, Rockport and Vinalhaven. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**8. Creation of Lincoln County Commissioner Districts.** Lincoln County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Lincoln, consists of the minor civil divisions of Boothbay, Boothbay Harbor, Edgecomb, Southport, Westport Island and Wiscasset. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Lincoln, consists of the minor civil divisions and unorganized territories of Bremen, Bristol, Loids Island, Monhegan, Nobleboro, South Bristol and Waldoboro. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Lincoln, consists of the minor civil divisions and unorganized territories of Alna, Damariscotta, Dresden, Hibberts Gore, Jefferson, Newcastle, Somerville and Whitefield. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**9. Creation of Oxford County Commissioner Districts.** Oxford County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Oxford, consists of the minor civil divisions and unorganized territories of Brownfield, Denmark, Fryeburg, Greenwood, Hiram, Lovell, Norway, Porter, South Oxford, Stoneham, Stow, Sweden and Waterford. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Oxford, consists of the minor civil divisions and unorganized territories of Andover, Bethel, Byron, Canton, Dixfield, Gilead, Hanover, Lincoln, Magalloway, Mexico, Milton Township, Newry, North Oxford, Peru, Roxbury, Rumford and Upton. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Oxford, consists of the minor civil divisions of Buckfield, Hartford, Hebron, Otisfield, Oxford, Paris, Sumner, West Paris and Woodstock. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

**10. Creation of Penobscot County Commissioner Districts.** Penobscot County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Penobscot, consists of the minor civil divisions of Bangor, Brewer, Clifton, Eddington, Holden and Veazie. The term of office of the

commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Penobscot, consists of the minor civil divisions of Carmel, Charleston, Corinna, Corinth, Dexter, Dixmont, Etna, Exeter, Garland, Glenburn, Hampden, Hermon, Hudson, Kenduskeag, Levant, Newburgh, Newport, Orrington, Plymouth and Stetson. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Penobscot, consists of the minor civil divisions and unorganized territories of Alton; Argyle Township; Bradford; Bradley; Burlington; Carroll; Chester; Drew; East Central Penobscot; East Millinocket; Edinburg; Enfield; Greenbush; Howland; Kingman Township; Lagrange; Lakeville; Lee; Lincoln; Lowell; Mattawamkeag; Maxfield; Medway; Milford; Millinocket; Mount Chase; North Penobscot; Old Town; Orono; Passadumkeag; Patten; Penobscot Indian Island; Prentiss Township; Seboeis; Springfield; Stacyville; Twombly Ridge Township, T3R1 NBPP; Webster; Whitney (Pukakon) Township, T5R1 NBPP; Winn; and Woodville. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

**11. Creation of Piscataquis County Commissioner Districts.** Piscataquis County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Piscataquis, consists of the minor civil divisions of Abbot, Blanchard, Guilford, Kingsbury, Monson, Parkman, Sangerville, Shirley, Wellington and Willimantic. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Piscataquis, consists of the minor civil divisions and unorganized territories of Atkinson, Bowerbank, Dover-Foxcroft, Medford, Sebec and Orneville Township. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Piscataquis, consists of the minor civil divisions and unorganized territories of Beaver Cove, Brownville, Greenville, Lake View, Milo, Northeast Piscataquis and Northwest Piscataquis. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**12. Creation of Sagadahoc County Commissioner Districts.** Sagadahoc County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Sagadahoc, consists of the minor civil divisions of Bowdoin and Topsham. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Sagadahoc, consists of the minor civil divisions of Bath and Bowdoinham. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Sagadahoc, consists of the minor civil divisions of Arrowsic, Georgetown, Perkins Island, Phippsburg, Richmond, West Bath and Woolwich. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**13. Creation of Somerset County Commissioner Districts.** Somerset County is divided into the following 5 districts.

A. Commissioner District Number 1, in the County of Somerset, consists of the minor civil divisions of Fairfield and Norridgewock. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Somerset, consists of the minor civil divisions of Anson, Madison, Mercer, New Portland, Smithfield and Starks. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Somerset, consists of the minor civil divisions of Cambridge, Detroit, Palmyra, Pittsfield, Ripley and St. Albans. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of Somerset, consists of the minor civil divisions of Canaan and Skowhegan. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of Somerset, consists of the minor civil divisions and unorganized territories of Athens, Bingham, Brighton, Caratunk, Central Somerset, Cornville, Dennistown Plantation, Embden, Harmony, Hartland, Highland, Jackman, Moose River, Moscow, Northeast Somerset, Northwest Somerset, Pleasant Ridge, Seboomook Lake, Solon, The Forks and West Forks. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

**14. Creation of Waldo County Commissioner Districts.** Waldo County is divided into the following 3 districts.

A. Commissioner District Number 1, in the County of Waldo, consists of the minor civil divisions of Belfast, Belmont, Islesboro, Lincolnville, Morrill, Northport and Waldo. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of Waldo, consists of the minor civil divisions of Frankfort, Jackson, Monroe, Prospect, Searsport, Stockton Springs, Swanville and Winterport. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of Waldo, consists of the minor civil divisions of Brooks, Burnham, Freedom, Knox, Liberty, Montville, Palermo, Searsport, Thorndike, Troy and Unity. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

**15. Creation of Washington County Commissioner Districts.** Washington County is divided into the following 3 districts.

A. Commissioner District Number 1, in Washington County, consists of the minor civil divisions and unorganized territories of Alexander, Baileyville, Baring, Beddington, Calais, Charlotte, Codyville, Cooper, Crawford, Danforth, Deblois, Grand Lake Stream, Marshfield, Meddybemps, North Washington, Northfield, Passamaquoddy Indian Township, Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite, Wesley and Whitneyville. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

B. Commissioner District Number 2, in Washington County, consists of the minor civil divisions and unorganized territories of Cutler, Dennysville, East Central Washington, East Machias, Eastport, Lubec, Machias, Passamaquoddy Pleasant Point, Pembroke, Perry and Whiting. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

C. Commissioner District Number 3, in Washington County, consists of the minor civil divisions of Addison, Beals, Cherryfield, Columbia, Columbia Falls, Harrington, Jonesboro, Jonesport, Machiasport, Milbridge, Roque Bluffs and Steuben. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

**16. Creation of York County Commissioner Districts.** York County is divided into the following 5 districts.

A. Commissioner District Number 1, in the County of York, consists of the minor civil divisions of Acton, Berwick, Cornish, Lebanon, Limberick, Limington, Newfield, North Berwick, Parsonsfield and South Berwick. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

B. Commissioner District Number 2, in the County of York, consists of the minor civil divisions of Arundel, Biddeford, Kennebunk and Kennebunkport. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

C. Commissioner District Number 3, in the County of York, consists of the minor civil divisions of Buxton, Dayton, Hollis, Old Orchard Beach and Saco. The term of office of the commissioner from this district expires in 2014 and every 4 years thereafter.

D. Commissioner District Number 4, in the County of York, consists of the minor civil divisions of Alfred, Lyman, Sanford, Shapleigh and Waterboro. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

E. Commissioner District Number 5, in the County of York, consists of the minor civil divisions of Eliot, Kittery, Ogunquit, Wells and York. The term of office of the commissioner from this district expires in 2016 and every 4 years thereafter.

See title page for effective date.

## CHAPTER 271

### H.P. 563 - L.D. 812

#### An Act To Create an Open Enrollment Period Consistent with Federal Regulations for Health Insurance Exchanges

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

**Whereas,** individuals seeking to enroll in a health insurance exchange in this State may do so only during open enrollment periods and certain special enrollment periods as permitted by the federal Patient Protection and Affordable Care Act; and

**Whereas**, current law requires health insurance carriers to enroll individuals at any time in individual health plans not offered through the health insurance exchange; and

**Whereas**, this legislation would make enrollment periods under state law consistent with federal law related to individual health plans offered without regard to whether the health plans are purchased on the health insurance exchange; and

**Whereas**, if the law is not changed to be consistent with federal law, those health insurance carriers not offering coverage through the health insurance exchange are likely to experience adverse selection; and

**Whereas**, this legislation must be enacted before October 1, 2013, which is the date open enrollment for health insurance exchanges begins; 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.** **24-A MRSA §2736-C, sub-§11** is enacted to read:

**11. Open enrollment.** Notwithstanding subsection 3, on or after January 1, 2014, a carrier may restrict enrollment in individual health plans to open enrollment periods and special enrollment periods consistent with requirements of the federal Affordable Care Act.

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

Effective June 15, 2013.

## CHAPTER 272

### S.P. 171 - L.D. 439

#### An Act To Improve Maine's Charter School Laws

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

**Sec. 1.** **20-A MRSA §2407, sub-§5**, as enacted by PL 2011, c. 414, §5, is amended to read:

**5. Approval; denial.** No later than 90 days after the deadline set by the authorizer for the filing of an application applications, an authorizer shall decide to approve or deny the render a decision on each applica-

tion. The authorizer shall make and announce all charter ~~approval or denial~~ decisions in a meeting open to the public.

A. An approval decision may include, if appropriate, reasonable conditions that the applicant must meet before a charter contract may be executed.

B. If the authorizer denies an application, the authorizer shall clearly state, for public record, its reasons for denial. An applicant may subsequently reapply to that authorizer or apply to any other authorizer in the State.

C. Within 10 days of ~~taking action to approve or deny rendering a decision on~~ an application, the authorizer shall report to the commissioner the action it has taken. The authorizer shall provide a copy of the report to the applicant at the same time that the report is submitted to the commissioner.

D. The commissioner shall register the charters approved by all chartering authorities in chronological order by date of approval.

E. An approved application may not serve as a school's charter contract ~~nor may it be incorporated by reference into the charter contract~~.

F. A decision on an application must be conveyed in writing to the applicant. A decision may grant approval or conditional approval, ~~request resubmission~~ or reject the application and must include written reasons for the decisions.

**Sec. 2.** **20-A MRSA §2413, sub-§2, ¶A**, as amended by PL 2011, c. 679, §2, is further amended to read:

A. For each public charter school student, the school administrative unit in which the student resides must forward the per-pupil allocation to the public charter school attended by the student as follows.

(1) The per-pupil allocation amount is the EPS per-pupil rate for the school administrative unit in which the student resides, as calculated pursuant to section 15676, based on the student's grade level and adjusted as appropriate for economic disadvantage and limited English proficiency pursuant to section 15675, subsections 1 and 2. Debt service and capital outlays may not be included in the calculation of these per-pupil allocations. The department shall adopt rules governing how to calculate these per-pupil allocations, including those for ~~career and technical education programs~~, targeted funds for assessment technology and kindergarten to grade 2 programs.

(2) For students attending public charter schools, the school administrative unit of residence shall forward the per-pupil allocations described in subparagraph (1) directly to the public charter school attended. These per-pupil allocations must be forwarded to each public charter school on a quarterly basis, as follows. For each fiscal year, allocations must be made in quarterly payments on September 1st, December 1st, March 1st and June 1st. The September payment and December payments must be based on the identity and number of students enrolled or anticipated to be enrolled in the public charter school at the opening of school for that school year, which. The number of students may not exceed the maximum enrollment approved in the charter contract for that year unless a waiver is obtained from the authorizer. In February of the school year, if the number of students is higher or lower than the number of students at the beginning of the school year, adjustments must be made in the June payment, with 50% of the annual per pupil allocation added for additional students or subtracted if the total number of students is lower. The March and June payments must be based on the identity and number of students enrolled in the public charter school on February 1st.

(3) For transportation expenses, the average per-pupil expense in each school administrative unit of residence must be calculated and an amount equal to a proportion, up to but not more than 100%, of that per-pupil allocation amount must be forwarded to the public charter school attended on the same basis as the per-pupil allocations for operating funds. The percentage of that per-pupil expense must be determined by the authorizer of the public charter school and must be based on the cost of transportation services provided by the public charter school to the student.

(4) The department shall pay to the public charter school any additional allocation assigned to the public charter school for gifted and talented students pursuant to section 15681-A, subsection 5 in the year in which the allocation is assigned.

A school administrative unit is not required to send funds to a public charter school for a student enrolled in the public charter school's preschool or prekindergarten program if the school administrative unit of the student's residence does not offer that program to its own residents.

See title page for effective date.

## CHAPTER 273 S.P. 404 - L.D. 1167

### An Act Regarding the Maine Guaranteed Access Reinsurance Association

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

**Sec. 1. 24-A MRSA §3953, sub-§1,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

**1. Guaranteed access reinsurance mechanism established.** The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. Except as provided in section 3962, operations of the association are suspended and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section 3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State through the date the federal program ceases operations in this State.

**Sec. 2. 24-A MRSA §3953, sub-§2, ¶A,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

A. The board consists of ~~11~~ 12 members appointed as described in this paragraph:

(1) ~~Six~~ Seven members appointed by the superintendent: 2 members chosen from the general public and who are not associated with the medical profession, a hospital ~~or~~, an insurer or a producer; 2 members who represent medical providers; one member who represents individual health insurance consumers who is not associated or formerly associated with the medical profession, a hospital, an insurer or a producer; one member who represents a statewide organization that represents small businesses; and one member who represents producers. A board member appointed by the superintendent may not be removed without cause; and

(2) Five members appointed by the member insurers, at least one of whom is a domestic

insurer and at least one of whom is a 3rd-party administrator.

**Sec. 3. 24-A MRSA §3953, sub-§2, ¶¶E to G** are enacted to read:

E. The board shall establish regular places and times for meetings and may meet at other times at the call of the chair. The board shall post notice of scheduled meetings, meeting agendas and minutes of meetings on a publicly accessible website maintained by the association.

F. The board shall establish a mechanism on its publicly accessible website for the public to submit comments on matters related to the operations of the association.

G. The board shall establish a process for taking public comment at selected board meetings to be held at such time and place as the board may determine. The opportunity for public comment must be made available not less often than quarterly. Except as specified in this paragraph, meetings of the board are not open to the public.

**Sec. 4. 24-A MRSA §3962** is enacted to read:

**§3962. Activities authorized during suspension period**

This section governs the suspension of operations of the association during the period in which the transitional reinsurance program pursuant to Section 1341 of the federal Affordable Care Act operates in this State and the authority of the association to conduct certain activities.

**1. Payment of claims.** The association shall pay claims eligible under sections 3958 and 3961 that were incurred prior to the commencement of the suspension of the association pursuant to section 3953, subsection 1.

**2. Additional assessment for net losses.** The association may impose any additional assessment necessary to fund net losses of the association pursuant to section 3957, subsection 5.

**3. Amended plan of operation.** Within 6 months following the implementation of the federal transitional reinsurance program in this State, the association shall submit an amended plan of operation as provided in section 3953, subsection 3 to the superintendent for approval. In amending the plan of operation, the association shall, at a minimum, include a plan for the application of any funds held by the association as of its suspension, the investment of any funds held by the association during its period of suspension, the reactivation of the association upon termination of the federal transitional reinsurance program and, if necessary, the distribution of any surplus funds not required for such purposes. Prior to approving an amended plan of operation submitted under this

subsection, the superintendent shall post the amended plan of operation on the bureau's publicly accessible website and establish a comment period of at least 30 days during which the public may submit for consideration written and electronic comments on the amended plan of operation. At the time of approval of any amended plan of operation, the superintendent shall adopt a written statement addressing specific comments and concerns expressed about the amended plan of operation and state the superintendent's rationale for adopting or not adopting any changes to the amended plan of operation or making findings and recommendations that differ from those expressed about the amended plan of operation.

**4. Exception.** This section does not apply if federal law or regulation exempts the State from participation in the transitional reinsurance program pursuant to Section 1341 of the federal Affordable Care Act.

**Sec. 5. Evaluation of Maine Guaranteed Access Reinsurance Association.** During the First Regular Session of the 127th Legislature, the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall conduct a review and evaluation of the transitional reinsurance program operating in the State between January 1, 2014 and December 31, 2016 pursuant to the federal Patient Protection and Affordable Care Act and federal regulations adopted pursuant to that Act and the differences between the transitional reinsurance program and the Maine Guaranteed Access Reinsurance Association as established by the Maine Revised Statutes, Title 24-A, chapter 54-A. Before January 1, 2016, the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall make a recommendation to the Superintendent of Insurance as to whether the Maine Guaranteed Access Reinsurance Association should resume operations pursuant to a revised plan of operation and whether any changes should be made to the statutes governing the association. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters may submit a bill based on its evaluation to the Second Regular Session of the 127th Legislature.

See title page for effective date.

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## CHAPTER 274

### S.P. 239 - L.D. 648

#### An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential

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

**Sec. 1. 24-A MRSA §4312, sub-§7-A** is enacted to read:

**7-A. Confidentiality.** Except as provided in this subsection, all records of the bureau or an independent review organization relating to an external review request or external review proceeding are confidential and not a public record under Title 1, chapter 13.

A. A party to an external review may obtain from the independent review organization a transcript or recording of the external review hearing and a copy of any evidence introduced by the opposing party.

B. The superintendent shall disseminate to the Legislature and to the public aggregate information related to external reviews conducted by independent review organizations on an annual basis, including:

(1) The number of external review requests by carrier, the number of decisions in favor of the enrollee, the number of decisions upholding the carrier's benefit determination and the number of external review requests resolved prior to the issuance of a decision; and

(2) The categories of external review requests by carrier. The categories may not include personally identifiable information or specific medical condition. The categories must include, but are not limited to, medical necessity, out-of-network referrals, inpatient care, behavioral health, prescription drugs and experimental or investigational treatment.

See title page for effective date.

## CHAPTER 275 S.P. 362 - L.D. 1080

### An Act To Improve Efficiency in the Collection of Beverage Containers

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

**Sec. 1. 32 MRSA §1866, sub-§5,** as amended by PL 2003, c. 499, §7, is further amended to read:

**5. Obligation to pick up containers.** The obligation to pick up beverage containers subject to this chapter is determined as follows.

A. A distributor that initiates the deposit under section 1863-A, subsection 2 or 4 has the obligation to pick up any empty, unbroken and reasonably clean beverage containers of the particular

kind, size and brand sold by the distributor from dealers to whom that distributor has sold those beverages and from licensed redemption centers designated to serve those dealers pursuant to an order entered under section 1867. A distributor that, within this State, sells beverages under a particular label exclusively to one dealer, which dealer offers those labeled beverages for sale at retail exclusively at the dealer's establishment, shall pick up any empty, unbroken and reasonably clean beverage containers of the kind, size and brand sold by the distributor to the dealer only from those licensed redemption centers that serve the various establishments of the dealer, under an order entered under section 1867. A dealer that manufactures its own beverages for exclusive sale by that dealer at retail has the obligation of a distributor under this section. The commissioner may establish by rule, in accordance with the Maine Administrative Procedure Act, criteria prescribing the manner in which distributors shall fulfill the obligations imposed by this paragraph. The rules may establish a minimum number or value of containers below which a distributor is not required to respond to a request to pick up empty containers. Any rules promulgated under this paragraph must allocate the burdens associated with the handling, storage and transportation of empty containers to prevent unreasonable financial or other hardship.

B. The initiator of the deposit under section 1863-A, subsection 3 has the obligation to pick up any empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the initiator from dealers to whom a distributor has sold those beverages and from licensed redemption centers designated to serve those dealers pursuant to an order entered under section 1867. The obligation may be fulfilled by the initiator directly or indirectly through a contracted agent.

C. An initiator of the deposit under section 1863-A, subsection 2, 3 or 4 has the obligation to pick up any empty, unbroken and reasonably clean beverage containers that are commingled pursuant to a commingling agreement along with any beverage containers that the initiator is otherwise obligated to pick up pursuant to paragraphs A and B.

D. The initiator of deposit or initiators of deposit who are members of a commingling agreement have the obligation under this subsection to pick up empty, unbroken and reasonably clean beverage containers of the particular kind, size and brand sold by the initiator from dealers to whom a distributor has sold those beverages and from licensed redemption centers designated to serve those dealers every 15 days. The initiator of de-

posit or initiators of deposit who are members of a commingling agreement have the obligation to make additional pickups when a redemption center has collected 10,000 beverage containers from that initiator of deposit or from the initiators of deposit who are members of a commingling agreement.

The obligation of the initiator of the deposit under this subsection may be fulfilled by the initiator directly or through a party with which it has entered into a commingling agreement. A contracted agent hired to pick up beverage containers for one or more initiators of deposit is deemed to have made a pickup at a redemption center for those initiators of deposit when it picks up beverage containers belonging to those initiators of deposit.

**Sec. 2. Rulemaking; audits.** The Department of Agriculture, Conservation and Forestry shall adopt rules for conducting audits on beverage containers presented to distributors by redemption centers as ready for redemption under the Maine Revised Statutes, Title 32, chapter 28. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

#### AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

##### Beverage Container Enforcement Fund 0971

Initiative: Provides a one-time allocation for rulemaking.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$2,614	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,614	\$0

See title page for effective date.

## CHAPTER 276 H.P. 1072 - L.D. 1495

### An Act To Amend the Laws Pertaining to Employee Health Insurance

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

**Sec. 1. 5 MRSA §285, sub-§7, ¶C,** as enacted by PL 2009, c. 213, Pt. GG, §1, is amended to read:

C. Beginning July 1, 2010, except as provided in subsection 7-A, the State, through the commission, shall pay a share of the individual premium for the standard plan identified and offered by the commission as follows.

(1) For an employee whose base annual rate of pay is projected to be less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 95% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

(2) For an employee whose base annual rate of pay is projected to be greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 90% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

(3) For an employee whose base annual rate of pay is projected to be \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the State shall pay 85% of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission.

**Sec. 2. 5 MRSA §285, sub-§7-A,** as amended by PL 2011, c. 1, Pt. FF, §1, is further amended to read:

**7-A. Health credit premium program.** Notwithstanding subsection 7, paragraph C, the State may pay a greater proportion of the total cost of the individual premium for the standard plan identified and offered by the commission and available to the employee as authorized by the commission. The commission shall develop a health credit premium program whereby employees are provided incentives to engage in healthy behaviors in an effort to improve the health status of the state employee population and to help reduce costs to the state employee health insurance program. The commission shall define benchmarks for healthy behaviors that, if met by an individual employee, result in the State's paying a greater share of the individual premium. Adjustments to the state share of the individual premium must be applied once each year in advance of the beginning of the plan year.

The benchmarks developed by the commission must provide 2 discrete levels for the state share of the individual premium as follows.

- A. For employees whose base annual rate of pay is ~~projected to be~~ less than or equal to \$30,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 100% or 95%. The state share is determined by the specific benchmarks met by the employee.
- B. For employees whose base annual rate of pay is ~~projected to be~~ greater than \$30,000 and less than \$80,000 on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 95% or 90%. The state share is determined by the specific benchmarks met by the employee.
- C. For employees whose base annual rate of pay is ~~projected to be~~ \$80,000 or greater on July 1st of the state fiscal year for which the premium contribution is being determined, the health credit premium program must provide the individual employee meeting the specified benchmarks with the opportunity to have the state share of the individual premium paid at 90% or 85%. The state share is determined by the specific benchmarks met by the employee.

See title page for effective date.

## CHAPTER 277 S.P. 384 - L.D. 1102

### An Act Regarding Reconstruction of Residential Structures on Sand Dunes

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

Whereas, routine technical rules regarding reconstruction of an existing structure in a frontal dune were adopted by the Department of Environmental Protection in 2012, pursuant to Public Law 2011, chapter 538; and

Whereas, changes in the conditions for approval of reconstruction of an existing structure on a frontal sand dune are needed before the summer building sea-

son in order to avoid harm to the coastal sand dune system; 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. PL 2011, c. 538, §15** is repealed.
- Sec. 2. Repeal of current rules.** The Department of Environmental Protection shall repeal rules adopted pursuant to Public Law 2011, chapter 538, section 15.
- Sec. 3. Coastal sand dune rulemaking.** The Department of Environmental Protection may adopt rules allowing for the reconstruction of an existing residential building whose entire footprint is in a back dune to be relocated in a frontal dune on the same lot on which the building is located if:
  - 1. The existing residential building:
    - A. Is a permanent structure;
    - B. Existed in a back dune on the lot and was landward of an existing seawall prior to June 8, 2006;
    - C. Was originally constructed in a back dune after August 1, 1983, in accordance with a permit issued by the department under the Natural Resources Protection Act; and
    - D. Is not severely damaged by wave action from an ocean storm;
  - 2. The entire residential building when reconstructed:
    - A. Is landward of an existing seawall;
    - B. Has a footprint that is 2,500 square feet or less, that is not located in a V-zone as identified on the effective Flood Insurance Rate Maps issued by the Federal Emergency Management Agency and that does not exceed 20% of the total area of the lot. The land area within the V-zone may not be included as part of the lot for purposes of this paragraph and up to 500 square feet of additional development may occur on the lot in order to provide parking and access, including handicap access;
    - C. Is elevated on posts as required in rules of the department regarding sand and water movement; and
    - D. Is no more than 35 feet in height, except that it may exceed 35 feet for the sole purpose of meet-

ing the elevation requirements in rules of the department regarding sand and water movement;

3. The lot on which the residential building is reconstructed:

A. Was a deeded lot of record as of August 1, 1983;

B. Is not precluded from development by any other federal, state or local requirements; and

C. Has an adjacent lot on each of its sides, along the length of the frontal dune, that contains a residential building that is located within 100 feet of the lot line and that existed on January 1, 2003; and

4. Relocation of the residential building on the frontal dune is minimized to the extent practicable, as determined by the department.

In approving reconstruction or relocation as authorized under this section, the rules may require sand dune mitigation and enhancement measures, including, but not limited to, restoring the dune topography and elevating the crest of the sand dune to at least one foot above the 100-year floodplain or wave run-up level and enhancing with native vegetation the portions of the lot that are not covered by buildings or parking areas.

Notwithstanding the Maine Revised Statutes, Title 38, section 480-AA, the initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A and may be adopted by the Commissioner of Environmental Protection in accordance with Title 38, section 341-H, subsection 2. Any amendments to the rules adopted pursuant to this section are major substantive rules and may be adopted by the Board of Environmental Protection in accordance with Title 38, section 341-H, subsection 1.

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

Effective June 18, 2013.

## CHAPTER 278

### S.P. 312 - L.D. 891

#### An Act To Create Uniform Claims Paying Practices in Long-term Care Insurance Policies

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

**Whereas**, Maine seniors with long-term care insurance are experiencing delays in receiving claims payments from insurers; and

**Whereas**, delays in claims payments are causing undue stress on seniors; and

**Whereas**, this legislation establishes notice requirements and specific time periods in which insurers are required to pay claims once all necessary documentation supporting the claims is submitted; and

**Whereas**, it is necessary for this legislation to take effect immediately to provide relief to those seniors with long-term care insurance; 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.** 24-A MRSA §2436, sub-§6 is enacted to read:

6. This section does not apply to a claim for payment of benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State.

**Sec. 2.** 24-A MRSA §5083 is enacted to read:

#### §5083. Payment of claims

**1. Notice of claim for benefits; response by insured.** Notwithstanding any other provision of this Title, upon receipt of a notice of claim for benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State, an insurer, whether actively marketing or renewing long-term care insurance in this State, shall provide the insured a written statement with sufficient detail to permit the insured to understand and respond with the documentation specified in subsection 2. The written statement must be provided by the insurer within 10 business days following receipt of the notice of claim. For purposes of this section, "insured" includes a person designated by the insured as the insured's representative.

**2. Documentation.** The documentation an insurer may require of an insured for the payment of a claim for benefits under a policy or certificate of long-term care insurance includes, but is not limited to:

A. A statement from the insured making the claim for benefits;

B. A signed release permitting the insurer to obtain personal health care information about the insured pursuant to the federal Health Insurance Portability and Accountability Act of 1996;

C. A statement from the insured's physician, including the appropriate diagnosis and a treatment and care plan for the insured;

D. A statement from the long-term care provider rendering services to the insured, including an itemized bill for services, the provider's license number and any daily nursing notes; and

E. A copy of any power of attorney executed by the insured.

Except for information solely in the possession of the insured, the burden is on the insurer to obtain any information other than that described in paragraphs A to E that is reasonably necessary to pay or continue paying the claim. The insured has a continuing obligation to cooperate with the insurer in order for the insurer to obtain needed information.

**3. Payment of claim.** A claim for payment of benefits under a policy or certificate of long-term care insurance delivered or issued for delivery in this State is payable within 30 days after the documentation and information identified in subsection 2 as reasonably necessary to pay the claim for benefits have been received by the insurer. Within 30 days after receipt of that documentation and information, the insurer shall either pay the claim or issue a written notice to the insured declining to pay all or part of the claim and the specific reason for denial in accordance with this subsection.

A. An insurer may not extend the time for payment of a claim beyond 30 days after receipt of documentation and information related to a technical issue as designated in rules adopted by the bureau.

B. Except as provided in paragraph A, an insurer may delay payment of a claim and request additional documentation and information related to a substantive issue as designated in rules adopted by the bureau.

**4. Ongoing claim.** Except for information solely in the possession of the insured, if, during the course of an ongoing claim for benefits paid on a monthly or recurring basis, the insurer identifies the need for additional reasonable documentation to ensure the insured remains entitled to benefits under the policy or certificate of long-term care insurance, the burden is on the insurer to obtain that information. The insured has a continuing obligation to cooperate with the insurer in order for the insurer to obtain needed information.

**5. Appeals of claims denials.** An insured who receives a claims denial in accordance with this section has the right to internal appeal and, after exhausting an insurer's internal appeals process, the right to request an external review. The superintendent shall adopt rules to determine the standards for internal appeal and external review in a manner consistent with

model legislation adopted by the National Association of Insurance Commissioners, or its successor organization. The written notice to the insured declining to pay all or part of the claim as required by subsection 3 must include a statement informing the insured of the insured's rights to internal appeal and external review and a statement of the insured's right to seek assistance or file a complaint with the bureau and the toll-free telephone number of the bureau.

**6. Interest on overdue claim.** An undisputed claim that is not paid within 30 days is overdue. If an insurer fails to pay an undisputed claim or any undisputed part of the claim when due, the amount of the overdue claim or part of the claim bears interest at the rate of 1 1/2% per month after the due date.

**7. Attorney's fees.** Reasonable attorney's fees for advising and representing a claimant on an overdue claim or action for an overdue claim must be paid by the insurer if overdue benefits are recovered in an action against the insurer or if overdue benefits are paid after receipt of notice of the attorney's representation.

**8. No limitation on action by insured.** This section does not prohibit or limit any claim or action for a claim that the insured has against the insurer.

**9. Rules.** The superintendent may adopt or amend rules in order to carry out the purposes of this section. Rules adopted pursuant to this section, including amendments to existing rules designated as major substantive, are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Bureau of Insurance report; rules.** By March 1, 2014, the Department of Professional and Financial Regulation, Bureau of Insurance shall submit a report to the Joint Standing Committee on Insurance and Financial Services on the rules adopted by the bureau as required by the Maine Revised Statutes, Title 24-A, section 5083.

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

Effective June 18, 2013.

## CHAPTER 279

### H.P. 653 - L.D. 929

#### An Act To Amend the Requirements for the Reporting of New Hires

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

**Whereas**, federal law mandates the Department of Health and Human Services to operate a state directory of new hires to which employers doing business in this State must report the hiring of a new employee; and

**Whereas**, federal law has recently been amended to require employers to also report the date a new employee begins work; and

**Whereas**, federal law has recently been amended to change the definition of a newly hired employee to include a person who had been previously employed by the same employer but separated from employment for 60 consecutive days; and

**Whereas**, it is necessary for state law to be amended as soon as possible to comply with the change to federal law; 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.** **19-A MRSA §2154, sub-§1**, as amended by PL 1997, c. 669, §2, is further amended to read:

**1. Employment information; definition.** Upon notice by the department, an employer doing business in this State shall report to the department the hiring of a newly hired employee. For the purposes of this section, "newly hired employee" means a person who resides or works in this State to whom the employer anticipates paying earnings and who:

A. Hiring of a person who resides or works in this State to whom the employer anticipates paying earnings; and

B. Rehiring or return to work of an employee who was laid off, furloughed, separated, granted a leave without pay or terminated from employment.

C. Was previously employed by the employer but who has been separated from that prior employment for at least 60 consecutive days; or

D. Has not previously been employed by the employer.

**Sec. 2.** **19-A MRSA §2154, sub-§4**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**4. Report.** An employer shall submit a report within 7 days of the hiring, rehiring or return to work of the date that services for remuneration are first per-

formed by a newly hired employee. The report must contain:

A. The employee's name, address, social security number and date of birth and the most recent date that services for remuneration were first performed by the employee; and

B. The employer's name, address and employment security reference number or unified business identifier number.

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

Effective June 18, 2013.

## CHAPTER 280

### S.P. 423 - L.D. 1225

#### An Act To Strengthen Maine's Wildlife Laws

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

**Whereas**, the feeding of bear, moose and wild turkey is creating a public safety hazard and having a detrimental effect on the bear, moose and wild turkey populations; and

**Whereas**, the open season on hunting bear begins on August 26th, bait to hunt bear may be placed beginning July 27th and hunters may train dogs on bear beginning July 1st; and

**Whereas**, Maine guides rely on bear hunting for their individual livelihoods, and communities in rural regions of the State depend on bear hunting for economic activity to help sustain their local economies; and

**Whereas**, migratory game bird hunting begins in October; and

**Whereas**, the importation and possession of wildlife requires immediate study; and

**Whereas**, the 90-day period will not end before the first events begin; 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. 12 MRSA §10001, sub-§39,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**39. Migratory game bird.** "Migratory game bird" means any of the following birds:

- A. Anatidae, or waterfowl, including brant, wild ducks, geese and swans;
- B. Columbidae, or pigeons, including doves and wild pigeons, but not including rock doves, also known as rock pigeons;
- C. Gruidae, or cranes, including little brown; and sandhill and whooping cranes;
- D. Limicolae, or shorebirds, including avocets, curlews, dowitchers, godwits, knots, oyster catchers, phalaropes, plovers, sandpipers, Wilson's snipe, stilts, surf birds, turnstones, willet, and American woodcock and yellowlegs; and
- E. Rallidae, or rails, including coots, gallinules and sora or other rails.

**Sec. 2. 12 MRSA §10105, sub-§14,** as enacted by PL 2011, c. 668, §1, is amended to read:

**14. Regulating the feeding of deer, bear, moose and wild turkey.** The commissioner may by rule:

- A. Prohibit the feeding of deer, bear, moose and wild turkey at any location if there is documented evidence of chronic wasting disease, as defined in Title 7, section 1821, subsection 1, in the State; and
- B. Prohibit or otherwise limit the feeding of deer, bear, moose and wild turkey if the department has reason to believe that the type or location of feed is creating a public safety hazard or having a detrimental effect on the deer, bear, moose and wild turkey; and
- C. Prohibit or otherwise limit the placement of garbage or other known attractants for deer, bear, moose and wild turkey if the department has reason to believe the placement creates a public safety hazard.

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

**Sec. 3. 12 MRSA §10902, sub-§6, ¶G,** as amended by PL 2011, c. 253, §16, is further amended to read:

- G. Buying or selling moose, unlawfully hunting moose or unlawfully possessing moose, in violation of section 11154, 11217, 11601, 11651-A, 11652, 12302-A, 12304-A, 12305 or 12403; or

**Sec. 4. 12 MRSA §10902, sub-§6, ¶H,** as affected by PL 2003, c. 614, §9 and amended by c. 655,

Pt. B, §99 and affected by §422, is further amended to read:

H. Buying or selling wild turkeys, unlawfully hunting wild turkeys, unlawfully possessing wild turkeys or using unlawful methods to hunt wild turkeys, in violation of section 11217, subsection 1; section 11751-A; section 11801; or section 12306, subsection 1; or

**Sec. 5. 12 MRSA §10902, sub-§6, ¶I** is enacted to read:

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A.

**Sec. 6. 12 MRSA §11301, sub-§1-A** is enacted to read:

1-A. Prohibition. During the open season on hunting bear, a person may not within 50 yards of a bait site established by another person in accordance with section 11227 without the written permission of the person who established the bait site:

A. Hunt, trap, molest or harass bear or release a dog or dogs for the purpose of hunting bear or training dogs to hunt bear; or

B. Disturb the bait site through the use of chemicals or take other action intended to interfere with the hunting of bear at the bait site by the person who established the bait site.

**Sec. 7. 12 MRSA §11302, sub-§2,** as amended by PL 2009, c. 390, §3, is further amended to read:

**2. Nonresidents hunting with dogs.** A nonresident may not hunt bear with the use of a dog or dogs unless that nonresident employs and hunts with in the presence of a resident Maine guide. For purposes of this subsection, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars, citizen band radios or electronic communication systems.

A. The total number of clients with a resident Maine guide may not be more than 5 in order to satisfy the requirements of this subsection.

This subsection does not apply to nonresidents who hold a valid Maine guide license.

**Sec. 8. 12 MRSA §11851,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §184 and affected by §422, is further amended to read:

#### **§11851. Hunting wild birds**

**1. Unlawfully hunting wild birds.** A person may not hunt a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

**2. Unlawful possession of wild birds.** A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

**3. Penalty.** A person who violates this section commits a Class E crime.

**Sec. 9. 12 MRSA §11852,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

#### **§11852. Reopening season**

Whenever a section of the State is closed to hunting by proclamation of the Governor during the open season on birds, the commissioner, after the proclamation has been annulled, with the consent of the Governor, may extend the open season for bird hunting in that section of the State for a period not to exceed the number of days lost as permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712.

**Sec. 10. 12 MRSA §11854,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

#### **§11854. Nest or eggs of wild birds**

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock dove and the European starling. A person who violates this section commits a Class E crime.

**Sec. 11. 12 MRSA §11857** is enacted to read:

#### **§11857. Unlawful possession of ruffed grouse**

**1. Daily bag limit.** A person may not take more than the daily bag limit of ruffed grouse during any open season on ruffed grouse as established by the commissioner.

**2. Possession limit.** A person may not possess more than the possession limit of ruffed grouse taken during any open season on ruffed grouse as established by the commissioner.

**3. Duty to label ruffed grouse.** A person shall label any ruffed grouse that the person has taken, before the next calendar day begins, with the name of the person who harvested the ruffed grouse and the date it was taken if that person is within or travelling through the unorganized territory.

**4. Penalty.** A person who violates this section commits a Class E crime for which a fine of not less than \$100 plus \$25 for each ruffed grouse taken in violation may be adjudged.

**Sec. 12. 12 MRSA §12051, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 13. Wildlife Importation and Possession Task Force established.** The Commissioner of Inland Fisheries and Wildlife shall establish a task force to consider the effect of the importation and possession of wildlife and the issues of possession and exhibition of wildlife in the State. The task force must include a representative of the Department of Agriculture, Conservation and Forestry, a representative of the Department of Inland Fisheries and Wildlife, Bureau of Warden Service and 3 members of the public invited by the commissioner. The duties of the task force include developing recommendations for a list of restricted, unrestricted and banned species; amendments to current permit structures and fees; and the establishment of appropriate penalties for noncompliance with requirements. The commissioner shall submit a report by January 14, 2014 that includes the findings and recommendations of the task force, including suggested legislation, for presentation to the Second Regular Session of the 126th Legislature. The Joint Standing Committee on Inland Fisheries and Wildlife is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature upon receipt of the report.

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

Effective June 18, 2013.

## **CHAPTER 281**

### **H.P. 316 - L.D. 466**

#### **An Act To Amend the Laws Governing Awarding a High School Diploma to Veterans**

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

**Sec. 1. 20-A MRSA §4722, sub-§6, ¶C,** as amended by PL 2011, c. 25, §1, is further amended to read:

C. The person must have left secondary school either:

- (1) Before or during World War II to serve in the Armed Forces during World War II;
- (2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict; or
- (3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; or

(4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3).

**Sec. 2. 20-A MRSA §4722-A, sub-§3, ¶E,** as enacted by PL 2011, c. 669, §7, is amended to read:

E. A person may be awarded a high school diploma, including a posthumous award, if the person or a family member of the person applies to a secondary school and:

(1) The person:

(a) Attended a secondary school in the geographic area now served by the secondary school from which a diploma is requested; or

(b) Resides at the time of application for a diploma in the geographic area served by the secondary school from which a diploma is requested;

(2) The person did not graduate or receive a diploma from a secondary school because the person left secondary school to serve in the Armed Forces and served during the following periods:

(a) World War II, from December 7, 1941 to August 16, 1945;

(b) The Korean Conflict; ~~or~~

(c) The Vietnam War era, from February 28, 1961 to May 7, 1975; and or

(d) The period of wartime or peacetime after a period of wartime described in division (a), (b) or (c); and

(3) The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, Coast Guard and the Merchant Marines.

See title page for effective date.

## CHAPTER 282 H.P. 332 - L.D. 482

### An Act To Improve the Quality of the Data Used in the Management of Maine's Fisheries

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

**Sec. 1. 12 MRSA §6301, sub-§6** is enacted to read:

**6. Ownership identified.** If a license issued under chapter 625 is issued to a firm, corporation or partnership, the individual who owns the highest percentage of that firm, corporation or partnership must be identified on the license application. When 2 or more individuals own in equal proportion the highest percentages of a firm, corporation or partnership, each of those owners must be identified.

**Sec. 2. 12 MRSA §6412** is enacted to read:

#### §6412. Suspension of license or certificate for failure to comply with reporting requirements

**1. Authority to suspend.** The commissioner, in accordance with this section, may suspend a license or certificate issued under this Part if the holder of the license or certificate fails to comply with reporting requirements established by rule pursuant to section 6173. A license or certificate suspended under this section remains suspended until the suspension is rescinded by the commissioner. The commissioner shall rescind a suspension when:

A. The commissioner determines and provides notice to the holder of the suspended license or certificate that the holder has come into compliance with the reporting requirements established by rule pursuant to section 6173; and

B. The holder pays to the department a \$25 administrative fee.

When a suspension is rescinded, the license or certificate is reinstated. Until the suspension is rescinded, the holder of the suspended license or certificate is not eligible to hold, apply for or obtain that license or certificate.

**2. Process for suspension for failing to comply with weekly reporting.** If the commissioner determines that a person who holds a license or certificate under this Part has failed to comply with a weekly reporting requirement established by rule pursuant to section 6173, the commissioner shall notify the person at the telephone number provided on the application for the license or certificate and by e-mail if an e-mail address is provided on the application. If the license or certificate holder has not complied with the reporting requirements within 2 days after the commissioner has provided the notice, the commissioner shall mail a notice of suspension to the license or certificate holder by certified mail or the notice must be served in hand. The notice must:

A. Describe the information that the license or certificate holder is required to provide pursuant to this Part that the department has not received; and

B. State that, unless all the information described in paragraph A is provided to the department or the license or certificate holder requests a hearing, the license or certificate will be suspended in 3 business days after the license or certificate holder's receipt of the notice.

If the license or certificate holder has not complied with the reporting requirements or requested a hearing within 3 business days after receipt of the notice, the commissioner shall suspend the license or certificate.

**3. Process for suspension for failing to comply with monthly reporting.** If the commissioner determines that a person who holds a license or certificate under this Part has failed to comply with a monthly reporting requirement established by rule pursuant to section 6173, the commissioner shall notify the person at the telephone number provided on the application for the license or certificate and by e-mail if an e-mail address is provided on the application. If the license or certificate holder has not complied with the reporting requirements within 45 days after the commissioner has provided the notice, the commissioner shall mail a notice of suspension to the license or certificate holder by certified mail or the notice must be served in hand. The notice must:

A. Describe the information that the license or certificate holder is required to provide pursuant to this Part that the department has not received; and

B. State that, unless all the information described in paragraph A is provided to the department or the license or certificate holder requests a hearing, the license or certificate will be suspended in 3 business days after the license or certificate holder's receipt of the notice.

If the license or certificate holder has not complied with the reporting requirements or requested a hearing within 3 business days after receipt of the notice, the commissioner shall suspend the license or certificate.

**4. Hearing.** A license or certificate holder receiving a written notice of suspension pursuant to this section may request a hearing on the suspension by contacting the department within 3 business days of receipt of the notice. If a hearing is requested, the suspension is stayed until a decision is issued following the hearing. The hearing must be held within 3 business days of the request, unless another time is agreed to by both the department and the license or certificate holder. The hearing must be conducted in the Augusta area. The hearing must be held in accordance with:

A. Title 5, section 9057, regarding evidence, except the issues are limited to whether the license or certificate holder has complied with reporting requirements established by rule pursuant to section 6173;

B. Title 5, section 9058, regarding notice;  
C. Title 5, section 9059, regarding records;  
D. Title 5, section 9061, regarding decisions, except the deadline for making a decision is one business day after completion of the hearing; and  
E. Title 5, section 9062, subsections 3 and 4, regarding a presiding officer's duties and reporting requirements, except that notwithstanding Title 5, section 9062, subsection 1, the presiding officer must be the commissioner or the commissioner's designee.

**Sec. 3. 12 MRSA §6421, sub-§3-A, ¶¶B and C**, as amended by PL 1995, c. 568, §1, are further amended to read:

B. A Class II license authorizes the license holder to engage in the licensed activities under subsection 2. A Class II license holder may engage one unlicensed crew member to assist in the licensed activities under the direct supervision of the Class II license holder, except as provided in section 6445-A.

C. A Class III license authorizes the license holder to engage in the licensed activities under subsection 2. A Class III license holder may engage 2 unlicensed crew members to assist in the licensed activities under the direct supervision of the Class III license holder, except as provided in section 6445-A.

**Sec. 4. 12 MRSA §6445-A** is enacted to read:

**§6445-A. Selling of lobsters or crabs by unlicensed crew members**

**1. Sale prohibited; exception.** An unlicensed crew member engaged by a holder of a Class II or Class III lobster and crab fishing license may not sell lobsters or crabs unless the unlicensed crew member:

A. Sells lobsters or crabs to a purchaser who holds a valid wholesale seafood license with a lobster permit or a valid retail seafood license; and

B. Provides to the purchaser the name and license number of the license holder with whom the crew member was engaged when the lobsters or crabs were harvested.

**2. Requirements for purchaser.** A holder of a wholesale seafood license with a lobster permit or a retail seafood license who purchases lobsters or crabs from an unlicensed crew member may not purchase the lobsters or crabs except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a lobster permit or a retail seafood license who purchases lobsters or crabs from an unlicensed crew member shall report the information provided by

the unlicensed crew member under subsection 1, paragraph B in accordance with section 6173.

**Sec. 5. 12 MRSA §6535, sub-§2,** as repealed and replaced by PL 2009, c. 561, §21, is amended to read:

**2. Licensed activity.** A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters the tender has tended subject to the requirements of paragraph A. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

A. A diving tender licensed under this section may not sell sea urchins or scallops unless the person:

- (1) Sells sea urchins or scallops to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license; and
- (2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins or scallops were harvested.

B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a diving tender licensed under this section may not purchase the sea urchins or scallops except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a licensed diving tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.

As long as one person present on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand has met the tender safety requirements adopted by rule pursuant to section 6533, all other persons present on the boat may operate the boat or engage in culling activities or otherwise handle the harvested product. An individual who engages in harvesting activities in accordance with a license issued under section 6701 or 6748 may not be considered as

the person who has met the tender safety requirements adopted by rule pursuant to section 6533.

**Sec. 6. 12 MRSA §6748, sub-§2,** as repealed and replaced by PL 2009, c. 561, §28, is repealed and the following enacted in its place:

**2. Licensed activity.** The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins. An unlicensed person acting as a tender for an individual licensed under subsection 4, paragraph B, in accordance with subsection 1-A, may possess, ship, transport and sell sea urchins the handfishing sea urchin license holder has taken subject to the requirements of paragraph A.

A. An unlicensed person acting as a tender may not sell sea urchins unless the person:

- (1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license; and
- (2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins were harvested.

B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender must purchase the sea urchins by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.

A person may not act as a tender under subsection 4, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

**Sec. 7. 12 MRSA §6803, sub-§1,** as amended by PL 2003, c. 452, Pt. F, §23 and affected by Pt. X, §2, is further amended to read:

**1. Permit required.** Except as provided in subsections 1-A and 2, a person an individual may not harvest, possess, ship, transport or sell seaweed without a current:

- A. Resident seaweed permit; or
- B. Nonresident seaweed permit.

**Sec. 8. 12 MRSA §6803, sub-§2, ¶¶A and B,** as enacted by PL 1989, c. 523, §2, are repealed.

**Sec. 9. 12 MRSA §6803, sub-§2, ¶C,** as amended by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is further amended to read:

C. A person An individual who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes;

**Sec. 10. 12 MRSA §6803, sub-§5,** as enacted by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is amended to read:

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

**Sec. 11. 12 MRSA §6852, sub-§§1, 2 and 4,** as amended by PL 2011, c. 598, §44, are further amended to read:

**1. License required.** A person may not engage in the activities authorized under this section buy, sell, transport, ship or serve a marine organism in the retail trade other than an ornamental marine organism used for exhibition in a marine aquarium without a retail seafood license issued under this Part authorizing the activities. For purposes of this section, "marine organism" means an organism that may not be harvested in this State without a commercial harvesting license issued under this Part.

**2. License activity.** The holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or serve:

A. Shellstock if Any marine organism, except that any shellstock must be bought from a wholesale seafood license holder certified under section 6856; and

D. Crayfish; or

E. Lobsters.

A holder of a retail seafood license when buying directly from a harvester may buy only from a harvester who possesses the license or permit for that species as required under this Part. The harvester shall make the applicable marine resources license or permit available for inspection upon the retail seafood license holder's request.

**4. Fee.** The fee for a retail seafood license under subsection 1 is \$122 \$100. The fee for an enhanced retail certificate under subsection 2-A is \$28 and must be deposited in the Shellfish Fund under section 6651.

**Sec. 12. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 12,

section 6852, subsections 1, 2 and 4 takes effect April 1, 2014.

See title page for effective date, unless otherwise indicated.

## CHAPTER 283

### H.P. 438 - L.D. 619

#### An Act To Prohibit the Sharing of Certain Personal Information by the Department of the Secretary of State

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

**Sec. 1. 29-A MRSA §251, sub-§4** is enacted to read:

**4. Confidentiality of e-mail addresses.** If a person submits an e-mail address as part of the application process for a license or registration under this Title, the e-mail address is confidential and may not be disclosed to anyone outside the Department of the Secretary of State except for law enforcement officers or for purposes of court proceedings.

See title page for effective date.

## CHAPTER 284

### S.P. 218 - L.D. 628

#### An Act To Clarify Uninsured Vehicle Coverage for Multiple Claimants

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

**Sec. 1. 24-A MRSA §2902, sub-§6,** as enacted by PL 1999, c. 663, §2 and affected by §4, is repealed and the following enacted in its place:

**6. When 2 or more persons are legally entitled to recover damages from a particular owner or operator of an underinsured motor vehicle, the amount of uninsured vehicle coverage applicable to each injured person is determined as provided in this subsection.**

**A. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains both a per person and a per accident limit, the amount of uninsured vehicle coverage applicable to each injured person is determined by subtracting any payments actually made to that person from any bodily injury liability insurance coverage applica-**

ble to the particular owner or operator of the underinsured motor vehicle from that person's, operator's or owner's underinsured vehicle coverage policy limits if applicable to that person.

B. If the underinsured motor vehicle policy applicable to 2 or more persons who are legally entitled to recover damages contains only a single per accident limit, the amount of underinsured vehicle coverage available to each injured person is determined by subtracting any payment received by that person from the owner or operator of the underinsured motor vehicle from that single per accident limit. In no event may the maximum amount payable by the insurer to all injured persons exceed the single per accident limit.

C. The amount of underinsured vehicle coverage determined under paragraph A or B must be further reduced by the amount by which the bodily injury liability insurance coverage applicable to the particular owner or operator of the underinsured motor vehicle exceeds all payments from that coverage to all persons legally entitled to recover damages from that particular owner or operator of the underinsured motor vehicle.

D. This subsection does not prohibit an insurer from providing greater amounts of underinsured vehicle coverage than are required under this section.

See title page for effective date.

## CHAPTER 285 S.P. 265 - L.D. 727

### An Act Establishing Health Care Practitioner Transparency Requirements

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

**Sec. 1. 24 MRSA §2988** is enacted to read:

#### §2988. Identification of health care practitioners; advertising

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advertisement" means a communication, whether printed, electronic or oral, that names a health care practitioner and the practice, profession or institution in which the practitioner is employed, volunteers or otherwise provides health care services. "Advertisement" includes business cards, letterhead, patient brochures, e-mail, Internet, audio and video communications and any

other communication used in the course of business.

B. "Deceptive or misleading advertising" includes, but is not limited to, use of an advertisement that misstates, falsely describes, falsely holds out or falsely details the health care practitioner's professional skills, training, expertise, education, board certification or licensure.

**2. Advertising.** A health care practitioner who advertises health care services shall disclose in an advertisement the applicable license under which the health care practitioner is authorized to provide services. The advertisement:

A. May not constitute deceptive or misleading advertising; and

B. Must include the health care practitioner's name, the type of license the practitioner holds and the common term for the practitioner's profession.

**3. Identification.** A health care practitioner shall comply with the following identification requirements. A health care practitioner who does not have direct patient care interactions is not subject to the provisions of this subsection.

A. A health care practitioner shall display a copy of the practitioner's license in a prominent place in an office area visible to current and prospective patients. If the health care practitioner sees patients in a setting outside of a licensed health care facility, the copy must be of sufficient size to be visible and apparent to patients, except that a copy no smaller than the original license is deemed to be sufficient.

B. A health care practitioner seeing patients on a face-to-face basis shall wear a name badge or some other form of identification that clearly discloses:

(1) The health care practitioner's name;

(2) The type of license, registration or certification the health care practitioner holds, including the common term for the health care practitioner's profession; and

(3) The health care practitioner's medical staff position, if applicable.

**4. Complaints; disciplinary action.** A person may file a complaint with the appropriate licensing board regarding a health care practitioner who fails to provide the consumer information required in this section. A health care practitioner who violates any provision of this section engages in unprofessional conduct and is subject to disciplinary action under the applicable licensing provisions of the health care practitioner.

**5. Authority of licensing board.** This section may not be construed to limit the authority of a licensing board to impose requirements for professional conduct and advertising on a health care practitioner in addition to the requirements of this section.

See title page for effective date.

## CHAPTER 286

### H.P. 508 - L.D. 757

#### An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs

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

**Sec. 1. 12 MRSA §12051, sub-§1,** as amended by PL 2011, c. 253, §21 and c. 309, §4, is further amended to read:

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

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

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

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

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

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

**Sec. 2. 12 MRSA §12051, sub-§6** is enacted to read:

**6. Effect of revocation.** A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902.

See title page for effective date.

## CHAPTER 287

### H.P. 562 - L.D. 811

#### An Act To Provide Guidance for the Development of Marine Fisheries Management Plans

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

**Sec. 1. 12 MRSA §6171, sub-§2-A,** as enacted by PL 1979, c. 404, is repealed and the following enacted in its place:

**2-A. Management plans.** The commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council under section 6024.

**A. A management plan is a guidance document, which must seek to:**

- (1) Establish management goals and a long-term vision for the relevant fishery;
- (2) Ensure the long-term viability of the resource and the relevant fishery;
- (3) Provide for the rebuilding of any depleted fisheries;
- (4) Provide for future opportunities and access to the relevant fishery;
- (5) Provide the greatest overall benefit to the State, including biological, economic and social considerations; and
- (6) Preserve the legacy of the seafood industry in the State and its benefits to the people of the State.

**B. A management plan must include, to the degree possible:**

- (1) Clearly articulated management goals and objectives;
- (2) A description of the biology of the relevant species;
- (3) A description of the relevant fishery;
- (4) Any available information regarding stock status;
- (5) Current management measures;
- (6) Any recommendations to achieve goals and objectives;
- (7) Findings of current research and future research needs; and
- (8) An ecosystem-based characterization of each species under consideration.

C. A management plan must be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists.

See title page for effective date.

## CHAPTER 288 H.P. 610 - L.D. 859

### An Act To Increase Ethics and Transparency in Government Service

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

**Sec. 1. 3 MRSA §318-A** is enacted to read:

#### **§318-A. Prohibition**

Beginning January 1, 2015, a person may not engage in activities that require registration as a lobbyist or lobbyist associate as defined by section 312-A, subsections 10 and 10-A if that person has within the previous 12 months been employed in a position for which the salary is subject to adjustment by the Governor under Title 2, section 6 or that is described as a major policy-influencing position under Title 5, chapter 71. A person who violates this section may be assessed a fine of \$100 for every day the person engages in lobbying.

See title page for effective date.

## CHAPTER 289 S.P. 307 - L.D. 882

### An Act To Amend the Laws Governing Confidentiality of Health Care Information To Enhance Public Safety

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

**Sec. 1. 22 MRSA §1711-C, sub-§6, ¶D,** as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

D. To appropriate persons when a health care practitioner or facility that is providing or has provided diagnosis, treatment or care to the individual has determined, based on reasonable professional judgment, that the individual poses a direct threat of imminent harm to the health or safety of any individual in good faith believes that disclosure is made to avert a serious threat to health or safety and meets the conditions, as ap-

plicable, described in 45 Code of Federal Regulations, Section 164.512(j) (2012). A disclosure pursuant to this paragraph must protect the confidentiality of the health care information consistent with sound professional judgment;

**Sec. 2. 22 MRSA §1711-C, sub-§6, ¶E-1** is enacted to read:

E-1. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the following requirements, as applicable, are satisfied:

- (1) With regard to a disclosure for public health activities, for law enforcement purposes or that pertains to victims of abuse, neglect or domestic violence, the provisions of 45 Code of Federal Regulations, Section 164.512(b), (c) or (f) (2012) must be met; and
- (2) With regard to a disclosure that pertains to a victim of domestic violence or a victim of sexual assault, the provisions of 45 Code of Federal Regulations, Section 164.512(c)(1)(iii)(A) (2012) and Section 164.512(c)(1)(iii)(B) (2012) must be met.

See title page for effective date.

## CHAPTER 290 H.P. 627 - L.D. 903

### An Act To Enhance the Development and Implementation of Integrated Pest Management Programs

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

**Sec. 1. 7 MRSA §607, sub-§6,** as repealed and replaced by PL 2007, c. 466, Pt. A, §25, is amended to read:

**6. Registration fee; programs funded.** The applicant desiring to register a pesticide must pay an annual registration fee of \$150 \$160 for each pesticide registered for that applicant. Annual registration periods expire on December 31st or in a manner consistent with Title 5, section 10002, whichever is later.

The board shall monitor fee revenue and expenditures under this subsection to ensure that adequate funds are available to fund board and related department programs and, to the extent funds are available, to provide grants to support stewardship programs. The board shall use funds received under this subsection to provide:

A. An annual grant of no less than \$135,000 to the University of Maine Cooperative Extension, on or about April 1st, for development and implementation of integrated pest management programs. The University of Maine may not charge overhead costs against this grant; and

B. Funding for public health-related mosquito monitoring programs or other pesticide stewardship and integrated pest management programs, if designated at the discretion of the board, as funds allow after expenditures under paragraph A. The board shall seek the advice of the Integrated Pest Management Council established in section 2404 in determining the most beneficial use of the funds, if available, under this subsection.

By February 15th annually, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the grants funded by the fee under this subsection. The annual report must include a recommendation by the board as to whether the amount of the fee is adequate to fund the programs described in this subsection. The joint standing committee may report out a bill to the Legislature based on the board's recommendations.

**Sec. 2. 7 MRSA §2406** is enacted to read:

**§2406. University of Maine Cooperative Extension integrated pest management programs**

The University of Maine Cooperative Extension shall develop and implement integrated pest management programs. The extension may seek the advice of the Integrated Pest Management Council established in section 2404 in establishing the programs. The extension shall use the funds deposited pursuant to section 607 for the purposes of this section. The extension shall administer the grant pursuant to section 607, subsection 6, paragraph A.

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

**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**University of Maine Cooperative Extension N147**

Initiative: Allocates funds for the University of Maine Cooperative Extension to develop and implement integrated pest management programs.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$135,000	\$135,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$135,000	\$135,000

**Sec. 4. Effective date.** This Act takes effect January 1, 2014.

Effective January 1, 2014.

**CHAPTER 291**

**H.P. 643 - L.D. 919**

**An Act To Require an Operator To Provide Evidence of Liability Insurance or Financial Responsibility at the Scene of an Accident**

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

**Sec. 1. 29-A MRSA §2252**, as amended by PL 1999, c. 670, §1, is further amended to read:

**§2252. Accidents involving death or personal injury**

**1. Operator required to stop.** The operator of a vehicle involved in an accident anywhere that results in personal injury or death to a person shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

**2. Provide information.** The operator shall remain at the scene and provide to the injured person or someone acting for the injured person or the operator or an occupant of the other vehicle:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. An opportunity to examine the driver's license if the other injured person or someone acting for the injured person or the operator or an occupant of the other vehicle so requests and the license is available; and

**D. Evidence of liability insurance or financial responsibility as required by section 1601 if the injured person or someone acting for the injured person or the operator or occupant of the other vehicle so requests.**

**3. Render assistance.** The operator shall render reasonable assistance to an injured person.

**4. Violation.** A person commits a Class D crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

**5. Aggravated punishment category.** Notwithstanding subsection 4, a person commits a Class C crime if that person intentionally, knowingly or recklessly fails to comply with this section and the acci-

dent resulted in serious bodily injury, as defined in Title 17-A, section 2, subsection 23, or death.

**6. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation.

**Sec. 2. 29-A MRSA §2253,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

#### §2253. Accidents involving vehicle damage

**1. Operator required to stop.** The operator of a vehicle involved in an accident that results in damage to an attended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

**2. Provide information.** The operator shall remain at the scene and provide to the operator or an occupant of the other vehicle:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. An opportunity to examine the driver's license if the other operator or an occupant so requests and the license is available; and
- D. Evidence of liability insurance or financial responsibility as required by section 1601 if the other operator or an occupant so requests.

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation.

**Sec. 3. 29-A MRSA §2254,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

#### §2254. Accidents involving unattended vehicle

**1. Operator required to stop.** The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall immediately stop the vehicle at the scene of the accident or stop as close as possible and immediately return to the scene.

**2. Provide information.** The operator shall notify the owner or operator of the unattended vehicle or shall leave on that vehicle in a conspicuous place a statement containing:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. A statement of the circumstances of the accident.

**2-A. Evidence of financial responsibility.** The operator of a vehicle involved in an accident that results in damage to an unattended vehicle shall provide evidence of liability insurance or financial responsibility as required by section 1601 if the owner or operator of the unattended vehicle so requests.

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2-A.

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2-A if that person:

A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or

B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2-A and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation.

**Sec. 4. 29-A MRSA §2255,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**§2255. Accidents involving property damage**

**1. Notification.** The operator of a vehicle involved in an accident anywhere that results in property damage shall take reasonable steps to notify the owner of that property of the accident.

**2. Provide information.** The operator shall provide to the property owner:

- A. The operator's name and address;
- B. The registration number of the operator's vehicle; and
- C. An opportunity to examine the driver's license if the operator or owner of the property so requests and the license is available; and
- D. Evidence of liability insurance or financial responsibility as required by section 1601 if the owner of the property so requests.

**3. Violation.** A person commits a Class E crime if that person fails to comply with this section, except that a person commits a traffic infraction if that person fails to comply with subsection 2, paragraph D.

**4. Dismissal.** The clerk of the District Court Violations Bureau or trial court shall dismiss a Violation Summons and Complaint charging a person with a violation of subsection 2, paragraph D if that person:

- A. Shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact; or
- B. Files a timely answer to a Violation Summons and Complaint alleging a violation of subsection 2, paragraph D and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation.

See title page for effective date.

## CHAPTER 292

### H.P. 658 - L.D. 934

#### An Act To Amend the Laws on Extended Warranties for Used Cars To Make Terms of Coverage Transparent

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

**Sec. 1. 10 MRSA §1474, sub-§3, ¶B,** as repealed and replaced by PL 1981, c. 470, Pt. A, §29, is amended to read:

B. In addition, the written statement required by this subsection shall must contain, fully and conspicuously disclosed, the following information concerning any additional warranty not required by subsection 1:

- (1) The date or number of days or on which the additional warranty begins as well as the date on which or the number of days or mileage at which the warranty will terminate, either handwritten or printed on the statement by the dealer;
- (2) The parts or systems of the vehicle that are warranted against mechanical defects, or the parts or systems of the vehicle excluded from the warranty; and
- (3) A statement of what the dealer will do in the event of a mechanical defect and at whose expense.

**Sec. 2. Effective date.** This Act takes effect July 1, 2014.

Effective July 1, 2014.

## CHAPTER 293

### S.P. 349 - L.D. 1024

#### An Act To Enhance Enforcement of the Mandatory Reporting of Abuse and Neglect

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

**Sec. 1. 22 MRSA §4008, sub-§3, ¶J,** as amended by PL 2007, c. 371, §5, is further amended to read:

J. To a juvenile court when the child who is the subject of the records has been brought before the court pursuant to Title 15, Part 6; and

**Sec. 2. 22 MRSA §4008, sub-§3, ¶K,** as enacted by PL 2007, c. 371, §6, is amended to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child; and

**Sec. 3. 22 MRSA §4008, sub-§3, ¶L** is enacted to read:

L. To a licensing board of a mandated reporter, in the case of a mandated reporter under section 4011-A, subsection 1 who appears from the record or relevant circumstances to have failed to make a required report. Any information disclosed by the department personally identifying a licensee's client or patient remains confidential

and may be used only in a proceeding as provided by Title 5, section 9057, subsection 6.

See title page for effective date.

## CHAPTER 294 H.P. 776 - L.D. 1107

### An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case

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

**Sec. 1. 22 MRSA §4036, sub-§1-A,** as enacted by PL 2007, c. 256, §1, is amended to read:

**1-A. Parental rights and responsibilities orders.** Upon request of a parent, the court may enter an order awarding parental rights and responsibilities pursuant to Title 19-A, section 1653 if the court determines that the order will protect the child from jeopardy and is in the child's best interest as defined in Title 19-A, section 1653, subsection 3. The court shall ensure that proper notice was given that the child protective case may be disposed of through an order awarding parental rights and responsibilities upon request of a parent. If the court enters an order pursuant to this subsection:

A. The court shall direct the clerk to open a family matters case on behalf of the parties and require the case to be appropriately docketed without a separate initial filing by the parties. The court shall require the parties to complete the income affidavits, child support worksheets and supporting documentation as required in Title 19-A, chapter 63. The court shall enter the order has the same force and effect as other orders entered awarding parental rights and responsibilities pursuant to Title 19-A, section 1653;

A-1. The order awarding parental rights and responsibilities may not include reference to or discussion of the child protective case, although the court may identify any jeopardy that remains as a finding of fact. Child protective case documents are confidential, and the court shall seal and keep confidential any documents from the child protective case that are made a part of the record of the family matters case opened under paragraph A;

B. The order awarding parental rights and responsibilities is subject to modification or termination in the same manner as other orders entered pursuant to Title 19-A, section 1653;

C. Any person who requests a modification or termination of the order awarding parental rights and responsibilities must serve the department with the motion or petition;

D. The department is not a party to proceedings to modify or terminate the order awarding parental rights and responsibilities unless otherwise ordered by the court. This paragraph may not be construed to limit the department's ability to request a judicial review pursuant to section 4038, subsection 2;

D-1. The court may either:

(1) Immediately dismiss the child protection action; or

(2) Enter a provisional order awarding parental rights and responsibilities and, after the passage of a period set by the court not to exceed 6 months, the child protection action must be dismissed, with the order awarding parental rights and responsibilities becoming permanent, unless there is good cause shown in writing to continue the child protection action; and

E. Notwithstanding section 4038, the court may order that further judicial reviews may not be held unless requested by a party and, notwithstanding section 4038 B, may order that further permanency planning hearings may not be held; and

F. The When a provisional order awarding parental rights and responsibilities is entered under paragraph D-1, subparagraph (2), the court may terminate the appointments of the guardian ad litem and attorneys for parents and guardians. When the child protection action is dismissed under paragraph D-1, subparagraph (1) or (2), the court may shall terminate the appointments of the guardian ad litem and attorneys for parents and guardians, in which case. After the appointments are terminated, the attorneys and guardian ad litem have no further responsibilities to their clients or the court.

See title page for effective date.

## CHAPTER 295 H.P. 847 - L.D. 1203

### An Act To Encourage Financing of Manufactured Housing for the Workforce

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

**Sec. 1. 9-A MRSA §13-103, sub-§1,** as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

**1. Requirement.** An individual, unless specifically exempted from this Article under subsection 2, may not engage in the business of a mortgage loan originator without obtaining and maintaining annually a license under this Article. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

As used in this subsection, "engaging in the business of a mortgage loan originator" means the individual, in a commercial context and habitually or repeatedly:

A. Takes a residential mortgage loan application and offers or negotiates terms of a residential mortgage loan for compensation or gain; or

B. Represents to the public, through advertising or other means of communicating or providing information, including the use of business cards, stationery, brochures, signs, rate lists or other promotional items, that the individual can or will perform the activities described in paragraph A.

An individual is considered to be acting habitually or repeatedly under this subsection if the individual takes a residential mortgage application and offers or negotiates terms of a residential mortgage loan for compensation or gain more than 3 times in a 12-month period. An exemption from the licensure requirements under this Article does not apply if the individual, alone or with others, is found by the administrator to have acted so as to intentionally circumvent or evade the provisions of this subsection.

**Sec. 2. 9-A MRSA §13-103, sub-§2, ¶¶H to J** are enacted to read:

H. An individual who acts as a mortgage loan originator in providing financing for the sale of a property owned by that individual as long as that individual does not habitually or repeatedly engage in that activity.

I. An individual who acts as a mortgage loan originator as long as the source of prospective financing does not provide mortgage financing or perform other mortgage loan origination activities habitually or repeatedly.

J. An employee of a government entity who acts as a mortgage loan originator pursuant to that employee's official duties as an employee of that government entity.

See title page for effective date.

## CHAPTER 296 S.P. 456 - L.D. 1313

### An Act To Amend Licensing Requirements for Professional Engineers

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

**Sec. 1. 32 MRSA §1251,** as amended by PL 2005, c. 315, §2, is further amended to read:

#### §1251. Definitions

As used in this chapter, unless a different meaning clearly appears from the context: otherwise indicates, the following terms have the following meanings.

**1. Board.** "Board" means the State Board of Licensure for Professional Engineers.

**1-A. Accreditation board.** "Accreditation board" means the accreditation board for engineering and technology.

**1-B. Engineering accreditation commission.** "Engineering accreditation commission" means the engineering accreditation commission of the accreditation board.

**2. Engineer-intern.** The term "engineer intern" "Engineer-intern" means a person who has been certified as such an engineer-intern by the board and whose name has been entered in the register of engineer interns.

**2-A. National council.** "National council" means the National Council of Examiners for Engineering and Surveying.

**3. Practice of professional engineering.** The term "practice" "Practice" of professional engineering" shall be held to mean means any professional service, such as consultation, investigation, evaluation, planning, design or responsible supervision of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works or projects, wherein the public welfare or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

**4. Professional engineer.** The term "professional" "Professional engineer" means a person who, by reason of a knowledge of mathematics, the physical sciences and the principles of engineering, acquired by professional education and practical experience, is qualified to engage in engineering practice as defined.

**5. Technology accreditation commission.** "Technology accreditation commission" means the technology accreditation commission of the accreditation board.

**Sec. 2. 32 MRSA §1352-A, sub-§1,** as amended by PL 2005, c. 315, §20, is further amended to read:

**1. Professional engineer.** Minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer includes the following.

A. An applicant for licensure by endorsement or comity who provides proof that the applicant is a licensed professional engineer, in good standing, in another state, territory or possession of the United States, District of Columbia or any foreign country and whose qualifications meet the requirements of this chapter upon application may be licensed without further examination. To seek licensure under this paragraph, the applicant must be a graduate of an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum and have not less than 4 years of acceptable engineering experience after graduation and have been licensed by passing ~~16 hours of written examinations the national council principles and practice of engineering examination and the fundamentals of engineering examination.~~

B. A person holding a certificate of record verification issued by the National Council of Examiners for Engineering and Surveying ~~national council~~ whose qualifications meet the requirements of this chapter upon application may be licensed without further examination.

C. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering curriculum of 4 years or more; has passed ~~an 8 hour written the national council~~ examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed ~~an 8 hour written the national council~~ examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

D. An applicant who provides proof of graduation from an engineering technology curriculum approved by the technology accreditation commission of the accreditation board for engineering and technology or of an equivalent engineering

technology curriculum of 4 years or more; has passed ~~an 8 hour written the national council~~ examination in the fundamentals of engineering; has a record of an additional 4 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed ~~an 8 hour written the national council~~ examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

E. An applicant who has a baccalaureate from an engineering or engineering technology curriculum that has not been approved by the accreditation board for engineering and technology or from an allied science curriculum of 4 years or more; has passed ~~an 8 hour written the national council~~ written examination in the fundamentals of engineering; has a record of an additional 8 years or more of progressive engineering experience, after graduation, of a grade and character that indicates to the board that the applicant may be competent to practice and has experienced increased engineering responsibilities; and has passed ~~an 8 hour written the national council~~ examination in the principles and practice of engineering may be licensed as a professional engineer. An applicant for licensure may not sit for the principles and practice of engineering examination until the applicant has passed the fundamentals of engineering examination.

~~G. An applicant with a record of at least 15 years of experience in engineering work, of which at least 10 years has been in responsible jobs of engineering work and of a grade and character that indicates to the board that the applicant may be competent to practice engineering, who has a license to engage in the practice of engineering on the basis of experience or a non National Council of Examiners for Engineering and Surveying examination issued by a proper authority of a state, territory or possession of the United States, the District of Columbia or any foreign country and who in the opinion of the board meets the requirements of this chapter based on verified evidence may be licensed upon application by passing an oral examination conducted by the board or by a board committee.~~

~~H. An applicant with a record of less than 15 years of experience in engineering work, who has a license to engage in the practice of engineering on the basis of experience or a non National Council of Examiners of Engineering and Surveying examination issued by a proper authority of a~~

~~state, territory or possession of the United States; the District of Columbia or any foreign country; may be licensed upon application by passing an 8-hour examination in the principles and practice of engineering.~~

Engineering teaching experience of 4 years or more in a college or university offering an engineering or engineering technology curriculum approved by the accreditation board ~~for engineering and technology~~ may be considered as engineering experience.

**Sec. 3. 32 MRSA §1352-A, sub-§2,** as amended by PL 2005, c. 315, §20, is further amended to read:

**2. Engineer-intern.** Minimum evidence satisfactory to the board that the applicant is qualified for certification as an engineer-intern includes the following.

A. An applicant for certification as an engineer-intern is eligible to sit for the fundamentals of engineering examination during the applicant's senior year of college before graduation from a program approved by the accreditation board ~~for engineering and technology~~. Certification as an engineer-intern may not take place until verification of graduation is received.

B. An applicant who provides proof of graduation from an engineering curriculum approved by the engineering accreditation commission ~~of the accreditation board for engineering and technology~~ or of an equivalent engineering curriculum of 4 years or more and has passed ~~an 8-hour written the national council~~ examination in the fundamentals of engineering may be certified as an engineer-intern.

C. An applicant who provides proof of graduation from an engineering technology curriculum approved by the technology accreditation commission ~~of the accreditation board for engineering and technology~~ of 4 years or more and has passed ~~an 8-hour written the national council~~ examination in the fundamentals of engineering may be certified as an engineer-intern.

D. An applicant who is a graduate of an engineering curriculum not approved by the accreditation board ~~for engineering and technology~~ or an allied science curriculum of 4 years or more and who has submitted a transcript showing the completion of the minimum number of engineering science and design credits as required in a curriculum approved by the accreditation board ~~for engineering and technology~~ and who has passed ~~an 8-hour written the national council~~ examination in the fundamentals of engineering may be certified as an engineer-intern.

Certification as an engineer-intern is valid for an indefinite period.

**Sec. 4. 32 MRSA §1353, first ¶,** as amended by PL 2005, c. 315, §21, is further amended to read:

Application for licensure as a professional engineer or certification as an engineer-intern ~~is must be made~~ on a form prescribed and furnished by the board; ~~contains, contain~~ statements made under oath; showing the applicant's education and a detailed summary of the applicant's technical experience; and ~~contains contain~~ references as set forth in section 1352-A, none of which may be from members of the board. An application fee ~~and an examination fee~~ may be established by rule by the board in ~~amounts an amount~~ that ~~are is~~ reasonable and necessary for their respective purposes ~~its purpose~~.

**Sec. 5. 32 MRSA §1354,** as amended by PL 1999, c. 186, §8, is further amended to read:

#### **§1354. Examinations**

~~Examinations must be held at such times and places as the board determines.~~ Examinations required on fundamental engineering subjects may be taken as provided in section 1352-A. The principles and practices of engineering examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A.

The passing grade on any examination is established by the board. If an applicant receives a failing grade ~~on the principles and practices of engineering examination~~, that applicant may be readmitted to 2 subsequent examinations ~~upon payment of an examination fee~~. An applicant who fails ~~to complete the application process within 5 years, or who fails the principles and practices of engineering examination a 3rd time must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and new documentation for each subsequent request for reexamination~~ satisfactorily to the board that the applicant has acquired additional education and experience and is prepared to retake the examination. Upon approval by the board ~~and payment of the examination fee~~, that applicant may be permitted to retake the examination.

**Sec. 6. 32 MRSA §1357,** as amended by PL 2005, c. 315, §24, is further amended to read:

#### **§1357. Expiration and renewals**

Licenses expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed. The board shall notify every person licensed under this chapter of the date of the expiration of that person's license and the amount of the fee that is required for its renewal for a 2-year period, except when the applicant has become licensed during the first year of the 2-year period, then the renewal fee is for the remaining one year of that 2-year period. The notice must be ~~mailed provided~~ at least one month in advance of the

date of the expiration of the license. Renewal may be effected at any time after completion of continuing education requirements and after receipt of notice by the payment of a fee established by rule by the board, which may not exceed \$50 annually. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the license renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration.

**Sec. 7. 32 MRSA §1361, 2nd ¶,** as amended by PL 2005, c. 315, §26, is further amended to read:

A retired licensee may retain but not use the seal and may not practice engineering. ~~The board shall reissue a license to a retired licensee who pays all application fees, meets all current requirements for licensure renewal and demonstrates to the board's satisfaction that, for 2 years preceding the application for licensure, the A retired licensee met the requirements for maintaining professional competence established under the may apply for reinstatement to active status in accordance with section 1357 and after completing continuing education requirements according to board rules.~~

See title page for effective date.

## CHAPTER 297

### H.P. 941 - L.D. 1316

#### An Act Regarding Computers Used To Commit a Crime or Facilitate the Commission of a Crime

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

**Sec. 1. 17-A MRSA §431, sub-§2,** as enacted by PL 1989, c. 620, is amended to read:

2. "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions; and includes any data storage ~~facility~~ device or communications facility directly related to or operating in conjunction with ~~such~~ the device.

**Sec. 2. 17-A MRSA §431, sub-§10-A** is enacted to read:

**10-A.** "Data storage device" means any computer or accessory device, designed for or capable of storing digital media or data, including, but not limited

to, installed or transportable hard drives, memory cards and servers.

**Sec. 3. 17-A MRSA §§436 and 437** are enacted to read:

#### **§436. Permanent destruction of computer data on a computer used in the commission of a crime**

1. If a person is convicted upon a finding of guilt or upon the acceptance of a plea of guilty or nolo contendere or found not criminally responsible of a violation of this Title, the State, after all appeal periods have run and those proceedings have concluded, may permanently destroy the computer data on any computer that was used to commit or facilitate the commission of that violation or cause the computer data to be permanently destroyed through the removal and destruction of any part of the computer in the possession of the State on which the computer data are stored.

2. Notwithstanding subsection 1, a criminal justice agency, prior to the destruction of computer data, may extract and provide computer data to a person if:

A. Prior to the conclusion of criminal prosecution in the matter involving the computer data, the person provides written notification to the criminal justice agency having custody of the computer on which the computer data are stored that the person is interested in obtaining that computer data;

B. The person either has an ownership interest in the computer data or wants the computer data only for the sentimental value of the data. When computer data are requested only for the sentimental value of the data, the person must state such in a written affidavit;

C. The computer data that are the subject of the person's request may be lawfully disseminated;

D. The computer data that are the subject of the person's request are not confidential by law;

E. The computer data that are the subject of the request are specifically identified by the person making the request. For the purposes of this paragraph, "specifically identified" means identified with reasonable precision and not merely categorically;

F. The criminal justice agency, in the judgment of the chief officer of the agency, determines the agency has the technological expertise, resources and personnel available to accommodate the request or to cause the request to be accommodated. The chief officer of the agency may consider whether there is a 3rd-party vendor that can accommodate the request if the chief officer determines the agency cannot accommodate the request for reasons provided in this paragraph. The chief

officer of the agency subject to the request shall refer the request to an appropriate 3rd-party vendor for processing upon receipt by the chief officer of the agency of full payment from the requestor for the amount charged by the vendor to accommodate the request for information; and

G. Notwithstanding any provision of law to the contrary, the person requesting the computer data makes advance payment for the time and costs that the criminal justice agency estimates will be needed for the requested computer data to be extracted and provided by the agency or caused by the agency to be extracted and provided to the person.

If the conditions identified in paragraphs A to G of this subsection are not met, the computer data that are the subject of the request may be permanently destroyed in accordance with subsection 1.

The chief officer of the criminal justice agency that is subject to a request under this subsection shall respond to the requestor within 60 days from the date the request was received by the chief officer. The chief officer's response must include but is not limited to what actions if any the agency will take regarding the computer data identified in the request.

**§437. Permissible destruction or transfer of ownership to the State of a computer used in the commission of a crime**

1. Notwithstanding any provision of law to the contrary and except as provided in subsection 3, the State may either permanently destroy or assume ownership of a computer that was used in the commission of a crime or that facilitated the commission of a crime if:

A. A person is convicted upon a finding of guilt or upon the acceptance of a plea of guilty or nolo contendere or is found not criminally responsible of a crime committed using, or that was facilitated through the use of, the computer and all appeal periods have run and those proceedings have concluded;

B. The opportunity for the computer to be forfeited to the State through proceedings at the pre-sentencing stage has passed; and

C. A person having a lawful property interest in the computer has not notified the State in writing within 6 months following a conviction upon a finding of guilt or upon the acceptance of a plea of guilty or nolo contendere or a finding of not criminally responsible that the person wants to take possession of the computer. The written notification must be made to the criminal justice agency having custody of the computer.

If the State assumes ownership of a computer pursuant to this subsection, all computer data stored on the

computer must be permanently destroyed by the State, or caused by the State to be permanently destroyed, in accordance with section 436.

2. A person who has a lawful property interest in a computer that was used to commit a crime or that facilitated the commission of a crime may take possession of the computer if:

A. The person notifies the State in writing within 6 months following a conviction upon a finding of guilt or upon the acceptance of a plea of guilty or nolo contendere or a finding of not criminally responsible that a person committed a crime using, or that was facilitated by the use of, the computer and all appeal periods have run and those proceedings have concluded, that the person wants to take possession of that computer. The written notification must be made to the criminal justice agency having custody of the computer;

B. The crime that was committed using, or that was facilitated through the use of, the computer is not a crime identified in chapter 12; and

C. All computer data stored on the computer have been permanently destroyed pursuant to section 436.

3. Notwithstanding subsection 2, a person having a lawful property interest in a computer may not take possession of that computer if the crime that was committed using, or that was facilitated through the use of, the computer is a crime identified in chapter 12. Notwithstanding subsection 1, the computer may be permanently destroyed by the State, or caused by the State to be permanently destroyed, in accordance with section 436 if the crime that was committed using, or that was facilitated through the use of, the computer is a crime identified in chapter 12.

When the State receives a notification from a person who wishes to take possession of a computer pursuant to subsection 2, the State must respond to that notification within 60 days from the date the notification was received by the State. The State's response must include but is not limited to what actions, if any, the State will take regarding the computer identified in the notification.

**Sec. 4. Public notice concerning computers and computer data already in the custody of a criminal justice agency.** Before a criminal justice agency, pursuant to the Maine Revised Statutes, Title 17-A, section 436 or 437, permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to the effective date of this Act, the agency shall post on its publicly accessible website a notice stating that, unless written notification as described in Title 17-A, section 436, subsection 2 or Title 17-A, section 437, subsection 2 is given to the criminal justice agency within 90 days after the effective date of this

Act, all such computer data and computers must be disposed of in accordance with the provisions of Title 17-A, section 436 or 437.

See title page for effective date.

## CHAPTER 298 S.P. 543 - L.D. 1469

### An Act To Ensure Ethical Standards for Court Reporters

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

**Sec. 1. 4 MRSA c. 15, sub-c. 4** is enacted to read:

#### SUBCHAPTER 4 GENERAL PROVISIONS; ETHICAL STANDARDS

##### **§771. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Court reporter.** "Court reporter" means a person who records legal proceedings by stenotype machine or other means allowed under the Maine Rules of Civil Procedure, Rule 30 and provides prompt preparation of an accurate, verbatim written transcript. "Court reporter" does not include an employee of the Judicial Branch or a person transcribing legal proceedings for the Judicial Branch.

**2. Court reporting services.** "Court reporting services" means services provided by a court reporter.

**3. Court reporting services provider.** "Court reporting services provider" means a business, entity or firm that provides or arranges for court reporting services.

**4. Governmental entity.** "Governmental entity" has the same meaning as in Title 14, section 8102, subsection 2.

**5. Legal proceeding.** "Legal proceeding" means a proceeding or series of proceedings by which a legal judgment is invoked and includes but is not limited to:

- A. A court proceeding;
- B. A deposition;
- C. An administrative hearing;
- D. An arbitration hearing;
- E. An examination under oath; and
- F. A sworn statement.

**6. Party.** "Party" means a party to an action that is the subject of the legal proceeding for which court reporting services are provided or sought to be provided.

##### **§772. Relationship to party or proceeding; prohibition**

**1. Prohibition.** A court reporter or a court reporting services provider may not provide court reporting services for a legal proceeding if that court reporter or the court reporting services provider:

- A. Has a contractual relationship with a party or an attorney, representative, agent or insurer of a party, other than a contract to provide court reporting, litigation and trial support services;
- B. Engages in any prohibited actions set forth in section 773; or
- C. Is a party.

A court reporter may not provide court reporting services for a legal proceeding if the court reporter is a relative, employee or attorney of one of the parties or is a relative, employee or attorney of a person with a financial interest in the action or its outcome.

**2. Reasonable effort to determine; requirement.** Prior to the provision of court reporting services, a court reporter or court reporting services provider shall make reasonable efforts to determine whether the provision of court reporting services is prohibited under this subchapter.

##### **§773. Prohibited actions**

A court reporter or court reporting services provider may not:

**1. Contract.** Enter into an oral or written contractual agreement with an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding, other than a contract to provide court reporting, litigation and trial support services;

**2. Advantage.** Give an economic or other advantage to a party or a party's attorney, representative, agent, insurer or employee without offering the advantage to all parties or fail to offer comparable services, prices or financial terms to all parties, except that different credit terms may be offered based on payment experience and creditworthiness;

**3. Outcome-based payment.** Offer or provide court reporting services if payment for those services is made contingent on the outcome of the legal proceeding, base the compensation for the court reporting services on the outcome of the legal proceeding or otherwise give the court reporter or court reporting services provider a financial interest in the action;

**4. Restrict choice of court reporter.** Enter into an agreement for court reporting services that restricts an attorney from using the court reporter or court reporting services provider of the attorney's choosing;

**5. Allow manipulation.** Allow the format, content or body of a certified transcript as submitted by the court reporter to be manipulated in a manner that increases the cost of the transcript; or

**6. Interference with services.** Enter into a contract for court reporting services that allows an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties to a proceeding, including any provision in a contract that restricts the right of the court reporter to contract with the other parties in a legal proceeding to provide transcripts to those parties.

#### **§774. Comparable treatment of parties**

**1. Itemized statement.** At any time during or following a legal proceeding, an attorney or a party is entitled to an itemized statement of the rates and charges for all services that have been or will be provided by a court reporter or court reporting services provider that is providing court reporting services to any party to the legal proceeding.

**2. Information to parties.** A court reporter or court reporting services provider shall provide to the parties information on prices, terms and conditions of court reporting services in sufficient time prior to the commencement of the legal proceeding to allow the parties the opportunity to effectively negotiate for any changes necessary to ensure that comparable terms and conditions are made available to all parties.

**3. Information to court.** Upon request, a court reporter or court reporting services provider shall provide an itemized invoice of all rates and charges for court reporting services provided to the administrative body, court or administrative tribunal in which the action upon which the legal proceeding is based is pending or scheduled to be heard.

#### **§775. Waiver prohibited**

The provisions of this subchapter may not be waived or otherwise modified. Any waiver or modification is contrary to public policy and is void and unenforceable.

#### **§776. Exception; governmental entities**

Notwithstanding section 773, if authorized or required by law, ordinance or rule, a governmental entity may obtain court reporting services on a long-term basis through competitive bidding.

#### **§777. Construction; pro bono services**

Nothing in this chapter may be construed to limit the ability of a court reporting services provider to

provide pro bono services to persons or parties with limited means.

#### **§778. Remedies**

**1. Motion.** A party may file a motion alleging a violation of this subchapter with the administrative body, court or administrative tribunal in which the action upon which the motion is based is pending or scheduled to be heard. A person need not commence a separate action to allege a violation of this subchapter.

**2. Sanction.** In addition to remedies that are otherwise available by law, an administrative body, court or administrative tribunal that receives a motion filed pursuant to this section and determines that a person violated this subchapter may refuse to admit the contested transcript and may bar the person from providing services in matters before that administrative body, court or administrative tribunal.

#### **§779. Application**

**1. Application to services.** This subchapter applies to court reporting services performed in this State, whether a party appears in person or by remote means, provided by:

A. A court reporter or court reporting services provider, whether or not based in the State, in connection with a legal proceeding that is commenced or maintained in this State; or

B. A court reporter or court reporting services provider based in this State in connection with a legal proceeding that is commenced or maintained in a foreign jurisdiction.

**2. Application to Judicial Branch.** This subchapter does not apply to court reporting services performed by employees of the Judicial Branch or persons transcribing legal proceedings for the Judicial Branch.

See title page for effective date.

## **CHAPTER 299**

### **H.P. 1066 - L.D. 1485**

#### **An Act Relating to Insurance Company Formation and Dissolution**

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

**Sec. 1. 24-A MRSA §743, sub-§1, ¶B,** as enacted by PL 1991, c. 828, §20, is amended to read:

B. The superintendent may not license a firm, association, partnership or corporation unless the license is within purposes stated in the partnership agreement or certificate of organization articles of

incorporation. All licensees are subject to the applicable standards of section 407, subsection 2.

**Sec. 2. 24-A MRSA §3306, sub-§3,** as enacted by PL 1969, c. 132, §1, is amended to read:

**3. Articles of incorporation.** The incorporators shall execute a certificate of organization articles of incorporation in quadruplicate triplicate, and at least a majority of the incorporators shall acknowledge their execution thereof of the articles of incorporation under oath. The certificate of organization shall articles of incorporation must state and show:

A. The name of the corporation, which must be generally indicative of the business to be transacted and be subject to section 408 (name of insurer); if a mutual, the word "mutual" must be a part of the name. An alternative name or names may be specified for use in foreign countries, or in jurisdictions wherein where conflict of name with that of another insurer or organization might otherwise prevent the corporation from being authorized to transact insurance therein. in the foreign country:

B. The duration of its existence, which may be perpetual:

C. The kinds of insurance, as defined in this Title, which that the corporation is formed to transact:

D. If a stock corporation, its authorized capital and the number of shares of stock into which divided. The capital stock shall must consist entirely of common stock of one uniform class, par value not less than \$1.00 per share, each outstanding share of which shall have having equal rights in every respect with every other such share, except that treasury stock shall may not have dividend or voting rights. Shares without par value shall may not be authorized:

E. If a stock corporation, the extent, if any, to which shares of its stock shall be are subject to assessment:

F. If a mutual corporation, the maximum contingent liability of its members, other than as to non-assessable policies, for payment of losses and expenses incurred. Such liability shall must be as stated in the certificate of organization articles of incorporation, but shall may not be less than one or more than 6 times the premium for the member's policy at the annual premium rate for a term of one year:

G. If a mutual corporation, the amount, if any, of its guaranty capital shares, the number and par value of shares into which divided, the voting and other rights of such shares, and the conditions under which such shares shall must or may be retired by the corporation, all consistent with section 3358 (guaranty capital shares):

H. The number of directors, not less than 3, who shall constitute the board of directors and conduct the affairs of the corporation; and the names, addresses and terms of the members of the initial board of directors, who shall conduct the corporation's affairs for the term specified in the certificate of organization, but for not more than one year after date of incorporation:

I. The city or town, and county in this State in which the corporation's principal place of business is to be located:

J. The name, residence address and national citizenship of each incorporator; and

K. Other provisions, not inconsistent with law, deemed determined appropriate by the incorporators, and including, in the case of life insurers, the power to act as trustee with respect to proceeds of maturity or death benefits payable under life insurance or annuity contracts issued or assumed by it.

**Sec. 3. 24-A MRSA §3307,** as amended by PL 1973, c. 585, §12, is further amended to read:

**§3307. Articles of incorporation, approval and filing**

1. The incorporators of a proposed insurer shall deliver the quadruplicate triplicate originals of the certificate of organization articles of incorporation to the superintendent. The superintendent shall deliver one set of such originals to the Attorney General of this State, and the Attorney General shall examine the same. If the Attorney General finds that the certificate of organization complies articles of incorporation comply with law, he the Attorney General shall so certify in writing and return the original of the certificate of organization articles of incorporation, so certified, to the superintendent.

2. When the certificate of organization has articles of incorporation have been so approved and returned by the Attorney General pursuant to subsection 1, the superintendent shall also endorse his the superintendent's approval upon each set thereof of the articles of incorporation and return the quadruplicate triplicate originals of the certificate of organization articles of incorporation to the incorporators. The incorporators shall then file one of such the sets with the Secretary of State of this State, and one set with the superintendent bearing the certification of the Secretary of State, one set for recording in the registry of deeds of the county in this State in which the corporation's principal place of business is to be located, and shall retain the remaining set in the corporate records.

3. For filing the certificate of organization articles of incorporation of a mutual insurer, the Secretary of State shall charge and collect a filing fee of \$25; except that if it is a mutual insurance corporation with

provision for guaranty capital shares, the Secretary of State shall charge and collect for the filing of the ~~certificate of organization~~ articles of incorporation the same amount as would be payable by a stock insurance corporation having a like amount of authorized capital stock.

**4.** If the Attorney General finds that the proposed ~~certificate of organization~~ articles of incorporation do not comply with law, ~~he~~ the Attorney General shall refuse to approve the same and shall return the set thereof of the articles of incorporation to the superintendent, together with a written statement of the respects in which ~~he~~ the Attorney General finds that the ~~certificate does articles do not so~~ comply. The superintendent shall thereupon return all sets of the proposed ~~certificate of organization~~ articles of incorporation to the proposed incorporators together with the Attorney General's written statement.

**5.** The Secretary of State ~~shall~~ may not permit the filing in ~~that~~ the Secretary of State's office of any such ~~certificate~~ articles of incorporation unless the same bears ~~articles~~ bear the superintendent's approval endorsed thereon as hereinabove provided in this section.

**6.** The approval of the Attorney General or superintendent, as hereinabove provided for in this section, ~~shall be deemed~~ is considered to relate only to the form and contents of the ~~certificate~~ articles, and ~~shall~~ does not constitute approval or commitment as to any other aspect or operation of the proposed insurer or relative to its entitlement, if any, to a certificate of authority.

**7.** The superintendent and Attorney General shall perform all duties required of them under this section within a reasonable time after the ~~certificate of organization has~~ articles of incorporation have been submitted to the superintendent as provided in subsection 1.

**Sec. 4. 24-A MRSA §3308-A, sub-§1**, as enacted by PL 2009, c. 56, §18, is amended to read:

**1. Duty to file.** If a document delivered to the office of the Secretary of State for filing pursuant to this chapter satisfies the requirements of Title 13-C and this chapter, the Secretary of State shall file the document.

**Sec. 5. 24-A MRSA §3310**, as amended by PL 1973, c. 585, §12, is further amended to read:

**§3310. Amendment of articles of incorporation; change of principal place of business**

**1.** A stock insurer may amend its ~~certificate of organization~~ articles of incorporation for any lawful purpose by authorization or vote of stockholders as provided for business corporations in general under the laws of this State applicable to such business corporations.

**2.** A mutual insurer may amend its ~~certificate of organization~~ articles of incorporation for any lawful purpose by affirmative vote of a majority of those of its members entitled to vote and present or represented by proxy at a lawful meeting of its members of which the notice given members included due notice of the proposal to amend and the substance of such proposal, and by affirmative vote of the holders of at least 2/3 of the insurer's outstanding guaranty capital shares, if any.

**3.** Upon adoption of such an amendment under subsection 2, the insurer shall make in quadruplicate under its corporate seal triplicate a certificate, sometimes referred to as a "certificate of amendment", setting forth ~~such~~ the amendment and the date and manner of the adoption thereof of the amendment. The certificate ~~shall~~ must be executed by the insurer's president or vice-president and secretary or assistant secretary and duly sworn to by one of them. The insurer shall deliver to the superintendent the quadruplicate triplicate originals of the certificate for review, certification and approval or disapproval by the Attorney General and the superintendent, and filing and recording, all as provided for original ~~certificates of organization~~ articles of incorporation under section 3307. The Secretary of State shall charge and collect for the use of the State a fee of \$20 for filing and recording the certificate of amendment of a mutual insurer. The amendment ~~shall be~~ is effective when duly approved and filed with the Secretary of State.

**4.** An insurer may change its principal place of business without amendment of its ~~certificate of organization~~ articles of incorporation, by resolution of its board of directors. A copy of ~~such~~ the resolution, duly certified under oath by the corporate secretary, ~~shall~~ must be executed in quadruplicate triplicate and filed with the superintendent, ~~with~~ the Secretary of State, ~~the~~ registry of deeds of the county in which the insurer's principal place of business was theretofore located, and in the corporate records. If the principal place of business is thereby changed to another county of this State, the insurer shall also file in the ~~registry of deeds of such county~~ a copy, duly certified by the superintendent, of its certificate of organization and of each amendment thereto, and a certified copy of the resolution by which the principal place of business was so changed.

**Sec. 6. 24-A MRSA §3353, sub-§1**, as amended by PL 1973, c. 585, §12, is further amended to read:

**1.** Before soliciting any applications for insurance required under section 3352 as qualification for the original certificate of authority, the incorporators of the proposed insurer shall file with the superintendent a corporate surety bond in the penalty of \$15,000, in favor of the State of Maine and for ~~the~~ use and benefit of the State of Maine and of applicant mem-

bers and creditors of the corporation. The bond ~~shall must~~ be conditioned as follows in the event the corporation fails to complete its organization and secure a certificate of authority within one year after the date of its articles of incorporation:

- A. For the prompt return to applicant members of all premiums collected in advance;
- B. For payment of all indebtedness of the corporation; and
- C. For payment of costs incurred by the State of Maine in the event of any legal proceedings for liquidation or dissolution of the corporation;

~~all in the event the corporation fails to complete its organization and secure a certificate of authority within one year after the date of its certificate of organization.~~

**Sec. 7. 24-A MRSA §3354, sub-§3,** as enacted by PL 1969, c. 132, §1, is amended to read:

- 3. All such applications shall must provide that:
  - A. Issuance of the policy is contingent upon the insurer qualifying for and receiving a certificate of authority;
  - B. No insurance Insurance is not in effect unless and until the certificate of authority has been issued; and
  - C. The prepaid premium or deposit, and membership or policy fee, if any, shall must be refunded in full to the applicant if organization is not completed and the certificate of authority is not issued and received by the insurer before a specified reasonable date, which date shall be may not be later than one year after the date of the certificate of organization articles of incorporation.

**Sec. 8. 24-A MRSA §3356,** as amended by PL 1973, c. 585, §12, is further amended to read:

#### **§3356. Failure to complete and qualify**

If the proposed domestic mutual insurer fails to complete its organization and to secure its original certificate of authority within one year from and after the date of its certificate of organization articles of incorporation were filed with the Secretary of State, its corporate powers shall cease, and the superintendent shall return or cause to be returned to the persons entitled thereto to them all advance deposits or payments of premium held in trust under section 3355.

**Sec. 9. 24-A MRSA §3358, sub-§1,** as enacted by PL 1969, c. 132, §1, is amended to read:

- 1. A mutual insurer formed to transact or transacting any kind of insurance shall have has the right to provide for guaranty capital shares in its certificate of organization articles of incorporation. Outstanding guaranty capital shares at the par value thereof shall

take the place of a like amount of basic surplus otherwise required for authority to transact insurance.

**Sec. 10. 24-A MRSA §3364, sub-§1,** as amended by PL 1981, c. 501, §45, is further amended to read:

- 1. Except as provided otherwise in section 3367 with respect to nonassessable policies, each member of a domestic mutual insurer shall have has a contingent liability, pro rata and not one for another, for the discharge of its obligations, which contingent liability shall may not be greater than 6 times the annual premium for the member's policy at the annual premium rate, as shall be is specified in the insurer's certificate of organization articles of incorporation or bylaws.

**Sec. 11. 24-A MRSA §3411,** as enacted by PL 1969, c. 132, §1, is amended to read:

#### **§3411. Directors**

- 1. The affairs of every domestic insurer shall must be managed by a board of directors consisting of not less than 7 directors or more than 21 directors, except that a domestic insurer may be managed by an initial board of not less than 3 directors during its first year of existence if so provided for by its articles of incorporation.

- 2. Directors, other than initial directors named in the insurer's certificate of organization articles of incorporation, shall must be elected by the members or stockholders of a domestic insurer at the annual meeting of stockholders or members. Directors may be elected for terms of not more than 3 years each and until their successors are elected and have qualified; and, if the directors are to be elected for terms of more than one year, the insurer's bylaws may provide for a staggered term system under which the terms of a proportionate part of the members of the board of directors shall expire on the date of each annual meeting of stockholders or members. A directorship becoming vacant before expiration of the term may be filled by the board of directors for the remainder of the term.

**Sec. 12. 24-A MRSA §3417, sub-§1,** as enacted by PL 1969, c. 132, §1, is amended to read:

- 1. If provided for in its articles of incorporation, certificate of organization or charter, a stock insurer or mutual insurer may issue any or all of its policies or contracts with or without participation in profits, savings, unabsorbed portions of premiums or surplus; may classify policies issued and perils insured on a participating and nonparticipating basis; and may determine the right to participate and the extent of participation of any class or classes of policies. Any such classification or determination shall must be reasonable, and shall may not unfairly discriminate as between policies so classified.

**Sec. 13. 24-A MRSA §3421, sub-§2,** as amended by PL 1969, c. 177, §59, is further amended to read:

2. A domestic insurer duly authorized to transact insurance in another jurisdiction may frame and issue policies for delivery in such jurisdiction pursuant to applications for insurance solicited and obtained therein, in accordance with the laws thereof, subject only to such restrictions, if any, as may be contained in the insurer's certificate of organization articles of incorporation or bylaws; and subject, in the case of health insurers, to the provisions of section 2733 (policies issued for delivery in another state).

**Sec. 14. 24-A MRSA §3423, sub-§2,** as enacted by PL 1969, c. 132, §1, is amended to read:

2. The deficiency may be made good in cash or in assets eligible under chapter 13 (investments) for the investment of the insurer's funds or by amendment of the insurer's certificate of authority to cover only such kind or kinds of insurance thereafter for which the insurer has sufficient paid-in capital stock, if a stock insurer, or surplus, if a mutual insurer, under this Title; or, if a stock insurer, by reduction of the number of shares of the insurer's authorized capital stock or the par value thereof of the capital stock through amendment of its certificate of organization or articles of incorporation, to an amount of authorized and unimpaired paid-in capital stock not below the minimum required for the kinds of insurance thereafter to be transacted.

**Sec. 15. 24-A MRSA §3473, sub-§1, ¶D,** as enacted by PL 1969, c. 132, §1, is amended to read:

D. The proposed conversion must be approved by affirmative vote of not less than 2/3 of each class of outstanding securities of the insurer having voting rights, at a special meeting of holders of such securities called for the purpose; and at such meeting and by a like vote the certificate of organization or articles of incorporation of the corporation must be amended to remove therefrom from the certificate of organization or articles of incorporation the power to transact an insurance business as an insurer, to provide for such new powers and purposes authorized by the general corporation laws of this State as may be consistent with the purposes for which the corporation is thereafter to exist, and to make such further alterations in the certificate of organization or articles of incorporation as may be required under such general corporation laws of an ordinary business corporation;

**Sec. 16. 24-A MRSA §3473, sub-§1, ¶F,** as amended by PL 1973, c. 585, §12, is further amended to read:

F. Upon compliance with paragraphs A to D, and upon filing of the amendment of the certificate of

organization or articles of incorporation with the superintendent and otherwise as required by laws applicable to ordinary business corporations, the conversion shall thereupon become becomes effective.

**Sec. 17. 24-A MRSA §3484, sub-§5,** as amended by PL 1973, c. 585, §12, is further amended to read:

5. Following approval of the dissolution and plan therefor for dissolution by members or adopted thereof adoption by stockholders as above provided in this section, and approval by the superintendent, the trustees designated or provided for in the plan shall proceed to execute the plan. When all liabilities of the corporation have been discharged or otherwise adequately provided for, and all assets of the corporation have been liquidated and distributed in accordance with the plan, the trustees shall so certify in quadruplicate triplicate under oath in writing. The trustees shall deliver the original and the 3 2 copies of such certificate to the superintendent, together with the fee for filing the certificate of the trustees with the Secretary of State. The superintendent shall make such examination of the affairs of the corporation, and of the liquidation and distribution of its assets and discharge of or provision for its liabilities as he deems the superintendent determines advisable. If upon such examination he the superintendent finds that the facts set forth in the certificate of the trustees are true, he the superintendent shall inscribe his the superintendent's approval on the certificate, file the original thereof of the certificate so inscribed in the office of the Secretary of State, file a copy thereof of the certificate in the bureau and return the remaining 2 copies copy to the trustees. The trustees shall file one of such copies for recording in the registry of deeds of the county in this State in which the corporation's principal place of business is located, and retain the fourth copy for the corporate files.

**Sec. 18. 24-A MRSA §3484, sub-§6,** as enacted by PL 1969, c. 132, §1, is amended to read:

6. Upon receipt of the filing of the certificate of the trustees with the Secretary of State as provided in subsection 5, the Secretary of State shall issue to the trustees his certificate of dissolution, and the corporate existence of the corporation shall thereupon forever terminate the Secretary of State's acknowledgment of the date of filing. The effective date of dissolution is the effective date of that filing with the Secretary of State. The Secretary of State shall charge and collect a fee of \$25 for the filing of the trustee's certificate, and shall deposit the same with the Treasurer of State for credit to the General Fund.

**Sec. 19. 24-A MRSA §3487, sub-§§1 and 2,** as enacted by PL 1999, c. 113, §23, are amended to read:

**1. Redomestication of foreign insurers to Maine.** Any stock or mutual insurer that is organized under the laws of any other state and has a valid certificate of authority to do business in this State may become a domestic insurer with approval of the superintendent by amending its ~~certificate of organization articles of incorporation~~ or equivalent corporate charter and by designating a location in this State as its principal place of business. The redomestication must be approved if the chief insurance regulatory official of the other state certifies to the superintendent that the redomestication is in compliance with all requirements established by the laws of that state, and the superintendent determines that the insurer's operations and corporate organization will comply with the requirements of this chapter and that the redomestication is not contrary to the interests of policyholders or the public. The amendments to the insurer's ~~certificate of organization articles of incorporation~~ may provide that the corporation is a continuation of the corporate identity of the original foreign corporation and that the original date of incorporation in its original domiciliary state is the date of incorporation of the domestic insurer. The insurer's certificate of authority must be amended as of the effective date of the superintendent's approval to reflect the insurer's status as a domestic insurer and its new home office, and the insurer is thereafter subject to all provisions of this Title applicable to domestic insurers.

**2. Redomestication of domestic insurers.** Any domestic insurer may, upon the approval of the superintendent, transfer its domicile to any other state in which it is authorized to transact the business of insurance in accordance with the procedures established by the laws of that state. The proposed redomestication must be approved if the superintendent determines that the ~~certificate of organization has articles of incorporation~~ have been amended in conformance with section 3310 and that the redomestication is not contrary to the interests of policyholders or the public. The insurer ceases to be a domestic insurer as of the date the redomestication is recognized by its new state of domicile. Unless the superintendent determines that the insurer no longer qualifies for a certificate of authority, the insurer's certificate of authority must be amended as of the effective date of the redomestication to reflect the insurer's status as a domestic insurer and its new home office in its new state of domicile, and the insurer is thereafter subject to all provisions of this Title applicable to foreign insurers.

**Sec. 20. 24-A MRSA §3605,** as enacted by PL 1969, c. 132, §1, is amended to read:

#### **§3605. Formation of new assessment plan insurers**

Assessment plan insurers ~~shall hereafter~~ must be formed under the applicable provisions of sections 3306 (incorporation of domestic stock, mutual insurers) to 3309 (completion of incorporation; general

powers, duties);<sup>52</sup> except, that the ~~certificate of organization articles of incorporation~~ of the corporation ~~shall~~ must stipulate that the corporation is formed to transact insurance on the assessment plan, and other provisions contained in the certificate ~~shall~~ must be consistent with the applicable provisions of this chapter.

**Sec. 21. 24-A MRSA §3609,** as enacted by PL 1969, c. 132, §1, is amended to read:

#### **§3609. New assessment plan insurers; conversion**

Mutual insurers ~~hereafter~~ organized to transact insurance on the assessment plan ~~shall~~ are not authorized to transact any kind of insurance other than property insurance, or to transact insurance of any kind on the cash premium plan, unless the insurer qualifies for such authority in accordance with the requirements of domestic mutual insurers ~~hereafter~~ organized under chapter 47 (organization, corporate powers, procedures of domestic legal reserve stock and mutual insurers), and by appropriate amendment to its ~~certificate of organization articles of incorporation~~ converts to such a legal reserve insurer.

See title page for effective date.

## **CHAPTER 300**

### **H.P. 1074 - L.D. 1497**

#### **An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection**

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

**Sec. 1. 5 MRSA §3341, sub-§2, ¶B,** as amended by PL 1997, c. 393, Pt. A, §11, is further amended to read:

B. Establish a simple and expedient application process. ~~Not later than February 1st of each year, the Court Alternative Dispute Resolution Service shall send to the chair of the Land and Water Resources Council a copy of each completed application received and each agreement signed during the previous calendar year;~~ and

**Sec. 2. 5 MRSA §9051-A, sub-§3,** as enacted by PL 1987, c. 653, §1, is amended to read:

**3. Notice to the public.** Notice to the public ~~shall~~ must be given by:

A. Publication twice in a newspaper of general circulation in the area of the proposed activity and in areas affected by the license application as determined by the agency or board to the best of its ability.

(1) Notice ~~shall~~ must be published in plain and clear English ~~which~~ that can be readily understood by the general public.

(2) The notice ~~shall~~ must be published in the legal notices section in a form readily noticeable ~~to~~ by the general public.

(3) With respect to notice of an opportunity for a hearing pursuant to subsection 1, the date of the first publication ~~shall~~ must be 30 days next prior to the date of the expected agency decision on the license application.

(4) With respect to notice of a hearing pursuant to subsection 2, the date of the first publication ~~shall~~ must be 30 days next prior to the hearing.

(5) With respect to notice of an opportunity for a hearing pursuant to subsection 1, the date of the ~~second~~ 2nd publication ~~shall~~ must be at least 7 days and no more than 13 days before the date of the expected agency decision on the license application.

(6) With respect to notice of an opportunity for a hearing pursuant to subsection 2, the date of the ~~second~~ 2nd publication ~~shall~~ must be at least 7 days and no more than 13 days before the date of the hearing.

~~B. The issuance of press releases describing the date, place, time and nature of the hearing. The press releases shall be sent at least 7 days and no more than 13 days before the date of the expected agency decision or the scheduled hearing to the news desks of television stations and newspapers of general circulation in the area of the proposed activity; and~~

~~C. Public service radio and television announcements. The first announcement shall be provided to radio and television stations 21 days next prior to the first hearing and the 2nd announcement shall be provided no less than 7 and no more than 10 days prior to the first scheduled hearing.~~

**Sec. 3. 10 MRSA §1099-A, sub-§7**, as enacted by PL 1989, c. 774, §4, is amended to read:

**7. Properly installed.** "Properly installed" means a boiler or furnace installed in accordance with NFPA Standard 31 or subsequent NFPA installation standards adopted by the state ~~Oil and Solid~~ Maine Fuel Board.

**Sec. 4. 10 MRSA §1099-A, sub-§8**, as enacted by PL 1989, c. 774, §4, is amended to read:

**8. Qualified boiler or furnace.** "Qualified boiler or furnace" means any new or replacement boiler or furnace fueled wholly or in part by waste oil that produces energy for space heating or cooling or for use in a manufacturing process and is listed by the ~~Oil and~~ Solid Maine Fuel Board as a waste oil boiler or furnace.

~~Solid~~ Maine Fuel Board as a waste oil boiler or furnace.

**Sec. 5. 30-A MRSA §4331, first ¶**, as amended by PL 2011, c. 655, Pt. JJ, §18 and affected by §41, is further amended to read:

The department shall conduct an ongoing evaluation process to determine the effectiveness of state, regional and local efforts under this chapter to achieve the purposes and goals of this chapter. ~~Working through the Land and Water Resources Council, the~~ The department shall seek the assistance of other state agencies. If requested, all state agencies shall render assistance to the department in this effort.

**Sec. 6. 30-A MRSA §4346, sub-§5**, as amended by PL 2011, c. 655, Pt. JJ, §20 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended to read:

**5. Coordination.** State agencies with regulatory or other authority affecting the goals established in this subchapter shall conduct their respective activities in a manner consistent with the goals established under this subchapter, including, but not limited to, coordinating with municipalities, regional councils and other state agencies in meeting the state goals; providing available information to regions and municipalities as described in section 4326, subsection 1; cooperating with efforts to integrate and provide access to geographic information system data; making state investments and awarding grant money as described in section 4349-A; and conducting reviews of growth management programs as provided in section 4347-A, subsection 3, paragraph A. Without limiting the application of this section to other state agencies, the following agencies shall comply with this subchapter. ~~The Land and Water Resources Council shall periodically, but in no event less than biannually, review the effectiveness of agency coordination efforts, including, but not limited to, those in section 4349 A:~~

- B. Department of Economic and Community Development;
- C. Department of Environmental Protection;
- D. Department of Agriculture, Conservation and Forestry;
- E. Department of Inland Fisheries and Wildlife;
- F. Department of Marine Resources;
- G. Department of Transportation;
- G-1. Department of Health and Human Services;
- H. Finance Authority of Maine; and
- I. Maine State Housing Authority.

**Sec. 7. 38 MRSA §343-C, sub-§2, ¶A**, as enacted by PL 1991, c. 804, Pt. C, §3, is amended to read:

A. Operate a telephone hotline to enhance accessibility of the program; and

**Sec. 8. 38 MRSA §343-C, sub-§2, ¶B,** as enacted by PL 1991, c. 804, Pt. C, §3, is repealed.

**Sec. 9. 38 MRSA §352, sub-§2, ¶E,** as enacted by PL 1991, c. 384, §3 and affected by §16, is amended to read:

E. The air emission license fees assessed under section 353-A for those facilities licensed under section 590 must be assessed to support activities for the Bureau of Air Quality Control air quality control including licensing, compliance, enforcement, monitoring, data acquisition and administration.

**Sec. 10. 38 MRSA §353-A, sub-§10,** as enacted by PL 2007, c. 297, §1, is amended to read:

**10. Fees for general permit.** Rock crushers Licensees regulated under a general permit from the department are subject to an annual fee not to exceed the minimum license fee established under subsection 4.

**Sec. 11. 38 MRSA §568-A, sub-§2, ¶C,** as amended by PL 2009, c. 501, §9, is further amended to read:

C. Conditional deductibles for aboveground facilities and tanks are as follows.

(1) For aboveground tanks subject to the jurisdiction of the State Fire Marshal pursuant to 16-219 CMR, chapter 34, the deductibles are:

(a) Five thousand dollars for failure to obtain a construction permit from the Office of the State Fire Marshal, when required under Title 25, chapter 318 and 16-219 CMR, chapter 34 or under prior applicable law;

(b) Five thousand dollars for failure to design and install piping in accordance with section 570-K and rules adopted by the department;

(c) Five thousand dollars for failure to comply with an existing consent decree, court order or outstanding deficiency statement regarding violations at the aboveground facility;

(d) Five thousand dollars for failure to implement a certified spill prevention control and countermeasure plan, if required;

(e) Five thousand dollars for failure to install any required spill control measures, such as dikes;

(f) Five thousand dollars for failure to install any required overfill equipment;

(g) Five thousand dollars if the tank is not approved for aboveground use; and

(h) Ten thousand dollars for failure to report any leaks at the facility.

(2) For aboveground tanks subject to the jurisdiction of the Oil and Solid Maine Fuel Board, the deductibles are:

(a) One hundred and fifty dollars for failure to install the facility in accordance with rules adopted by the Oil and Solid Maine Fuel Board and in effect at the time of installation;

(b) Two hundred and fifty dollars for failure to comply with the rules of the Oil and Solid Maine Fuel Board;

(c) Two hundred and fifty dollars for failure to make a good faith effort to properly maintain the facility; and

(d) Five hundred dollars for failure to notify the department of a spill.

**Sec. 12. 38 MRSA §569-A, sub-§8, ¶A,** as amended by PL 2005, c. 157, §1, is further amended to read:

A. Administrative expenses, personal services and equipment costs of the department related to the administration and enforcement of this subchapter, except that total disbursements for personal services may not exceed \$3,700,000 per fiscal year multiplied by an annual adjustment factor of 4% beginning in fiscal year 2005-06 \$4,500,000 per fiscal year adjusted annually based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics;

**Sec. 13. 38 MRSA §585-B, sub-§5,** as amended by PL 2009, c. 535, §1, is further amended to read:

**5. Standards for mercury.** Notwithstanding subsection 1, an air emission source may not emit mercury in excess of 45.4 kilograms, or 100 pounds, per year after January 1, 2000; 22.7 kilograms, or 50 pounds, per year after January 1, 2004; 15.9 kilograms, or 35 pounds, after January 1, 2007; and 11.4 kilograms, or 25 pounds, after January 1, 2010. As an alternative to not emitting mercury in excess of 11.4 kilograms, or 25 pounds, after January 1, 2010, an air emission source may reduce mercury emissions by 90 percent by weight after January 1, 2010. Compliance with these limits must be specified in the license of the air emission source. The board department shall establish by rule testing protocols and measurement methods for emissions sources for which the board

department has not established such protocols and methods for determining compliance with the emission standard for mercury. These rules are routine technical rules under Title 5, chapter 375, subchapter 2-A.

An air emission source may apply to the board for an extension or modification of the 11.4-kilogram, or 25-pound, limit as follows.

A. An emission source may submit an application to the board no later than January 1, 2009 for a 6-month extension of the January 1, 2010 deadline to meet the 11.4-kilogram, or 25-pound, limit. The board shall grant the extension if the board determines, based on information presented by the source, that compliance with the limit is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

B. An emission source may submit an application to the board no later than January 1, 2009 for a license modification establishing an alternative emission limit for mercury. The board shall grant the license modification if the board finds that the proposed mercury emission limit meets the most stringent emission limitation that is achievable and compatible with that class of source, considering economic feasibility.

Pending a decision on an application for an extension or a license modification under this subsection, the 15.9-kilogram, or 35-pound, limit applies to the emission source.

Notwithstanding the January 1, 2000 compliance date in this subsection, a resource recovery facility that is subject to an emissions limit for mercury adopted by rule by the board before January 1, 2000 shall comply with the 45.4-kilogram, or 100-pound, mercury emissions limit after December 19, 2000.

For determining compliance with this subsection, the results of multiple stack tests may be averaged in accordance with guidance provided by the department.

**Sec. 14. 38 MRSA §590-E, sub-§1**, as enacted by PL 1991, c. 220, §5, is amended to read:

**1. Registration.** The fuel-burning equipment is registered with the Oil and Solid Maine Fuel Board;

**Sec. 15. 38 MRSA §603-A, sub-§2, ¶A**, as amended by PL 2009, c. 604, §1, is further amended to read:

A. The sulfur content for liquid fossil fuels is as follows.

(1) In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, a person may not use any residual

fuel oil with a sulfur content greater than 2.0% by weight; beginning January 1, 2018, the limit for those regions is 0.5% by weight.

(2) In the Portland Peninsula Air Quality Control Region, a person may not use any residual fuel oil with a sulfur content greater than 1.5% by weight; beginning January 1, 2018, the limit for that region is 0.5% by weight.

(3) Statewide, a person may not use a distillate fuel:

(a) Beginning January July 1, 2016, with a sulfur content greater than 0.005% by weight; and

(b) Beginning January 1, 2018, with a sulfur content greater than 0.0015% by weight.

The sulfur content requirements in this subparagraph do not apply to the use of distillate fuel for manufacturing purposes.

**Sec. 16. 38 MRSA §1871, first ¶**, as enacted by PL 2001, c. 434, Pt. B, §2, is amended to read:

The Interagency Task Force on Invasive Aquatic Plants and Nuisance Species, as established by Title 5, section 12004-D, subsection 6 and referred to in this chapter as the "task force," is established to advise the Land and Water Resources Council, established in Title 5, section 3331, department on matters pertaining to research, control and eradication of invasive aquatic plants and nuisance species.

**Sec. 17. 38 MRSA §1871, sub-§4**, as enacted by PL 2001, c. 434, Pt. B, §2, is amended to read:

**4. Duties.** The task force may make recommendations to the Land and Water Resources Council department on:

A. The importation and transportation of invasive aquatic plants and nuisance species;

B. Monitoring and educational programs aimed at the control of invasive aquatic plants and nuisance species;

C. A comprehensive state invasive aquatic plants and nuisance species management plan that meets the requirements of the National Invasive Species Act of 1996, 16 United States Code, Section 4722;

D. A statewide inventory of invasive aquatic plants and nuisance species;

E. Methods to improve cooperation of state, provincial, federal and nongovernmental agencies in the area of invasive aquatic plants and nuisance species prevention and control;

F. Recommendations on the feasibility of implementing lake protection assessment districts that allow residents and owners of land within 250 feet of inland waters to assess themselves to raise funds to assist in the prevention and control of invasive aquatic plants; and

G. Other recommendations as necessary to control the introduction of invasive aquatic plants and nuisance species in the State.

**Sec. 18. 38 MRSA §1872, first ¶,** as enacted by PL 2001, c. 434, Pt. B, §2, is amended to read:

The task force shall also recommend to the ~~Land and Water Resources Council department~~ an action plan to protect the State's inland waters from invasive aquatic plants and nuisance species. That plan may include, but is not limited to:

**Sec. 19. 38 MRSA §2124-A, 3rd ¶,** as amended by PL 2011, c. 655, Pt. GG, §31 and affected by §70, is further amended to read:

~~Beginning on January 1, 2013 and every odd numbered year thereafter, the The report submitted under this section must include an analysis of how the rate of fill at each solid waste landfill has affected the expected lifespan of that solid waste landfill and an analysis of consolidation of ownership in the disposal, collection, recycling and hauling of solid waste.~~

**Sec. 20. 38 MRSA §2124-A, 4th ¶,** as amended by PL 2011, c. 655, Pt. GG, §31 and affected by §70, is repealed.

**Sec. 21. 38 MRSA §2133, sub-§2-A,** as amended by PL 2011, c. 655, Pt. GG, §33 and affected by §70, is further amended to read:

**2-A. Assistance with managing solid waste.** ~~In accordance with section 343-C, the The department shall assist municipalities with managing solid waste. The department may also provide planning assistance to municipalities and regional organizations for managing municipal solid waste. Planning assistance may include cost and capacity analysis and education and outreach activities. The department shall provide assistance pursuant to this subsection in accordance with the waste management hierarchy in section 2101. Preference in allocating resources under this section must be given to municipalities that take advantage of regional economies of scale.~~

**Sec. 22. 38 MRSA §2133, sub-§2-B,** as amended by PL 2011, c. 655, Pt. GG, §33 and affected by §70, is further amended to read:

**2-B. Household hazardous waste collection.** The department may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts and sewer districts for household hazardous waste collection and disposal

programs. In implementing this program, the department shall attempt to:

- A. Coordinate the household hazardous waste collection programs with overall recycling and waste management;
- B. Encourage regional economies of scale;
- C. Coordinate programs between private and public institutions;
- D. Maximize opportunities for federal grants and pilot programs; and
- E. By January 1, 2002 and as necessary thereafter, fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for hazardous waste that is universal waste, as identified in board rules, generated by households, small-quantity generators, public schools and municipalities.

~~Preference in allocating resources under this subsection must be given to municipalities that participate in a household hazardous waste collection region as defined in subsection 2-D.~~

At a minimum, the department shall award grants to public schools and municipalities for reasonable costs incurred as a result of managing waste mercury-added products generated by those public schools and municipalities, in compliance with the requirements in sections 1663 and 1664, that would not otherwise be incurred by complying with existing laws, rules or regulations as of July 15, 2002.

**Sec. 23. 38 MRSA §2133, sub-§2-D,** as amended by PL 2011, c. 655, Pt. GG, §33 and affected by §70, is repealed.

See title page for effective date.

## CHAPTER 301

### S.P. 588 - L.D. 1545

#### An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms

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

**Sec. 1. 12 MRSA §6072, sub-§13, ¶G,** as amended by PL 2003, c. 660, Pt. A, §12, is further amended to read:

~~G. For adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site; and. A change in authorization is not an adjudica-~~

tory proceeding. The regulations must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete species or gear must be consistent with the findings made under subsection 7-A when the lease was approved.

**Sec. 2. 12 MRSA §6072-A, sub-§1,** as amended by PL 2003, c. 247, §9, is further amended to read:

**1. Authority.** The commissioner may issue a limited-purpose lease for areas in, on and under the coastal waters, including the public lands beneath those waters and portions of the intertidal zone, for commercial aquaculture research and development or for scientific research. The commissioner or the deputy commissioner acting on the commissioner's behalf may authorize in writing qualified professional department staff to issue a final decision and sign a lease document on an application for a limited-purpose lease. A decision issued by department staff pursuant to this subsection is a final agency action with respect to that lease application. The commissioner may adopt regulations for adding or deleting authorization for the holder of an aquaculture lease to grow specific species and use specific gear on the lease site. The commissioner may grant authorization for species or gear amendments under this subsection only:

A. After giving notice of the proposed amendment to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located. The notice must provide an opportunity to submit written comments on the proposed amendment within 14 days; and

B. Upon a determination by the commissioner that the amendment is consistent with the findings made under subsection 13 when the lease was approved.

**Sec. 3. 12 MRSA §6072-A, sub-§8,** as amended by PL 2001, c. 122, §1, is further amended to read:

**8. Rules; general and lease application.** The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written per-

mission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the lessee, the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add or delete species or gear must be consistent with the findings made under subsection 13 when the lease was approved.

**Sec. 4. 12 MRSA §6074, sub-§1,** as amended by PL 1999, c. 156, §§2 and 3, is further amended to read:

**1. Exception.** A special license shall does not permit the holder to sell or, beyond the state limits, to ship or transport any marine organism that is less than the minimum size established by statute. This subsection shall does not apply to:

B. Any species grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement; or

C. Scallop spat collected under the authority of a special license and sold for the purpose of placement on a lease site authorized pursuant to section 6072 or 6072-A or under the authority of a license issued pursuant to section 6072-C. For purposes of this paragraph, until September 1, 2015, "scallop spat" means scallops less than 40 millimeters in the longest diameter and, beginning September 1, 2015, "scallop spat" means scallops less than 25 millimeters in the longest diameter.

**Sec. 5. 12 MRSA §6074, sub-§8, ¶F,** as enacted by PL 2003, c. 104, §2, is amended to read:

F. A teacher who is providing a primary or secondary or postsecondary school program for educational purposes only.

**Sec. 6. 12 MRSA §6078-A, sub-§1,** as amended by PL 2009, c. 240, §15, is further amended to read:

**1. Fund established.** The Aquaculture Monitoring, Research and Development Fund, referred to in this section as "the fund," is established. In addition to the fees derived pursuant to rules adopted under subsection 6, the commissioner may receive on behalf of the fund funds from any source. All income received by the commissioner under this section must be deposited with the Treasurer of State, tracked according to its source and credited to the fund. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. Any interest earned on assets of the fund is cred-

ited to the fund. All records related to harvests submitted by aquaculture lease holders are considered proprietary information for the purposes of section 6077, subsection 4.

**Sec. 7. 12 MRSA §6140-B, sub-§4, ¶C,** as enacted by PL 2007, c. 240, Pt. QQ, §9, is amended to read:

C. Atlantic salmon raised by means of aquaculture, except that Atlantic salmon raised in a hatchery for the purpose of restoration are not exempt.

**Sec. 8. 12 MRSA §6431, sub-§6-B,** as enacted by PL 2011, c. 247, §2, is amended to read:

**6-B. Exception; lobster processing; rules.** A person who holds both a wholesale seafood license with a lobster permit and a lobster processor license and who possesses lobster in accordance with subsection 6 may process those imported lobsters in accordance with rules adopted by the commissioner, as long as the following criteria are met:

- A. The lobsters are not harvested or landed in this State;
- B. The lobsters are legal in the waters from which they were harvested; and
- C. The lobsters are not less than the minimum size established in this section.

Lobster tails processed under this subsection may not be offered for sale within this State in the wholesale or retail trade. Lobster meat processed from the claws and knuckles may be sold within this State in the wholesale or retail trade.

This subsection takes effect November 1, 2011 and is repealed 90 days after the adjournment of the First Regular Session of the 126th Legislature.

**Sec. 9. 12 MRSA §6505-A, sub-§2-B,** as amended by PL 2013, c. 8, §2, is further amended to read:

**2-B. Elver lotteries.** The commissioner shall establish a dual lottery system under which the number of pieces of gear authorized does not exceed the number of pieces of gear authorized as of December 31, 2011, except that beginning in 2013 that number must be increased to include an additional 25 dip nets.

A. The commissioner shall establish an elver gear lottery under which gear authorizations for use under a license issued under subsection 1 that is not renewed become available to other license holders in the elver gear lottery.

(1) The elver gear lottery must be held on or before February 15th of each calendar year beginning in 2013.

(2) In order to be eligible for the elver gear lottery, a person must hold an elver fishing li-

cense pursuant to subsection 1 and must have authorization to use only a dip net.

(3) In order to be eligible for the elver gear lottery, a person must submit to the Commissioner of Marine Resources a lottery application together with a \$25 nonrefundable application fee no later than January 15th for the lottery to be held by the following February 15th.

(4) A person may submit no more than one elver gear lottery application per lottery year.

(5) A person selected in the elver gear lottery must relinquish a dip net authorization that person holds in exchange for authorization to use an elver fyke net.

B. The commissioner shall establish an elver fishing license lottery under which a person who did not hold an elver fishing license in the previous calendar year may become eligible to obtain that license. The number of persons issued licenses under this paragraph may not exceed the number of individual gear authorizations remaining after the elver gear lottery.

(1) The elver fishing license lottery must take place after the elver gear lottery.

(2) The elver fishing license lottery must be held on or before February 15th of each calendar year beginning in 2013.

(3) In order to be eligible for the elver fishing license lottery, a person must submit a lottery application together with a \$25 nonrefundable application fee no later than January 15th of the same calendar year as the lottery.

(4) A person may submit no more than one elver fishing license lottery application per lottery year.

The commissioner shall adopt rules no later than December 31, 2012 to implement the elver gear lottery and the elver fishing license lottery. The rules must include provisions for the method and administration of the lotteries. The elver gear lottery must be set up so that gear authorizations associated with a license that is not renewed go into the elver gear lottery. If a person who held a license that is not renewed has 2 authorized pieces of gear, the gear authorizations must be divided and made available to 2 lottery entrants. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Application fees collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D.

Notwithstanding any other provision of this section, the commissioner may not hold a lottery under this subsection.

**Sec. 10. 12 MRSA §6505-A, sub-§5-A** is enacted to read:

**5-A. Possession of elvers.** The holder of an elver fishing license may possess elvers only during the open season established in section 6575 and for up to 6 hours beyond the end of the open season.

**Sec. 11. 12 MRSA §6575-E**, as amended by PL 2001, c. 272, §13, is further amended to read:

#### **§6575-E. Method of eel fishing**

Except as provided in section 6505-C, subsection 2, it is unlawful for a person licensed under section 6505-C to fish for or take eels by any method other than eel pot or hoop net.

**Sec. 12. 12 MRSA §6575-H, sub-§1**, as enacted by PL 2013, c. 49, §15, is repealed and the following enacted in its place:

**1. Sale of elvers.** A person may not sell elvers except as follows.

A. A person may not sell elvers except to a person who holds a valid elver dealer's license under section 6864 or a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864.

B. A person may not accept payment for elvers in any form other than a check or cashier's check that identifies both the buyer and the seller, unless the purchaser provides to the seller a written or electronic receipt that identifies both the seller and buyer, each of whom must be a person holding a license issued under section 6864, a person who, pursuant to section 6864, subsection 9, is an authorized representative of a person holding a license issued under section 6864 or a person holding a license issued under section 6505-A.

**Sec. 13. 12 MRSA §§6575-I and 6575-J** are enacted to read:

#### **§6575-I. Assisting in illegal harvest of elvers**

**1. Prohibition.** A person may not assist another person to harvest elvers in violation of any law or rule pertaining to elvers. For the purposes of this section, "assist" includes, but is not limited to, providing transportation or providing services as a lookout in order to avoid detection or to warn an elver harvester of impending law enforcement action.

**2. Violation.** A person who violates this section commits a civil violation for which a fine of \$2,000 must be adjudged. A court may not suspend any portion of a fine imposed under this subsection.

#### **§6575-J. Seizure of illegally harvested elvers**

In addition to any other penalty imposed, elvers that are purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegally harvested elvers may be seized.

**Sec. 14. 12 MRSA §6671, sub-§8, ¶B**, as amended by PL 2001, c. 188, §8, is further amended to read:

B. Any municipal shellfish conservation warden appointed by a municipality to enforce the provisions of this article must be certified by the commissioner within one year of the warden's appointment. The commissioner shall establish a program to provide shellfish conservation training in principles of shellfish conservation, management, enforcement and protection and shall establish standards for certification of municipal conservation wardens upon their satisfactory completion of the training program. The program must include training in sampling techniques for the detection of pollutants and contaminants in shellfish areas. The commissioner may establish by rule procedures for certification, recertification and revocation of certification. The commissioner may revoke a certificate for failure of the warden to comply with performance standards.

**Sec. 15. 12 MRSA §6702, sub-§4**, as amended by PL 2007, c. 607, Pt. A, §2, is further amended to read:

**4. Personal use exception.** In any one day, a person licensed pursuant to section 6703 may take or possess not more than one bushel of shell scallops or 2 quarts one gallon of shucked scallops for personal use without a scallop dragging license under this section.

**Sec. 16. 12 MRSA §6703, sub-§3**, as amended by PL 2007, c. 607, Pt. A, §3, is further amended to read:

**3. License limitation; quantity.** In any one day, the holder of a noncommercial scallop license may not take or possess more than one bushel of shell scallops or 2 quarts one gallon of shucked scallops.

**Sec. 17. 12 MRSA §6749-N, sub-§1**, as amended by PL 1995, c. 595, §2 and affected by §6, is further amended to read:

**1. Zone 1.** Zone 1, from May 1st to July 31st. For the purposes of this article, "Zone 1" means all coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker BW "11" RW "11" located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great

~~Spruce Head located in the Town of Northport, then running southerly to Graves channel marker northeast southeast of the Town of Camden, then running south-easterly to the Penobscot Bay Buoy "PB" east of Rockland harbor, then running southerly to the TBI whistle southwest of Junken Ledge, then running southeasterly to Red Nun #10 buoy at Foster Ledges, then running due south magnetic to the boundary of the State's coastal waters; and~~

**Sec. 18. 12 MRSA §6752,** as enacted by PL 1977, c. 661, §5, is amended to read:

**§6752. Exception for personal use**

Any person may take or possess not more than ~~125~~ 50 marine worms in any one day for personal use without a marine worm digger's license or a marine worm dealer's license.

**Sec. 19. 12 MRSA §6804, sub-§5,** as amended by PL 2003, c. 248, §10, is further amended to read:

**5. Exemption.** Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport up to one standard fish tote of northern shrimp only for personal use. This exemption does not apply to an individual whose ability to obtain a commercial northern shrimp license has been suspended by the commissioner.

**Sec. 20. 12 MRSA §6864, sub-§1-A** is enacted to read:

**1-A. Limits on issuance.** The department may not issue an elver dealer's license or a supplemental license for the following licensing year after February 1st of the current licensing year.

**Sec. 21. 12 MRSA §6864, sub-§2,** as amended by PL 2011, c. 549, §9, is further amended to read:

**2. License limited.** An elver dealer's license authorizes the licensed activities at only one permanent facility. For the purposes of this section, "permanent facility" means a permanent building that is owned or legally leased by the license holder and is not a dwelling.

**Sec. 22. 12 MRSA §6864, sub-§10,** as amended by PL 2013, c. 49, §17, is further amended to read:

**10. Purchase of elvers.** A person who holds an elver dealer's license, or the authorized representative of that person under subsection 9, may purchase elvers from licensed harvesters at locations other than the permanent facility identified on the license holder's license. The license holder or the license holder's authorized representative shall keep a record that identifies each harvester from which elvers were purchased and the amount of elvers purchased from each harvester. The license holder or the license holder's au-

thorized representative shall make the record available for inspection by a marine patrol officer. The license holder or the license holder's authorized representative may not purchase elvers ~~for cash or credit or provide to any person any goods, wares, merchandise or other articles or with any form of payment in exchange for elvers other than a check or cashier's check that identifies both the seller and the buyer, unless the purchaser provides the seller a written or electronic receipt that identifies both the seller and buyer, each of whom must be a person holding a license issued under this section, a person who, pursuant to subsection 9, is an authorized representative of a person holding a license issued under this section or a person holding a license issued under section 6505-A.~~

**Sec. 23. 12 MRSA §6864, sub-§12,** as enacted by PL 2013, c. 49, §18, is repealed.

See title page for effective date.

## CHAPTER 302

### H.P. 100 - L.D. 118

**An Act To Ensure the  
Authenticity of Items Reported  
To Have Been Crafted by  
Native Americans**

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

**Sec. 1. 10 MRSA c. 228** is enacted to read:

## CHAPTER 228

### SALE OF INDIAN ARTS AND CRAFTS PRODUCTS

**§1500-G. Unlawful acts; deceptive trade practice**

**1. False representation of authentic Indian products.** A person may not offer or display for sale or sell a good in a manner that falsely suggests it is Indian-produced, an Indian product or the product of a particular Indian or Indian tribe or Indian arts and crafts organization in a manner that violates 25 United States Code, Section 305e.

**2. Unfair trade practice.** A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10. An action brought under this chapter by the Office of the Attorney General may not preclude a person from bringing a civil action to obtain injunctive or equitable relief or damages under 25 United States Code, Section 305e.

See title page for effective date.

## CHAPTER 303

### H.P. 775 - L.D. 1106

#### **An Act To Develop a Grant Program To Establish a Teacher-led School Model**

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

**Sec. 1. 20-A MRSA §2651, sub-§2,** as enacted by PL 2011, c. 446, §1, is amended to read:

**2. Use of fund.** The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, teacher-led schools, innovative public school districts or innovative public school zones; regional delivery of educational services; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit, municipality or county without the need for additional grants from the fund or other sources.

**Sec. 2. 20-A MRSA §6213, sub-§§1 and 2,** as enacted by PL 2011, c. 446, §2, are amended to read:

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Innovative, autonomous public school" or "school" means an innovative, autonomous public school established pursuant to section 6212.

B. "Innovation plan" means a plan for the creation and operation of an innovative, autonomous public school, a teacher-led school or innovative zone or district as described in subsections 2, 3 and 4.

C. "Innovative public school district" or "district" means a school administrative unit in which all schools operated by the school administrative unit are innovative, autonomous public schools or teacher-led schools included in an innovation plan approved pursuant to this section and implemented by the school board.

D. "Innovative public school zone" or "zone" means 2 or more innovative, autonomous public schools or teacher-led schools operated by a school administrative unit that share common interests, such as their geographical location or educational focus, or that sequentially serve classes of

students as they progress through elementary and secondary education and in which a school board implements an innovation plan approved pursuant to this section.

E. "Public school" has the same meaning as in section 1, subsection 24.

F. "Teacher-led school" means a public school in which teachers employed at the school are responsible for the decision making and governance of the school.

**2. School-initiated innovation plan.** A public school or a group of 2 or more public schools in a school administrative unit may submit to its school board an innovation plan. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school or teacher-led school that is not in conflict with applicable statutory and regulatory requirements.

A. A school board shall receive and review each innovation plan submitted pursuant to this subsection. The school board shall either approve or disapprove the innovation plan within 60 days after receiving the plan.

B. If the school board rejects the innovation plan, it shall provide to the public school or public schools that submitted the plan a written explanation of the basis for its decision. A public school or public schools may submit an amended innovation plan at any time.

C. If the school board approves the plan, it shall proceed to seek the commissioner's approval of the public school or public schools as an innovative, autonomous public school, a teacher-led school, an innovative public school zone or an innovative public school district pursuant to subsection 9.

**Sec. 3. 20-A MRSA §6213, sub-§9,** as enacted by PL 2011, c. 446, §2, is amended to read:

**9. Commissioner's approval.** A school board shall submit school, zone or district innovation plans approved pursuant to subsection 4, paragraph J to the commissioner.

A. Within 60 days after receiving an innovation plan for a school, zone or district, the commissioner shall approve the innovation plan unless the commissioner concludes that the plan:

- (1) Is likely to result in a decrease in academic achievement in the innovative school, zone or district; or
- (2) Is not fiscally feasible.

B. If the commissioner does not approve the innovation plan, the commissioner shall provide to the school board a written explanation of the basis for the decision. The school board may submit an amended innovation plan for the commissioner's approval at any time.

Nothing in this subsection may prevent or may be construed to prevent the commissioner from approving an innovation plan to create an innovative public school district when the innovation plan is created by a school board for a school administrative unit that operates only one innovative, autonomous public school or teacher-led school.

**Sec. 4. 20-A MRSA §6213, sub-§14, ¶A,** as enacted by PL 2011, c. 446, §2, is amended to read:

A. Following review of a school's performance, if the school board finds that the academic performance of students enrolled in the school is not improving at a sufficient rate, the school board may revoke the designation of the school as an innovative, autonomous public school or teacher-led school.

**Sec. 5. 20-A MRSA §6213, sub-§15, ¶B,** as enacted by PL 2011, c. 446, §2, is amended to read:

B. The number of innovative, autonomous public schools, the number of teacher-led schools and the number of innovative public school zones and innovative public school districts, including the number of schools in each zone and district and the number of students served in the schools and zones, expressed as a total number and as a percentage of the students enrolled in the district;

**Sec. 6. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 2011, c. 446, §3, is further amended to read:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

- (1) Any municipality or any subdivision of a municipality;
- (2) Any school, water, sewer, fire or other district;
- (3) The Maine Turnpike Authority;
- (5) Any county or subdivision of a county;
- (6) The Maine Public Employees Retirement System;
- (7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; or
- (8) Any innovative, autonomous public school, innovative public school district or, innovative public school zone or teacher-led

school created and operated under Title 20-A, section 6212 or 6213;

See title page for effective date.

## CHAPTER 304

H.P. 587 - L.D. 836

### An Act Regarding the Use of Mobile Poultry Processing Units

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

**Sec. 1. 22 MRSA §2511, sub-§§26-A and 26-B** are enacted to read:

**26-A. Locally owned grocery store.** "Locally owned grocery store" means a grocery store at least 51% of which is owned by one or more residents of the State and that has a gross floor area of 25,000 square feet or less.

**26-B. Locally owned restaurant.** "Locally owned restaurant" means an eating establishment at least 51% of which is owned by one or more residents of the State and that is not a chain restaurant pursuant to section 2491, subsection 2-B.

**Sec. 2. 22 MRSA §2511, sub-§29-A** is enacted to read:

**29-A. Mobile poultry processing unit.** "Mobile poultry processing unit" means a poultry slaughterhouse that meets the structural, operational and licensing requirements of a mobile poultry processing unit under the federal acts and that is operated by a person licensed under section 2514.

**Sec. 3. 22 MRSA §2514, sub-§1, ¶¶K and L,** as enacted by PL 1999, c. 777, §1, are amended to read:

K. Handlers of dead, dying, disabled or diseased animals; and

L. Any other category that the commissioner may by rule establish; and

**Sec. 4. 22 MRSA §2514, sub-§1, ¶M** is enacted to read:

**M. Mobile poultry processing unit operators.**

**Sec. 5. 22 MRSA §2517-C, sub-§2, ¶¶C and D,** as enacted by PL 2009, c. 354, §3, are amended to read:

C. Delivered to a consumer's home by the poultry producer whose name and license number appear on the label under subsection 3; or

D. Received by a person who is a member of a community supported agriculture farm that has a

direct marketing relationship with the poultry producer. For the purposes of this section, "community supported agriculture" means an arrangement whereby individual consumers have agreements with a farmer to be provided with food or other agricultural products produced on that farm.

**Sec. 6. 22 MRSA §2517-C, sub-§2, ¶¶E and F** are enacted to read:

- E. To a locally owned grocery store; or
- F. To a locally owned restaurant.

**Sec. 7. 22 MRSA §2517-C, sub-§3,** as enacted by PL 2009, c. 354, §3, is amended to read:

**3. Labeling requirements for sales at farmers' markets, locally owned grocery stores and locally owned restaurants.** A poultry producer may not sell poultry products that have not been inspected at a farmers' market, to a locally owned grocery store or a locally owned restaurant pursuant to subsections 1 and 2 unless the poultry products are labeled with:

- A. The name of the farm, the name of the poultry producer and the address of the farm including the zip code;
- B. The number of the license issued to the poultry producer in accordance with section 2514 and the lot number for the poultry products pursuant to subsection 1, paragraph F;
- C. The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517-C NOT INSPECTED." The statement must be prominently displayed with such conspicuously that it is likely to be read and understood; and
- D. Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

See title page for effective date.

**CHAPTER 305  
H.P. 126 - L.D. 151**

**An Act To Allow 2 Eligible  
Organizations To Jointly Hold  
a Game of Beano or Bingo**

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

**Sec. 1. 17 MRSA §314, 2nd ¶,** as amended by PL 1997, c. 684, §1, is further amended to read:

The fee for such a license to any nonprofit organization is \$12.00 for each calendar week, or portion thereof, that the amusement is to be operated, or the license may be issued for a calendar month for a fee of \$36.00 or a calendar year for a fee of \$400. A special per-game license may be issued to any qualified nonprofit organization for the purposes of operating a game of "beano" or "bingo" for a fee of \$5.00. The special per-game license may not be issued more than 6 times to any one organization in a calendar year. All license fees must be paid to the Treasurer of State to be credited to the General Fund. A license is not assignable or transferable. Nothing contained in this section may be construed to prohibit any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious, veterans' organization or auxiliary of any of them from obtaining licenses for a period not to exceed 6 months on one application. No more than one license may be issued to any organization for any one period. ~~No Except as provided in section 315-A, no~~ more than one licensee may operate or conduct a game of "beano" or "bingo" on the same premises on the same date.

**Sec. 2. 17 MRSA §315-A** is enacted to read:

**§315-A. Limited dual beano license**

The Chief of the State Police may issue a limited dual beano license to 2 organizations eligible for a regular license to conduct a game of beano. A limited dual beano license permits 2 organizations to conduct beano jointly on the same date and at the same location. An organization may only conduct beano under the authority of a dual license on 2 occasions during a calendar year. The following provisions apply to licensure under this section.

**1. Application.** The 2 organizations wishing to conduct beano jointly shall submit an application to the Chief of the State Police in a manner prescribed by the chief.

**2. Lead applicant.** One organization must be identified as the lead applicant and acknowledge responsibility for any violation of the laws or rules governing beano committed during the conduct of the game.

**3. Disposition of revenue.** Revenue received from the conduct of the game must be divided in equal amounts between both organizations. Each organization shall file a disposition of funds report as if that organization had conducted beano independently.

**4. License fee.** The license fee for a limited dual beano license is \$12.

**5. Sealed tickets.** A limited dual beano license does not authorize the licensed organizations to sell sealed tickets jointly.

**6. Application of other laws.** Unless otherwise provided by this section, the provisions of this chapter and rules adopted in accordance with this chapter apply to beano games conducted under a limited dual beano license.

See title page for effective date.

## CHAPTER 306 S.P. 125 - L.D. 329

### An Act To Reduce the Licensing Fee for Certain Tournament Games

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

**Sec. 1. 17 MRSA §1836, sub-§3-A, ¶A,** as enacted by PL 2011, c. 325, §3, is amended to read:

A. For tournament games that do not exceed 100 players:

- (1) ~~One hundred fifty~~ Seventy-five dollars per tournament license;
- (2) ~~Two hundred fifty~~ Two hundred dollars for a monthly license; and
- (3) ~~Three thousand~~ Fifteen hundred dollars for an annual license; and

**Sec. 2. 17 MRSA §1836, sub-§4,** as amended by PL 2011, c. 325, §4, is further amended to read:

**4. Tournament.** The organization licensed to conduct a tournament game under this section shall display the rules of the tournament game and the license issued. The maximum number of players allowed is 100 unless the tournament game is held on premises owned by the licensee, in which case the maximum number of players allowed is 300. Winners are determined by a process of elimination. The use of currency is prohibited as part of tournament game play. The maximum entry fee to play in the tournament game is \$100, except the organization may add to the player entry fee to defray the cost of the license fee, as long as the total additional amount collected from all players does not exceed \$125. An organization that holds a per tournament license may collect up to \$150 to defray the cost of the license fee. Only one entry fee is permitted per person. A tournament game must be completed within 48 hours. Other games of chance on the premises are prohibited during a tournament game, except for lucky seven or similar sealed tickets and no more than one 50/50 raffle per tournament with a prize value up to \$1,000. This subsection

does not prohibit a licensee from conducting one winner-take-all hand per tournament game with a bet limit of \$5. The total number of bets received in a winner-take-all round must be awarded to the winner or in the case of multiple winners divided among them as evenly as possible. All prizes awarded in accordance with this subsection must be paid in cash.

See title page for effective date.

## CHAPTER 307 H.P. 805 - L.D. 1140

### An Act To Amend the State Government Evaluation Act

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

**Sec. 1. 3 MRSA §955, sub-§1,** as enacted by PL 1995, c. 488, §2, is amended to read:

**1. Review established.** The committee of jurisdiction shall establish its agency review schedule in accordance with this chapter and upon approval of the necessary resources by the Legislative Council. The committee of jurisdiction shall request from each agency and independent agency scheduled for review under section 959 a single-page list of organizational units and programs within each organizational unit by March 1st of the first regular session of the Legislature. The agency or independent agency shall provide the list to the committee of jurisdiction by April 1st of the first regular session of the Legislature. The committee of jurisdiction shall provide ~~each~~ an agency or independent agency with a written notice of its intent to review ~~an~~ the agency or independent agency by ~~no later than~~ May 1st of the first regular session of the Legislature.

**Sec. 2. 3 MRSA §956, sub-§2, ¶B,** as enacted by PL 1995, c. 488, §2, is amended to read:

B. A description of each program administered by the agency or independent agency, including the following for each program:

- (1) Established priorities, including the goals and objectives in meeting each priority;
- (2) Performance criteria, timetables measures or other benchmarks used by the agency to measure its progress in achieving the goals and objectives; and
- (3) An assessment by the agency indicating the extent to which it has met the goals and objectives, using the performance criteria measures. When an agency has not met its goals and objectives, the agency shall identify the reasons for not meeting them and the cor-

rective measures the agency has taken to meet the goals and objectives;

**Sec. 3. 3 MRSA §956, sub-§2, ¶D,** as enacted by PL 1995, c. 488, §2, is repealed.

**Sec. 4. 3 MRSA §956, sub-§2, ¶F,** as enacted by PL 1995, c. 488, §2, is repealed.

**Sec. 5. 3 MRSA §956, sub-§2, ¶M,** as amended by PL 2001, c. 495, §2, is further amended to read:

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement; and

**Sec. 6. 3 MRSA §956, sub-§2, ¶N,** as enacted by PL 2001, c. 495, §3, is amended to read:

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

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

**Sec. 7. 3 MRSA §956, sub-§2, ¶¶O and P** are enacted to read:

O. A list of reports required by the Legislature to be prepared or submitted by the agency or independent agency; and

P. A copy of the single-page list of organizational units and programs within each organizational unit required pursuant to section 955, subsection 1, placed at the front of the report.

**Sec. 8. 3 MRSA §957,** as amended by PL 2001, c. 495, §4, is repealed and the following enacted in its place:

#### **§957. Committee analysis and recommendations; authority**

For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 952, the committee of jurisdiction may conduct an analysis and evalua-

tion that may include, but need not be limited to, an evaluation of the program evaluation report submitted pursuant to section 956, subsection 1, including:

**1. Statutory authority.** The extent to which the agency or independent agency operates in accordance with its statutory authority;

**2. Goals and objectives.** The degree of success in meeting the agency's or independent agency's goals and objectives for each program, including population served;

**3. Statutory and administrative mandates.** The degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandates; and

**4. Filing requirements.** The extent to which the agency or independent agency has increased or reduced filing requirements and paperwork duplication burdens on the public.

In consultation with the Legislative Council, the committee of jurisdiction shall select agencies or independent agencies for review either in accordance with the scheduling guidelines provided in this chapter or at any time determined necessary by the committee.

**Sec. 9. Update statutory dates for State Government Evaluation Act review of agencies.** The Joint Standing Committee on State and Local Government may report out a bill to the Second Regular Session of the 126th Legislature updating dates in statute for State Government Evaluation Act review of agencies under the jurisdiction of joint standing committees.

See title page for effective date.

## **CHAPTER 308**

**S.P. 395 - L.D. 1134**

### **An Act To Allow Collaborative Practice Agreements between Authorized Practitioners and Pharmacists**

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

**Sec. 1. 32 MRSA §13702-A, sub-§§2-A and 2-B** are enacted to read:

**2-A. Collaborative drug therapy management.** "Collaborative drug therapy management" means the initiating, monitoring, modifying and discontinuing of a patient's drug therapy by a pharmacist as authorized by a practitioner in accordance with a collaborative practice agreement. "Collaborative drug therapy management" includes collecting and reviewing patient histories; obtaining and checking vital signs, including

pulse, temperature, blood pressure and respiration; and, under the supervision of, or in direct consultation with, a practitioner, ordering and evaluating the results of laboratory tests directly related to drug therapy when performed in accordance with approved protocols applicable to the practice setting and when the evaluation does not include a diagnostic component.

**2-B. Collaborative practice agreement.** "Collaborative practice agreement" means a written and signed agreement between one or more pharmacists with training and experience relevant to the scope of the collaborative practice and a practitioner that supervises or provides direct consultation to the pharmacist or pharmacists engaging in collaborative drug therapy management that:

- A. Defines the collaborative practice, which must be within the scope of the supervising practitioner's practice, in which the pharmacist or pharmacists may engage;
- B. States the beginning and ending dates of the period of time during which the agreement is in effect; and
- C. Includes individually developed guidelines for the prescriptive practice of the participating pharmacist or pharmacists.

**Sec. 2. 32 MRSA §13702-A, sub-§28,** as amended by PL 2011, c. 577, §1, is further amended to read:

**28. Practice of pharmacy.** "Practice of pharmacy" means the interpretation and evaluation of prescription drug orders; the compounding, dispensing and labeling of drugs and devices, except labeling by a manufacturer, packer or distributor of nonprescription drugs and commercially packaged legend drugs and devices; the participation in drug selection and drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of proper records for these drugs and devices; the administration of vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to adults; the performance of collaborative drug therapy management; the responsibility for advising, when necessary or regulated, of therapeutic values, content, hazards and use of drugs and devices; and the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy.

**Sec. 3. 32 MRSA §13735, first ¶,** as amended by PL 2009, c. 308, §2, is further amended to read:

An annual renewal license may not be issued by the board until the applicant certifies to the board that,

during the calendar year preceding an application for renewal, the applicant has participated in not less than 15 hours of approved courses of continuing professional pharmaceutical education as set out in this section. Of the 15 hours to be completed, at least 2 hours must be in board-approved courses on drug administration as described in section 13702-A, subsection 28. A pharmacist who enters into a collaborative practice agreement must agree to complete, in each year of the agreement, 5 of the 15 hours required in this section in the areas of practice covered by the agreement. The continuing professional pharmaceutical educational courses consist of postgraduate studies, institutes, seminars, workshops, lectures, conferences, extension studies, correspondence courses or such other forms of continuing professional pharmaceutical education as may be approved by the board.

**Sec. 4. 32 MRSA c. 117, sub-c. 14** is enacted to read:

## **SUBCHAPTER 14**

### **COLLABORATIVE DRUG THERAPY MANAGEMENT**

#### **§13841. Authority**

**1. Engage in collaborative drug therapy management.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13842 and rules adopted by the board may engage in collaborative drug therapy management pursuant to a collaborative practice agreement with a practitioner.

**2. Scope of authority.** A pharmacist engaging in collaborative drug therapy management pursuant to subsection 1 is entitled to adequate access to a patient's history, disease status, drug therapy and laboratory and procedure results and may:

- A. Collect and review a patient's history;
- B. Obtain and check vital signs;
- C. Order and evaluate the results of laboratory tests directly related to drug therapy under the supervision of, or in direct consultation with, a practitioner and in accordance with approved protocols applicable to the practice setting and when the evaluation does not include a diagnostic component; and
- D. Initiate, monitor, modify and discontinue drug therapy for a particular patient pursuant to the collaborative practice agreement with a practitioner who is treating the patient, as long as the action is reported to the practitioner in a timely manner as determined by rules adopted pursuant to section 13846.

**§13842. Qualifications**

In order to enter into a collaborative practice agreement with a practitioner under this subchapter, a pharmacist must:

**1. License.** Hold a valid unrestricted pharmacist license in this State;

**2. Training.** Submit evidence acceptable to the board that the pharmacist:

A. Possesses certification from the Board of Pharmacy Specialties or successor organization or has completed an accredited residency program. If the residency program is not in the area of practice covered by the agreement, the pharmacist must complete a continuing education certificate program of at least 15 hours of continuing education in each clinical area of practice covered by the agreement;

B. Has graduated with a Doctor of Pharmacy degree from a college of pharmacy accredited by the American Council on Pharmaceutical Education, has 2 years of professional experience and has completed a continuing education certificate program of at least 15 hours of continuing education in each clinical area of practice covered by the agreement; or

C. Has graduated with a Bachelor of Science in Pharmacy degree from a college of pharmacy accredited by the American Council on Pharmaceutical Education, has 3 years of professional experience and has completed a continuing education certificate program of at least 15 hours of continuing education in each clinical area of practice covered by the agreement.

**§13843. Collaborative practice agreement**

A pharmacist may engage in collaborative drug therapy management pursuant to a collaborative practice agreement in accordance with this section.

**1. Submit to board.** The pharmacist shall submit a copy of the collaborative practice agreement to the board and the licensing board that licenses the practitioner prior to the commencement of the collaborative practice.

**2. Review and revision.** The signatories to a collaborative practice agreement shall establish a procedure for reviewing and, if necessary, revising the procedures and protocols of the collaborative practice agreement.

**3. Health information privacy.** Services provided pursuant to a collaborative practice agreement must be performed in compliance with the federal Health Insurance Portability and Accountability Act of 1996, 42 United States Code, Section 1320d et seq. and its regulations, 45 Code of Federal Regulations, Parts 160-164.

**4. Amendments to agreement.** Amendments to a collaborative practice agreement must be documented, signed and dated.

**5. Assessment; risk management.** A collaborative practice agreement must include a plan for measuring and assessing patient outcomes and must include proof that liability insurance is maintained by all parties to the agreement.

**6. Contents of agreement.** A practitioner and a pharmacist desiring to engage in collaborative practice in accordance with this subchapter shall execute a collaborative practice agreement that must contain, but is not limited to:

A. A provision that states that activity in the initial 3 months of a collaborative practice agreement is limited to monitoring drug therapy. After the initial 3 months, the practitioner and pharmacist shall meet to review the collaborative practice agreement and determine the scope of the agreement, which may after the initial 3 months include a pharmacist's initiating, monitoring, modifying and discontinuing a patient's drug therapy and reporting these actions to the practitioner in a timely manner in accordance with rules adopted pursuant to section 13846;

B. Identification and signatures of the parties to the collaborative practice agreement, the dates the agreement is signed and the beginning and ending dates of the period of time during which the agreement is in effect;

C. A provision that allows either party to cancel the collaborative practice agreement by written notification;

D. Specification of the site and setting at which the collaborative practice will occur;

E. Specification of the qualifications of the participants in the collaborative practice agreement;

F. A detailed description of the types of diseases, drugs or drug categories involved and collaborative drug therapy management allowed in each patient's case; and

G. A procedure for the referral of each patient to the practitioner.

**§13844. Conditions or diseases managed; scope of practice**

**1. Generally accepted standards of care.** A pharmacist may engage in collaborative drug therapy management pursuant to a collaborative practice agreement only for conditions or diseases with generally accepted standards of care.

**2. Prohibition.** A pharmacist who is engaged in collaborative drug therapy management pursuant to a collaborative practice agreement may not, as part of

the collaborative practice, participate in research or clinical or investigational trials.

**3. Limitation.** A collaborative practice agreement may include only the conditions or diseases to be managed that meet the qualifications and scope of practice for each party to the agreement.

#### **§13845. Practice protocols**

A pharmacist may engage in collaborative drug therapy management in compliance with a treatment protocol established by the practitioner with whom the pharmacist has a collaborative practice agreement. A copy of the treatment protocol must be submitted to the board. At a minimum, the treatment protocol must include a statement by the practitioner that describes the activities in which the pharmacist is authorized to engage and a provision that allows the practitioner, when appropriate, to override a collaborative practice decision made by the pharmacist.

#### **§13846. Rules**

The board and the Board of Licensure in Medicine, after consultation with the Department of Health and Human Services, shall adopt rules to implement this subchapter. The rules must include rules establishing record-keeping and documentation procedures and reporting requirements and must allow for electronic filing when possible. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### **§13847. Exemptions**

Nothing in this subchapter may be construed to limit the scope of practice of a pharmacist pursuant to this chapter or to apply to collaborative practice agreements entered into between a pharmacist and a hospital solely for the treatment of inpatients at the hospital.

See title page for effective date.

## **CHAPTER 309 H.P. 336 - L.D. 486**

### **An Act To Provide for the Effective Marketing and Promotion of Maine Lobster**

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

**Sec. 1. 5 MRSA §12004-H, sub-§14,** as enacted by PL 1991, c. 523, §1, is amended to read:

**14.**

<u>Maine Lobster Promotion Council</u>	\$55 Per Diem Plus Expenses	12 MRSA §6455
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**Sec. 2. 12 MRSA §6455,** as amended by PL 2009, c. 567, §§7 and 8, is further amended to read:

#### **§6455. Maine Lobster Marketing Collaborative**

**1. Collaborative established; purpose.** The Maine Lobster Promotion Council Marketing Collaborative, established in Title 5, section 12004-H, subsection 14 and referred to in this subchapter as the "council collaborative," is created to promote and market actively Maine lobsters in state, regional, national and international markets. The council collaborative shall draw upon the expertise of the Maine lobster industry and established private marketing firms to identify market areas that will provide the greatest return on the investments made by lobster license holders and undertake those media or promotional efforts that represent the most cost-effective use of a limited promotional budget. The council collaborative shall remain responsive to the Maine lobster industry, conduct its business in a public manner and undertake marketing efforts that promote the quality and full utilization of the product and the unique character of the coastal Maine lobster fishery.

The council consists of 9 voting members appointed as follows:

A. From the western district of the State, consisting of lands located between the Piscataqua River and the Kennebec River, 3 members meeting the qualifications in subsection 2;

B. From the midcoast district of the State, consisting of all lands located between the Kennebec River and the Penobscot River, 3 members meeting the qualifications in subsection 2; and

C. From the eastern district of the State, consisting of all lands located between the Penobscot River and the St. Croix River, 3 members meeting the qualifications in subsection 2.

The commissioner shall appoint the members of the council from among a list of nominees prepared by the Lobster Advisory Council. The commissioner shall appoint one member within each district for an initial term of one year, one member within each district for an initial term of 2 years and one member within each district for an initial term of 3 years. All subsequent members are appointed by the commissioner for terms of 3 years. A person may not serve more than 2 consecutive 3 year terms as a member of the council. By majority vote, the council shall annually elect a chair from among its members. The commissioner is an ex officio, nonvoting member of the council.

**1-A. Collaborative is a public instrumentality.**

The comité collaboratif is established as a public instrumentality serving a public purpose. As a public instrumentality:

A. Employees of the comité collaboratif may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372 and the state retirement system provisions of Title 5, Part 20;

B. The comité collaboratif may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4; and

C. Notwithstanding any provisions of paragraphs A and B:

(1) All meetings and records of the comité collaboratif are subject to the provisions of Title 1, chapter 13, subchapter 1, except as provided in subsection 1-B. The commissioner and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over marine resource matters have access to all material designated confidential by the comité collaboratif;

(2) Except as required by subsection 2, members Members of the comité collaboratif are governed by the conflict of interest provisions set forth in Title 5, section 18; and

(3) For the purposes of the Maine Tort Claims Act, the comité collaboratif is a "governmental entity" and its employees are "employees" as those terms are defined in Title 14, section 8102.

**1-B. Market studies and promotional plans; proprietary information.** Information provided to or developed by the comité collaboratif and included in a promotional plan or market study is public unless the comité collaboratif determines that it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the comité collaboratif or the person submitting the information and would make available information not otherwise publicly available.

**1-C. Collaborative members; appointments; terms.** The collaborative consists of 11 voting members, 9 appointed by the commissioner as follows:

A. Four individuals representing the lobster management policy councils established pursuant to section 6447. Each lobster management policy council shall prepare a list of up to 3 nominees

from its zone for consideration by the commissioner for the appointments under this paragraph. In making appointments under this paragraph, the commissioner shall select members to ensure a geographic distribution of representation from lobster management zones established pursuant to section 6446;

B. Three individuals:

(1) At least 2 of whom are owners, managers or officers of business entities operating in the State that hold valid wholesale seafood licenses with lobster permits, from a list of nominees prepared for the commissioner by the Lobster Advisory Council established under section 6462-A; and

(2) At least one of whom represents the interests of lobster dealers and processors; and

C. Two individuals who are public members with experience in marketing and promotion, retail sales, food service or food science, from a list of nominees prepared for the commissioner by the Lobster Advisory Council established under section 6462-A.

Members are appointed by the commissioner for terms of 3 years. A person may not serve more than 2 consecutive 3-year terms as a member of the collaborative.

The commissioner or the commissioner's designee serves as an ex officio member of the collaborative. The Commissioner of Economic and Community Development or the commissioner's designee serves as an ex officio member of the collaborative.

**2. Qualifications of members.** From each district, 3 members must be appointed who meet the following criteria:

A. One person who is a full time harvester and who has held a valid lobster and crab fishing license for at least 5 consecutive years;

B. One person who is a dealer or pound operator and who:

(1) Has held a valid wholesale shellfish license or lobster transport license for a period of at least 5 consecutive years; or

(2) Is the manager of, or an officer in, a business entity operating in the State that holds a valid wholesale shellfish license or lobster transport license; and

C. One person who is a public member.

A person is eligible for appointment to the council from a district only if that person is a resident of the district or if that person's place of business is located within the district.

**2-A. Officers.** By majority vote, the collaborative shall annually elect a chair from among its members and may elect other officers in accordance with its bylaws.

**3. Meetings.** The council collaborative shall meet at least quarterly. A quorum of 5 6 members is required to conduct the business of the council collaborative. Additional meetings may be called by the chair. If 3 or more members of the council collaborative submit to the chair a written request for a meeting, the chair shall call a meeting to be held no sooner than 14 days after receipt of the written request. The commissioner may remove any member with unexcused absences from 2 or more consecutive meetings of the council collaborative.

**3-A. Employees.** The council collaborative shall hire ~~a full time an~~ executive director and may hire staff as needed to perform its duties. Employees of the Maine Lobster Promotion Council Marketing Collaborative serve at the pleasure of the council collaborative. The salary and benefits for employees of the council collaborative are determined by the council collaborative.

**4. Powers and duties.** The council collaborative may:

- A. Undertake promotional marketing programs in cooperation with the lobster industry;
- B. Promote national and international markets for lobsters harvested or processed in the State;
- C. Provide material and technical assistance to persons seeking to market lobsters harvested or processed in the State;
- D. Conduct other efforts as determined necessary to increase the sales of lobsters harvested or processed in the State;

D-1. Market and sell goods directly related to the functions of the council collaborative and deposit all proceeds in the Lobster Promotion Fund;

E. Make expenditures from the Lobster Promotion Fund to carry out the purposes of this subchapter. Money in the fund may be used only for the following purposes:

(1) Promotion, advertising and marketing development. The council collaborative may implement programs and activities to promote, advertise and develop markets for lobster and make or enter into contracts with any local, state, federal or private agency, department, firm, corporation, entity or person for those purposes; and

(2) The hiring of staff and the payment of compensation for employees, payment of per diem and reimbursement of expenses for members pursuant to Title 5, section 12004-H

and payment of administrative and overhead costs associated with the business of the council collaborative; and

F. Accept and deposit in the fund additional funding from any source, public or private.

**5. Lobster Promotion Fund established.** The Lobster Promotion Fund, referred to in this subchapter as the "fund," is established to carry out the purposes of this subchapter. The department shall pay to the fund all money appropriated or received by the department for the purposes of this subchapter, except that the department may retain funds necessary to reimburse the department for the actual cost of collecting the license surcharges established in this subsection 5-A. The fund is capitalized from the following annual surcharges assessed on the following licenses issued by the department for calendar years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005 to 2020: set out in subsection 5-A.

- A. Class I crab and lobster licenses for persons 18 to 69 years of age, \$31.25;
- B. Class II crab and lobster licenses, \$62.50, except that for license holders 70 years of age or older the surcharge is \$32;
- C. Class III crab and lobster licenses, \$93.75, except that for license holders 70 years of age or older the surcharge is \$47;
- D. Wholesale seafood licenses with lobster permits, \$250;
- E. Lobster transportation licenses, \$250; and
- F. Nonresident lobster and crab landing permits, \$250.

~~A person holding more than one of the licenses listed in this subsection is assessed a surcharge only on the highest surchargeable license held.~~

~~The Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the council upon request of the council. Interest from investments accrues to the fund.~~

~~All money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the end of the fiscal year may not lapse but must be carried forward to be used for the same purposes.~~

~~In addition to payment of the regular license fee and the surcharge, a person purchasing a license subject to the surcharges established in this subsection may make voluntary contributions to the fund at the time the license is purchased. Voluntary contributions received by the department from a licensee pursuant to this subsection must be deposited in the fund by the depart-~~

~~ment and must be used by the council for the purposes of this subchapter.~~

**5-A. License surcharge assessed.** The fund is capitalized from annual surcharges assessed on licenses issued by the department for calendar years as follows.

A. For the year 2013 the surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$31.25;
- (2) Class II lobster and crab fishing licenses, \$62.50, except that for license holders 70 years of age or older the surcharge is \$32;
- (3) Class III lobster and crab fishing licenses, \$93.75, except that for license holders 70 years of age or older the surcharge is \$47;
- (4) Nonresident lobster and crab landing permits, \$250;
- (5) Wholesale seafood licenses with lobster permits, \$250; and
- (6) Lobster transportation licenses, \$250.

B. For the year 2014 the surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$55.25;
- (2) Class II lobster and crab fishing licenses, \$110.50, except that for license holders 70 years of age or older the surcharge is \$55;
- (3) Class III lobster and crab fishing licenses, \$160.75, except that for license holders 70 years of age or older the surcharge is \$80;
- (4) Nonresident lobster and crab landing permits, \$425;
- (5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, \$400;
- (6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:
  - (a) Six hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;
  - (b) Eight hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and
  - (c) One thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, \$333 if less than 1,000,000 pounds of raw product is processed, and \$1,333 if 1,000,000 pounds or more of raw product is processed.

C. For the year 2015 the surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$110.25;
- (2) Class II lobster and crab fishing licenses, \$220.50, except that for license holders 70 years of age or older the surcharge is \$110;
- (3) Class III lobster and crab fishing licenses, \$320.75, except that for license holders 70 years of age or older the surcharge is \$160;
- (4) Nonresident lobster and crab landing permits, \$850;
- (5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, \$800;
- (6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:

(a) One thousand two hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

(b) One thousand six hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(c) Two thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, \$666 if less than 1,000,000 pounds of raw product is processed, and \$2,666 if 1,000,000 pounds or more of raw product is processed.

D. For the years 2016 to 2018 the surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$165.25;
- (2) Class II lobster and crab fishing licenses, \$330.50, except that for license holders 70 years of age or older the surcharge is \$165;

(3) Class III lobster and crab fishing licenses, \$480.75, except that for license holders 70 years of age or older the surcharge is \$240;

(4) Nonresident lobster and crab landing permits, \$1,275;

(5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, \$1,200;

(6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:

(a) One thousand eight hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;

(b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(c) Three thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and

(7) Lobster processor licenses, \$1,000 if less than 1,000,000 pounds of raw product is processed, and \$4,000 if 1,000,000 pounds or more of raw product is processed.

A person holding more than one of the following licenses is assessed only the highest applicable surcharge for those licenses under this subsection: a wholesale seafood license with a lobster permit, a supplemental wholesale seafood license with a lobster permit, a lobster transportation license or a supplemental lobster transportation license.

Beginning in 2014, the commissioner shall review annually the surcharges established in this subsection and recommend changes to the joint standing committee of the Legislature having jurisdiction over marine resource matters, which after receiving the recommendations may report out a bill to the Legislature to adjust surcharges.

The Treasurer of State shall hold all surcharges assessed by this subsection in the fund and invest all money in the fund until disbursed to the collaborative upon request of the collaborative. Interest from investments accrues to the fund.

All money in the fund is subject to allocation by the Legislature. Unexpended balances in the fund at the

end of the fiscal year may not lapse but must be carried forward to be used for the same purposes.

In addition to payment of the regular license fee and the surcharge, a person purchasing a license subject to the surcharges established in this subsection may make voluntary contributions to the fund at the time the license is purchased. Voluntary contributions received by the department from a licensee or any other source pursuant to this subsection must be deposited in the fund by the department and must be used by the collaborative for the purposes of this subchapter.

**6. Reports.** By February 15th of each year, the ~~council~~ The collaborative shall report annually on its activities and expenditures to the joint standing ~~committees~~ committee of the Legislature having jurisdiction over financial affairs and marine resource matters on the programs undertaken pursuant to this subchapter, expenditures from the fund and balances in all accounts in the fund, to the Lobster Advisory Council established under section 6462-A and, at a statewide meeting of interested license holders, to the lobster industry. The collaborative shall provide notice of the date and location of the statewide meeting of license holders at the time of license issuance or renewal.

**7. Audit.** An annual audit of the expenditures of the ~~council~~ collaborative must be performed. The ~~council~~ collaborative may contract with the Department of Audit Office of the State Auditor or with a private sector accounting firm to conduct the audit. The ~~council~~ collaborative shall report the results of that audit to the joint standing committee of the Legislature having jurisdiction over marine resource matters. If the annual audit is performed by the Department of Audit Office of the State Auditor, the ~~council~~ collaborative shall reimburse the department for its costs to conduct that audit.

**8. Review.** By January 15, 2014, the collaborative shall present to the joint standing committee of the Legislature having jurisdiction over marine resource matters a 3-year marketing plan with a detailed work plan and budget for the collaborative's programs and activities from 2014 to 2015. By January 15, 2018, the collaborative shall report to the Lobster Advisory Council established under section 6462-A and the joint standing committee of the Legislature having jurisdiction over marine resource matters the results of a 3rd-party audit of the results of the collaborative's programs and activities from 2014 to 2017. Based on the outcome of that audit and with consideration of any recommendations by the Lobster Advisory Council, the committee may report out a bill to the Legislature to renew the license surcharges under subsection 5-A or adjust them as appropriate.

This section is repealed October 1, 2018.

**Sec. 3. 12 MRSA §6465, sub-§2, ¶G,** as enacted by PL 2001, c. 623, §1, is amended to read:

G. The Lobster Promotion Council Maine Lobster Marketing Collaborative under section 6455;

**Sec. 4. 29-A MRSA §456-A, sub-§3,** as enacted by PL 2001, c. 623, §4, is amended to read:

**3. Design.** The Secretary of State, in consultation with the Lobster Promotion Council Maine Lobster Marketing Collaborative under Title 12, section 6455, shall determine a design for the lobster special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request lobster plates that are also vanity plates. Lobster plates are issued in accordance with the provisions of this section and section 453.

**Sec. 5. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 12, chapter 619, subchapter 3-A, in the subchapter headnote, the words "lobster promotion council" are amended to read "maine lobster marketing collaborative" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 6. Members of Lobster Promotion Council; transition.** Notwithstanding the Maine Revised Statutes, Title 12, section 6455, subsection 1-C, the members of the Lobster Promotion Council serving immediately prior to the effective date of this Act continue to serve as members of the Maine Lobster Marketing Collaborative for the terms for which they were appointed until the Commissioner of Marine Resources appoints their successors.

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

#### LOBSTER PROMOTION COUNCIL

##### Lobster Promotion Fund 0701

Initiative: Provides funding to perform increased marketing efforts in the lobster industry.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$750,000	\$1,500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$750,000	\$1,500,000

See title page for effective date.

#### CHAPTER 310 H.P. 883 - L.D. 1249

##### An Act To Make Statutory Changes To Address Certain Conflicting Requirements of the Maine Rules of Professional Conduct and the Federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 Regarding Maine's Protection and Advocacy Agency

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

**Sec. 1. 34-B MRSA §1223, sub-§10,** as amended by PL 2011, c. 657, Pt. EE, §3, is further amended to read:

**10. Access to information.** The board is entitled to access to information from the department necessary to carry out its functions. Except as provided in paragraphs B, C, D and E, information provided pursuant to this subsection may not contain personally identifying information about a person with intellectual disabilities or autism.

A. The department shall provide the board, on a schedule to be agreed upon between the board and the department, reports on case management, reportable events, adult protective and rights investigations, unmet needs, crisis services, quality assurance, quality improvement, budgets and other reports that contain data about or report on the delivery of services to or for the benefit of persons with intellectual disabilities or autism, including reports developed by or on behalf of the department and reports prepared by others about the department.

B. The advocacy agency designated pursuant to Title 5, section 19502, or the department, when requested by the board or pursuant to a written agreement with the board, shall release to the board information pertaining to alleged abuse, exploitation or neglect or an alleged dehumanizing practice or violation of rights of a person with intellectual disabilities or autism. The board shall maintain the confidentiality of information disclosed to it or discovered by it as required by section 1207.

C. The board may request and review reports of actions taken by an entity to which a referral is made under subsection 9, paragraph F. If these reports are likely to reveal personally identifying information, the board shall conduct reviews in executive session and shall take all actions necessary

~~and appropriate to preserve the confidentiality of the information.~~

D. The board may examine confidential information in individual records with written permission of the person or that person's guardian. If the person or that person's guardian provides the board with written permission to examine confidential information, the board must maintain the confidentiality of the information as required by section 1207.

E. The board or the board's staff may receive and examine confidential information when otherwise authorized to do so by law, including but not limited to when serving on a committee established by the department for which access to such information is necessary to perform the function of the committee.

**Sec. 2. 34-B MRSA §5005-A, sub-§2,** as enacted by PL 2011, c. 657, Pt. EE, §5, is amended to read:

**2. Duties.** The department shall contract with the agency to: ~~perform the following duties statewide in at least 5 geographically dispersed locations.~~

A. ~~Receive~~ The agency shall receive complaints made by or on behalf of individuals with intellectual disabilities or autism and represent their interests in any matter pertaining to their rights and dignity.

B. ~~Investigate~~ The agency shall investigate the claims, grievances and allegations of violations of the rights of individuals with intellectual disabilities or autism.

C. ~~Intercede on behalf~~ The agency may pursue legal, administrative and other appropriate remedies or approaches to ensure the protection of, and advocacy for, the rights of individuals with intellectual disabilities or autism with officials of any provider of service who are or may be eligible for services administered, licensed or funded by the department, except that the agency may refuse to take action on any complaint that it considers to be trivial, to be moot or ~~moot to lack merit~~ or for which there is clearly another remedy available.

D. ~~Assist individuals with intellectual disabilities or autism in any hearing or grievance proceeding pertaining to their rights and dignity;~~

E. ~~Refer~~ The agency may refer individuals with intellectual disabilities or autism to other agencies or entities and collaborate with those agencies or entities for the purpose of advocating for the rights and dignity of those individuals.

F. ~~Act~~ The agency shall act as an information source regarding the rights of all individuals with intellectual disabilities or autism, keeping itself

informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of those individuals and about relevant legal decisions and other developments related to the fields of mental health, intellectual disabilities and autism, both in this State and in other parts of the country; ~~and~~.

G. ~~Make~~ The agency may make and publish reports necessary to the performance of the duties described in this section. The agency may report its findings to groups outside the department, such as legislative bodies, advisory committees, commissions, law enforcement agencies and the press. At least annually, the agency shall report both in person and in writing to the joint standing committee of the Legislature having jurisdiction over health and human services matters ~~and the department~~ regarding the performance of the duties described in this section.

H. The agency may monitor the delivery of services, supports and other assistance or residential services or treatment provided to persons with intellectual disabilities or autism for the purpose of ensuring that services, supports and assistance meet the needs of those persons and are delivered in conformity with laws, regulations, rules and other standards regarding quality of care.

**Sec. 3. 34-B MRSA §5005-A, sub-§4,** as enacted by PL 2011, c. 657, Pt. EE, §5, is amended to read:

**4. Access to files and records.** The agency has access, limited only by the civil service law, to the files, records and personnel of any provider of services, ~~including the files and records of any person with an intellectual disability or autism held by any provider of service~~, administered, licensed or funded by the department and to all reports and related documents submitted pursuant to section 5604-A.

**Sec. 4. 34-B MRSA §5005-A, sub-§4-A** is enacted to read:

**4-A. Access to individuals.** The agency has access to individuals pursuant to Title 5, section 19506.

**Sec. 5. 34-B MRSA §5005-A, sub-§5,** as enacted by PL 2011, c. 657, Pt. EE, §5, is amended to read:

**5. Confidentiality.** Requests for ~~The following provisions govern~~ confidentiality are treated as follows.

A. Any request by or on behalf of an individual with intellectual disabilities or autism for action by the agency and all written records or accounts related to the request are confidential as to the identity of the individual.

B. The records and accounts under paragraph A may be released only as provided by law.

C. Records maintained by the agency are the sole property of the individual with intellectual disabilities or autism to whom the records pertain and the agency shall protect the records from loss, damage, tampering or use by unauthorized individuals. The agency shall keep the records confidential and may not release them without written consent from the individual with intellectual disabilities or autism or the individual's guardian.

**Sec. 6. 34-B MRSA §5470-B, sub-§7, ¶B,** as amended by PL 2011, c. 657, Pt. EE, §6, is repealed.

**Sec. 7. 34-B MRSA §5605, sub-§13, ¶B,** as amended by PL 2011, c. 657, Pt. EE, §9, is further amended to read:

B. Behavior modification and behavior management programs may be used only to correct behavior more harmful to the person than the program and only:

(1) On the recommendation of the person's personal planning team;

(2) For an adult 18 years of age or older, with the approval, following a case-by-case review, of a review team composed of a representative from the department, a representative from the advocacy agency designated pursuant to Title 5, section 19502 and a representative designated by the Maine Developmental Services Oversight and Advisory Board. The advocacy agency representative serves as a nonvoting member of the review team and shall be present to advocate on behalf of the person. The department shall provide sufficient advance notice of all scheduled review team meetings to the advocacy agency and provide the advocacy agency with any plans for which approval is sought along with any supporting documentation; and

(3) For a child under 18 years of age, with the approval, following a case-by-case review, of a review team composed of a representative from the advocacy agency designated pursuant to Title 5, section 19502, a team leader of the department's children's services division and the children's services medical director or the director's designee. The advocacy agency representative serves as a nonvoting member of the review team and shall be present to advocate on behalf of the person. The department shall provide sufficient advance notice of all scheduled review team meetings to the advocacy agency and provide the advocacy agency with any plans for which approval is sought along with any

supporting documentation. Until rules are adopted by the department to govern behavioral treatment reviews for children, the team may not approve techniques any more aversive or intrusive than are permitted in rules adopted by the Secretary of the United States Department of Health and Human Services regarding treatment of children and youth in nonmedical community-based facilities funded under the Medicaid program.

**Sec. 8. 34-B MRSA §5606, sub-§1,** as amended by PL 2011, c. 657, Pt. EE, §11, is further amended to read:

**1. Reportable events.** Any alleged violation of the rights of a person receiving services must be reported immediately to the advocacy agency designated pursuant to Title 5, section 19502, referred to in this subsection as "the agency," and to the Attorney General's office.

A. The agency shall conduct an investigation of investigate each alleged violation pursuant to section 5005-A.

B. The agency shall submit a written report of the findings and results of the investigation to the chief administrative officer of the facility in which the rights of the person receiving services were allegedly violated and to the commissioner within 2 working days after the day of the occurrence or discovery of the alleged incident may independently pursue a complaint or may pursue administrative, legal and other appropriate remedies on behalf of an individual with intellectual disabilities or autism. The agency may refuse to take action on any alleged violation that it considers to be trivial, to be moot or to lack merit or for which there is clearly another remedy available or may refer an individual who is the subject of an alleged violation to another agency or entity and collaborate with that agency or entity for the purpose of advocating for the rights and dignity of that individual.

**Sec. 9. 34-B MRSA §5611** is enacted to read:

#### **§5611. Complaints**

A complaint may be filed by the agency designated pursuant to Title 5, section 19502. The complaint procedure may be used when the agency knows or has reason to believe that the practices, procedures or policies of any agency licensed, funded or contracted by the department to provide services violate the rights of individuals with intellectual disabilities or autism pursuant to section 5605.

**1. Allegations of employee misconduct.** A complaint that includes allegations of employee misconduct must be processed, but no disciplinary action may be taken nor facts found with regard to the al-

leged misconduct except in accordance with applicable personnel rules, policies and labor contract provisions.

**2. Complaints arising in community.** A complaint arising in the community must be addressed to the executive director of the provider agency.

**3. Response to be provided within 5 business days.** A formal written response, including a statement of the remedial action to be taken, if any, must be provided to the complainant within 5 business days of receipt by the person listed in subsection 2.

**4. Decision appealable to director.** A decision described in subsection 3 is appealable within 5 business days to the director of the department's office of aging and disability services or the director's designee, who shall provide a formal written response, including a statement of the remedial action to be taken, if any, to the complainant within 5 business days.

**5. Decision appealable to commissioner.** A decision of the director or the director's designee pursuant to subsection 4 is appealable within 5 business days to the commissioner, who shall provide a formal written response, including a statement of the remedial action to be taken, if any, to the complainant within 5 business days. This written response constitutes the department's final agency action on the matter.

See title page for effective date.

## CHAPTER 311 H.P. 802 - L.D. 1137

### **An Act To Facilitate Veterans' and Their Spouses' Access to Employment, Education and Training**

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

**Sec. 1. 10 MRSA §8010** is enacted to read:

#### **§8010. Veterans and military spouses**

By January 1, 2014, each board, commission, office and agency within the department listed in section 8001 or affiliated with the department under section 8001-A shall adopt a process to facilitate qualified returning military veterans and qualified spouses of returning military veterans or of active duty service members to qualify for professional licenses granted by those boards, commissions, offices and agencies in an expeditious manner. Procedures adopted pursuant to this section supersede general licensing requirements of those boards, commissions, offices and agencies. For the purposes of this section, "returning military veteran" means a veteran of the Armed Forces of the United States who has been honorably discharged from active duty. Notwithstanding any other provision

of law, the Director of the Office of Professional and Occupational Regulation and each licensing board within or affiliated with the department shall, upon presentation of satisfactory evidence by an applicant for professional or occupational licensure, accept education, training or service completed by the applicant as a member of the Armed Forces of the United States or Reserves of the United States Armed Forces, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license.

**1. Endorsement.** The board, commission, office or agency may permit a returning military veteran or a spouse of a returning military veteran or of an active duty service member who holds a comparable license in another state to acquire a license by endorsement in this State for the remainder of the term of the license from the other state or until a license is obtained in this State.

**2. Temporary license.** The board, commission, office or agency may permit a returning military veteran or a spouse of a returning military veteran or of an active duty service member who holds a comparable license in another state to obtain a temporary license in this State for a period of time necessary to obtain a license in this State.

**3. Acceptance of military credentials.** The board, commission, office or agency shall permit a returning military veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued.

**4. Continuing education requirements.** The board, commission, office or agency may allow a full or partial exemption from continuing education requirements for a returning military veteran or the spouse of a returning military veteran or of an active duty service member. Evidence of completion of continuing education requirements may be required for a subsequent license or renewal. A board, commission, office or agency shall provide that continuing education requirements may be met by comparable military training.

**Sec. 2. 20-A MRSA §10010**, as amended by PL 2009, c. 463, §1, is further amended to read:

#### **§10010. Veterans**

Regardless of the state of residence, a veteran of the Armed Forces of the United States using the benefits under the Post-9/11 Veterans Educational Assistance Act of 2008 must receive a waiver from the tuition that remains after the application of all payments from the federal Department of Veterans Affairs, including payments under the Yellow Ribbon G.I. Education Enhancement Program in the Post-9/11 Veterans Educational Assistance Act of 2008, and the application of other nonrepayable resources for which the

veteran may be eligible. The amount of the tuition waiver received by a veteran under this section may not exceed an amount that lowers the tuition to less than the in-state tuition charged by the institution. This section applies to all veterans enrolled at any campus of the University of Maine System, the Maine Community College System or Maine Maritime Academy in an undergraduate program of education. A nonresident student entitled to a waiver under this section must be considered eligible for in-state tuition.

See title page for effective date.

## CHAPTER 312

### H.P. 863 - L.D. 1218

#### **An Act To Amend the Law Regarding Affordable Housing Tax Increment Financing**

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

**Sec. 1. 30-A MRSA §5246, sub-§12,** as enacted by PL 2003, c. 426, §1, is amended to read:

**12. Original assessed value.** "Original assessed value" means the assessed value of an affordable housing development district as of March 31st of the tax year preceding the year in which it was designated, and, for affordable housing development districts designated on or after April 1, 2014, "original assessed value" means the taxable assessed value of an affordable housing development district as of March 31st of the tax year preceding the year in which it was designated by the municipality or plantation.

**Sec. 2. 30-A MRSA §5247, sub-§3, ¶¶D and F,** as enacted by PL 2003, c. 426, §1, are repealed.

**Sec. 3. 30-A MRSA §5248, sub-§2, ¶G,** as enacted by PL 2003, c. 426, §1, is amended to read:

G. The duration of the program, which may start during any tax year specified in the approval of the affordable housing development program by a municipal legislative body, except that the program may not exceed 30 years from the date of designation of the district after the tax year in which the designation of the district is approved by the director as provided in section 5250, subsection 3; and

**Sec. 4. 30-A MRSA §5249, sub-§1, ¶A,** as enacted by PL 2003, c. 426, §1, is amended to read:

A. Costs of improvements made within the affordable housing development district, including, but not limited to:

- (1) Capital costs, including, but not limited to:
  - (a) The acquisition of land or construction of public infrastructure improvements for affordable housing development;
  - (b) The demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures;
  - (c) Site preparation and finishing work; and
  - (d) All fees and expenses that are eligible to be included in the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses;
- (2) Financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;
- (3) Real property assembly costs;
- (4) Professional service costs, including, but not limited to, licensing, architectural, planning, engineering and legal expenses;
- (5) Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of an affordable housing development program;
- (6) Relocation costs, including, but not limited to, relocation payments made following condemnation;
- (7) Organizational costs relating to the establishment of the affordable housing district, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of affordable housing development districts and the implementation of project plans;
- (8) Costs of facilities used predominantly for recreational purposes, including, but not limited to, recreation centers, athletic fields and swimming pools; and
- (9) Costs for child care, including finance costs and construction, staffing, training, certification and accreditation costs related to

child care located in the affordable housing development district; and

(10) Costs of case management and support services; and

(11) Operating costs, including but not limited to property management and administration, utilities, routine repairs and maintenance, insurance, real estate taxes and funding of a projects capital reserve account; and

**Sec. 5. 30-A MRSA §5250-D,** as enacted by PL 2003, c. 426, §1, is amended to read:

#### **§5250-D. Bond financing**

The legislative body of a municipality may authorize, issue and sell bonds, including but not limited to general obligation or revenue bonds or notes, that mature within 20 30 years from the date of issue to finance all project costs needed to carry out the affordable housing development program within the affordable housing development district. The municipal officers authorized to issue the bonds or notes may borrow money in anticipation of the sale of the bonds for a period of up to 3 years by issuing temporary notes and notes in renewal of the bonds. All revenues derived under section 5250-A received by the municipality are pledged for the payment of the activities described in the affordable housing development program and used to reduce or cancel the taxes that may otherwise be required to be expended for that purpose. The notes, bonds or other forms of financing may not be included when computing the municipality's net debt. Nothing in this section restricts the ability of the municipality to raise revenue for the payment of project costs in any manner otherwise authorized by law.

See title page for effective date.

### **CHAPTER 313**

#### **S.P. 438 - L.D. 1277**

#### **An Act To Streamline the Charitable Solicitations Act**

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

**Sec. 1. 9 MRSA §5002,** as amended by PL 2007, c. 402, Pt. A, §1, is further amended to read:

#### **§5002. Intent**

It is the intent of the Legislature to require the licensure and financial reporting of charitable organizations, professional solicitors, and professional fundraising counsel and commercial co-venturers and the bonding of professional solicitors and commercial co-venturers.

**Sec. 2. 9 MRSA §5003, sub-§3,** as amended by PL 2011, c. 286, Pt. A, §1, is repealed.

**Sec. 3. 9 MRSA §5003, sub-§3-A,** as amended by PL 1999, c. 386, Pt. A, §3, is repealed.

**Sec. 4. 9 MRSA §5003, sub-§4-B,** as enacted by PL 2003, c. 541, §3, is repealed.

**Sec. 5. 9 MRSA §5003, sub-§4-D** is enacted to read:

**4-D. Director.** "Director" means the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation.

**Sec. 6. 9 MRSA §5003, sub-§5-A,** as enacted by PL 1977, c. 696, §359, is repealed.

**Sec. 7. 9 MRSA §5003, sub-§5-F,** as amended by PL 2011, c. 286, Pt. B, §5, is repealed.

**Sec. 8. 9 MRSA §5003, sub-§8,** as enacted by PL 1977, c. 488, §1, is amended to read:

**8. Principal officer.** "Principal officer" means the president, chairman chair, executive director or other charitable officers officer or employee responsible for the daily operation of the a charitable organization, a professional solicitor or professional fund-raising counsel.

**Sec. 9. 9 MRSA §5004,** as amended by PL 2011, c. 286, Pt. A, §§3 to 6, is further amended to read:

#### **§5004. Licensure of charitable organizations**

~~Charitable organizations must be licensed as follows.~~

**1. Initial licensure as a charitable organization.** The following provisions govern license applications by charitable organizations.

A. Unless exempt it has received an exemption pursuant to section 5006, a charitable organization that intends to solicit, accept or obtain contributions in this State or to have contributions solicited, accepted or obtained on its behalf within this State shall file a license application with the office director and pay the application and license fees as set under section 5015-A at least 30 days before soliciting, accepting or obtaining contributions in each year in which the organization is engaged in soliciting, accepting or obtaining contributions. Before it is issued a license by the director, a charitable organization that is required to file an initial license application may not solicit, accept or obtain contributions or have contributions solicited, accepted or obtained on its behalf by any other person, charitable organization or professional solicitor. The charitable organization shall identify any affiliate organizations or chapters on its license application.

B. A parent organization may file a consolidated license application for its affiliates, chapters and branches in this State and shall pay a single fee for such a consolidated license application.

C. Before issuance of a license by the office, a charitable organization that is required to file an initial license application or annual renewal application may not solicit, accept or obtain contributions or have contributions solicited, accepted or obtained on its behalf by any other person, charitable organization, commercial co-venturer or professional solicitor, or participate in charitable sales promotion.

**2 A. Fee for license application.** Charitable organizations shall pay the application fee, initial fee and renewal fee as set under section 5015 A. The application fee is nonrefundable.

**3. Content of application for initial licensure.**

A license application must be sworn to or affirmed by the principal officer of any the charitable organization and must contain the following information, which must be updated within 10 days when any change occurs in the information filed:

A. The name of the organization and the purpose for which it was organized;

B. The principal mailing address of the organization and the mailing address of any offices in this State, or, if the organization does not maintain an office, the name and mailing address of the person having custody of its financial records;

C. The names and mailing addresses of any chapters, branches or affiliates in this State;

D. The place where and the date when the organization was legally established, the form of its organization and a reference to any determination of its tax-exempt status under the United States Internal Revenue Code copy of its certificate of existence or other organizing document;

E. The names and mailing addresses of the officers, directors or trustees and the principal salaried executive staff officer;

F. A statement as to whether the organization intends to solicit contributions from the public directly or have such done on its behalf by others;

G. The name and mailing address and license number of any professional fund-raising counsel, solicitor or professional solicitor or commercial co-venturer fund-raising counsel who acts or will act on behalf of the charitable organization and terms of remuneration of the counsel, solicitor or co-venturer in connection with fund-raising campaigns for contributions from the State's residents;

H. A statement as to whether the organization is authorized by any other governmental authority

list of all jurisdictions in which the organization is authorized to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions;

I. The purpose or purposes for which the contributions to be solicited will be used;

K. The name or names under which it intends to solicit contributions;

L. The names of the individuals or officers of the organizations who will have final responsibility for the custody of the contributions;

M. The names of the individuals or officers of the organization responsible for the final distribution of the contributions;

N. The total amount of money received as contributions during the organization's preceding fiscal year and the dates of the fiscal year;

P. A determination letter from the federal Internal Revenue Service, confirming the tax-exempt status of the charitable organization; and

Q. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken against the applicant by a licensing, registration or regulatory authority in any jurisdiction;

R. Disclosure of, and the final disposition document pertaining to, any court action taken against the applicant by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any other type of negotiated disposition; and

S. Other information as the director may require, including but not limited to documentation as to the current federal tax-exempt status of the charitable organization.

**4. Renewal of licensure as a charitable organization.** The following provisions govern the application and qualifications for renewal of a license as a charitable organization. A license issued by the director to a charitable organization expires on November 30th annually or such other time as the director may designate. A charitable organization shall apply for renewal by filing a renewal application with the director prior to the expiration date and paying the license fee as set under section 5015-A.

A. A person or entity that holds a valid license must submit to the office a completed application for renewal prior to the date of expiration of the license.

B. An application for license renewal may not be considered until it is complete. If the application

~~is incomplete, the applicant must include a letter documenting the specific reasons the application is incomplete. If that letter is not included, the incomplete application must be returned for completion.~~

~~C. A charitable organization that submits an application for renewal after the expiration date must include with the application:~~

- ~~(1) A financial report covering the most recently audited fiscal year;~~
- ~~(2) The filing fee and license renewal fee as set under section 5015-A; and~~
- ~~(3) A completed application.~~

~~D. The complete packet for renewal of license application must include all the requirements identified in subsection 3 as well as the following:~~

- ~~(1) The organization's most recent federal Internal Revenue Service Form 990 and Schedule A, federal Internal Revenue Service Form 990 EZ or federal Internal Revenue Service Form 990 N, as required by the federal Internal Revenue Service; and~~
- ~~(2) An audited financial statement of the organization's most recent audited fiscal year, if one has been prepared in order to comply with the requirements of another jurisdiction or otherwise exists. If an audited financial statement does not exist, a balance sheet identifying assets and liabilities and an income statement identifying revenues and expenditures may be substituted.~~

**5. Content of renewal application.** A renewal application pursuant to subsection 4 must contain the following information:

- A. The annual fund-raising activity report required by section 5005-B;**
- B. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken against the licensee by a licensing, registration or regulatory authority in any jurisdiction since the date of the most recent application submitted by the charitable organization;**
- C. Disclosure of, and the final disposition document pertaining to, any court action taken against the licensee by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any other type of negotiated disposition since the date of the most recent application submitted by the charitable organization;**

D. Any changes to the information contained in the licensee's application for initial licensure or the most recent renewal application; and

E. Other information as the director may require.

**6. Late renewal.** A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 5015-A.

**7. Change of information.** As an ongoing condition of licensure, a charitable organization shall notify the director of any material change to the information contained in the organization's application for initial or renewal licensure, including any additional disciplinary or court action taken against the organization, within 10 days of the change.

**Sec. 10. 9 MRSA §5005-A,** as enacted by PL 1999, c. 386, Pt. A, §14, is repealed and the following enacted in its place:

#### **§5005-A. Records**

**1. Books and records.** A charitable organization shall maintain accurate and complete books and records of all fund-raising campaigns and shall keep those books and records available for inspection by or production to the Attorney General or the director for 3 years after the conclusion of each fund-raising campaign.

**2. Audited financial statement.** A charitable organization shall produce upon request of the Attorney General or the director, in conjunction with an application for initial or renewal licensure or at any other time:

A. An audited financial statement of the charitable organization's most recent audited fiscal year if one has been prepared in order to comply with the requirements of another jurisdiction or otherwise exists; or

B. If an audited financial statement under paragraph A does not exist, a balance sheet identifying assets and liabilities and an income statement identifying revenues and expenditures.

**3. Tax returns.** A charitable organization shall produce upon request of the Attorney General or the director, in conjunction with an application for initial or renewal licensure or at any other time, its 3 most recent federal Internal Revenue Service Form 990 and Schedule A, federal Internal Revenue Service Form 990-EZ or federal Internal Revenue Service Form 990-N, as required by the federal Internal Revenue Service.

**Sec. 11. 9 MRSA §5005-B,** as amended by PL 2011, c. 286, Pt. A, §7, is further amended to read:

**§5005-B. Annual fund-raising activity reports to be filed by charitable organizations**

**1. Content of report.** A charitable organization shall submit to the ~~officer~~ director an annual fund-raising activity report that reflects data from the organization's preceding calendar fiscal year, on a form prescribed by the ~~officer~~ director, at least 60 days prior to the license expiration date as part of its application for license renewal. The report must state, at a minimum, the following:

- A. The charitable organization's name, mailing address, telephone number and license number of the charitable organization making the report;
- B. The name, mailing address, telephone number and license number of each professional solicitor and professional fund-raising counsel and commercial co-venturer with which the charitable organization contracts contracted to solicit contributions in this State or to plan, manage, advise or provide consultation services with respect to the solicitation of contributions in this State;
- C. The date of each fund-raising campaign;
- D. The total dollar amount of contributions raised in this State during each fund-raising campaign and for the year;
- E. The total dollar amount of contributions raised in this State that was actually received and retained by the charitable organization from each fund-raising campaign and for the year; and
- F. The total dollar amount attributable to contributions raised in this State that was retained by or paid to any professional solicitor or professional fund-raising counsel from each fund-raising campaign and for the year;
- G. The total amount paid to any professional fund-raising counsel from each fund-raising campaign and for the year; and
- H. The total amount received from any commercial co-venturer from each fund-raising campaign and for the year.

**2. Failure to file; discrepancies.** Failure to file the annual fund-raising activity report required under this section or disagreement between the report filed by the charitable organization and that submitted by the professional solicitor, or professional fund-raising counsel or commercial co-venturer with which the charitable organization has contracted may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A. To resolve a disagreement between reports, the director may require the charitable organization to submit an annual fund-raising activity report according to a fiscal year other than the organization's fiscal year.

**3. Contracting with unlicensed entities prohibited.** A charitable organization may not contract with an unlicensed professional solicitor, or professional fund-raising counsel or commercial co-venturer. A violation of this subsection may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A.

**4. Application subsequent to lapse of licensure.** An applicant whose prior license was not renewed or was terminated must file, along with the application, an annual fund-raising activity report for the most recent calendar year in which the applicant conducted charitable solicitation activity within the United States.

**Sec. 12. 9 MRSA §5006, sub-§1, ¶A,** as amended by PL 1999, c. 386, Pt. A, §15, is further amended to read:

A. Organizations that solicit primarily within their membership and where solicitation activities are conducted by members do not contract with a professional solicitor or professional fund-raising counsel. For purposes of this paragraph, the term "membership" does not include those persons who are granted a membership upon making a contribution as a result of a solicitation;

**Sec. 13. 9 MRSA §5006, sub-§1, ¶D,** as amended by PL 2007, c. 402, Pt. A, §5 and by PL 2011, c. 286, Pt. B, §5, is further amended to read:

D. Charitable organizations that do not intend to solicit and receive and do not actually solicit or receive contributions from the public in excess of \$10,000 \$35,000 during a calendar year or do not receive contributions from more than 10 35 persons during a calendar year, if all fund raising activities are carried on by persons who are unpaid for their services the charitable organizations do not contract with professional solicitors or professional fund-raising counsel and if no part of the assets or income inures to the benefit of or is paid to any officer or member. If a charitable organization that does not intend to solicit or receive contributions from the public in excess of \$10,000 \$35,000 or does not intend to receive contributions from more than 35 persons during a calendar year does actually solicit or receive contributions in excess of that amount, whether or not all such contributions are received during a calendar year, or actually receives contributions from more than 35 persons during a calendar year, the charitable organization, within 30 days after the date contributions reach \$10,000 \$35,000 or the number of contributors reaches 35, must be licensed with and report to the Office of Professional and Occupational Regulation the director as required by this Act;

**Sec. 14. 9 MRSA §5006, sub-§3**, as amended by PL 2007, c. 402, Pt. A, §5, is further amended to read:

**3. Procedures for claiming exemption from licensure.** A charitable organization claiming to be exempt under subsection 1 must submit to the office director annually on forms prescribed by that office the director and accompanied by the fee as set under section 5015-A; a sworn statement setting forth the name and address of the organization and its principal executive personnel, the purpose of the organization and the factual basis for the exemption. The organization claiming exemption must include a copy of any financial statement, report or return filed with the federal Internal Revenue Service. The office director shall issue annually an exemption to those organizations considered exempt under subsection 1.

**Sec. 15. 9 MRSA §5007**, as amended by PL 2003, c. 541, §11, is repealed.

**Sec. 16. 9 MRSA §5008**, as amended by PL 2011, c. 286, Pt. A, §8, is repealed.

**Sec. 17. 9 MRSA §§5008-A and 5008-B** are enacted to read:

**§5008-A. Licensure, license renewal and records kept by professional solicitors and professional fund-raising counsel**

**1. Initial licensure.** A person or entity may not act as a professional solicitor or professional fund-raising counsel before that person or entity has received a license from the director. A professional solicitor or professional fund-raising counsel shall apply for initial licensure by filing a license application with the director and paying the application and license fees as set under section 5015-A. A professional solicitor, in addition, shall submit the bond required by subsection 5.

**2. Content of application for initial licensure.** A license application must be sworn to or affirmed by the principal officer of the professional solicitor or professional fund-raising counsel on a form prescribed by the director and must contain the following information:

A. The name, mailing address and license number of each charitable organization on whose behalf the professional solicitor or professional fund-raising counsel acts or will act in connection with fund-raising campaigns for contributions from the State's residents;

B. A list of all jurisdictions in which the professional solicitor or professional fund-raising counsel is authorized to solicit contributions;

C. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken

against the applicant by a licensing, registration or regulatory authority in any jurisdiction;

D. Disclosure of, and the final disposition document pertaining to, any court action taken against the applicant by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any other type of negotiated disposition; and

E. Other information as the director may require.

**3. Renewal of licensure as a professional solicitor or professional fund-raising counsel.** A license issued by the director to a professional solicitor or professional fund-raising counsel expires on November 30th annually or such other time as the director may designate. A professional solicitor or professional fund-raising counsel shall apply for renewal by filing a renewal application with the director prior to the expiration date and paying the license fee as set under section 5015-A. A professional solicitor shall, in addition, submit the bond required by subsection 5.

**4. Content of renewal application.** A renewal application pursuant to subsection 3 must contain the following information:

A. The annual fund-raising activity report required by section 5008-B;

B. Disclosure of, and the final disposition document pertaining to, any disciplinary action taken against the licensee by a licensing, registration or regulatory authority in any jurisdiction since the date of the most recent application submitted by the professional solicitor or professional fund-raising counsel;

C. Disclosure of, and the final disposition document pertaining to, any court action taken against the licensee by a licensing, registration or regulatory authority or law enforcement agency in any jurisdiction that resulted in a restraining order, injunction, civil judgment, criminal conviction, consent judgment, consent agreement, agreement to pay restitution or investigative costs or any other type of negotiated disposition since the date of the most recent application submitted by the professional solicitor or professional fund-raising counsel;

D. Any changes to the information contained in the licensee's application for initial licensure or the most recent renewal application; and

E. Other information as the director may require.

**5. Bonding of professional solicitors.** An applicant for initial or renewal licensure as a professional solicitor shall submit with the application a bond ap-

proved by the director in which the professional solicitor is the principal obligor and the State the obligee, in the sum of \$25,000, with one or more responsible sureties whose liability in the aggregate at least equals that sum. The bond runs to any person or entity who may have a cause of action against the principal obligor of the bond for any malfeasance or misfeasance in the conduct of charitable solicitation in this State that occurs during the term of the license applied for.

**6. Late renewal.** A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee in addition to the renewal fee as set under section 5015-A.

**7. Change of information.** As an ongoing condition of licensure, a professional solicitor or professional fund-raising counsel must notify the director of a change to the information contained in the licensee's application for initial or renewal licensure, including any additional disciplinary or court action taken against the licensee, within 10 days of the change.

**8. Records.** A professional solicitor or professional fund-raising counsel shall maintain accurate and complete books and records of fund-raising activities and telephone solicitation scripts and shall keep those books and records available for inspection by or production to the Attorney General or the director for a period of 3 years after the conclusion of each specific instance in which that person or entity acts as a professional solicitor or professional fund-raising counsel.

#### **§5008-B. Annual fund-raising activity reports to be filed by professional solicitors and professional fund-raising counsel**

**1. Content of report.** A professional solicitor or professional fund-raising counsel licensed pursuant to section 5008-A shall submit to the director an annual fund-raising activity report that reflects data from the licensee's preceding fiscal year, on a form prescribed by the director, as part of its application for license renewal. The report must state, at a minimum, the following:

A. The name, mailing address, telephone number and license number of the licensee making the report;

B. The name, mailing address, telephone number and license number of each charitable organization with which the licensee contracted to solicit contributions in this State or to plan, manage, advise or provide consultation services with respect to the solicitation of contributions in this State;

C. The total dollar amount of contributions raised in this State during each fund-raising campaign and for the year;

D. The total dollar amount of contributions raised in this State that was actually received and re-

tained by the charitable organization from each fund-raising campaign and for the year; and

E. The total dollar amount attributable to contributions raised in this State that was retained by or paid to the licensee from each fund-raising campaign and for the year.

**2. Failure to file; discrepancies.** Failure to file the annual fund-raising activity report required under this section or filing a report that contains discrepancies between that report and the report submitted by the charitable organization with which the professional solicitor or professional fund-raising counsel has contracted may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A. To resolve a disagreement between reports, the director may require the professional solicitor or professional fund-raising counsel to submit an annual fund-raising activity report according to a fiscal year other than the professional solicitor's or professional fund-raising counsel's fiscal year.

**3. Contracting with unlicensed charitable organization.** A person may not contract with an unlicensed charitable organization for the solicitation of funds from the State's residents. A violation of this subsection may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A.

**Sec. 18. 9 MRSA §5009**, as amended by PL 2007, c. 402, Pt. A, §§7 and 8, is repealed and the following enacted in its place:

#### **§5009. Retention of contracts**

All contracts entered into between a professional solicitor or professional fund-raising counsel and a charitable organization, whether or not the organization is exempted under section 5006, must be in writing.

Contracts must be kept on file in the offices of the charitable organization and the professional solicitor or professional fund-raising counsel during the term of the contract and for 3 years after the date of solicitation of contributions provided for in the contract and must be made available for inspection by or production to the Attorney General or the director during that time.

**Sec. 19. 9 MRSA §5010**, as amended by PL 2003, c. 204, Pt. A, §1, is repealed.

**Sec. 20. 9 MRSA §5011**, as amended by PL 2003, c. 541, §14, is further amended to read:

#### **§5011. Public information**

All information required to be filed under this chapter is a public record and must be available to the public at the office of the commissioner director or in any manner the commissioner director may prescribe.

**Sec. 21. 9 MRSA §5011-A, last ¶,** as enacted by PL 2003, c. 541, §15, is repealed.

**Sec. 22. 9 MRSA §5012,** as amended by PL 2003, c. 541, §16, is repealed and the following enacted in its place:

#### **§5012. Charitable solicitation disclosure**

It is a violation of this chapter for any person or entity to solicit contributions from a prospective donor without fully disclosing to the prospective donor, at the time of solicitation but prior to the request for contributions, the name and physical address of the charitable organization for which the solicitation is being conducted.

**Sec. 23. 9 MRSA §5012-A,** as amended by PL 2011, c. 286, Pt. A, §9, is repealed.

**Sec. 24. 9 MRSA §5015-A,** as enacted by PL 2001, c. 323, §8, is amended to read:

#### **§5015-A. Fees**

The director of the office may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$200 annually. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A 2-A.

**Sec. 25. 9 MRSA §5017,** as amended by PL 2011, c. 286, Pt. A, §11, is further amended to read:

#### **§5017. Denial or refusal to renew license; disciplinary action**

The commissioner director or the commissioner's director's designee may deny the license application, refuse to renew the license or suspend or revoke the license of a person or an entity that has been, or whose principals, officers, directors, employees or fundraisers have been, convicted of, found guilty of, pled guilty or nolo contendere to or have been incarcerated by any federal or state court for any felony or for any misdemeanor involving dishonesty, including, but not limited to, fraud, theft, larceny, embezzlement or any crime arising from the conduct of a solicitation for a charitable organization.

The commissioner director or the commissioner's director's designee may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized under Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

**Sec. 26. 9 MRSA §5018,** as enacted by PL 2003, c. 541, §18, is amended to read:

#### **§5018. Rulemaking**

The commissioner director shall propose, revise, adopt and enforce rules necessary to carry out this chapter. Rules adopted pursuant to this chapter are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

### **CHAPTER 314**

#### **S.P. 454 - L.D. 1311**

#### **An Act To Amend the Laws Governing Unemployment Compensation To Ensure Conformity with the Federal Trade Adjustment Assistance Extension Act of 2011**

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

**Sec. 1. 26 MRSA §1192, sub-§2,** as amended by PL 2011, c. 645, §2, is further amended to read:

**2. Has registered for work.** The individual has registered for work at, and continued to report at, an employment office in accordance with rules the commission adopts, except that the commission may, by rule, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which the commission finds that compliance with the requirements would be oppressive, or would be inconsistent with the purposes of this chapter. A rule under this subsection may not conflict with section 1191, subsection 1.

The individual must actively seek work each week in which a claim for benefits is filed unless the individual is participating in approved training under subsection 6 or work search has been waived in accordance with rules adopted by the commission and provide evidence of work search efforts in a manner and form as prescribed by the commission Department of Labor. Failure to provide required work search documentation results in a denial of benefits in accordance with section 1194, subsection 2 for the week or weeks for which no documentation was provided unless the commission department determines there is good cause for the individual's failure to comply with this requirement;

**Sec. 2. 26 MRSA §1193, sub-§6,** as amended by PL 2011, c. 645, §9, is further amended to read:

**6. Has falsified.** For any week for which the deputy finds that the claimant made a false statement or representation knowing it to be false or knowingly failed to disclose a material fact in the claimant's ap-

plication to obtain benefits from any state or federal unemployment compensation program administered by the bureau. In addition, for a first or 2nd occurrence, the claimant is ineligible to receive any benefits for a period of not less than 6 months nor more than one year from the mailing date of the determination, and the commissioner shall assess a penalty of 50% of the benefits falsely obtained for the first occurrence and 75% for the 2nd occurrence. If an individual is disqualified for a 3rd occurrence of statement falsification or misrepresentation in an effort to obtain benefits, the commissioner shall assess a penalty of 100% of the benefits falsely obtained and the claimant is disqualified from receiving benefits for a period of time to be determined by the commissioner. An amount equal to 15% of each overpayment on which these penalties were assessed must be transferred directly into the fund account upon recovery;

**Sec. 3. 26 MRSA §1221, sub-§3, ¶E** is enacted to read:

E. An employer's experience rating record may not be relieved of charges relating to an erroneous payment from the fund if the bureau determines that:

(1) The erroneous payment was made because the employer or agent of the employer was at fault for failing to respond timely or adequately to a written or electronic request from the bureau for information relating to the claim for unemployment compensation; and

(2) The employer or agent of the employer has established a pattern of failing to respond timely or adequately to written or electronic requests from the bureau for information relating to claims for unemployment compensation.

A determination of the bureau not to relieve charges pursuant to this paragraph is subject to appeal as other determinations of the bureau with respect to the charging of employers' experience rating records.

**Sec. 4. 26 MRSA §1221, sub-§6, ¶Q** is enacted to read:

Q. "Erroneous payment" means a payment that would not have been made but for the failure by the employer or agent of the employer to respond timely or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation.

**Sec. 5. 26 MRSA §1221, sub-§6, ¶R** is enacted to read:

R. "Pattern of failing" means repeated documented instances of failure on the part of the employer or agent of the employer to respond timely

or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation, taking into consideration the number of instances of failure in relation to the total number of requests. An employer or agent of the employer that fails to respond timely or adequately to a written or electronic request from the bureau for information relating to a claim for unemployment compensation may not be determined to have engaged in a pattern of failing if the number of instances of failure during the year prior to a request is fewer than 2 or less than 2% of requests, whichever is greater.

**Sec. 6. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 26, section 1221, subsection 3, paragraph E applies to determinations of erroneous payments made after October 21, 2013.

See title page for effective date.

## CHAPTER 315

### H.P. 952 - L.D. 1335

#### An Act To Implement Recommendations of the Department of Environmental Protection Concerning Product Stewardship in Maine

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

**Sec. 1. 38 MRSA §1665-B, sub-§6,** as enacted by PL 2005, c. 558, §1, is amended to read:

**6. Report.** By March 15, 2007 and annually thereafter, the department shall submit a report on the collection and recycling of mercury added thermostats in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report due in 2007 must include a description and discussion of the financial incentive plan established under this section and recommendations for any statutory changes concerning the collection and recycling of mercury added thermostats. Subsequent reports must include Annually, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report that includes an evaluation of the effectiveness of the thermostat collection and recycling programs established under this section, information on actual collection rates and recommendations for any statutory changes concerning the collection and recycling of mercury-added thermostats. The report may be included in the report required pursuant to section 1772, subsection 1.

**Sec. 2. 38 MRSA §1672, sub-§4, ¶E,** as enacted by PL 2009, c. 272, §1, is amended to read:

E. Beginning April 15, in 2013, and biennially thereafter, the department shall calculate the percentage of mercury-added lamps recycled from households and report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on any modifications to the manufacturer recycling programs it intends to make to improve mercury-added lamp recycling rates and any recommendations for statutory changes needed to facilitate mercury-added lamp collection and recycling. The report may be included in the report required pursuant to section 1772, subsection 1.

**Sec. 3. 38 MRSA §1771, sub-§1-A** is enacted to read:

**1-A. Covered entity.** "Covered entity" means a household in this State, a business or nonprofit organization in this State exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3) that employs 100 or fewer individuals, an elementary school in this State or a secondary school in this State.

**Sec. 4. 38 MRSA §1772, sub-§1,** as enacted by PL 2009, c. 516, §1, is amended to read:

**1. Policy; report.** It is the policy of the State, consistent with its duty to protect the health, safety and welfare of its citizens, to promote product stewardship to support the State's solid waste management hierarchy under chapter 24. In furtherance of this policy, the department may collect information available in the public domain regarding products in the waste stream and assist the Legislature in designating products or product categories for product stewardship programs in accordance with this chapter. By January February 15, 2014, and annually thereafter, the department may shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report on products and product categories that when generated as waste may be appropriately managed under a product stewardship program. The report submitted under this subsection must include updates on the performance of existing product stewardship programs.

**Sec. 5. 38 MRSA §1772, sub-§5** is enacted to read:

**5. Legislation to establish product stewardship programs.** Annually, after reviewing the report submitted by the department pursuant to subsection 1, the joint standing committee of the Legislature having jurisdiction over natural resources matters may submit a bill to implement recommendations included in the department's report to establish new product stewardship programs or revise existing product stewardship programs.

**Sec. 6. 38 MRSA §1773,** as enacted by PL 2009, c. 516, §1, is repealed.

**Sec. 7. 38 MRSA §1776** is enacted to read:

**§1776. Product stewardship program; program requirements**

A product stewardship program established for a product or product category designated by the Legislature for inclusion in a product stewardship program must be established and implemented in accordance with the provisions of this section.

**1. Program.** A producer selling a product in the State that is a designated product or that is in a designated product category is responsible individually, collectively or through a stewardship organization for the implementation and financing of a product stewardship program to manage the product at the end of the product's life in accordance with the priorities in section 2101.

A. The program must include a collection system that is convenient and adequate to serve the needs of covered entities in both rural and urban areas.

B. The program must provide for effective education and outreach to promote the use of the program and to ensure that collection options are understood by covered entities.

C. A producer or stewardship organization, including a producer's or stewardship organization's officers, members, employees and agents that organize a product stewardship program under this chapter, is immune from liability for the producer's or stewardship organization's conduct under state laws relating to antitrust, restraint of trade, unfair trade practices and other regulation of trade or commerce only to the extent necessary to plan and implement the producer's or stewardship organization's chosen organized collection or recycling system.

**2. Requirement for sale.** One hundred eighty days after a product stewardship plan under subsection 5 is approved in accordance with subsection 8, a producer may not sell or offer for sale in the State the relevant product, unless the producer of the product participates individually, collectively or through a product stewardship program in accordance with an approved product stewardship plan.

**3. No fee.** A product stewardship program may not charge a fee at the time an unwanted product is delivered or collected for recycling or disposal.

**4. Costs.** Producers in a product stewardship program shall finance the collection, transportation and reuse, recycling or disposition of the relevant product.

**5. Requirement to submit a plan.** Within one year of a product's or product category's being desig-

nated for inclusion in a product stewardship program, the relevant producer or stewardship organization shall submit a product stewardship plan to the department for approval. The plan must include:

A. Identification and contact information for:

- (1) The individual or entity submitting the plan;
- (2) All producers participating in the product stewardship program;
- (3) The owners of the brands covered by the program; and
- (4) If using a stewardship organization, the stewardship organization, including a description of the organization and the tasks to be performed by the organization. The description must include information on how the organization is organized, including administration of the organization and management of the organization;

B. A description of the collection system, including:

- (1) The types of sites or other collection services to be used;
- (2) How all products covered under the product stewardship program will be collected in all counties of the State; and
- (3) How the collection system will be convenient and adequate to serve the needs of all entities;

C. The names and locations of recyclers, processors and disposal facilities that may be used by the product stewardship program;

D. Information on how the product and product components will be safely and securely transported, tracked and handled from collection through final disposition;

E. If possible, a description of the method to be used to reuse, deconstruct or recycle the unwanted product to ensure that the product components are transformed or remanufactured to the extent feasible;

F. A description of how the convenience and adequacy of the collection system will be monitored and maintained;

G. A description of how the amount of product and product components collected, recycled, processed, reused and disposed of will be measured;

H. A description of the education and outreach methods that will be used to encourage participation;

I. A description of how education and outreach methods will be evaluated;

J. Any performance goals established by producers or a stewardship organization to show success of the program; and

K. A description of how the program will be financed. If the program is financed by a per unit assessment paid by the producer to a stewardship organization, a plan for an annual 3rd-party audit to ensure revenue from the assessment does not exceed the cost of implementing the product stewardship program must be included.

**6. Plan amendments.** A change to an approved product stewardship plan must be submitted to the department for review prior to the implementation of that change. If a change is not substantive, such as the addition of or a change to collection locations, or if an additional producer joins the product stewardship program, approval is not needed, but the producer or stewardship organization operating the program must inform the department of the change within 14 days of implementing the change. The department shall review plan amendments in accordance with subsection 8.

**7. Annual reporting.** By February 1st of the calendar year after the calendar year in which an approved product stewardship program is implemented, and annually thereafter, the producer or stewardship organization operating the program shall submit to the department a report on the program for the previous calendar year. The report must include, at a minimum:

A. The amount of product collected per county;

B. A description of the methods used to collect, transport and process the product;

C. An evaluation of the program, including, if possible, diversion and recycling rates together with certificates of recycling or similar confirmations;

D. A description of the methods used for education and outreach efforts and an evaluation of the convenience of collection and the effectiveness of outreach and education. Every 2 years, the report must include the results of an assessment of the methods used for and effectiveness of education and outreach efforts. The assessment must be completed by a 3rd party;

E. If applicable, the report of the 3rd-party audit conducted to ensure that revenue collected from the assessment does not exceed implementation costs pursuant to subsection 5, paragraph K; and

F. Any recommendations for changes to the product stewardship program to improve convenience of collection, consumer education and program evaluation.

**8. Department review and approval.** Within 20 business days after receipt of a proposed product stewardship plan, the department shall determine whether the plan complies with subsection 5. If the plan is approved, the department shall notify the submitter in writing. If the department rejects the plan, the department shall notify the submitter in writing stating the reason for rejecting the plan. A submitter whose plan is rejected must submit a revised plan to the department within 60 days of receiving a notice of rejection.

**9. Plan availability.** Within 30 days of approval by the department of a product stewardship plan under subsection 8, the department shall place the approved product stewardship plan on the department's publicly accessible website.

**10. Proprietary information.** Proprietary information submitted to the department in a product stewardship plan, in an amendment to a product stewardship plan or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

As used in this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

**11. Exceptions.** This section does not apply to products subject to section 1610, 1665-A, 1665-B, 1672, 2165 or 2166.

**Sec. 8. 38 MRSA §2143, sub-§4,** as enacted by PL 2007, c. 343, §1, is amended to read:

**4. Reports.** By January 1, 2009, and every year thereafter until January 1, 2013, a cellular telephone service provider shall report to the department the number of cellular telephones collected pursuant to this section and how the collected cellular telephones were disposed of, reused or recycled. By February 1, 2009 and every year thereafter until February 1, 2013 Annually, the department shall report on the collection system to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report may be included in the report required pursuant to section 1772, subsection 1.

See title page for effective date.

## CHAPTER 316 S.P. 480 - L.D. 1373

### An Act To Update the Polygraph Examiner Licensing Laws

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

**Sec. 1. 5 MRSA §12004-I, sub-§74-H** is enacted to read:

#### 74-H.

<u>Public Safety</u>	<u>Polygraph Examiners Advisory Board</u>	<u>Not Authorized</u>	<u>32 MRSA §7371</u>
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**Sec. 2. 32 MRSA c. 85,** as amended, is repealed.

**Sec. 3. 32 MRSA c. 86** is enacted to read:

## CHAPTER 86 POLYGRAPH EXAMINERS ACT SUBCHAPTER 1 GENERAL PROVISIONS

### §7351. Short title

This chapter may be known and cited as "the Polygraph Examiners Act."

### §7352. Definitions

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

**1. Board.** "Board" means the Polygraph Examiners Advisory Board under section 7371.

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

**3. Department.** "Department" means the Department of Public Safety.

**4. Instrument.** "Instrument" means a device used to test a subject to directly or indirectly detect deception or verify the truth of a statement by, at a minimum, recording visually, permanently and simultaneously a subject's cardiovascular, respiratory and electrodermal patterns.

**5. Intern.** "Intern" means a person who holds a polygraph examiner intern license under this chapter.

**6. Polygraph examiner.** "Polygraph examiner" means a person licensed under this chapter to use an instrument.

**7. Polygraph examiner internship.** "Polygraph examiner internship" means a course of study of polygraph examinations and of the administration of polygraph examinations by an intern under the supervision and control of a polygraph examiner.

#### **§7353. Commissioner; powers and duties**

**1. Administer and enforce.** The commissioner shall administer and enforce this chapter.

**2. Rules.** The commissioner shall adopt rules necessary to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Board.** The commissioner shall consult with the board concerning the licensing of polygraph examiners, polygraph examiner internship requirements and any other matters necessary for the administration of this chapter.

#### **§7354. License required to maintain action or counterclaim**

A person may not maintain an action or counterclaim against another person in a court in this State with respect to an agreement for or the performance of a service for which a license is required by this chapter, including the recovery of any compensation under the agreement or for the service, unless the person alleges and proves that the other person was licensed at the time of making the agreement or performing the service.

#### **§7355. General criminal penalty**

**1. General violation.** A person commits a Class E crime if the person:

A. Intentionally violates this chapter other than section 7365;

B. Falsely represents that the person:

(1) Has been or is a polygraph examiner or intern; or

(2) Is qualified to use an instrument;

C. Maintains possession of a suspended or revoked polygraph examiner license; or

D. Fails to make a report required by section 7361, subsection 1, paragraph F.

**2. Violation of confidentiality.** A person commits a Class D crime if the person intentionally violates section 7365.

#### **SUBCHAPTER 2**

#### **POLYGRAPH EXAMINATION ADMINISTRATION GENERALLY**

##### **§7361. Polygraph examiner's duties and responsibilities generally**

**1. Duties and responsibilities.** A polygraph examiner or an intern shall:

A. Abide by the provisions of this chapter and rules adopted pursuant to this chapter;

B. Ensure that confidential information protected under section 7365 is disclosed only as authorized by that section;

C. Inform a subject to be examined of the nature of the examination;

D. Inform the subject of an examination of the examination results on request at the completion of the examination;

E. Provide within a reasonable time information requested by the commissioner as the result of a formal complaint to the commissioner alleging a violation of this chapter; and

F. Immediately report to the Department of Health and Human Services when the examiner knows or has reasonable cause to suspect that a person 14 years of age or younger will be the victim of a sexual assault crime as provided under Title 17-A, chapter 11 or is in imminent danger of substantial bodily injury or death.

The duty to report provided in this paragraph does not abrogate any other duty an examiner has to report by virtue of the examiner's profession pursuant to Title 22, section 3477 or 4011-A.

**2. Prohibitions.** A polygraph examiner or an intern may not:

A. Aid or abet another to violate this chapter or a rule adopted under this chapter;

B. Allow the person's license issued under this chapter to be used by an unlicensed person in violation of this chapter;

C. Make a material misstatement in an application for the issuance or renewal of a license;

D. Make a misrepresentation or false promise or cause the printing of a false or misleading advertisement to directly or indirectly obtain business;

E. Conduct an examination without the informed consent of the subject of the examination;

F. Administer a polygraph examination to a minor without the written consent of a parent of the minor or the minor's legal guardian;

G. Make a false report concerning an examination for polygraph examination purposes; or

H. Commit a criminal offense, including, but not limited to, an offense that directly relates to the duties and responsibilities of a polygraph examiner.

**3. Disciplinary action.** A person who fails to comply with this section is subject to disciplinary action pursuant to section 7388.

#### **§7362. Minimum polygraph instrument requirements**

**1. Minimum instrument requirements.** An instrument must record visually, permanently and simultaneously a subject's cardiovascular, respiratory and electrodermal patterns. An instrument used by a polygraph examiner may also record patterns of other physiological changes.

**2. Other devices prohibited.** The use of any device by a polygraph examiner for the purpose of directly or indirectly detecting deception or verifying truth of statements that does not meet the minimum instrument requirements set forth in subsection 1 is prohibited.

#### **§7363. Prohibitions**

**1. Practice without a license.** A person may not administer polygraph examinations, purport to be a polygraph examiner or use any other title that would cause members of the public to believe that the person is a polygraph examiner without first securing a license under this chapter. This prohibition does not apply to an employee of the Federal Government who administers polygraph examinations in the course of employment or who purports to be a polygraph examiner in connection with employment.

**2. Prohibited questioning.** A polygraph examiner conducting a polygraph examination may not ask any questions pertaining to sexual behavior of any type or questions that could be construed as being sexually oriented, unless the examination is conducted either in the course of a criminal investigation by law enforcement officials or in the course of civil litigation in which sexual behavior is at issue or the examination is conducted for the purpose of ensuring compliance with court-ordered sex offender treatment. This prohibition does not apply to polygraph examinations for applicants for positions in law enforcement agencies. If the polygraph examination is conducted for the purpose of ensuring compliance with court-ordered sex offender treatment, the results of the examination are not admissible into evidence in a court proceeding.

**3. Political or religious beliefs.** A polygraph examiner may not ask questions regarding the political or religious beliefs of any individual during a polygraph examination, except when the examination is conducted in the course of a criminal investigation con-

ducted by law enforcement officials and the political or religious beliefs of the individual may be relevant to that investigation.

**4. Knowledge and consent.** A polygraph examiner may not conduct a polygraph examination without the subject's full knowledge and consent.

#### **§7364. Limitations on uses in employment**

**1. Preemployment screening.** An employer may not, directly or indirectly, require, request or suggest that an applicant for employment submit to a polygraph examination as a condition of obtaining employment or administer or cause to be administered to an applicant such an examination or use or refer to the results of such an examination for hiring purposes. For purposes of this subsection, "employer" includes an employment agency and "applicant" includes a person seeking to use an employment agency's services.

**2. Current employees.** An employer may not, directly or indirectly, require, request or suggest that an employee submit to a polygraph examination as a condition of continued employment or administer or cause to be administered to an employee such an examination or use or refer to the results of such an examination for employment purposes.

**3. Exception.** This section does not apply to employees of or applicants for employment with law enforcement agencies.

**4. Voluntary request.** This section does not prohibit an employee from voluntarily requesting a polygraph examination in connection with employment or an employer from using or referring to the results of any examination so requested, except that the results of that examination may not be used against the employee by the employer for any purpose, the employer must give the employee a copy of this chapter when the employee requests the examination and the examination must be recorded or a witness of the employee's choice must be present during the examination, or both, as the employee requests.

#### **§7365. Confidentiality of polygraph examination results and related records**

**1. Disclosure prohibited.** A polygraph examiner, intern or employee of a polygraph examiner may not disclose information acquired from a polygraph examination, or records resulting from a polygraph examination, to another person other than:

A. The subject of the examination;

B. Any other person specifically designated in writing by the subject of the examination;

C. A member or agent of the department that licenses a polygraph examiner or law enforcement agency that supervises or controls a polygraph examiner's activities;

D. Another polygraph examiner in private, professional consultation; or

E. The Department of Health and Human Services pursuant to section 7361, subsection 1, paragraph F.

**2. Further disclosure prohibited.** A polygraph examiner or other person to whom information acquired from a polygraph examination is disclosed under subsection 1 may not further disclose the information or records.

**3. Examination records.** Notwithstanding any other provision of law, the pre-test, in-test and post-test records associated with the administration of a polygraph examination that is administered for pre-employment screening purposes or in association with a law enforcement investigation are confidential for the purposes of Title 1, chapter 13 and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is expressly waived, in writing, by the subject of the examination. For purposes of this subsection, "records" includes, but is not limited to, video and audio recordings, graphs and examination results.

**4. Records in custody of commissioner.** Records in the custody of the commissioner pursuant to this chapter are confidential if those records contain:

- A. Personal medical information of an applicant or licensee under this chapter; or
- B. Personally identifying information of a minor to whom a polygraph examination has been administered.

#### **§7366. Information included in contract for services and waiver of liability**

If a written contract for a polygraph examiner's services or a waiver of liability is signed by the subject of a polygraph examination, the contract or waiver must inform the subject of the procedures for filing a complaint with the commissioner against the polygraph examiner and contain the name, mailing address and telephone number of the department.

#### **SUBCHAPTER 3**

#### **POLYGRAPH EXAMINERS ADVISORY BOARD**

##### **§7371. Polygraph Examiners Advisory Board**

**1. Establishment; advise commissioner.** The Polygraph Examiners Advisory Board, as established by Title 5, section 12004-1, subsection 74-H, shall act as an advisory board to the commissioner on issues relating to the licensing and regulation of polygraph examiners.

**2. Members.** The board consists of 5 members appointed by the Governor as follows:

A. Two polygraph examiners, each of whom is a polygraph examiner for a state, county or municipal law enforcement agency;

B. Two polygraph examiners who are polygraph examiners in a commercial field; and

C. One member who represents the public.

**3. Residency.** A member of the board must have been a resident of this State for at least 2 years immediately preceding the date of appointment.

**4. Active engagement.** Except for the member of the board who represents the public, a member of the board must be actively engaged as a polygraph examiner on the date of appointment to the board.

**5. Employment.** No 2 board members may be employed by the same employer.

**6. Meetings.** The board shall meet as needed, but at least twice annually.

**7. Terms.** Board members serve 3-year terms.

**8. Vacancies.** If a vacancy occurs on the board, the Governor shall appoint a successor to fill the unexpired term.

**9. Chair.** The board shall select from among its members a chair to serve for a 2-year term.

**10. Powers and duties.** The board shall:

A. Advise the commissioner on proposed rules;

B. At the request of the commissioner, review written examinations for polygraph examiner license applicants and provide advice regarding polygraph examiner internship requirements;

C. At the request of the commissioner, provide advice on granting, suspending and revoking the licenses of polygraph examiners;

D. Propose standards governing the conduct of persons licensed under this chapter, which may be incorporated by reference into rules adopted by the commissioner; and

E. At the request of the commissioner, provide advice and information on any matters the commissioner determines appropriate or necessary to administer this chapter.

#### **SUBCHAPTER 4**

#### **LICENSEURE**

##### **§7381. License application**

**1. Application.** An application for a polygraph examiner license or polygraph examiner intern license must:

A. Be complete and made to the commissioner, in the manner and including the information prescribed by the commissioner; and

B. Be accompanied by the required nonrefundable fee. A fee for any license under this chapter may be charged only in an amount reasonably calculated by the commissioner to cover the aggregate costs of the administration of this chapter by the department.

**2. Term of polygraph examiner license.** A polygraph examiner license is issued for a 2-year term and may be renewed.

**3. Term of polygraph examiner intern license.** A polygraph examiner intern license expires on the first anniversary of the date of issuance and may be renewed once. After the expiration of the original term of a polygraph examiner intern license and renewal of that license granted by the commissioner, an intern may not hold another polygraph examiner intern license before the first anniversary of the date the intern's previous polygraph examiner intern license expired.

**4. Sole authority.** The commissioner has sole authority to issue a license under this chapter.

#### **§7382. Qualifications for license**

**1. Qualifications.** A person is qualified for a polygraph examiner license if the person:

A. Has not been convicted of a crime for which a license may be denied under Title 5, chapter 341;

B. Either:

(1) Holds a baccalaureate degree from a college or university accredited by an organization recognized by the commissioner; or

(2) Has at least 5 years of active investigative experience with an investigative service of the United States as a sworn member of a branch of the United States Armed Forces, a federal investigative agency or a law enforcement agency immediately preceding the date of application;

C. Is a graduate of a commissioner-approved polygraph examiner course and has satisfactorily completed at least 6 months of a polygraph examiner internship; and

D. Has passed an examination approved by the commissioner to determine the person's competency for a license.

**2. Examination.** The commissioner shall provide for an examination for licensure under this chapter to be administered as needed, but at least at 3-month intervals.

#### **§7383. Nonresident applicant for license**

**1. Consent to action.** In addition to meeting all other requirements for a license, an applicant for the issuance or renewal of a polygraph examiner license

who is not a resident of this State must file with the commissioner an irrevocable consent to have:

A. An action against the applicant filed in a court in a county or municipality of the state in which:

(1) The plaintiff resides; or

(2) A part of the transaction out of which the alleged cause of action arose occurred; and

B. Process in the action under paragraph A served on the applicant by leaving 2 copies of the process with the commissioner. Service of process in the manner described under this paragraph is binding for all purposes.

**2. Copy to applicant.** The commissioner shall immediately send by registered or certified mail a copy of the process under subsection 1, paragraph B to the applicant at the address shown on department records.

#### **§7384. Applicant with out-of-state license**

The commissioner may grant a license to an applicant who holds a valid license from another state that has license requirements substantially equivalent to or more stringent than those of this State.

#### **§7385. Continuing education**

A polygraph examiner shall participate in continuing education programs as required by rules of the commissioner.

#### **§7386. License holder information**

A polygraph examiner or intern shall notify the commissioner in writing of a change in the polygraph examiner's or intern's principal business location or residential location not later than the 30th day after the date the change is made.

#### **§7387. Display of license**

A polygraph examiner or intern shall prominently display the polygraph examiner's or intern's license or a copy of the license at the polygraph examiner's or intern's place of business or place of internship, as appropriate.

#### **§7388. Refusal; suspension; revocation; disciplinary action; grounds**

The commissioner may deny a license, refuse to renew a license, suspend or revoke a license or impose disciplinary or probationary conditions, fines or costs of hearing and investigation on a polygraph examiner or intern, as well as issue a written warning, for:

**1. Violation of chapter or rule.** A violation of any provision of this chapter or any rule adopted by the commissioner;

**2. Violation of standards of acceptable professional conduct.** A violation of the standards of ac-

ceptable professional conduct adopted by rule by the commissioner; or

**3. Cause for refusal.** The commission of an act that would have been cause for refusal to issue a license had the act occurred and been known to the commissioner at the time of issuance of a license.

A decision to deny, revoke or suspend a license or to impose disciplinary action of any kind under this chapter may be appealed pursuant to the Maine Administrative Procedure Act.

#### **§7389. Surrender of license**

A polygraph examiner or intern whose license is suspended or revoked by the commissioner shall immediately surrender the license to the commissioner.

#### **§7390. Administrative actions; Maine Administrative Procedure Act**

The Maine Administrative Procedure Act applies to and governs all administrative actions taken under this chapter.

**Sec. 4. Polygraph Examiners Advisory Board; staggered terms.** Notwithstanding the Maine Revised Statutes, Title 32, section 7371, subsection 7, of the initial members appointed to the Polygraph Examiners Advisory Board, the Governor shall appoint 2 members for terms of 3 years, 2 members for terms of 2 years and one member for a term of one year.

**Sec. 5. Effective date.** This Act takes effect April 1, 2014.

Effective April 1, 2014.

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### **CHAPTER 317**

#### **H.P. 985 - L.D. 1384**

#### **An Act To Amend Article 9-A of the Uniform Commercial Code**

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

**Whereas,** changes to Article 9-A of the Uniform Commercial Code need to be effective on July 1, 2013 to be consistent across all the states enacting the 2010 amendments; and

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

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

#### **PART A**

**Sec. A-1. 11 MRSA §9-1102, sub-§(7), ¶(b),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed and the following enacted in its place:

**(b).** With present intent to adopt or accept a record, to attach to or logically associate with the record on electronic sound, symbol or process.

**Sec. A-2. 11 MRSA §9-1102, sub-§(10),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

**(10).** "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. "Certificate of title" includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificate of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

**Sec. A-3. 11 MRSA §9-1102, sub-§(46),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

**(46).** "Health-care-insurance receivable" means an interest in or claim under a policy of insurance that is a right to payment of a monetary obligation for health-care goods or services provided or to be provided.

**Sec. A-4. 11 MRSA §9-1102, sub-§(50),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

**(50).** "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

**Sec. A-5. 11 MRSA §9-1102, sub-§(67-A)** is enacted to read:

**(67-A).** "Public organic record" means a record that is available to the public for inspection and is:

**(a).** A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States that amends or restates the initial record;

**(b).** An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state that amends or re-

states the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(c). A record consisting of legislation enacted by the legislature of a state or the Congress of the United States that forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States that amends or restates the name of the organization.

**Sec. A-6. 11 MRSA §9-1102, sub-§(70),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(70). "Registered organization" means an organization formed or organized solely under the law of a single state or of the United States and as to which the state or the United States must maintain a public record showing the organization to have been organized by the filing of a public organic record with, the issuance of a public organic record by or the enactment of legislation by the state or the United States. "Registered organization" includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

**Sec. A-7. 11 MRSA §9-1102, sub-§(72), ¶(f),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(f). A person that holds a security interest arising under section 2-401, 2-505, 2-711, subsection (3), 2-508 2-1508, subsection (5), 4-210, or 5-118.

**Sec. A-8. 11 MRSA §9-1102, sub-§(80), ¶(d),** as amended by PL 2009, c. 324, Pt. B, §28 and affected by §48, is further amended to read:

(d). Transmitting or producing and transmitting electricity, steam, gas or water.

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

"Applicant"	Section 5-1102.
"Beneficiary"	Section 5-1102.
"Broker"	Section 8-1102.
"Certificated security"	Section 8-1102.
"Check"	Section 3-1104.
"Clearing corporation"	Section 8-1102.
"Contract for sale"	Section 2-106.
"Customer"	Section 4-104.
"Entitlement holder"	Section 8-1102.
"Financial asset"	Section 8-1102.
"Holder in due course"	Section 3-1302.

"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 5-1102.
"Issuer" (with respect to a security)	Section 8-1201.
"Issuer" (with respect to documents of title)	Section 7-1102.
"Lease"	Section 2-1103.
"Lease agreement"	Section 2-1103.
"Lease contract"	Section 2-1103.
"Leasehold interest"	Section 2-1103.
"Lessee"	Section 2-1103.
"Lessee in ordinary course of business"	Section 2-1103.
"Lessor"	Section 2-1103.
"Lessor's residual interest"	Section 2-1103.
"Letter of credit"	Section 5-1102.
"Merchant"	Section 2-104.
"Negotiable instrument"	Section 3-1104.
"Nominated person"	Section 5-1102.
"Note"	Section 3-1104.
"Proceeds of a letter of credit"	Section 5-114.
"Prove"	Section 3-1103.
"Sale"	Section 2-106.
"Securities account"	Section 8-1501.
"Securities intermediary"	Section 8-1102.
"Security"	Section 8-1102.
"Security certificate"	Section 8-1102.
"Security entitlement"	Section 8-1102.
"Uncertificated security"	Section 8-1102.

**Sec. A-9. 11 MRSA §9-1105, first ¶,** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned. A system satisfies this section if the record or records comprising the chattel paper are created, stored and assigned in such a manner that:

**Sec. A-10. 11 MRSA §9-1105, sub-§(4),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(4). Copies or revisions amendments that add or change an identified assignee of the authoritative copy can be made only with the participation consent of the secured party;

**Sec. A-11. 11 MRSA §9-1105, sub-§(6),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

**(6).** Any ~~revision~~ amendment of the authoritative copy is readily identifiable as an authorized or unauthorized revision.

**Sec. A-12. 11 MRSA §9-1307, sub-§(6), ¶(b),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b). In the state that the registered organization, branch or agency designates, if the law of the United States authorizes the registered organization, branch or agency to designate its state of location, including by designating its main office, home office or other corporate office; or

**Sec. A-13. 11 MRSA §9-1311, sub-§(1), ¶(c),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(c). A ~~certificate of title~~ statute of another jurisdiction that provides for a security interest to be indicated on ~~the~~ a certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

**Sec. A-14. 11 MRSA §9-1316,** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

#### **§9-1316. Effect of change in governing law**

**(1).** A security interest perfected pursuant to the law of the jurisdiction designated in section 9-1301, subsection (1) or section 9-1305, subsection (3) remains perfected until the earliest of:

- (a). The time perfection would have ceased under the law of that jurisdiction;
- (b). The expiration of 4 months after a change of the debtor's location to another jurisdiction;
- (c). The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction; or
- (d). The expiration of one year after a new debtor located in another jurisdiction becomes bound under section 9-1203, subsection (4).

**(2).** If a security interest described in subsection (1) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**(3).** A possessory security interest in collateral, other than goods covered by a certificate of title and collateral, as extracted, consisting of goods, remains continuously perfected if:

(a). The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b). Thereafter the collateral is brought into another jurisdiction; and

(c). Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

**(4).** Except as otherwise provided in subsection (5), a security interest in goods covered by a certificate of title that is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

**(5).** A security interest described in subsection (4) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under section 9-1311, subsection (2) or section 9-1313 are not satisfied before the earlier of:

(a). The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(b). The expiration of 4 months after the goods had become so covered.

**(6).** A security interest in deposit accounts, letter-of-credit rights or investment property that is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a). The time the security interest would have become unperfected under the law of that jurisdiction; or

(b). The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

**(7).** If a security interest described in subsection (6) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**(8).** The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction.

(a). A financing statement filed before the change pursuant to the law of the jurisdiction designated in section 9-1301, subsection (1) or 9-1305, subsection (3) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(b). If a security interest perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 9-1301, subsection (1) or 9-1305, subsection (3) or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(9). If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in section 9-1301, subsection (1) or 9-1305, subsection (3) and the new debtor is located in another jurisdiction, the following rules apply.

(a). The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under section 9-1203, subsection (4), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b). A security interest perfected by the financing statement and that becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 9-1301, subsection (1) or 9-1305, subsection (3) or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but that does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

**Sec. A-15. 11 MRSA §9-1317, sub-§(2),** as amended by PL 2009, c. 324, Pt. B, §41 and affected by §48, is further amended to read:

(2). Except as otherwise provided in subsection (5), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments or a security certificate certificated security takes free

of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

**Sec. A-16. 11 MRSA §9-1317, sub-§(4),** as amended by PL 2009, c. 324, Pt. B, §42 and affected by §48, is further amended to read:

(4). A licensee of a general intangible or a buyer, other than a secured party, of accounts, electronic chattel paper, electronic documents, general intangibles or investment property collateral other than tangible chattel paper, tangible documents, goods, instruments or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

**Sec. A-17. 11 MRSA §9-1326,** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

#### **§9-1326. Priority of security interests created by new debtor**

(1). Subject to subsection (2), a security interest that is created by a new debtor that is collateral in which the new debtor has or acquires rights and would be ineffective to perfect the security interest but for the application of section 9-1316, subsection (9), paragraph (a) or section 9-1508 is perfected solely by a filed financing statement that is effective solely under section 9-1508 in collateral in which a new debtor has or acquires rights is subordinate to a security interest in the same collateral that is perfected other than by such a filed financing statement that is effective solely under section 9-1508.

(2). The other provisions of this Part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements that are effective solely under section 9-1508 described in subsection (1). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

**Sec. A-18. 11 MRSA §9-1406, sub-§(5),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(5). Subsection (4) does not apply to the sale of a payment intangible or promissory note other than a sale pursuant to a disposition under section 9-1610 or an acceptance of collateral under section 9-1620.

**Sec. A-19. 11 MRSA §9-1408, sub-§(2),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). Subsection (1) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under section 9-1610 or acceptance of collateral under section 9-1620.

**Sec. A-20. 11 MRSA §9-1502, sub-§(3), ¶(c),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed and the following enacted in its place:

(c). The record satisfies the requirements for a financing statement in this section, but:

- (i) The record need not indicate that it is to be filed in the real property records; and
- (ii) The record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom section 9-1503, subsection (1), paragraph (c-1) applies; and

**Sec. A-21. 11 MRSA §9-1503,** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

#### **§9-1503. Name of debtor and secured party**

(1). A financing statement sufficiently provides the name of the debtor:

(a). If Except as otherwise provided in paragraph (c), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name of the debtor indicated that is stated to be the registered organization's name on the public organic record of most recently filed with or issued or enacted by the debtor's registered organization's jurisdiction of organization that shows the debtor to have been organized purports to state, amend or restate the registered organization's name;

(b). If Subject to subsection (6), if the debtor is a decedent's estate collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the debtor is an estate collateral is being administered by a personal representative;

(c). If the debtor is a trust or a trustee acting with respect to property held in trust collateral is held in a trust that is not a registered organization, only if the financing statement:

- (i) Provides as the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor

and additional information sufficient to distinguish of the debtor from other trusts having one or more of the same settlors; and:

(A) If the organic record of the trust specifies a name for the trust, the name specified; or

(B) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(ii) Indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and In a separate part of the financing statement:

(A) If the name is provided in accordance with subparagraph (i), division (A), indicates that the collateral is held in trust; or

(B) If the name is provided in accordance with subparagraph (i), division (B), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(c-1). Subject to subsection 7 if the debtor is an individual to whom this State has issued a driver's license or nondriver identification card that has not expired, only if the financing statement provides the name of the individual that is indicated on a driver's license or nondriver identification card;

(c-2). If the debtor is an individual to whom paragraph (c-1) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(d). In other cases:

(i) If the debtor has a name, only if the financing statement provides the individual or organizational name of the debtor; and

(ii) If the debtor does not have a name, only if the financing statement provides the names of the partners, members, associates or other persons comprising the debtor, in a manner so that each name provided would be sufficient if the person named were the debtor.

(2). A financing statement that provides the name of the debtor in accordance with subsection (1) is not rendered ineffective by the absence of:

- (a). A trade name or other name of the debtor; or

(b). Unless required under subsection (1), paragraph (d), subparagraph (ii), names of partners, members, associates or other persons comprising the debtor.

(3). A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(4). Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(5). A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(6). The name of the decedent as indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the name of the decedent under subsection (1), paragraph (b).

(7). If this State has issued to an individual more than one driver's license or nondriver identification card of a kind described in subsection (1), paragraph (c-1), the one that was issued most recently is the one to which subsection (1), paragraph (c-1) refers.

(8). In this section, "name of the settlor or testator" means:

(a). If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization that purports to state, amend or re-state the settlor's name; or

(b). In other cases, the name of the settlor or testator indicated in the trust's organic record.

**Sec. A-22. 11 MRSA §9-1507, sub-§(3),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed and the following enacted in its place:

(3). If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under section 9-1503, subsection (1) so that the financing statement becomes seriously misleading under section 9-1506:

(a). The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the filed financing statement becomes seriously misleading; and

(b). The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the filed financing statement becomes seriously misleading, unless an amendment to the financing statement that renders the financing statement not seriously

misleading is filed within 4 months after the financing statement became seriously misleading.

**Sec. A-23. 11 MRSA §9-1515, sub-§(6),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(6). If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

**Sec. A-24. 11 MRSA §9-1516, sub-§(2), ¶(c),** as amended by PL 2001, c. 286, §6, is further amended to read:

(c). The filing office is unable to index the record because:

(i) In the case of an initial financing statement, the record does not provide a name for the debtor or, for a record recorded in the county registry of deeds, the record does not provide a name for the debtor and the secured party;

(ii) In the case of an amendment or ~~correction~~ information statement, the record:

(A) Does not identify the initial financing statement as required by section 9-1512 or 9-1518, as applicable; or

(B) Identifies an initial financing statement whose effectiveness has lapsed under section 9-1515;

(iii) In the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual that was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's ~~last name surname~~; or

(iv) In the case of a record recorded in the county registry of deeds, the record does not provide a sufficient description of the real property to which it relates;

**Sec. A-25. 11 MRSA §9-1516, sub-§(2), ¶(e),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(e). In the case of an initial financing statement or an amendment that provides a name of a debtor that was not previously provided in the financing statement to which the amendment relates, the record does not:

(i) Provide a mailing address for the debtor; or

- (ii) Indicate whether the name provided as the name of the debtor is an individual or an organization; or
- (iii) If the financing statement indicates that the debtor is an organization, provide:
  - (A) A type of organization for the debtor;
  - (B) A jurisdiction of organization for the debtor; or
  - (C) An organizational identification number for the debtor or indicate that the debtor has none;

**Sec. A-26. 11 MRSA §9-1518,** as amended by PL 2001, c. 286, §7, is further amended to read:

**§9-1518. Claim concerning inaccurate or wrongfully filed record**

(1). A person may file in the filing office ~~a correction~~ an information statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(2). ~~A correction~~ An information statement under subsection (1) must:

- (a) Identify the record to which it relates by:
  - (i) The file number assigned to the initial financing statement to which the record relates; and
  - (ii) If the ~~correction~~ information statement relates to a record recorded in the county registry of deeds, the book and page in which the initial financing statement was recorded, the name of the debtor and the secured party and the information specified in section 9-1502, subsection (2);
- (b) Indicate that it is ~~a correction~~ an information statement; and
- (c) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

~~(2-A).~~ A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under section 9-1509, subsection (4).

~~(2-B).~~ An information statement under subsection (2-A) must:

- (a). Identify the record to which it relates by:
  - (i) The file number assigned to the initial financing statement to which the record relates; and
  - (ii) If the information statement relates to a record recorded in the county registry of deeds, the book and page in which the initial financing statement was recorded, the name of the debtor and the secured party and the information specified in section 9-1502, subsection (2);
- (b). Indicate that it is an information statement; and
- (c). Provide the basis for the person's belief that the person that filed the record was not entitled to do so under section 9-1509, subsection (4).
- (3). The filing of a ~~correction~~ an information statement does not affect the effectiveness of an initial financing statement or other filed record.

**Sec. A-27. 11 MRSA §9-1521,** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed and the following enacted in its place:

**§9-1521. Uniform form of written financing statement and amendment**

(1). ~~Except for a reason set forth in section 9-1516, subsection (2), a filing office that accepts written records may not refuse to accept a written initial financing statement in a form and format:~~

- (a). Approved by the International Association of Commercial Administrators or successor organization; or
- (b). Adopted by rule adopted by the Secretary of State.

(2). ~~Except for a reason set forth in section 9-1516, subsection (2), a filing office that accepts written records may not refuse to accept a written amendment or information statement in a form and format:~~

- (a). Approved by the International Association of Commercial Administrators or successor organization; or
- (b). Adopted by rule adopted by the Secretary of State.

**Sec. A-28. 11 MRSA §9-1607, sub-§(2), ¶(b),** as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (b). The secured party's sworn affidavit in recordable form stating that:
  - (i) A default has occurred ~~with respect to the obligation by the mortgage;~~ and
  - (ii) The secured party is entitled to enforce the mortgage nonjudicially.

**PART B****Sec. B-1. Savings clause.****1. Transactions or liens before July 1, 2013.**

Except as otherwise provided in this Part, this Act applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.

**2. Proceedings before July 1, 2013.** This Act does not affect an action, case or proceeding commenced before July 1, 2013.

**Sec. B-2. Security interest perfected before effective date.**

**1. Continuing perfection: perfection requirements satisfied.** A security interest that is a perfected security interest immediately before July 1, 2013 is a perfected security interest under the Maine Revised Statutes, Title 11, Article 9-A as amended by this Act if, on July 1, 2013, the applicable requirements for attachment and perfection under Title 11, Article 9-A as amended by this Act are satisfied without further action.

**2. Continuing perfection: perfection requirements not satisfied.** Except as otherwise provided in section 4 of this Part, if, immediately before July 1, 2013, a security interest is a perfected security interest, but the applicable requirements for perfection under Title 11, Article 9-A as amended by this Act are not satisfied on July 1, 2013, the security interest remains perfected thereafter only if the applicable requirements for perfection under Title 11, Article 9-A as amended by this Act are satisfied by July 1, 2014.

**Sec. B-3. Security interest unperfected before effective date.** A security interest that is an unperfected security interest immediately before July 1, 2013 becomes a perfected security interest:

**1. Applicable requirements satisfied on or before July 1, 2013.** Without further action on July 1, 2013 if the applicable requirements for perfection under the Maine Revised Statutes, Title 11, Article 9-A as amended by this Act are satisfied on or before July 1, 2013; or

**2. Applicable requirements satisfied after July 1, 2013.** When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

**Sec. B-4. Effectiveness of action taken before effective date.**

**1. Filing before July 1, 2013.** The filing of a financing statement before July 1, 2013 is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under the Maine Revised Statutes, Title 11, Article 9-A as amended by this Act.

**2. When filing before July 1, 2013 becomes ineffective.** This Act does not render ineffective an effective financing statement that, before July 1, 2013, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Title 11, Article 9-A as it existed before amendment. However, except as otherwise provided in subsections 3 and 4 and section 5 of this Part, the financing statement ceases to be effective:

A. If the financing statement is filed in this State, at the time the financing statement would have ceased to be effective had this Act not taken effect; or

B. If the financing statement is filed in another jurisdiction, at the earlier of:

(1) The time the financing statement would have ceased to be effective under the law of that jurisdiction; and

(2) June 30, 2018.

**3. Continuation statement.** The filing of a continuation statement after July 1, 2013 does not continue the effectiveness of a financing statement filed before July 1, 2013. However, upon the timely filing of a continuation statement after July 1, 2013 and in accordance with the law of the jurisdiction governing perfection as provided in Title 11, Article 9-A as amended by this Act, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013 continues for the period provided by the law of that jurisdiction.

**4. Application to transmitting utility financing statement.** Subsection 2, paragraph B, subparagraph (2) applies to a financing statement that, before July 1, 2013, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in Title 11, Article 9-A as it existed before amendment, only to the extent that Title 11, Article 9-A as amended by this Act provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

**5. Application of Title 11, Article 9-A, part 5.** A financing statement that includes a financing statement filed before July 1, 2013 and a continuation statement filed after July 1, 2013 is effective only to the extent that it satisfies the requirements of Title 11, Article 9-A, part 5 as amended by this Act for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of Title 11, section 9-1503, subsection (1), paragraph (b) as amended by this Act. A financing statement that indicates that the

debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of Title 11, section 9-1503, subsection (1), paragraph (c) as amended by this Act.

**Sec. B-5. When initial financing statement suffices to continue effectiveness of financing statement.**

**1. Initial financing statement in lieu of continuation statement.** The filing of an initial financing statement in the office specified in the Maine Revised Statutes, Title 11, section 9-1501 continues the effectiveness of a financing statement filed before July 1, 2013 if:

- A. The filing of an initial financing statement in that office would be effective to perfect a security interest under Title 11, Article 9-A as amended by this Act;
- B. The pre-July 1, 2013 financing statement was filed in an office in another state; and
- C. The initial financing statement satisfies subsection 3.

**2. Period of continued effectiveness.** The filing of an initial financing statement under subsection 1 continues the effectiveness of the pre-July 1, 2013 financing statement:

- A. If the initial financing statement is filed before July 1, 2013, for the period provided in unamended Title 11, section 9-1515 with respect to an initial financing statement; and
- B. If the initial financing statement is filed after July 1, 2013, for the period provided in Title 11, section 9-1515 as amended by this Act with respect to an initial financing statement.

**3. Requirements for initial financing statement under subsection 1.** To be effective for purposes of subsection 1, an initial financing statement must:

- A. Satisfy the requirements of Title 11, Article 9-A, part 5 as amended by this Act for an initial financing statement;
- B. Identify the pre-July 1, 2013 financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and
- C. Indicate that the pre-effective-date financing statement remains effective.

**Sec. B-6. Amendment of pre-effective-date financing statement.**

**1. Pre-July 1, 2013 financing statement.** As used in this Part, "pre-July 1, 2013 financing statement" means a financing statement filed before July 1, 2013.

**2. Applicable law.** After July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of or otherwise amend the information provided in a pre-July 1, 2013 financing statement only in accordance with the law of the jurisdiction governing perfection as provided in the Maine Revised Statutes, Title 11, Article 9-A as amended by this Act. However, the effectiveness of a pre-July 1, 2013 financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

**3. Method of amending: general rule.** Except as otherwise provided in subsection 4, if the law of this State governs perfection of a security interest, the information in a pre-July 1, 2013 financing statement may be amended after July 1, 2013 only if:

- A. The pre-July 1, 2013 financing statement and an amendment are filed in the office specified in Title 11, section 9-1501;
- B. An amendment is filed in the office specified in Title 11, section 9-1501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 5, subsection 3 of this Part; or
- C. An initial financing statement that provides the information as amended and satisfies section 5, subsection 3 of this Part is filed in the office specified in Title 11, section 9-1501.

**4. Method of amending: continuation.** If the law of this State governs perfection of a security interest, the effectiveness of a pre-July 1, 2013 financing statement may be continued only under section 4, subsection 3 or section 5 of this Part.

**5. Method of amending: additional termination rule.** Whether or not the law of this State governs perfection of a security interest, the effectiveness of a pre-July 1, 2013 financing statement filed in this State may be terminated after July 1, 2013 by filing a termination statement in the office in which the pre-July 1, 2013 financing statement is filed, unless an initial financing statement that satisfies section 5, subsection 3 of this Part has been filed in the office specified by the law of the jurisdiction governing perfection as provided in Title 11, Article 9-A as amended by this Act as the office in which to file a financing statement.

**Sec. B-7. Person entitled to file initial financing statement or continuation statement.** A person may file an initial financing statement or a continuation statement under this Part if:

- 1. Authorization by secured party.** The secured party of record authorizes the filing; and

**2. Filing necessary.** The filing is necessary under this Part:

- A. To continue the effectiveness of a financing statement filed before July 1, 2013; or
- B. To perfect or continue the perfection of a security interest.

**Sec. B-8. Priority.** This Act determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before July 1, 2013, Title 11, Article 9-A as it existed before amendment under this Act determines priority.

## PART C

**Sec. C-1. Comments.** The Legislature accepts the Uniform Comments composed by the National Conference of Commissioners on Uniform State Laws as part of the 2010 amendments to the Uniform Commercial Code, Article 9-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2013.

Effective July 1, 2013.

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## CHAPTER 318 S.P. 506 - L.D. 1412

### An Act To Create an Educational Collaborative Partnership To Implement a Program That Enables Career and Technical Education Students To Earn College Credits while Attending High School

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

Whereas, state and national research shows that students who take college-level courses while in high school are more likely to graduate from high school, enter college and complete a college degree program; and

Whereas, this legislation establishes a collaborative board composed of representatives of career and technical education programs, high schools and publicly supported postsecondary institutions in the State to implement a program that enables career and technical education students to earn college credits while attending high school, saving students the time and money that is normally required to obtain a college degree; and

**Whereas**, it is necessary to enact this legislation immediately in order that the publicly supported educational institutions in the State that are authorized to form collaborative agreements pursuant to this legislation, or contract with an existing collaborative partnership that has met the requirements set forth in this legislation, may begin their efforts to establish dual enrollment career and technical education programs by the 2014-2015 school year; 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. 20-A MRSA §4722, sub-§4**, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

**4. Exception.** A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education or a secondary school student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 may be eligible to receive a high school diploma from the secondary school the student last attended, although the student may not meet the graduation requirements of this Title.

**Sec. 2. 20-A MRSA §4722-A, sub-§3, ¶B-1** is enacted to read:

B-1. A student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 and who successfully demonstrates proficiency as required in subsection 1 may be eligible to receive a high school diploma from the secondary school the student last attended.

**Sec. 3. 20-A MRSA c. 229** is enacted to read:

## CHAPTER 229

### DUAL ENROLLMENT CAREER AND TECHNICAL EDUCATION PROGRAMS

#### §6971. Definitions

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

**1. Collaborative agreement.** "Collaborative agreement" means an agreement between a secondary school, a career and technical education program and one or more public postsecondary educational institutions in the State to form a collaborative partnership

that articulates a credit transfer agreement between the publicly supported educational institutions and that specifies each institution's responsibility for and cost of the delivery of specified secondary and postsecondary educational functions and support services over a 3-year period for a cohort-based program that provides secondary school students with the opportunity to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that integrates secondary education and postsecondary education courses.

**2. Collaborative board.** "Collaborative board" means the governing body composed of representatives of the publicly supported educational institutions participating in the collaborative partnership and the department. The collaborative board has direct oversight over all collaborative agreements.

**3. Collaborative partnership.** "Collaborative partnership" means a dual enrollment career and technical education collaborative partnership formed pursuant to this chapter to provide a cohort-based learning pathway for career and technical education students that provides those students with the opportunity to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that integrates secondary education and postsecondary education courses.

**4. Dual enrollment career and technical education program.** "Dual enrollment career and technical education program" means a nonduplicative learning pathway for a specific career and technical education program that provides secondary school students with the opportunity to take postsecondary education courses and earn credits toward an associate degree while participating in a career and technical education program that:

A. Provides a cohort-based experience for secondary school students to acquire technical skills and proficiencies through enrollment in a career and technical education program in their junior and senior years and earn concurrent credits toward a high school diploma and a postsecondary education degree through dual enrollment in integrated secondary and postsecondary education courses over a 3-year period that:

- (1) Begins with the student's junior year in secondary school;
- (2) Includes up to 3 years of summer career academies;
- (3) Includes a college freshman seminar experience;
- (4) Meets national concurrent enrollment standards;

(5) Concludes at the end of summer following the student's senior year in secondary school; and

(6) Includes college course work that provides the opportunity to earn a general associate's degree allowing students of many diverse interests the opportunity to transfer credits earned to postsecondary education programs of their individual choosing; and

B. Includes individual learning plans, academic and career assessment, college and career advising, career exploration and job-shadowing opportunities matched to achieve the student's individual academic and career goals.

**5. Eligible agencies for funding.** "Eligible agencies for funding" means career and technical education centers and regions as defined in chapter 313.

**6. Publicly supported educational institution.** "Publicly supported educational institution" means a publicly supported secondary school, a career and technical education program and a public postsecondary education institution in the State.

#### **§6972. Dual enrollment career and technical education program**

**1. Application.** Representatives of the governing bodies of publicly supported educational institutions may file an application with the commissioner for the purpose of entering into a collaborative agreement. A collaborative partnership is governed by a collaborative board formed and operating in accordance with this chapter. The participation of publicly supported educational institutions in any of the specified educational functions or support services included in the collaborative agreement is voluntary. A collaborative board may designate personnel of the publicly supported educational institutions or service providers to provide the specified educational functions or support services included in the collaborative agreement. The collaborative board must include one representative from each publicly supported educational institution participating in the collaborative partnership.

**2. Contract.** The career and technical education center or region may enter into a contract with a service provider that operates as a nonprofit organization to provide technical assistance in developing and implementing the initial phase of the dual enrollment program. The service provider selected must meet the specified educational functions, support services and all other requirements of the grant application as required by the department to facilitate the development and implementation of the dual enrollment career and technical education program.

#### **§6973. Application; approval; ratification**

**1. Application.** An application under section 6972 for a collaborative partnership must be in a form

and contain such information as required by the commissioner, including, but not limited to:

- A. The identification of the publicly supported educational institutions that are applying to form the collaborative partnership;
- B. The specified educational functions and support services to be provided by the collaborative partnership, including the identification of the publicly supported educational institution that will participate in each specified educational function or support service and the number of students or staff to be served in each publicly supported educational institution that is participating in each specified educational function or support service to be carried out by the collaborative partnership;
- C. The duration of the collaborative agreement;
- D. The cost estimate or operational budget for the specified educational functions or support services to be carried out;
- E. The method of providing the specified educational functions or support services and the designation of publicly supported educational institution personnel or service providers who will provide the specified educational functions or support services;
- F. The method of sharing costs among the publicly supported educational institutions; and
- G. The identity of the service provider, if any, with which a career and technical center or region plans to contract with pursuant to section 6972, subsection 2.

**2. Approval.** If the commissioner finds that an application under section 6972 contains the information required to be submitted pursuant to subsection 1, the commissioner shall notify each publicly supported educational institution participating in the collaborative agreement that, pending ratification as set forth in subsection 3, the collaborative partnership is approved. The commissioner shall keep a register of collaborative partnerships that have been approved and ratified pursuant to this chapter.

**3. Governing body ratification.** If the commissioner approves an application for a collaborative partnership pursuant to subsection 2, the collaborative partnership must be ratified by a majority of the members of the governing body of each publicly supported educational institution involved in the collaborative partnership before the collaborative partnership becomes effective.

#### **§6974. Collaborative agreement**

**1. Duration of collaborative agreement.** A collaborative agreement that has been ratified pursuant to section 6973 is valid for the fiscal year beginning July 1st following the ratification vote and ends June 30th

of the calendar year that coincides with the expiration date included in the collaborative agreement.

**2. Renewal of collaborative partnership.** A collaborative partnership may be renewed only upon ratification by a majority of the members of the governing body of each publicly supported educational institution involved in the collaborative partnership in accordance with this chapter.

#### **§6975. Student eligibility**

A secondary school student is eligible to participate in secondary and postsecondary courses offered by a collaborative partnership formed pursuant to this chapter if the student is a full-time student at a public secondary school and enrolled in a career and technical education program at a career and technical education center or a career and technical education region.

**Sec. 4. 20-A MRSA §8306-B, sub-§4,** as enacted by PL 2011, c. 679, §10, is amended to read:

**4. Learning pathways and articulation agreements with postsecondary institutions; collaborative agreements.** To the greatest extent possible, a career and technical education program offered at a center or region must provide students the opportunity to take advantage of any applicable learning pathways, including learning pathways set forth in an articulation agreement with a postsecondary institution or in a collaborative agreement with publicly supported secondary and postsecondary educational institutions that form a dual enrollment career and technical education program pursuant to chapter 229.

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

Effective June 21, 2013.

## **CHAPTER 319**

### **S.P. 530 - L.D. 1448**

#### **An Act To Preserve Marine Resources Licenses for Active Duty Service Members**

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

**Whereas,** there are military personnel being discharged that would like to take advantage of the provisions regarding licensure in this legislation for the upcoming commercial fishing seasons; and

**Whereas,** the relevant fisheries are limited entry fisheries and waiting for a new license could take several years; 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. 12 MRSA §6310**, as amended by PL 2011, c. 266, Pt. A, §§3 and 4, is further amended to read:

**§6310. Appeal of license denial; illness or medical condition**

**1. Appeal of license denial.** A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2 may appeal to the commissioner under this section for a review of that license denial.

**2. Criteria for license issuance on appeal.** The commissioner may issue a license on appeal only if the criteria in this subsection are met.

A. A Class I, Class II or Class III lobster and crab fishing license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in 1997, 1998 or 1999, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person may not request an appeal under this subparagraph after December 31, 2001; or

(2) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in licensing year 2000 or in subsequent years, and the person documents that the person harvested lobsters while in possession of a Class I, Class II

or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition; or

~~(3) Service in the United States Armed Forces or the United States Coast Guard precluded that person from participating in the lobster fishery and meeting the eligibility requirements for a license, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to entering the service. The person may not have served for more than 6 consecutive years since the most recent year in which the person held a license, and the person must have been honorably discharged from service. A person must request an appeal under this subparagraph within one year of discharge from service.~~

B. A handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested sea urchins while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition; or

~~(2) Service in the United States Armed Forces or the United States Coast Guard precluded that person from participating in the urchin fishery and meeting the eligibility requirements for that license and the person documents that the person harvested sea urchins while in possession of the same license within one year prior to entering the service. The person may not have served for more than 6 consecutive years since the most recent year in which the person held a license, and the person must have been honorably discharged from service. A person must request an appeal under this subparagraph within one year of discharge from service.~~

~~an appeal under this subparagraph within one year of discharge from service.~~

C. A hand fishing scallop license or a scallop dragging license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license, and the person documents that the person harvested scallops while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition; or

(2) Service in the United States Armed Forces or the United States Coast Guard precluded that person from participating in the scallop fishery and meeting the eligibility requirements for that license, and the person documents that the person harvested scallops while in possession of the same license within one year prior to entering the service. The person may not have served for more than 6 consecutive years since the most recent year in which the person held a license, and the person must have been honorably discharged from service. A person must request an appeal under this subparagraph within one year of discharge from service.

For the purposes of this subsection, "family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

**3. Appeals process.** A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 2 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary. Any medical information provided as part of the appeal is a confidential record for the purposes of Title 1, section 402, subsection 3, paragraph A.

**4. Issuance on appeal.** Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 2 are met. Decisions of the commissioner must be in writing.

**Sec. 2. 12 MRSA §6310-A** is enacted to read:

**§6310-A. Appeal of license denial; Armed Forces or Coast Guard service**

**1. Appeal of license denial.** A person who is denied a license for a limited entry fishery because ~~that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery~~ may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service;

B. Has not served for more than 10 consecutive years since the most recent year in which the person held a license;

C. Has not been dishonorably discharged from service; and

D. Requests an appeal under this section within one year of discharge from service.

Notwithstanding paragraphs B and D, a license may be granted to a person pursuant to this section who is actively serving in the United States Armed Forces or the United States Coast Guard for a period of more than 10 consecutive years as long as the person pays a license fee for each year beyond those 10 years.

**2. Limited entry fishery.** For purposes of this section, "limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

**3. Appeals process.** A person appealing a license denial under this section must request the appeal in writing. The commissioner shall hold a hearing on the appeal if a hearing is requested in writing within 10 days of the initial request for appeal. If a hearing is requested, it must be held within 30 days of the request unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in subsection 1 that might justify issuing a license to the person, and the commissioner may request any additional information the commissioner considers necessary.

**4. Issuance on appeal.** Issuance of a license on appeal is at the discretion of the commissioner, except that a license may not be issued unless the criteria in subsection 1 are met. Decisions of the commissioner must be in writing.

**Sec. 3. 12 MRSA §6311,** as enacted by PL 2005, c. 111, §2, is amended to read:

#### **§6311. Active duty military members**

**1. Definitions.** As used in this section, unless the context otherwise indicates, "active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2) the following terms have the following meanings.

A. "Active duty for a period of more than 30 days" has the same meaning as in 10 United States Code, Section 101(d)(2).

B. "Limited entry fishery" means a fishery in which licenses are limited to individuals who have held a license in the previous year or a fishery that is otherwise restricted by a limited entry system.

**2. Partial waiver of lobster apprentice requirements.** Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive a portion of the number of days and hours of practical lobster fishing experience required under the apprentice program established pursuant to section 6422, subsection 1 for a person who is a member of the National Guard or the Reserves of the United States Armed Forces if:

A. The person was under an order to active duty for a period of more than 30 days;

B. The period of active duty conflicts with the requirements of the apprentice program; and

C. The person was licensed pursuant to section 6421, subsection 1, paragraphs D and E.

This waiver does not apply to the 2-year minimum required under section 6422, subsection 2.

**3. Waiver of licensing requirements.** Notwithstanding Title 37-B, section 390-A or any other provision of this Part, the commissioner shall waive the licensing eligibility requirements under section 6421, subsection 5, paragraph A; section 6505 A, subsection 2, paragraph C; and section 6749 O, subsection 2 A applicable to a limited entry fishery for a person who is a member of the National Guard or the Reserves of the United States Armed Forces and was under an order to active duty for a period of more than 30 days. This subsection does not apply to a person who did not possess a license pursuant to section 6421, 6505 A, 6748, 6748 D or 6749 for that limited entry fishery at the time of or in the calendar year prior to that person's being called to active duty. The waiver must be available for a period of up to 10 consecutive years of service, with no license fees being assessed during that

time. For years consecutively served beyond 10 years, licensing eligibility requirements, other than licensing fees, must be waived.

**4. Limited application.** This section applies only if the member's service is in support of:

A. An operational mission for which members of the Reserves of the United States Armed Forces have been ordered to active duty without volunteering for that mission; or

B. Forces activated during a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or the United States Congress; or

C. A response to a precipitating event for which the member was drafted or enlisted during a period of an active draft.

**Sec. 4. 12 MRSA §6311-A** is enacted to read:

#### **§6311-A. Student licenses after military service**

An individual who is eligible for a student lobster and crab fishing license under section 6421, subsection 1, paragraph E either when enlisted in the United States Armed Forces or United States Coast Guard or when ordered to active duty in the National Guard or the Reserves of the United States Armed Forces may, upon that individual's return from service, have that individual's eligibility regarding age extended by the number of years that individual was not able to purchase a student license due to this service, for a period of up to 10 years. In order to extend eligibility under this section, that individual must initiate the license application within one year of that individual's return from service.

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

Effective June 21, 2013.

## **CHAPTER 320**

### **S.P. 555 - L.D. 1490**

#### **An Act To Amend the Mandatory Shoreland Zoning Laws**

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

**Sec. 1. 38 MRSA §436-A, sub-§1-B** is enacted to read:

**1-B. Agriculture.** "Agriculture" means the production, keeping or maintenance for sale or lease of plants or animals, including, but not limited to, forages

and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables and ornamental and greenhouse products. "Agriculture" does not include forest management and timber harvesting activities.

**Sec. 2. 38 MRSA §436-A, sub-§4-A** is enacted to read:

**4-A. Footprint.** "Footprint" means the entire area of ground covered by the structures on a premises, including cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

**Sec. 3. 38 MRSA §436-A, sub-§6,** as amended by PL 1997, c. 726, §1, is further amended to read:

**6. Functionally water-dependent uses.** "Functionally water-dependent uses" means those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish fish-related storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**Sec. 4. 38 MRSA §436-A, sub-§9-A,** as enacted by PL 1993, c. 196, §2, is amended to read:

**9-A. Outlet stream.** "Outlet stream" means any perennial or intermittent stream, as shown on the most recent edition of a 7.5 minute series or, if not available, a 15 minute series topographic map produced by highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

**Sec. 5. 38 MRSA §436-A, sub-§11-A,** as amended by PL 1995, c. 92, §1, is further amended to read:

**11-A. Stream.** "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted by a solid blue line on the most recent edition of a highest resolution version of the national hydrography

dataset available from the United States Geological Survey 7.5 minute series topographic map or, if not available, a 15 minute series topographic map, on the website of the United States Geological Survey or the national map to the point where the body of water stream becomes a river or flows to where the stream meets the shoreland zone of another water body or wetland within a shoreland area. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Sec. 6. 38 MRSA §436-A, sub-§§12 and 13,** as enacted by PL 1987, c. 815, §§3 and 11, are amended to read:

**12. Structure.** "Structure" means anything built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with and anything constructed or erected with a fixed location on or in the ground, exclusive of fences and poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors. "Structure" includes a structure temporarily or permanently located. As used in this subsection, "service drop" has the same meaning as in section 952.

**13. Timber harvesting.** "Timber harvesting" means the cutting and removal of trees from their growing site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads timber for the primary purpose of selling or processing forest products. "Timber harvesting" does not include the clearing of land for approved construction cutting or removal of vegetation within the shoreland zone when associated with any other land use activities.

**Sec. 7. 38 MRSA §438-A, sub-§1-B, ¶A,** as enacted by PL 1995, c. 542, §1, is amended to read:

A. In addition to the notice required by Title 30-A, section 4352, subsection 9, a municipality shall provide written notification to landowners whose property is being considered by the municipality for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate. The municipality must send notice not later than 14 days before its planning board votes to establish it holds a public hearing on adoption or amendment of a zoning ordinance or map that places the landowners'

property in the resource protection zone. Once a landowner's property has been placed in a resource protection zone, individual notice is not required to be sent to the landowner when the zoning ordinance or map is later amended in a way that does not affect the inclusion of the landowner's property in the resource protection zone.

**Sec. 8. 38 MRSA §439-A, sub-§4,** as amended by PL 1997, c. 726, §3, is further amended to read:

**4. Setback requirements.** Notwithstanding any provision in a local ordinance to the contrary and except as provided in this subsection, all new principal and accessory structures and substantial expansions of such structures within the shoreland zone as established by section 435 must meet the water body or wetland setback requirements approved by the board, except functionally water-dependent uses. For purposes of this subsection, a substantial expansion of a building is an expansion that increases either the volume or floor area by 30% or more. This subsection is not intended to prohibit a municipal board of appeals from granting a variance, subject to the requirements of this article and Title 30-A, section 4353, nor is it intended to prohibit a less than substantial an otherwise permissible expansion of a legally existing nonconforming structure, as long as the expansion does not create further nonconformity with the water body or wetland setback requirement.

A. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body or wetland setback requirements approved by the board. An expansion of a legally existing nonconforming structure pursuant to this subsection may not create further nonconformity with the water body or wetland setback requirement.

B. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

(1) Notwithstanding this paragraph, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by paragraph A.

(a) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

C. All other legally existing nonconforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by paragraph A or B.

(1) For structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(2) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland must meet the footprint and height limits in subparagraph (1).

(3) In addition to the limitations in subparagraphs (1) and (2), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or

the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body or upland edge of a wetland must meet the footprint and height limits in subparagraph (1).

D. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Water body" means a great pond, river or stream.

(2) "Wetland" means a coastal wetland or freshwater wetland.

Plans approved by the municipality for expansions under this subsection must be filed in the registry of deeds of the county in which the property is located within 90 days of approval.

**Sec. 9. 38 MRSA §439-A, sub-§4-A,** as amended by PL 1999, c. 243, §§6 and 7, is repealed.

**Sec. 10. 38 MRSA §439-A, sub-§6,** as amended by PL 2007, c. 292, §22, is further amended to read:

**6. Clearing of vegetation.** Within the shoreland area, municipal ordinances shall must provide for effective vegetative screening between buildings and shorelines. Notwithstanding any provision in a local ordinance to the contrary, vegetative screening requirements shall must be no less restrictive than the following:

A. Within a strip extending 100 feet inland from the normal high-water line of a great pond classified as GPA under section 465-A or a river that flows to a great pond classified as GPA under section 465-A or within a strip extending 75 feet inland from the normal high-water line of other water bodies or the upland edge of a wetland, there shall may be no cleared opening or openings, except for approved construction, greater than 250 square feet, and a well-distributed stand of vegetation shall must be retained. The restrictions in this paragraph do not apply to the construction of a structure or the establishment of a land use within 75 feet of the normal high-water line of a water body or upland edge of a wetland that is specifically allowed by municipal ordinance in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner;

B. Within a shoreland area zoned for resource protection abutting a great pond there shall may be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards; and

C. **Selective** Except as otherwise provided in this paragraph, selective cutting of no more than 40% of the total volume of trees 4.5 4 inches or more in diameter, measured at 4 1/2 feet above ground level, is allowed in any 10-year period, as long as a well distributed stand of trees and other natural vegetation remains. Rules adopted by the board may allow for 70% of a lot to be nonvegetated in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter, which shall must then be incorporated into local ordinances.

**Sec. 11. 38 MRSA §439-A, sub-§6-A** is enacted to read:

**6-A. Clearing of vegetation; exception.** The following exceptions to the standards governing the clearing of vegetation apply.

A. The standards in subsection 6, paragraphs A and C do not apply to properties that are located within areas designated as commercial fisheries and maritime activities districts or other equivalent zoning districts approved by the commissioner that support commercial fisheries and maritime activities if:

(1) The commissioner determines that special local conditions exist and a local municipal ordinance is approved in accordance with section 438-A, subsection 3; and

(2) The districts are in existence at the time this subsection becomes effective.

B. The standards in subsection 6, paragraphs A and C and any standards related to the clearing of vegetation contained in a municipal ordinance enacted in accordance with section 438-A, subsection 3 do not apply to remediation activities that are necessary to clean up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the commissioner that is part of a state or federal brownfields program or a voluntary response action program under section 343-E and that is located along:

(1) A coastal wetland; or

(2) A river that does not flow to a great pond classified as GPA under section 465-A.

**Sec. 12. 38 MRSA §439-A, sub-§7, ¶D,** as enacted by PL 1993, c. 318, §1, is amended to read:

D. The total ground floor area footprint of all principal and accessory structures is limited to a maximum of 1,500 square feet.

**Sec. 13. 38 MRSA §439-B, sub-§3,** as enacted by PL 2007, c. 593, §2, is repealed and the following enacted in its place:

**3. Application.** This section does not apply to:

- A. Activities resulting in less than one cubic yard of earth material being added or displaced;
- B. A person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and
- C. Municipal, state and federal employees engaged in projects associated with that employment.

**Sec. 14. 38 MRSA §441, sub-§3, ¶C,** as amended by PL 1991, c. 346, §10, is further amended to read:

C. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. ~~On a biennial basis, beginning in 1992, a summary of this record must be submitted by March 1 to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection; and~~

See title page for effective date.

## CHAPTER 321

### H.P. 1117 - L.D. 1550

#### An Act To Make Supplemental Allocations from the Highway Fund for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

**Emergency preamble.** Whereas, acts and resolves 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,

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

**Sec. 1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program.** Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other line category on June 30, 2013 in the Department of Secretary of State, Administration - Motor Vehicles program to fiscal year 2013-14. The amounts carried forward must be used for the enhancement of the revenue collection computer system to improve the efficiency and effectiveness of the department's operations.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

#### PUBLIC SAFETY, DEPARTMENT OF

##### State Police 0291

Initiative: Reduces funding for Personal Services to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	(\$531,548)	\$0	\$0
<b>HIGHWAY FUND</b>	<b>(\$531,548)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL</b>			

#### PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT	2012-13	2013-14	2014-15
<b>TOTALS</b>			
<b>HIGHWAY FUND</b>	<b>(\$531,548)</b>	<b>\$0</b>	<b>\$0</b>
<b>DEPARTMENT</b>	<b>(\$531,548)</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL - ALL FUNDS</b>			

#### SECRETARY OF STATE, DEPARTMENT OF

##### Administration - Motor Vehicles 0077

Initiative: Reduces funding for Personal Services to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	(\$900,000)	\$0	\$0

	2012-13	2013-14	2014-15
HIGHWAY FUND	(\$900,000)	\$0	\$0
TOTAL			
SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT			
DEPARTMENT TOTALS			
HIGHWAY FUND	(\$900,000)	\$0	\$0
DEPARTMENT	(\$900,000)	\$0	\$0
TOTAL - ALL FUNDS			

### TRANSPORTATION, DEPARTMENT OF Administration 0339

Initiative: Reduces funding for Personal Services to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

	2012-13	2013-14	2014-15
HIGHWAY FUND			
Personal Services	(\$250,000)	\$0	\$0
HIGHWAY FUND	(\$250,000)	\$0	\$0
TOTAL			

### Highway and Bridge Capital 0406

Initiative: Reduces funding for Personal Services to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

	2012-13	2013-14	2014-15
HIGHWAY FUND			
Personal Services	(\$200,000)	\$0	\$0
HIGHWAY FUND	(\$200,000)	\$0	\$0
TOTAL			

### Highway and Bridge Capital 0406

Initiative: Reduces funding for Capital Expenditures to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

	2012-13	2013-14	2014-15
HIGHWAY FUND			
Capital Expenditures	(\$1,000,000)	\$0	\$0
HIGHWAY FUND	(\$1,000,000)	\$0	\$0
TOTAL			

### Multimodal - Island Ferry Service Z016

Initiative: Reduces funding for All Other to align allocations with projected available resources approved by the Revenue Forecasting Committee in May 2013.

	2012-13	2013-14	2014-15
HIGHWAY FUND			
All Other	(\$383,220)	\$0	\$0
HIGHWAY FUND	(\$383,220)	\$0	\$0
TOTAL			

### Urban - Rural Initiative Program 0337

Initiative: Reduces funding for the Urban - Rural Initiative Program at the appropriate rate in accordance with the Maine Revised Statutes, Title 23, section 1803-B.

	2012-13	2013-14	2014-15
HIGHWAY FUND			
All Other	(\$195,385)	\$0	\$0
HIGHWAY FUND	(\$195,385)	\$0	\$0
TOTAL			

### TRANSPORTATION, DEPARTMENT OF

DEPARTMENT TOTALS

	2012-13	2013-14	2014-15
HIGHWAY FUND			
DEPARTMENT			
TOTAL - ALL FUNDS			
HIGHWAY FUND	(\$2,028,605)	\$0	\$0
DEPARTMENT	(\$2,028,605)	\$0	\$0
TOTAL - ALL FUNDS			
SECTION TOTALS	2012-13	2013-14	2014-15
HIGHWAY FUND	(\$3,460,153)	\$0	\$0
SECTION TOTAL - ALL FUNDS	(\$3,460,153)	\$0	\$0

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

Effective June 21, 2013.

**CHAPTER 322**  
**H.P. 190 - L.D. 229**

**An Act To Simplify and  
Encourage the Sale of Hunting  
and Fishing Licenses and  
Permits**

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

**Whereas**, it is important to update the Department of Inland Fisheries and Wildlife's online system for persons to purchase licenses and registrations as soon as possible to increase its efficiency and usability; 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. 12 MRSA §11152, sub-§5**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §122 and affected by §422, is further amended to read:

**5. Hunter permit transfers.** A ~~junior hunter or person 65 years of age or older resident~~ may take an antlerless deer if ~~a person another resident~~ who holds a valid antlerless deer permit transfers the permit to ~~the junior hunter or person 65 years of age or older that resident~~ by identifying the name, ~~age~~ and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. ~~A nonresident may take an antlerless deer if another nonresident who holds a valid anterless deer permit transfers the permit to that nonresident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer.~~ The commissioner shall record ~~the a transfer under this subsection~~ and return the permit to the ~~junior hunter or person 65 years of age or older transferee~~. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

**Sec. 2. 12 MRSA §11152, sub-§6**, as enacted by PL 2003, c. 655, Pt. B, §123 and affected by §422, is repealed.

**Sec. 3. Updating of the Maine Online Sportsman's Electronic System.** The Department of Inland Fisheries and Wildlife shall survey users of

its online system for purchasing licenses and registrations, known as the Maine Online Sportsman's Electronic System, and, based on the information obtained from those users, develop a plan for updating that system. The plan must focus on updating the system's user interface and provide options for online renewal of trapping licenses and guide licenses. The department shall submit its plan, together with a proposed budget for implementing the plan, to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2013. The committee may report out a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature.

**Sec. 4. Improving the laws governing inland fisheries and wildlife.** The Department of Inland Fisheries and Wildlife shall develop a plan to simplify and streamline:

**1. Complimentary licenses.** The eligibility requirements for and issuance of complimentary licenses;

**2. Revocation of licenses.** The laws governing license revocations; and

**3. Hunting licenses.** The laws governing hunting, including age restrictions, equipment restrictions and supervision requirements. The plan must extend the supervisory requirements for apprentice hunters to junior hunters and make supervisory requirements for hunting consistent with those that apply to trapping.

The department shall submit a report including the plan it develops under this section to the Joint Standing Committee on Inland Fisheries and Wildlife by December 1, 2013, together with draft legislation necessary to implement the plan. The committee may report out a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature.

**Sec. 5. Lifetime licenses; study established.** The Department of Inland Fisheries and Wildlife shall commission an actuarial review of expanding the availability of lifetime hunting and fishing licenses. The department shall submit a report with the findings, along with an explanation of the study methodology and any proposed modifications to the lifetime license system, to the Joint Standing Committee on Inland Fisheries and Wildlife by February 1, 2014. The committee may report out a bill related to the subject matter of the report to the Second Regular Session of the 126th Legislature.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF**  
**Licensing Services - Inland Fisheries and Wildlife  
0531**

Initiative: Provides one-time funding for an actuarial study to review expanding the availability of lifetime hunting and fishing licenses.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$10,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$0

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

Effective June 21, 2013.

## CHAPTER 323 H.P. 179 - L.D. 218

### **An Act To Promote Small-scale Poultry Farming**

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

**Sec. 1. 22 MRSA §2511, sub-§41-A** is enacted to read:

**41-A. Registered establishment.** "Registered establishment" means a person registered under section 2515.

**Sec. 2. 22 MRSA §2511, sub-§45-A** is enacted to read:

**45-A. Small enterprise.** "Small enterprise" means a person licensed under section 2514 that processes 20,000 birds or fewer in a calendar year and that elects to operate under an exemption pursuant to section 2517-C, subsection 1-B.

**Sec. 3. 22 MRSA §2514, sub-§1, ¶G-1** is enacted to read:

G-1. Mobile poultry processing unit operators;

**Sec. 4. 22 MRSA §2515** is enacted to read:

#### **2515. Registration**

**1. Registration permitted.** A person that is not licensed under section 2514 may engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat food products or poultry products, if that person is registered under this section, and that person is a:

A. Custom slaughterer, except that an itinerant custom slaughterer that slaughters solely at a customer's home or farm and that does not own, op-

erate or work at a slaughtering plant is exempt from the registration provisions of this section;

B. Custom processor; or

C. Producer that processes fewer than 1,000 birds annually under section 2517-C.

The commissioner may by rule establish additional categories of registrants.

**Sec. 5. 22 MRSA §2517-C**, as enacted by PL 2009, c. 354, §3, is amended to read:

#### **2517-C. Slaughter and inspection; producer exemptions for poultry**

**1. Exemption for processing fewer than 1,000 birds annually.** Notwithstanding section 2512 and whether or not the poultry are intended for human consumption, inspection is not required for the slaughter of poultry or the preparation of poultry products as long as the poultry are slaughtered or the poultry products are prepared on the farm where the poultry were raised and:

A. Fewer than 1,000 birds are slaughtered annually on the farm;

B. No birds are offered for sale or transportation in interstate commerce;

C. Any poultry products sold are sold only as whole birds;

D. The poultry producer has a valid license issued under section 2514;

D-1. The poultry producer is registered under section 2515;

E. The facilities for slaughtering and processing are in compliance with rules adopted under subsection 4;

F. The poultry producer assigns a lot number to all birds sold and maintains a record of assigned lot numbers and the point of sale; and

G. The poultry are sold in accordance with the restrictions in subsection 2;

H. The poultry are sold at the farm on which the poultry were raised or delivered to a consumer's home by the poultry producer; and

I. The poultry products are labeled with:

(1) The name of the farm, the name of the poultry producer and the address of the farm including the zip code;

(2) The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517-C NOT INSPECTED"; and

(3) Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in

refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165° Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

**1-A. Exemption for processing fewer than 20,000 birds annually.** A poultry producer may slaughter and process that producer's own poultry without an inspector being present during processing if all the following criteria are met; a producer that does not meet these criteria does not qualify for this exemption and shall seek state or United States Department of Agriculture inspection of poultry products intended to be sold:

A. The producer is licensed as a commercial processor pursuant to section 2514;

B. The producer's facilities conform to the rules of the department governing food processing and manufacturing, including a:

(1) Separate area for slaughter, bleeding and defeathering;

(2) Separate area for evisceration and cooling; and

(3) Water supply that is tested twice annually for nitrates, nitrites and coliforms;

C. The producer raises, slaughters and processes, on that producer's premises, no more than 20,000 poultry in a calendar year. The producer must declare to the Department of Agriculture, Conservation and Forestry that it is exempt under this subsection at the beginning of each calendar year. Records must demonstrate numbers of birds raised. A producer that does not maintain accurate records does not qualify for the exemption under this subsection;

D. The producer's facility is not used to slaughter or process poultry by any other person or business without prior approval from the commissioner in accordance with the requirements of the federal Food Safety and Inspection Service Administrator;

E. The producer does not purchase birds for resale that have been processed under any exemption under this section;

F. Poultry are healthy when slaughtered;

G. Slaughter and processing are conducted using sanitary standards, practices and procedures to produce poultry products that are not adulterated;

H. The producer does not engage in Internet or interstate sales;

I. The shipping containers of the poultry bear the following labeling:

(1) Producer's name, address and zip code;

(2) Common name of product or list of ingredients;

(3) Weight of product in shipping container or immediate container;

(4) Lot number, which must consist of a coded number in some combination of the number of the day of the year on which the poultry was slaughtered;

(5) The statement "Exempt P.L. 90-492"; and

(6) Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165° Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

The producer may further process poultry carcasses into parts and other products. The producer may sell retail poultry products to the household consumer and may sell wholesale poultry products to retail stores, hotels, restaurants and institutions, with the appropriate licenses.

**1-B. Small enterprise exemption.** A small enterprise may slaughter, dress and cut up poultry without an inspector being present during processing if all the following criteria are met; a small enterprise that does not meet these criteria does not qualify for the exemption and shall seek state or United States Department of Agriculture inspection of poultry products intended to be sold.

A. The small enterprise is licensed as a commercial processor pursuant to section 2514;

B. The small enterprise's facilities conform to the rules of the department governing food processing and manufacturing, including a:

(1) Separate area for slaughter, bleeding and defeathering;

(2) Separate area for evisceration and cooling; and

(3) Water supply that is tested twice annually for nitrates, nitrites and coliforms;

C. The small enterprise raises, slaughters and dresses poultry, or purchases live poultry to slaughter and dress, or purchases dressed poultry, in a combination of no more than 20,000 birds in

a calendar year. The small enterprise must declare to the Department of Agriculture, Conservation and Forestry that it is exempt under this subsection at the beginning of each calendar year. Records must show numbers of birds raised, purchased or purchased as dressed. A small enterprise that does not maintain accurate records does not qualify for the exemption under this subsection:

D. The small enterprise's further processing is limited to whole and cut up poultry only;

E. The facility is not used to slaughter or process poultry by any other person or business without prior approval from the commissioner in accordance with the requirements of the federal Food Safety and Inspection Service Administrator;

F. Slaughter and processing are conducted using sanitary standards, practices and procedures to produce poultry products that are not adulterated;

G. Poultry are healthy when slaughtered;

H. The small enterprise does not engage in Internet or interstate sales;

I. The small enterprise does not cut up and distribute poultry products to a business operating under any exemption under this section;

J. The shipping or immediate containers of the poultry bear the following labeling:

(1) Business name, address and zip code;

(2) Common name of product;

(3) Weight of product in shipping container or immediate container;

(4) Lot number, which must consist of a coded number in some combination of the number of the day of the year on which the poultry was slaughtered;

(5) The statement "Processed by a Licensed Commercial Food Processor/Small Enterprise Exempt from State or United States Department of Agriculture continuous bird-by-bird inspection"; and

(6) Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165° Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

The small enterprise may sell poultry products wholesale to hotels, restaurants and institutions, prepackaged products to retail stores and retail products to household consumers, with the appropriate licenses.

**2. Restrictions on point of sale. Poultry** Except as provided in subsections 1-A and 1-B, poultry products sold under this section may only be sold by the poultry producer and in the following locations or manner:

A. At the farm on which the poultry were raised;

B. At a farmers' market as defined in Title 7, section 415;

C. Delivered to a consumer's home by the poultry producer whose name and address appear on the label under subsection 1 or whose name and license number appear on the label under subsection 3 1-A or 1-B; or

D. Received by a person who is a member of a community supported agriculture farm that has a direct marketing relationship with the poultry producer. For the purposes of this section, "community supported agriculture" means an arrangement whereby individual consumers have agreements with a farmer to be provided with food or other agricultural products produced on that farm.

**3. Labeling requirements for sales at farmers' markets.** A poultry producer may not sell poultry products that have not been inspected at a farmers' market pursuant to subsections 1 and 2 unless the poultry products are labeled with:

A. The name of the farm, the name of the poultry producer and the address of the farm including the zip code;

B. The number of the license issued to the poultry producer in accordance with section 2514 and the lot number for the poultry products pursuant to subsection 1, paragraph F;

C. The statement "Exempt under the Maine Revised Statutes, Title 22, section 2517 C NOT INSPECTED." The statement must be prominently displayed with such conspicuity that it is likely to be read and understood; and

D. Safe handling and cooking instructions as follows: "SAFE HANDLING INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave. Keep raw poultry separate from other foods. Wash working surfaces, including cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

**4. Rules.** The commissioner shall adopt rules to establish requirements for the physical facilities and

sanitary processes used by poultry producers whose products are exempt from inspection under this section. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**5. Enforcement.** The commissioner shall enforce the provisions of this section.

**6. Violation; penalty.** A person who violates this section is subject to penalties under section 2524.

**Sec. 6. 22 MRSA §2518,** as amended by PL 2009, c. 354, §4, is further amended to read:

**§2518. Periodic review of noninspected licensed and registered establishments**

**1. Review by inspector.** The commissioner may cause establishments that are required to be licensed under section 2514 or registered under section 2515 but are exempt from inspection under section 2512, subsection 2, paragraph K to be periodically reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected. The commissioner shall cause establishments that are required to be licensed under section 2514 or registered under section 2515 but are exempt from inspection under section 2517-C to be reviewed annually by inspectors to ensure that the provisions of this chapter and the rules adopted under this chapter are satisfied and that the public health, safety and welfare are protected.

**2. Review of certain slaughter or preparation establishments.** Inspection may not be provided under this chapter at any establishment for the slaughter of livestock or poultry or the preparation of any livestock products or poultry products that are not intended for use as human food, but these products must, prior to their offer for sale or transportation in intra-state commerce, unless naturally inedible by humans, be denatured or otherwise identified, as prescribed by rules of the commissioner, to deter their use for human food. These licensed or registered establishments are subject to periodic review.

**3. Subject to review.** A periodic review under this section must include an examination of:

- A. The licensed or registered establishment's sanitation practices;
- B. Sanitation in the areas where meat and poultry products are prepared, stored and displayed;
- C. The adequacy of a refrigeration system used for meat food products and poultry products;
- D. Labeling; and
- E. Meat food products or poultry products for wholesomeness or adulteration.

In addition, the inspector conducting the periodic review may conduct any other examination necessary to ensure compliance with this chapter and the rules adopted pursuant to this chapter.

**4. Access.** For purposes of a periodic review of a licensed or registered establishment, inspectors have access during normal business hours to every part of a licensed or registered establishment required to have inspection under this chapter, whether the licensed or registered establishment is operated or not.

**Sec. 7. Legislative intent.** It is the intent of the Legislature to provide maximum flexibility to Maine's poultry processors while still maintaining compliance with federal requirements. It is the intent of the Legislature that Maine's meat and poultry inspection program continue to attain its high standards while allowing for maximum flexibility.

See title page for effective date.

## CHAPTER 324

### S.P. 124 - L.D. 328

**An Act Relating to Radon Testing and Disclosure to Tenants**

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

**Sec. 1. 14 MRSA §6001, sub-§3, ¶A,** as amended by PL 2009, c. 566, §2, is further amended to read:

A. Asserted the tenant's rights pursuant to section 6021 or section 6030-D;

**Sec. 2. 14 MRSA §6030-D,** as amended by PL 2011, c. 96, §3 and c. 157, §1, is further amended to read:

**§6030-D. Radon testing**

**1. Testing.** By March 1, 2014, and, unless a mitigation system has been installed in that residential building, every 10 years thereafter when requested by a tenant, a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building shall have the air of the residential building tested for the presence of radon. A residential building constructed or that begins operation after March 1, 2014, a landlord or other person acting on behalf of a landlord shall have the air of the residential building tested for the presence of radon within 12 months of the occupancy of the building by a tenant. Except as provided in subsection 5, a test required to be performed under this section must be conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165.

**1-A. Short-term rentals.** As used in this section, "residential building" does not include a building used exclusively for rental under short-term leases of 100 days or less where no lease renewal or extension can occur.

**2. Notification.** A Within 30 days of receiving results of a test with respect to existing tenants or before a tenant enters into a lease or tenancy at will agreement or pays a deposit to rent or lease a property, a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building shall provide written notice, as prescribed by the Department of Health and Human Services, to a tenant or potential tenant regarding the presence of radon in the building, including the date and results of the most recent test conducted under subsection 1, 5 or 6, whether mitigation has been performed to reduce the level of radon, notice that the tenant has the right to conduct a test and the risk associated with radon. Upon request by a prospective tenant, a landlord or other person acting on behalf of a landlord shall provide oral notice regarding the presence of radon in a residential building as required by this subsection. The Department of Health and Human Services shall prepare a standard disclosure statement form for a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for real property to use to disclose to a tenant or potential tenant information concerning radon. The form must include an acknowledgment that the tenant or potential tenant has received the disclosure statement required by this subsection. The department shall post and maintain the forms required by this subsection on its publicly accessible website in a format that is easily downloaded.

**3. Mitigation.** When the test of a residential building under subsection 1 reveals a level of radon of 4.0 picocuries per liter of air or above, the landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for that building shall, within 6 months, mitigate the level of radon in the residential building until it is reduced to a level below 4.0 picocuries per liter of air. If a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building is required to obtain a permit under a local or municipal ordinance, mitigation must occur within 6 months after obtaining any necessary permit. Mitigation services must be provided by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165. After mitigation has been performed pursuant to this subsection to reduce the level of radon, the landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for the residential building shall provide written notice to tenants that radon levels have been mitigated.

**4. Penalty; breach of implied warranty.** A person who violates this section commits a civil violation for which a fine of not more than \$250 per violation may be assessed. The failure of a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building to provide the notice required under subsection 2 or the falsification of a test or test results by the landlord or other person is a breach of the implied warranty of fitness for human habitation in accordance with section 6021.

**5. Testing by landlords.** A landlord or other person acting on behalf of a landlord may conduct a test required to be performed under this section on a residential building that, at a minimum, does not include an elevator shaft, an unsealed utility chase or open pathway, a forced hot air or central air system or private well water unless the water has been tested for radon by a person registered under Title 22, chapter 165 and the results show a radon level acceptable to the Department of Health and Human Services, or on a building otherwise defined in rules adopted by the Department of Health and Human Services. A test or testing equipment used as permitted under this subsection must conform to any protocols identified in rules adopted by the Department of Health and Human Services.

**6. Testing by tenants; disputed test results.** A tenant may conduct a test for the presence of radon in the tenant's dwelling unit in a residential building in conformity with rules adopted by the Department of Health and Human Services or have a test conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165. After receiving notice of a radon test from a tenant indicating the presence of radon at or in excess of 4.0 picocuries per liter of air, either the landlord shall disclose those results as required by subsection 2 or the landlord or other person acting on behalf of the landlord shall have a test conducted by a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165 and shall disclose the results of that test to the tenant as required by subsection 2.

**7. Reporting of test results.** A landlord or a person registered with the Department of Health and Human Services pursuant to Title 22, chapter 165 who has conducted a test of a residential building as required by this section or accepted the results of a tenant-initiated test as set forth in subsection 6 shall report the results of the test to the Department of Health and Human Services within 30 days of receipt of the results in a form and manner required by the department.

**8. Termination of lease or tenancy at will.** If a test of a residential building under this section reveals a level of radon of 4.0 picocuries per liter of air or

above, then either the landlord or the tenant may terminate the lease or tenancy at will with a minimum of 30 days' notice. Except as provided in section 6033, a landlord may not retain a security deposit or a portion of a security deposit for a lease or tenancy at will terminated as a result of a radon test in accordance with this subsection.

**Sec. 3. Rulemaking.** By November 1, 2013, the Department of Health and Human Services shall adopt rules, in accordance with the Maine Revised Statutes, Title 5, chapter 375, to implement the requirements of this Act regarding the definition of those residential buildings where a radon test must be conducted by a person registered with the department and standards related to testing equipment that may be used by a landlord or other person. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. Prior tests.** If a residential building was tested for the presence of radon in accordance with protocols identified by the Department of Health and Human Services prior to November 1, 2013, this Act may not be construed to require a landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for a residential building to conduct another test before March 1, 2014.

**Sec. 5. Department of Health and Human Services; modification to disclosure statement form.** By November 1, 2013, the Department of Health and Human Services shall modify the standard disclosure statement form required under the Maine Revised Statutes, Title 14, section 6030-D, subsection 2 as necessary to reflect the changes made by this Act.

See title page for effective date.

## CHAPTER 325 H.P. 260 - L.D. 385

### An Act To Improve Wind Energy Development Permitting

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

**Sec. 1. 35-A MRSA §3451, sub-§1-A** is enacted to read:

**1-A. Best practical mitigation.** "Best practical mitigation" means methods or technologies used during construction or operation of a wind energy development that control or reduce to the lowest feasible level impacts to scenic or wildlife resources in accordance with rules adopted by the department. "Best practical mitigation" may include, but is not limited to, turbine and blade coloration to reduce visual impacts, aircraft detection technologies to reduce the need for

aircraft hazard warning lighting, technologies to detect at-risk animal populations and modification or curtailment of operations during specified times or conditions to reduce bird and bat mortality.

**Sec. 2. 35-A MRSA §3452-A** is enacted to read:

#### **§3452-A. Impact on Bicknell's Thrush habitat; adverse effect**

If any portion of the generating facilities or associated facilities of a wind energy development is proposed to be located within a conterminous area of coniferous forest that lies above 2,700 feet in elevation, is at least 25 acres in size and provides suitable habitat for Bicknell's Thrush, *Catharsus bicknelli*, and in which sightings of Bicknell's Thrush have been documented to occur during the bird's breeding season within the previous 15 years, there is a rebuttable presumption that the development would constitute a significant adverse effect on natural resources for the purposes of Title 38, section 484, subsection 3. The presumption extends to the entire conterminous area of suitable habitat and is not limited to the parts of the area immediately proximate to where Bicknell's Thrush sightings have been documented.

**Sec. 3. 35-A MRSA §3459** is enacted to read:

#### **§3459. Best practical mitigation**

**1. Process.** An application for a grid-scale wind energy development must contain, and the primary siting authority shall require, best practical mitigation for all aspects of construction and operation of generating facilities. In determining best practical mitigation options, the primary siting authority shall consider:

- A. The existing state of technology;
- B. The effectiveness of available technologies or methods for reducing impacts; and
- C. The economic feasibility of the type of mitigation under consideration.

**2. Rules.** The department shall adopt rules governing best practical mitigation under this section. Rules adopted under this subsection are major substantive rules as described in Title 5, chapter 375, subchapter 2-A. Any amendments to the rules after final adoption of the major substantive rules are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 38 MRSA §344, sub-§2-A, ¶D** is enacted to read:

D. For an application for a permit for a grid-scale wind energy development, as defined in Title 35-A, section 3451, subsection 6, the following procedures apply.

- (1) Except as provided in subparagraph (2), if 5 or more interested persons request in

writing that the commissioner hold a public hearing, a hearing must be held as follows.

(a) Notwithstanding any other provision of law, the Secretary of State shall publish a notice of the hearing in a newspaper of general circulation in the State. The published notice must:

- (i) State the time and place of any scheduled hearing or state the manner in which a hearing may be requested;
- (ii) State the manner and time within which data, views or arguments may be submitted to the department for consideration;
- (iii) State the name, address and phone number of the department staff person responsible for providing additional information regarding the hearing; and
- (iv) Include a brief and general summary of the purpose of the hearing.

The department shall reimburse the Secretary of State for any costs incurred under this division.

(b) The department shall post a notice of the hearing on its publicly accessible website 17 to 24 days prior to the hearing.

(c) The hearing is not an adjudicatory hearing and is not subject to the requirements of Title 5, chapter 375, subchapter 4.

(d) The commissioner or a designee who has decision-making responsibility over the subject matter to be discussed at the hearing shall hold and conduct the hearing.

(e) Written statements and arguments concerning the application must be filed within 10 days after the close of the hearing unless a longer period is established by the commissioner.

(f) All witnesses must be sworn in.

(g) All public comments must be transcribed and included as part of the record.

(2) The commissioner shall hold an adjudicatory hearing under Title 5, chapter 375, subchapter 4 if 2 or more interested parties who qualify as intervenors request an adjudicatory hearing in writing stating an intent to offer a

witness or cross-examine a witness, unless the commissioner determines and records in writing why an adjudicatory hearing will not assist the commissioner in understanding information relevant to the application.

(3) The commissioner shall accept public comment on an application during the course of processing the application. The commissioner shall set a deadline for receiving public comments.

(4) The commissioner may not issue the final decision until 10 business days after the close of the public comment period. The commissioner's final decision must include responses to the public comments.

See title page for effective date.

## CHAPTER 326

### H.P. 353 - L.D. 534

#### An Act To Improve Care Coordination for Persons with Mental Illness

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

**Sec. 1. 22 MRSA §1711-C, sub-§6, ¶A,** as amended by PL 2011, c. 347, §6, is further amended to read:

A. To another health care practitioner or facility for diagnosis, treatment or care of individuals or to complete the responsibilities of a health care practitioner or facility that provided diagnosis, treatment or care of individuals, as provided in this paragraph.

(1) For a disclosure within the office, practice or organizational affiliate of the health care practitioner or facility, no authorization is required.

(2) For a disclosure outside of the office, practice or organizational affiliate of the health care practitioner or facility, authorization is not required, except that in nonemergency circumstances authorization is required for health care information derived from mental health services provided by:

(a) A clinical nurse specialist licensed under the provisions of Title 32, chapter 31;

(b) A psychologist licensed under the provisions of Title 32, chapter 56;

(c) A social worker licensed under the provisions of Title 32, chapter 83;

(d) A counseling professional licensed under the provisions of Title 32, chapter 119; or

(e) A physician specializing in psychiatry licensed under the provisions of Title 32, chapter 36 or 48.

This subparagraph does not prohibit the disclosure of health care information between a licensed pharmacist and a health care practitioner or facility providing mental health services for the purpose of dispensing medication to an individual.

This subparagraph does not prohibit the disclosure without authorization of health care information covered under this section to a state-designated statewide health information exchange that satisfies the requirement in subsection 18, paragraph C of providing a general opt-out provision to an individual at all times and that provides and maintains an individual protection mechanism by which an individual may choose to opt in to allow the state-designated statewide health information exchange to disclose that individual's health care information covered under Title 34-B, section 1207½.

This subparagraph does not prohibit the disclosure without authorization of health care information covered under this paragraph to a health care practitioner or health care facility, or to a payor or person engaged in payment for health care, for purposes of care management or coordination of care. Disclosure of psychotherapy notes is governed by 45 Code of Federal Regulations, Section 164.508(a)(2). A person who has made a disclosure under this subparagraph shall make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure:

**Sec. 2. 34-B MRSA §1207, sub-§9** is enacted to read:

**9. Disclosure for care management or coordination of care.** Notwithstanding any provision of this section to the contrary, a health care practitioner may disclose without authorization health information for the purposes of care management or coordination of care pertaining to a client as provided in this subsection.

A. Disclosure is permitted to a health care practitioner or health care facility as defined in Title 22, section 1711-C, subsection 1.

B. Disclosure is permitted to a payor or person engaged in payment for health care for the purpose of care management or coordination of care.

C. Disclosure of psychotherapy notes is governed by 45 Code of Federal Regulations, Section 164.508(a)(2).

D. A person who has made a disclosure under this subsection shall make a reasonable effort to notify the individual or the authorized representative of the individual of the disclosure.

See title page for effective date.

## CHAPTER 327

### H.P. 367 - L.D. 548

#### An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions

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

**Sec. 1. 19-A MRSA §951-A, sub-§4,** as enacted by PL 1999, c. 634, §3, is amended to read:

**4. Modification.** An award of spousal support issued before October 1, 2013 is subject to modification when it appears that justice requires unless and to the extent the order awarding or modifying spousal support expressly states that the award, in whole or in part, is not subject to future modification. An award of spousal support issued on or after October 1, 2013 is subject to modification when it appears that justice requires.

**Sec. 2. 19-A MRSA §951-A, sub-§12** is enacted to read:

**12. Cessation upon cohabitation.** When it appears that justice requires, an order awarding spousal support is subject to modification to terminate spousal support when it can be shown that the payee and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

See title page for effective date.

## CHAPTER 328

### H.P. 497 - L.D. 724

#### An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed

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

**Sec. 1. 15 MRSA §5821, sub-§3-A,** as amended by PL 2011, c. 465, §2, is further amended to read:

**3-A. Firearms and other weapons.** Law enforcement officers may seize all firearms and dangerous weapons that they may find in any lawful search for scheduled drugs or synthetic hallucinogenic drugs, as defined in Title 17-A, section 1101, subsection 16-A, in which scheduled drugs or synthetic hallucinogenic drugs are found. Except for those seized weapons listed in a petition filed in the Superior Court pursuant to section 5822, all weapons seized, after notice and opportunity for hearing, must be forfeited to the State by the District Court 90 days after a list of the weapons and drugs seized is filed in the District Court in the district in which the weapons and drugs were seized. A weapon need not be forfeited if the owner appears prior to the declaration of forfeiture and satisfies the court, by a preponderance of evidence, of all of the following:

- A. That the owner had a possessory interest in the weapon at the time of the seizure sufficient to exclude every person involved with the seized drugs or every person at the site of the seizure;
- B. That the owner had no knowledge of or involvement with the drugs and was not at the site of the seizure; and
- C. That the owner had not given any involved person permission to possess or use the weapon.

Post-hearing procedures are as provided in section 5822.

A confiscated or forfeited handgun firearm that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State unless the handgun firearm was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun firearm must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand.

**Sec. 2. 15 MRSA §5821, sub-§3-B** is enacted to read:

**3-B. Forfeiture of firearms used in the commission of certain acts.** In addition to the provisions of subsection 3-A and Title 17-A, section 1158-A, this subsection controls the forfeiture of firearms used in the commission of certain acts.

A. Except as provided in paragraph B, a firearm is subject to forfeiture to the State if the firearm is used by a person to commit a criminal act that in fact causes serious bodily injury or death to another human being and, following that act, the person either commits suicide or attempts to

commit suicide and the attempt results in the person's becoming incompetent to stand trial or the person is killed or rendered incompetent to stand trial as the result of a justifiable use of deadly force by a law enforcement officer. Except as provided in paragraph B, a property right does not exist in the firearm subject to forfeiture.

B. A firearm that is used in the commission of a criminal act described in paragraph A is exempt from forfeiture under this subsection if the firearm belongs to another person who is the rightful owner from whom the firearm has been stolen and the other person is not a principal or accomplice in the criminal act. In that case, the firearm must be transferred to the other person unless that person is otherwise prohibited from possessing a firearm under applicable law.

A firearm subject to forfeiture pursuant to this subsection that is declared by a court to be forfeited pursuant to section 5822 must be promptly destroyed, or caused to be promptly destroyed, by the law enforcement agency that has custody of the firearm.

**Sec. 3. 17-A MRSA §1158-A, sub-§2, ¶¶A and C,** as enacted by PL 2003, c. 657, §7, are amended to read:

A. Other than in the context of either subsection 1, paragraph A, subparagraph (1) or subsection 1, paragraph B relative to murder or any other unlawful homicide crime in which the firearm used is a handgun, the other person, at the time of the commission of the crime, had a right to possess the firearm to the exclusion of the defendant;

C. In the context of subsection 1, paragraph B relating to murder or any other unlawful homicide crime in which the firearm used is a handgun, the other person, at the time of the commission of the crime, was the rightful owner from whom the handgun firearm had been stolen and the other person was not a principal or accomplice in the commission of the crime.

**Sec. 4. 17-A MRSA §1158-A, sub-§4,** as enacted by PL 2003, c. 657, §7, is amended to read:

4. The Attorney General shall adopt rules governing the disposition to state, county and municipal agencies of firearms forfeited under this section. A handgun firearm not excepted under subsection 2, paragraph C must be destroyed by the State.

**Sec. 5. 17-A MRSA §1158-A, sub-§5,** as enacted by PL 2003, c. 657, §7, is repealed.

See title page for effective date.

**CHAPTER 329**  
**S.P. 282 - L.D. 744**

**An Act To Extend the Statute  
of Limitations on Certain Civil  
Professional Negligence Suits**

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

**Sec. 1. 14 MRSA §853,** as amended by PL 1985, c. 343, §2, is further amended to read:

**§853. Persons under disability may bring action when disability removed**

If a person entitled to bring any of the actions under sections 752 to 754, including section 752-C, and under sections 851; and 852 and Title 24, section 2902 and, until July 1, 2017, section 2902-B is a minor, mentally ill, imprisoned or without the limits of the United States when the cause of action accrues, the action may be brought within the times limited herein after the disability is removed.

**Sec. 2. 24 MRSA §2902,** as repealed and replaced by PL 1985, c. 804, §§13 and 22, is amended to read:

**§2902. Statute of limitations for health care providers and health care practitioners excluding claims based on sexual acts**

Actions Except as provided in section 2902-B, actions for professional negligence shall must be commenced within 3 years after the cause of action accrues. For the purposes of this section, a cause of action accrues on the date of the act or omission giving rise to the injury. Notwithstanding the provisions of Title 14, section 853, relating to minority, actions for professional negligence by a minor shall must be commenced within 6 years after the cause of action accrues or within 3 years after the minor reaches the age of majority, whichever first occurs. This section does not apply where when the cause of action is based upon the leaving of a foreign object in the body, in which case the cause of action shall accrue accrues when the plaintiff discovers or reasonably should have discovered the harm. For the purposes of this section, the term "foreign object" does not include a chemical compound, prosthetic aid or object intentionally implanted or permitted to remain in the patient's body as a part of the health care or professional services.

If the provision in this section reducing the time allowed for a minor to bring a claim is found to be void or otherwise invalidated by a court of proper jurisdiction, then the statute of limitations for professional negligence shall be is 2 years after the cause of action accrues, except that no claim brought under the

3-year statute may be extinguished by the operation of this paragraph.

**Sec. 3. 24 MRSA §2902-B** is enacted to read:

**§2902-B. Statute of limitations for mental health professionals for claims based on sexual acts**

**1. Limitation.** Except as provided in Title 14, section 752-C, actions for professional negligence based on a sexual act engaged in by a professional listed in subsection 3 with a person during the period of time that person was a patient or client of the professional must be commenced within 6 years after the cause of action accrues. For purposes of this section, a cause of action accrues on the date of the act or omission giving rise to the injury.

**2. Definitions.** As used in this section, the following terms have the following meanings.

A. "Patient or client" means a person who receives counseling or treatment from a professional listed in subsection 3.

B. "Sexual act" means the following:

- (1) A sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or
- (2) Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.

**3. Professionals.** Subsection 1 applies with respect to the following types of professionals:

- A. A psychiatrist licensed in this State;
- B. A psychologist licensed in this State;
- C. A clinical social worker licensed in this State;
- D. A social worker certified in this State;
- E. A clinical professional counselor licensed in this State;
- F. A pastoral counselor licensed in this State;
- G. A marriage and family therapist licensed in this State; and
- H. A clinical professional counselor licensed in this State.

**4. Repeal.** This section is repealed July 1, 2017.

**Sec. 4. Application.** This Act applies to the following actions for professional negligence against professionals specified in the Maine Revised Statutes, Title 24, section 2902-B, subsection 3 when the action is based on a sexual act or sexual contact:

1. An action based on a sexual act or sexual contact occurring on or after the effective date of this Act; and

2. An action for which the claim has not yet been barred pursuant to Title 24, section 2902, excluding the exceptions under Title 24, section 2902-B.

See title page for effective date.

**CHAPTER 330**  
**H.P. 519 - L.D. 768**

**An Act To Increase Access to  
Voter Lists**

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

**Sec. 1. 21-A MRSA §196-A, sub-§1, ¶B,** as enacted by PL 2009, c. 564, §8, is amended to read:

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts or activities directly related to a campaign, or an individual who has been elected or appointed to and is currently serving in a municipal, county, state or federal office, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts or activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

See title page for effective date.

**CHAPTER 331**  
**S.P. 333 - L.D. 988**

**An Act To Amend the Tax Laws**

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

**PART A**

**Sec. A-1. 36 MRSA §1754-B, sub-§2-C,** as amended by PL 2005, c. 519, Pt. OOO, §1, is further amended to read:

**2-C. Issuance and renewal of resale certificates; contents; presentation to vendor.** The On November 1st of each year, the assessor shall periodically review the status of returns filed by each registered retailer registered under this section unless the retailer has a resale certificate expiring after December 31st of that year. On or before the date of expiration of a resale certificate, the assessor shall issue to each registered retailer with gross sales of \$3,000 or more during the 12 months preceding the assessor's review a resale certificate effective for the next 3 calendar years. Any subsequent annual resale certificate issued is effective for the next 5 calendar years. If the retailer reports \$3,000 or more in gross sales during the 12 months preceding the assessor's review, the assessor shall issue to the registered retailer a resale certificate effective for 5 calendar years. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

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

**Sec. A-2. 36 MRSA §4072,** as amended by PL 1999, c. 38, §1, is further amended to read:

**§4072. Lien for taxes**

All property subject to taxes under this chapter, in whatever form of investment it may happen to be, is charged with a lien for all taxes, interest and penalties that are or may become due on that property. The lien does not attach to any property passing by right of survivorship to a surviving joint tenant who was the

decedent's spouse on the decedent's date of death. The lien does not attach to any real or personal property after the property has been sold or disposed of for value by the personal representative, trustee or surviving joint tenant. Upon payment of those taxes, interest and penalties due under this chapter, or upon determination that no tax is due, the State Tax Assessor shall upon request execute a discharge of the tax lien for recording in the appropriate registry or registries of deeds.

Any lien that attached to real property prior to September 30, 1989 and after the property was sold or disposed of for value by the personal representative, trustee or surviving joint tenant is released by operation of this section. A lien that attaches under this section is released 10 years after the decedent's date of death.

**Sec. A-3. 36 MRSA §4112**, as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

#### **§4112. Lien for taxes**

All property subject to taxes under this chapter, in whatever form of investment it may happen to be, is charged with a lien for all taxes, interest and penalties that are or may become due on that property. The lien does not attach to any property passing by right of survivorship to a surviving joint tenant who was the decedent's spouse on the decedent's date of death. The lien does not attach to any real or personal property after the property has been sold or disposed of for value by the personal representative, trustee or surviving joint tenant. Upon payment of those taxes, interest and penalties due under this chapter or upon determination that no tax is due, the assessor shall upon request execute a discharge of the tax lien for recording in the appropriate registry or registries of deeds.

A lien that attaches under this section is released 10 years after the decedent's date of death.

**Sec. A-4. 36 MRSA §5122, sub-§1, ¶Y**, as amended by PL 2007, c. 539, Pt. CCC, §3, is further amended to read:

Y. Any amount of allowable deduction claimed for federal purposes in accordance with the election under Section 642(g) of the Code that is also used to determine the taxable estate for purposes of calculating the Maine estate tax under chapter 575 or 577;

**Sec. A-5. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 5122, subsection 1, paragraph Y applies to tax years beginning on or after January 1, 2013.

**Sec. A-6. Retroactivity.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 4072 applies retroactively to estates of decedents with dates of death on or before December 31, 2012. That section of this Part that amends Title 36,

section 4112 applies retroactively to estates of decedents with dates of death on or after January 1, 2013.

#### **PART B**

**Sec. B-1. 36 MRSA §151-D, sub-§10, ¶A**, as enacted by PL 2011, c. 694, §6, is amended to read:

A. If requested by a petitioner ~~in~~ within 20 days of filing a statement of appeal, the appeals office shall hold an appeals conference to receive additional information and to hear arguments regarding the protested assessment or determination. The board shall set a rate of no more than \$150 as a processing fee for each petition that proceeds to an appeals conference. These fees must be credited to a special revenue account to be used to defray expenses in carrying out this section. Any balance of these fees in the special revenue account does not lapse but is carried forward as a continuing account to be expended for the same purposes in the following years.

**Sec. B-2. 36 MRSA §151-D, sub-§10, ¶D**, as enacted by PL 2011, c. 694, §6, is amended to read:

D. If a petitioner does not ~~include a timely~~ request for an appeals conference ~~in the statement of appeal~~, the appeals officer shall determine the matter based on written submissions by the petitioner and the division within the bureau making the original determination.

**Sec. B-3. 36 MRSA §191, sub-§2, ¶VV**, as amended by PL 2011, c. 644, §6 and repealed by c. 694, §9, is further amended to read:

VV. The disclosure by the assessor to the taxpayer advocate under section 151-C of information related to a petition for reconsideration filed by a taxpayer pursuant to section 151. The taxpayer advocate is prohibited from disclosing information obtained pursuant to this paragraph other than to the particular taxpayer to whom the information pertains; ~~and~~

**Sec. B-4. 36 MRSA §191, sub-§2, ¶WW**, as enacted by PL 2011, c. 644, §7 and c. 694, §10, is repealed and the following enacted in its place:

WW. The disclosure of information to the Department of Inland Fisheries and Wildlife necessary for the administration of the credit for Maine fishery infrastructure investment under section 5216-D;

**Sec. B-5. 36 MRSA §191, sub-§2, ¶¶XX and YY** are enacted to read:

XX. The disclosure of information by the assessor to the board, except that such disclosure is limited to information that is pertinent to an appeal or other action or proceeding before the board; and

YY. The inspection and disclosure of information by the board to the extent necessary to conduct appeals procedures pursuant to this Title and issue a decision on an appeal to the parties. The board may make available to the public redacted decisions that do not disclose the identity of a taxpayer or any information made confidential by state or federal statute.

## PART C

**Sec. C-1. 36 MRSA §111, sub-§1-C,** as enacted by PL 2011, c. 694, §2, is amended to read:

**1-C. Board.** "Board" For purposes of sections 151 and 151-D and section 191, subsection 2, paragraphs C, XX and YY, "board" means the Maine Board of Tax Appeals as established in Title 5, section 12004-B, subsection 10.

**Sec. C-2. 36 MRSA §112, sub-§7-A,** as amended by PL 2001, c. 396, §2, is further amended to read:

**7-A. Taxpayer Bill of Rights.** The assessor shall prepare a statement describing in simple and nontechnical terms the rights of a taxpayer and the obligations of the bureau during an audit. The statement must also explain the procedures by which a taxpayer may appeal any adverse decision of the assessor, including the informal conference reconsideration under section 151, appeals to the Maine Board of Tax Appeals and judicial appeals. This statement must be distributed by the bureau to any taxpayer contacted with respect to the determination or collection of any tax, excluding the normal mailing of tax forms. This paragraph does not apply to criminal tax investigations conducted by the assessor or by the Attorney General.

**Sec. C-3. 36 MRSA §144, sub-§1,** as amended by PL 2011, c. 1, Pt. DD, §1 and affected by §4, is further amended to read:

**1. Generally.** A taxpayer may request a credit or refund of any tax that is imposed by this Title or administered by the State Tax Assessor within 3 years from the date the return was filed or 3 years from the date the tax was paid, whichever period expires later. Every claim for refund must be submitted to the assessor in writing and must state the specific grounds upon which the claim is founded and the tax period for which the refund is claimed. If the taxpayer requests in writing an informal conference regarding the claim for refund, the A claim for refund is deemed to be a request for reconsideration of an assessment under section 151.

**Sec. C-4. 36 MRSA §151-A, sub-§2,** as amended by PL 2013, c. 45, §5, is further amended to read:

**2. Representative of taxpayer.** The taxpayer may bring to any interview or informal conference with the State Tax Assessor or to any proceeding pur-

suant to section 151-D any attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer. If the taxpayer does not bring anyone to the interview, conference or proceeding but clearly states at any time during the interview, conference or proceeding that the taxpayer wishes to consult with an attorney, certified public accountant, enrolled agent, enrolled actuary or any other person permitted to represent the taxpayer, the State Tax Assessor shall suspend the interview or conference or the board shall suspend the proceeding. The suspension must occur even if the taxpayer has answered one or more questions before that point in the interview, conference or proceeding. The conference interview must be rescheduled to be held within 10 working days.

**Sec. C-5. 36 MRSA §175, sub-§2,** as amended by PL 2011, c. 380, Pt. J, §8, is further amended to read:

**2. Failure to file or pay taxes; determination to prevent renewal, reissuance or other extension of license or certificate.** If the assessor determines that a person who holds a license or certificate of authority issued by this State to conduct a profession, trade or business has failed to file a return at the time required under this Title or to pay a tax liability due under this Title that has been demanded, other than taxes due pursuant to Part 2, and the person continues to fail to file or pay after at least 2 specific written notices, each giving 30 days to respond, have been sent by first-class mail, then the assessor shall notify the person by certified mail or personal service that continued failure to file the required tax return or to pay the overdue tax liability may result in loss of the person's license or certificate of authority. If the person continues for a period in excess of 30 days from notice of possible denial of renewal or reissuance of a license or certificate of authority to fail to file or show reason why the person is not required to file or if the person continues not to pay, the assessor shall notify the person by certified mail or personal service of the assessor's determination to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency. A review of this determination is available by requesting reconsideration under section 151, subject to appeal to the Superior Court as provided in section 151. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination to prevent renewal or reissuance of the license or certificate of authority becomes final unless otherwise determined on appeal. In any event, the license or certificate of authority remains in effect until all appeals have been taken to their final conclusion.

**Sec. C-6. 36 MRSA §175, sub-§6,** as amended by PL 2009, c. 496, §5, is further amended to read:

**6. Certificate of good standing.** The assessor must issue a certificate of good standing to the person conditioned upon the person's agreement to complete obligations under this Title. If the person fails to complete obligations under this Title in accordance with that agreement, the assessor may notify the person and the issuing agency of the assessor's determination to revoke the license or certificate of authority. A review of this determination is available by requesting reconsideration ~~under section 151, subject to appeal to the Superior Court as provided in section 151.~~ Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination to revoke the license or certificate of authority becomes final unless otherwise determined on appeal. The issuing agency, on receipt of notice that the determination to revoke the license or certificate of authority has become final, shall revoke the license or certificate of authority within 30 days. The assessor and the licensee may agree to nonbinding mediation for an agreement to complete obligations under this Title.

**Sec. C-7. 36 MRSA §187-B, sub-§6,** as amended by PL 2007, c. 693, §6, is further amended to read:

**6. Penalties not exclusive.** Each penalty provided under this section is in addition to any interest and other penalties provided under this section and other law, except as otherwise provided in this section. Interest may not accrue on the penalty. This section does not apply to any filing or payment responsibility pursuant to Part 2 except that this section does apply to a filing or payment responsibility pursuant to the state ~~tax on telecommunications personal property excise tax~~ imposed under section 457. The penalties imposed under subsections 1 and 2 accrue automatically, without being assessed by the State Tax Assessor. Each penalty imposed under this section is recoverable by the assessor in the same manner as if it were a tax assessed under this Title.

**Sec. C-8. 36 MRSA §1760, sub-§45,** as corrected by RR 2011, c. 2, §40, is amended to read:

**45. Certain property purchased outside State.** Sales of property purchased and used by the present owner outside the State:

A. If the property is an automobile, as defined in Title 29-A, section 101, subsection 7, and if the owner is an individual who was, at the time of purchase, a resident of the other state;

A-2. If the property is a snowmobile or all-terrain vehicle as defined in Title 12, section 13001 and the purchaser is an individual who is not a resident of the State;

A-3. If the property is an aircraft not exempted under subsection 88 or 88-A and the owner at the time of purchase was a resident of another state or tax jurisdiction and the aircraft is present in this

State not more than 20 days during the 12 months following its purchase, exclusive of days during which the aircraft is in this State for the purpose of undergoing "major alterations," "major repairs" or "preventive maintenance" as those terms are described in 14 Code of Federal Regulations, Appendix A to Part 43, as in effect on January 1, 2005. For the purposes of this paragraph, the location of an aircraft on the ground in the State at any time during a day is considered presence in the State for that entire day, and a day must be disregarded if at any time during that day the aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life-saving medical care;

A-4. If the property is brought into this State solely to conduct activities directly related to a declared state disaster or emergency, at the request of the State, a county, city, town or political subdivision of the State or a registered business, the property is owned by a person not otherwise required to register as a seller under section 1754-B and the property is present in this State only during a disaster period. As used in this paragraph, "declared state disaster or emergency" has the same meaning as in Title 10, section 9902, subsection 1 and "disaster period" means the period of 60 days that begins with the date of the Governor's proclamation of a state of emergency or the declaration by the President of the United States of a major disaster or major emergency, whichever occurs first; or

B. For more than 12 months in all other cases.

Property, other than automobiles, ~~watercraft~~, snowmobiles, all-terrain vehicles and aircraft, that is required to be registered for use in this State does not qualify for this exemption unless it was registered by its present owner outside this State more than 12 months prior to its registration in this State. If property required to be registered for use in this State was not required to be registered for use outside this State, the owner must be able to document actual use of the property outside this State for more than 12 months prior to its registration in this State. For purposes of this subsection, "use" does not include storage but means actual use of the property for a purpose consistent with its design.

**Sec. C-9. 36 MRSA §1764,** as amended by PL 2011, c. 548, §17, is further amended to read:

#### **§1764. Tax against certain casual sales**

The tax imposed by this Part must be levied upon all casual rentals of living quarters in a hotel, rooming house, tourist camp or trailer camp and upon all casual

sales involving the sale of trailers, truck campers, motor vehicles, special mobile equipment, watercraft or aircraft unless the property is sold for resale at retail sale or to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of a majority 50% or more of the common stock of the corporation or of the ownership interests in the partnership, limited liability company or limited liability partnership. This section does not apply to the rental of living quarters rented for a total of fewer than 15 days in the calendar year, except that a person who owns and offers for rental more than one property in the State during the calendar year is liable for collecting sales tax with respect to the rental of each unit regardless of the number of days for which it is rented. For purposes of this section, "special mobile equipment" does not include farm tractors and lumber harvesting vehicles or loaders.

**Sec. C-10. 36 MRSA §2011, 2nd ¶,** as amended by PL 2005, c. 218, §29, is further amended to read:

A taxpayer dissatisfied with the decision of the assessor, upon a written request for refund filed under this section may request reconsideration and appeal from the reconsideration to the Superior Court in the same manner and under the same conditions as in the case of assessments made under chapter 7. The decision of the assessor upon a written request for refund becomes final as to law and fact in the same manner and under the same conditions as in the case of assessments made under chapter 7.

**Sec. C-11. 36 MRSA §2515,** as amended by PL 2007, c. 240, Pt. KKKK, §3 and affected by §7, is further amended to read:

#### **§2515. Amount of tax**

In determining the amount of tax due under ~~sections 2513 and 2531~~, each company shall deduct from the full amount of gross direct premiums the amount of all direct return premiums on the gross direct premiums and all dividends paid to policyholders on direct premiums, and the tax must be computed by those companies or their agents. Except when direct return premiums are returned in the same tax year that the premium was paid, the deduction allowed in this section may be taken only if the tax under this Part has been paid.

**Sec. C-12. 36 MRSA §2551, sub-§10,** as amended by PL 2007, c. 438, §53, is further amended to read:

**10. Private nonmedical institution or personal home care.** "Private nonmedical institution or personal home care" means a person licensed by the Department of Health and Human Services to provide private nonmedical institution or personal home care services to 4 or more MaineCare-eligible and other residents in single or multiple facilities under a written

agreement with the Department of Health and Human Services. "Private nonmedical institution or personal home care" does not include a health insurance organization, hospital, nursing home or community health care center.

**Sec. C-13. 36 MRSA §2551, sub-§11,** as enacted by PL 2003, c. 673, Pt. V, §25 and affected by §29, is amended to read:

**11. Private nonmedical institution or personal home care services.** "Private nonmedical institution or personal home care services" means services, including food, shelter and treatment, that are provided by a private nonmedical institution or personal home care.

**Sec. C-14. 36 MRSA §2552, sub-§1, ¶G,** as amended by PL 2005, c. 386, Pt. S, §4 and affected by §9, is further amended to read:

G. Private nonmedical institution or personal home care services;

**Sec. C-15. 36 MRSA §2555, 2nd ¶,** as enacted by PL 2003, c. 673, Pt. V, §25 and affected by §29, is amended to read:

A taxpayer dissatisfied with the decision of the assessor, upon a written request for refund filed under this section, may request reconsideration and appeal from the reconsideration to the Superior Court in the same manner and under the same conditions as in the case of assessments made under chapter 7. The decision of the assessor upon such written request for refund becomes final as to law and fact in the same manner and under the same conditions as in the case of assessments made under chapter 7.

**Sec. C-16. 36 MRSA §4075-A, sub-§1,** as amended by PL 2011, c. 1, Pt. DD, §2 and affected by §4, is further amended to read:

**1. Refund.** A personal representative or responsible party otherwise liable for the tax imposed by this chapter may request a refund of any tax imposed by this chapter within 3 years from the date the return was filed or 3 years from the date the tax was paid, whichever period expires later. Every claim for refund must be submitted to the State Tax Assessor in writing and must state the specific grounds upon which the claim is founded. The claimant may in writing request an informal conference reconsideration regarding the denial of the claim for refund pursuant to section 151.

**Sec. C-17. 36 MRSA §4102, sub-§1,** as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

**1. Adjusted federal gross estate.** "Adjusted federal gross estate" means a decedent's federal gross estate as modified by ~~Maine qualified terminable interest property~~, Maine elective property and the value of all taxable gifts as defined under the Code, Section

2503 made by the decedent during the one-year period ending on the date of the decedent's death.

**Sec. C-18. 36 MRSA §4107, sub-§2, ¶B,** as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

B. The federal gross estate, increased by the amount value of adjusted all taxable gifts as defined under the Code, Section 2503 made by the decedent after December 31, 1976 and by the aggregate amount of any specific gift tax exemption under former Code, Section 2521 used by the decedent after September 8, 1976 exceed during the one-year period ending on the date of the decedent's death and the value of Maine elective property, exceeds the Maine exclusion amount.

**Sec. C-19. 36 MRSA §4115, sub-§1,** as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

**1. Refund.** A personal representative or responsible party otherwise liable for the tax imposed by this chapter may request a refund of any tax imposed by this chapter within 3 years from the date the Maine estate tax return was filed or 3 years from the date the tax was paid, whichever period expires later. A claim for refund must be submitted to the assessor in writing and must state the specific grounds upon which the claim is founded. The claimant may in writing request an informal conference reconsideration regarding the denial of the claim for refund pursuant to section 151.

**Sec. C-20. 36 MRSA §4302, sub-§2,** as amended by PL 1997, c. 511, §7, is further amended to read:

**2. Processor.** "Processor" means a person, firm, partnership, association or corporation first engaged in the fresh packing, canning, freezing, pressing, grinding, juicing or dehydrating of wild blueberries whether as owner, agent or otherwise.

**Sec. C-21. 36 MRSA §4302, sub-§3,** as amended by PL 1997, c. 511, §8, is further amended to read:

**3. Seller.** "Seller" means a person, firm, partnership, association or corporation offering fresh unprocessed wild blueberries for sale, either to themselves or to others.

**Sec. C-22. 36 MRSA §4302, sub-§5-A** is enacted to read:

**5-A. Unprocessed wild blueberries.** "Unprocessed wild blueberries" means wild blueberries that have not been fresh packed, canned, frozen, pressed, ground, juiced or dehydrated.

**Sec. C-23. 36 MRSA §4303,** as amended by PL 2001, c. 147, §1, is further amended to read:

### §4303. Rate of tax

There is levied and imposed a tax at the rate of ~~3/4¢ 1 1/2¢~~ per pound of fresh fruit on all ~~wild blueberries grown, purchased, sold, handled or processed in this State and on all unprocessed wild blueberries shipped to a destination outside this State~~. The tax is computed on a ~~fresh fruit basis, regardless of how the gross weight of the wild blueberries are processed as delivered prior to any processing or shipping~~. The processor that first receives ~~unprocessed wild blueberries in the State, or the shipper that transports unprocessed wild blueberries to a destination outside the State, is responsible for reporting and paying the tax~~.

~~A processor or shipper responsible for reporting and paying the tax imposed by this section shall charge and collect 1/2 of the tax levied under this section from the seller.~~

**Sec. C-24. 36 MRSA §4303-A,** as amended by PL 2001, c. 147, §2, is repealed.

**Sec. C-25. 36 MRSA §4304,** as amended by PL 1997, c. 511, §13, is repealed.

**Sec. C-26. 36 MRSA §4305, sub-§3, ¶A,** as enacted by PL 2007, c. 694, §5, is amended to read:

A. Failure to pay the tax imposed by section 4303 or 4303-A;

**Sec. C-27. 36 MRSA §4306,** as amended by PL 2001, c. 147, §3, is repealed.

**Sec. C-28. 36 MRSA §4307,** as amended by PL 2001, c. 147, §4, is further amended to read:

### §4307. Records and reports; payment of tax

Every processor or shipper ~~responsible for reporting and paying the tax imposed by section 4303~~ shall, on or before November 1st of each year, report to the State Tax Assessor the quantity of ~~unprocessed wild blueberries grown, purchased or sold by that processor or shipper that are processed in this State or shipped to a destination outside the State~~ during the current season, on forms furnished by the State Tax Assessor. The report must contain the information pertinent to ~~the purchase or sale collection of tax under this chapter~~ as the State Tax Assessor prescribes. With the report, each processor or shipper shall forward payment of the tax at the rate of full ~~1 1/2¢~~ per pound ~~tax~~ upon all wild blueberries reported as ~~grown, sold or purchased~~.

**Sec. C-29. 36 MRSA §4311-A, first ¶,** as amended by PL 1997, c. 511, §18, is further amended to read:

Money received from the tax levied by sections 4303 and 4303-A must be appropriated for the following purposes:

**Sec. C-30. 36 MRSA §4311-A, sub-§1-A,** as enacted by PL 1997, c. 511, §18, is amended to read:

**1-A. Transfer, allocation and appropriation.** Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under sections section 4303 and 4303 A, must be transferred to the Wild Blueberry Commission of Maine in its capacity as an independent agency on a monthly basis by the 15th of the month following collection and be used for all activities of the commission authorized under this chapter. All money received by the Treasurer of State under this chapter, including all receipts of taxes levied under sections section 4303 and 4303 A, must be allocated or appropriated to the commission by the Legislature. Money received by the commission does not lapse and may be invested until expended for activities authorized under this chapter;

**Sec. C-31. 36 MRSA §4402, sub-§5,** as enacted by PL 2005, c. 627, §7, is amended to read:

**5. Revocation or suspension.** The assessor may revoke or suspend the license of any distributor for failure to comply with any provision of this chapter or if the person no longer imports or sells tobacco products. A person aggrieved by a revocation or suspension may petition the assessor for a hearing request reconsideration as provided in section 151.

**Sec. C-32. 36 MRSA §5122, sub-§2, ¶HH,** as amended by PL 2011, c. 644, §16 and affected by §32, is further amended to read:

HH. To the extent included in federal adjusted gross income, annuity payments made to the survivor of a deceased member of the military who died as the result of service in active or reserve components of the United States Army, Navy, Air Force, Marines or Coast Guard under a survivor benefit plan or reserve component survivor benefit plan pursuant to 10 United States Code, Chapter 73 reduced by any amount claimed as a modification under paragraph M or M-1;

**Sec. C-33. 36 MRSA §5122, sub-§2, ¶LL,** as enacted by PL 2011, c. 657, Pt. M, §1 and affected by §2, is repealed and the following enacted in its place:

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

(1) For active duty service in the active components of the United States Army, Navy, Air Force, Marines or Coast Guard by a service member whose permanent duty station during

such service is located outside of this State; and

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

**Sec. C-34. 36 MRSA §5203-C, sub-§4, ¶A,** as amended by PL 2011, c. 644, §27 and affected by §32, is further amended to read:

A. A minimum tax credit is allowed against the liability arising under this Part for any taxable year other than withholding tax liability. The minimum tax credit equals the excess, if any, of the adjusted alternative minimum tax, reduced by the credit for tax paid to other jurisdictions determined under subsection 3, the seed capital investment tax credit provided by section 5216-B, and the Pine Tree Development Zone tax credit provided by section 5219-W, the credit for rehabilitation of historic properties after 2007 provided by section 5219-BB and the income tax credit under the Maine New Markets Capital Investment Program under Title 10, section 1100-Z that was imposed for all prior taxable years beginning after 2003 over the amount allowable as a credit under this subsection for those prior taxable years, plus unused minimum tax credits from years beginning after 1990.

**Sec. C-35. 36 MRSA §5219-N,** as amended by PL 2003, c. 673, Pt. JJ, §5 and affected by §6, is repealed.

**Sec. C-36. 36 MRSA §5219-GG, sub-§1, ¶G,** as repealed by PL 2011, c. 548, §32 and affected by §36 and amended by c. 563, §13, is repealed.

**Sec. C-37. 36 MRSA §5219-HH, sub-§1, ¶G,** as enacted by PL 2011, c. 548, §33 and affected by §35, is amended to read:

G. "Qualified active low-income community business" has the same meaning as in the Code, Section 45D- and includes any entity making an investment under this section if, for the most recent calendar year ending prior to the date of the investment:

(1) At least 50% of the total gross income of the entity was derived from the active conduct of business activity of the entity within any municipality where the average annual unemployment rate for that year was higher than the state average unemployment rate;

(2) A substantial portion of the use of the tangible property of the entity was within any location of the State where the average annual unemployment rate for that year was higher than the state average unemployment rate; or

(3) A substantial portion of the services performed by the entity by its employees was performed in a municipality where the average annual unemployment rate for that year was higher than the state average unemployment rate.

**Sec. C-38. 36 MRSA §5280,** as amended by PL 1993, c. 395, §24 and affected by §32, is further amended to read:

#### **§5280. Refund claim**

Every claim for refund must be filed with the assessor in writing and state the specific grounds upon which it is founded. The taxpayer may in writing along with the refund claim request an informal conference regarding the claim for refund, in which case the claim for refund is considered a request for reconsideration of an assessment under section 151 filed as of the date the refund claim is filed and is decided pursuant to section 151. If the taxpayer has not requested a conference and the assessor denies the refund claim in whole or in part, or the refund claim is deemed denied under section 5282, the taxpayer may request reconsideration of the denial or deemed denial of the refund claim pursuant to section 151.

**Sec. C-39. 36 MRSA §5282,** as repealed and replaced by PL 1993, c. 395, §25 and affected by §32, is amended to read:

#### **§5282. Refund claim deemed denied**

If the assessor fails to mail to the taxpayer, within 6 months after the filing of a refund claim with respect to which no conference has been requested pursuant to section 5280, a decision on that refund claim, the taxpayer may elect but is not obligated, prior to receipt by the taxpayer of the assessor's decision on the refund claim, to deem the claim denied. The taxpayer deems the refund claim denied by requesting reconsideration of the deemed denial pursuant to section 151.

**Sec. C-40. Application.** That section of this Act that amends the Maine Revised Statutes, Title 36, section 4102, subsection 1 applies to estates of decedents dying on or after January 1, 2013. That section of this Act that repeals and replaces Title 36, section 5122, subsection 2, paragraph LL applies to tax years beginning on or after January 1, 2014. That section of this Act that repeals Title 36, section 5219-N applies to tax years beginning on or after January 1, 2013.

**Sec. C-41. Retroactivity.** Those sections of this Act that amend the Maine Revised Statutes, Title 36, section 111, subsection 1-C; Title 36, section 112, subsection 7-A; Title 36, section 144, subsection 1;

Title 36, section 151-A, subsection 2; Title 36, section 175, subsections 2 and 6; Title 36, section 2011; Title 36, section 2555; Title 36, section 4075-A, subsection 1; Title 36, section 4115, subsection 1; Title 36, section 4402, subsection 5; Title 36, section 5280; and Title 36, section 5282 apply retroactively to May 25, 2012. That section of this Act that amends Title 36, section 5203-C, subsection 4, paragraph A applies retroactively to tax years beginning on or after January 1, 2012. Those sections of this Act that repeal Title 36, section 5219-GG, subsection 1, paragraph G and amend Title 36, section 5219-HH, subsection 1, paragraph G apply retroactively to August 30, 2012.

See title page for effective date.

## **CHAPTER 332**

### **S.P. 335 - L.D. 990**

#### **An Act To Require Public Disclosure of Health Care Prices**

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

**Sec. 1. 22 MRSA §1718-A** is enacted to read:

#### **§1718-A. Consumer information regarding health care practitioner prices**

Each health care practitioner, as defined in section 1711-C, subsection 1, paragraph F, shall maintain a price list of the health care practitioner's most frequently provided health care services and procedures. The prices stated must be the prices that the health care practitioner charges clients directly, when there is no insurance coverage for the services or procedures or when reimbursement by an insurance company is denied. The prices stated must be accompanied by the applicable standard medical codes listed by diagnosis. For purposes of this section, "frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care practitioner at least 50 times in the preceding calendar year. Health care practitioners shall inform clients about the availability of the price list and provide copies of the price list upon request. Health care practitioners shall make available written information on health claims data that may be obtained through the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683. This section does not apply to pharmacists.

**Sec. 2. 24 MRSA §2987,** as enacted by PL 2003, c. 469, Pt. C, §30, is repealed.

**Sec. 3. Effective date.** This Act takes effect January 1, 2014.

Effective January 1, 2014.

## CHAPTER 333 H.P. 714 - L.D. 1016

### An Act Regarding the Buying and Selling of Animal Parts

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

**Sec. 1. 12 MRSA §10001, sub-§10-A** is enacted to read:

**10-A. Commercially.** "Commercially" means, with regard to the buying, selling, bartering or trading of wildlife parts, for the purpose of resale or profit or receiving any form of remuneration.

**Sec. 2. 12 MRSA §10001, sub-§20-A** is enacted to read:

**20-A. Finished wildlife products.** "Finished wildlife products" means tanned animal hides and finished taxidermy mounts, including full or partial body mounts or antlers mounted on a plaque.

**Sec. 3. 12 MRSA §10001, sub-§42-C** is enacted to read:

**42-C. Naturally shed.** "Naturally shed" means naturally dropped from the animal without any human manipulation.

**Sec. 4. 12 MRSA §11217, sub-§2,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §151 and affected by §422, is repealed and the following enacted in its place:

**2. Exception.** This subsection provides for exceptions to the prohibitions against the purchase, sale, offer for sale or barter of wild animals and wild birds under this section.

**A.** A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's license, only the hide, head, teeth, claws not attached to the paws and gall bladder of that animal.

**B.** A person who has lawfully killed and registered a deer may sell, without a hide dealer's license, only the hide, head, antlers and feet of that animal.

**C.** A person may sell the head, hide, feet and antlers of a domesticated deer and the meat of a domesticated deer for use as food only in accordance with Title 7, chapter 202.

**D.** A person who has lawfully killed and registered a moose may sell, without a hide dealer's license, only the hide, head, bones, antlers and feet of that animal.

**E.** A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer or moose.

**F.** A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, excluding federally protected wild animals and wild birds except in accordance with federal law.

**G.** A person may buy, without a hide dealer's license, for that person's personal use and not for resale, only the teeth, claws not attached to paws, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

**H.** A person who possesses a valid hide dealer's license may lawfully buy, sell, barter and trade for profit the parts of wild animals under paragraphs A, B and D, lawfully obtained raw, untanned animal hides and any parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3.

Parts permitted to be bought or sold under this subsection may not be attached to any other parts of the wild animals or wild birds that are prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. Bear gall bladders and raw, unfinished deer and moose antlers must be tagged or accompanied with documentation containing the name and address of the person who lawfully killed the animal.

As used in this subsection, "hide dealer's license" means a license issued pursuant to section 12954.

**Sec. 5. 12 MRSA §12954, sub-§1,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. License required.** Except as provided in subsection 6-A and section 12955, a person may not engage in any activity for which a hide dealer's license may be issued under subsection 2 without a valid hide dealer's license.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 \$1,000 and an amount equal to twice the applicable license fee must be imposed.

**Sec. 6. 12 MRSA §12954, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

**2. Issuance.** The commissioner may issue a hide dealer's license permitting a person to:

A. Buy, sell, barter or trade any lawfully obtained bear gall bladders, raw unfinished moose antlers or raw unfinished deer antlers;

B. Commercially buy, sell, barter or trade any lawfully obtained raw, untanned animal hides or parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under section 11217, subsections 1 and 3; and

C. Aid or assist another in the activities described in paragraphs A and B.

Parts of wild animals and wild birds bought, sold, bartered or traded under this section may not be attached to any other parts of the wild animals or wild birds that are prohibited from being bought, sold, offered for sale or bartered under section 11217, subsections 1 and 3.

**Sec. 7. 12 MRSA §12954, sub-§4-A, ¶A,** as enacted by PL 2003, c. 655, Pt. B, §348 and affected by §422, is amended to read:

A. A licensee shall:

(1) Keep a true and complete record, in such form as is required by the commissioner, ~~of all to include the names and addresses of persons buying or selling heads, hides and bear gall bladders purchased;~~ and

(2) File that record with the commissioner on or before June 30th of each year.

All data submitted to the commissioner as part of the record is for scientific purposes only and is confidential and not a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this paragraph for law enforcement purposes or if the data is released in a form that is statistical or general in nature.

**Sec. 8. 12 MRSA §12954, sub-§6,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 9. 12 MRSA §12954, sub-§6-A** is enacted to read:

**6-A. Exceptions.** The following are exceptions to the license requirements in this section.

A. A person who has lawfully killed and registered a deer may sell, without a hide dealer's license, only the hide, head, antlers and feet of that animal.

B. A person who has lawfully killed and registered a moose may sell, without a hide dealer's license, only the hide, head, bones, antlers and feet of that animal.

C. A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's license, only the hide, head, teeth, claws not attached to the paws and gallbladder of that animal.

D. A person who has lawfully killed or trapped a fur-bearing animal may sell, without a hide dealer's license, any part of that animal.

E. A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, including tanned animal hides and finished taxidermy mounts.

F. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer and moose.

G. A person may buy, without a hide dealer's license, for that person's own personal use and not for resale, only the teeth, claws not attached to paws, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under section 11217, subsections 1 and 3.

See title page for effective date.

## CHAPTER 334

### S.P. 447 - L.D. 1299

#### An Act To Amend Campaign Finance Laws

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

**Sec. 1. 21-A MRSA §1004, sub-§4,** as amended by PL 2003, c. 447, §38, is further amended to read:

**4. Registration; political action committees.** A political action committee or ballot question committee required to be registered under section ~~1053~~ ~~1052-A or 1056-B~~ may not operate in this State unless it is so registered.

**Sec. 2. 21-A MRSA §1011,** as amended by PL 2011, c. 389, §5 and affected by §62, is further amended to read:

#### §1011. Application

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. Candidates for municipal office as described in Title 30-A, section 2502, subsection 1 are also governed by this subchapter. The commission does not have jurisdiction over financial activities to

influence the nomination or election of candidates for federal office.

~~Candidates for municipal office as described in Title 30 A, section 2502, subsection 1 are governed by this subchapter.~~

**3. Role of the municipal clerk; commission.** For candidates for municipal office, the municipal clerk is responsible for any duty assigned to the commission in this subchapter related to the registration of candidates, receipt of reports and distribution of information or forms, unless otherwise provided. Notwithstanding any other deadline set forth in this chapter, candidates ~~must shall~~ file their reports by the close of business on the day of the filing deadline established for the office of the municipal clerk. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns, except that the commission ~~shall enforce late filing penalties under section 1020 A, subsection 3 upon the request of a municipal clerk has the discretion to conduct investigations and assess penalties under subsection 3-A.~~

**3-A. Enforcement by the commission.** If a clerk of a town or city that is governed by this chapter pursuant to Title 30-A, section 2502 becomes aware of a potential violation of this chapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement. Substantial violations include, but are not limited to, accepting contributions in excess of the limitations of section 1015 and failing to file a report that substantially complies with the disclosure requirements of section 1017. The commission has the discretion to conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this chapter has occurred, the commission may assess penalties provided in this chapter.

**4. Exemptions.** Exemptions for municipal candidates from the reporting requirements of this subchapter are governed by this subsection.

A. At the time a municipal candidate registers under section 1013-A, the candidate may notify the municipal clerk in writing that the candidate will not accept contributions, make expenditures or incur financial obligations associated with that person's candidacy. A candidate who provides this written notice is not required to appoint a treasurer or to meet the filing requirements of this section as long as the candidate complies with the commitment.

B. The notice provided to the municipal clerk in paragraph A may be revoked. A written revoca-

tion must be presented to the municipal clerk before the candidate may accept contributions, make expenditures or incur obligations associated with that person's candidacy. A candidate who has filed a notice with the municipal clerk under paragraph A and accepts contributions, makes expenditures or incurs obligations associated with that person's candidacy prior to filing a revocation may be assessed a penalty of \$10 for each business day that the revocation is late, up to a maximum of \$500. This penalty may be imposed in addition to the penalties assessed under other sections of this Title.

**Sec. 3. 21-A MRSA §1012, sub-§2, ¶B,** as amended by PL 2011, c. 389, §6, is further amended to read:

- B. Does not include:
  - (1) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
  - (2) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the individual on behalf of any candidate does not exceed \$100 ~~\$250~~ with respect to any election;
  - (3) The sale of any food or beverage by a vendor for use in a candidate's campaign at a charge less than the normal comparable charge, if the charge to the candidate is at least equal to the cost of the food or beverages to the vendor and if the cumulative value of the food or beverages does not exceed \$100 with respect to any election;
  - (4) Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by ~~an~~ that individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 ~~\$350~~ with respect to any election;
  - (4-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;
  - (5) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(6) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created, obtained or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(7) Compensation paid by a state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(8) Campaign training sessions provided to 3 or more candidates;

(8-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(8-B) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

(8-C) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election;

(9) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider;

(10) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate; or

(11) A purchase of apparel from a commercial vendor with a total cost of \$25 or less by an individual when the vendor has received a graphic or design from the candidate or the candidate's authorized committee.

**Sec. 4. 21-A MRSA §1012, sub-§3,** as amended by PL 2011, c. 389, §7, is further amended to read:

**3. Expenditure.** The term "expenditure:"

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything

of value made for the purpose of influencing the nomination or election of any person to political state, county or municipal office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure;

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of influencing any campaign as defined in section 1052, subsection 1; and

B. Does not include:

(1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless the facilities are owned or controlled by any political party, political committee, candidate or candidate's immediate family spouse or domestic partner of a candidate;

(1-A) Any communication distributed through a public access television station channel on a cable television system if the communication complies with the laws and rules governing the station channel and all candidates in the race have an equal opportunity to promote their candidacies through the station channel;

(2) Activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention a clearly identified candidate;

(3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;

(4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities does not exceed \$100 \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred by an individual in the course of providing voluntary personal services to a candidate and paid for by an individual who volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 \$350 with respect to any election;

(5-A) Any unreimbursed campaign-related travel expenses incurred and paid for by the candidate or the candidate's spouse or domestic partner;

(6) Any communication by any person that is not made for the purpose of influencing the nomination for election, or election, of any person to state ~~or~~ county or municipal office;

(7) The payment by a party's state, district, county or municipal committee of the costs of preparation, display or mailing or other distribution of a party candidate listing;

(8) The use or distribution of any communication, as described in section 1014, obtained by the candidate for a previous election and fully paid for during that election campaign;

(9) Documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this Title, lists of registered voters and voter identification information, created or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a state party committee to its employees for the following purposes:

(a) Providing no more than a total of 40 hours of assistance from its employees to a candidate in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(10-A) Costs paid for by a party committee in connection with a campaign event at which 3 or more candidates are present;

(11) Campaign training sessions provided to 3 or more candidates;

(11-A) Wood or other materials used for political signs that are found or contributed if not originally obtained by the candidate or contributor for campaign purposes;

(12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider; or

(13) A purchase of apparel from a commercial vendor with a total cost of \$25 or less by an individual when the vendor has received a graphic or design from the candidate or the candidate's authorized committee.

**Sec. 5. 21-A MRSA §1015-A, sub-§1, ¶C,** as enacted by PL 1991, c. 839, §12, is amended to read:

C. Are owned or controlled by the same majority shareholder or shareholders; ~~or~~

**Sec. 6. 21-A MRSA §1015-A, sub-§1, ¶C-1** is enacted to read:

C-1. Are limited liability companies that are owned or controlled by the same majority member or members; or

**Sec. 7. 21-A MRSA §1015-B** is enacted to read:

**§1015-B. Donations to an individual considering whether to become a candidate**

If an individual receives funds, goods or services for the purpose of deciding whether to become a candidate, the funds, goods or services may not exceed the limitations in section 1015, subsections 1 and 2. The individual shall keep an account of such funds, goods or services received and all payments and obligations incurred in deciding whether to become a candidate. If the individual becomes a candidate, the funds, goods and services received are contributions and the payments and obligations are expenditures. The candidate shall disclose the contributions and expenditures in the first report filed by the candidate or the candidate's authorized campaign committee, in accordance with the commission's procedures.

**Sec. 8. 21-A MRSA §1016**, as amended by PL 1991, c. 839, §13 and affected by §34, is further amended to read:

**§1016. Records**

Each The candidate or treasurer shall keep detailed records of all contributions received and of each expenditure that the treasurer or candidate makes or authorizes, as provided in this section. When reporting contributions and expenditures to the commission as required by section 1017, the The treasurer shall certify the completeness and accuracy of the information reported by that treasurer in any report of contributions and expenditures filed with the commission as required by section 1017.

**1. Segregated funds.** All funds of a political committee and campaign funds of a candidate must be

segregated from, and may not be commingled with, any personal funds of the candidate, treasurer or other officers, members or associates of the committee. Personal funds of the candidate used to support the candidacy must be recorded and reported to the treasurer as contributions to the political committee, or the candidate if the candidate has not authorized a political committee.

**2. Report of contributions and expenditures.** A person who receives a contribution or makes an expenditure for a candidate or political committee shall report the contribution or expenditure to the candidate or treasurer within 5 days of the receipt of the contribution or the making of the expenditure. A person who receives a contribution in excess of \$10 for a candidate or a political committee shall report to the candidate or treasurer the amount of the contribution, the name and address of the person making the contribution and the date on which the contribution was received.

**3. Record keeping.** A The candidate or treasurer shall keep a detailed and exact account of:

- A. All contributions made to or for the candidate or committee, including any contributions by the candidate;
- B. The name and address of every person making a contribution in excess of \$10, the date and amount of that contribution and, if a person's contributions in any report filing period aggregate more than \$50, the account must include the contributor's occupation and principal place of business, if any. If the contributor is the candidate or a member of the candidate's immediate family, the account must also state the relationship. For purposes of this paragraph, "filing period" is as provided in section 1017, subsections 2 and 3-A;
- C. All expenditures made by or on behalf of the committee or candidate; and
- D. The name and address of every person to whom any expenditure is made and the date and amount of the expenditure.

**4. Receipts preservation.** A The candidate or treasurer shall obtain and keep a receipted bill, stating the particulars, for every expenditure in excess of \$50 made by or on behalf of a political committee or a candidate and for any such expenditure in a lesser amount if the aggregate amount of those expenditures to the same person in any election exceeds \$50. The candidate or treasurer shall preserve all receipted bills and accounts required to be kept by this section for 2 years following the final report required to be filed for the election to which they pertain, unless otherwise ordered by the commission or a court.

**Sec. 9. 21-A MRSA §1016-A** is enacted to read:

**§1016-A. Duties and liability of the candidate and treasurer**

**1. Keeping required records.** The candidate or treasurer shall keep records of contributions and expenditures as required by section 1016, chapter 14 and the commission's rules. If the candidate keeps the records, the candidate shall provide the treasurer or deputy treasurer with access to the records for the purpose of filing complete and accurate campaign finance reports. The candidate and treasurer are jointly responsible for ensuring that the campaign keeps all records required by law.

**2. Filing campaign finance reports.** The treasurer shall file complete and accurate campaign finance reports as required by section 1017. The treasurer may delegate the filing of the reports to the deputy treasurer.

**3. Liability for violations.** The commission may hold the candidate and treasurer jointly and severally liable for any penalties assessed for violations of the financial reporting or record-keeping requirements of this chapter, chapter 14 and the commission's rules. If the deputy treasurer files reports for the campaign, the commission may hold the deputy treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.

**Sec. 10. 21-A MRSA §1017, sub-§2, ¶D,** as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

**D. Contributions aggregating Any single contribution of \$1,000 or more from any one contributor received or any single expenditures expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of those contributions or expenditures that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.**

**Sec. 11. 21-A MRSA §1017, sub-§3-A, ¶C,** as amended by PL 2007, c. 443, Pt. A, §16, is further amended to read:

**C. Contributions aggregating Any single contribution of \$1,000 or more from any one contributor received or any single expenditures expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of any election must be re-**

ported within 24 hours of those contributions or expenditures that contribution or expenditure. The candidate or treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 12. 21-A MRSA §1017-A, sub-§4-A, ¶E,** as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

E. A state party committee shall report any expenditure of \$500 any single contribution of \$5,000 or more received or any single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 13. 21-A MRSA §1017-A, sub-§4-B, ¶C,** as amended by PL 2007, c. 443, Pt. A, §17, is further amended to read:

C. Any A committee shall report any single contribution of \$5,000 or more received or any expenditure of \$1,000 or more made after the 14th day before any election and more than 24 hours before 11:59 p.m. on the day of the election must be reported within 24 hours of that contribution or expenditure. The committee is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has received payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 14. 21-A MRSA §1018-B, sub-§2,** as enacted by PL 2005, c. 301, §21, is amended to read:

2. Limitations. Candidates After an election, candidates may receive donations without limitation for purposes of a recount. The donations must be within the limitations of section 1015, except that no

limitation applies to donations from party committees and caucus campaign committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

**Sec. 15. 21-A MRSA §1019-B, sub-§1, ¶B,** as amended by PL 2007, c. 443, Pt. A, §20, is further amended to read:

B. Is presumed in races involving a candidate who is certified as a Maine Clean Election Act candidate under section 1125, subsection 5 to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the 21 days, including election day, before a primary election; or the 35 days, including election day, before a general or special election; or during a special election until and on election day.

**Sec. 16. 21-A MRSA §1019-B, sub-§4, ¶C,** as enacted by PL 2009, c. 524, §7, is amended to read:

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

**Sec. 17. 21-A MRSA §1020-A, sub-§6,** as repealed and replaced by PL 2009, c. 302, §5, is amended to read:

6. Request for a commission determination. If the commission staff finds that a candidate or political committee has failed to file a report required under this subchapter, the commission staff shall mail a notice by certified mail to the candidate or political committee within 3 business days following the filing deadline informing the candidate or political committee that a report was not received. If a candidate or a political committee files a report required under this subchapter late, a notice of preliminary penalty must be sent to the candidate or political committee whose registration or campaign finance report was not received by 11:59 p.m. on the deadline date, informing the candidate or political committee of the staff find-

ing of violation and preliminary penalty calculated under subsection 4-A and providing the candidate or political committee with an opportunity to request a determination by the commission. ~~The notice must be sent by certified mail.~~ Any request for a determination must be made within 14 calendar days of receipt of the commission's notice. ~~The 14 day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 14 day period begins on the day the post office indicates it has given first notice of a certified letter.~~ A candidate or political committee requesting a determination may either appear in person or designate a representative to appear on the candidate's or political committee's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

**Sec. 18. 21-A MRSA §1052, sub-§4, ¶B,** as amended by PL 2011, c. 389, §29, is further amended to read:

B. Does not include:

- (1) Any news story, commentary or editorial distributed through the facilities of any broadcasting station, cable television system, newspaper, magazine or other periodical publication, unless these facilities are owned or controlled by any political party, political committee, candidate or candidate's immediate family the spouse or domestic partner of a candidate;
- (2) Activity designed to encourage individuals to register to vote or to vote, if that activity or communication does not mention a clearly identified candidate;
- (3) Any communication by any membership organization or corporation to its members or stockholders, if that membership organization or corporation is not organized primarily for the purpose of influencing the nomination or election of any person to state or county office;
- (4) The use of real or personal property and the cost of invitations, food and beverages, voluntarily provided by a political action committee in rendering voluntary personal services for candidate-related activities, if the cumulative value of these activities by the political action committee on behalf of any candidate does not exceed \$100 \$250 with respect to any election;

(5) Any unreimbursed travel expenses incurred and paid for by a political action committee that volunteers personal services to a candidate, if the cumulative amount of these expenses does not exceed \$100 with respect to any election; and

(6) Any communication by any political action committee member that is not made for the purpose of influencing the nomination or election of any person to state or county office.

**Sec. 19. 21-A MRSA §1052-A** is enacted to read:

**§1052-A. Registration**

A political action committee shall register with the commission and amend its registration as required by this section. A registration is not timely filed unless it contains all the information required in this section.

**1. Deadlines to file and amend registrations.** A political action committee shall register and file amendments with the commission according to the following schedule.

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

B. A committee shall amend the registration within 10 days of a change in the information that committees are required to disclose under this section.

C. A committee shall file an updated registration form between January 1st and March 1st of each year in which a general election is held. The commission may waive the updated registration requirement for a newly registered political action committee or other registered political action committee if the commission determines that the requirement would cause an administrative burden disproportionate to the public benefit of the updated information.

**2. Disclosure of treasurer and officers.** A committee must have a treasurer and a principal officer. The same individual may not serve in both positions. The committee's registration must contain the names and addresses of the following individuals:

- A. The treasurer of the committee;
- B. A principal officer of the committee;

C. Any other individuals who are primarily responsible for making decisions for the committee;

D. The individuals who are primarily responsible for raising contributions for the committee; and

E. The names of any other candidates or Legislators who have a significant role in fund-raising or decision-making for the committee.

**3. Other disclosure requirements.** A committee's registration must also include the following information:

A. A statement indicating the specific candidates, categories of candidates or campaigns that the committee expects to support or oppose;

B. If the committee is formed to influence the election of a single candidate, the name of that candidate;

C. The form or structure of the organization, such as a voluntary association, membership organization, corporation or any other structure by which the committee functions, and the date of origin or incorporation of the organization;

D. If the committee has been formed by one or more for-profit or nonprofit corporations or other organizations for the purpose of initiating or influencing a campaign, the names and addresses of the corporations or organizations;

E. The name of the account that the committee will use to deposit contributions and make expenditures pursuant to section 1054, and the name and address of the financial institution at which the account is established; and

F. Any additional information reasonably required by the commission to monitor the activities of political action committees in this State under this subchapter.

**4. Acknowledgment of responsibilities.** The treasurer, principal officer and any other individuals who are primarily responsible for making decisions for the committee shall submit a signed statement acknowledging their responsibilities on a form prescribed by the commission within 10 days of registering the committee. The signed acknowledgment statement serves as notification of the responsibilities of the committee to comply with the financial reporting, record-keeping and other requirements of this chapter and the potential personal liability of the treasurer and principal officer for civil penalties assessed against the committee. The commission shall notify the committee of any individual who has failed to submit the acknowledgment statement. Failure to return the acknowledgment statement is a violation of this subchapter for which a fine of \$100 may be assessed against the committee. This section also applies to individuals named in an updated or amended

registration required by this subsection who have not previously submitted an acknowledgment statement for the committee with the commission.

**5. Resignation and removal.** An individual who resigns as the treasurer, principal officer or primary decision-maker of a committee shall submit a written resignation statement to the commission. An individual's resignation is not effective until the commission receives the written resignation statement from the individual. If an individual is involuntarily removed from the position of treasurer, principal officer or primary decision-maker by the committee, the committee shall notify the commission in writing that the individual has been removed from the position. The commission may prescribe forms for these purposes.

**Sec. 20. 21-A MRSA §1053,** as amended by PL 2011, c. 389, §§33 and 34, is repealed.

**Sec. 21. 21-A MRSA §1053-B,** as amended by PL 2011, c. 389, §36, is further amended to read:

#### **§1053-B. Out-of-state political action committees**

A political action committee organized An organization that is registered as a political action committee or political committee with the Federal Election Commission or a jurisdiction outside of this State shall register and file reports with the commission in accordance with sections 1053 and 1058 this subchapter upon receiving contributions or making expenditures to initiate or influence a campaign in the State in excess of the amounts that would require registration under section 1052-A. The committee is not required to register and file reports if the committee's only financial activity within the State is to make contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and the committee has not raised and accepted any contributions during the calendar year to influence a campaign in this State.

**Sec. 22. 21-A MRSA §1054,** as amended by PL 2007, c. 443, Pt. A, §30, is further amended to read:

#### **§1054. Appointment of treasurer; depository**

Any political action committee required to register under section 1053 1052-A must appoint a treasurer before registering with the commission. The treasurer shall retain, for a minimum of 4 years, all receipts, including cancelled checks, of expenditures made in support of or in opposition to a campaign, political committee, political action committee, referendum or initiated petition in this State. A registered political action committee shall deposit all funds contributed to or received by the committee for the purpose of influencing a campaign in a single account in a financial institution and shall finance all of the committee's expenditures to influence the election through

the account. If the political action committee was formed by another organization, that other organization may pay its employees for their campaign-related activities on behalf of the committee through its own treasury, rather than through the single account established by the political action committee and used for campaign expenditures.

**Sec. 23. 21-A MRSA §1054-A** is enacted to read:

**§1054-A. Duties and liabilities of the treasurer, principal officer and primary decision maker**

**1. Duties of the treasurer.** The treasurer of the committee shall ensure that the committee files and amends the committee's registration, files complete and accurate financial reports with the commission and maintains the committee's records as required by this chapter and the commission's rules. The treasurer is responsible for the committee's performance of these duties regardless of whether the treasurer has delegated administrative tasks related to these duties to another individual.

**2. Joint responsibilities of the treasurer and principal officer.** The treasurer and the principal officer are jointly responsible for the committee's compliance with the requirements of this chapter and the commission's rules. The treasurer and principal officer are responsible for accepting and responding to notices and correspondence from the commission on behalf of the committee.

**3. Participation in spending decisions.** An individual who is the treasurer, principal officer or primary decision maker of the committee and who has signed the acknowledgment statement required by section 1052-A, subsection 4 is deemed to have participated in the spending decisions of the committee until the commission receives the individual's resignation statement or a notice of the individual's involuntary removal from the committee.

**4. Financial liability.** The commission may hold the treasurer and principal officer jointly and severally liable with the committee for any fines assessed against the committee for violations of this chapter and chapter 14. In addition, the commission may assess all or part of a fine against any other agent of the committee who is directly responsible for a violation, including individuals who have resigned or have been removed involuntarily from the committee. In deciding whether to assess a penalty against a treasurer, principal officer or any other individual, the commission may consider, among other things, whether the individual had actual knowledge of the action that constituted the violation or had authorized that action and whether the violation was intentional or caused by an error by a vendor or someone outside the control of the committee.

**Sec. 24. 21-A MRSA §1055-A** is enacted to read:

**§1055-A. Political communications to influence a ballot question**

**1. Communications to influence ballot question elections.** Whenever a person makes an expenditure exceeding \$500 expressly advocating through broadcasting stations, cable television systems, 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, for or against an initiative or referendum that is on the ballot, the communication must clearly and conspicuously state the name and address of the person who made or financed the expenditure for the communication.

**2. Exceptions.** The following forms of political communication do not require the name and address of the person who made or financed the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: clothing, envelopes and stationery, small promotional items, tickets to fundraisers and electronic media advertisements where compliance with this section would be impracticable due to size or character limitations and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section. "Small promotional items" includes but is not limited to ashtrays, badges and badge holders, balloons, campaign buttons, coasters, combs, emery boards, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers and swizzle sticks.

**Sec. 25. 21-A MRSA §1057,** as amended by PL 2009, c. 190, Pt. A, §21, is further amended to read:

**§1057. Records**

Any political action committee that is required to register under section 1053 1052-A or 1053-B shall keep records as provided in this section for 4 years following the election to which the records pertain.

**1. Details of records.** The treasurer of a political action committee ~~must~~ shall record a detailed account of:

- A. All expenditures made to or in behalf of a candidate, campaign or committee;
- B. The identity and address of each candidate, campaign or committee;
- C. The office sought by a candidate and the district he seeks to represent, for candidates which a

political action committee has made an expenditure to or in behalf of; and

D. The date of each expenditure.

**2. Receipts.** The treasurer of a political action committee ~~must shall~~ retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50.

**3. Record of contributions.** The treasurer of a political action committee ~~must shall~~ keep a record of all contributions to the committee, by name and mailing address, of each donor and the amount and date of the contribution. This provision does not apply to aggregate contributions from a single donor of \$50 or less for an election or referendum campaign. When any donor's contributions to a political action committee exceed \$50, the record must include the aggregate amount of all contributions from that donor.

**4. Account statements.** The treasurer of a political action committee ~~shall keep account statements relating to the deposit of funds of the committee required by section 1054.~~

**Sec. 26. 21-A MRSA §1058,** as repealed and replaced by PL 2009, c. 652, Pt. A, §21, is amended to read:

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

A political action committee that is required to register under section ~~4053~~ ~~1052-A~~ or 1053-B shall file reports with the commission on forms prescribed by the commission according to the schedule in section 1059.

**Sec. 27. 21-A MRSA §1059, first ¶,** as amended by PL 2011, c. 389, §43 and affected by §62, is further amended to read:

Committees required to register under section ~~4053~~ ~~1052-A~~, 1053-B or 1056-B shall file an initial campaign finance report at the time of registration and thereafter shall file reports in compliance with this section. All reports must be filed by 11:59 p.m. on the day of the filing deadline, except that reports submitted to a municipal clerk must be filed by the close of business on the day of the filing deadline.

**Sec. 28. 21-A MRSA §1059, sub-§2, ¶E,** as amended by PL 2007, c. 443, Pt. A, §35, is further amended to read:

E. A committee shall report ~~any expenditure of \$500 any single contribution of \$5,000 or more received or single expenditure of \$1,000 or more made after the 14th day before the election and more than 24 hours before 5:00 p.m. on the day of the election within 24 hours of that contribution or expenditure. The treasurer is not required to include in this report expenditures for overhead expenses or compensation paid to an employee or other member of the campaign staff who has re-~~

ceived payments at regular intervals that have been disclosed in previously filed campaign finance reports. As used in this paragraph, "overhead expenses" includes, but is not limited to, rent, utility payments, taxes, insurance premiums or similar administrative expenses.

**Sec. 29. 21-A MRSA §1061,** as amended by PL 2009, c. 190, Pt. A, §27, is further amended to read:

#### §1061. Dissolution of committees

Whenever any political action committee determines that it will no longer accept any contributions or make any expenditures, the committee shall file a termination report that includes all financial activity from the end date of the previous reporting period through the date of termination with the commission. The committee ~~must shall~~ dispose of any surplus prior to termination. In the termination report, the committee shall report any outstanding loan, debt or obligation in the manner prescribed by the commission.

**Sec. 30. 21-A MRSA §1062-A, sub-§1,** as amended by PL 2009, c. 190, Pt. A, §28, is further amended to read:

**1. Registration.** A political action committee required to register under section ~~4053~~ ~~1052-A~~ or 1053-B or a ballot question committee required to register under section 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of \$250 no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

**Sec. 31. 21-A MRSA §1062-A, sub-§5,** as repealed and replaced by PL 2009, c. 302, §8, is amended to read:

**5. Request for a commission determination.** If the commission staff finds that a political action committee has failed to file a report required under this subchapter, the commission staff shall mail a notice ~~by certified mail~~ to the treasurer of the political action committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a political action committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the political action committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. ~~The notice must be sent by certified mail.~~ A request for

determination must be made within 14 calendar days of receipt of the commission's notice. ~~The 14 day period during which a determination may be requested begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 14 day period begins on the day the post office indicates it has given first notice of a certified letter.~~ A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

**Sec. 32. 21-A MRSA §1062-B** is enacted to read:

**§1062-B. Failure to keep records**

~~A committee that fails to keep records required by this chapter may be assessed a fine of up to \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, whether the violation occurred as the result of an error by someone outside the control of the committee, whether the committee intended to conceal its financial activity, the amount of financial activity that was not documented and the level of experience of the committee's volunteers and staff.~~

**Sec. 33. 21-A MRSA §1125, sub-§12,** as amended by PL 2011, c. 522, §3, is further amended to read:

**12. Reporting; unspent revenue.** Notwithstanding any other provision of law, ~~the treasurer or deputy treasurer of participating and certified candidates shall report any money collected, all campaign expenditures, obligations, refunds received by a candidate or agent of that candidate and related activities to the commission according to procedures developed by the commission. If a certified candidate pays fund revenues to a member of the candidate's immediate family or household or a business or nonprofit entity affiliated with a member of the candidate's immediate family or household, the candidate treasurer or deputy treasurer must disclose the candidate's relationship to the payee in a manner prescribed by the commission. In developing these procedures, the commission shall utilize existing campaign reporting procedures whenever practicable. The commission shall ensure timely public access to campaign finance data and may utilize electronic means of reporting and storing information. Upon the filing of a final report for any primary election in which the candidate was defeated and for all general elections, that candidate shall return all unspent fund revenues to the commission. If the candidate or agent of the candidate receives a refund of an~~

expenditure made for the campaign after filing the final report, the candidate shall return those funds to the fund within 14 days of receiving the refund.

**Sec. 34. 21-A MRSA §1125, sub-§12-A,** as amended by PL 2011, c. 389, §57, is further amended to read:

**12-A. Required records.** The ~~candidate or~~ treasurer shall obtain and keep:

- A. Bank or other account statements for the campaign account covering the duration of the campaign;
- B. A vendor invoice stating the particular goods or services purchased for every expenditure ~~in excess of \$50 or more;~~
- C. A record proving that a vendor received payment for every expenditure ~~in excess of \$50 or more~~ in the form of a cancelled check, cash receipt from the vendor or bank or credit card statement identifying the vendor as the payee; and
- E. A contemporaneous document such as an invoice, contract or timesheet that specifies in detail the services provided by a vendor who was paid ~~in excess of \$500 or more~~ for the election cycle for providing campaign staff or consulting services to a candidate.

The ~~candidate or~~ treasurer shall preserve the records for 3 years following the candidate's final campaign finance report for the election cycle. The candidate and treasurer shall submit photocopies of the records to the commission upon its request.

**Sec. 35. 21-A MRSA §1125, sub-§12-D** is enacted to read:

**12-D. Duties of the campaign treasurer and deputy treasurer.** The treasurer shall file all campaign finance reports required by section 1017, this chapter and commission rules, unless the treasurer delegates the filing of reports to the deputy treasurer designated on the candidate's registration. A candidate may enter financial transactions in an electronic reporting system or on paper forms of the commission, but the report must be filed by the treasurer or deputy treasurer. The treasurer is jointly responsible with the candidate for ensuring that the campaign keeps all records required by section 1016, this chapter and commission rules. If the candidate keeps the records, the candidate shall provide the treasurer or deputy treasurer with access to the records for the purpose of filing complete and accurate campaign finance reports. The commission may hold the candidate and treasurer jointly and severally liable for any penalties assessed for violations of the financial reporting or record-keeping requirements of this chapter, chapter 13 and commission rules. If the deputy treasurer files reports for the campaign, the commission may hold the deputy

treasurer jointly and severally liable for any penalties related to reports filed by the deputy treasurer.

See title page for effective date.

## CHAPTER 335 S.P. 471 - L.D. 1352

### **An Act To Provide Integrated Community-based Employment and Customized Employment for Persons with Disabilities**

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

#### **PART A**

**Sec. A-1. 26 MRSA c. 39** is enacted to read:

#### **CHAPTER 39** **EMPLOYMENT FIRST MAINE ACT**

##### **§3301. Short title**

This chapter may be known and cited as "the Employment First Maine Act."

##### **§3302. Definitions**

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

**1. Customized employment.** "Customized employment" means employment acquired as a result of implementation of a flexible blend of strategies, services and supports designed to increase employment options for job seekers with complex needs through voluntary negotiation of the employment relationship with the employer.

**2. Disability.** "Disability" means a physical or mental disability as defined in Title 5, section 4553-A.

**3. First and preferred service or support option.** "First and preferred service or support option" means the first employment service option that is offered by a state agency, prior to the offer of other supports or services, including day services.

**4. Integrated community-based employment.** "Integrated community-based employment" means employment in the competitive labor market that is performed on a full-time or part-time basis in the general community or through self-employment and for which a person with a disability is compensated at or above the minimum wage but not less than the prevailing wage and level of benefits paid by the employer for the same or similar work performed by persons without disabilities.

**5. State agency.** "State agency" means the Department of Education, the Department of Health and Human Services or the Department of Labor.

##### **§3303. State agencies; requirements**

**1. Employment as core component of services and supports.** In carrying out its duties to provide services and supports to persons with disabilities, a state agency shall include as a core component of its services and supports the opportunity for persons with disabilities to acquire integrated community-based employment or customized employment.

A. When entering into contracts with providers of services to persons with disabilities, a state agency shall include appropriate provisions regarding facilitating integrated community-based employment or customized employment and ensuring measurable outcomes.

B. A state agency shall incorporate standards for integrated community-based employment and customized employment into its processes for program monitoring and quality assurance.

**2. First and preferred service or support option.** When providing services or supports to a person with a disability, a state agency shall offer to the person, as the first and preferred service or support option, a choice of employment services that will support the acquisition by the person of integrated community-based employment or customized employment.

**3. Coordination of efforts and information.** A state agency shall:

A. Coordinate its efforts with other state agencies to ensure that the programs directed, the funding managed and the policies adopted by each state agency support the acquisition by persons with disabilities of integrated community-based employment or customized employment; and

B. When permissible under the law, share information regarding the use of services and other data with other state agencies in order to monitor progress toward facilitating the acquisition by persons with disabilities of integrated community-based employment or customized employment.

**4. Pursuit of employment; option.** Nothing in this chapter may be construed to require a person with a disability who receives services from a state agency to accept employment services from that state agency or to experience a loss of services as a result of choosing not to explore employment options.

**5. Rulemaking.** A state agency shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## PART B

**Sec. B-1. Employment First Maine Coalition.** The Employment First Maine Coalition, referred to in this section as "the coalition," is established within the protection and advocacy agency for persons with disabilities designated by the Governor pursuant to the Maine Revised Statutes, Title 5, section 19502. The coalition shall strive to ensure that at least 1/2 of the coalition members are persons with disabilities.

**1. Membership.** The following may participate as members of the coalition:

- A. The Commissioner of Labor or the commissioner's designee;
- B. The Commissioner of Education or the commissioner's designee;
- C. The Commissioner of Health and Human Services or the commissioner's designee;
- D. The executive director of the Maine Developmental Disabilities Council or the executive director's designee;
- E. The chair of the Maine Association of People Supporting EmploymentFirst or the chair's designee;
- F. The chair of the Consumer Council System of Maine or the chair's designee;
- G. The chair of Speaking Up For Us or the chair's designee;
- H. The executive director of the Disability Rights Center or the executive director's designee;
- I. The director of the Center for Community Inclusion and Disability Studies at the University of Maine or the director's designee;
- J. The executive director of Alpha One or the executive director's designee;
- K. The executive director of the Iris Network or the executive director's designee;
- L. The director of the Maine Business Leadership Network or the director's designee;
- M. The executive director of the Manufacturers Association of Maine or the executive director's designee;
- N. The chair of the Commission on Disability and Employment or the chair's designee;
- O. The executive director of the National Alliance on Mental Illness - Maine or the executive director's designee;
- P. The chair of the Division of Vocational Rehabilitation, State Rehabilitation Council, within the

Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

Q. The chair of the Division for the Blind and Visually Impaired, State Rehabilitation Council within the Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

R. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened within the Department of Labor, Bureau of Rehabilitation Services or the chair's designee;

S. The chair of the Maine Statewide Independent Living Council or the chair's designee;

T. The executive director of the Maine Association for Community Service Providers or the executive director's designee; and

U. At least one executive director or designee from a vocational clubhouse program in the State.

The coalition shall invite as members a certified rehabilitation provider that provides integrated community-based employment or customized employment services and at least 2 persons who are parents of persons with disabilities. The coalition may invite additional members to join the coalition.

**2. Meetings.** The coalition shall hold regularly scheduled business meetings at least once in each quarter and at such times as the chair determines necessary or at the request of a majority of the members.

**3. Chair.** The coalition shall annually elect from among its members a chair and a vice-chair to serve a term of one year.

**4. Governance.** The members of the coalition may act only by majority vote of the members present at duly called and properly noticed meetings when a quorum is present.

A. A quorum is a majority of the coalition members.

B. Either the chair or the vice-chair of the coalition shall maintain a list of the current members of the coalition and provide notice of all meetings to all members at least 30 days but no more than 90 days before any meeting of the members by the preferred method of contact provided by each member. All meetings of the coalition must be open to the public and public comment must be invited before action on any item of business is taken. Either the chair or the vice-chair shall require that minutes of all meetings be promptly compiled and permanently maintained as a public record of the acts of the coalition. A draft of the minutes of each meeting of the coalition must be circulated to the members with the notice of the succeeding meeting.

C. The coalition may adopt bylaws to govern its affairs.

**5. Compensation.** The members of the coalition serve without compensation.

**6. Duties; powers.** The coalition shall:

A. Promote coordination and collaboration among state agencies that provide services and supports for persons with disabilities to advance integrated community-based employment and customized employment services for persons with disabilities;

B. Review, on a continuing basis, state policies, plans, programs and activities concerning the integrated community-based employment and customized employment of persons with disabilities that are conducted or assisted, in whole or in part, by state agencies or state funds in order to determine whether such policies, programs, plans and activities effectively meet the employment needs of persons with disabilities;

C. Serve as a conduit for information and input to aid in the implementation of the Maine Revised Statutes, Title 26, chapter 39 for advocacy groups, commissions and councils that focus on issues facing persons with disabilities in the State;

D. Make recommendations to the Governor, the Legislature and state agencies regarding ways to improve the administration of employment services and employment outcomes for persons with disabilities;

E. Review and comment on proposed legislation affecting the employment of persons with disabilities; and

F. Propose and promote rules and policies to state agencies that provide services and supports to persons with disabilities to improve integrated community-based employment and customized employment of persons with disabilities.

The coalition may submit annually, by the first Wednesday in December, proposed legislation to the Legislature to improve integrated community-based employment and customized employment of persons with disabilities. Legislation submitted pursuant to this subsection may include recommendations regarding extending the coalition's authorization beyond the date specified in subsection 7.

For purposes of this subsection, "customized employment" has the same meaning as in the Maine Revised Statutes, Title 26, section 3302, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section 3302, subsection 4; and "state agency" has the same meaning as in Title 26, section 3302, subsection 5.

**7. Repeal.** This Part is repealed October 1, 2016.

See title page for effective date.

## CHAPTER 336

### S.P. 260 - L.D. 711

#### An Act To Facilitate Patient Education

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

**Sec. 1.** 22 MRSA §2142, sub-§4 is enacted to read:

**4. Registered nurse educator.** "Registered nurse educator" means a registered nurse licensed under Title 32, chapter 31 who provides postprescription training to a patient or caregiver in a patient's place of residence when the registered nurse educator does not provide health care services, does not deliver the prescription drug, does not touch the patient, does not administer the prescription drug to the patient and does not seek payment from the patient, caregiver or any health care payor.

**Sec. 2.** 22 MRSA §2147, sub-§13, as enacted by PL 1989, c. 119, §4, is repealed.

**Sec. 3.** 22 MRSA §2147, sub-§14 is enacted to read:

**14. Registered nurse educators.** Registered nurse educators.

See title page for effective date.

## CHAPTER 337

### H.P. 349 - L.D. 530

#### An Act To Ensure That the Standard of a Student's Best Interest Is Applied to Superintendent Agreements for Transfer Students

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

**Sec. 1.** 20-A MRSA §5205, sub-§6, ¶¶A and B, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

(1) They find that a transfer is in the student's best interest; and

(2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If the superintendents decide not to approve the transfer, the superintendents shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of their determination that the transfer is not in the student's best interest.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner's decision shall be final and binding. The commissioner shall review the superintendents' determination and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

**Sec. 2. 20-A MRSA §5205, sub-§6, ¶F** is enacted to read:

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the commissioner's determination and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within 30 calendar days of receiving the request and shall provide to the parent of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination that the transfer is or is not in the student's best interest. The state board's decision is final and binding.

See title page for effective date.

## CHAPTER 338 H.P. 27 - L.D. 34

### An Act To Implement the Recommendations of the Government Oversight Committee and the Office of Program Evaluation and Government Accountability Regarding Child Development Services

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

**Sec. 1. 20-A MRSA §7209, sub-§4,** as amended by PL 2011, c. 655, Pt. OO, §4, is further amended to read:

**4. Director of early childhood special education.** The commissioner shall appoint and supervise a director of early childhood special education. The director has the following powers and duties:

A. To administer the state intermediate educational unit established under subsection 3 and programs established pursuant to subsection 3-A. The director shall develop operating policies and establish organizational and operational procedures that include supervision, monitoring, data and accountability structures;

A-1. To oversee the operation of the regional sites;

B. To develop statewide policies and procedures for carrying out federal and state laws and rules relating to child find, early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age;

C. To provide training in federal and state laws, regulations, rules and policies relating to child find as provided in 20 United States Code, Section 1412 (a) (3), early intervention services and the provision of a free, appropriate public education to children from birth to under 6 years of age and to conduct regular file reviews to determine compliance with federal and state laws, regulations, rules and policies and conduct training and provide technical assistance where deficiencies are found; and

D. To report annually to the council and to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on the performance of the Child Development Services System. This report may include information on any expansions of the connections of child find and service delivery with school administrative units, with the Department of Health and Human Services and with medical providers. This report may include information on any expansion of the connection of child find with nurse midwives. This report may include information on the number of children screened in the programs in Title 22, sections 1532, 8824 and 8943, the number of such children referred to the Child Development Services System who were found eligible for early intervention and the number of such children referred to the Child Development Services System who were found ineligible for early intervention. This report may also include information on annual performance over at least a

~~5 year period of each individual regional site and of the entire Child Development Services System; may benchmark performance against state and national standards; may include information about performance in child find, service delivery, service coordination, eligibility and exit data for children leaving the Child Development Services System; and may describe strategies that the Child Development Services System has undertaken to maximize the usage of a broad base of community resources including private providers, public schools, resources from other agencies and other available resources serving children and families. The report must be publicly posted on the website of the department.~~

E. To report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the performance of the Child Development Services System. This report must be posted on the publicly accessible website of the department. The report must include:

(1) The following financial information for the Child Development Services System in total and separately for the services provided to eligible children from birth to under 3 years of age and at least 3 years of age and under 6 years of age when the information can be separated for these age categories:

(a) Actual expenditures compared to the budget for each of the last 3 fiscal years for each regional site, the central office and the total Child Development Services System by function, including case management, direct services and administration;

(b) Actual expenditures compared to the budget for each of the last 3 fiscal years for each regional site, the central office and the total Child Development Services System by expense type, including salaries, benefits, contracted services and transportation;

(c) Actual revenues received compared to the budget for each of the last 3 fiscal years by revenue source; and

(d) The total dollar value of MaineCare claims paid through the Department of Health and Human Services for each of the last 3 fiscal years for services provided pursuant to children's individualized education programs or individual-

ized family service plans that were billed directly to the MaineCare program by contracted service providers;

(2) The following data for the Child Development Services System in total and separately for the services provided to eligible children from birth to under 3 years of age and at least 3 years of age and under 6 years of age, including descriptions of any notable variations in these data among regional sites and any notable year-to-year trends over the past 5 years:

(a) The number of children referred to the Child Development Services System in the prior year by referral source, including the screening programs in Title 22, sections 1532, 8824 and 8943, and the percentage of children referred found eligible for services;

(b) The number of children who entered the Child Development Services System in the prior year, categorized by primary disability;

(c) The number of children who exited the Child Development Services System in the prior year, categorized by primary disability and the reason for exit;

(d) The number of children who transitioned in the prior year from early intervention services for children from birth to under 3 years of age to special education and related services for children at least 3 years of age and under 6 years of age;

(e) The unduplicated count of children who received direct services as of December 1st in the prior year;

(f) The number of children who received direct services in the prior year by regional site and in total for the Child Development Services System, categorized by primary disability;

(g) For each primary disability category, the number of children who received, in the prior year, each primary type of therapy or service;

(h) The percentage of children who received direct services in the prior year who had MaineCare coverage for all or some of the services specified in their individualized education programs or individualized family service plans and the percentage of children who received direct services in the prior year who had private insurance coverage for all or

- some of the services specified in their individualized education programs or individualized family service plans;
- (i) Beginning January 1, 2015, the number of children who received direct services in the prior year who were born in the State and the number of children who received direct services in the prior year who were born in the State and who were delivered at home;
- (j) Beginning January 1, 2015, the total number of children who were referred in the prior year for support outside of the Child Development Services System under subsection 3-A, paragraph G and the number of children who received direct services in the prior year who were referred for support outside of the Child Development Services System under subsection 3-A, paragraph G; and
- (k) Beginning January 1, 2015, the number of children who received direct services in the prior year who received all of the services in their individualized family service plan or individualized education program and the number of children who received direct services in the prior year who received less than 90% of the services in their individualized family service plan or individualized education program;
- (3) A listing of the regional sites and their locations and the following data for the Child Development Services System in total and by regional site, including descriptions of any notable variations in these statistics among regional sites and any notable year-to-year trends over the past 5 fiscal years:
- (a) The total number of employees by function and the number of new employees hired in the prior fiscal year by function;
- (b) The number of private providers that contracted with the Child Development Services System to provide direct services, including transportation services, and the number of contracted providers delivering each type of service in the prior fiscal year;
- (c) The number of children who received direct services provided by Child Development Services System employees in the prior fiscal year and the number of children who received direct services provided by contracted private providers in the prior fiscal year;
- (d) The number of preschool or day care programs operated by each regional site, the average enrollment in each program, the percentage of enrollees that are children receiving services under individualized education programs or individualized family service plans and expenses and revenues for the prior fiscal year associated with the programs in each site; and
- (e) The number of children who received direct services in the prior fiscal year while placed in preschool programs operated by public school systems;
- (4) Statistics and analysis of the following Child Development Services System performance measures for the prior fiscal year, including descriptions of any notable variations in these measures among regional sites and any notable year-to-year trends over the past 5 fiscal years:
- (a) Measures of compliance with key federal requirements related to timeliness, quality and effectiveness of service as set out in required annual federal reporting under the federal Individuals with Disabilities Education Act;
- (b) Measures of compliance with key state requirements related to timeliness, quality and effectiveness of service as set out in statute and rules;
- (c) Measures of productivity for Child Development Services System employees providing case management and direct services to children;
- (d) Measures of per unit costs, including the average cost of delivered services per child by primary disability type, the average cost per unit of each type of therapy or service delivered by Child Development Services System staff and the average cost per unit of each type of therapy or service delivered by contracted providers;
- (e) Beginning January 1, 2015, the average age, both in aggregate and by primary disability type, at which children who were born in the State began receiving services from the Child Development Services System and the average age, both in aggregate and by primary disability type, at which children who were born in the State and who were delivered at home began receiving services from the Child Development Services System; and

- (f) Any other performance goals and measures established by the Child Development Services System to monitor effectiveness, efficiency and the cost of the Child Development Services System, which may include results of surveys of parents and guardians on the quality and effectiveness of services;
- (5) Beginning January 1, 2015, a report by each regional site in the Child Development Services System demonstrating trends of Child Development Services System employee costs and the results of coordination, utilization and development of services with a broad base of community resources, including private providers and public schools, midwives, resources from other agencies and other resources serving families and children from birth to under 6 years of age, consistent with the provisions of Title 22, section 3571, subsection 3; and
- (6) A description of current and emerging trends and challenges that are having an effect on or are expected to have an effect on costs, services or service delivery methods of the Child Development Services System; and

F. To provide the following data by the 20th day of each month to the Office of Fiscal and Program Review, either in a monthly report or by providing the office electronic access to the computer systems and applications by which the raw data are stored, for each regional site and the central office:

- (1) Monthly actual and budgeted revenue by funding source for the prior month; and
- (2) Monthly actual and budgeted expenditures by funding source and by expenditure category for the prior month.

For the purposes of this subsection, "direct services" includes evaluations; therapies; special instruction; the use of specially designed materials for instruction; screening and testing; the use of assistive technology devices; and transportation and use of physical space associated with providing other direct services.

See title page for effective date.

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## CHAPTER 339

### H.P. 86 - L.D. 104

#### An Act To Amend the Laws Governing Public Records

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

**Sec. 1. 1 MRSA §402, sub-§3, ¶Q,** as amended by PL 2011, c. 149, §2, is further amended to read:

Q. Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; and

**Sec. 2. 1 MRSA §402, sub-§3, ¶R,** as enacted by PL 2011, c. 149, §3, is amended to read:

R. Social security numbers in the possession of the Secretary of State; and

**Sec. 3. 1 MRSA §402, sub-§3, ¶S** is enacted to read:

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications.

See title page for effective date.

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## CHAPTER 340

### H.P. 416 - L.D. 597

#### An Act To Inform Persons of the Options for the Treatment of Lyme Disease

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

**Sec. 1. 22 MRSA §1646** is enacted to read:

#### §1646. Lyme disease testing information disclosure

**1. Definition.** For the purposes of this section, "health care provider" means a physician, hospital or person that is licensed or otherwise authorized in this State to provide health care services.

**2. Lyme disease testing information disclosure.** Every health care provider that orders a laboratory test for the presence of Lyme disease shall provide the patient with a copy of the results of the test.

**Sec. 2. Maine Center for Disease Control and Prevention; alternatives for treatment of Lyme disease.** The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall include on the publicly accessible website established pursuant to the Maine Revised Statutes, Title 22, section 1645, subsection 3 the following information regarding Lyme disease diagnosis and treatment:

1. Lyme disease may be difficult to diagnose and treat;
2. Some patients seem not to respond to the usual antibiotics used for treating Lyme disease and seem to have post-treatment Lyme disease syndrome. There are some doctors who believe that longer doses of antibiotics may sometimes be helpful. Some patients believe that they have benefited from extended treatments of antibiotics;
3. Antibiotics can be lifesaving medications but can have serious side effects, such as the development of drug-resistant organisms. A patient who contracts an infection from a drug-resistant organism may never fully recover;
4. A negative result for a Lyme disease test does not necessarily mean that Lyme disease is not present and if symptoms continue, the patient should contact a health care provider and inquire about the appropriateness of retesting or additional treatment; and
5. Information on treatment alternatives for treating Lyme disease is available through Internet websites of organizations, including, but not limited to, MaineLyme, Lyme Disease Association, the Mayo Clinic, the National Institutes of Health and WebMD.

See title page for effective date.

## CHAPTER 341

### H.P. 453 - L.D. 661

#### An Act To Prohibit Sale or Possession of Synthetic Cannabinoids

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

**Sec. 1. 17-A MRSA §1101, sub-§1-A,** as enacted by PL 2011, c. 428, §1 and affected by §9, is repealed.

**Sec. 2. 17-A MRSA §1101, sub-§1-B,** as enacted by PL 2011, c. 428, §2 and affected by §9, is repealed.

**Sec. 3. 17-A MRSA §1101, sub-§3-A,** as enacted by PL 2011, c. 428, §3 and affected by §9, is repealed.

**Sec. 4. 17-A MRSA §1101, sub-§3-B,** as enacted by PL 2011, c. 428, §4 and affected by §9, is repealed.

**Sec. 5. 17-A MRSA §1102, sub-§4, ¶F,** as enacted by PL 2011, c. 428, §7 and affected by §9, is repealed.

**Sec. 6. 17-A MRSA §1102, sub-§4, ¶G** is enacted to read:

#### G. Synthetic cannabinoids, including:

(1) Tetrahydrocannabinols that are naturally contained in a plant of the genus cannabis or a cannabis plant, as well as synthetic equivalents of the substances contained in the cannabis plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity, including the following:

- (a) Delta-1 cis or trans tetrahydrocannabinol and their optical isomers;
- (b) Delta-6 cis or trans tetrahydrocannabinol and their optical isomers; or
- (c) Delta-3,4 cis or trans tetrahydrocannabinol and their optical isomers;

(2) Naphthoylindoles, including any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:

- (a) 1-Pentyl-3-(1-naphthoyl)indole or JWH-018 or AM-678;
- (b) 1-Butyl-3-(1-naphthoyl)indole or JWH-073;
- (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole or JWH-081;
- (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole or JWH-200;
- (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole or JWH-015;
- (f) 1-Hexyl-3-(1-naphthoyl)indole or JWH-019;
- (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole or JWH-122;
- (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole or JWH-210;

- (i) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole or JWH-398; or
- (j) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole or AM-2201;
- (3) Naphthylmethylindoles, including any compound containing a H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following:
- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane or JWH-175; or
  - (b) 1-Pentyl-1H-3-yl-(4-methyl-1-naphthyl)methane or JWH-184;
- (4) Naphthoylpyrroles, including any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone or JWH-307;
- (5) Naphthylideneindenes or naphthylmethylindenes, including any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent, including E-1-[1-(1-Naphthalenyl-methylene)-1H-inden-3-yl]pentane or JWH-176;
- (6) Phenylacetylindoles, including any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:
- (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphetylacetyl)indole or RCS-8;
  - (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole or JWH-250;
  - (c) 1-Pentyl-3-(2-methylphenylacetyl)indole or JWH-251; or
  - (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole, or JWH-203;
- (7) Cyclohexylphenols, including any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent, and their isomers with similar chemical structure and pharmacological activity, including the following:
- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or CP 47,497;
  - (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol or Cannabi-cyclohexanol or CP 47,497-C8 homologue; or
  - (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol or CP 55,490;
- (8) Benzoylindoles, including any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent, including the following:
- (a) 1-Pentyl-3-(4-methoxybenzoyl)indole or RCS-4;
  - (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole or AM-694; or
  - (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone or WIN-48,098 or Pravadoline; and
- (9) The following other unclassified synthetic cannabinoids:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,

10a-tetrahydrobenzo[c]chromen-1-ol or HU-210;

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or Dexanabinol or HU-211;

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthalenylmethanone or WIN 55,212-2; or

(d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone or XLR-11.

See title page for effective date.

## CHAPTER 342

### H.P. 718 - L.D. 1020

#### An Act Regarding the Swans Island Lobster Fishing Zone

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

Whereas, the trap limit in the Swans Island Lobster Conservation Area is 475 per individual and the rest of Zone B allows 800 traps; and

Whereas, it is necessary to raise the maximum number of allowed traps in the Swans Island Lobster Conservation Area in order to increase economic opportunity for license holders fishing in the Swans Island Lobster Conservation Area in order to sustain commercial lobster fishing as a viable economic pursuit for residents of Swans Island and keep the community's population sustainable; and

Whereas, the Maine lobster industry faces a critical opportunity for branding and marketing; and

Whereas, it is necessary that this Act take effect by June 2013 in order to take advantage of the plentiful summer harvest, in order to provide needed support to persons who fish for lobster and the lobster industry; 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. 12 MRSA c. 619, sub-c. 6** is enacted to read:

#### SUBCHAPTER 6

#### SWANS ISLAND LOBSTER CONSERVATION AREA

##### §6481. Swans Island Lobster Conservation Area

###### **1. Swans Island Lobster Conservation Area.**

The following territorial waters of the State in the vicinity of Swans Island are known as the Swans Island Lobster Conservation Area:

Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; then northerly to the navigational buoy at the western entrance to Toothacker Bay, located at the intersection of Loran lines 9960-W-12492.0 and 9960-X-25800.0; then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern shore of Swans Island southeasterly to the intersection of Loran lines 9960-W-12445.6 and 9960-X-25780.9, 68°22.40' W. Longitude, 44°08.79' N. Latitude, Hancock County, Maine; then southwesterly to the intersection of Loran lines 9960-W-12468.0 and 9960-X-25773.0, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to the intersection of Loran lines 9960-W-12482.2 and 9960-X-25766.4, 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to the intersection of Loran lines 9960-W-12493.5 and 9960-X-25758.4, 68°23.9' W. Longitude, 44°03.1' N. Latitude, and the intersection with the 3-nautical-mile line of the territorial waters, as shown on United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, Office of Coast Survey Chart #13312; then southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5 miles to a point where a line drawn southeasterly 165° True from the center of Black Ledges intersects the 3-nautical-mile line of the territorial waters at Loran lines 9960-W-12524.5 and 9960-X-25765.5, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then northwesterly 345° True to the center of Black Ledges; then northwesterly to the most southerly point of Marshall Island; thence along the westerly shore of Marshall Island to the point of beginning.

##### §6482. Fishing in Swans Island Lobster Conservation Area

**1. Placing and maintaining traps.** A person may not place or maintain any trap for lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster Conservation Area except in accordance with this section.

A. An individual registered to obtain Swans Island Lobster Conservation Area trap tags under this section may not place or maintain in the Swans Island Lobster Conservation Area more

than 550 traps. Each trap must bear the appropriate tag.

B. A person may not place or maintain a lobster trap in the Swans Island Lobster Conservation Area unless a trap tag designated for use in the Swans Island Lobster Conservation Area is affixed to the trap.

**2. Trap tags; eligibility; expiration; suspension.** The commissioner shall issue tags for traps in the Swans Island Lobster Conservation Area in accordance with this subsection. The commissioner shall charge and deposit fees for Swans Island Lobster Conservation Area trap tags in accordance with section 6431-B.

A. Trap tags issued for use in the Swans Island Lobster Conservation Area expire after one year as determined by the commissioner by rule.

B. Except as provided under paragraph C, the commissioner may not issue Swans Island Lobster Conservation Area trap tags to a person unless:

(1) That person's Class I, Class II or Class III lobster and crab fishing license issued in the prior calendar year identified the lobster management zone that includes the Swans Island Lobster Conservation Area as the declared lobster zone, as defined in section 6448, subsection 1, paragraph A, and that person applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags; or

(2) That person registered with the commissioner to purchase Swans Island Lobster Conservation Area trap tags for the prior season and applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags.

C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area trap tags under paragraph B if not for the suspension of that person's Class I, Class II or Class III lobster and crab fishing license may apply to the commissioner for Swans Island Lobster Conservation Area trap tags during the period between January 1st and May 31st. Upon reinstatement of that person's license, the commissioner may issue trap tags to that person.

**Sec. 2. Trap tag eligibility in 2013.** A person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is deemed to satisfy the requirements of the Maine Revised Statutes, Title 12, section 6482, paragraph B.

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

Effective June 24, 2013.

## CHAPTER 343

### H.P. 786 - L.D. 1114

#### An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases

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

**Sec. 1. 17-A MRSA §553, sub-§4** is enacted to read:

4. It is an affirmative defense to a prosecution under this section that the person had voluntarily placed the child with a person, agency or medical facility and the placement resulted from communication between the person or the person's agent and the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

See title page for effective date.

## CHAPTER 344

### S.P. 573 - L.D. 1518

#### An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses

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

**Sec. 1. 28-A MRSA §10,** as amended by PL 2009, c. 438, §1, is further amended to read:

#### §10. Class A restaurant and off-premise retail licensee on same premises

1. Class A restaurant or restaurant and off-premise retail licensee on same premises not prohibited. If a portion of a premise premises is licensed as an off-premise retail licensee, no provision within this Title may be construed to prohibit issuance of a Class A restaurant Class III or Class IV license to the same licensee for a restaurant or Class A restaurant for the remaining portion of the premises, provided that as long as necessary qualifications are maintained for each separately licensed area.

2. Access between the 2 licensed areas. There may be access between the 2 licensed areas for the licensee or his the licensee's employees if it is through

areas open only to the licensee or his the employees. There must be complete nonaccess between the 2 licensed areas by the public.

**2-A. Access exception.** Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed.

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying a full meal prepared in a separate and complete kitchen on the premises. 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.

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of alcoholic beverages from one licensed area to another is strictly prohibited.

This subsection is repealed September 30, 2015.

**3. Licensee to maintain separate records, supplies and inventory.** The licensee shall maintain records, supplies and inventory within each separate licensed establishment in accordance with the appropriate license privilege authorized for each separate area. The licensee shall maintain supplies and inventory separately in accordance with the appropriate license privilege either in each separate licensed establishment or, with prior approval of the bureau, in one storage area on the premises with appropriate separation of the supplies and inventory.

**4. Application.** This section does not apply to a dual license holder licensed under section 1207 1208.

See title page for effective date.

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**CHAPTER 345**  
**S.P. 590 - L.D. 1548**

**An Act To Support Maine Businesses by Authorizing Certain Brewing Partnerships**

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

**Whereas,** current law with regard to tenant breweries producing malt liquor at host breweries does not reflect federal recognition of this practice; and

**Whereas,** it may be beneficial to breweries in this State to enter into partnerships that allow for shared manufacturing facilities; and

**Whereas,** some licensed brewers have existing excess production capacity that could be utilized by tenant brewers, creating new employment opportunities in this State; 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.** 28-A MRSA §2, sub-§32-A is enacted to read:

**32-A. Tenant brewer.** "Tenant brewer" means a person who has submitted a brewer's notice to and received approval from the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the brewer to engage in an alternating proprietorship as defined by federal regulation and is licensed by the bureau to produce malt liquor at a manufacturing facility of another brewer who is licensed by the bureau.

**Sec. 2.** 28-A MRSA §605, first ¶, as amended by PL 1997, c. 373, §54, is further amended to read:

Except as otherwise provided in this section, no license or any interest in a license may be sold, transferred, assigned or otherwise subject to control by any person other than the licensee. If the business, or any interest in the business, in connection with which a licensed activity is conducted is sold, transferred or assigned, the license holder shall immediately send to the bureau the license and a sworn statement showing the name and address of the purchaser. The bureau is not required to refund any portion of the licensee fee if the license is surrendered before it expires. For the purposes of this section, a tenant brewer who is li-

censed in accordance with section 1355-A, subsection 6 is not considered to be subject to the control of the host brewer, as described in that subsection, or considered to have been transferred or assigned the license or interest in the license of the host brewer.

**Sec. 3. 28-A MRSA §1052-B, sub-§1,** as amended by PL 2011, c. 629, §17, is further amended to read:

**1. Special taste-testing festival license.** Malt liquor manufacturers licensed under section 1401 and manufacturers of malt liquor or wine licensed as small breweries, tenant breweries or small wineries under section 1355-A may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued once annually.

**Sec. 4. 28-A MRSA §1355-A, sub-§6** is enacted to read:

**6. Tenant brewer.** Except as otherwise provided, the following provisions apply to a tenant brewer license under which the holder of a tenant brewer license may produce malt liquor at the manufacturing facility of another brewer, referred to in this subsection as "the host brewer," licensed by the bureau under subsection 3.

A. To be eligible for a tenant brewer license, a person must submit an application to the bureau in a manner prescribed by the bureau and hold a brewer's notice approved by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, that authorizes a tenant brewer to use the facilities and equipment of a host brewer.

B. A tenant brewer is subject to the same requirements regarding production of malt liquor as if the tenant brewer conducted its manufacturing on its own premises independently.

C. A tenant brewer is not eligible for privileges provided in subsection 2 except for sampling described by paragraph A, subparagraphs (1) and (2).

D. A tenant brewer is governed by the provisions of subsection 3 except for the privileges granted under paragraph C.

E. A tenant brewer may not brew or produce malt liquor for another brewer or certificate of approval holder.

F. A tenant brewer shall ensure that the tenant brewer maintains control of the raw ingredients used to manufacture the tenant brewer's product.

G. Only one tenant brewer license may be issued per host brewer licensed under subsection 3.

H. The bureau may require a tenant brewer to maintain a record or log indicating which equipment is being used at any time by the tenant brewer in the production of malt liquor and which employees are working on production of the tenant brewer's product.

I. The bureau shall require that reports from a tenant brewer be submitted in a manner similar to the manner in which a brewer licensed under subsection 3 submits reports. The bureau shall also require a tenant brewer to submit copies of reports required of holders of an approved brewer's notice issued by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau authorizing the tenant brewer to engage in an alternating proprietorship.

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

Effective June 24, 2013.

## CHAPTER 346

### S.P. 595 - L.D. 1553

#### An Act To Maintain Competition among Electricity Suppliers Serving Northern Maine

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

**Sec. 1. 35-A MRSA §3205, sub-§2, ¶B,** as enacted by PL 1997, c. 316, §3, is amended to read:

B. Within the service territory of the distribution utility with which it is affiliated, except that:

(1) The affiliated competitive provider may not sell or contract to sell more than 33% of the total kilowatt hours sold within the service territory of the distribution utility, as determined by the commission by rule; and

(2) In accordance with section 3212, the affiliated competitive provider may not at any one time provide or bid to provide standard-offer service for more than 20% of electric load within the territory of the transmission and distribution utility with which it is affiliated.

The marketing limitations in this paragraph do not apply to competitive electricity service or standard-offer service in the service territory or any portion of the service territory of a distribution utility that is located in an area administered by the independent system administrator for northern Maine or any successor of the independ-

ent system administrator for northern Maine unless the commission finds that the level of competitive electricity service and standard-offer service competition in the area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine is substantially similar to the level of competitive electricity service and standard-offer service competition in the area of the State that is within the New England independent system operator control area. All kilowatt hours sales and electric load in any portion of a distribution utility's service territory that is located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine must be excluded from the calculation under this paragraph for those portions of the distribution utility's service territory that is not located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine.

See title page for effective date.

## CHAPTER 347 S.P. 597 - L.D. 1560

### An Act To Allow Further Review of the Report Defining Cost Responsibility for Deaf and Hard-of-hearing Students Receiving Services from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

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

**Sec. 1. PL 2011, c. 683, §11** is amended by amending the last paragraph to read:

The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to the report presented pursuant to this section to the First Second Regular Session of the 126th Legislature.

See title page for effective date.

## CHAPTER 348 S.P. 445 - L.D. 1283

### An Act To Amend the Laws Governing Animal Trespass

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

**Sec. 1. 7 MRSA §4041, sub-§4,** as amended by PL 2011, c. 18, §1, is repealed and the following enacted in its place:

**4. Fines.** A person who violates this section is subject to the following fines.

A. A person who violates this section commits a civil violation for which a fine of not less than \$50 nor more than \$500 must be adjudged.

B. A person who violates this section after having been adjudicated as having committed a violation of this section commits a civil violation for which a fine of \$1,000 must be adjudged.

C. A person who violates this section after having been adjudicated as having committed 2 or more violations of this section commits a civil violation for which a fine of \$2,500 must be adjudged.

**Sec. 2. 7 MRSA §4041, sub-§§4-A and 4-B** are enacted to read:

**4-A. Restitution; court costs and fees.** In addition to fines, the court may as part of the sentencing include an order of restitution for costs incurred in removing and controlling the animal. When appropriate, the court may order restitution to the property owner based on damage done and financial loss. Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the property owner against the owner or keeper of the animal based on the same facts. When an owner or keeper violates this section 3 or more times within a 90-day period, the court shall order restitution of all costs incurred by the department in responding to a violation of this section or assisting an animal control officer or law enforcement officer responding to a violation of this section. Upon application of the department, municipality or law enforcement agency enforcing this section, the owner or keeper of the animal must also pay reasonable court costs and attorney's fees of the department, municipality or law enforcement agency if the department, municipality or law enforcement agency is the prevailing party in any court proceeding.

**4-B. Forfeiture.** If the department, a municipality or a law enforcement agency determines that a repeated violation of this section by an owner or keeper of an animal jeopardizes the public health, welfare or

safety of the community, the department, municipality or law enforcement agency may bring a forfeiture action in the county in which the violations occurred under Title 14, section 506. In an action brought under this subsection, the burden of proof is on the department, municipality or law enforcement agency. If a court determines that a repeated violation of this section jeopardizes the public health, welfare or safety of the community, the court may order any animal that is the subject of the violation sold in a commercially reasonable manner and apply the proceeds to any fine, fee, restitution or cost owed by the owner or keeper under this section with any remaining balance returned to the owner or keeper of the animal.

See title page for effective date.

## CHAPTER 349 H.P. 957 - L.D. 1340

### An Act To Ensure Maine's Preparedness for Hazardous Oil Spills

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

**Sec. 1.** 38 MRSA §551, sub-§4, as amended by PL 1997, c. 364, §§26 and 27, is further amended to read:

**4. Funding.** The Maine Coastal and Inland Surface Oil Clean-up Fund is funded pursuant to this subsection.

A. License fees are 3¢ per barrel of unrefined crude oil and all other refined oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and diesel fuel, transferred by the licensee during the licensing period and must be paid monthly by the licensee on the basis of records certified to the commissioner. License fees must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund.

D. Any person required to register under section 545-B and who first transports oil in Maine shall pay 3¢ per barrel for all crude and refined oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel, diesel fuel and liquid asphalt transported by the registrant during the period of registration. Fees must be paid monthly by the registrant on the basis of records certified to the commissioner. Fees must be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund. The registrant shall make available to the commissioner and the commissioner's authorized representatives all documents relating to the oil transported by the

registrant during the period of registration. This paragraph does not apply to waste oil transported into Maine in any motor vehicle that has a valid license issued by the department for the transportation of waste oil pursuant to section 1319-O and is subject to fees established under section 1319-I.

E. When the commissioner projects that the fund balance will reach \$6,000,000, the commissioner shall provide a 15-day notice that the per barrel fees assessed under this subsection will be suspended. The \$6,000,000 fund limit may be exceeded to accept transfer fees assessed or received after the 15-day notice has been issued. Following any suspension of fees assessed under this subsection, the commissioner shall provide a 15-day advance notice to licensees before fees are reimposed.

See title page for effective date.

## CHAPTER 350 H.P. 861 - L.D. 1216

### An Act To Amend the Freedom of Access Act

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

**Sec. 1.** 1 MRSA §408-A, sub-§3, as enacted by PL 2011, c. 662, §5, is amended to read:

**3. Acknowledgment; clarification; time estimate; cost estimate.** The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within a reasonable period of time, 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. The Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time.

**Sec. 2.** 1 MRSA §408-A, sub-§4, as enacted by PL 2011, c. 662, §5, is amended to read:

**4. Refusals; denials.** If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to comply with this subsection is considered failure to allow in-

spection or copying and is subject to appeal as provided in section 409.

**Sec. 3. 1 MRSA §409, sub-§1**, as amended by PL 2011, c. 559, Pt. A, §1 and c. 662, §6, is repealed and the following enacted in its place:

**1. Records.** Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any Superior Court within the State as a trial de novo. The agency or official shall file an answer within 14 calendar days. If a court, after a trial de novo, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

See title page for effective date.

## CHAPTER 351

### S.P. 529 - L.D. 1447

#### An Act To Grow the Maine Economy by Promoting Maine's Small Breweries and Wineries

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

**Sec. 1. 28-A MRSA §1052-B, sub-§1**, as amended by PL 2011, c. 629, §17, is further amended to read:

**1. Special taste-testing festival license.** Malt liquor manufacturers licensed under section 1401 and manufacturers Manufacturers of malt liquor or wine licensed as small breweries or small wineries under section 1355-A or a similarly licensed brewery or winery in another state may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued once up to 5 times annually.

**Sec. 2. 28-A MRSA §1052-B, sub-§§2 and 3**, as enacted by PL 1999, c. 677, §2, are amended to read:

**2. Fee.** The license fee for the special taste-testing festival license is \$20 \$50 for each manufacturer of malt liquor and each manufacturer of wine.

**3. Application.** The licensees must apply jointly. Applications for a special taste-testing festival license must be submitted by filing a written application with the bureau at least 5 days, not including Saturdays,

Sundays or legal holidays, before the event. The application must include the following:

- A. Name and address of each licensee applicant;
- B. Title and purpose of the event;
- C. Date, time and duration of the event;
- D. Location of the event;
- E. The method by which the licensees applicants will monitor the number of samples served to each person attending the festival; and
- F. Approval by the municipal officers or a municipal official designated by the municipal officers of the municipality where the proposed special taste-testing festival will be located, which, notwithstanding section 653, may be granted without public notice.

See title page for effective date.

## CHAPTER 352

### H.P. 662 - L.D. 938

#### An Act To Update the Laws Relating to the Tri-state Lotto and the Payment of Prizes to Minors

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

**Sec. 1. 8 MRSA §371, sub-§4-A** is enacted to read:

**4-A. Electronic funds transfer.** "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

**Sec. 2. 8 MRSA §374, sub-§1, ¶A**, as enacted by PL 1987, c. 505, §2, is amended to read:

A. The types of lotteries to be conducted and which, if any, will be sold as part of the Tri-state Lotto Compact under chapter 16;

**Sec. 3. 8 MRSA §385**, as corrected by RR 1993, c. 1, §18, is amended to read:

#### §385. Persons under 18 years; payment of prizes

If the person entitled to a prize or any winning ticket is under the age of 18 years and the prize is less than \$5,000, the director may direct payment of the prize by delivery of a check or draft payable to the order of the minor to an adult member of the minor's family or a guardian of the minor. If the person entitled to a prize or on any winning ticket is under the age of 18 years and the prize is \$5,000 or more of age, the director or the director's designee may direct make

payment in the amount of the prize to the minor by depositing the amount of the prize in a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any bank financial institution to the credit an account in the name of an adult member of the minor's family or guardian as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the "Maine Uniform Transfers to Minors Act." For purposes of this section, the terms "adult member of a the minor's family," "guardian of a minor" "custodian" and "bank" "financial institution" have the same meanings as set out in that Act. The director or the director's designee is relieved of all further liability upon payment of a prize to a minor pursuant to this section.

**Sec. 4. 8 MRSA §403,** as enacted by PL 1983, c. 732, §1, is amended to read:

#### **§403. Statement of purpose**

This compact is enacted to implement the operation of Tri-state Lotto for the purpose of raising additional revenue for each of the party states. Tri-state Lotto is not intended to replace any existing lottery games in the party states but, rather, to be run in addition to those games. Tri-state Lotto tickets will be sold in each of the party states and processed in a central area to be determined by the commission. Fifty percent Not less than 50% of the gross sales from each state will be aggregated in a common prize pool, and operating costs will be charged proportionally, according to sales, to the party states. The remaining revenues generated within each state will remain in that particular state.

**Sec. 5. 8 MRSA §404, sub-§2-A** is enacted to read:

**2-A. Electronic funds transfer.** "Electronic funds transfer" means a transaction using an electronic device for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

**Sec. 6. 8 MRSA §409, sub-§1, ¶B,** as enacted by PL 1983, c. 732, §1, is amended to read:

B. The price of the tickets sold under the authority of this chapter or chapter 14-A;

**Sec. 7. 8 MRSA §409, sub-§1, ¶E,** as enacted by PL 1983, c. 732, §1, is amended to read:

E. The frequency of the drawings or selections of winning tickets for lottery games administered under this chapter or chapter 14-A;

**Sec. 8. 8 MRSA §409, sub-§1-A** is enacted to read:

**1-A. Rules; exemption.** Rules adopted under subsection 1 are not subject to the Maine Administrative Procedure Act.

**Sec. 9. 8 MRSA §415, sub-§2,** as amended by PL 1999, c. 64, §1, is further amended to read:

**2. Tri-state Lotto Prize Account.** Within one week after a Tri-state Lotto drawing has been held or selection of winning tickets sold under the authority of this chapter or chapter 14-A, the party state lottery or commission shall pay to the commission, who in turn shall promptly pay to an account known as the Tri-state Lotto Prize Account, such money as is necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week, but not to exceed 60% less than 50% of the total amount for which tickets have been sold.

**Sec. 10. 8 MRSA §416, sub-§2,** as enacted by PL 1983, c. 732, §1, is amended to read:

**2. Payment; persons under 18 years of age.** If the person entitled to a prize on any winning ticket is under 18 years of age and the prize is less than \$5,000, the commission may make payment by delivery to an adult member of the minor's family or a guardian of the minor of a check or draft payable to the order of the minor. If the person entitled to a prize on any winning ticket is under 18 years of age and if the prize is \$5,000 or more, the commission may make payment in the amount of the prize to the minor by depositing the amount of the prize in a check made payable to an adult member of the minor's family or a guardian as custodian of the minor or by an electronic funds transfer to any bank financial institution to the credit an account in the name of an adult member of the minor's family or a guardian of the minor as custodian for the minor. The person named as custodian has the same duties and powers as a person designated as a custodian in a manner prescribed by the Maine Uniform Transfers to Minors Act. For purposes of this subsection, "adult member of the minor's family," "custodian" and "financial institution" have the same meanings as set out in that Act. The commission shall be is discharged of all further liability upon payment of a prize to a minor pursuant to this subsection.

**Sec. 11. 8 MRSA §416-A, sub-§10,** as enacted by PL 1995, c. 652, §2 and affected by §4, is amended to read:

**10. Child support and other state debts.** This compact recognizes that each party state has enacted laws authorizing a party state agency to collect offset against lottery winnings debts owed for child support debts and arrearages, unemployment overpayment and tax liability. Upon receipt of notice from a party state agency, the commission shall suspend payment of winnings in the amount of the child support debt or arrearage and notify the winner. Child support Any debts and arrearages of a winner under this subsection

must be offset by the commission in the manner in which the state lottery or commission of a party state is required by law to offset those debts and arrearages.

**Sec. 12. 8 MRSA §417,** as enacted by PL 1983, c. 732, §1, is amended to read:

**§417. Unclaimed prize money**

Unclaimed prize money for the prize on a winning ticket shall must be retained by the commission for payment to the person entitled thereto to the prize money for one year after the drawing or selection of a winning ticket in which the prize was won. If no a claim is not made for the prize within one year from the date of the drawing or selection of a winning ticket, the prize money shall must be credited to the prize pool. Upon the expiration of a one-year time period from the drawing date or selection of a winning ticket, the ticket holder shall forfeit forfeits any claim or entitlement to the prize moneys money.

See title page for effective date.

**CHAPTER 353**  
**H.P. 820 - L.D. 1155**

**An Act To Ensure the Integrity  
of Neuropsychological and  
Psychological Testing  
Materials and Data**

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

Whereas, current law does not protect from disclosure neuropsychological and psychological testing materials; and

Whereas, disclosure of neuropsychological and psychological testing materials and distribution to even just one person who is the subject of testing or to many persons who may be the subjects of the testing will compromise and invalidate such testing; and

Whereas, maintaining the integrity of the testing materials is critical to test results and to the functioning of the system of neuropsychological and psychological testing in this State and requires the immediate action of the Legislature; 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. 22 MRSA §1725** is enacted to read:

**§1725. Neuropsychological and psychological evaluations**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Neuropsychological evaluation" means a testing method through which a neuropsychologist or a psychologist can acquire data about a person's cognitive, behavioral and emotional functioning for purposes of diagnosing or confirming a diagnosis of cognitive deficit or abnormalities in the central nervous system.

B. "Neuropsychological or psychological test data" means raw and scaled scores, a person's responses to test questions or stimuli, a neuropsychologist's or psychologist's notes and recordings concerning the person's statements and behavior during a neuropsychological evaluation or psychological evaluation and those portions of neuropsychological or psychological test materials that include the person's responses.

C. "Neuropsychological or psychological test materials" means manuals, instruments, protocols, assessment devices, scoring keys, test questions and stimuli used in conducting a neuropsychological evaluation or psychological evaluation.

D. "Psychological evaluation" means a testing method through which a psychologist acquires data about a person's cognitive and emotional functioning for purposes of determining cognitive ability, diagnosing a mental health condition or confirming a mental health diagnosis.

**2. Disclosure of neuropsychological or psychological test materials and neuropsychological or psychological test data.** The disclosure of neuropsychological or psychological test materials and neuropsychological or psychological test data is governed by this subsection.

A. Except as provided in paragraph B, neuropsychological or psychological test materials and neuropsychological or psychological test data, the disclosure of which would compromise the objectivity or fairness of the evaluation methods or process, may not be disclosed to anyone, including the person who is the subject of the test, and are not subject to disclosure in any administrative, judicial or legislative proceeding.

B. A person who is the subject of a neuropsychological evaluation or psychological evaluation is entitled to have all records relating to that evaluation, including neuropsychological or psychological test materials and neuropsychological or psychological test data, disclosed to any neuropsychologist or psychologist who is qualified to

evaluate the test results and who is designated by the person. A neuropsychologist or psychologist designated to receive records under this paragraph may not disclose the neuropsychological or psychological test materials and neuropsychological or psychological test data to another person.

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

Effective June 25, 2013.

## CHAPTER 354

### H.P. 1061 - L.D. 1480

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway 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, 2014 and June 30, 2015**

**Emergency preamble.** Whereas, acts and resolves 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,

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

#### PART A

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Budget - Bureau of the 0055

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS -	1.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$102,412	\$105,084
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$111,305</b>	<b>\$113,977</b>

#### BUDGET - BUREAU OF THE 0055

##### PROGRAM SUMMARY

HIGHWAY FUND	2013-14	2014-15
POSITIONS -	1.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$102,412	\$105,084
All Other	\$8,893	\$8,893
<b>HIGHWAY FUND TOTAL</b>	<b>\$111,305</b>	<b>\$113,977</b>

#### Buildings and Grounds Operations 0080

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS -	16.000	16.000
LEGISLATIVE COUNT		
Personal Services	\$683,789	\$714,302
All Other	\$1,383,729	\$1,383,729
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,067,518</b>	<b>\$2,098,031</b>

#### BUILDINGS AND GROUNDS OPERATIONS 0080

##### PROGRAM SUMMARY

HIGHWAY FUND	2013-14	2014-15
POSITIONS -	16.000	16.000
LEGISLATIVE COUNT		
Personal Services	\$683,789	\$714,302
All Other	\$1,383,729	\$1,383,729
<b>HIGHWAY FUND TOTAL</b>	<b>\$2,067,518</b>	<b>\$2,098,031</b>

#### Claims Board 0097

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS -	1.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$60,069	\$61,915
All Other	\$23,107	\$23,107

HIGHWAY FUND TOTAL	\$83,176	\$85,022	Personal Services	\$466,167	\$480,773
			All Other	\$42,517	\$42,517
			HIGHWAY FUND TOTAL	\$508,684	\$523,290
<b>CLAIMS BOARD 0097</b>					
<b>PROGRAM SUMMARY</b>					
<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>	<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
POSITIONS - LEGISLATIVE COUNT	1.000	1.000	<b>DEPARTMENT TOTALS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$60,069	\$61,915	<b>HIGHWAY FUND</b>	<b>\$2,770,683</b>	<b>\$2,820,320</b>
All Other	\$23,107	\$23,107	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,770,683</b>	<b>\$2,820,320</b>
HIGHWAY FUND TOTAL	\$83,176	\$85,022			

**Revenue Services, Bureau of 0002**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$466,167	\$480,773
All Other	\$101,110	\$101,110
HIGHWAY FUND TOTAL	\$567,277	\$581,883

**Revenue Services, Bureau of 0002**

Initiative: Reduces funding resulting from savings associated with the previous transfer of 4 positions to the Department of the Secretary of State.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$9,599)	(\$9,599)
HIGHWAY FUND TOTAL	(\$9,599)	(\$9,599)

**Revenue Services, Bureau of 0002**

Initiative: Reduces funding to more accurately reflect information technology needs.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$48,994)	(\$48,994)
HIGHWAY FUND TOTAL	(\$48,994)	(\$48,994)

**REVENUE SERVICES, BUREAU OF 0002****PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000

**Sec. A-2. Appropriations and allocations.**  
The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF****Air Quality 0250**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$33,054	\$33,054
HIGHWAY FUND TOTAL	\$33,054	\$33,054

**AIR QUALITY 0250****PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$33,054	\$33,054
HIGHWAY FUND TOTAL	\$33,054	\$33,054

**Sec. A-3. Appropriations and allocations.**  
The following appropriations and allocations are made.

**LEGISLATURE****Legislature 0081**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$5,720	\$3,575
All Other	\$7,280	\$4,550
HIGHWAY FUND TOTAL	\$13,000	\$8,125

**LEGISLATURE 0081**  
**PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$5,720	\$3,575
All Other	\$7,280	\$4,550
HIGHWAY FUND TOTAL	\$13,000	\$8,125

**Sec. A-4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**MUNICIPAL BOND BANK, MAINE****Transcap Trust Fund Z064**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$38,411,764	\$38,411,764
OTHER SPECIAL REVENUE FUNDS TOTAL	\$38,411,764	\$38,411,764

**Transcap Trust Fund Z064**

Initiative: Adjusts funding to align allocation with projected available resources.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	(\$759,256)	(\$642,581)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$759,256)	(\$642,581)

**TRANSCAP TRUST FUND Z064****PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$37,652,508	\$37,769,183
OTHER SPECIAL REVENUE FUNDS TOTAL	\$37,652,508	\$37,769,183

**MUNICIPAL BOND BANK, MAINE**

DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	\$37,652,508	\$37,769,183

DEPARTMENT TOTAL - ALL FUNDS	2013-14	2014-15
	\$37,652,508	\$37,769,183

**Sec. A-5. Appropriations and allocations.**  
The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF  
Administration - Public Safety 0088**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$93,649	\$100,027
All Other	\$680,219	\$680,219
HIGHWAY FUND TOTAL	\$773,868	\$780,246

**ADMINISTRATION - PUBLIC SAFETY 0088**  
**PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2,000	2,000
Personal Services	\$93,649	\$100,027
All Other	\$680,219	\$680,219
HIGHWAY FUND TOTAL	\$773,868	\$780,246

**Highway Safety DPS 0457**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$60,163	\$64,017
All Other	\$557,132	\$557,132
HIGHWAY FUND TOTAL	\$617,295	\$621,149

**HIGHWAY SAFETY DPS 0457**  
**PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$60,163	\$64,017
All Other	\$557,132	\$557,132

HIGHWAY FUND TOTAL	\$617,295	\$621,149
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**Motor Vehicle Inspection 0329**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$707,050	\$729,040
All Other	\$284,511	\$284,511
HIGHWAY FUND TOTAL	\$991,561	\$1,013,551

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for the replacement of 3 vehicles in each year of the biennium.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$75,000	\$75,000
HIGHWAY FUND TOTAL	\$75,000	\$75,000

**MOTOR VEHICLE INSPECTION 0329****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	11.000	11.000
Personal Services	\$707,050	\$729,040
All Other	\$284,511	\$284,511
Capital Expenditures	\$75,000	\$75,000
HIGHWAY FUND TOTAL	\$1,066,561	\$1,088,551

**State Police 0291**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$15,912,501	\$16,449,901
All Other	\$7,597,325	\$7,608,105
HIGHWAY FUND TOTAL	\$23,509,826	\$24,058,006

**State Police 0291**

Initiative: Provides funding for the approved arbitration decision and awards retroactive range changes for 4 Forensic Chemist I positions and 2 Forensic Scientist positions from range 23 to range 25 and provides for the reclassification of one State Police Forensic Spe-

cialist position to a State Police Computer Forensic Examiner position and the reclassification of one State Police Sergeant position to a State Police Lieutenant position.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$25,305	\$25,829
All Other	\$431	\$431
HIGHWAY FUND TOTAL	\$25,736	\$26,260

**State Police 0291**

Initiative: Transfers the Liquor Enforcement program to the Department of Administrative and Financial Services, Alcoholic Beverages - General Operation program.

HIGHWAY FUND	2013-14	2014-15
All Other	\$9,800	\$9,800
HIGHWAY FUND TOTAL	\$9,800	\$9,800

**State Police 0291**

Initiative: Adjusts funding from 51% General Fund and 49% Highway Fund to 65% General Fund and 35% Highway Fund.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$4,553,946)	(\$4,707,595)
All Other	(\$1,975,058)	(\$1,978,138)
HIGHWAY FUND TOTAL	(\$6,529,004)	(\$6,685,733)

**STATE POLICE 0291****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$11,383,860	\$11,768,135
All Other	\$5,632,498	\$5,640,198
HIGHWAY FUND TOTAL	\$17,016,358	\$17,408,333

**State Police - Support 0981**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	10.000	10.000
Personal Services	\$556,869	\$576,345
All Other	\$11,145	\$11,145

HIGHWAY FUND TOTAL	\$568,014	\$587,490
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**STATE POLICE - SUPPORT 0981****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	10,000	10,000
Personal Services	\$556,869	\$576,345
All Other	\$11,145	\$11,145
HIGHWAY FUND TOTAL	\$568,014	\$587,490

**Traffic Safety 0546**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	8,000	8,000
Personal Services	\$798,005	\$820,559
All Other	\$203,971	\$203,971
HIGHWAY FUND TOTAL	\$1,001,976	\$1,024,530

**Traffic Safety 0546**

Initiative: Provides funding for the replacement of one vehicle in each year of the biennium.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$30,000	\$30,000
HIGHWAY FUND TOTAL	\$30,000	\$30,000

**Traffic Safety 0546**

Initiative: Provides funding for the State's crash report and reconstruction system to maintain operations at the current level.

HIGHWAY FUND	2013-14	2014-15
All Other	\$70,042	\$70,042
HIGHWAY FUND TOTAL	\$70,042	\$70,042

**TRAFFIC SAFETY 0546****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	8,000	8,000

Personal Services	\$798,005	\$820,559
All Other	\$274,013	\$274,013
Capital Expenditures	\$30,000	\$30,000

HIGHWAY FUND TOTAL	\$1,102,018	\$1,124,572
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**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	46,000	46,000
Personal Services	\$3,988,644	\$4,118,483
All Other	\$643,790	\$643,790
HIGHWAY FUND TOTAL	\$4,632,434	\$4,762,273

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for increased costs for dispatch services and vehicle fuel.

HIGHWAY FUND	2013-14	2014-15
All Other	\$283,578	\$283,578
HIGHWAY FUND TOTAL	\$283,578	\$283,578

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funding for 4 replacement vehicles in each year of the biennium.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$112,000	\$112,000
HIGHWAY FUND TOTAL	\$112,000	\$112,000

**TRAFFIC SAFETY - COMMERCIAL VEHICLE ENFORCEMENT 0715****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	46,000	46,000
Personal Services	\$3,988,644	\$4,118,483
All Other	\$927,368	\$927,368
Capital Expenditures	\$112,000	\$112,000
HIGHWAY FUND TOTAL	\$5,028,012	\$5,157,851

PUBLIC SAFETY, DEPARTMENT OF			
DEPARTMENT TOTALS	2013-14	2014-15	
HIGHWAY FUND	\$26,172,126	\$26,768,192	
DEPARTMENT TOTAL - ALL FUNDS	\$26,172,126	\$26,768,192	

**Sec. A-6. Appropriations and allocations.**  
The following appropriations and allocations are made.

#### SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	367.000	367.000
Personal Services	\$23,017,838	\$24,016,089
All Other	\$11,191,493	\$11,191,493
HIGHWAY FUND TOTAL	\$34,209,331	\$35,207,582

#### Administration - Motor Vehicles 0077

Initiative: Reduces funding for loan payments for the Bureau of Motor Vehicles computer migration project.

HIGHWAY FUND	2013-14	2014-15
All Other	(\$241,880)	(\$241,880)
HIGHWAY FUND TOTAL	(\$241,880)	(\$241,880)

#### ADMINISTRATION - MOTOR VEHICLES 0077

##### PROGRAM SUMMARY

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	367.000	367.000
Personal Services	\$23,017,838	\$24,016,089
All Other	\$10,949,613	\$10,949,613
HIGHWAY FUND TOTAL	\$33,967,451	\$34,965,702

#### SECRETARY OF STATE, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	\$33,967,451	\$34,965,702

DEPARTMENT TOTAL - ALL FUNDS	2013-14	2014-15
	\$33,967,451	\$34,965,702

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

#### TRANSPORTATION, DEPARTMENT OF Administration 0339

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	84.000	84.000
Personal Services	\$6,614,488	\$6,868,422
All Other	\$5,687,720	\$5,735,921
HIGHWAY FUND TOTAL	\$12,302,208	\$12,604,343

#### Administration 0339

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(7.000)	(7.000)
Personal Services	(\$557,412)	(\$578,450)
HIGHWAY FUND TOTAL	(\$557,412)	(\$578,450)

#### Administration 0339

Initiative: Eliminates 5 vacant positions.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(5.000)	(5.000)
Personal Services	(\$388,699)	(\$414,418)
HIGHWAY FUND TOTAL	(\$388,699)	(\$414,418)

#### Administration 0339

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

HIGHWAY FUND	2013-14	2014-15
All Other	\$1,247,116	\$1,129,786

HIGHWAY FUND TOTAL	\$1,247,116	\$1,129,786
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**Administration 0339**

Initiative: Eliminates one Public Service Coordinator I position.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$85,409)	(\$91,079)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$85,409)</b>	<b>(\$91,079)</b>

**Administration 0339**

Initiative: Transfers 29 positions from the Department of Administrative and Financial Services in the Financial and Personnel Services - Division of program to the Department of Transportation in the Administration program. Position detail is on file in the Bureau of the Budget.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	29.000	29.000
Personal Services	\$2,111,950	\$2,192,475
All Other	(\$2,178,807)	(\$2,178,807)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$66,857)</b>	<b>\$13,668</b>

**ADMINISTRATION 0339****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	100.000	100.000
Personal Services	\$7,694,918	\$7,976,950
All Other	\$4,756,029	\$4,686,900
<b>HIGHWAY FUND TOTAL</b>	<b>\$12,450,947</b>	<b>\$12,663,850</b>

**Bond Interest - Highway 0358**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
All Other	\$4,860,106	\$4,860,106
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,860,106</b>	<b>\$4,860,106</b>

**Bond Interest - Highway 0358**

Initiative: Reduces funding to correctly reflect debt service costs.

HIGHWAY FUND	2013-14	2014-15
All Other	(\$315,827)	(\$945,452)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$315,827)</b>	<b>(\$945,452)</b>

**BOND INTEREST - HIGHWAY 0358****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
All Other	\$4,544,279	\$3,914,654
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,544,279</b>	<b>\$3,914,654</b>

**Bond Retirement - Highway 0359**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
All Other	\$16,735,000	\$16,735,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$16,735,000</b>	<b>\$16,735,000</b>

**Bond Retirement - Highway 0359**

Initiative: Reduces funding no longer required to meet debt service obligations.

HIGHWAY FUND	2013-14	2014-15
All Other	(\$700,000)	(\$1,460,000)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$700,000)</b>	<b>(\$1,460,000)</b>

**BOND RETIREMENT - HIGHWAY 0359****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
All Other	\$16,035,000	\$15,275,000
<b>HIGHWAY FUND TOTAL</b>	<b>\$16,035,000</b>	<b>\$15,275,000</b>

**Callahan Mine Site Restoration Z007**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$10,000	\$10,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,000</b>	<b>\$10,000</b>

**Callahan Mine Site Restoration Z007**

Initiative: Provides funding to design and implement clean-up initiatives at the Callahan Mine site.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$10,000	\$0
All Other	\$230,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$240,000</b>	<b>\$0</b>

**CALLAHAN MINE SITE RESTORATION Z007****PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$10,000	\$0
All Other	\$240,000	\$10,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$250,000</b>	<b>\$10,000</b>

**Fleet Services 0347**

Initiative: BASELINE BUDGET

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	37,000	37,000
POSITIONS - FTE COUNT	142,000	142,000
Personal Services	\$11,086,738	\$11,552,174
All Other	\$12,741,724	\$12,755,401
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$23,828,462</b>	<b>\$24,307,575</b>

**Fleet Services 0347**

Initiative: Eliminates 8 full-time equivalent positions as part of the department's ongoing efficiency efforts, prioritizing resources and directing more resources to infrastructure improvements.

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
POSITIONS - FTE COUNT	(7,000)	(7,000)
Personal Services	(\$446,639)	(\$463,186)

<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>(\$446,639)</b>	<b>(\$463,186)</b>
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**Fleet Services 0347**

Initiative: Provides funding to match the projected fleet operating budget with state accounting system protocols.

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$1,867,315	\$2,071,873
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$1,867,315</b>	<b>\$2,071,873</b>

**Fleet Services 0347**

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$94,832	\$94,982
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$94,832</b>	<b>\$94,982</b>

**Fleet Services 0347**

Initiative: Provides one-time funding available due to truck purchase delays caused by procurement disputes to provide an allocation to acquire and improve the property at 66 Industrial Drive and abutting real estate in Augusta.

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$2,000,000	\$0
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$2,000,000</b>	<b>\$0</b>

**FLEET SERVICES 0347****PROGRAM SUMMARY**

<b>FLEET SERVICES FUND - DOT</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	36,000	36,000
POSITIONS - FTE COUNT	135,000	135,000
Personal Services	\$10,640,099	\$11,088,988

All Other	\$16,703,871	\$14,922,256
<b>FLEET SERVICES FUND -</b>		
DOT TOTAL	\$27,343,970	\$26,011,244

**Highway and Bridge Capital 0406**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	474.500	474.500
POSITIONS - FTE COUNT	20.692	20.692
Personal Services	\$16,146,164	\$16,755,345
All Other	\$17,253,591	\$17,312,705
<b>HIGHWAY FUND TOTAL</b>	<b>\$33,399,755</b>	<b>\$34,068,050</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$21,898,828	\$22,728,955
All Other	\$27,680,421	\$27,680,421
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$49,579,249</b>	<b>\$50,409,376</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$2,351,693	\$2,434,635
All Other	\$3,091,475	\$3,091,475
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$5,443,168</b>	<b>\$5,526,110</b>

**Highway and Bridge Capital 0406**

Initiative: Provides funding for TransCap revenue bond proceeds.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Capital Expenditures	\$18,100,000	\$3,700,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$18,100,000</b>	<b>\$3,700,000</b>

**Highway and Bridge Capital 0406**

Initiative: Provides funding available after the repayment of bonds from the funds previously transferred to the Maine Municipal Bond Bank TransCap Trust Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Capital Expenditures	\$8,617,312	\$11,394,649
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$8,617,312</b>	<b>\$11,394,649</b>

**Highway and Bridge Capital 0406**

Initiative: Eliminates 5.5 full-time equivalent positions as part of the department's ongoing efficiency efforts, prioritizing resources and directing more resources to infrastructure improvements.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	(5.000)	(5.000)
POSITIONS - FTE COUNT	(0.500)	(0.500)
Personal Services	(\$134,203)	(\$142,733)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$134,203)</b>	<b>(\$142,733)</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$184,536)	(\$196,245)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$184,536)</b>	<b>(\$196,245)</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$16,778)	(\$17,842)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$16,778)</b>	<b>(\$17,842)</b>

**Highway and Bridge Capital 0406**

Initiative: Provides funding for Capital Expenditures in the Federal Expenditures Fund account.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Capital Expenditures	\$121,404,315	\$120,671,668
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$121,404,315</b>	<b>\$120,671,668</b>

**Highway and Bridge Capital 0406**

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the

amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

	2013-14	2014-15
<b>HIGHWAY FUND</b>		
POSITIONS -	(1,000)	(1,000)
LEGISLATIVE COUNT		
Personal Services	(\$29,644)	(\$29,681)
<b>HIGHWAY FUND TOTAL</b>	<hr/> (\$29,644)	<hr/> (\$29,681)
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	(\$40,760)	(\$40,810)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<hr/> (\$40,760)	<hr/> (\$40,810)
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	(\$3,705)	(\$3,713)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> (\$3,705)	<hr/> (\$3,713)

### Highway and Bridge Capital 0406

Initiative: Eliminates 11 vacant positions for cost-effective construction and quality inspection and uses the funding for straight-time overtime pay for resident engineers and inspectors who are classified as a Senior Technician, Assistant Engineer or Civil Engineer II for work required in the field on days the contractor is working.

	2013-14	2014-15
<b>HIGHWAY FUND</b>		
POSITIONS -	(11,000)	(11,000)
LEGISLATIVE COUNT		
Personal Services	\$1,292	(\$9,687)
<b>HIGHWAY FUND TOTAL</b>	<hr/> \$1,292	<hr/> (\$9,687)
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	\$1,749	(\$13,309)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<hr/> \$1,749	<hr/> (\$13,309)
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$157	(\$1,213)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$157	(\$1,213)
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### Highway and Bridge Capital 0406

Initiative: Eliminates one vacant position.

	2013-14	2014-15
<b>HIGHWAY FUND</b>		
POSITIONS -	(1,000)	(1,000)
LEGISLATIVE COUNT		
Personal Services	(\$20,537)	(\$21,648)
<b>HIGHWAY FUND TOTAL</b>	<hr/> (\$20,537)	<hr/> (\$21,648)
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	(\$28,238)	(\$29,766)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<hr/> (\$28,238)	<hr/> (\$29,766)
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	(\$2,566)	(\$2,705)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<hr/> (\$2,566)	<hr/> (\$2,705)
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$1,812,306	\$1,881,831
<b>HIGHWAY FUND TOTAL</b>	<hr/> \$1,812,306	<hr/> \$1,881,831
<b>FEDERAL EXPENDITURES FUND</b>		
Personal Services	(\$1,825,503)	(\$1,894,096)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<hr/> (\$1,825,503)	<hr/> (\$1,894,096)
<b>OTHER SPECIAL REVENUE FUNDS</b>		
Personal Services	\$13,197	\$12,265

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
REVENUE FUNDS TOTAL	\$13,197	\$12,265

**Highway and Bridge Capital 0406**

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$92,074	(\$66,453)
<b>HIGHWAY FUND TOTAL</b>	<b>\$92,074</b>	<b>(\$66,453)</b>

**Highway and Bridge Capital 0406**

Initiative: Provides new GARVEE bond funding for the replacement of the Sarah Mildred Long Bridge carrying the Route 1 Bypass between Portsmouth, New Hampshire and Kittery, Maine and for other highway and bridge capital needs statewide.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Capital Expenditures	\$0	\$50,000,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$50,000,000</b>

**HIGHWAY AND BRIDGE CAPITAL 0406****PROGRAM SUMMARY**

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	456,500	456,500
POSITIONS - FTE COUNT	20.192	20.192
Personal Services	\$17,775,378	\$18,433,427
All Other	\$17,345,665	\$17,246,252
<b>HIGHWAY FUND TOTAL</b>	<b>\$35,121,043</b>	<b>\$35,679,679</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$19,821,540	\$20,554,729
All Other	\$27,680,421	\$27,680,421
Capital Expenditures	\$121,404,315	\$120,671,668
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$168,906,276</b>	<b>\$168,906,818</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$2,341,998	\$2,421,427
All Other	\$3,091,475	\$3,091,475
Capital Expenditures	\$26,717,312	\$65,094,649

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$32,150,785</b>	<b>\$70,607,551</b>
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**Highway and Bridge Light Capital Z095**

Initiative: BASELINE BUDGET

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$1,910,081	\$1,910,081
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,910,081</b>	<b>\$1,910,081</b>

**Highway and Bridge Light Capital Z095**

Initiative: Provides funding to maintain basic customer serviceability on state and state-aid roads statewide, predominately on Priority 4 and 5 highways, with the goal of light capital paving of approximately 600 miles per year. The current estimate of the number of miles that will be paved under this program is between 500 and 600 miles for at least one of the calendar years 2014 and 2015. The actual number of miles will depend upon budgeted amounts, the availability of bond funds, the availability of TransCap balances, Highway Fund revenues, future year-end fiscal adjustments, other statewide highway and bridge needs, bid prices and the severity of winter weather.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$2,850,000	\$2,850,000
All Other	\$339,919	\$339,919
Capital Expenditures	\$6,515,620	\$12,086,657
<b>HIGHWAY FUND TOTAL</b>	<b>\$9,705,539</b>	<b>\$15,276,576</b>

**Highway and Bridge Light Capital Z095**

Initiative: Provides funding available after the repayment of bonds from the funds previously transferred to the Maine Municipal Bond Bank TransCap Trust Fund to supplement the available funding with the goal of light capital paving of approximately 600 miles per year. The current estimate of the number of miles that will be paved under this program is between 500 and 600 miles for at least one of the calendar years 2014 and 2015. The actual number of miles will depend upon budgeted amounts, the availability of bond funds, the availability of TransCap balances, Highway Fund revenues, future year-end fiscal adjustments,

other statewide highway and bridge needs, bid prices and the severity of winter weather.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Capital Expenditures	\$9,817,371	\$7,486,419
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,817,371	\$7,486,419

### HIGHWAY AND BRIDGE LIGHT CAPITAL Z095

#### PROGRAM SUMMARY

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$2,850,000	\$2,850,000
All Other	\$2,250,000	\$2,250,000
Capital Expenditures	\$6,515,620	\$12,086,657
HIGHWAY FUND TOTAL	\$11,615,620	\$17,186,657
OTHER SPECIAL REVENUE FUNDS		
Capital Expenditures	\$9,817,371	\$7,486,419
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,817,371	\$7,486,419

### Local Road Assistance Program 0337

#### Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
All Other	\$23,310,068	\$23,310,068
HIGHWAY FUND TOTAL	\$23,310,068	\$23,310,068

### Local Road Assistance Program 0337

Initiative: Provides funding for the Local Road Assistance Program at the correct proportioned rate in accordance with the Maine Revised Statutes, Title 23, section 1803-B.

HIGHWAY FUND	2013-14	2014-15
All Other	(\$237,085)	(\$3,198,533)
HIGHWAY FUND TOTAL	(\$237,085)	(\$3,198,533)

### LOCAL ROAD ASSISTANCE PROGRAM 0337

#### PROGRAM SUMMARY

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$9,600,000	\$7,840,000

All Other	\$23,072,983	\$20,111,535
HIGHWAY FUND TOTAL	\$23,072,983	\$20,111,535

### Maintenance and Operations 0330

#### Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	153,000	153,000
POSITIONS - FTE COUNT	1,072,790	1,072,790
Personal Services	\$76,134,887	\$79,746,446
All Other	\$51,547,341	\$51,568,768
HIGHWAY FUND TOTAL	\$127,682,228	\$131,315,214

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	\$3,821,156	\$3,995,883
All Other	\$5,106,169	\$5,106,169
FEDERAL EXPENDITURES FUND TOTAL	\$8,927,325	\$9,102,052

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$1,374,735	\$1,374,735
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,374,735	\$1,374,735

### Maintenance and Operations 0330

Initiative: Provides funding to maintain the operation of the fleet of vehicles.

HIGHWAY FUND	2013-14	2014-15
All Other	\$467,500	\$467,500
HIGHWAY FUND TOTAL	\$467,500	\$467,500

### Maintenance and Operations 0330

Initiative: Provides funding for the purchase of approximately 60 heavy equipment vehicles in fiscal year 2013-14 and 49 heavy equipment vehicles in fiscal year 2014-15 in accordance with the long-term equipment purchasing plan.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$9,600,000	\$7,840,000

HIGHWAY FUND TOTAL	\$9,600,000	\$7,840,000
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### Maintenance and Operations 0330

Initiative: Eliminates 24 full-time equivalent positions as part of the department's ongoing efficiency efforts, prioritizing resources and directing more resources to infrastructure improvements.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(5,000)	(5,000)
POSITIONS - FTE COUNT	(19,000)	(19,000)
Personal Services	(\$1,337,244)	(\$1,391,598)
HIGHWAY FUND TOTAL	(\$1,337,244)	(\$1,391,598)
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$69,337)	(\$72,489)
FEDERAL EXPENDITURES FUND TOTAL	(\$69,337)	(\$72,489)

### Maintenance and Operations 0330

Initiative: Transfers funding from anticipated Personal Services savings to All Other to provide more direct infrastructure improvements through additional contracting and purchase of highway materials. The anticipated savings will be generated through the projection of actual benefit costs matching workforce demographics and continued management of vacancies.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$9,347,901)	(\$10,896,329)
HIGHWAY FUND TOTAL	(\$9,347,901)	(\$10,896,329)
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$389,496)	(\$454,013)
FEDERAL EXPENDITURES FUND TOTAL	(\$389,496)	(\$454,013)

### Maintenance and Operations 0330

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$73,967	\$76,712

HIGHWAY FUND TOTAL	\$73,967	\$76,712
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<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$3,082	\$3,196
FEDERAL EXPENDITURES FUND TOTAL	\$3,082	\$3,196

### Maintenance and Operations 0330

Initiative: Provides funding for the purchase of capital equipment to be used in the maintenance of the transportation system.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Capital Expenditures	\$862,000	\$854,500
HIGHWAY FUND TOTAL	\$862,000	\$854,500

### Maintenance and Operations 0330

Initiative: Adjusts the allocation of positions costs between funds to reflect the percentage of time spent on state, federal and other fund sources based on a historical review of actual expenditures. Position detail is on file in the Bureau of the Budget.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$683,206	\$709,334
HIGHWAY FUND TOTAL	\$683,206	\$709,334
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$543,630)	(\$564,399)
FEDERAL EXPENDITURES FUND TOTAL	(\$543,630)	(\$564,399)

### Maintenance and Operations 0330

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

<b>HIGHWAY FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$733,268)	(\$817,173)

HIGHWAY FUND TOTAL	<u>(\$733,268)</u>	<u>(\$817,173)</u>
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**Maintenance and Operations 0330**

Initiative: Provides funding to reimburse 9 municipalities for the cost of salt and sand storage facilities.

HIGHWAY FUND	2013-14	2014-15
All Other	\$1,193,464	\$0
HIGHWAY FUND TOTAL	<u>\$1,193,464</u>	<u>\$0</u>

**Maintenance and Operations 0330**

Initiative: Provides ongoing funding available through lower health insurance costs due to employee workforce demographics for costs of contracting and purchase of highway-related and bridge-related materials.

HIGHWAY FUND	2013-14	2014-15
All Other	\$4,000,000	\$5,000,000
HIGHWAY FUND TOTAL	<u>\$4,000,000</u>	<u>\$5,000,000</u>

**Maintenance and Operations 0330**

Initiative: Provides one-time funding to acquire and improve the property at 66 Industrial Drive and abutting real estate in Augusta.

HIGHWAY FUND	2013-14	2014-15
All Other	\$2,806,536	\$0
HIGHWAY FUND TOTAL	<u>\$2,806,536</u>	<u>\$0</u>

**MAINTENANCE AND OPERATIONS 0330****PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	149.000	149.000
POSITIONS - FTE COUNT	1,053.790	1,053.790
Personal Services	\$66,206,915	\$68,244,565
All Other	\$59,281,573	\$56,219,095
Capital Expenditures	\$10,462,000	\$8,694,500
HIGHWAY FUND TOTAL	<u>\$135,950,488</u>	<u>\$133,158,160</u>

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	\$2,821,775	\$2,908,178

All Other	<u>\$5,106,169</u>	<u>\$5,106,169</u>
FEDERAL EXPENDITURES FUND TOTAL	<u>\$7,927,944</u>	<u>\$8,014,347</u>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	<u>\$1,374,735</u>	<u>\$1,374,735</u>

**Multimodal - Aviation 0294**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	<u>\$1,585,782</u>	<u>\$1,585,782</u>
FEDERAL EXPENDITURES FUND TOTAL	<u>\$1,585,782</u>	<u>\$1,585,782</u>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	<u>\$957,000</u>	<u>\$957,000</u>
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$957,000</u>	<u>\$957,000</u>

**Multimodal - Aviation 0294**

Initiative: Provides funding for Capital Expenditures in the Federal Expenditures Fund account.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Capital Expenditures	<u>\$300,000</u>	<u>\$300,000</u>
FEDERAL EXPENDITURES FUND TOTAL	<u>\$300,000</u>	<u>\$300,000</u>

**Multimodal - Aviation 0294**

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	<u>\$180,921</u>	<u>\$189,270</u>

OTHER SPECIAL REVENUE FUNDS TOTAL	\$180,921	\$189,270
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**MULTIMODAL - AVIATION 0294****PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$1,585,782	\$1,585,782
Capital Expenditures	\$300,000	\$300,000
FEDERAL EXPENDITURES FUND TOTAL	\$1,885,782	\$1,885,782
OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$180,921	\$189,270
All Other	\$957,000	\$957,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,137,921	\$1,146,270

**Multimodal - Freight 0350**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
All Other	\$603,599	\$603,599
HIGHWAY FUND TOTAL	\$603,599	\$603,599
FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$1,100,000	\$1,100,000
FEDERAL EXPENDITURES FUND TOTAL	\$1,100,000	\$1,100,000
OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$76,017	\$78,232
All Other	\$1,612,904	\$1,612,904
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,688,921	\$1,691,136

**Multimodal - Freight 0350**

Initiative: Provides funding for Capital Expenditures in the Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Capital Expenditures	\$500,000	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$500,000

**Multimodal - Freight 0350**

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$145,049	\$148,425
OTHER SPECIAL REVENUE FUNDS TOTAL	\$145,049	\$148,425

**Multimodal - Freight 0350**

Initiative: Transfers All Other funding in the Multimodal - Freight program to the Personal Services line category in the Multimodal Transportation Fund program to provide engineering services for projects financed through General Fund general obligation bond funds. Also provides All Other funding in the Multimodal Transportation Fund program.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	(\$200,000)	(\$200,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$200,000)	(\$200,000)

**Multimodal - Freight 0350**

Initiative: Provides funding to correct a negative allocation.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$55,000	\$55,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$55,000	\$55,000

**MULTIMODAL - FREIGHT 0350  
PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
All Other	\$603,599	\$603,599
<b>HIGHWAY FUND TOTAL</b>	<b>\$603,599</b>	<b>\$603,599</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$1,100,000	\$1,100,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,100,000</b>	<b>\$1,100,000</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$221,066	\$226,657
All Other	\$1,467,904	\$1,467,904
Capital Expenditures	\$500,000	\$500,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$2,188,970</b>	<b>\$2,194,561</b>

**Multimodal - Island Ferry Service Z016**

Initiative: BASELINE BUDGET

HIGHWAY FUND	2013-14	2014-15
All Other	\$4,947,419	\$4,947,419
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,947,419</b>	<b>\$4,947,419</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	76.000	76.000
POSITIONS - FTE COUNT	10.318	10.318
Personal Services	\$5,816,489	\$6,044,406
All Other	\$3,616,822	\$3,616,822
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<b>\$9,433,311</b>	<b>\$9,661,228</b>

**Multimodal - Island Ferry Service Z016**

Initiative: Reduces funding to adjust state support to 50% of the operating cost of the Maine State Ferry

Service in accordance with Maine Revised Statutes, Title 23, section 4210-C.

HIGHWAY FUND	2013-14	2014-15
All Other	(\$145,419)	(\$31,461)
<b>HIGHWAY FUND TOTAL</b>	<b>(\$145,419)</b>	<b>(\$31,461)</b>

**Multimodal - Island Ferry Service Z016**

Initiative: Provides funding to maintain the operation of the fleet of vehicles.

ISLAND FERRY SERVICES FUND	2013-14	2014-15
All Other	\$100,000	\$100,000
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<b>\$100,000</b>	<b>\$100,000</b>

**Multimodal - Island Ferry Service Z016**

Initiative: Adjusts funding for technology costs based on the rate schedules provided by the Department of Administrative and Financial Services, Office of Information Technology.

ISLAND FERRY SERVICES FUND	2013-14	2014-15
All Other	\$71,764	\$71,765
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<b>\$71,764</b>	<b>\$71,765</b>

**MULTIMODAL - ISLAND FERRY SERVICE Z016**

**PROGRAM SUMMARY**

HIGHWAY FUND	2013-14	2014-15
All Other	\$4,802,000	\$4,915,958
<b>HIGHWAY FUND TOTAL</b>	<b>\$4,802,000</b>	<b>\$4,915,958</b>
<b>ISLAND FERRY SERVICES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	76.000	76.000
POSITIONS - FTE COUNT	10.318	10.318
Personal Services	\$5,816,489	\$6,044,406
All Other	\$3,788,586	\$3,788,587
<b>ISLAND FERRY SERVICES FUND TOTAL</b>	<b>\$9,605,075</b>	<b>\$9,832,993</b>

**Multimodal - Passenger Rail Z139**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$1,812,000	\$1,812,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,812,000	\$1,812,000

**Multimodal - Passenger Rail Z139**

Initiative: Provides funding necessary to pay the state match for the operations of the Northern New England Passenger Rail Authority. These funds will match \$8,000,000 of federal congestion mitigation and air quality funding from the Federal Highway Administration each year of the biennium that is received directly by the Northern New England Passenger Rail Authority outside of the state budget process.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$188,000	\$188,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$188,000	\$188,000

**MULTIMODAL - PASSENGER RAIL Z139****PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$2,000,000	\$2,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,000,000	\$2,000,000

**Multimodal - Ports and Marine 0323**

Initiative: BASELINE BUDGET

<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$150,000	\$150,000
FEDERAL EXPENDITURES FUND TOTAL	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$172,660	\$177,170
All Other	\$8,334	\$8,334
OTHER SPECIAL REVENUE FUNDS TOTAL	\$180,994	\$185,504
<b>MARINE PORTS FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$25,000	\$25,000
MARINE PORTS FUND TOTAL	\$25,000	\$25,000

All Other	\$8,334	\$8,334
OTHER SPECIAL REVENUE FUNDS TOTAL	\$172,774	\$177,767
<b>MARINE PORTS FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$25,000	\$25,000
MARINE PORTS FUND TOTAL	\$25,000	\$25,000

**Multimodal - Ports and Marine 0323**

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$8,220	\$7,737
OTHER SPECIAL REVENUE FUNDS TOTAL	\$8,220	\$7,737

**MULTIMODAL - PORTS AND MARINE 0323****PROGRAM SUMMARY**

<b>FEDERAL EXPENDITURES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$150,000	\$150,000
FEDERAL EXPENDITURES FUND TOTAL	\$150,000	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$172,660	\$177,170
All Other	\$8,334	\$8,334
OTHER SPECIAL REVENUE FUNDS TOTAL	\$180,994	\$185,504
<b>MARINE PORTS FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$25,000	\$25,000
MARINE PORTS FUND TOTAL	\$25,000	\$25,000

**Multimodal - Transit 0443**

Initiative: BASELINE BUDGET

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	\$227,697	\$237,172
All Other	\$8,134,946	\$8,134,946
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$8,362,643</b>	<b>\$8,372,118</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$547,845	\$547,845
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$547,845</b>	<b>\$547,845</b>

**Multimodal - Transit 0443**

Initiative: Provides funding for Capital Expenditures in the Federal Expenditures Fund account.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Capital Expenditures	\$3,800,000	\$3,800,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$3,800,000</b>	<b>\$3,800,000</b>

**Multimodal - Transit 0443**

Initiative: Adjusts the allocation of positions within the department to more appropriately reflect the amount of time spent on different programs. Position detail is on file in the Bureau of the Budget.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$169,244	\$174,692
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$169,244</b>	<b>\$174,692</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$51,038	\$52,622

OTHER SPECIAL REVENUE FUNDS TOTAL	\$51,038	\$52,622
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**Multimodal - Transit 0443**

Initiative: Provides funding to adjust for the elimination of the transit bonus portion of the Local Road Assistance Program. Even with the elimination of the transit bonus, these funding levels will maintain operational funding for transit and possible reintroduction of a state capital cost share not reliant on bonding.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$262,155	\$852,155
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$262,155</b>	<b>\$852,155</b>

**Multimodal - Transit 0443**

Initiative: Eliminates funding for one vacant position.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	(\$41,968)	(\$44,516)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$41,968)</b>	<b>(\$44,516)</b>

**MULTIMODAL - TRANSIT 0443****PROGRAM SUMMARY**

FEDERAL EXPENDITURES FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	3.000	3.000
Personal Services	\$354,973	\$367,348
All Other	\$8,134,946	\$8,134,946
Capital Expenditures	\$3,800,000	\$3,800,000
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$12,289,919</b>	<b>\$12,302,294</b>

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$51,038	\$52,622
All Other	\$810,000	\$1,400,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$861,038	\$1,452,622
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**Multimodal Transportation Fund Z017**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$104,570	\$104,570

OTHER SPECIAL REVENUE FUNDS TOTAL	\$104,570	\$104,570
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**Multimodal Transportation Fund Z017**

Initiative: Provides funding for Capital Expenditures in the Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Capital Expenditures	\$1,484,041	\$1,529,374

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,484,041	\$1,529,374
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**Multimodal Transportation Fund Z017**

Initiative: Transfers All Other funding in the Multimodal - Freight program to the Personal Services line category in the Multimodal Transportation Fund program to provide engineering services for projects financed through General Fund general obligation bond funds. Also provides All Other funding in the Multimodal Transportation Fund program.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$200,000	\$200,000
All Other	\$145,430	\$145,430

OTHER SPECIAL REVENUE FUNDS TOTAL	\$345,430	\$345,430
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**MULTIMODAL TRANSPORTATION FUND Z017****PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$200,000	\$200,000
All Other	\$250,000	\$250,000
Capital Expenditures	\$1,484,041	\$1,529,374

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,934,041	\$1,979,374
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**State Infrastructure Bank 0870**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$150,000	\$150,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$150,000	\$150,000
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**STATE INFRASTRUCTURE BANK 0870****PROGRAM SUMMARY**

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$150,000	\$150,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$150,000	\$150,000
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**Suspense Receivable - Transportation 0344**

Initiative: BASELINE BUDGET

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$142,874	\$148,455
All Other	\$903,705	\$903,705

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,046,579	\$1,052,160
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**Suspense Receivable - Transportation 0344**

Initiative: Eliminates 24 full-time equivalent positions as part of the department's ongoing efficiency efforts, prioritizing resources and directing more resources to infrastructure improvements.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	(\$3,298)	(\$3,520)

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$3,298)	(\$3,520)
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**Suspense Receivable - Transportation 0344**

Initiative: Adjusts the allocation of positions costs between funds to reflect the percentage of time spent on state, federal and other fund sources based on a

historical review of actual expenditures. Position detail is on file in the Bureau of the Budget.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	(\$139,576)	(\$144,935)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$139,576)</b>	<b>(\$144,935)</b>

#### **SUSPENSE RECEIVABLE - TRANSPORTATION 0344**

##### **PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
Personal Services	\$0	\$0
All Other	\$903,705	\$903,705
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$903,705</b>	<b>\$903,705</b>

#### **Transportation Efficiency Fund Z119**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

#### **TRANSPORTATION EFFICIENCY FUND Z119**

##### **PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$500	\$500
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500</b>	<b>\$500</b>

#### **Transportation Facilities Z010**

Initiative: BASELINE BUDGET

<b>TRANSPORTATION FACILITIES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$2,200,000	\$2,200,000
<b>TRANSPORTATION FACILITIES FUND TOTAL</b>	<b>\$2,200,000</b>	<b>\$2,200,000</b>

#### **Transportation Facilities Z010**

Initiative: Provides one-time funding to acquire and improve the property at 66 Industrial Drive and abutting real estate in Augusta.

<b>TRANSPORTATION FACILITIES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$4,800,000	\$0
<b>TRANSPORTATION FACILITIES FUND TOTAL</b>	<b>\$4,800,000</b>	<b>\$0</b>

#### **TRANSPORTATION FACILITIES Z010**

##### **PROGRAM SUMMARY**

<b>TRANSPORTATION FACILITIES FUND</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$7,000,000	\$2,200,000
<b>TRANSPORTATION FACILITIES FUND TOTAL</b>	<b>\$7,000,000</b>	<b>\$2,200,000</b>

#### **Van-pool Services 0451**

Initiative: BASELINE BUDGET

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$290,000	\$290,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$290,000</b>	<b>\$290,000</b>

#### **Van-pool Services 0451**

Initiative: Reduces funding for the Van-pool Services program, which was eliminated in fiscal year 2012-13.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	(\$290,000)	(\$290,000)
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>(\$290,000)</b>	<b>(\$290,000)</b>

#### **VAN-POOL SERVICES 0451**

##### **PROGRAM SUMMARY**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>

TRANSPORTATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	\$244,195,959	\$243,509,092
FEDERAL	\$192,259,921	\$192,359,241
EXPENDITURES FUND		
OTHER SPECIAL REVENUE FUNDS	\$52,950,060	\$89,491,241
TRANSPORTATION FACILITIES FUND	\$7,000,000	\$2,200,000
FLEET SERVICES FUND - DOT	\$27,343,970	\$26,011,244
ISLAND FERRY SERVICES FUND	\$9,605,075	\$9,832,993
MARINE PORTS FUND	\$25,000	\$25,000
DEPARTMENT TOTAL - ALL FUNDS	<hr/> \$533,379,985	<hr/> \$563,428,811

**PART B**

**Sec. B-1. Appropriations and allocations.** The following appropriations and allocations are made to provide funding for approved reclassifications and range changes.

**ADMINISTRATIVE AND FINANCIAL  
SERVICES, DEPARTMENT OF****Claims Board 0097**

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$5,246	\$5,349
All Other	(\$5,246)	(\$5,349)
HIGHWAY FUND TOTAL	<hr/> \$0	<hr/> \$0

**PART C**

**Sec. C-1. 23 MRSA §1807,** as amended by PL 2011, c. 652, §9 and affected by §14, is repealed.

**Sec. C-2. Effective date.** This Part takes effect July 1, 2014.

**PART D**

**Sec. D-1. Transfers of nonbond funds; capital project expenditures; 5-year useful life.** Notwithstanding the Maine Revised Statutes, Title 23, section 1604, subsection 3, and any other provision of law, transfers of nonbond funds from the TransCap Trust Fund may be used for capital projects having an estimated useful life of 5 years.

**PART E**

**Sec. E-1. Merit increases.** Notwithstanding the Maine Revised Statutes, Title 26, section 979-D or any other provision of law, any merit increase, regardless of funding source, scheduled to be awarded or paid between July 1, 2014 and June 30, 2015 to any person employed by the departments and agencies within the executive branch, including the constitutional officers and the Office of the State Auditor, may not be awarded, authorized or implemented. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

**Sec. E-2. Longevity payments.** Notwithstanding the Maine Revised Statutes, Title 26, section 979-D or 1285 or any other provision of law, any longevity payment, regardless of funding source, scheduled to be awarded or paid between July 1, 2013 and June 30, 2015 to any person not eligible on June 30, 2013 and employed by the departments and agencies within the executive branch, including the constitutional officers and the Office of the State Auditor, the legislative branch and the judicial branch may not be awarded, authorized or implemented. Employees eligible for a longevity payment on June 30, 2013 remain eligible for a longevity payment at the rate in effect on June 30, 2013 for the period between July 1, 2013 and June 30, 2015. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

**Sec. E-3. Calculation and transfer.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Part that applies against each Highway Fund account for all departments and agencies from savings associated with eliminating merit pay increases in fiscal year 2014-15 and limiting longevity payments to employees eligible on June 30, 2013 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2013-14 and fiscal year 2014-15. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 2014.

**Sec. E-4. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL  
SERVICES, DEPARTMENT OF****Executive Branch Departments and Independent  
Agencies - Statewide 0017**

Initiative: Reduces funding to reflect projected savings from eliminating merit increases for fiscal year 2014-15.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$0	(\$698,601)
HIGHWAY FUND TOTAL	\$0	(\$698,601)

### Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding to reflect savings from eliminating longevity payments for individuals not eligible on June 30, 2013 and maintains the longevity payment level for those eligible on June 30, 2013 to the rate in effect on June 30, 2013 for fiscal years 2013-14 and 2014-15 only.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$70,600)	(\$107,949)
HIGHWAY FUND TOTAL	(\$70,600)	(\$107,949)
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	(\$70,600)	(\$806,550)
DEPARTMENT TOTAL - ALL FUNDS	(\$70,600)	(\$806,550)

### PART F

**Sec. F-1. 25 MRSA §1509-A,** as enacted by PL 2007, c. 682, §1 and affected by §8, is amended to read:

#### §1509-A. Funding

Beginning in fiscal year 2009-10 2013-14, state funding for the Department of Public Safety, Bureau of State Police must be provided as follows:

**1. Highway Fund.** Forty-nine Thirty-five percent must be allocated from the Highway Fund pursuant to Title 23, section 1653; and

**2. General Fund.** Fifty-one Sixty-five percent must be appropriated from the General Fund.

**Sec. F-2. 5 MRSA §1666, last ¶,** as enacted by PL 2007, c. 537, §1, is amended to read:

The Governor or the Governor elect, in developing recommendations for funding the Department of Public Safety, Bureau of State Police, shall review and use as a guide available data identifying or quantifying annually identify and quantify the activities of the Department of Public Safety, Bureau of State Police that may be eligible for funding from the Highway Fund

pursuant to the Constitution of Maine, Article IX, Section 19. This paragraph applies to the preparation of the budget for the 2010-2011 biennium and thereafter. Starting March 1, 2018 and every 4 years thereafter, the Department of Public Safety, Bureau of State Police shall report the average annual percentage for the previous 4 years of activities eligible for funding from the Highway Fund pursuant to the Constitution of Maine, Article IX, Section 19 to the Governor, the joint standing committee of the Legislature having jurisdiction over transportation matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The Governor or Governor-elect shall use such reports as a guide in developing budgets for the Department of Public Safety, Bureau of State Police.

**Sec. F-3. Funding allocation; Department of Public Safety, Bureau of State Police.** A fact-based determination has been made that the funding allocation set forth in the Maine Revised Statutes, Title 25, section 1509-A represents an accurate assessment of the amount of time spent by the Department of Public Safety, Bureau of State Police enforcing state traffic laws. The determination is based upon an analysis of the activity reporting of the department.

### PART G

**Sec. G-1. Transfer of funds; Highway Fund; TransCap.** Notwithstanding any other provision of law, the State Controller shall transfer \$5,210,691 in fiscal year 2013-14 and \$5,334,017 in fiscal year 2014-15 from the Highway Fund unallocated surplus to the TransCap Trust Fund.

### PART H

**Sec. H-1. Calculation and transfer; retiree health insurance.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer shall calculate the amount of savings in section 3 of this Part that applies against each account for departments and agencies statewide that have occurred as a result of retiree health insurance changes enacted by the First Regular Session of the 126th Legislature. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor on or before January 15, 2014. These transfers are considered adjustments to appropriations and allocations in fiscal years 2013-14 and 2014-15.

**Sec. H-2. Calculation and transfer; health insurance.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 3 of this Part that applies against each Highway Fund account for all departments and agencies from savings associated with health insurance changes enacted by the First Regular Session of the 126th Legislature and shall transfer the amounts by financial order upon the approval of the

Governor. These transfers are considered adjustments to allocations in fiscal years 2013-14 and 2014-15.

**Sec. H-3. Appropriations and allocations.** The following appropriations and allocations are made.

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

##### Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding as the result of a new actuarial projection of the cost of retiree health insurance and by limiting the State's contribution to an increase in premium of 1.5 percentage points.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$3,231,760)	(\$4,308,316)
HIGHWAY FUND TOTAL	(\$3,231,760)	(\$4,308,316)

##### Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Reduces funding by limiting the State's contribution for state employee health insurance to an increase in premium of 1.5 percentage points.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$1,200,000)	(\$2,550,000)
HIGHWAY FUND TOTAL	(\$1,200,000)	(\$2,550,000)

#### ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	(\$4,431,760)	(\$6,858,316)
DEPARTMENT TOTAL - ALL FUNDS	(\$4,431,760)	(\$6,858,316)

#### PART I

**Sec. I-1. 23 MRSA §1803-B, sub-§1, ¶C,** as amended by PL 2011, c. 652, §6 and affected by §14, is repealed.

**Sec. I-2. 23 MRSA §1803-B, sub-§1, ¶D,** as amended by PL 2011, c. 652, §6 and affected by §14, is further amended to read:

D. Beginning July 1, 2004 2014, the annual funding dedicated for the Local Road Assistance Program must bear the same percentage relationship

to the sum of the General Fund and Highway Fund allocation to the Department of Transportation for highway purposes as was provided during fiscal year 2000-01 be 9% of the Highway Fund allocation to the Department of Transportation. On July 1, 2004 2014 and every July 1st thereafter, the Commissioner of Transportation shall administratively adjust the base funding and the reimbursement rates per lane mile proportionately according to revenue available.

**Sec. I-3. 23 MRSA §1803-B, sub-§3,** as repealed and replaced by PL 1999, c. 473, Pt. D, §4, is amended to read:

3. **Payment of funds.** One quarter of the The funds apportioned to each municipality must be paid by the State to the municipality before September 1st, December 1st, March 1st and June 1st each year.

**Sec. I-4. Effective date.** This Part takes effect July 1, 2013.

#### PART J

**Sec. J-1. Attrition savings.** Notwithstanding any other provision of law, the attrition rate for the 2014-2015 biennium is increased from 1.6% to 6% for judicial branch and executive branch departments and agencies only. The attrition rate for subsequent biennia is 1.6%.

#### PART K

**Sec. K-1. Department of Administrative and Financial Services; lease-purchase authorization.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, on behalf of the Department of Public Safety, may enter into financing arrangements in fiscal years 2013-14 and 2014-15 for the acquisition of motor vehicles for the State Police. The financing arrangements entered into each fiscal year may not exceed \$2,400,000 in principal costs, and a financing arrangement may not exceed 3 years in duration. The interest rate may not exceed 6%, and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$300,000. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety General Fund and Highway Fund accounts.

#### PART L

**Sec. L-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of the fiscal years 2013-14 and 2014-15 the State Controller shall transfer amounts exceeding \$100,000 from the unallocated balance in the Highway Fund after the deduction of all

allocations, financial commitments, other designated funds or any other transfer authorized by statute and the fiscal year 2013-14 unallocated balance dedicated to the fiscal year 2014-15 budgets to the Department of Transportation Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs for capital needs. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The transferred amounts are considered adjustments to allocations. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters a report detailing the financial status of the department's capital program.

## PART M

**Sec. M-1. Transfer authorized.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 2014 and June 30, 2015 the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Highway Fund Personal Services savings to the Department of Transportation Highway and Bridge Capital, Highway and Bridge Light Capital and Maintenance and Operations programs for capital or all other needs. The financial order must identify the specific savings after all adjustments that may be required by the State Controller to ensure that all financial commitments have been met in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2014 and September 15, 2015 to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters detailing the financial adjustments to the Highway Fund.

## PART N

**Sec. N-1. Programmed GARVEE bonding level for 2014-2015 biennium.** Notwithstanding any other provision of law and pursuant to the Maine Revised Statutes, Title 23, chapter 19, subchapter 3-A, the Maine Municipal Bond Bank may issue from time to time up to \$50,000,000 of GARVEE bonds for the replacement of the Sarah Mildred Long Bridge carrying the Route 1 Bypass between Portsmouth, New Hampshire and Kittery, Maine and for other highway and bridge capital needs statewide to be repaid solely from annual federal transportation appropriations for funding qualified transportation projects.

**Sec. N-2. PL 2011, c. 610, Pt. D, §2** is amended to read:

**Sec. D-2. Revised agreements or other financial arrangements regarding 3 Portsmouth-Kittery bridges.** Any revised or new agreements or other financial arrangements with New Hampshire regarding any or all of the 3 bridges referenced in section 1 must provide that the financial liability of the State of Maine over time will not be substantially greater than its liability under the terms of the March 1, 2011 memorandum of agreement. The financial liability of the Maine Turnpike Authority may not be substantially greater than its liability under the terms of the March 1, 2011 memorandum of agreement or the recommendations of the December 15, 2011 Bi-State Bridge Funding Task Force report.

**Sec. N-3. Maine-New Hampshire Interstate Bridge Authority legislation.** Notwithstanding any other provision of law, the Department of Transportation shall submit proposed legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority in accordance with Public Law 2011, chapter 610, Part D, section 3 to the Joint Standing Committee on Transportation no later than February 14, 2014. Following receipt and review of the proposed legislation, the joint standing committee may submit a bill to the Second Regular Session of the 126th Legislature concerning the proposed legislation.

## PART O

**Sec. O-1. Salt shed program.** The Department of Transportation, referred to in this section as "the department," in conjunction with the Department of Environmental Protection, shall develop a plan to reduce the cost of the state cost-share program for salt and sand storage facilities, referred to in this section as "the sheds," under the Maine Revised Statutes, Title 23, section 1851 and to end the program within a certain number of years. This plan must consider amounts due municipalities for sheds already built, the number and priority of possible new sheds, the effect that best practices regarding winter snow and ice operations may have on the size and cost of sheds and reimbursement formulas. The department shall submit the plan, with recommended legislation, to the Joint Standing Committee on Transportation no later than January 17, 2014. The committee may submit a bill related to the subject matter of this section to the Second Regular Session of the 126th Legislature.

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

Effective June 26, 2013, unless otherwise indicated.

**CHAPTER 355**  
**H.P. 1026 - L.D. 1437**

**An Act To Amend the Laws  
 Regarding Licensure of  
 Physicians and Physician  
 Assistants**

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

**Sec. 1. 24 MRSA §2505, first ¶,** as amended by PL 2013, c. 105, §2, is further amended to read:

Any professional competence committee within this State and any physician or physician assistant licensed to practice or otherwise lawfully practicing within this State shall, and any other person may, report the relevant facts to the appropriate board relating to the acts of any physician or physician assistant in this State if, in the opinion of the committee, physician, physician assistant or other person, the committee or individual has reasonable knowledge of acts of the physician or physician assistant amounting to gross or repeated medical malpractice, misuse of alcohol, drugs or other substances that may result in the physician's or the physician assistant's performing services in a manner that endangers the health or safety of patients, professional incompetence, unprofessional conduct or sexual misconduct identified by board rule. The failure of any such professional competence committee or any such physician or physician assistant to report as required is a civil violation for which a fine of not more than \$1,000 may be adjudged.

**Sec. 2. 24 MRSA §2505, 2nd ¶,** as amended by PL 2013, c. 105, §3, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section 1073, 2596-A or 3298, a physician or physician assistant, dentist or committee is not responsible for reporting misuse of alcohol, drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol, drugs or other substances discovered by the physician, physician assistant, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol, drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol, drugs or other substances, as long as that information is reported to the professional review committee. ~~Nothing in this~~ This section may does not prohibit an impaired physician, physician assistant or dentist from seeking alternative forms of treatment.

**Sec. 3. 24 MRSA §2506, first ¶,** as amended by PL 2005, c. 397, Pt. C, §15 and affected by §16, is further amended to read:

A health care provider or health care entity shall, within 60 days, report in writing to the disciplined practitioner's board or authority the name of any licensed, certified or registered employee or person privileged by the provider or entity whose employment, including employment through a 3rd party, or privileges have been revoked, suspended, limited or terminated or who resigned while under investigation or to avoid investigation for reasons related to clinical competence or unprofessional conduct, together with pertinent information relating to that action. Pertinent information includes: a description of the adverse action; the name of the practitioner involved; the date, the location and a description of the event or events giving rise to the adverse action; and identification of the complainant giving rise to the adverse action. Upon written request, the following information must be released to the board or authority within 20 days of receipt of the request: the names of the patients whose care by the disciplined practitioner gave rise to the adverse action; medical records relating to the event or events giving rise to the adverse action; written statements signed or prepared by any witness or complainant to the event; and related correspondence between the practitioner and the provider or entity. The report must include situations in which employment, including employment through a 3rd party, or privileges have been revoked, suspended, limited or otherwise adversely affected by action of the health care practitioner while the health care practitioner was the subject of a proceeding regarding employment or a disciplinary proceedings proceeding, and it also must include situations where employment, including employment through a 3rd party, or privileges have been revoked, suspended, limited or otherwise adversely affected by act of the health care practitioner in return for the health care provider's or health care entity's terminating such proceeding. Any reversal, modification or change of action reported pursuant to this section must be reported immediately to the practitioner's board or authority, together with a brief statement of the reasons for that reversal, modification or change. If the adverse action requiring a report as a result of a reversal, modification or change of action consists of the revocation, suspension or limitation of employment, including employment through a 3rd party, or clinical privileges of a physician, physician assistant or advanced practice registered nurse by a health care provider or health care entity for reasons relating to clinical competence or unprofessional conduct and is taken pursuant to personnel or employment rules or policies, medical staff bylaws or other credentialing and privileging policies, whether or not the practitioner is employed by that health care provider or entity, then the provider or entity shall include in its initial report to the disciplined practitioner's licensing board or authority the names of all patients whose care by the disciplined practitioner gave rise to the adverse action. The failure of any health care provider or

health care entity to report as required is a civil violation for which a fine of not more than \$5,000 may be adjudged.

**Sec. 4. 24 MRSA §2905, sub-§1,** as amended by PL 1991, c. 217, is further amended to read:

**1. Disallowance of recovery on grounds of lack of informed consent.** ~~No recovery may be Recovery is not allowed against any physician, physician assistant, podiatrist, dentist or any health care provider upon the grounds that the health care treatment was rendered without the informed consent of the patient or the patient's spouse, parent, guardian, nearest relative or other person authorized to give consent for the patient when:~~

A. The action of the physician, physician assistant, podiatrist or dentist in obtaining the consent of the patient or other person authorized to give consent for the patient was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities;

B. A reasonable person, from the information provided by the physician, physician assistant, podiatrist or dentist under the circumstances, would have a general understanding of the procedures or treatments and of the usual and most frequent risks and hazards inherent in the proposed procedures or treatments ~~which that~~ are recognized and followed by other physicians, physician assistants, podiatrists or dentists engaged in the same field of practice in the same or similar communities; or

C. A reasonable person, under all surrounding circumstances, would have undergone such treatment or procedure had that person been advised by the physician, physician assistant, podiatrist or dentist in accordance with paragraphs A and B or this paragraph.

For purposes of this subsection, the physician, physician assistant, podiatrist, dentist or health care provider may rely upon a reasonable representation that the person giving consent for the patient is authorized to give consent unless the physician, physician assistant, podiatrist, dentist or health care provider has notice to the contrary.

**Sec. 5. 32 MRSA §3270-C, sub-§2,** as amended by PL 1999, c. 547, Pt. B, §66 and affected by §80, is further amended to read:

**2. Consent to physical or mental examination; objections to admissibility of examiner's testimony waived.** For the purposes of this section, every physician assistant registered under these rules who accepts the privilege of rendering medical services in this State

by the filing of an application and of biannual registration renewal:

A. Is deemed to have consented to a mental or physical examination ~~by a physician or other person selected or approved by the board~~ when directed in writing by the board; and

B. Is deemed to have waived all objections to the admissibility of the examining physician's ~~or other person's~~ testimony or reports on the ground that these constitute a privileged communication.

Pursuant to Title 4, section 184, subsection 6, the District Court shall immediately suspend the certificate of a physician assistant who can be shown, through the results of the medical or physical examination conducted under this section or through other competent evidence, to be unable to render medical services with reasonable skill and safety to patients by reason of mental illness, alcohol intemperance, excessive use of drugs or narcotics or as a result of a mental or physical condition interfering with the competent rendering of medical services.

**Sec. 6. 32 MRSA §3271, sub-§2,** as amended by PL 2005, c. 162, §2, is further amended to read:

**2. Postgraduate training.** Each applicant who has graduated from an accredited medical school on or after January 1, 1970 but before July 1, 2004 must have satisfactorily completed at least 24 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Notwithstanding other requirements of postgraduate training, an applicant is eligible for licensure when the candidate has satisfactorily graduated from a combined postgraduate training program in which each of the contributing programs is accredited by the Accreditation Council on Graduate Medical Education and the applicant is eligible for accreditation by the American Board of Medical Specialties in both specialties. Each applicant who has graduated from an accredited medical school prior to January 1, 1970 must have satisfactorily completed at least 12 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association or the Royal College of Physicians and Surgeons of Canada. Each applicant who has graduated from an accredited medical school on or after July 1, 2004 or an unaccredited medical school must have satisfactorily completed at least 36 months in a graduate educational program accredited by the Accreditation Council on Graduate Medical Education, the Canadian Medical Association, the Royal College of Physicians and Surgeons of Canada or the Royal Colleges of England, Ireland or Scotland. An applicant who has completed 24 months of postgraduate training and has received an unrestricted endorsement from the director of an accredited graduate edu-

cation program in the State is considered to have satisfied the postgraduate training requirements of this subsection if the applicant continues in that program and completes 36 months of postgraduate training. Notwithstanding this subsection, an applicant who is board certified by the American Board of Medical Specialties is deemed to meet the postgraduate training requirements of this subsection. Notwithstanding this subsection, in the case of subspecialty or clinical fellowship programs, the board may accept in fulfillment of the requirements of this subsection postgraduate training at a hospital in which the subspecialty clinical program, such as a training program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, is not accredited but the parent specialty program is accredited by the Accreditation Council on Graduate Medical Education.

**Sec. 7. 32 MRSA §3271, sub-§7,** as enacted by PL 2007, c. 380, §2, is amended to read:

**7. Special license categories.** The board may issue a license limited to the practice of administrative medicine, or any other special license, as defined by routine technical rule of the board adopted pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 8. 32 MRSA §3282-A, sub-§1, ¶D,** as amended by PL 1999, c. 547, Pt. B, §67 and affected by §80, is repealed.

**Sec. 9. 32 MRSA §3282-A, sub-§2, ¶A,** as enacted by PL 1983, c. 378, §53, is amended to read:

A. The practice of fraud ~~or~~, deceit or misrepresentation in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;

**Sec. 10. 32 MRSA §3282-A, sub-§2, ¶L,** as amended by PL 1997, c. 680, Pt. C, §7, is further amended to read:

L. Failure to comply with the requirements of Title 24, section 2905-A; ~~or~~

**Sec. 11. 32 MRSA §3282-A, sub-§2, ¶M,** as enacted by PL 1997, c. 680, Pt. C, §8, is amended to read:

M. Revocation, suspension or restriction of a license to practice medicine or other disciplinary action; denial of an application for a license; or surrender of a license to practice medicine following the institution of disciplinary action by another state or a territory of the United States or a foreign country if the conduct resulting in the disciplinary or other action involving the license would, if committed in this State, constitute grounds for discipline under the laws or rules of this State;~~;~~

**Sec. 12. 32 MRSA §3282-A, sub-§2, ¶¶N to R** are enacted to read:

N. Engaging in any activity requiring a license under the governing law of the board that is beyond the scope of acts authorized by the license held;

O. Continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license;

P. Noncompliance with an order or consent agreement of the board;

Q. Failure to produce upon request of the board any documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation by the board, unless otherwise prohibited by state or federal law; or

R. Failure to timely respond to a complaint notification sent by the board.

**Sec. 13. 32 MRSA §3286, first ¶,** as amended by PL 1993, c. 600, Pt. A, §219, is further amended to read:

Upon its own motion or upon complaint, the board, in the interests of public health, safety and welfare, shall treat as an emergency a complaint or allegation that an individual licensed under this chapter is or may be unable to practice medicine with reasonable skill and safety to patients by reason of mental illness, alcohol intemperance, excessive use of drugs, narcotics or as a result of a mental or physical condition interfering with the competent practice of medicine. In enforcing this paragraph, the board may compel a physician to submit to a mental or physical examination by ~~physicians designated by it a physician or another person designated by the board~~. Failure of a physician to submit to this examination when directed constitutes an admission of the allegations against the physician, unless the failure was due to circumstances beyond the physician's control, upon which a final order of disciplinary action may be entered without the taking of testimony or presentation of evidence. A physician affected under this paragraph must, at reasonable intervals, be afforded an opportunity to demonstrate that the physician can resume the competent practice of medicine with reasonable skill and safety to patients.

**Sec. 14. 32 MRSA §3286, 2nd ¶,** as amended by PL 1997, c. 271, §11, is further amended to read:

For the purpose of this chapter, by practicing or by making and filing a biennial license to practice medicine in this State, every physician licensed under this chapter who accepts the privilege to practice medicine in this State is deemed to have given consent to a mental or physical examination when directed in

writing by the board and to have waived all objections to the admissibility of the examining physicians' examiner's testimony or examination reports on the grounds that the testimony or reports constitute a privileged communication.

See title page for effective date.

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## **CHAPTER 356**

### **H.P. 542 - L.D. 791**

#### **An Act To Increase Transparency and Improve Equity in Appeals to Superintendents' Agreements**

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

**Sec. 1. 20-A MRSA §5205, sub-§6,** as amended by PL 1991, c. 365, §2, is further amended to read:

**6. Transfer students.** The following provisions apply to transfers of students from one school administrative unit to another.

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner's decision shall be is final and binding.

C. The superintendents shall annually review any transfer under this subsection.

D. For purposes of the state school subsidy, a student transferred under this subsection is considered a resident of the school administrative unit to which transferred. Upon request of the superintendent of schools in the unit in which a student is placed in accordance with this subsection, the state share percentage for subsidized educational costs for that student is equivalent to the state share percentage of the unit in which the student's parent or legal guardian resides or the average state share percentage, whichever is greater. If the parent or legal guardian does not reside in the State or can not be located, the subsidy is the state average subsidy.

E. A school administrative unit may not charge tuition for a transfer approved under this subsection.

A transfer approved under this subsection may be made only to a receiving school administrative unit that operates a public school that includes the grade level of the student whose parent requests the transfer.

See title page for effective date.

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## **CHAPTER 357**

### **H.P. 556 - L.D. 805**

#### **An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located**

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

**Sec. 1. 34-B MRSA §3612** is enacted to read:  
**§3612. Municipal notification**

With regard to residential services for persons committed to the custody of the commissioner pursuant to Title 15, chapter 5, 120 days prior to the opening of a residential facility by the department or to signing a contract with a community agency to provide a community-based residential facility, the department shall provide the specific location and detailed information to the municipality in which the facility is to be located. The department shall review any response or site alternatives provided by municipal officials prior to the opening of the facility or signing of the contract.

See title page for effective date.

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## **CHAPTER 358**

### **H.P. 835 - L.D. 1191**

#### **An Act To Strengthen the Fishing Laws**

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

**Sec. 1. 12 MRSA §6121,** as amended by PL 2011, c. 598, §10, is further amended to read:

#### **§6121. Fishways in existing dams or artificial obstructions**

**1. Commissioner's authority.** In order to conserve, develop or restore anadromous fish resources, the commissioner and the Commissioner of Inland Fisheries and Wildlife may require a fishway to be erected, maintained, repaired or altered by the owners, lessors or other persons in control of any dam or other

artificial obstruction within coastal waters frequented by river herring, shad, salmon, sturgeon or other anadromous fish species.

**2. Examination of dams.** The commissioner and the Commissioner of Inland Fisheries and Wildlife shall annually examine all dams and other artificial obstructions to fish passage within the coastal waters in order to determine whether fishways are necessary, sufficient or suitable for the passage of anadromous fish.

**3. Initiation of fishway proceedings.** The commissioner and the Commissioner of Inland Fisheries and Wildlife shall initiate proceedings to consider construction, repair or alteration of fishways in existing dams or other artificial obstructions whenever he determines the commissioners determine that either of the following conditions may exist:

- A. Fish passage at the dam or obstruction in issue, whether alone or in conjunction with fish passage at other upriver barriers, will improve access to sufficient and suitable habitat anywhere in the watershed to support a substantial commercial or recreational fishery for one or more species of anadromous fish; or
- B. Fish passage at the dam or obstruction in issue is necessary to protect or enhance rare, threatened or endangered fish species.

#### **4. Adjudicatory proceedings.**

A. A fishway proceeding shall be is an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV 4, but a hearing may not be required unless requested in accordance with paragraph B. Notice of the proceeding shall must be given in accordance with Title 5, section 9052, and the following requirements:

- (1) Personal notice shall must be given to the dam owner, lessee or other person in control of the dam or artificial obstruction, informing that person that a proceeding has been undertaken and of his that person's right to request a hearing; and
- (2) Notice to the public, in newspapers of general circulation in the areas affected, notifying the public of the initiation of the proceedings and of the public's opportunity to request a hearing.

B. If any interested person requests a public hearing, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall, within 30 days, either notify the petitioners in writing of his the commissioners' denial stating the reasons; or schedule a public hearing. The commissioner commissioners shall hold a public hearing whenever:

(1) He is The commissioners are petitioned by 50 or more Maine residents; or

(2) The owner, lessee or other person in control of the dam or artificial obstruction requests a public hearing.

C. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall accept testimony from the dam owner, lessee or other person in control of the dam or artificial obstruction on alternate fishway designs to those proposed by the commissioner commissioners for that dam or artificial obstruction.

**5. Decision.** In the event the commissioner decides and the Commissioner of Inland Fisheries and Wildlife decide that a fishway should be constructed, repaired, altered or maintained, his their final orders shall must be issued with specific plans and descriptions of the fishway construction, alteration, repair or maintenance requirements, the conditions of the use of the fishway and the time and manner required for fishway operation. The commissioner commissioners may issue a decision requiring the owners, lessees or other persons in control of the dam or obstruction to construct, repair, alter or maintain a fishway. Such a decision shall must be supported by a finding based on evidence submitted to the commissioner commissioners that either of the following conditions exist:

- A. One or more species of anadromous or migratory fish can be restored in substantial numbers to the watershed by construction, alteration, repair or maintenance of a fishway, and habitat anywhere in the watershed above the dam or obstruction is sufficient and suitable to support a substantial commercial or recreational fishery for one or more species of anadromous or migratory fish; or
- B. The construction, alteration, repair or maintenance of a fishway is necessary to protect or enhance rare, threatened or endangered fish species.

In the event that the commissioner decides commissioners decide that no fishway should be constructed, he the commissioners shall specify in that decision during a period immediately subsequent to that decision during which no fishway may be required to be constructed. That period may not exceed 5 years.

#### **6. Compliance.**

A. The owner, lessee or other person in control of the dam or other artificial obstruction shall be is jointly and severally liable for the costs of fishway design, construction, repair, alteration or maintenance and for full compliance with a decision issued pursuant to subsection 5. If the owner, lessee or other person in control of the dam or other artificial obstruction refuses to comply or does not fully comply with the commissioner's commissioners' decision, the commissioner com-

~~missioners~~ shall initiate a civil action to enjoin the owner, lessee or person in control of the dam to comply fully with the ~~commissioner's commissioners'~~ order or to restrain the violation of an order. In the proceeding, the court shall not review the legality of the ~~commissioner's commissioners'~~ order, except when the owner, lessee or person in control of the dam or artificial obstruction has brought a timely petition for judicial review pursuant to Title 5, chapter 375, subchapter VII.

B. The court may render judgment against and order the sale of the dam or other artificial obstruction, the land on which it stands and a right-of-way to the dam or artificial obstruction in order to secure the costs of fishway construction, repair, alteration or maintenance and costs of the court-ordered sale and the costs incurred by the department for fishway design. The purchaser of the dam or other obstruction ~~shall be is~~ subject to the ~~commissioner's commissioners'~~ decision.

**7. Privileged entry.** The commissioner and the Commissioner of Inland Fisheries and Wildlife, the ~~commissioner's commissioners'~~ agents or subcontractors are privileged to enter upon any private land in order to examine, at least annually, fishways in dams or other artificial obstructions and the examination of dams provided in subsection 2. The ~~commissioner commissioners'~~ shall notify the landowner, lessee or other person in control of the dam when the examination will take place and the time required to complete the examination. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall make every effort to preserve private land and shall restore surrounding lands to the grade and condition existing prior to entry, if economically feasible.

**Sec. 2. 12 MRSA §10902, sub-§8,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §§101 to 103 and affected by §422, is further amended to read:

**8. Mandatory revocation of fishing license.** The commissioner shall suspend a person's fishing license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted or adjudicated of:

A. Introducing fish into ~~inland waters a private pond~~ without a permit in violation of section 12509, subsection 2; and sections 12510, 12511 and 12512;

B. Taking or possessing sport fish in violation of bag, weight and size limits in violation of section 12602, as it relates to trout, salmon, togue and black bass, whenever the violation involves twice the general bag and possession limit adopted by rule by the commissioner for that species of fish;

~~B. 1. Possessing fish in violation of section 12611;~~

C. Importing live bait fish or smelts, in violation of section 12556;

D. Buying or selling freshwater sport fish, in violation of section 12609-A; or

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653.

~~The commissioner shall suspend a person's fishing license for 5 years and may suspend any other license issued under this Part and held by that person if the person is convicted or adjudicated of illegally importing, transporting or possessing live freshwater fish or fish gametes under sections 12509, 12510, 12512 and 12611, except that this mandatory revocation does not apply to offenses involving live bait fish or smelts.~~

**Sec. 3. 12 MRSA §12461, sub-§6,** as enacted by PL 2009, c. 214, §7, is amended to read:

**6. Exceptions.** Notwithstanding the stocking restrictions set forth in subsection 4, the commissioner may:

A. Stock Big Reed Pond in T.8, R.10, W.E.L.S. with native fish species. If sufficient brook trout from Big Reed Pond are not available, brook trout from Reed Brook and its tributaries in T.8, R.10, W.E.L.S. may be used for restocking. If arctic charr from Big Reed Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. If northern redbelly dace need to be restocked in Big Reed Pond, northern redbelly dace from Reed Brook and its tributaries in T.8, R.10, W.E.L.S. may be used for restocking; and

B. Stock Big Wadleigh Pond in T.8, R.15, W.E.L.S. with native fish species. If sufficient brook trout from Big Wadleigh Pond are not available, brook trout from Wadleigh Stream in T.8, R.15, W.E.L.S. and T.7, R.15, W.E.L.S. or Poland Pond in T.7, R.15 W.E.L.S. may be used for restocking. If arctic charr from Big Wadleigh Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. If northern redbelly dace need to be restocked in Big Wadleigh Pond, northern redbelly dace from the nearest source may be used for restocking.

**Sec. 4. 12 MRSA §12462** is enacted to read:

**§12462. Waters containing state heritage fish that have not been stocked since 1988**

**1. Live bait rules.** The commissioner shall adopt rules governing the use of live fish as bait on lakes and ponds that contain state heritage fish as defined under Title 1, section 212-A and that according to reliable records have not been stocked since January 1, 1988. Rules adopted pursuant to this section are major sub-

stantive rules as defined under Title 5, chapter 375, subchapter 2-A.

**2. Live bait allowed.** The use of live fish as bait is allowed on Millimagassett Lake, in T.7, R.8 W.E.L.S.; Millinocket Lake and Little Millinocket Lake, in T.7, R.9 W.E.L.S., T.8, R.9 W.E.L.S. and T.7, R.10 W.E.L.S.; and Webster Lake, in T.6, R.10 W.E.L.S. and T.6, R.11 W.E.L.S.

**Sec. 5. 12 MRSA §12504,** as amended by PL 2005, c. 495, §1, is further amended to read:

#### **§12504. Fishing derby permits**

**1. Permit required.** Except as provided in sections 12504-A and 12505, a person may not conduct a fishing derby or fishing tournament without a valid permit issued under this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

**2. Application.** A person wishing to conduct a fishing derby or fishing tournament shall first make application for and obtain a permit from the commissioner. A bass tournament sponsored by a bass club in waters free of ice falls under the provisions of section 12505. A completed application for a permit must include the proposed rules, targeted fish species, requested dates, places, times and prize structure for the derby or tournament.

**2-A. Conditions; restrictions.** The commissioner may place conditions and restrictions on a derby permit.

A. The commissioner may revoke a derby permit issued to or refuse to issue a permit to a club or group that violates a condition or restriction placed on a derby permit or disallow the participation of an individual who violates a condition or restriction placed on a derby permit.

B. A derby permit does not allow a participant to keep fish alive for entry into the derby. A fish caught as part of the derby, if it is to be retained solely for derby purposes, must be killed at once and becomes part of the participant's daily bag limit.

**3. Rules.** The commissioner shall adopt all necessary rules relative to permits to ensure that derbies and tournaments are conducted only at such times and places and in such a manner as are consistent with the fisheries management objectives of the department. Such rules must include:

A. Specifying the number of derbies or tournaments that may be conducted in a given body of water and the dates within which they may be conducted. These rules must be reviewed periodically; and

B. Fixing the maximum total value of prizes that may be awarded at each derby or tournament, except that for a derby held on Sebago Lake in Cumberland County and in conjunction with the department's fisheries management objectives, the maximum total value of prizes may not exceed \$100,000.

**3-A. Violation of rules, conditions or restrictions; penalty.** Except as provided in section 12602, the following penalties apply to violations of rules, conditions or restrictions adopted under this section.

A. A person who violates a rule adopted under subsection 3 or a condition or restriction placed on a derby permit under subsection 2-A commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates a rule adopted under subsection 3 or a condition or restriction placed on a derby permit under subsection 2-A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**4. Issuance.** The commissioner, following a determination that an applicant has complied with all rules adopted pursuant to this section, may issue a permit to the applicant authorizing the conduct of the derby or tournament. Applicants who have conducted derbies or tournaments in the requested body of water in the past that have conformed with all rules, conditions and restrictions must be given preference in the issuance of permits.

**5. Fee.** The fee for a permit to conduct a fishing derby or fishing tournament is \$24.

**Sec. 6. 12 MRSA §12505, sub-§2-A** is enacted to read:

**2-A. Conditions; restrictions.** The commissioner may place conditions and restrictions on a bass tournament permit.

A. The commissioner may revoke a bass tournament permit issued to or refuse to issue a permit to a bass club that violates a condition or restriction placed on a bass tournament permit or disallow the participation of an individual who violates a condition or restriction placed on a bass tournament permit.

**Sec. 7. 12 MRSA §12505, sub-§6,** as enacted by PL 2003, c. 655, Pt. B, §252 and affected by §422, is amended to read:

**6. Violation of rules, conditions or restrictions; penalty.** Except as provided in section 12602, the following penalties apply to violations of rules adopted under subsection 5 and violations of conditions or restrictions placed on a bass tournament permit pursuant to subsection 2-A.

A. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-A commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates a rule adopted under subsection 5 or a condition or restriction placed on a bass tournament permit pursuant to subsection 2-A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 8. Report from the Department of Inland Fisheries and Wildlife.** The Commissioner of Inland Fisheries and Wildlife shall review the lakes and ponds that contain eastern brook trout, *Salvelinus fontinalis*, and that according to reliable records have not been stocked since January 1, 1988, referred to in this section as "B List waters," and report the findings to the Joint Standing Committee on Inland Fisheries and Wildlife no later than January 15, 2014. The report must include:

1. A complete list of up-to-date B List waters with justification as to the qualifications for each water listed; and

2. A management plan for the B List waters that is in accordance with the intent of the department's mandate in the Maine Revised Statutes, Title 12, section 10051 to preserve, protect and enhance the inland fisheries and wildlife resources of the State, to encourage the wise use of these resources, to ensure coordinated planning for the future use and preservation of these resources and to provide for effective management of these resources.

The Joint Standing Committee on Inland Fisheries and Wildlife shall review the commissioner's report and, if necessary, establish guidelines for qualifications for B List waters and the management of B List waters. The committee is authorized to submit legislation related to its findings to the Second Regular Session of the 126th Legislature.

See title page for effective date.

## CHAPTER 359

### H.P. 427 - L.D. 608

#### An Act To Assist Small Distilleries That Also Have Off-premises Retail Licenses

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

**Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶G** is enacted to read:

G. Notwithstanding paragraph D, a holder of a small distillery license that produces less than 25,000 gallons of spirits annually and is licensed under paragraph B, subparagraph (3) to operate a retail location for off-premises consumption may pay the alcohol bureau the difference between the distillery's price charged to the alcohol bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off-premises location. The alcohol bureau shall establish a procedure to allow a distillery to purchase spirits produced by the distillery for sale at a retail location as described in this paragraph.

See title page for effective date.

## CHAPTER 360

### H.P. 1090 - L.D. 1517

#### An Act To Amend the Laws Governing Decision-making Authority Regarding Energy Infrastructure Corridors

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

**Sec. 1. 35-A MRSA §122, sub-§1-B, ¶A,** as amended by PL 2011, c. 655, Pt. MM, §14 and affected by §26, is further amended to read:

A. The panel includes the following members:

(1) The Director of the Governor's Energy Office within the Executive Department or the director's designee;

(2) The Commissioner of Administrative and Financial Services or the commissioner's designee;

(3) The commissioner of each department or the director of any other state agency or authority that owns or controls land or assets within the statutory corridor under consideration or that commissioner's or director's designee; and

(4) Four members of the public appointed by the Governor in accordance with this subparagraph, subject to review by the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and to confirmation by the Senate:

(a) One member with expertise in energy and utilities selected from candi-

dates nominated by the President of the Senate;

(b) One member with expertise in real estate or finance selected from candidates nominated by the President of the Senate;

(c) One member representing industrial or commercial energy consumers selected from candidates nominated by the Speaker of the House; and

(d) One member representing residential energy consumers selected from candidates nominated by the Speaker of the House.

Public members serve 3-year terms, except that a vacancy must be filled for the unexpired portion of the term. A public member serves until a successor is appointed. A public member may serve a maximum of 2 consecutive terms. Compensation of public members is as provided in Title 5, section 12004-G, subsection 30-D:

(5) The Public Advocate; and

(6) The Director of the Governor's Office of Policy and Management within the Executive Department or the director's designee.

**Sec. 2. 35-A MRSA §122, sub-§1-B, ¶D,** as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

D. The panel shall evaluate and render a decision on an energy infrastructure proposal for use of a statutory corridor in accordance with subsection 1-D. The decision must be approved by the Governor prior to the entry by the State into a binding contract for use of a statutory corridor pursuant to this section.

**Sec. 3. 35-A MRSA §122, sub-§1-B, ¶F,** as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

F. The panel shall contract for the services of a professional appraiser or appraisers to assist the panel in its duties under this subsection. The professional appraiser contracted under this paragraph must:

(1) Have demonstrated experience in the valuation and evaluation of utility corridors or transportation corridors;

(2) Hold a professional designation from a nationally recognized organization of appraisers; and

(3) Be licensed by this State as a certified general real property appraiser in accordance

with Title 32, section 14035 or hold a comparable license from another state.

The cost of the services of a professional appraiser who provides services in accordance with this paragraph must be paid by potential developers submitting proposals for use of the corridor under this subsection in proportion to the amount of time spent by the appraiser on each potential developer's proposal. Payments for appraisal costs collected from potential developers may be expended for the costs of appraisal services and to pay member expenses as authorized under Title 5, section 12004-G, subsection 30-D.

**Sec. 4. 35-A MRSA §122, sub-§1-D,** as enacted by PL 2009, c. 655, Pt. A, §2, is amended to read:

**1-D. Energy infrastructure proposal; decision criteria.** The deciding authority shall evaluate and render a decision on an energy infrastructure proposal in accordance with this subsection. For the purposes of this subsection, "deciding authority" means the Interagency Review Panel acting under subsection 1-B, paragraph D and subject to the approval of the Governor, or the Public Utilities Commission acting under subsection 5-A or section 3132, subsection 6-A.

A. The deciding authority may approve an energy infrastructure proposal only if the deciding authority finds that the proposal:

(1) Materially enhances or does not harm transmission opportunities for energy generation within the State;

(2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the value of those rates, prices or costs but for the proposed energy infrastructure development or, if the deciding authority is unable to determine to its satisfaction the impact of the proposal on rates, prices or costs, the owner or operator of the proposed energy infrastructure agrees to pay annually an amount of money, determined by the deciding authority, to reduce rates, prices or costs over the life of the proposed energy infrastructure; and

(3) Is in the long-term public interest of the State, based on a determination made in accordance with paragraph B.

B. The deciding authority shall determine whether an energy infrastructure proposal is in the long-term public interest of the State. In making that determination, the deciding authority shall, at a minimum, consider the extent to which the proposal:

- (1) Materially enhances or does not harm transmission opportunities for energy generation within the State;
- (2) Is reasonably likely to reduce electric rates or other relevant energy prices or costs for residents and businesses within the State relative to the expected value of those electric rates or other energy prices or costs but for the proposed energy infrastructure development;
- (3) Increases long-term economic benefits for the State, including but not limited to direct financial benefits, employment opportunities and economic development;
- (4) Ensures efficient use of the statutory corridor through collocation of energy infrastructure, collaboration between energy infrastructure developers and the preservation of options for future uses;
- (5) Minimizes conflict with the public purposes for which the state-owned land or asset is owned and any management plans for the land or asset within the statutory corridor and, when necessary, mitigates unavoidable impacts;
- (6) Limits and mitigates the effects of energy infrastructure on the landscape, including but not limited to using underground installation when economically and technically feasible;
- (7) Increases the energy reliability, security and independence of the State; and
- (8) Reduces the release of greenhouse gases.

**Sec. 5. 35-A MRSA §122, sub-§10,** as amended by PL 2009, c. 655, Pt. A, §2, is further amended to read:

**10. Repeal.** This section is repealed July 30, 2015 2017.

See title page for effective date.

## CHAPTER 361 H.P. 755 - L.D. 1062

### An Act To Add Conditions That Qualify for Medical Marijuana Use

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

**Sec. 1. 22 MRSA §2422, sub-§2,** as amended by PL 2011, c. 407, Pt. B, §2, is further amended to read:

**2. Debilitating medical condition.** "Debilitating medical condition" means:

- A. Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, ~~Crohn's disease~~, agitation of Alzheimer's disease, nail-patella syndrome or the treatment of these conditions;
- B. A chronic or debilitating disease or medical condition or its treatment that produces intractable pain, which is pain that has not responded to ordinary medical or surgical measures for more than 6 months;
- C. A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe nausea; or seizures, including but not limited to those characteristic of epilepsy; ~~or~~ severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis; ~~or~~
- D. Any other medical condition or its treatment as provided for in section 2424, subsection 2~~-~~ or
- E. Post-traumatic stress disorder, inflammatory bowel disease, dyskinetic and spastic movement disorders and other diseases causing severe and persistent muscle spasms.

See title page for effective date.

## CHAPTER 362 H.P. 646 - L.D. 922

### An Act Regarding the Requirement That an Address Be Provided in Disclaimers on Political Radio Advertisements

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

**Sec. 1. 21-A MRSA §1014, sub-§1,** as amended by PL 2011, c. 389, §10, is further amended to read:

**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, cable television systems, 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, except that if the communication is broadcast by radio, only the city and state of the address must be stated. The following forms of political communication do not require the name and address of the person who made or authorized the expenditure for the communication because the name or address would be so small as to be illegible or infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fundraisers, electronic media advertisements where compliance with this section would be impracticable due to size or character limitations 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 is financed by a candidate or the candidate's committee and 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 or to include a statement that the communication has been authorized by the candidate, the candidate's authorized committee or their agents.

**Sec. 2. 21-A MRSA §1014, sub-§2,** as amended by PL 2011, c. 360, §1, is further amended to read:

**2. Not authorized by candidate.** If the communication described in subsection 1 is not authorized by a candidate, a candidate's authorized political committee or their agents, the communication must clearly and conspicuously state that the communication is not authorized by any candidate and state the name and address of the person who made or financed the expenditure for the communication, except that a communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. If the communication is in written form, the communication must contain at the bottom of the communication in print that is no smaller in size than 12-point bold print, Times New Roman font, the words "NOT PAID FOR OR AUTHORIZED BY ANY CANDIDATE."

**Sec. 3. 21-A MRSA §1014, sub-§2-A,** as amended by PL 2007, c. 443, Pt. A, §9, is further amended to read:

**2-A. Other communications.** Whenever a person makes an expenditure to finance a communication

that names or depicts a clearly identified candidate and that is disseminated during the 21 days before a primary election or 35 days before a general election through the media described in subsection 1, the communication must state the name and address of the person who made or financed the communication and a statement that the communication was or was not authorized by the candidate, except that a communication broadcast by radio is only required to state the city and state of the address of the person that financed the communication. The disclosure is not required if the communication was not made for the purpose of influencing the candidate's nomination for election or election.

See title page for effective date.

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