LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

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

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

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

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

Augusta, Maine
2014

TABLE OF CONTENTS

VOLUME 3

Contents III
Preface V
Legislative Statistics VI

FIRST SPECIAL SESSION

Public Laws of 2013 Passed at the First Special Session,
Chapters 429-434 1223

SECOND REGULAR SESSION

Public Laws of 2013 Passed at the Second Regular Session,
Chapters 435-608 1237
Private and Special Laws of 2013 Passed at the Second Regular Session,
Chapters 19-30 1585
Resolves of 2013 Passed at the Second Regular Session,
Chapters 79-115 1595
Constitutional Resolutions of 2013 Passed at the Second Regular Session,
None 1629

OTHER MATTERS

Joint Study Orders of 2013 Passed at the Second Regular Session 1631
Revisor's Report 2013,
Chapter 1 1633
Selected Memorials and Joint Resolutions 1643
State of the State Address by Governor Paul R. LePage,
February 4, 2014 1645
State of the Judiciary Address by Chief Justice Leigh Ingalls Saufley,
February 25, 2014 1651
Cross-reference Tables 1657
Subject Index 1671

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.

Volume 3 contains the public laws, private and special laws and resolves enacted at the First Special Session and the Second Regular Session of the 126th Legislature, followed by the 2013 Revisor's Report, chapter 1 and a selection of significant addresses, joint resolutions and memorials.

Volumes 1 and 2 were published at the conclusion of the First Regular Session of the 126th Legislature and contain legislation enacted during that session.

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 this volume.

4. Session cross-reference tables are also provided at the end of this volume 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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://www.mainelegislature.org/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
August 2014

LEGISLATIVE STATISTICS

FIRST SPECIAL SESSION
126th Legislature

Convened	August 29, 2013
Adjourned	August 29, 2013
Days in Session	
Senate	1
House of Representatives	1
Legislative Documents	6
Public Laws	6
Private and Special Laws	0
Resolves	0
Constitutional Resolutions	0
Competing Measure Resolutions	0
Initiated Bills	0
Vetoes	0
Overridden	0
Sustained	0
Emergency Enactments	1
Effective Date for Emergency Law	September 6, 2013

LEGISLATIVE STATISTICS

SECOND REGULAR SESSION
126th Legislature

Convened	January 8, 2014
Adjourned	May 2, 2014
Days in Session	
Senate	46
House of Representatives	46
Legislative Documents	511
Public Laws	174
Private and Special Laws	12
Resolves	37
Constitutional Resolutions	0
Competing Measure Resolutions	0
Initiated Bills	0
Vetoes	74
Overridden	23
Sustained	51
Emergency Enactments	68
Effective Date	August 1, 2014 (unless otherwise indicated)

(Note: 213 bills were carried over to the Second Regular Session of the 126th Legislature.)

CHAPTER 429

S.P. 377 - L.D. 1095

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $100,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

TRANSPORTATION, DEPARTMENT OF

Provides funds to construct, reconstruct or rehabilitate Priority 1, Priority 2 and Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73, subsection 7 and for associated improvements.

Total $44,000,000

Provides funds for municipal partnership initiatives and the Secondary Road Program Fund established in the Maine Revised Statutes, Title 23, section 1803-C.

Total $5,000,000

Provides funds to replace and rehabilitate bridges.

Total $27,000,000

Provides funds for facilities or equipment related to ports, harbors, marine transportation, aviation, freight and passenger railroads and transit that preserve public safety or otherwise have demonstrated high economic value for transportation, including property acquisition and capital improvements at the International Marine Terminal.

Total $24,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend

the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a $100,000,000 bond issue for reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation and transit, to be used to match an estimated $154,000,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 430

H.P. 533 - L.D. 782

An Act To Authorize a General Fund Bond Issue To Support Science, Technology, Engineering, Mathematics and Nursing Education To Enhance Economic Development

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $15,500,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

UNIVERSITY OF MAINE SYSTEM

Provides funds for the construction and renovation of necessary capital infrastructure improvements and for equipment to support the critical disciplines of science, technology, engineering and mathematics on the Orono campus.

Total	$5,500,000

Provides funds to renovate and upgrade science and nursing laboratories on the Augusta and Bangor campuses.

Total	$1,200,000

Provides funds to renovate the science facilities in Preble Hall and Ricker Hall on the Farmington campus.

Total $1,200,000

Provides funds to renovate and expand the nursing laboratory and to support geographic information system technology applications in forestry on the Fort Kent campus.

Total $1,200,000

Provides funds to renovate and improve Powers Hall and to upgrade the laboratory in the science building on the Machias campus.

Total $1,200,000

Provides funds to renovate and upgrade the facilities, equipment and furnishings for the science, technology, engineering and mathematics facilities on the Presque Isle campus.

Total $1,200,000

Provides funds to renovate laboratories on the University of Southern Maine campuses.

Total $4,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $15,500,000 bond issue to enhance educational and employment opportunities for Maine citizens and students by updating and improving existing laboratory and classroom facilities of the University of Maine System statewide?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 431
S.P. 226 - L.D. 636

An Act To Authorize a General Fund Bond Issue To Invest in the Maine Community College System

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $15,500,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate

the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

MAINE COMMUNITY COLLEGE SYSTEM

Provides funds to construct a building to house science laboratories, classrooms and associated offices for the purpose of expanding and adding associate degree programs at Central Maine Community College.

Total $2,350,000

Provides funds to construct an addition to Maine Hall and to expand academic classroom and laboratory space including health sciences classrooms and laboratories and a criminal justice simulation laboratory at Eastern Maine Community College.

Total $2,450,000

Provides funds to renovate laboratory space allowing the expansion of the precision machining program; to provide classroom space and associated offices to expand the electrical lineworker program; to renovate to accommodate the addition of a culinary arts program and the relocation of the early childhood program; to remove hazardous materials, restore entrances and exterior doors and improve environmental systems; and to purchase classroom equipment at Kennebec Valley Community College.

Total $2,000,000

Provides funds to renovate Aroostook Hall to expand allied health programs; to add classrooms, laboratories and associated offices; to construct a new maintenance facility; and to purchase classroom equipment at Northern Maine Community College.

Total $900,000

Provides funds to renovate and upgrade buildings to allow for relocation and expansion of programs and to purchase classroom equipment to increase the enrollment capacity of the integrated manufacturing program on the Brunswick campus of Southern Maine Community College.

Total $3,400,000

Provides funds to renovate and increase the energy efficiency of the Harold Howland Building; to upgrade and improve existing systems and equipment and convert space for use by heavy equipment programs; and to purchase classroom equipment at Washington County Community College.

Total $1,000,000

Provides funds to construct a building to include classrooms, computer laboratories and associated offices and to purchase classroom equipment for the newly implemented precision machining program at York County Community College.

Total $3,400,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $15,500,000 bond issue to upgrade buildings, classrooms and laboratories on the 7 campuses of the Maine Community College System in order to increase capacity to serve more students through expanded programs in health care, precision machining, information

technology, criminal justice and other key programs?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 432

S.P. 81 - L.D. 245

An Act To Authorize a General Fund Bond Issue for Maintenance and Improvement of State Armories and the Purchase of Land for Maine Army National Guard Training

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $14,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Provides funds for the State's share of maintenance, repair, capital improvement, modernization and energy efficiency projects for Maine Army National Guard readiness centers and support facilities.

Total	$11,000,000

Provides funds for the purchase of up to 6,000 acres of land to be used by the Maine Army National Guard for training purposes and for facilities related to training purposes to allow the Maine Army National Guard to transition from a strategic reserve to an operational force.

Total	$3,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of

ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $14,000,000 bond issue to provide funds for the State's share of maintenance, repair, capital improvement, modernization and energy efficiency projects for Maine Army National Guard readiness centers and support facilities and the purchase of land for training and to draw down federal matching funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 433

H.P. 182 - L.D. 221

An Act To Authorize a General Fund Bond Issue To Provide Funds for a Public-private Partnership for a New Science Facility at the Maine Maritime Academy

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $4,500,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

MAINE MARITIME ACADEMY

Maine Maritime Academy

Provides funds for a public-private partnership for a building project for a new science facility to be matched by other funds.

Total $4,500,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective

unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a $4,500,000 bond issue to provide funds for a public-private partnership for a building project for a new science facility at the Maine Maritime Academy to be matched by other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 434

H.P. 1087 - L.D. 1515

An Act To Increase the Availability of Mental Health Services

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 authorizes the Commissioner of Corrections to transfer an adult jail inmate to a correctional facility for the purpose of providing the inmate with mental health services, and to accept placement of certain adult defendants in a mental health unit of a correctional facility; and

Whereas, it is critically important to implement this authority as soon as possible in order to increase the availability of mental health services; 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. 15 MRSA §101-D, sub-§5, as amended by PL 2013, c. 265, §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 for ~~appropriate~~ placement in an appropriate program for observation, care and treatment of people with mental illness or persons with intellectual disabilities or autism. An appropriate program may be in 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, an intensive outpatient treatment program or any ~~living situation~~ program 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 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 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 for ~~appropriate~~ placement in an appropriate program for observation, care and treatment of people with mental illness or persons with intellectual disabilities or autism. An appropriate program may be in 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, an intensive outpatient treatment program or any ~~living situation~~ program 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 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 an intensive outpatient treatment program or ~~a living situation~~ any program 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. 2. 34-A MRSA §1001, sub-§11-B is enacted to read:

11-B. Likelihood of serious harm. "Likelihood of serious harm" means a:

A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm;

B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or

C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury.

This subsection is repealed August 1, 2017.

Sec. 3. 34-A MRSA §1001, sub-§12-A is enacted to read:

12-A. Person with mental illness. "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness for purposes of this subsection. This subsection is repealed August 1, 2017.

Sec. 4. 34-A MRSA §3049 is enacted to read:

§3049. Involuntary medication of person with mental illness

1. Grounds for involuntary medication. A person with mental illness residing in a mental health unit of a correctional facility that provides intensive mental health care and treatment may be given medication for the mental illness without the consent of the person if, upon application by the chief administrative officer of the facility, the Superior Court of the county in which the correctional facility is located finds by clear and convincing evidence that:

A. The person is a person with mental illness;

B. As a result of the mental illness, the person poses a likelihood of serious harm;

C. The medication has been recommended by the facility's treating psychiatrist as treatment for the person's mental illness;

D. The recommendation for the medication has been supported by a professional who is qualified to prescribe the medication and who does not provide direct care to the person;

E. The person lacks the capacity to make an informed decision regarding medication;

F. The person is unable or unwilling to consent to the recommended medication;

G. The need for the recommended medication outweighs the risks and side effects; and

H. The recommended medication is the least intrusive appropriate treatment option.

For purposes of this subsection, "intensive mental health care and treatment" means daily on-site psychiatric treatment services, daily on-site group and individual mental health treatment and other therapeutic programs and 24-hour on-call psychiatric coverage and includes, as authorized in accordance with this section, the ability to order and administer involuntary medication for treatment purposes.

2. Rights prior to involuntary medication. Except as provided in this section, a person who is the subject of an application for an order permitting involuntary medication pursuant to this section must be provided, before being medicated, a court hearing at which the person has the following rights.

A. The person is entitled, at least 7 days before the hearing, to written notice of the hearing and a copy of the application for an order permitting involuntary medication, including the specific factual basis for each of the grounds set out in subsection 1.

B. The person is entitled to be present at the hearing.

C. The person is entitled to be represented by counsel.

D. The person is entitled to present evidence, including by calling one or more witnesses.

E. The person is entitled to cross-examine any witness who testifies at the hearing.

F. The person is entitled to appeal to the Supreme Judicial Court any order by the Superior Court permitting involuntary medication.

3. Court hearing. Except as provided in this section, the following applies to the court hearing.

A. The Superior Court may, in its discretion, grant a continuation of the hearing for up to 10 days for good cause shown.

B. The Maine Rules of Evidence apply.

C. The Supreme Judicial Court may adopt such rules of court procedure as it determines appropriate.

D. If the person is indigent, costs of counsel and all other costs, including all costs on appeal, must be provided by the Maine Commission on Indigent Legal Services as in other civil cases.

E. The Superior Court may, in its discretion, subpoena any witness and, if the person is indigent, the witness fees must be provided by the Department of Health and Human Services.

F. The hearing must be electronically recorded and, if an appeal is brought and the person is indigent, the transcript fee must be provided by the Department of Health and Human Services.

G. The order and the application for the order, the hearing, the record of the hearing and all notes, exhibits and other evidence are confidential.

4. Ex parte order. When there exists an imminent likelihood of serious harm, the Superior Court may enter an ex parte order permitting involuntary medication. An application for the ex parte order must include all the information otherwise required under this section, as well as the specific factual basis for the belief that the likelihood of serious harm is imminent. The ex parte order and the application for the ex parte order, the proceeding, any record of the proceeding and all notes, exhibits and other evidence are confidential. If the court enters an ex parte order permitting involuntary medication, a hearing conforming with the requirements of subsections 2 and 3 must be held within 10 days.

5. Court order. If the Superior Court finds by clear and convincing evidence that each of the grounds set out in subsection 1 has been met, the court may grant the application for involuntary medication, as requested or as may be modified based upon the evidence, and may authorize the correctional facility's chief administrative officer to permit qualified health care staff to order and administer medication for treatment of the mental illness, as well as laboratory testing and medication for the monitoring and management of side effects.

6. Periodic review. Involuntary medication of a person under this section may continue only with periodic reviews consisting of subsequent hearings conforming with the requirements of subsections 2 and 3 to take place at least once every 120 days.

7. Medication by consent. This section does not preclude giving medication for a mental illness when either the person to receive the medication or the person's legal guardian, if any, consents to the medication.

8. Repeal. This section is repealed August 1, 2017.

Sec. 5. 34-A MRSA §3069-A is enacted to read:

§3069-A. Transfer of jail inmates for mental health services

1. Eligible inmates. The commissioner may transfer from a jail to a correctional facility an adult inmate who the chief administrative officer of the Riverview Psychiatric Center confirms is eligible for admission to a state mental health institute under Title 34-B, section 3863, but for whom no suitable bed is available, for the purpose of providing to the inmate mental health services in a mental health unit of a correctional facility that provides intensive mental health care and treatment. The commissioner may not transfer pursuant to this section a person who has been found not criminally responsible by reason of insanity. The commissioner may return an inmate transferred pursuant to this subsection back to the sending facility.

For purposes of this subsection, "intensive mental health care and treatment" has the same meaning as in section 3049, subsection 1.

2. Evaluation. The commissioner may transfer from a jail to a correctional facility an adult inmate whom the court orders to be examined or further evaluated by the State Forensic Service under Title 15, section 101-D, subsection 1, 2, 3 or 9 if the State Forensic Service determines that the jail where the inmate is incarcerated cannot provide an appropriate setting for the examination but that a mental health unit in a correctional facility can provide an appropriate setting for the examination. The commissioner shall return an inmate transferred pursuant to this subsection back to the sending facility upon the completion of the examination ordered, including any further evaluation ordered, unless the commissioner transferred the inmate for another reason in addition to the examination.

3. Disclosure of information. With respect to an adult inmate who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to a transfer of the inmate under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

4. Application of other laws. All other applicable provisions of law governing inmates, whether detained pending a trial or other court proceeding or sentenced, apply to inmates transferred under this section.

5. Discretion. Nothing in this section or in any other provision of law requires the commissioner to transfer an adult inmate from a jail to a correctional facility or precludes the commissioner from transferring an adult inmate from a jail to a correctional facility at any time for any other reason at the commissioner's discretion.

6. Repeal. This section is repealed August 1, 2017.

Sec. 6. 34-A MRSA §3069-B is enacted to read:

§3069-B. Placement of defendants for observation

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant in a mental health unit of a correctional facility that provides intensive mental health care and treatment for observation whom a court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 4 if, in addition to the findings required under Title 15, section 101-D, subsection 4, the court, after hearing, finds by clear and convincing evidence that:

A. The defendant is a person with mental illness and, as a result of the defendant's mental illness, the defendant poses a likelihood of serious harm to others;

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility.

The commissioner may not accept the placement of a person who has been found not criminally responsible by reason of insanity.

For purposes of this subsection, "intensive mental health care and treatment" has the same meaning as in section 3049, subsection 1.

2. Termination of placement. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason.

3. Disclosure of information. With respect to an adult defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

4. Application of other laws. All other applicable provisions of law governing defendants committed for observation apply to defendants accepted for placement under this section.

5. Discretion. Nothing in this section or in any other provision of law requires the commissioner to accept the placement of a defendant who is committed for observation.

6. Repeal. This section is repealed August 1, 2017.

Sec. 7. 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 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; or the provision of mental health services by the Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B. This paragraph is repealed August 1, 2017;

Sec. 8. 34-B MRSA §1207, sub-§1, ¶B-3 is enacted to read:

B-3. 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 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. This paragraph takes effect August 1, 2017;

Sec. 9. Report of Department of Health and Human Services and Department of Corrections. By January 15, 2015, the Department of Health and Human Services shall, in collaboration with the Department of Corrections, submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the operations of a mental health unit within a correctional facility. The report must include the following information regarding the mental health unit: the average daily population of the unit, the average daily staffing patterns, the average length of stay in the unit, a description of services provided and the number of persons placed in the unit pursuant to the Maine Revised Statutes, Title 34-A, sections 3069-A and 3069-B. The report must also include any recommendations for reallocation of resources or the redesign of services of the mental health unit, the forensic services provided at Riverview Psychiatric Center and the transfer provisions of Title 34-A, sections 3069-A and 3069-B.

Sec. 10. Report of the Department of Corrections. By January 15, 2015, the Department of Corrections shall submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of applications submitted and orders granted pursuant to the Maine Revised Statutes, Title 34-A, section 3049.

Sec. 11. Report of the Department of Health and Human Services. The Department of Health and Human Services shall prepare a plan regarding how to fully assess for brain injury or suspected brain injury persons who enter into the custody of the department under the Maine Revised Statutes, Title 15, section 101-D or section 103. The plan must include how the department will meet the needs of

persons who have traumatic or acquired brain injuries. By January 15, 2015, the department shall report on its plan to the joint standing committee of the Legislature having jurisdiction over criminal justice matters.

Sec. 12. Forensic Mental Health Services Oversight Committee.

1. Establishment. The Forensic Mental Health Services Oversight Committee, referred to in this section as "the committee," is established to oversee the provision of mental health services to persons receiving services as forensic patients in correctional facilities in the State.

2. Appointment; chairs; convening; meetings. The committee consists of 9 members, including 5 members from the political party holding the most seats in the Legislature and 4 members from the political party holding the 2nd most seats in the Legislature. The President of the Senate shall appoint 4 members of the Senate. The first named member of the Senate serves as Senate chair. The Speaker of the House of Representatives shall appoint 5 members of the House of Representatives. The first named member of the House of Representatives serves as House chair. All appointments must be made no later than 30 days following the effective date of this section. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chairs shall call the first meeting of the committee. If 30 days or more after the effective date of this section a majority but not all of the appointments have been made, the chairs may request authority for the committee to meet and conduct its business and the Legislative Council may grant that authority. The committee is authorized to meet up to 4 times.

3. Duties. The committee shall oversee expansion of the Mental Health Unit at the Maine State Prison, as provided in this Act. The committee shall review and consider for the purpose of making recommendations the following:

A. Any memorandum of understanding executed between the Department of Corrections and the Department of Health and Human Services for the purposes of implementation;

B. The addition of new staff and training of staff at the Maine State Prison;

C. Decision-making authority related to admissions, release and transfer to and from the Mental Health Unit;

D. Eligibility standards;

E. Due process safeguards for placement and treatment decisions; and

F. Impact on resources and population of Riverview Psychiatric Center and county jails.

4. Cooperation. The Department of Corrections, the State Board of Corrections, the Department of Health and Human Services, the judicial branch and the Office of the Attorney General shall provide to the committee all assistance and information necessary to its oversight duties.

5. Compensation. Members of the committee are entitled to receive compensation at the legislative per diem rate and reimbursement of necessary expenses for attendance at authorized meetings of the committee.

6. Report. Notwithstanding Joint Rule 353, the committee shall submit its recommendations, including any proposed legislation, by January 15, 2014 for introduction to the Second Regular Session of the 126th Legislature for legislative action.

7. Staff assistance. The Legislative Council shall provide staffing services to the committee.

Sec. 13. Addressing concerns of federal Department of Health and Human Services. The Department of Health and Human Services shall report at each meeting of the Joint Standing Committee on Health and Human Services held from September 2013 to December 2013 and any time the committee requests to the Joint Standing Committee on Health and Human Services regarding the issues raised in the report issued by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services in 2013, including:

1. Lower Saco Unit. The plan to recertify the Lower Saco Unit at the Riverview Psychiatric Center; and

2. Model. The plan to implement a recovery and rehabilitation model at the Riverview Psychiatric Center.

The report must address the hiring and training of staff and any other necessary structural changes that must be implemented in order to correct the issues raised in the 2013 report.

The Department of Health and Human Services shall provide a report on the issues outlined in this section to the Joint Standing Committee on Appropriations and Financial Affairs prior to December 1, 2013.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Correctional Medical Services Fund 0286

Initiative: Provides funds for contracted clinical staff to staff a mental health unit at the Maine State Prison effective February 15, 2014.

GENERAL FUND	2013-14	2014-15
All Other	$1,381,771	$0
GENERAL FUND TOTAL	$1,381,771	$0

CORRECTIONS, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$1,381,771	$0
DEPARTMENT TOTAL - ALL FUNDS	$1,381,771	$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Departmentwide 0640

Initiative: Reduces funding from salary savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Act that applies to each General Fund account in the Department of Health and Human Services and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2013-14.

GENERAL FUND	2013-14	2014-15
Personal Services	($1,382,521)	$0
GENERAL FUND TOTAL	($1,382,521)	$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	($1,382,521)	$0
DEPARTMENT TOTAL - ALL FUNDS	($1,382,521)	$0

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funds for indigent legal services.

GENERAL FUND	2013-14	2014-15
All Other	$750	$0
GENERAL FUND TOTAL	$750	$0

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$750	$0
DEPARTMENT TOTAL - ALL FUNDS	$750	$0

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	$0	$0
SECTION TOTAL - ALL FUNDS	$0	$0

Sec. 15. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 15, section 101-D, subsection 5 takes effect October 9, 2013.

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

Effective September 6, 2013, unless otherwise indicated.

CHAPTER 435

H.P. 252 - L.D. 377

An Act To Provide Funding to Soil and Water Conservation Districts

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Division of Agricultural Resource Development 0833

Initiative: Provides ongoing funding for soil and water conservation districts.

GENERAL FUND	2013-14	2014-15
All Other	$50,000	$50,000
GENERAL FUND TOTAL	$50,000	$50,000

See title page for effective date.

CHAPTER 436

H.P. 490 - L.D. 718

An Act To Protect Maine Food Consumers' Right To Know about Genetically Engineered Food

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

Sec. 1. 22 MRSA c. 565 is enacted to read:

CHAPTER 565

GENETICALLY ENGINEERED PRODUCTS

§2591. Purpose

It is the purpose of this chapter to:

1. Public health and food safety. Promote food safety and protect public health by enabling consumers to avoid the potential risks associated with genetically engineered foods and serve as a risk management tool enabling consumers, physicians and scientists to identify unintended health effects resulting from the consumption of genetically engineered foods;

2. Environmental impacts. Assist consumers who are concerned about the potential effects of genetic engineering on the environment to make informed purchasing decisions;

3. Consumer confusion and inadvertent deception. Reduce and prevent consumer confusion and inadvertent deception and promote the disclosure of factual information on food labels to allow consumers to make informed decisions;

4. Promote economic development. Create additional market opportunities for those producers who are not certified organic producers and whose products are not produced using genetic engineering and enable consumers to make informed purchasing decisions; and

5. Protect religious and cultural practices. Ensure consumers are provided with data from which they may make informed decisions for personal, religious, moral, cultural or ethical reasons.

§2592. Definitions

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

1. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry.

2. Food. "Food" means food intended for human consumption.

3. Genetically engineered. "Genetically engineered" has the same meaning as under Title 7, section 1051, subsection 2.

4. Medical food. "Medical food" means food prescribed by a physician for treatment of a medical condition.

§2593. Disclosure requirements for genetically engineered food

1. Disclosure. Beginning 18 months after the effective date of this section, any food offered for retail sale that is genetically engineered must be accompanied by a conspicuous disclosure that states "Produced with Genetic Engineering." The statement must be located on the package for all packaged food or, in the

case of unpackaged food, on a card or label on the store shelf or bin in which the food is displayed.

2. Use of term "natural." A food that is subject to disclosure under subsection 1 may not be described on the label or by similar identification as "natural."

3. Misbranding. Any food that is genetically engineered that does not display the disclosure required under subsection 1 or that is labeled or identified as natural in violation of subsection 2 is considered misbranded for the purposes of chapter 551, subchapter 1 except that:

A. A food is not considered misbranded if the food is produced by a person who:

(1) Grows, raises or otherwise produces that food without knowledge that the food was created from other seed or other food that was genetically engineered; and

(2) Obtains a sworn statement from the person from whom the food was obtained that the food was not knowingly genetically engineered and was segregated from and not knowingly commingled with a food component that may have been genetically engineered;

B. A food product derived from an animal is not considered misbranded if the animal was not genetically engineered but was fed genetically engineered feed; and

C. A packaged processed food is not considered misbranded if the total weight of the processed food that was genetically engineered is less than 0.9% of the total weight of the processed food.

4. Rules. The commissioner may adopt routine technical rules under Title 5, chapter 375, subchapter 2-A for the administration and enforcement of this chapter.

§2594. Third-party protection

1. Reliance on affidavit. A distributor or retailer that sells or advertises food that is genetically engineered that fails to make the disclosure required under section 2593, subsection 1 is not subject to liability in any civil action to enforce this chapter if the distributor or retailer relied on the affidavit under section 2596 provided by the producer or grower stating that the food is not subject to the disclosure requirements under this chapter.

2. Eating establishments. Eating establishments are exempt from the disclosure requirements of this chapter.

3. Exempt products. Alcoholic beverages and medical food are exempt from the disclosure requirements of this chapter.

§2595. Enforcement

1. Authority. The commissioner shall enforce this chapter in the same manner as is authorized for enforcement of chapter 551, subchapter 1.

2. No private right. There is no private right of action to enforce this chapter.

3. Penalty. A person who violates this chapter commits a civil violation for which a fine may be assessed that may not exceed $1,000 per day per misbranded product per sales location.

§2596. Affidavit

The commissioner shall develop an affidavit form that may be provided by a producer or grower of food to distributors and retailers and that may be included in shipments of food within the State certifying that the food being sold or shipped is not subject to the disclosure requirements of this chapter.

Sec. 2. Effective date; repeal.

1. Effective date. The Commissioner of Agriculture, Conservation and Forestry shall monitor legislative activities in other states and certify to the Secretary of State and the Revisor of Statutes when legislation requiring mandatory labeling of genetically engineered food has been adopted by at least 5 contiguous states including Maine. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters when certification is made. That section of this Act that enacts the Maine Revised Statutes, Title 22, chapter 565 takes effect 30 days after the date of the commissioner's certification.

2. Repeal. If no certification has been made by the Commissioner of Agriculture, Conservation and Forestry under subsection 1 before January 1, 2018, this Act is repealed on that date.

See title page for effective date, unless otherwise indicated.

CHAPTER 437

S.P. 276 - L.D. 738

An Act To Promote the Maine Economy and Support Maine's Sporting Camp Tradition

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

Sec. 1. 12 MRSA §11154, sub-§14 is enacted to read:

14. Permits for hunting lodges. In any year in which the total number of moose permits available as determined by the commissioner under subsection 2

for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose hunting permit under this subsection is $1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates an eating and lodging place licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, and only under the following conditions:

(1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;

(2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927; and

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than $107,000, proceeds from the chance drawing conducted pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to $107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

Sec. 2. Lapsed balances; Department of Inland Fisheries and Wildlife carrying account. On or before June 30, 2014 and on or before June 30, 2015, the State Controller shall lapse $10,374 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account to the General Fund unappropriated surplus to offset the loss in revenue from changes made to moose permit fees.

See title page for effective date.

CHAPTER 438

S.P. 281 - L.D. 743

An Act To Extend and Improve the Maine Seed Capital Tax Credit Program

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

Sec. 1. 10 MRSA §963-A, sub-§50-A is enacted to read:

50-A. Value-added. "Value-added" means that an enhancement to a product or service that increases the value or marketability of the product or service has been applied.

Sec. 2. 10 MRSA §1100-T, sub-§1-A, as enacted by PL 2011, c. 454, §2, is amended to read:

1-A. Private venture capital fund. As used in this section, "private venture capital fund" means a professionally managed pool of capital organized ~~for a limited life~~ to make equity or equity-like investments in unrelated private companies using capital derived from multiple limited partners or members at least half of which, measured in dollar commitments, are unaffiliated and unrelated, and includes any venture capital fund licensed by the United States Small Business Administration. The authority may require such information as may be necessary or desirable for determining whether an entity qualifies as a private venture capital fund. An entity that otherwise qualifies as a private venture capital fund may elect not to be treated as a private venture capital fund for purposes of this section with respect to any investment.

Sec. 3. 10 MRSA §1100-T, sub-§2, as amended by PL 2011, c. 454, §§3 and 4, is further amended to read:

2. Eligibility for tax credit certificate for individuals and entities other than venture capital funds. The authority shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement the program. Without limitation, the requirements for eligibility for a tax credit certificate include the following.

A. For investments made in tax years beginning before January 1, 2012, a tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year or in an

amount not more than 60% of the amount of cash actually invested in any one calendar year in an eligible Maine business located in a high-unemployment area, as determined by rule by the authority. For investments made in tax years beginning on or after January 1, 2012, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 60% of the amount of cash actually invested in an eligible Maine business in any calendar year. For investments made in tax years beginning on or after January 1, 2014, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 50% of the amount of cash actually invested in an eligible Maine business in any calendar year. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The Maine business must be determined by the authority to be a manufacturer or a value-added natural resource enterprise; must provide a product or service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State; must be engaged in the development or application of advanced technologies; or must be certified as a visual media production company under Title 5, section 13090-L~~; or must bring capital into the State, as determined by the authority~~. The business must certify that the amount of the investment is necessary to allow the business to create or retain jobs in the State.

C. Aggregate investment eligible for tax credits may not be more than $5,000,000 for any one business as of the date of issuance of a tax credit certificate.

D. The investment with respect to which any individual is applying for a tax credit certificate may not be more than an aggregate of $500,000 in any one business in any 3 consecutive calendar years, except that this paragraph does not limit other investment by any applicant for which that applicant is not applying for a tax credit certificate and except that, if the entity applying for a tax credit certificate is a partnership, limited liability company, S corporation, nontaxable trust or any other entity that is treated as a flow-through entity for tax purposes under the federal Internal Revenue Code but not as a private venture capital fund, the aggregate limit of $500,000 applies to each individual partner, member, stockholder, beneficiary or equity owner of the entity and not to the entity itself.

E. ~~The~~ For investments made in tax years beginning before January 1, 2014, the business receiving the investment must have annual gross sales of $3,000,000 or less ~~and the~~. For investments made in tax years beginning on or after January 1, 2014, the business receiving the investment must have annual gross sales of $5,000,000 or less. The operation of the business must be ~~the full-time~~ a substantial professional activity of at least one of the principal ~~owner~~ owners, as determined by the authority. The principal owner and the principal owner's spouse are not eligible for a credit for investment in that business. A tax credit certificate may not be issued to a parent, brother, sister or child of a principal owner if the parent, brother, sister or child has any existing ownership interest in the business.

F. The investment must be expended on plant, equipment, research and development, or working capital for the business or such other business activity as may be approved by the authority.

G. The authority shall establish limits on repayment of the investment. The investment must be at risk in the business.

H. The investors qualifying for the credit must each own less than 1/2 of the business.

I. The business receiving the investment may not be in violation of the requirements of subsection 6.

Sec. 4. 10 MRSA §1100-T, sub-§2-C, ¶¶B, D and E, as enacted by PL 2011, c. 454, §6, are amended to read:

B. As used in this subsection, unless the context otherwise indicates, "eligible business" means a business located in the State that has certified that the amount of the investment is necessary to allow the business to create or retain jobs in the State and that, as determined by the authority:

(1) Is a manufacturer or a value-added natural resource enterprise;

(2) Is engaged in the development or application of advanced technologies;

(3) Provides a service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State; or

~~(4) Brings capital into the State, as determined by the authority; or~~

(5) Is certified as a visual media production company under Title 5, section 13090-L.

D. The investment with respect to which any ~~entity~~ private venture capital fund is applying for a tax credit certificate may not be more than the lesser of an amount equal to $500,000 times the number of investors in the private venture capital fund and an aggregate of ~~$500,000~~ $4,000,000 in any one eligible business invested in by a private venture capital fund in any 3 consecutive calendar

years, except that this paragraph does not limit other investment by an applicant for which that applicant is not applying for a tax credit certificate ~~and except that, if the entity applying for a tax credit certificate is a partnership, limited liability company, S corporation, nontaxable trust or any other entity that is treated as a flow-through entity for tax purposes under the federal Internal Revenue Code, the aggregate limit of $500,000 applies to each individual partner, member, stockholder, beneficiary or equity owner of the entity and not to the entity itself. This paragraph does not limit other investment by an applicant for which that applicant is not applying for a tax credit certificate.~~ A private venture capital fund must certify to the authority that it will be in compliance with these limitations. The tax credit certificate issued to a private venture capital fund may be revoked and any credit taken recaptured pursuant to Title 36, section 5216-B, subsection 5 if the fund is not in compliance with this paragraph.

E. ~~An~~ For investments made in tax years beginning before January 1, 2014, an eligible business receiving an investment from a private venture capital fund, which investment is used as the basis for the issuance of a tax credit certificate, may not have annual gross sales of more than $3,000,000 ~~and the~~. For investments made in tax years beginning on or after January 1, 2014, an eligible business receiving an investment from a private venture capital fund, which investment is used as the basis for the issuance of a tax credit certificate, may not have annual gross sales of more than $5,000,000. The operation of the business must be ~~the full-time~~ a substantial professional activity of ~~the principal owner~~ one or more individuals who are not managers of the private venture capital fund, as determined by the authority. A tax credit certificate may not be issued to a private venture capital fund if ~~an investor in~~ a manager of the fund is a principal owner of the eligible business or a spouse, parent, sibling or child of a principal owner and if the spouse, parent, sibling or child has any existing ownership interest in the business. A private venture capital fund must certify to the authority that it will be in compliance with these limitations. The tax credit certificate issued to a private venture capital fund may be revoked and any credit taken recaptured pursuant to Title 36, section 5216-B, subsection 5 if the fund is not in compliance with this paragraph.

Sec. 5. 10 MRSA §1100-T, sub-§4, as amended by PL 2011, c. 454, §7, is further amended to read:

4. Total of credits authorized. The authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an aggregate amount not to exceed $2,000,000 up to and including calendar year 1996, $3,000,000 up to and including calendar year 1997, $5,500,000 up to and including calendar year 1998, $8,000,000 up to and including calendar year 2001, $11,000,000 up to and including calendar year 2002, $14,000,000 up to and including calendar year 2003, $17,000,000 up to and including calendar year 2004, $20,000,000 up to and including calendar year 2005, $23,000,000 up to and including calendar year 2006, $26,000,000 up to and including calendar year 2007 and $30,000,000 ~~thereafter~~ up to and including calendar year 2013, in addition to which, the authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an annual amount not to exceed $675,000 for investments made between January 1, 2014 and December 31, 2014, $4,000,000 for investments made in calendar year 2015 and $5,000,000 each year for investments made in calendar years beginning with 2016. The authority may provide that investors eligible for a tax credit under this section in a year when there is insufficient credit available are entitled to take the credit when it becomes available subject to limitations established by the authority by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 36 MRSA §5216-B, sub-§2, as amended by PL 2011, c. 454, §16, is further amended to read:

2. Credit. An investor is entitled to a credit against the tax otherwise due under this Part equal to the amount of the tax credit certificate issued by the Finance Authority of Maine in accordance with Title 10, section 1100-T and as limited by this section. Except with respect to tax credit certificates issued under Title 10, section 1100-T, subsection 2-C, in the case of partnerships, limited liability companies, S corporations, nontaxable trusts and any other entities that are treated as flow-through entities for tax purposes under the Code, the individual partners, members, stockholders, beneficiaries or equity owners of such entities must be treated as the investors under this section and are allowed a credit against the tax otherwise due from them under this Part in proportion to their respective interests in those partnerships, limited liability companies, S corporations, trusts or other flow-through entities. Except as limited or authorized by subsection 3 or 4, 25% of the credit must be taken in the taxable year in which the investment is made and 25% per year must be taken in each of the next 3 taxable years. With respect to tax credit certificates issued under Title 10, section 1100-T, subsection 2-C, the credits are fully refundable and the investor may file a return requesting a refund for an investment for which it has received a tax credit certificate on or after January 1st of the calendar year after the calendar year in which the investment was made.

See title page for effective date.

CHAPTER 439

S.P. 378 - L.D. 1096

An Act To Amend the Laws Governing Students Experiencing Education Disruption

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 §257, sub-§4, as enacted by PL 2007, c. 451, §1, is repealed.

Sec. 2. 20-A MRSA §257-A is enacted to read:

§257-A. Department of Education diploma

The commissioner shall issue a Department of Education diploma to a student who qualifies for the diploma pursuant to this section. A Department of Education diploma has the same legal status as a diploma awarded by a school administrative unit.

1. Eligibility to apply for diploma. A student is eligible to apply for a Department of Education diploma if that student is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced one or more education disruptions, as defined in section 5161, subsection 2-A, during the student's educational history.

2. Standard for awarding diploma. The commissioner shall issue a diploma under this section only to a student who demonstrates achievement of the content standards of the system of learning results established pursuant to section 6209.

3. Process. A student who seeks a Department of Education diploma shall submit an application to the commissioner, including such evidence of student achievement and other information as is required by the commissioner. Evidence of student achievement may include, but is not limited to, transcripts, waivers, academic reports and school work recognition plans. The commissioner shall form a review team to review evidence of student achievement and to make a recommendation to the commissioner on the awarding of a diploma under this section. The commissioner shall make the final determination of eligibility for a diploma under this section.

Sec. 3. 20-A MRSA §4722, sub-§3, as amended by PL 2011, c. 686, §1, is further amended to read:

3. Satisfactory completion. A diploma may be awarded to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this chapter. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. Children with disabilities, as defined in section 7001, subsection 1-B, who successfully meet the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to all secondary school students, as specified by the goals and objectives of their individualized education plans, may be awarded a high school diploma. Career and technical students may, with the approval of the commissioner, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

~~Students who experience education disruption, as defined in section 5001-A, subsection 4, paragraph F, who successfully demonstrate achievement of the content standards of the parameters for essential instruction and graduation requirements in addition to any other diploma requirements applicable to secondary school students as set forth in their school work recognition plans as defined in section 5161, subsection 6 must, with the approval of the commissioner, be awarded a Department of Education diploma as defined in section 5161, subsection 2.~~

Sec. 4. 20-A MRSA §4722-A, sub-§3, ¶C, as enacted by PL 2011, c. 669, §7, is repealed.

Sec. 5. 20-A MRSA §5031, sub-§1, ¶C, as enacted by PL 2011, c. 614, §12, is amended to read:

C. Beginning with the graduation rate reported for school year 2011-2012 and for each school year thereafter, other descriptors of academic success for school-age students on a statewide aggregate basis, including the rates of attainment of a:

(1) Department of Education diploma as described under section ~~5161~~ 257-A;

(2) High school equivalency diploma as described under section 257; and

(3) High school equivalency diploma obtained through a high school completion course that includes general educational development preparation courses from an adult

education program as described in chapter 315.

Sec. 6. 20-A MRSA §5161, sub-§1-A is enacted to read:

1-A. Academic programming agreement. "Academic programming agreement" means an agreement between an interim program and a responsible school through which the responsible school agrees to accept the academic programming, credits and documentation of achievement of standards completed by a student in the interim program.

Sec. 7. 20-A MRSA §5161, sub-§2, as enacted by PL 2007, c. 451, §6, is repealed and the following enacted in its place:

2. Department of Education diploma. "Department of Education diploma" means a diploma awarded under section 257-A.

Sec. 8. 20-A MRSA §5161, sub-§2-A is enacted to read:

2-A. Education disruption. "Education disruption" means disruption of the educational program of an elementary or secondary school student as a result of:

A. Homelessness or foster care placement;

B. Absence for 10 or more consecutive school days due to placement in an interim program; or

C. Enrollment in 3 or more schools or educational programs in a single school year.

"Education disruption" does not include an absence for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for a planned hospitalization or recovery or pursuant to a superintendent's determination developed in accordance with section 5205, subsection 2.

Sec. 9. 20-A MRSA §5161, sub-§3-A is enacted to read:

3-A. Interim program. "Interim program" means:

A. A youth development center;

B. A hospital or other facility for the purpose of unplanned medical or psychiatric treatment; or

C. Any other program or school approved by the department, except a program or school in which a student is placed pursuant to an individual education plan or a superintendent transfer under section 5205.

Sec. 10. 20-A MRSA §5161, sub-§5-A is enacted to read:

5-A. Responsible school. "Responsible school" means the school responsible for developing or updating a school work recognition plan.

Sec. 11. 20-A MRSA §5161, sub-§6, as enacted by PL 2007, c. 451, §6, is repealed and the following enacted in its place:

6. School work recognition plan. "School work recognition plan" means a written plan that outlines how a student who is experiencing, or who has experienced, an education disruption will make and demonstrate progress toward achievement of learning results.

Sec. 12. 20-A MRSA §5161, sub-§9, as enacted by PL 2007, c. 451, §6, is repealed.

Sec. 13. 20-A MRSA §5161, sub-§10 is enacted to read:

10. Student. "Student" means an elementary school or secondary school student.

Sec. 14. 20-A MRSA §5162, as enacted by PL 2007, c. 451, §6, is repealed.

Sec. 15. 20-A MRSA §§5163 and 5164 are enacted to read:

§5163. Continuing educational progress during and after education disruption

1. Education disruption due to interim program placement. The responsible school at the time a student is placed in an interim program shall:

A. Within 5 school days of becoming aware of the placement:

(1) Make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; or

(2) Sign an academic programming agreement; and

B. Within 10 days of becoming aware of the placement, work with the student, the parent or guardian and others such as juvenile community corrections officers and community case managers to develop or update a school work recognition plan for the student.

2. Responsibility after placement. The responsible school for a student who is returning to educational programming following placement in an interim program shall:

A. If the responsible school is the same school as the school that was responsible during the placement, update the school work recognition plan at the time of return to educational programming to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the interim program or by the re-

sponsible school pursuant to an academic programming agreement; or

B. If the responsible school is a different school from the school that was responsible during the placement, review the student's records and the school work recognition plan developed and updated during the placement and update it to reflect the actual educational experiences, achievement and credit or recognition granted to the student by the placement or by the responsible school pursuant to an academic programming agreement.

3. Education disruption due to multiple transfers. The responsible school at the time of a 3rd or subsequent educational enrollment in a school year shall:

A. Within 10 school days of the school's or program's becoming aware that the student is enrolling in the 3rd school or program in a school year, work with the student, parent or guardian and staff of other schools and programs in which the student participated to develop or update a school work recognition plan; and

B. Compile for the student the credits or other recognition received by the student to date, identify gaps between that compilation and the credits or recognition typically earned by the student's peers and identify options for the student to close those gaps, if possible.

4. Education disruption due to homelessness or foster care placement. The responsible school at the time of education disruption due to homelessness or foster care placement shall:

A. Within 5 school days of becoming aware of the education disruption due to homelessness or foster care placement, make available to the student individual educational materials such as curricula and assignments designed to enable the student to continue the student's educational programming; and

B. Within 10 days of becoming aware of the education disruption due to homelessness or foster care placement, work with the student and the parent or guardian to develop or update a school work recognition plan for the student.

5. Staff assistance. For every student who experiences education disruption due to placement in an interim program, professional staff in the responsible school must be assigned to ensure the complete transfer of all records, grades and credits and all academic material, including an academic programming agreement, if applicable, from the interim program in which the student was placed to the responsible school no later than 5 school days after the student enrolls in the responsible school.

6. Identification of responsible school. For purposes of implementing this section:

A. The responsible school for a student at the time the student enters an interim program is the school in which the student is enrolled at the time of entrance to the interim program. If the student is not enrolled at the time of entrance to the interim program, the responsible school is the one in which the student would be enrolled pursuant to chapter 213;

B. The responsible school for a student during the placement is the same as the school described in paragraph A;

C. The responsible school for a student at the time the student returns to regular educational programming following placement is the school in which the student is enrolled or is entitled to be enrolled;

D. The responsible school for a student who enrolls in a 3rd or subsequent educational program in a single school year is the school in which the student enrolls; and

E. The responsible school for a student who experiences education disruption due to homelessness or foster care placement is the school in which the student is enrolled or is entitled to be enrolled.

§5164. Planning for graduation

If the student who experiences education disruption is between 16 years of age and 20 years of age, the school work recognition plan developed or updated following the education disruption must include a description of what the student must do in order to qualify to graduate with the student's peers or within a reasonable time thereafter.

If it is determined by the responsible school and the student that the student cannot meet the school's requirements for graduation, the responsible school shall provide the student information about applying for a Department of Education diploma and shall assist the student in making the application.

Sec. 16. 20-A MRSA §6001-B, sub-§1, as amended by PL 2007, c. 451, §7, is further amended to read:

1. Education records must follow students who transfer. Education records must follow students who transfer to a school in another school administrative unit in the State. The education records of students who transfer from educational programs or schools for juveniles located in or operated by correctional facilities or out-of-state schools are also subject to this requirement. For a student who ~~experiences education disruption~~ is placed in an interim program, as defined in section 5161, subsection ~~9~~ 3-A, the ~~sending~~ respon-

sible school pursuant to section 5163 shall send or electronically transfer pertinent records, including but not limited to academic and health information records, to the ~~receiving school or educational~~ interim program no later than 5 school days after becoming aware that the student ~~enrolls in the receiving school or educational~~ has entered the interim program.

See title page for effective date.

CHAPTER 440

S.P. 409 - L.D. 1172

An Act To Support the Maine Downtown Center

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

DEVELOPMENT FOUNDATION, MAINE

Development Foundation 0198

Initiative: Provides one-time funds to support the Maine Downtown Center.

GENERAL FUND	2013-14	2014-15
All Other	$25,000	$0
GENERAL FUND TOTAL	$25,000	$0

See title page for effective date.

CHAPTER 441

S.P. 435 - L.D. 1274

An Act To Sustain Emergency Medical Services throughout the State

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

Sec. 1. 22 MRSA §3174-JJ, as reallocated by RR 2005, c. 1, §6, is amended to read:

§3174-JJ. MaineCare reimbursement for ambulance services

The department shall reimburse for ambulance services under MaineCare at a level that is not less than the average allowable reimbursement rate under Medicare for such services or at the highest percent of that level that is possible within resources appropriated for those purposes. Beginning March 1, 2015, the department shall reimburse for ambulance services under MaineCare at a level that is not less than 65% of the average allowable reimbursement rate under Medicare for such services.

Sec. 2. 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 increase MaineCare reimbursement rates for ambulance services to not less than 65% of Medicare reimbursement rate levels effective March 1, 2015.

GENERAL FUND	2013-14	2014-15
All Other	$0	$60,000
GENERAL FUND TOTAL	$0	$60,000

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$96,047
FEDERAL EXPENDITURES FUND TOTAL	$0	$96,047

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$60,000
FEDERAL EXPENDITURES FUND	$0	$96,047
DEPARTMENT TOTAL - ALL FUNDS	$0	$156,047

See title page for effective date.

CHAPTER 442

H.P. 978 - L.D. 1370

An Act To Exempt from Sales Tax the Sales of Adaptive Equipment To Make a Vehicle Handicapped Accessible

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

Sec. 1. 36 MRSA §1760, sub-§95 is enacted to read:

95. Sales of certain adaptive equipment. Sales to a person with a disability or a person at the request of a person with a disability of adaptive equipment for installation in or on a motor vehicle to make that vehicle operable or accessible by a person with a disability who is issued a disability plate or placard by the Secretary of State pursuant to Title 29-A, section 521.

Sec. 2. Effective date. This Act takes effect July 1, 2014.

Effective July 1, 2014.

CHAPTER 443

S.P. 554 - L.D. 1489

An Act To Address Maine's Immediate Workforce Needs

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

Sec. 1. 5 MRSA c. 383, sub-c. 2, art. 2-C is enacted to read:

ARTICLE 2-C

MAINE WORKFORCE OPPORTUNITIES PROGRAM

§13063-R. Maine Workforce Opportunities Program

1. Definitions. As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

A. "Departments" means the Department of Economic and Community Development and the Department of Labor.

B. "Fund" means the Maine Workforce Opportunities Marketing Fund established in subsection 5.

C. "Program" means the Maine Workforce Opportunities Program established in subsection 2.

D. "Qualified employee" means an employee qualified to participate in the program and listed in the qualified employee registry created pursuant to subsection 3.

E. "Qualified employee registry" means the electronic registry that contains a list of qualified employees created pursuant to subsection 3.

F. "Qualified employer" means an employer who has registered with the program in accordance with rules adopted under subsection 4.

G. "Qualified employer registry" means the electronic registry that contains a list of qualified employers created pursuant to subsection 4.

2. Program established. The Maine Workforce Opportunities Program is established as a pilot project that seeks to match qualified employees with positions at companies in the State representing industries with significant unmet demand for skilled labor by promoting incentives, including a tax credit for an employee's education costs, when applicable, through the Job Creation Through Educational Opportunity Program established in Title 20-A, section 12542 and through other programs or initiatives operated by the State that seek to attract new employees to businesses in this State. The program is designed to achieve the following goals:

A. Promote economic opportunity and growth by providing an incentive to those individuals with certain skills and experience in occupations when there exists a demonstrable gap between the number of available jobs requiring those skills and experience and a smaller number of individuals willing and able to accept and succeed in those jobs;

B. Assist businesses by providing them with a registry of skilled and available individuals;

C. Offer incentives to individuals to pursue educational, training and retraining opportunities;

D. Keep individuals in the State through education tax credits and the opportunity to secure jobs in industries with significant demand; and

E. Provide immediate support for economic development in the State during a period during which comprehensive long-term workforce development solutions are implemented.

3. Creation of qualified employee registry. Working with the Maine Community College System, the University of Maine System, career centers, private postsecondary educational institutions, relevant trade associations and other entities as appropriate, the Department of Labor, in accordance with rules adopted by the departments, shall create an electronic registry of qualified employees.

The Department of Economic and Community Development shall manage the qualified employee registry and shall coordinate with the Department of Labor when supplying information from the qualified employee registry to qualified employers.

4. Creation of qualified employer registry. Working with employers, the Department of Labor, the Maine Community College System, the University of Maine System, private postsecondary educational institutions, relevant trade associations and other entities as appropriate, the Department of Economic and Community Development, in accordance with rules

adopted by the departments, shall create an electronic registry of qualified employers.

The Department of Economic and Community Development shall manage the qualified employer registry and shall coordinate with the Department of Labor when supplying information from the qualified employer registry to qualified employees.

5. Fund established. The Maine Workforce Opportunities Marketing Fund is established to receive contributions from public and private entities.

A. Payments from the fund must be used solely for the purpose of financing the marketing and promotion of the program to prospective employees, employers and tourists visiting this State and to a national and international audience.

B. The Commissioner of Economic and Community Development shall administer the fund. The commissioner may adopt routine technical rules, as defined in chapter 375, subchapter 2-A, to implement this subsection.

6. Eligibility limited. A qualified employee becomes ineligible for the program if:

A. The qualified employee leaves the employment of the qualified employer first employing the qualified employee;

B. The qualified employee is employed in a different position with a qualified employer; or

C. The qualified employee's qualified employer opts out of the program.

7. Monitoring, evaluation and annual report. For any year in which the program is funded, the departments shall use an independent nonpartisan reviewer to complete a comprehensive evaluation of the program, using both quantitative and qualitative data and including an analysis of the return on investment of the program. The evaluation must consider, at a minimum, the effectiveness of education tax credits as a catalyst for employment, the effect on employee productivity and performance and the impact on the demand for skilled workers in industries in the State. The evaluation must measure the results of the program over time, including a longitudinal analysis that captures productivity and other outcomes related to the program and a determination of the impact on the addition of net new jobs to the State. The departments shall jointly submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters by February 1st of each year on the status of the program and on the evaluation data collected and analyzed.

8. Rules. The departments shall adopt rules to implement this article. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

9. Insufficient funding. Notwithstanding any other provision of this section, if the State does not receive sufficient funds to fund this program or if funds are deappropriated so as to result in insufficient funding, the State is not obligated to make payments under this program.

10. Repeal. This section is repealed March 31, 2021.

Sec. 2. Marketing of Job Creation Through Educational Opportunity Program; report. The Department of Economic and Community Development shall be the lead state agency in marketing to employers and employees the Job Creation Through Educational Opportunity Program established in the Maine Revised Statutes, Title 20-A, section 12542, as well as any other program or initiative funded in whole or in part by the State that provides incentives to attract new employees to businesses in Maine. The Commissioner of Economic and Community Development shall report on the results of the marketing efforts required by this section by December 1, 2014 to the Joint Select Committee on Maine's Workforce and Economic Future and the Joint Standing Committee on Labor, Commerce, Research and Economic Development. Separately, the Commissioner of Economic and Community Development shall study what the effect would be of including reimbursement of a qualified employee's housing costs as an incentive through the Maine Workforce Opportunities Program established in Title 5, chapter 383, subchapter 2, article 2-C. The commissioner shall report to the joint select committee the results of this analysis and assessment by December 1, 2014.

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

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Workforce Opportunities Marketing Fund N162

Initiative: Provides funds to create and maintain qualified employee and employer registries and to market the Job Creation Through Educational Opportunity Program.

GENERAL FUND	2013-14	2014-15
All Other	$0	$144,000
GENERAL FUND TOTAL	$0	$144,000

Sec. 4. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 5, chapter 383, subchapter 2, article 2-C takes effect July 1, 2014.

Effective July 1, 2014.

CHAPTER 444
H.P. 261 - L.D. 386

An Act To Reduce Tobacco-related Illness and Lower Health Care Costs in MaineCare

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

Sec. 1. 22 MRSA §3174-WW is enacted to read:

§3174-WW. Tobacco cessation

1. Coverage. The department shall provide coverage for comprehensive tobacco cessation treatment to a MaineCare member who is 18 years of age or older or who is pregnant. Coverage must include, at a minimum:

A. Coverage for all pharmacotherapy that is approved by the federal Food and Drug Administration for tobacco dependence treatment or is recommended as effective in the United States Public Health Service clinical practice guideline on treating tobacco use and dependence; and

B. Coverage for tobacco cessation counseling, to be available in individual and group forms.

2. Conditions of coverage. Coverage under this section must be provided with no copayments or other out-of-pocket cost sharing, including deductibles. The department may not impose annual or lifetime dollar limits or annual or lifetime limits on attempts to quit and may not require a MaineCare member to participate in counseling to receive medications.

3. Federal reimbursement. The department shall pursue all opportunities to maximize available federal reimbursement, including available administrative Medicaid match rates for telephonic counseling services, federal pharmacology purchasing agreements or other opportunities to maximize state resources for tobacco cessation medications and services.

Sec. 2. 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: Allocates funds for the reimbursement of smoking cessation products under the MaineCare program.

FEDERAL EXPENDITURES FUND	**2013-14**	**2014-15**
All Other	$427,213	$22,433
FEDERAL EXPENDITURES FUND TOTAL	$427,213	$22,433

FUND FOR A HEALTHY MAINE	**2013-14**	**2014-15**
All Other	$264,014	$14,014
FUND FOR A HEALTHY MAINE TOTAL	$264,014	$14,014

See title page for effective date.

CHAPTER 445
S.P. 472 - L.D. 1353

An Act To Further Reduce Student Hunger

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 §6602, sub-§1, ¶C, as enacted by PL 2011, c. 379, §4, is amended to read:

C. A school administrative unit ~~may~~ shall participate in the federal summer food service program for children established in 42 United States Code, Section 1761 as required under this paragraph. The commissioner shall assist school administrative units subject to the requirements of this paragraph in developing a plan to participate in the federal summer food service program for children and in obtaining federal, state and private funds to pay for this program. Beginning with the ~~2011-2012~~ 2013-2014 school year, a school administrative unit with at least one public school in which ~~the percentage~~ at least 50% of students ~~who qualify~~ qualified for a free or reduced-price lunch ~~is determined to be equal to or greater than the minimum percentage established for eligibility under the National School Lunch Program described in paragraph A may~~ during the preceding school year shall participate in the federal summer

food service program for children in accordance with 42 United States Code, Section 1761 during the following summer vacation, subject to the ~~following phase in schedule:~~ provisions of this paragraph.

~~(1) For the summer following the 2011-2012 school year, a school administrative unit with at least one public school in which at least 75% of students qualified for a free or reduced price lunch in the 2011-2012 school year may participate in the federal summer food service program;~~

~~(2) For the summer following the 2012-2013 school year, a school administrative unit with at least one public school in which at least 65% of students qualified for a free or reduced price lunch in the 2012-2013 school year may participate in the federal summer food service program; and~~

~~(3) For the summer following the 2013-2014 school year and each subsequent school year, a school administrative unit with at least one public school in which at least 50% of students qualified for a free or reduced price lunch in that school year may participate in the federal summer food service program.~~

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year shall operate a federal summer food service program in the area served by that public school during the following summer vacation if that public school operates a summer educational or recreational program. The school administrative unit is required to operate the federal summer food service program only on days that the public school operates the summer educational or recreational program. The school administrative unit may collaborate with a service institution to operate the federal summer food service program.

A school administrative unit with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year that does not operate a summer educational or recreational program shall collaborate with a service institution to operate a federal summer food service program if there is a service institution that provides food service to children in the summer in the area served by the public school.

Notwithstanding this paragraph, a school administrative unit that is required to operate a federal summer food service program may choose not to operate such a program if it determines by a vote of the governing body of the school administrative unit after notice and a public hearing that operating such a program would be financially or logistically impracticable.

For purposes of this paragraph, "service institution" means a public or private nonprofit school, a municipal or county government, a public or private nonprofit higher education institution or a private nonprofit summer camp.

See title page for effective date.

CHAPTER 446

S.P. 679 - L.D. 1713

An Act To Permit the Sharing of Revenue from the Sale of Alcoholic Beverages at Sporting 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, professional sports teams provide valuable entertainment and economic benefits to the communities where they play; and

Whereas, professional sports teams are valuable partners with civic auditoriums and other arenas, which serve as anchor facilities in cities and towns across the State; and

Whereas, it is vital to ensure that arrangements between professional sports teams and civic auditoriums and other large arenas are mutually economically beneficial in order to maintain these important relationships, and in order to maximize the benefit this legislation needs to take effect 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. 28-A MRSA §605, first ¶, as amended by PL 2013, c. 345, §2, is further amended to read:

Except as otherwise provided in this section and section 608, ~~no~~ a license or any interest in a license may not 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 licensed 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. 2. 28-A MRSA §608 is enacted to read:

§608. Licensees with professional sporting events; revenues from the sale of liquor

A licensee authorized to sell liquor for on-premises consumption may enter into an agreement to share revenues from the sale of liquor with a professional sports team not licensed under this Title if:

1. Capacity. The licensee has a capacity to seat at least 3,000 people;

2. Licensee is designated host facility. The licensee is the designated host facility for the professional sports team. For the purposes of this subsection, "designated host facility" means a facility licensed to sell liquor for on-premises consumption, including, but not limited to, a civic auditorium or an outdoor stadium where a professional sports team conducts at least 75% of its sporting events as the home team in the competition;

3. Revenues from sales at sporting events only. Revenues to be shared as provided by this section between the licensee and the professional sports team are limited to revenues from the sale of liquor sold at the time of sporting events conducted by that professional sports team; and

4. Application. The licensee discloses any agreement, including any revenue-sharing provisions pursuant to subsection 3, with a professional sports team permitted under this section when submitting an application for a liquor license as required by section 651, subsection 2.

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

Effective February 18, 2014.

CHAPTER 447

H.P. 988 - L.D. 1385

An Act To Amend the Reporting Requirements of the Workers' Compensation Management Fund

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

Sec. 1. 5 MRSA §1833, sub-§1, as enacted by PL 1989, c. 501, Pt. P, §16, is amended to read:

1. Capitalization; premiums. The fund ~~shall be~~ is capitalized by legislative appropriations, payment from state departments and agencies and by other appropriate means.

On or before July 1st of each year, the Department of Administrative and Financial Services, Division of Employee Health and Benefits shall inform the State Budget Officer of quarterly premium charges for the fiscal year. The State Budget Officer shall advise any affected department or agency of the premium charges so that they may be incorporated into the normal budgetary process. An agency that does not have sufficient funding to pay the required premium charges shall request funds from the Legislature.

All state departments and agencies shall make premium payments to the fund at the beginning of each quarter based on charges to user departments. Premiums charged to user departments ~~shall~~ must be based on an analysis of the loss experience of each department, the reserve requirements related to departmental loss experience and the recovery of expenses as authorized in this section as related to each user department. Each department shall allocate the premium charge based on an analysis of the loss experience of each account or subdivision of account within the department. Premiums charged ~~shall~~ must be sufficient to ensure the continuation of the fund and shall be set by the commissioner.

Funds received from the reserve fund for self-insured retention losses under section 1731 ~~shall~~ must be repaid to that reserve fund through premiums charged except that, on the request of the commissioner, the Governor may waive repayment to the reserve fund when warranted and necessary.

Sec. 2. 5 MRSA §1833, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §73, is repealed.

See title page for effective date.

CHAPTER 448

S.P. 666 - L.D. 1701

An Act To Amend the Work-sharing Program To Conform with Federal Law

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 federal Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112-96, 126 Stat. 156 contains revised provisions for state-run, short-time compensation programs, also known as "work-sharing programs"; and

Whereas, states that administer work-sharing programs must conform their statutes to the new federal provisions no later than August 22, 2014; and

Whereas, the State administers a work-sharing program; and

Whereas, lack of compliance would cause significant costs to the State and to employers; and

Whereas, this legislation continues the laws governing the work-sharing program, which otherwise will be repealed February 28, 2014; 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. 26 MRSA §1198, sub-§1, ¶I, as enacted by PL 2011, c. 91, §1 and affected by §3, is repealed.

Sec. 2. 26 MRSA §1198, sub-§1, ¶M, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:

M. "Work-sharing plan" means a plan submitted to the commissioner by an eligible employer under which there is a reduction in the number of hours worked by the eligible employees in the affected unit in lieu of ~~temporary~~ layoffs of some of the employees.

Sec. 3. 26 MRSA §1198, sub-§2, as enacted by PL 2011, c. 91, §1 and affected by §3, is amended to read:

2. Criteria for approval of a work-sharing plan. An eligible employer wishing to participate in a work-sharing program under this section must submit a signed work-sharing plan to the commissioner for approval. The commissioner shall approve a work-sharing plan if the terms of the employer's written work-sharing plan and implementation plan described in paragraph I attest that they are consistent with employer obligations under applicable federal and state laws and if the following requirements are met:

A. The work-sharing plan identifies the affected unit or units and specifies the effective date of the plan;

B. The work-sharing plan identifies the eligible employees in the affected unit or units by name, social security number, usual weekly hours of work, proposed wage and hour reduction and any other information that the commissioner requires;

C. The work-sharing plan certifies that the reduction in the usual weekly hours of work is in lieu of ~~temporary~~ layoffs that would have affected at least 10% of the eligible employees in the affected unit or units and that would have resulted in an equivalent reduction in work hours;

D. Under the work-sharing plan the usual weekly hours of work for eligible employees in the affected unit or units are reduced by not less than 10% and not more than 50% and the reduction in hours in each affected unit is spread equally among eligible employees in the affected unit;

E. The work-sharing plan specifies the manner in which the fringe benefits of the eligible employees will be affected. If the employer provides health benefits or retirement benefits under a defined benefit plan, the employer must continue to provide the benefits to employees participating in the work-sharing program as if the workweeks of these employees had not been reduced or to the same extent the benefits are provided to other employees not participating in the work-sharing program;

F. In the case of eligible employees represented by a collective bargaining agent, the work-sharing plan is approved in writing by the collective bargaining agent that covers the affected eligible employees. In the absence of a collective bargaining agent, the work-sharing plan must contain a certification by the eligible employer that the proposed plan, or a summary of the plan, has been made available to each eligible employee in the affected unit;

G. A statement that the work-sharing plan will not serve as a subsidy of seasonal employment during the off-season or of intermittent employment is included; ~~and~~

H. The eligible employer agrees to furnish reports relating to the proper conduct of the work-sharing plan and agrees to allow the commissioner or the commissioner's designee or authorized representatives access to all records necessary to verify the plan prior to approval and to monitor and evaluate application of the plan after approval~~.~~;

I. The work-sharing plan specifies the manner in which the requirements of this subsection will be implemented including a plan for giving notice, when feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability of employees to participate in the work-sharing and such other information as the

United States Secretary of Labor determines is appropriate; and

J. The eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce Investment Act of 1998, Public Law 105-220, 112 Stat. 936, to enhance job skills if such training has been approved by the commissioner.

Sec. 4. 26 MRSA §1198, sub-§12, as enacted by PL 2011, c. 91, §1 and affected by §3, is repealed.

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

Effective February 20, 2014.

CHAPTER 449

S.P. 217 - L.D. 627

An Act Relating to Orally Administered Cancer Therapy

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

Sec. 1. 24-A MRSA §4317-B is enacted to read:

§4317-B. Orally administered cancer therapy

1. Coverage. A carrier that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells that is equivalent to the coverage provided for intravenously administered or injected anticancer medications. An increase in patient cost sharing for anticancer medications may not be used to achieve compliance with this section.

2. Construction. This section may not be construed to prohibit or limit a carrier's ability to establish a prescription drug formulary or to require a carrier to cover an orally administered anticancer medication on the sole basis that it is an alternative to an intravenously administered or injected anticancer medication.

Sec. 2. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 450

H.P. 1150 - L.D. 1579

An Act To Authorize Public Safety Personnel and Members of the Military To Wear Their Uniforms When Visiting Schools in Their Official Capacities

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

Sec. 1. 20-A MRSA §4012 is enacted to read:

§4012. Uniforms worn by members of military and public safety personnel

A member of the United States Armed Forces, the Maine National Guard or a public safety agency, including but not limited to a firefighter, police officer, emergency medical technician, game warden, forest ranger and park ranger, when visiting a school in that person's official capacity may not be denied access to a publicly supported secondary school or secondary public charter school solely because that person is wearing a uniform.

See title page for effective date.

CHAPTER 451

H.P. 1264 - L.D. 1762

An Act Related to the Report of the Tax Expenditure Review Task Force

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

Sec. 1. PL 2013, c. 368, Pt. S, §8 is repealed.

Sec. 2. PL 2013, c. 368, Pt. S, §9 is amended to read:

Sec. S-9. Fiscal year 2013-14 year-end unappropriated surplus, 4th priority transfer. The State Controller shall at the close of the fiscal year ending June 30, 2014, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511 and 1522 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 of the unappropriated surplus of the General Fund up to ~~$40,000,000~~ $21,000,000 to the ~~Local Government Fund by offsetting the amount of the reduction in that fund on a monthly basis pursuant to the Maine Revised Statutes, Title 30-A, section 5681, subsection~~

~~5-C~~ Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

Sec. 3. State Controller; post-closing. The State Controller is authorized to keep open the official system of general accounts of State Government for fiscal year 2013-14 in order to make post-closing entries and adjustments to carry out the provisions of this Act.

Sec. 4. Transfer from tax relief fund. The State Controller shall transfer $4,000,000 from the Tax Relief Fund for Maine Residents established in the Maine Revised Statutes, Title 5, section 1518-A to the unappropriated surplus of the General Fund no later June 30, 2015.

Sec. 5. Transfer from budget stabilization fund. The State Controller shall transfer $21,000,000 from the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532 to the unappropriated surplus of the General Fund no later than June 30, 2015.

See title page for effective date.

CHAPTER 452

S.P. 568 - L.D. 1512

An Act To Increase Funding for Start-ups

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 promotes and encourages the growth of Maine small businesses by facilitating the ability of a business to raise capital by selling small amounts of securities to a wider pool of small investors with fewer restrictions; and

Whereas, the enactment of this legislation will provide immediate access to capital and streamline regulations for Maine small businesses without diminishing the regulatory protections for investors; 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 §16304, sub-§6-A is enacted to read:

6-A. Short-form registration statement. The administrator may adopt by rule a form to be used as a short-form registration statement for securities being registered under this section and sold in offerings in which:

A. The issuer of the security is a corporation or other entity having its principal place of business in this State and registered with the Secretary of State as an entity formed under the laws of this State or authorized to transact business within this State;

B. The aggregate amount of securities sold to all investors by the issuer within any 12-month period is not more than $1,000,000;

C. The aggregate amount of securities sold to any investor by the issuer, including any amount sold during the 12-month period preceding the date of the transaction, does not exceed $5,000, or a greater amount as the administrator may provide by rule or order, unless the investor is an accredited investor as defined in 17 Code of Federal Regulations, Section 230.501 (2013);

D. The offering meets the requirements of the federal exemption for limited offerings and sales of securities not exceeding $1,000,000 in 17 Code of Federal Regulations, Section 230.504 (2013);

E. The issuer files with the administrator, provides to investors and makes available to potential investors an offering document setting forth the following:

(1) The name, legal status, physical address and website address of the issuer;

(2) The names of the directors, officers and any persons occupying a similar status or performing similar functions;

(3) The name of each person holding more than 20% of the shares of the issuer;

(4) A description of the business of the issuer and the anticipated business plan of the issuer;

(5) A description of the financial condition of the issuer, including the following:

(a) For offerings that, together with all other offerings of the issuer within the preceding 12-month period, have, in the aggregate, offering amounts of $100,000 or less:

(i) The income tax returns filed by the issuer for the most recently completed year, if any; and

(ii) The financial statements of the issuer certified by the principal executive officer of the issuer to be true and complete in all material respects;

(b) For offerings that, together with all other offerings of the issuer within the preceding 12-month period, have, in the aggregate, offering amounts of more than $100,000 but not more than $500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for the review or standards and procedures established by the administrator by rule; or

(c) For offerings that, together with all other offerings of the issuer within the preceding 12-month period, have, in the aggregate, offering amounts of more than $500,000, audited financial statements;

(6) A description of the stated purpose and intended use of the proceeds of the offering sought by the issuer;

(7) The offering amount, the deadline to reach the offering amount and regular updates regarding the progress of the issuer in meeting the offering amount;

(8) The price to the public of the securities or, if the price has not been determined, the method for determining the price as long as prior to the sale each investor is provided in writing the final price and all required disclosures with a reasonable opportunity to rescind the commitment to purchase the securities; and

(9) A description of the ownership and capital structure of the issuer, including:

(a) The terms of the securities being offered and all other classes of security of the issuer, including how those terms may be modified, and a summary of the differences between the classes of securities, including how the rights of the securities being offered may be materially limited, diluted or qualified by the rights of any other class of security of the issuer;

(b) A description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;

(c) The name and ownership level of each existing shareholder who owns more than 20% of any class of the securities of the issuer;

(d) How the securities being offered are being valued and examples of methods for how those securities may be valued by the issuer in the future, including during subsequent corporate actions; and

(e) The risks to purchasers of the securities relating to minority ownership in the issuer and the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer and transactions with related parties; and

F. The issuer sets aside in a separate bank account all funds raised as part of the offering to be held until such time as the minimum offering amount is reached. If the minimum offering amount is not met within one year of the effective date of the offering, the issuer must return all funds to investors.

An issuer who elects to use a short-form registration statement pursuant to this subsection must comply with other requirements set forth by rule adopted or order issued under this chapter.

Notwithstanding section 16304, subsection 3, the administrator may provide by rule that a short-form registration statement filed under this subsection is immediately effective upon filing or becomes effective within some other stated period after filing, conditionally or otherwise.

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

Effective March 2, 2014.

CHAPTER 453
S.P. 718 - L.D. 1796

An Act To Delay Implementation of Reformulated Gasoline Requirements in Maine

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

Whereas, current law requires the sale of reformulated gasoline in 7 southern counties in the State beginning on May 1, 2014; and

Whereas, due to recent developments in the gasoline supply network, gasoline distributors in the State are unable to meet this requirement without significant expense, which could impact pricing across the State; and

Whereas, in order to meet federal Clean Air Act requirements, from May 1st to September 15th, retail-

ers 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 submission 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 2015 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 §585-N, as enacted by PL 2013, c. 221, §2, is amended to read:

§585-N. Reformulated gasoline

Beginning ~~May 1, 2014~~ June 1, 2015, a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County may sell only reformulated gasoline in those counties.

Sec. 2. 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 of the Legislature having jurisdiction over environment and natural resources matters by January 30, 2015. The joint standing committee may report out a bill on the subject matter of the department's report to the First Regular Session of the 127th Legislature.

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

Effective March 6, 2014.

CHAPTER 454

S.P. 440 - L.D. 1278

An Act To Ensure Equitable Support for Long-term Energy Contracts

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

Sec. 1. 35-A MRSA §3210-C, sub-§8, as repealed and replaced by PL 2009, c. 415, Pt. A, §23, is amended to read:

8. Cost recovery. The commission shall ensure that ~~an investor-owned transmission and distribution utility recovers in rates~~ all costs ~~of~~ and direct financial benefits associated with contracts entered into ~~pursuant to subsection 3, including but not limited to any impacts on the utility's costs of capital~~ under this section are allocated to ratepayers in accordance with section 3210-F. A price differential existing at any time during the term of the contract between the contract price and the prevailing market price at which the capacity resource is sold or any gains or losses derived from contracts for differences must be reflected in ~~rates~~ the amounts charged to ratepayers and may not be ~~deemed to be~~ considered imprudent.

Sec. 2. 35-A MRSA §3210-F is enacted to read:

§3210-F. Allocation of costs and benefits of long-term energy contracts

The commission shall ensure that all eligible costs and benefits associated with a long-term energy contract are allocated to ratepayers in accordance with this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible costs and benefits" means the net amount of all costs and direct financial benefits associated with long-term energy contracts entered into by investor-owned transmission and distribution utilities, including but not limited to any effects on a utility's cost of capital as a result of these contracts.

B. "Long-term energy contract" means a contract with an investor-owned transmission and distribution utility entered into under section 3210-C or section 3604.

2. Eligible costs and benefits. The commission shall determine the eligible costs and benefits of a long-term energy contract annually.

3. Allocation of eligible costs and benefits. The commission shall annually allocate to each investor-owned transmission and distribution utility its pro rata share of eligible costs and benefits as determined under subsection 2. The allocation must be based on each utility's total retail kilowatt-hour energy sales to ratepayers that receive the benefits and pay the costs of long-term energy contracts. The commission may determine the means to be used for the allocation required under this section, which may include the direct

transfer of funds between investor-owned transmission and distribution utilities.

4. Rules. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §3603, sub-§2, ¶C, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

Sec. 4. 35-A MRSA §3604, sub-§8, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed and the following enacted in its place:

8. Cost and benefit allocation. The commission shall ensure that all costs and benefits associated with contracts involving investor-owned transmission and distribution utilities entered into under this section are allocated to electricity consumers in accordance with section 3210-F.

Sec. 5. Transition; intent. The cost and benefit allocation mechanism set forth in the Maine Revised Statutes, Title 35-A, section 3210-F applies to all costs and benefits incurred after the effective date of this Act, including the costs and benefits from long-term energy contracts entered into prior to the effective date of this Act and including contracts entered into pursuant to Public Law 2009, chapter 615, Part A, section 6, as amended. This Act is not intended to change which customer or ratepayer classes within each investor-owned transmission and distribution utility receive the benefits or pay the costs of long-term energy contracts but rather to distribute the benefits and costs of the State's long-term energy contracts equitably among the State's investor-owned transmission and distribution utilities based on a utility's pro rata share of total retail kilowatt-hour energy sales to ratepayers that receive the benefits and pay the costs of long-term contracts.

See title page for effective date.

CHAPTER 455

H.P. 1179 - L.D. 1607

An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs

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 2013, chapter 368 discontinued the Circuitbreaker Program and the legislative authorization of municipal property tax assistance programs, effective August 1, 2013; and

Whereas, although municipal property tax assistance programs may be linked to the Circuitbreaker Program, it was not the intent of the Legislature to discontinue the authorization of municipalities to offer property tax assistance programs; and

Whereas, this legislation needs to take effect as soon as possible to restore the ability of municipalities to offer property tax assistance programs; 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 §6231, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 2. 36 MRSA §6232, sub-§2, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 3. 36 MRSA §6233, as corrected by RR 2013, c. 1, §56, is repealed.

Sec. 4. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 36, section 6233 applies retroactively to June 26, 2013.

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

Effective March 9, 2014.

CHAPTER 456

H.P. 1162 - L.D. 1591

An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units

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

Sec. 1. 20-A MRSA §5205, sub-§6, ¶A, as amended by PL 2013, c. 337, §1, is further 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

either of the superintendents ~~decide~~ decides not to approve the transfer, ~~the superintendents~~ that superintendent shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of ~~their~~ that superintendent's determination ~~that the transfer is not in the student's best interest~~.

Sec. 2. 20-A MRSA §5205, sub-§6, ¶B, as repealed and replaced by PL 2013, c. 424, Pt. J, §1, is amended to read:

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' ~~determination~~ determinations 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. 3. 20-A MRSA §5205, sub-§6, ¶F, as enacted by PL 2013, c. 337, §2, is amended 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~~ superintendents' determinations 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~~ 45 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 457

H.P. 1187 - L.D. 1615

An Act To Amend the Election 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, changes to the election laws should apply to both the primary and general elections and thus should be effective prior to the June primary election; 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. 21-A MRSA §23, sub-§4, as amended by PL 2013, c. 131, §4, is further 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 ~~the office of the Secretary of State~~ their respective offices for 6 months.

Sec. 2. 21-A MRSA §144, sub-§3, as amended by PL 2013, c. 131, §8 and c. 173, §1, is repealed and the following enacted in its place:

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. 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. 3. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2005, c. 364, §7, is further amended to read:

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the ballot was requested, issued and received; and a notation of whether the application and the ballot were accepted or rejected~~; and a place for the registrar to certify the voter registration status of the absentee voters~~. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted or rejected and the reasons for such rejections. This list, re-

flecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

Sec. 4. 21-A MRSA §760-B, sub-§2, as amended by PL 2013, c. 131, §23, 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~~ 60 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~~ 60th day before election day, the municipality may not process absentee ballots prior to election day.

Sec. 5. 21-A MRSA §906, sub-§3, as amended by PL 1997, c. 581, §8, is repealed.

Sec. 6. 21-A MRSA §1203-B, sub-§12, ¶A, as enacted by PL 2013, c. 270, Pt. A, §2 and affected by §3, is amended to read:

A. In Knox County, the minor civil divisions and unorganized territories of Appleton; Camden; Criehaven; Cushing; Friendship; Hope; Isle au Haut; Matinicus Isle; ~~Mussel~~ Muscle Ridge Islands; North Haven; Owls Head; Rockland; Rockport; South Thomaston; St. George; Thomaston; Union; Vinalhaven; and Warren.

Sec. 7. 21-A MRSA §1203-B, sub-§31, ¶A, as enacted by PL 2013, c. 270, Pt. A, §2 and affected by §3, is amended to read:

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~~ 020000; and the minor civil divisions of Hollis; Limington; Old Orchard Beach; and Saco.

Sec. 8. 21-A MRSA §1204-B, sub-§9, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

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, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1050, 1051, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 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, 3020, 3022 and 3023 of Tract 028002; and Blocks ~~0006,~~ 0009 and 0010 of Tract 990100.

Sec. 9. 21-A MRSA §1204-B, sub-§36, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

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~~ 002001; 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.

Sec. 10. 21-A MRSA §1204-B, sub-§62, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

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, 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, 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.

Sec. 11. 21-A MRSA §1204-B, sub-§64, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

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.

Sec. 12. 21-A MRSA §1204-B, sub-§66, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

A. In Androscoggin County, the following census units in 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

Sec. 13. 21-A MRSA §1204-B, sub-§92, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is amended to read:

A. In Knox County, the minor civil divisions and unorganized territories of Criehaven, Cushing, Matinicus Isle, ~~Mussel~~ Muscle Ridge Islands, South Thomaston, St. George and Thomaston.

Sec. 14. 30-A MRSA §66-B, sub-§1, as corrected by RR 2013, c. 1, §47, is amended to read:

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~~ 2014, and an election must be held in 2014 to fill the office for a 2-year term, expiring in 2016. The term of office for the county commissioner from this district expires 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~~ 2016 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~~ 2014 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, 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 and 2101 of Tract 010600; Blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1027, 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, 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~~ 2016 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~~ 2014 and every 4 years thereafter.

Sec. 15. 30-A MRSA §66-B, sub-§3, ¶D, as enacted by PL 2013, c. 270, Pt. C, §2, is amended to read:

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: Tract 002101; 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.

Sec. 16. 30-A MRSA §66-B, sub-§7, ¶C, as enacted by PL 2013, c. 270, Pt. C, §2, is amended to read:

C. Commissioner District Number 3, in the County of Knox, consists of the minor civil divisions and unorganized territories of Appleton, Camden, Criehaven, Hope, Isle au Haut, Matinicus Isle, ~~Mussel~~ Muscle 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.

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

Effective March 11, 2014.

CHAPTER 458

S.P. 545 - L.D. 1483

An Act To Implement the Solid Waste Management Hierarchy

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

Sec. 1. 38 MRSA §1310-N, sub-§1, as amended by PL 2013, c. 243, §1, is further amended to read:

1. Licenses. The department shall issue a license for a waste facility whenever it finds that:

A. The facility will not pollute any water of the State, contaminate the ambient air, constitute a hazard to health or welfare or create a nuisance;

B. In the case of a disposal facility, the facility provides a substantial public benefit, determined in accordance with subsection 3-A; ~~and~~

C. In the case of a disposal facility or a solid waste processing facility that generates residue requiring disposal, the volume of the waste and the risks related to its handling and disposal have been reduced to the maximum practical extent by recycling and source reduction prior to disposal. This paragraph does not apply to the expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling or to any other facility exempt from the requirements of subsection 5-A. The department shall find that the provisions of this paragraph are satisfied when the applicant demonstrates that the applicable requirements of subsection 5-A have been satisfied~~.~~; and

D. The practices of the facility are consistent with the State's solid waste management hierarchy set forth in section 2101. The department shall adopt rules incorporating the State's solid waste management hierarchy as a review criterion for licensing approval under this subsection. Rules adopted pursuant to this paragraph are routine technical

rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 459

H.P. 1161 - L.D. 1590

An Act To Amend the Operating-under-the-influence 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, current law regarding penalties for operating under the influence of alcohol or other intoxicants is not consistent and may result in different suspension periods and reinstatement fees for persons convicted of operating under the influence; and

Whereas, Public Law 2013, chapter 389 enacted an additional fee for persons installing ignition interlock devices; and

Whereas, the law could be interpreted to impose an additional fee for the reinstatement of a license suspended for operating under the influence on a person who installs an ignition interlock device; and

Whereas, it is necessary to clarify the law promptly to ensure all citizens are treated equally; 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 §2401, sub-§3, as amended by PL 2009, c. 447, §33, is further amended to read:

3. Chemical test or test. "Chemical test" or "test" means a test or tests used to determine alcohol level or the presence of a drug ~~concentration~~ or drug metabolite by analysis of blood, breath or urine.

Sec. 2. 29-A MRSA §2411, sub-§4, as amended by PL 2009, c. 447, §40, is further amended to read:

4. Arrest. A law enforcement officer may arrest, without a warrant, a person the officer has probable cause to believe has operated a motor vehicle while under the influence of intoxicants if the arrest occurs within a period following the offense reasonably likely to result in the obtaining of probative evidence of an alcohol level or the presence of a drug ~~concentration~~ or drug metabolite.

Sec. 3. 29-A MRSA §2431, sub-§2, as amended by PL 2009, c. 447, §§45 to 47, is further amended to read:

2. Analysis of blood, breath and urine. The following provisions apply to the analysis of blood, breath and urine, and the use of that analysis as evidence.

A. A person certified in accordance with section 2524 conducting a chemical analysis of blood, breath or urine to determine an alcohol level or the presence of a drug ~~concentration~~ or drug metabolite may issue a certificate stating the results of the analysis.

B. A person qualified to operate a self-contained, breath-alcohol testing apparatus may issue a certificate stating the results of the analysis.

C. A certificate issued in accordance with paragraph A or B, when duly signed and sworn, is prima facie evidence that:

(1) The person taking the specimen was authorized to do so;

(2) ~~Equipment, chemicals and other materials~~ Materials used in the taking of the specimen were of a quality appropriate for the purpose of producing reliable test results as determined by the Department of Health and Human Services;

(3) ~~Equipment, chemicals or materials~~ Materials required to be approved by the Department of Health and Human Services were in fact approved;

(4) The sample tested was in fact the same sample taken from the defendant; and

(5) The alcohol level or the presence of a drug ~~concentration~~ or drug metabolite in the blood or urine of the defendant at the time the sample was taken was as stated in the certificate.

D. With 10 days written notice to the prosecution, the defendant may request that a qualified witness testify to the matters of which the certificate constitutes prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony. The certificate is not prima facie evidence of those matters.

E. A person drawing a specimen of blood may issue a certificate that states that the person is in fact ~~duly licensed or certified~~ qualified under section 2524 and that the proper procedure for drawing a specimen of blood was followed. That cer-

tificate, when signed and sworn to by the person, is prima facie evidence of its contents unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify.

F. Evidence that the ~~breath or~~ urine sample was in a sealed carton bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services.

G. The results of a self-contained breath-alcohol apparatus test is prima facie evidence of an alcohol level.

H. Evidence that the self-contained breath-alcohol testing equipment bearing the Department of Health and Human Services' stamp of approval is prima facie evidence that the equipment was approved by the Department of Health and Human Services.

I. Evidence that materials used in operating or checking the operation of the self-contained breath-alcohol testing equipment bore a statement of the manufacturer or of the Department of Health and Human Services is prima facie evidence that the materials were of the composition and quality stated.

J. Transfer of sample specimens to and from a laboratory for purposes of analysis by certified or registered mail complies with all requirements regarding the continuity of custody of physical evidence.

K. The prosecution is not required to produce expert testimony regarding the functioning of self-contained breath-alcohol testing apparatus before test results are admissible, if sufficient evidence is offered to satisfy paragraphs H and I.

Sec. 4. 29-A MRSA §2432, sub-§4, as enacted by PL 2011, c. 335, §4, is amended to read:

4. Confirmed presence of drug or drug metabolite. If a person has a trace amount of any drug or the metabolites of any drug ~~at detectable concentration levels~~ within the person's blood or urine in accordance with the drug reporting rules, standards, procedures and protocols adopted by the Department of Health and Human Services, it is admissible evidence, but not prima facie, indicating whether that person is under the influence of intoxicants to be considered with other competent evidence, including evidence of alcohol level.

Sec. 5. 29-A MRSA §2451, sub-§3, as amended by PL 2009, c. 54, §§1 to 3 and affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

A. ~~Ninety~~ One hundred fifty days, if the person has one OUI conviction within a 10-year period;

B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~

C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period~~.~~; or

E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or a docket entry of judgment of conviction.

Sec. 6. 29-A MRSA §2486, sub-§1-A, as amended by PL 2013, c. 389, §2, is further amended to read:

1-A. Reinstatement fee for suspensions for OUI or failure to submit to a test. Except as provided in section 2472, subsection 7, before a suspension for OUI or failure to submit to a test is terminated and a license or certificate reinstated, a fee of $50 must be paid to the Secretary of State. ~~If a license is reinstated pursuant to section 2508, subsection 1, the reinstatement fee is $100.~~

Sec. 7. 29-A MRSA §2521, sub-§1, as amended by PL 2009, c. 447, §66, is further amended to read:

1. Mandatory submission to test. If there is probable cause to believe a person has operated a motor vehicle while under the influence of intoxicants, that person shall submit to and complete a test to determine an alcohol level and the presence of a drug ~~concentration~~ or drug metabolite by analysis of blood, breath or urine.

Sec. 8. 29-A MRSA §2521, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Type of test. A law enforcement officer shall administer a breath test unless, in that officer's determination, a breath test is unreasonable.

~~The law enforcement officer may determine which type of breath test is to be administered.~~

~~Another~~ If a breath test is determined to be unreasonable, another chemical test must be administered in place of a breath test.

For a blood test the operator may choose a physician, if reasonably available.

Sec. 9. 29-A MRSA §2522, sub-§1, as amended by PL 2009, c. 447, §67, is further amended to read:

1. Mandatory submission to test. If there is probable cause to believe that death has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine an alcohol level or the presence of a drug ~~concentration~~ or drug metabolite in the same manner as for OUI.

Sec. 10. 29-A MRSA §2523, sub-§1, as amended by PL 2009, c. 447, §68, is further amended to read:

1. Mandatory submission to test. A person who operates a commercial motor vehicle shall submit to a test to determine that person's alcohol level or the presence of a drug ~~concentration~~ or drug metabolite if there is probable cause to believe that the person has operated a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of drugs.

Sec. 11. 29-A MRSA §2524, as amended by PL 2009, c. 447, §§70 and 71, is further amended to read:

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, registered physician's assistant, registered nurse~~,~~ or person whose occupational license or training allows that person to draw blood samples ~~or a person certified by the Department of Health and Human Services~~ may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug ~~concentration~~ or drug metabolite.

2. Persons qualified to analyze blood for blood tests. A person conducting an analysis of blood-alcohol level or the presence of a drug ~~concentration~~ or drug metabolite must be certified by the Department of Health and Human Services.

3. Persons qualified to operate and analyze breath tests. A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

4. Chemical tests on blood and urine specimens. A sample specimen of ~~breath~~ blood or urine may be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests to determine alcohol level or the presence of a drug ~~concentration~~ or drug metabolite.

5. Equipment for taking specimens. ~~Only equipment~~ For purposes of this section, only collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of ~~breath~~ blood or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

6. Procedures for operation and testing of testing apparatus. The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus.

Sec. 12. 29-A MRSA §2528, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§2528. Liability

A physician, physician's assistant, registered nurse, person ~~certified by the Department of Health and Human Services~~ whose occupational license or training allows that person to draw blood, hospital or other health care provider in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

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

Effective March 12, 2014.

CHAPTER 460

H.P. 1227 - L.D. 1716

An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students

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

Sec. 1. 20-A MRSA §8607-A, sub-§10 is enacted to read:

10. Career and academic advising and counseling. Career and academic advising and counseling services costs are reimbursed at the rate of 75% of the costs of required salaries and fringe benefits for those services.

See title page for effective date.

CHAPTER 461

H.P. 534 - L.D. 783

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit

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 changes made by this legislation could affect the makeup of regional school units; and

Whereas, it is imperative that this legislation take effect as soon as possible for regional school units to have sufficient time to implement these changes prior to the beginning of the next 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 §1466, sub-§9, as repealed and replaced by PL 2011, c. 678, Pt. J, §1, is amended to read:

9. Required vote. Before the municipality may withdraw from the regional school unit, the withdrawal agreement must be approved by a majority vote of those casting valid votes in the municipality, and the total number of votes cast for and against withdrawal at the municipal vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election.

~~This subsection is repealed January 1, 2015.~~

Sec. 2. 20-A MRSA §1466, sub-§9-A, as enacted by PL 2011, c. 678, Pt. J, §2, is amended to read:

9-A. Required vote; exception for a municipality of a school administrative district that was reformulated as a regional school unit. A 2/3 vote of those casting valid votes in the municipality is required before a municipality that is a member municipality 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, as amended by Public Law 2007, chapter 668, section 48, may withdraw from the regional school unit.

~~This subsection is repealed January 1, 2015.~~

Sec. 3. 20-A MRSA §1466, sub-§9-B, as enacted by PL 2011, c. 678, Pt. J, §3, is repealed.

Sec. 4. 20-A MRSA §1466, sub-§10, ¶B, as enacted by PL 2009, c. 580, §9, is amended to read:

B. A municipal vote on a withdrawal agreement if the agreement received less than ~~60%~~ 45% of the votes cast.

Sec. 5. 20-A MRSA §1466, sub-§10-A is enacted to read:

10-A. Restriction on withdrawal petitions for a municipality of a school administrative district that was reformulated as a regional school unit. 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, as amended by Public Law 2007, chapter 668, section 48, may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast.

Sec. 6. 20-A MRSA §1466, sub-§13, as amended by PL 2013, c. 167, Pt. A, §2, is further amended to read:

13. Determination of results; execution of agreement. 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, as amended by Public Law 2007, chapter 668, section 48, 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 agreement 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, as amended by Public Law 2007, chapter 668, section 48, 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. 7. 20-A MRSA §1466, sub-§13-A, as enacted by PL 2011, c. 678, Pt. J, §5, is repealed.

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

Effective March 3, 2014.

CHAPTER 462

S.P. 650 - L.D. 1672

An Act To Amend Maine's Emergency Management Laws

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

Sec. 1. 12 MRSA §8904, as enacted by PL 1979, c. 545, §3 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

§8904. Coordinating protective agencies

The director shall formulate emergency plans of action to establish staffing pools, equipment reserves, facilities for feeding, transportation and communication on forest fires. In preparing the plan, other agencies and organizations having needed facilities should be contacted, such as fire chiefs, ~~civil defense~~ emergency management units, the American Red Cross, sheriffs, the American Legion, the State Police, the Maine National Guard, the Department of Transportation, the Department of Inland Fisheries and Wildlife, the State Grange, colleges, the Civil Air Patrol and any other protective group as determined by the director. Whenever or wherever a major forest fire occurs or threatens, the bureau ~~shall be~~ is the coordinating agency until the Governor declares an emergency.

Sec. 2. 22 MRSA §1706, as amended by PL 1975, c. 771, §216, is further amended to read:

§1706. Distribution of antitoxins in emergency

The department, with the approval of the Governor, may, for the purpose of aiding in national defense in case of war or in any state emergency declared by the Governor under ~~the Civil Defense Law~~ Title 37-B, section 742, procure and distribute ~~within~~ inside the State~~,~~ and sell or give away, in its discretion, antitoxins, serums, vaccines, viruses and analogous products applicable to the prevention or cure of disease ~~of man~~.

Sec. 3. 24-A MRSA §2813, sub-§6, as enacted by PL 1969, c. 132, §1, is amended to read:

6. Under a policy or contract issued to any volunteer fire department~~,~~ or first aid, ~~civil defense,~~ emergency management or other such volunteer organization, which ~~shall be~~ is deemed the policyholder, covering any group of members or participants defined by reference to specified hazards incident to an activity or activities or operations sponsored or supervised by ~~such~~ the policyholder.

Sec. 4. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2011, c. 448, §2, is further amended to read:

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by ~~civil defense~~ emergency management and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360` angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360` range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360` angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360` range. The light may be in use on a public way only when the vehicle is entering the

public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.

(d) The lights, whether used to the front or rear, must flash simultaneously.

(e) The lights must be visible from a distance of at least 500 feet in normal daylight.

(6) A vehicle used or provided by a contract security company to assist in traffic control and direction at construction or maintenance sites on a public way may be equipped with amber auxiliary lights.

(7) A Department of Public Safety vehicle operated by a motor carrier inspector or motor vehicle inspector may be equipped with auxiliary lights that emit an amber light.

(8) A vehicle used by an animal control officer appointed pursuant to Title 7, section 3947 may be equipped with auxiliary lights that emit a flashing amber light.

(9) A refuse, garbage or trash business vehicle used by an individual to transport refuse, garbage and trash may be equipped with auxiliary lights that emit a flashing amber light.

(10) A vehicle used by an individual to transport and deliver newspapers may be equipped with auxiliary lights that emit a flashing amber light.

Sec. 5. 30-A MRSA §451, sub-§2, 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 repealed.

Sec. 6. 30-A MRSA §451, sub-§4-A is enacted to read:

4-A. Emergency management. "Emergency management" means the coordination and implementation of an organized effort to mitigate, prepare for, respond to and recover from a disaster.

Sec. 7. 30-A MRSA §451, sub-§5, 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:

5. Emergency services. "Emergency services" means assistance given to one or more persons or areas, when there is imminent danger of damage or injury to property or personal health and safety, and includes ambulance services, ~~civil~~ emergency management agency services and rescue services.

Sec. 8. 30-A MRSA §453, 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:

§453. Communications centers

Each county may establish a communications center, separate from any communications function of the sheriff's department and capable of serving the communication needs of the county and the municipalities ~~which~~ that may wish to use the center.

The county commissioners, after consulting with municipal officers, are responsible for setting policies for the communications center. They shall appoint a director or chief dispatcher who is responsible for carrying out their policies. The director or chief dispatcher, if qualified, may be the ~~County Director of the Maine Emergency Management Agency~~ director of the county emergency management agency.

The county communications center shall provide communication services for the sheriff's department, county ~~civil~~ emergency ~~services~~ management agency, county or municipal rescue or ambulance services, county or municipal fire departments or municipal police departments.

The county commissioners, after consulting with the director or chief dispatcher, may enter into an agreement with a municipality under section 107 to provide specific communications for municipal law enforcement functions, including dispatching of municipal units, in return for payment for these services.

Sec. 9. 30-A MRSA §1101, 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:

§1101. Activities authorized; costs

County commissioners may provide for ~~civil defense~~ emergency management activities as provided by law within their respective counties. The county commissioners shall include the cost of these activities in the annual estimate under chapter 3.

Sec. 10. 37-B MRSA §793, sub-§1, as enacted by PL 1989, c. 464, §3, is amended to read:

1. Local committees established. The commission shall, by resolution, appoint the members of the local emergency planning committee of each emer-

gency planning district. The committee ~~shall consist~~ consists of at least 14 members and, except as provided in subsection 2, ~~shall include~~ includes representatives from each of the following organizations or groups: elected state and local officials; law enforcement, ~~civil defense~~ emergency management, firefighting, first aid, health, local environmental, hospital and transportation personnel; broadcast and print media; citizens living near local facilities; employees working in local facilities; community groups; and owners and operators of facilities subject to the emergency planning requirement of this subchapter.

Sec. 11. 37-B MRSA §802, sub-§1, ¶¶C and D, as enacted by PL 1989, c. 464, §3, are amended to read:

C. To provide training grants; ~~and~~

D. To provide for the resource needs of the local emergency planning committees~~.~~; and

Sec. 12. 37-B MRSA §802, sub-§1, ¶E is enacted to read:

E. To provide for the procurement and maintenance of hazardous materials incident response equipment and related consumable supplies. Disbursements for this purpose must be approved by the commission.

Sec. 13. 38 MRSA §547, sub-§3, as amended by PL 1973, c. 788, §212, is further amended to read:

3. Emergency management. The provisions of Title ~~37-A~~ 37-B, chapter ~~3~~ 13, as they ~~shall~~ apply to eminent domain and compensation, mutual aid, immunity, aid in emergency, right of way, enforcement and compensation, ~~shall~~ apply to disasters or catastrophes proclaimed by the Governor under this subchapter.

Sec. 14. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 30-A, chapter 7, in the chapter headnote, the words "civil defense" are amended to read "emergency management" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 463

S.P. 645 - L.D. 1653

An Act To Designate the Maine Armed Forces Museum Operated by the Maine Military Historical Society as the Official State Military History Museum

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

Sec. 1. 1 MRSA §227 is enacted to read:

§227. State military history museum

The museum operated by the Maine Military Historical Society, or a successor organization, is the official state military history museum under the Department of Defense, Veterans and Emergency Management, Military Bureau and is known as the Maine Armed Forces Museum.

See title page for effective date.

CHAPTER 464

S.P. 643 - L.D. 1651

An Act To Update Citations of Recodified Federal Regulations in the Maine Consumer Credit Code

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

Sec. 1. 9-A MRSA §3-310, sub-§1, as amended by PL 2011, c. 427, Pt. A, §10, is further amended to read:

1. In connection with a consumer credit transaction in which the interest rate may vary during the term of the transaction, the creditor shall make ~~the following~~ disclosures in ~~writing~~ accordance with section 8-504.

~~A. With respect to a closed-end transaction secured by the consumer's principal dwelling with a term greater than one year, the information required under 12 Code of Federal Regulations, 226.19(b) must be disclosed at the time an application form is provided or before the consumer pays a nonrefundable fee, whichever is earlier.~~

~~B. With respect to an open-end credit plan secured by the consumer's principal dwelling or by any 2nd or vacation home of the consumer, the information required by 12 Code of Federal Regulations, Section 226.5b(d) shall be disclosed at the time provided in 12 Code of Federal Regulations Section 226.5 b (b).~~

~~C. With respect to a closed-end transaction other than one described in paragraph A, the information required by 12 Code of Federal Regulations, Section 226.18(f)(1) shall be disclosed before consummation of the transaction.~~

~~D. With respect to an open-end credit plan other than one described in paragraph B, the information required by 12 Code of Federal Regulations,~~

~~Section 226.6(a)(1)(ii) must be disclosed before the first transaction under the plan.~~

Sec. 2. 9-A MRSA §3-316, as amended by PL 2011, c. 427, Pt. B, §9, is further amended to read:

§3-316. Real estate settlement procedures

A creditor and its mortgage loan originators shall comply with the provisions of the federal Real Estate Settlement Procedures Act of 1974, 12 United States Code, Section 2601 et seq. and its implementing regulation, Regulation X, ~~24~~ 12 Code of Federal Regulations, Section ~~3500~~ 1024.1 et seq.

Sec. 3. 9-A MRSA §8-503, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

§8-503. Conformity with federal law

Unless the context otherwise indicates, any word or phrase that is not defined in this Article but that is defined in the Federal Truth in Lending Act, Title I of the federal Consumer Credit Protection Act, 15 United States Code, Section 1601 et seq. or its implementing regulation, Regulation Z, 12 Code of Federal Regulations, Section ~~226.1~~ 1026.1 et seq., has the meaning set forth in the Federal Truth in Lending Act and its implementing regulations.

Sec. 4. 9-A MRSA §8-504, sub-§§1 and 2, as enacted by PL 2011, c. 427, Pt. A, §15, are amended to read:

1. Compliance with Federal Truth in Lending Act. Notwithstanding any other law, a creditor shall comply with the Federal Truth in Lending Act, Title I of the federal Consumer Credit Protection Act, 15 United States Code, Section 1601 et seq. and its implementing regulations, Regulation Z, 12 Code of Federal Regulations, Section ~~226.1~~ 1026.1 et seq. and Regulation M, 12 Code of Federal Regulations, Section ~~213.1~~ 1013.1 et seq.~~, including any final regulations issued on or before July 21, 2011.~~

2. Rule-making authority. Consistent with the purposes of Title X and Title XIV of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111-203 and with the purposes set forth in sections 1-102 and 8-502 and notwithstanding other law, the administrator may adopt rules substantially similar to or that afford more protection for consumers than those codified in 12 Code of Federal Regulations, Part ~~226~~ 1026 and 12 Code of Federal Regulations, Part ~~213~~ 1013. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In adopting rules pursuant to this subsection, the administrator shall specifically consider whether there is a substantial impact on consumer protection before adopting rules affecting the following provisions of section 8-506:

A. The rate thresholds pertaining to high-cost mortgage loans in section 8-506, subsection 1, paragraph H;

B. The prepayment penalties for high-cost mortgage loans in section 8-506, subsection 2, paragraph D;

C. The assignee liability for high-cost mortgage loans in section 8-506, subsection 3;

D. The ability to repay in section 8-506, subsection 4;

E. The prohibition against flipping and the principles of tangible net benefit in section 8-506, subsection 5; ~~or~~ and

F. The enhanced penalties for violations in section 8-506, subsection 6.

The rules may contain classifications, differentiations or other provisions and may provide for adjustments and exceptions for any class of transactions subject to this Title that in the judgment of the administrator are necessary or proper to effectuate the purposes of this Title, or to prevent circumvention or evasion of or to facilitate compliance with, the provisions of this Title.

Sec. 5. 9-A MRSA §8-505, sub-§2, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

2. Reimbursement. The administrator may adopt by rule a reimbursement program such that creditors subject to an administrative order under section 6-108 may be ordered to make whatever adjustments are necessary to ensure that any person will not be required to pay a finance charge in excess of the finance charge actually disclosed or the dollar equivalent of the annual percentage rate actually disclosed, whichever is lower. In determining any readjustment, the administrator shall apply, with respect to the annual percentage rate, a tolerance allowed under the Federal Truth in Lending Act, 15 United States Code, Section 1607 and its implementing regulation, Regulation Z, 12 Code of Federal Regulations, Section ~~226.1~~ 1026.1 et seq. and, with respect to the finance charge, a corresponding numerical tolerance as generated by the tolerance allowed by the Federal Truth in Lending Act and its implementing regulations for the annual percentage rate. The administrator may order partial adjustment or partial payments over an extended period if the administrator determines that a partial adjustment or making partial payments over an extended period is necessary to avoid causing the creditor to become undercapitalized pursuant to the Federal Deposit Insurance Act.

Sec. 6. 9-A MRSA §8-506, sub-§1, ¶D, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

D. "Conventional mortgage rate" means the most recently published annual yield on conventional mortgages published by the Board of Governors of the Federal Reserve System, as published in statistical release H.15 or any superseding publication, as of the applicable time set forth in 12 Code of Federal Regulations, Section ~~226.32(a)(1)(i)~~ 1026.32(a)(1)(i).

Sec. 7. 9-A MRSA §8-506, sub-§1, ¶F, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

F. "Creditor" has the same meaning as set forth in section 1-301, subsection 17. For purposes of this section, "creditor" also includes an entity defined as a lender as set forth in ~~24~~ 12 Code of Federal Regulations, Section ~~3500.2~~ 1024.2, including a mortgage broker.

Sec. 8. 9-A MRSA §8-506, sub-§1, ¶¶H to M, as enacted by PL 2011, c. 427, Pt. A, §15, are amended to read:

H. "High-cost mortgage loan" means a residential mortgage loan in which the terms of the loan meet or exceed one or more of the following thresholds:

(1) Rate threshold, which, for a residential mortgage loan, is the point at which the annual percentage rate equals or exceeds the rate set forth in 12 Code of Federal Regulations, Section ~~226.32(a)(1)(i)~~ 1026.32(a)(1)(i) without regard to whether the residential mortgage loan may be considered a "residential mortgage transaction" or an extension of "open-end credit" as those terms are set forth in 12 Code of Federal Regulations, Section ~~226.2~~ 1026.2; ~~or~~ and

(2) The total points and fees threshold, which is:

(a) For loans in which the total loan amount is $40,000 or more, the point at which the total points and fees payable in connection with the residential mortgage loan less any excluded points and fees exceed 5% of the total loan amount; and

(b) For loans in which the total loan amount is less than $40,000, the point at which the total points and fees payable in connection with the residential mortgage loan less any excluded points and fees exceed 6% of the total loan amount.

I. "Higher-priced mortgage loan" has the same meaning as set forth in the Federal Truth in Lending Act and its implementing regulation, Regulation Z, 12 Code of Federal Regulations, Section ~~226.35(a)~~ 1026.35(a). "Higher-priced mortgage loan" also includes a residential mortgage loan that is a nontraditional mortgage as described in the "Interagency Guidance on Nontraditional Mortgage Product Risks" issued September 29, 2006 and published in 71 Federal Register, 58609 on October 4, 2006 and as updated from time to time, except that "higher-priced mortgage loan" does not include a mortgage that does not allow a borrower to defer repayment of principal or interest.

J. "Mortgage broker" has the same meaning as set forth in ~~24~~ 12 Code of Federal Regulations, Section ~~3500.2~~ 1024.2, except as otherwise provided in this Article.

K. "Points and fees" has the same meaning as set forth in 12 Code of Federal Regulations, Section ~~226.32(b)(1)~~ 1026.32(b)(1). In addition, "points and fees" includes:

(1) The maximum prepayment fees and penalties that may be charged or collected under the terms of the loan documents;

(2) All prepayment fees and penalties that are incurred by the borrower if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and

(3) All compensation paid directly or indirectly to a mortgage broker from any source, including a mortgage broker that originates a loan in its own name in a table-funded transaction.

For open-end loans, points and fees are calculated by adding the total points and fees known at or before closing, including the maximum prepayment penalties that may be charged or collected under the terms of the loan documents and the minimum additional fees the borrower would be required to pay to draw down an amount equal to the total credit line.

L. "Residential mortgage loan" means an extension of credit, including an open-end credit plan, in which:

(1) The loan does not exceed the maximum original principal obligation as set forth in and from time to time adjusted according to the provisions of 12 United States Code, Section 1454(a)(2);

(2) The loan is considered a federally related mortgage loan as set forth in ~~24~~ 12 Code of Federal Regulations, Section ~~3500.2~~ 1024.2;

(3) The loan is not a reverse mortgage transaction or a loan made primarily for business, agricultural or commercial purposes;

(4) The loan is not a construction loan; and

(5) The loan is secured by the borrower's principal dwelling.

M. "Servicing" has the same meaning as set forth in ~~24~~ 12 Code of Federal Regulations, Section ~~3500.2~~ 1024.2 and includes any other activities or responsibilities undertaken in connection with a residential mortgage loan by a person who acts as a servicer with respect to that residential mortgage loan, including collection and default management functions.

Sec. 9. 9-A MRSA §8-506, sub-§2, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

2. High-cost mortgage loans; restrictions. A high-cost mortgage loan is subject to the provisions applying to certain closed-end home mortgages covered by Regulation Z, 12 Code of Federal Regulations, Section ~~226.32~~ 1026.32 and the following restrictions.

A. In connection with a high-cost mortgage loan, a creditor may not directly or indirectly finance any points or fees.

B. In addition to the limitation on balloon payments found in Regulation Z, 12 Code of Federal Regulations, Section ~~226.32~~ 1026.32, a high-cost mortgage loan may not contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This paragraph does not apply when the payment schedule is adjusted to the seasonal or irregular income of the borrower.

C. A creditor may not make a high-cost mortgage loan without first receiving certification from a counselor with a 3rd-party, nonprofit organization approved by the United States Department of Housing and Urban Development, a housing financing agency of this State or the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection that the borrower has received counseling on the advisability of the loan transaction.

D. A prepayment fee or penalty may not be included in the loan documents or charged under the terms of a high-cost mortgage loan.

Sec. 10. 9-A MRSA §8-507, as enacted by PL 2011, c. 427, Pt. A, §15, is amended to read:

§8-507. Exemption from the Federal Truth in Lending Act

1. Preservation of federal exemption. As required by the Federal Truth in Lending Act, 15 United States Code, Section 1633 and its implementing regulation, Regulation Z, 12 Code of Federal Regulations, Section ~~226.29~~ 1026.29, the administrator may take any action necessary to apply for or to preserve a determination by the ~~Federal Reserve Board~~ federal Consumer Financial Protection Bureau or its successor agency that under the laws of this State any class of credit transactions within this State is subject to requirements substantially similar to federal requirements and that there are adequate provisions for enforcement of such requirements.

2. Application. This Article does not apply to any class of credit transactions within this State that is subject to the requirements of the Federal Truth in Lending Act, Title I of the federal Consumer Credit Protection Act unless any such class of transactions has first been exempted by a regulation of the ~~Board of Governors of the Federal Reserve Board~~ federal Consumer Financial Protection Bureau and that exemption remains in effect.

Sec. 11. 9-A MRSA §9-311-A, as amended by PL 2011, c. 427, Pt. B, §12, is further amended to read:

§9-311-A. Real estate settlement procedures

A creditor and its mortgage loan originators shall comply with the provisions of the federal Real Estate Settlement Procedures Act of 1974, 12 United States Code, Section 2601 et seq. and its implementing regulation, Regulation X, ~~24~~ 12 Code of Federal Regulations, Section ~~3500~~ 1024.1 et seq.

Sec. 12. 9-A MRSA §10-307, as amended by PL 2011, c. 427, Pt. B, §16, is further amended to read:

§10-307. Real estate settlement procedures

A loan broker and its mortgage loan originators shall comply with the provisions of 12 United States Code, Section 2601 et seq., the federal Real Estate Settlement Procedures Act of 1974 and its implementing regulation, Regulation X, ~~24~~ 12 Code of Federal Regulations, Section ~~3500~~ 1024.1 et seq.

See title page for effective date.

CHAPTER 465

S.P. 661 - L.D. 1666

An Act To Simplify the Audit Procedures of the Maine Rural Development Authority

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

Sec. 1. 5 MRSA §13120-K, sub-§2, as enacted by PL 2001, c. 703, §6, is amended to read:

2. Treasurer of State; annual financial report. The authority shall provide the Treasurer of State, within 120 days after the close of its fiscal year, its annual financial report certified by an independent certified public accountant, who may be the account-

ant or a member of the firm of accountants who regularly audits the books and accounts of the authority, selected by the authority. The authority shall also provide the Treasurer of State with an accounting of the authority's assets and liabilities at the end of its fiscal year. The authority is also subject to the provisions of chapter 11. The authority may combine for accounting purposes any or all funds established for its programs and activities. For any complete fiscal year that the authority contracts with the Finance Authority of Maine, or any other state agency or quasi-state agency that is required to submit to the Treasurer of State its own audited financial report, and the audited annual financial report of that state agency or quasi-state agency includes for accounting purposes the funds administered for the authority, the audited financial report of that state agency or quasi-state agency satisfies the requirements of this subsection.

See title page for effective date.

CHAPTER 466

S.P. 678 - L.D. 1712

An Act To Make Technical Corrections to the Maine Consumer Credit Code To Facilitate the Multistate Licensing Process

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

Sec. 1. 9-A MRSA §2-302, sub-§1, as amended by PL 2011, c. 427, Pt. B, §3, is repealed and the following enacted in its place:

1. The administrator shall receive and act on all applications for licenses to make supervised loans under this Act. Applications must be filed in the manner prescribed by the administrator and must contain the information required by the administrator to make an evaluation of the financial responsibility, character and fitness of the applicant.

A. For a lender subject to this subsection whose activities include making or arranging residential mortgage loans, an application for a license to make supervised loans must be made electronically, through the nationwide mortgage licensing system and registry. Licenses expire December 31st of each year and must be renewed through the nationwide mortgage licensing system and registry. An application for an initial license must be accompanied by a fee of $250, and an annual renewal application must be accompanied by a fee of $100. An application for an initial license or renewal for a place of business other than that of the applicant's first licensed location must be accompanied by a fee of $100. An applicant must also pay a nationwide mortgage licensing system and registry processing fee in an amount to be determined by the administrators of the nationwide mortgage licensing system and registry. A nonprofit organization exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) and engaged in the financing of housing for low-income people under a program designed specifically for that purpose must pay an initial licensing fee, and a fee for each branch location, of $20 and a renewal licensing fee and renewal fee for each branch location of $10, plus the applicable nationwide mortgage licensing system and registry processing fee.

B. For a lender subject to this subsection whose activities do not include making or arranging residential mortgage loans, an initial application for a license must be accompanied by a $500 fee and a renewal application must include a $200 fee. A license is granted for a 2-year period and expires on September 30th of the 2nd year. An application for an initial license or renewal for a place of business other than that of the applicant's first licensed location must be accompanied by a fee of $200.

Sec. 2. 9-A MRSA §2-302, sub-§2, as amended by PL 2011, c. 427, Pt. B, §5, is further amended to read:

2. A license to make supervised loans or as a mortgage loan originator may not be issued unless the administrator, upon investigation, finds that the financial responsibility, character and fitness of the applicant, and of the members thereof, if the applicant is a copartnership or association, and of the officers and directors thereof, if the applicant is a corporation, and, when applicable, the character and fitness of the mortgage loan originators thereof, are such as to warrant belief that the business will be operated honestly and fairly within the purposes of this Act. In determining the financial responsibility of an applicant proposing to engage in making insurance premium loans, the administrator shall consider the liabilities the lender may incur for erroneous cancellation of insurance.

A. Every applicant shall also, at the time of filing such application, file with the administrator, if the administrator so requires, a surety bond satisfactory to the administrator in an amount not to exceed $50,000. The terms of the bond must run concurrent with the period of time during which the license will be in effect. The bond must run to the State for the use of the State and of any person or persons who may have a cause of action against the licensee under this Act. The bond must be conditional that the licensee will faithfully conform to and abide by the provisions of this Act and to all rules lawfully made by the administrator under this Act and will pay to the State and to any

such person or persons any and all amounts of money that may become due or owing to the State or to such person or persons from the licensee under and by virtue of this Act during the period for which the bond is given.

B. As used in this section, the term "financial responsibility" means that the applicant has available for the operation of the licensed business net assets of at least $25,000 and upon issuance of a license, each licensee shall maintain net assets of at least $25,000 that are either used or readily available for use in the conduct of the business of each office of the licensee in which supervised loans are made.

D. In determining the financial responsibility of a nonprofit organization engaged in the financing of housing for low-income people under a program specifically designed for that purpose, the administrator may waive the requirement of a bond and availability of $25,000 of net assets, if the applicant submits appropriate additional evidence of financial responsibility.

Sec. 3. 9-A MRSA §2-302, sub-§4, as amended by PL 1995, c. 614, Pt. A, §2, is further amended to read:

4. A separate license is required for each place of business. ~~A license fee exceeding $200 may not be imposed for any license issued for a place of business other than that of the first licensed location of the licensee.~~ Each branch location license application must be accompanied by a surety bond, in a form acceptable to the administrator, in the amount of $50,000.

Sec. 4. 9-A MRSA §2-302, sub-§5-A, as amended by PL 2011, c. 427, Pt. B, §6, is further amended to read:

5-A. A licensee subject to subsection 1, paragraph A may conduct the business of making supervised loans only through a mortgage loan originator who possesses a current, valid license.

Sec. 5. 9-A MRSA §2-302, sub-§7, as amended by PL 2009, c. 243, §2, is repealed.

Sec. 6. 9-A MRSA §2-304, as amended by PL 1985, c. 336, §§3 and 4, is further amended to read:

§2-304. Records; annual and quarterly reports

2. The administrator may~~, by rule, require every~~ direct each licensee to file ~~a~~ composite annual ~~report~~ and quarterly reports relating to all supervised loans made or arranged by that licensee. Information contained in annual and quarterly reports ~~shall be~~ is confidential and may be published only in composite form. The administrator may at any time require additional reports if ~~he deems~~ the administrator determines such action necessary to the proper supervision of licensees.

Sec. 7. 9-A MRSA §10-201, as amended by PL 2011, c. 427, Pt. B, §15, is repealed and the following enacted in its place:

§10-201. Licensing and biennial relicensing

A person desiring to engage or continue in business in this State as a loan broker shall apply to the administrator for a license under this Article as set forth in this section. The administrator may refuse the application if it contains erroneous or incomplete information. A license may not be issued unless the administrator, upon investigation, finds that the financial responsibility, character and fitness of the applicant and, when applicable, its partners, officers and directors and, when applicable, the character and fitness of its mortgage loan originators, warrant belief that the business will be operated honestly and fairly within the purposes of this Title.

1. Loan broker whose activities include arranging for or obtaining an extension of credit for a residential mortgage loan. A loan broker subject to this section whose activities include arranging for or obtaining an extension of credit for a residential mortgage loan must apply for a license electronically through the nationwide mortgage licensing system and registry. The initial application must include a fee of $300 and a renewal application must include a fee of $150. An application for a branch location license for a location other than that of the first licensed location from which the applicant conducts business or from which the applicant conducts business under a different name than that listed on the first license must be accompanied by a license fee of $150 and an annual renewal fee of $75. The applicant must also pay such nationwide mortgage licensing system and registry processing fees as are established by the nationwide mortgage licensing system and registry. A license expires on December 31st of each year and must be renewed through the nationwide mortgage licensing system and registry. Notwithstanding other remedies available under this Title, an application received after the due date is subject to an additional fee of $100. A licensed loan broker subject to this subsection may conduct business only through a mortgage loan originator who possesses a current, valid license.

2. Loan broker whose activities do not include arranging for or obtaining an extension of credit for a residential mortgage loan. The initial application for a license as a loan broker subject to this section whose activities do not include arranging for or obtaining an extension of credit for a residential mortgage loan must be made directly to the administrator. Initial licenses are granted for a period not to exceed 2 years and expire January 31st. The initial application must include a fee of $600, and a biennial relicensing application must include a fee of $300. An application for a branch location license for a location other than that of the first licensed location from which the appli-

cant conducts business or from which the applicant conducts business under a different name than that listed on the first license must be accompanied by a license fee of $300 and a biennial renewal fee of $150. Notwithstanding other remedies available under this Title, applications received after the due date are subject to an additional fee of $100.

A licensed loan broker may conduct business only through a mortgage loan originator who possesses a current, valid license.

The administrator may direct each licensee to file composite annual and quarterly reports relating to all brokered loans arranged or obtained by that licensee. Information contained in annual and quarterly reports is confidential and may be published only in composite form. The administrator may at any time require additional reports if the administrator determines such action necessary to the proper supervision of licensees.

Sec. 8. 9-A MRSA §13-106, sub-§1, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

1. Minimum education requirements. In order to meet the prelicensing education requirement set forth in section 13-105, subsection 4, a person must complete at least 20 hours of education approved in accordance with subsection 2~~, which must include at least:~~.

~~A. Three hours of instruction in federal law and regulations;~~

~~B. Three hours of ethics, which must include instruction on fraud, consumer protection and fair lending issues; and~~

~~C. Two hours of training related to lending standards for the nontraditional mortgage product marketplace.~~

Sec. 9. 9-A MRSA §13-107, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

§13-107. Testing of mortgage loan originators

1. Written test. In order to meet the written test requirement required under section 13-105, subsection 5, an individual must pass, in accordance with the standards established under this section, a ~~qualified~~ written test developed by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.

~~**2. Qualified test.** A written test may not be treated as a qualified written test for purposes of subsection 1 unless the test adequately measures the applicant's knowledge and comprehension in appropriate subject areas, including:~~

~~A. Ethics;~~

~~B. Federal laws and regulations pertaining to mortgage origination;~~

~~C. State laws and rules pertaining to mortgage origination;~~

~~D. Federal and state laws, rules and regulations, including instruction on fraud, consumer protection, the nontraditional mortgage product marketplace and fair lending issues.~~

3. Testing location. Nothing in this section prohibits a test provider approved by the nationwide mortgage licensing system and registry from providing a test at the location of the employer of the applicant, or any subsidiary or affiliate of the employer of the applicant, or any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

4. Minimum competence. An individual is not considered to have passed a ~~qualified~~ written test unless the individual achieves a test score of not less than 75% correct answers to questions.

A. An individual may retake a test 3 consecutive times, undergoing each consecutive test at least 30 days after the preceding test.

B. After failing 3 consecutive tests, an individual must wait at least 6 months before taking the test again.

C. A licensed mortgage loan originator who fails to maintain a valid license for a period of 5 years or longer shall retake the test.

Sec. 10. 9-A MRSA §13-109, sub-§1, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

1. Requirement. In order to meet the annual continuing education requirements set forth in section 13-108, subsection 1, paragraph B, a licensed mortgage loan originator must complete at least 8 hours of education approved in accordance with subsection 2~~, which must include at least:~~.

~~A. Three hours of federal laws and regulations;~~

~~B. Two hours of ethics, which must include instruction on fraud, consumer protection and fair lending issues; and~~

~~C. Two hours of training related to lending standards for the nontraditional mortgage product marketplace.~~

Sec. 11. 9-A MRSA §13-109, sub-§5, ¶A, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

A. Notwithstanding ~~subsection 9 and~~ section 13-108, subsection 2, receive credit for a continuing education course only in the year in which the course is taken; and

Sec. 12. 9-A MRSA §13-109, sub-§6, as enacted by PL 2009, c. 362, Pt. B, §1, is repealed.

Sec. 13. 9-A MRSA §13-109, sub-§9, as enacted by PL 2009, c. 362, Pt. B, §1, is repealed.

Sec. 14. 9-A MRSA §13-110, sub-§2, as amended by PL 2011, c. 427, Pt. B, §20, is further amended to read:

2. Fees. The payment of fees to apply for or renew licenses through the nationwide mortgage licensing system and registry, that fee being initially established in the amount of $20 to the administrator at application and $20 for renewal, subject to adjustment pursuant to rule or order as set forth under this section. Renewal applications received after the due date are subject to an additional fee of $100;

See title page for effective date.

CHAPTER 467

H.P. 1200 - L.D. 1677

An Act To Make Minor Technical Changes to the Laws Governing the Department of Labor

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

Sec. 1. 5 MRSA §943, as amended by PL 2011, c. 655, Pt. D, §§5 and 6 and affected by §11 and amended by Pt. SS, §1, is further amended to read:

§943. Department of Labor

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of Labor. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter:

B. Director, Bureau of Labor Standards;

C. Executive Director, Maine Labor Relations Board;

E. Director of Legislative Affairs;

F-1. Deputy Commissioner;

G-1. ~~Beginning April 15, 1996, Executive~~ Director, Bureau of Employment Services;

J. ~~Executive~~ Director~~, Office~~ of Operations;

K. Director, Bureau of Rehabilitation Services;

L. Director, Bureau of Unemployment Compensation; and

M. Director~~, Public Information~~ of Communications.

Sec. 2. 26 MRSA §61, sub-§2, as amended by PL 1999, c. 57, Pt. B, §5, is further amended to read:

2. Source of funds. The commissioner or the commissioner's designee shall annually assess a levy based on actual annual workers' compensation paid losses, excluding medical payments, paid in the most recent calendar year for which data is available by employers under former Title 39, the Workers' Compensation Act or Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992. As soon as practicable after July 1st of each year, the commissioner or the commissioner's designee shall assess upon and collect from each insurance carrier licensed to do workers' compensation business in the State, and each group and individual self-insured employer authorized to make workers' compensation payments directly to their employees, a sum equal to that proportion of the current fiscal year's appropriation, exclusive of any federal funds, for the safety education and training program that the total workers' compensation benefits, exclusive of medical payments, paid by each licensed carrier or each group or individual self-insured employer, bear to the total of the benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available, except that the total amount levied annually may not exceed 1% of the total of the compensation benefits paid by all licensed carriers, and group and individual self-insured employers during the most recent calendar year for which data is available. A licensed carrier or group or individual self-insured must be assessed based on all benefits paid, exclusive of medical payments, during any year for which the carrier was licensed or the group or individual self-insured employer was authorized to make workers' compensation payments directly to their ~~employers~~ employees for any portion of the year.

Sec. 3. 26 MRSA §1083, sub-§2, as amended by PL 1977, c. 675, §13, is further amended to read:

2. Financing. All ~~moneys~~ funds received by this State under the ~~said Act of Congress~~ federal Wagner-Peyser Act, as amended, ~~shall~~ must be paid into ~~the Employment Security Administration Fund, and said moneys are~~ an employment services fund and the funds made available to the commissioner to be expended as provided by this section and by ~~said~~ that Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with the Railroad Retirement Board, or any other agency of the United States charged with the administration of an unemployment compensation law or employment security law, with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the commissioner may accept ~~moneys~~ funds, services or quarters as a contribution to ~~the Employment Security Administration Fund~~ an employment services fund.

Sec. 4. 26 MRSA §1401-A, sub-§2, as amended by PL 2007, c. 126, §1, is further amended to read:

2. Commissioner; entities incorporated. The department consists of a Commissioner of Labor, referred to in this chapter as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following entities as previously created or established are incorporated into the Department of Labor:

A. The Bureau of Unemployment Compensation;

B. ~~Beginning April 15, 1996, the~~ The Bureau of Employment Services;

C. The Bureau of Labor Standards;

D. The Bureau of Rehabilitation Services;

~~E. The Division of Administrative Hearings;~~

F. The Center for Workforce Research and Information; and

~~G. The Human Resource Development Council; and~~

~~H. The Private Industry Council staff.~~

I. The State Workforce Investment Board.

Sec. 5. 26 MRSA §1401-B, sub-§1, ¶B, as amended by PL 2011, c. 655, Pt. D, §10 and affected by §11 and amended by Pt. SS, §2, is repealed and the following enacted in its place:

B. The commissioner shall appoint to serve at the commissioner's pleasure:

(1) Deputy Commissioner;

(2) Director of Legislative Affairs;

(3) Director of Operations;

(4) Director of Communications;

(5) Director, Bureau of Labor Standards;

(6) Director, Bureau of Employment Services; and

(7) Director, Bureau of Rehabilitation Services.

Sec. 6. 26 MRSA §2006, sub-§5-B, as amended by PL 2011, c. 627, §3, is further amended to read:

5-B. Commission on Disability and Employment. In addition to its other duties, the board, through its ~~Standing Committee on Employment of People with Disabilities~~ Commission on Disability and Employment, a standing committee created pursuant to subsection 7, paragraph A, subparagraph ~~(3)~~ (2) and referred to in this subsection as "the standing committee," shall perform the duties of the former Governor's Committee on Employment of People with Disabilities.

A. The standing committee shall:

(1) Advise, consult and assist the executive and legislative branches of State Government on activities of State Government that affect the employment of disabled individuals. The standing committee is solely advisory in nature. The standing committee may advise regarding state and federal plans and proposed budgetary, legislative or policy actions affecting disabled individuals;

(2) Serve as an advocate on behalf of disabled citizens promoting and assisting activities designed to further equal opportunity for people with disabilities;

(3) Conduct educational programs considered necessary to promote public understanding of the employment-related needs and abilities of disabled citizens of this State;

(4) Provide information, training and technical assistance to promote greater employer acceptance of disabled workers;

(5) Advise and assist employers and other organizations interested in developing employment opportunities for disabled people; and

(6) Work with state and local government officials, organizations representing persons with disabilities and the business community to inform the public of the benefits of making facilities and services accessible to and usable by individuals with disabilities.

B. The standing committee shall administer in accordance with current fiscal and accounting regulations of the State, and in accordance with the philosophy, objectives and authority of this subsection, any funds appropriated for expenditure by the standing committee or any grants or gifts that may become available and are accepted and received by the standing committee.

C. The standing committee shall submit an annual report directly to the Governor and the Legislature not later than September 1st of each year concerning its work, recommendations and interest of the previous fiscal year and future plans. The standing committee shall make any interim reports it considers advisable.

D. The standing committee shall keep minutes of all meetings, including a list of people in attendance.

E. The standing committee may employ, subject to the Civil Service Law, the staff necessary to carry out its objectives. The standing committee may employ consultants and contract for projects it determines necessary. To the extent feasible and reasonable, the standing committee must be given the staff, facilities, equipment, supplies, information and other assistance required to carry out its activities.

F. The standing committee may make necessary rules, consistent with this subsection, for promoting its purposes.

~~G. The standing committee may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this subsection, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies.~~

Sec. 7. 26 MRSA §2006, sub-§7, as amended by PL 2013, c. 424, Pt. A, §15, is repealed and the following enacted in its place:

7. Committee structure. The board has the following committee structure.

A. The board shall create 6 standing committees. The standing committees shall make recommendations to the full board. The 6 standing committees are as follows:

(1) Younger workers;

(2) Commission on Disability and Employment;

(3) Women's employment issues;

(4) Older workers;

(5) Veterans employment; and

(6) The Program Policy Committee. Organizations with representation on the Program Policy Committee may include, but are not limited to, organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act.

B. The board may create committees in addition to those in paragraph A to address specific problems and issues. These committees shall make recommendations to the full board.

D. The standing committees under paragraph A may receive and accept, from any source, allocations, appropriations, loans, grants and contributions of money or other things of value to be held, used or applied to carry out this section, subject to the conditions upon which the loans, grants and contributions may be made, including, but not limited to, appropriations, allocations, loans, grants or gifts from a private source, federal agency or governmental subdivision of the State or its agencies.

See title page for effective date.

CHAPTER 468

H.P. 1233 - L.D. 1723

An Act To Improve Enforcement of Marine Resources 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 elver fishing season begins March 22, 2014 and changes made to elver fishing licensing laws 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 §6022, sub-§19 is enacted to read:

19. Interstate wildlife violator compact. The commissioner may enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of marine resources in the respective member states and may adopt rules, which are routine technical rules as described in Title 5, chapter 375, subchapter 2-A, necessary to implement certain provisions of the compact.

Sec. 2. 12 MRSA §6207, sub-§2, ¶A, as enacted by PL 1977, c. 661, §5, is amended to read:

A. If the aggregate value of all items seized is less than ~~$75~~ $200, unless there is reasonable doubt as to their ownership; and

Sec. 3. 12 MRSA §6207, sub-§3, ¶C, as amended by PL 1979, c. 541, Pt. B, §73, is further amended to read:

C. An order that a true copy of the libel and the order of the notice, attested by the marine patrol officer, be mailed to the person from whom the items were seized at that person's last known address and posted in 2 conspicuous places in the

municipality, or place where the items were seized, at least 10 days before the day set for the hearing.

Sec. 4. 12 MRSA §6207, sub-§4, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

4. Sale or disposition of marine organisms prior to libel. Any marine organism seized pursuant to this section may be sold prior to being libeled under this section by any marine patrol officer. The proceeds of the sale must be libeled in accordance with this section.

A. The officer may sell organisms at public or private sale and hold any proceeds of the sale until the libel is completed.

C. All money received from the sale of marine organisms sold in accordance with this subsection must be in the form of a certified or cashier's check made out to the Department of Marine Resources.

Sec. 5. 12 MRSA §6207, sub-§5, as enacted by PL 1977, c. 661, §5, is amended to read:

5. Items or proceeds forfeited if no court appearance. If no claimant appears at the time of the hearing on the libel, on return of service of the officer in compliance with the order of notice, the judge shall declare the items forfeited to the State.

A. If the items have been sold in accordance with subsection 4, the officer shall turn the proceeds over to the ~~judge who shall dispose of them in the same manner that he disposes of fines collected under marine resources' laws~~ commissioner, who shall deposit them in the Marine Science, Management and Enforcement Fund established under subsection 12.

Sec. 6. 12 MRSA §6207, sub-§9, as enacted by PL 1977, c. 661, §5, is amended to read:

9. Forfeiture; executions for cost; appeal; recognizance. If the judge finds that the claimant is not entitled to any item claimed, the judge shall render judgment against the claimant for the State for costs to be taxed as in civil cases before the judge. The judge shall issue an execution for the costs as in civil cases. The judge shall declare the articles forfeited to the State. If the items have been sold in accordance with subsection 4, the officer shall turn the proceeds of the sale over to the ~~judge who shall dispose of them in the same manner he disposes of fines collected under marine resources' laws~~ commissioner, who shall deposit them in the Marine Science, Management and Enforcement Fund established under subsection 12.

A. The claimant may appeal to the Superior Court next to be held within the county where the judge's court is located, and, if ~~he~~ the claimant appeals, the judge may order the claimant to recognize with sureties as on appeals in civil cases.

B. The judge may order that the items or proceeds of sale remain in the custody of the officer pending the appeal.

Sec. 7. 12 MRSA §6207, sub-§12 is enacted to read:

12. Science, management and enforcement fund. The Marine Science, Management and Enforcement Fund, referred to in this subsection as "the fund," is established within the department. The fund receives all funds deposited by the commissioner pursuant to this section. All money received by the fund must be used to fund scientific research, management or enforcement activities related to marine resources. Unexpended balances in the fund at the end of a fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund. To the extent practicable, funds received from the sale of items or articles forfeited under this section as a result of a violation of law relating to a particular species must be used for scientific research, management or enforcement activities related to that species.

Sec. 8. 12 MRSA §6210 is enacted to read:

§6210. Procedure for administrative assessment of penalty for pecuniary gain

The department in an adjudicatory proceeding may impose an administrative penalty for a violation of section 6864, subsection 7-A equal to the pecuniary gain from that violation in accordance with this section.

1. Definition. As used in this section, unless the context otherwise indicates, "pecuniary gain" means the amount of money or the value of property at the time a person violates section 6864, subsection 7-A that the person derives from the violation.

2. Initiation and notice. If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of section 6864, subsection 7-A has been committed, the commissioner shall immediately examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the imposition of a penalty is necessary, the commissioner shall immediately notify the person who is alleged to have violated the law in accordance with Title 5, section 9052. The notice must state that the person may request a hearing in writing within 10 days of the notice.

3. Hearing. If a hearing is requested pursuant to subsection 2, it must be held within 30 business days

after receipt by the commissioner of the request for a hearing, except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing and mutually agreed to in writing. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing committed a violation of section 6864, subsection 7-A; and

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing. The presiding officer must be the commissioner or the commissioner's designee.

Any decision to impose an administrative penalty under this section must be based on evidence in the record of the pecuniary gain, which may include evidence of the fair market value of any elvers illegally possessed by the person at the time the violation was committed. The penalty may be based on evidence of the amount of money or value of property the person received for elvers sold in violation of section 6864, subsection 7-A.

4. Appeal. A decision of the commissioner or the commissioner's designee to assess an administrative penalty for pecuniary gain pursuant to this section may be appealed to the Superior Court if the appeal is filed with the court within 30 days of the decision.

5. Request for hearing on penalty amount; place of hearing. The license holder may request a hearing regarding the amount of the administrative penalty assessed under this section. A hearing must be requested in writing within 10 days from the receipt of the notice of the penalty. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to by the commissioner or the commissioner's designee and the license holder who requests the hearing in writing. The hearing must be conducted in the Augusta area.

6. Disposition of penalty. The commissioner shall deposit any payments for administrative penalties collected pursuant to this section into the Eel and Elver Management Fund established under section 6505-D.

Sec. 9. 12 MRSA §6305, as amended by PL 2013, c. 49, §2, is further amended to read:

§6305. Possession of license, photo identification and transaction card

1. Exhibit on demand. When any person is engaged in an activity ~~which~~ that is licensed under marine resources' laws, ~~he~~ that person shall have that license in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, exhibit ~~his~~ that person's license.

1-A. Photo identification. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have a government-issued identification card with that person's photograph and date of birth in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, present ~~a~~ the government-issued identification card with ~~the~~ that person's photograph and date of birth.

1-B. Elver transaction card. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have the elver transaction card issued by the department under section 6505-A to that person in that person's actual possession and shall, on the request of a marine patrol officer or other authorized person, present the elver transaction card.

2. Prima facie evidence. A failure to exhibit a license and an elver transaction card if an elver transaction card is required within a reasonable time, when requested, ~~shall be~~ is prima facie evidence that the person is not licensed.

3. Crew members. If crew members are included in the license for any operation, any bona fide crew member may carry out that operation if the license is in ~~his~~ that crew member's possession.

Sec. 10. 12 MRSA §6374, sub-§3, as enacted by PL 2011, c. 311, §4, is amended to read:

3. Finding of marine resources violation and suspension. If the presiding officer of the hearing under subsection 2 finds that a violation of marine resources law has been committed, the presiding officer shall immediately notify the commissioner of the finding, and the commissioner may suspend the license or certificate of the person requesting the hearing. ~~The~~ Except as provided in this subsection, the length of the suspension of the license or certificate may not exceed:

A. One year from the date of a first finding of a violation ~~under this subsection~~;

B. Two years from the date of a 2nd finding of a violation ~~under this subsection~~; or

C. Three years from the date of a 3rd or subsequent finding of a violation ~~under this subsection~~.

The commissioner may suspend any license or certificate for a period of time not to exceed the maximum amount of time allowable for a criminal conviction or civil adjudication of the same violation.

Sec. 11. 12 MRSA §6401, as amended by PL 2001, c. 421, Pt. B, §17 and affected by Pt. C, §1, is further amended to read:

§6401. Suspension or revocation based on conviction or adjudication

1. Violation of marine resources laws. ~~The~~ Notwithstanding specific penalties authorized under this Part, the commissioner may suspend any licenses or certificates issued under this Part if a person is convicted or adjudicated in court of violating any section of the marine resources laws.

2. Length of suspension. The suspension of a license or certificate may not exceed:

A. One year from the date of the first conviction or adjudication;

B. Two years from the date of the 2nd conviction or adjudication; and

C. Three years from the date of the 3rd or subsequent conviction or adjudication.

3. Applicable standards. Any conviction or adjudication occurring more than 7 years before the last conviction or adjudication may not be counted in determining lengths of suspension.

4. Revocation following 6 or more violations. The commissioner may permanently revoke any licenses or certificates of a license holder or certificate holder following the conviction or adjudication of the license holder or certificate holder for a 6th or subsequent violation of marine resources laws.

Sec. 12. 12 MRSA §6404-L is enacted to read:

§6404-L. Suspension or revocation based on interstate wildlife violator compact

The commissioner may suspend or revoke the license, privilege or right of any person to fish for, take, possess or transport any marine organism to the extent that the license, privilege or right has been suspended or revoked by another member state of an interstate wildlife violator compact entered into by the commissioner pursuant to section 6022, subsection 19.

Sec. 13. 12 MRSA §6412, as enacted by PL 2013, c. 282, §2, is amended 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 section 6864, subsection 8 or 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 section 6864, subsection 8 or 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.

1-A. Process for suspension for failing to comply with daily reporting by elver dealers. If the commissioner determines that a person licensed under section 6864 has failed to comply with the daily reporting requirement under section 6864, subsection 8, the commissioner shall notify the person at the telephone number provided on the person's license application or at another telephone number provided in writing by the dealer for this purpose. If the license holder has not complied with the reporting requirements within 24 hours of the requirement to submit the report, the commissioner shall serve a notice of suspension in hand to the license holder or mail the notice to the license holder. If the notice is mailed to the license holder, the notice is deemed received 3 days after the mailing. The notice must:

A. Describe the information that the license holder is required to provide 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 holder requests a hearing, the license will be suspended 12 hours after the license holder's receipt of the notice.

Notwithstanding subsection 4, if the license holder has not complied with the reporting requirements or requested a hearing within 12 hours after receipt of the notice, the commissioner shall suspend the license.

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 is deemed received 3 days after the mailing. 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 is deemed received 3 days after the mailing. 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. 14. 12 MRSA §6431, sub-§7, as amended by PL 2009, c. 394, §6, is further amended to read:

7. Penalty. Possession of lobsters in violation of this section is a Class D crime, except that the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000. ~~A court may not suspend a fine imposed under this subsection.~~

Sec. 15. 12 MRSA §6431-E, sub-§3, ¶B-1 is enacted to read:

B-1. Was the owner of a vessel that was named on that individual's Class I, Class II or Class III lobster and crab fishing license but is no longer the owner of that vessel due to sale or foreclosure. The individual must demonstrate immediate intent to become the owner of another vessel that will be used to fish for or take lobsters and request in writing permission from the commissioner to use the other vessel to fish for or take lobsters for a limited period of time;

Sec. 16. 12 MRSA §6431-G, sub-§2, ¶¶B and C, as enacted by PL 2009, c. 394, §8, are amended to read:

B. The vessel named on the individual's license has become temporarily inoperable because of an accident or a mechanical failure and the individual requests in writing and is granted permission from the commissioner to use another vessel to fish for or take lobsters; ~~or~~

C. The individual is designated as the sponsor of a student pursuant to section 6421 and is operating the vessel named on the student's license for the purposes of providing practical lobster fishing training to the student while the student is present on the vessel.; or

Sec. 17. 12 MRSA §6431-G, sub-§2, ¶D is enacted to read:

D. The individual was the owner of a vessel that was named on that individual's Class I, Class II or Class III lobster and crab fishing license but is no longer the owner of that vessel due to sale or foreclosure. The individual must demonstrate immediate intent to become the owner of another vessel that will be used to fish for or take lobsters and request in writing permission from the commissioner to use the other vessel to fish for or take lobsters for a limited period of time.

Sec. 18. 12 MRSA §6432, sub-§5, as amended by PL 2009, c. 394, §9, is further amended to read:

5. Penalty for possession. Possession of lobsters other than caught by the method specified in subsection 1 is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000. A court may not suspend a fine imposed under this subsection.

Sec. 19. 12 MRSA §6436, sub-§5, as repealed and replaced by PL 2009, c. 394, §10, is amended to read:

5. Penalty for possession of egg-bearing lobsters. Possession of lobsters in violation of subsection 1, paragraph A is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of $1,000 for each violation and, in addition, a fine of $200 for each lobster involved, up to and including the first 5, and a fine of $400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $2,500 or more than $10,000. A court may not suspend a fine imposed under this subsection.

Sec. 20. 12 MRSA §6436, sub-§6, as enacted by PL 2009, c. 394, §11, is amended to read:

6. Penalty for possession of v-notched lobsters. Possession of lobsters in violation of subsection 1, paragraph B is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $400 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000. A court may not suspend a fine imposed under this subsection.

Sec. 21. 12 MRSA §6438-A, sub-§2, as amended by PL 2009, c. 394, §12, is further amended to read:

2. Penalty. A violation of this section is a Class D crime, except that the court shall impose a fine of $1,000 for each violation and, in addition, a fine of $300 for each lobster involved or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000. A court may not suspend a fine imposed under this subsection.

Sec. 22. 12 MRSA §6445-A, sub-§1, ¶A, as enacted by PL 2013, c. 282, §4, is amended to read:

A. Sells lobsters or crabs under the direct supervision of the holder of the Class II or Class III lobster and crab fishing license under whose authority the lobster or crabs were taken to a purchaser who holds a valid wholesale seafood license with a lobster permit or a valid retail seafood license; and

Sec. 23. 12 MRSA §6505-A, sub-§1, as amended by PL 2003, c. 452, Pt. F, §11 and affected by Pt. X, §2, is further amended to read:

1. License required. A Except as provided in section 6302-A, a person may not fish for or take elvers or possess, ship, transport or sell elvers that the person has taken engage in the activities authorized under subsection 1-A unless the person is issued one of the following elver fishing licenses under this section:

A. A resident elver fishing license for one device;

B. A resident elver fishing license for 2 devices;

C. A nonresident elver fishing license for one device; or

D. A nonresident elver fishing license for 2 devices.;

E. A resident elver fishing license with crew for one device;

F. A resident elver fishing license with crew for 2 devices;

G. A nonresident elver fishing license with crew for one device; or

H. A nonresident elver fishing license with crew for 2 devices.

The department may not issue a license under paragraph E, F, G or H until January 1, 2015.

Sec. 24. 12 MRSA §6505-A, sub-§§1-A to 1-E are enacted to read:

1-A. Licensed activity. The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. Only the license holder to whom a tag is issued may empty an elver fyke net.

1-B. License limitations. An elver fishing license with crew authorizes the license holder to engage in the licensed activities under subsection 1-A. The holder of an elver fishing license with crew may engage one unlicensed crew member to assist the license holder only in certain activities as authorized by rule, and the unlicensed crew member may assist only under the direct supervision of the license holder.

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and license number.

1-D. Use of elver transaction card required. The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C.

1-E. Elver transaction card limited. A person may not possess an elver transaction card unless that person holds a license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G and the elver transaction card was issued to that person pursuant to subsection 1-C.

Sec. 25. 12 MRSA §6505-A, sub-§4, as amended by PL 2009, c. 213, Pt. G, §6, is further amended to read:

4. Fees. Fees for elver fishing licenses are:

A. For a person who is a resident, $105; ~~and~~

B. For a person who is a nonresident, $442.~~;~~

C. For a person who is a resident with crew, $305; and

D. For a person who is a nonresident with crew, $1,326.

Fifty dollars of each license fee collected under ~~this subsection accrues~~ paragraphs A and B and $200 of each license fee collected under paragraphs C and D accrue to the Eel and Elver Management Fund established in section 6505-D.

Sec. 26. 12 MRSA §6575-A, sub-§1, as enacted by PL 2013, c. 49, §12, is amended to read:

1. Prohibition. It is unlawful for a person to fish for or take elvers from noon ~~Tuesday to noon Wednesday and from noon Saturday~~ Friday 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.

Sec. 27. 12 MRSA §6575-B, sub-§8 is enacted to read:

8. St. Croix River; use of fyke nets prohibited. It is unlawful for a person to use an elver fyke net to fish for or take elvers from the St. Croix River and its tributaries, as defined by the department by rule. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 28. 12 MRSA §6575-D, as amended by PL 2013, c. 49, §14, is further amended to read:

§6575-D. Molesting elver fishing gear

1. Prohibition. ~~A~~ Except as provided in subsection 1-A, a person other than a marine patrol officer or the license holder issued a tag for an elver fyke net ~~or a Sheldon eel trap~~ may not utilize, transfer, alter, possess or in any manner handle the net ~~or trap~~ unless that person has been issued ~~an elver fishing~~ a license to fish for elvers with an elver fyke net under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A ~~and:~~ or a license to fish for elvers with crew with an elver fyke net under section 6505-A and the license holder issued the tag for the elver fyke net is present and assisting in setting, tending or removing the net.

~~B. Is issued written permission by a marine patrol officer to tend the net or trap of a license holder issued a tag. A marine patrol officer may issue a person written permission for the person to tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State if the license holder can not tend the net or trap because of a disability or personal or family medical condition. If the license holder is unable to tend the net or trap for more than 2 weeks, the net or trap must be removed from the water.~~

1-A. Restriction on emptying net or trap; exception. A person other than the license holder identified on the tag for an elver fyke net or a Sheldon eel trap may not empty that net or trap unless that person has been issued an elver fishing license for the same gear type and has been issued written permission by a marine patrol officer to tend that net or trap. A marine patrol officer may issue a person written permission for the person to tend the license holder's net or trap only for the purpose of releasing captured elvers into the waters of the State if the license holder is temporarily unable to tend that net or trap because of a disability or personal or family medical condition. If the license holder is unable to tend that net or trap for more than 2 consecutive weeks, the net or trap must be removed from the water.

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. 29. 12 MRSA §6575-H, sub-§1, ¶B, as enacted by PL 2013, c. 301, §12, is amended to read:

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, by whom the landings will be reported, 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 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A.

Sec. 30. 12 MRSA §6575-I, as enacted by PL 2013, c. 301, §13, is repealed.

Sec. 31. 12 MRSA §6671, sub-§10-A, ¶¶A and B, as enacted by PL 2005, c. 171, §3, are amended to read:

A. For harvesting shellfish without a municipal shellfish license:

(1) For commercial purposes, a fine of not less than $300 and not more than ~~$1,500~~ $1,000. Possession of more than one peck of clams without a license is prima facie evidence of a violation of this subparagraph; and

(2) For personal use, a fine of not less than $100 and not more than $500; and

B. For harvesting shellfish in violation of a license restriction:

(1) By a commercial license holder, a fine of not less than $300 and not more than ~~$1,500~~ $1,000; and

(2) By a recreational license holder, a fine of not less than $100 and not more than $500.

Sec. 32. 12 MRSA §6851-B, sub-§5, as enacted by PL 2009, c. 523, §9, is amended to read:

5. Violation. A person who violates this section commits a civil violation for which a fine of not less than $100 nor more than ~~$2,000~~ $1,000 may be adjudged.

Sec. 33. 12 MRSA §6852, sub-§1, as amended by PL 2013, c. 282, §11 and affected by §12, is further amended to read:

1. License required. A person may not ~~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~~ engage in the activities authorized under subsection 2 without a retail seafood license or other 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.~~

Sec. 34. 12 MRSA §6852, sub-§2, as amended by PL 2013, c. 282, §11 and affected by §12, is further amended to read:

2. License activity. The holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or serve:

A. ~~Any marine organism, except that any shellstock must be bought~~ Shellstock, which must be purchased from a wholesale seafood license holder certified under section 6856; ~~and~~

D. Crayfish~~.~~;

F. Lobsters; and

G. Any marine organism that is purchased directly from a harvester licensed under this Part.

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.

Sec. 35. 12 MRSA §6861-A, sub-§6, ¶C, as enacted by PL 2003, c. 452, Pt. F, §34 and affected by Pt. X, §2, is amended to read:

C. Except as provided in paragraphs A and B, violation of this section is a ~~Class D crime, except that the court shall impose~~ civil violation for

which a fine of not less than $100 nor more than $1,000 may adjudged.

Sec. 36. 12 MRSA §6864, sub-§3, as amended by PL 2011, c. 549, §9, is further amended to read:

3. Supplemental license. A supplemental license must be obtained for each vehicle or additional permanent facility. Beginning with the 2015 elver fishing season, a supplemental license authorizes a person to possess, ship, transport or sell elvers.

Sec. 37. 12 MRSA §6864, sub-§7-A is enacted to read:

7-A. Use of elver transaction card required. The department shall issue to a dealer licensed under this section an electronic recording device that records the information on an elver transaction card issued by the department under section 6505-A, subsection 1-C. A dealer licensed under this section shall record each purchase or transfer of elvers from a harvester by using that harvester's elver transaction card. A dealer may not purchase elvers from a harvester that does not present an elver transaction card.

Sec. 38. 12 MRSA §6864, sub-§8, as enacted by PL 2005, c. 533, §4, is repealed and the following enacted in its place:

8. Reporting. A dealer licensed under this section shall submit reports electronically to the department using an approved electronic format on a daily basis for the entire elver fishing season. The reporting period begins daily at 12:01 a.m. Eastern Standard Time and ends at 12:00 midnight. Reports must be received by the department by 2:00 p.m. of the following day, including the day following the last day of the season. If a correction is needed following the entry of a transaction, the dealer shall contact the department directly to request the correction. If an extension of time is needed, the dealer shall contact the department directly to request the extension.

Sec. 39. 12 MRSA §6864, sub-§8-A is enacted to read:

8-A. Seizure of equipment. If a dealer licensed under this section fails to report, or fails to report accurately, and does not contact the department to request an extension of time or to correct information in accordance with subsection 8, a marine patrol officer may seize any recording equipment issued by the department under subsection 7-A. A marine patrol officer may also seize any department-issued equipment if an extension is requested but is not granted.

Sec. 40. 12 MRSA §6864, sub-§10, as amended by PL 2013, c. 301, §22, is further amended to read:

10. Purchase of elvers. ~~A~~ Until May 31, 2014, 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. Beginning in 2015, a person who holds an elver dealer's license or the license holder's authorized representative may purchase elvers from licensed harvesters only at the permanent facility identified on the license holder's license. The license holder or the license holder's authorized representative shall keep ~~a record~~ records on forms supplied by the department that ~~identifies~~ identify each harvester from which elvers were purchased and the amount of elvers purchased from each harvester and each dealer to whom elvers were sold and the amount of elvers sold to each dealer. At all times, the license holder or the license holder's authorized representative must be able to fully account for the amount of elvers in the license holder's or the licence holder's authorized representative's possession. On the request of a marine patrol officer, the license holder or the license holder's authorized representative shall weigh the amount of elvers in the license holder's or the licence holder's authorized representative's possession for the purpose of determining if the amount of elvers meets the license holder's or the license holder's authorized representative's records. The license holder or the license holder's authorized representative shall make the ~~record~~ records available for inspection by a marine patrol officer. If the license holder's or the license holder's authorized representative's records do not match the amount of elvers in the license holder's or the license holder's authorized representative's possession, the entire bulk pile is subject to seizure pursuant to section 6575-J. The license holder or the license holder's authorized representative may not purchase elvers with any form of payment 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 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A.

Sec. 41. 12 MRSA §6864, sub-§13 is enacted to read:

13. Record-keeping required. An elver dealer shall maintain paper records pertaining to all elver purchases and shipments. These records must be made available to the department upon request, and:

A. Each license holder must have a business address at which the records are maintained;

B. The records must be complete, accurate and legible;

C. The records must be sufficient to allow each purchase and shipment of elvers to be tracked by date of purchase from harvester, by harvester name and landings number and by buyer to whom the elvers were sold; and

D. The records must be retained for a minimum of 3 years.

Sec. 42. 12 MRSA §6952-A, sub-§4, as enacted by PL 2009, c. 394, §14, is amended to read:

4. Penalty for possession. A violation of this section is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of $500 for each violation and, in addition, a fine of $100 for each lobster involved, up to and including the first 5, and a fine of $200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than $1,000 or more than $5,000. ~~A court may not suspend a fine imposed under this subsection.~~

Sec. 43. 2014 elver fishing season; license holders permitted to assist. A person licensed under the Maine Revised Statutes, Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A to harvest elvers may, under the direct supervision of another person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A who is present, directly involved with the licensed activity and providing direct supervision, assist that person, except that:

1. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A may sell only those elvers that person has taken;

2. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A may empty the cod end of an elver fyke net only if that person was issued the tag attached to that elver fyke net;

3. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A who is not authorized to fish for elvers with an elver dip net may not fish for elvers with an elver dip net; and

4. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A to fish for elvers with an elver dip net may not continue to utilize an elver dip net to fish for or take elvers if that person has met or exceeded the elver individual fishing quota allocated to that person for that elver fishing season.

This section is repealed June 1, 2014.

Sec. 44. 2014 elver harvesting; open season; start date. Notwithstanding the Maine Revised Statutes, Title 12, section 6575, subsection 1, the Commissioner of Marine Resources may delay the start of the 2014 elver fishing season if necessary to establish, implement and administer the elver transaction card system under Title 12, section 6505-A, subsection 1-C.

Sec. 45. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Marine Science, Management and Enforcement Fund N172

Initiative: Provides an allocation of $500 in fiscal year 2014-15 to establish the Marine Science, Management and Enforcement Fund to be used for scientific research, management and marine resources enforcement.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$500
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$500

Sec. 46. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6852, subsections 1 and 2 take effect April 1, 2014.

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

Effective March 13, 2014, unless otherwise indicated.

CHAPTER 469

S.P. 648 - L.D. 1655

An Act To Amend 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 2013, c. 251, §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, Maintenance, Construction and Acquisition 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. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(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, pub-

lic 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 §154, as amended by PL 2003, c. 488, §2 and affected by §5, is further amended to read:

§154. Capital Repair, Maintenance, Construction and Acquisition Account

Except as provided in section 353, the Capital Repair, Maintenance, Construction and Acquisition Account is established in the Military Bureau as a nonlapsing fund to assist in defraying the capital repair, maintenance and construction of state-owned properties of the Military Bureau, as well as purchasing land for training sites. The bureau may not spend ~~$300,000~~ $500,000 or more for any single capital repair, maintenance or construction project or land acquisition unless that expenditure is approved in advance by the Legislature. Not later than January 1st of each odd-numbered year, the bureau shall submit a list to the Legislature that identifies the location, nature and cost of each planned capital repair, maintenance and construction project and land acquisition costing less than ~~$300,000~~ $500,000.

Sec. 3. 37-B MRSA §264, sub-§1, as amended by PL 2001, c. 559, Pt. PP, §1, is further amended to read:

1. Sale of property; proceeds. The Adjutant General shall designate an officer to inspect military property, real and personal, and may condemn any inspected property that the Adjutant General determines to be unfit for use by the military. Property condemned under this subsection may be sold by the Adjutant General. Real property condemned under this subsection may not be sold for less than its appraised value as determined by a person licensed as a real estate appraiser under Title 32, chapter 124.

All proceeds from the sale of condemned property must be paid into the State Treasury and credited to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau established under section 154. ~~For fiscal year 2002-03 only, proceeds up to $300,000 from the sale of condemned property must be paid into the State Treasury and credited to the National Guard Education Assistance Pilot Program established under Resolve 1999, chapter 121. Funds not used for National Guard Education Assistance Pilot Program purposes must be paid into the Capital Repair Account of the Military Bureau.~~

Sec. 4. 37-B MRSA §264, sub-§2, as enacted by PL 1995, c. 684, §3, is amended to read:

2. Designation of property; sale. The Adjutant General may sell an armory or other real property of the Military Bureau if the Adjutant General has:

A. Completed the appraisal required under subsection 1; and

B. Except as provided in subsection 3, obtained approval of the Legislature to sell that armory or other real property. For the purposes of this subsection, the term "approval of the Legislature" means the enactment by the Legislature and signing by the Governor of a resolve authorizing the sale of that armory or other real property.

All proceeds of the sale of an armory or other real property under this subsection must be paid into the State Treasury and credited to the Capital Repair,

Maintenance, Construction and Acquisition Account of the Military Bureau established under section 154.

Sec. 5. 37-B MRSA §353, as enacted by PL 2003, c. 488, §4 and affected by §5, is amended to read:

§353. Tuition grant for member

A member who meets the prerequisites of section 354 is entitled to a tuition benefit that may not exceed tuition costs incurred at any state postsecondary education institution. A member who attends classes in Maine at a regionally accredited private Maine college or university is entitled to a tuition benefit that may not exceed the tuition costs incurred at that private college or university or a tuition benefit not to exceed tuition assessed for a similar degree program at any state postsecondary education institution, whichever is less. Notwithstanding any other provision of law, the Maine National Guard shall use federal funds; state general funds not to exceed $5,000 in any fiscal year; or state funds from the Armory Rental Fund as established in section 152, the Capital Repair, Maintenance, Construction and Acquisition Account as established in section 154 or the reimbursement fund as established in section 155 or from revenue generated by the Maine Military Authority to pay tuition benefits.

Sec. 6. 37-B MRSA §399, sub-§1, as enacted by PL 2013, c. 251, §4, is amended to read:

1. Capital repairs; tuition assistance. An account established within the Military Bureau to be used for capital repairs ~~and~~, maintenance, construction and acquisition of state military facilities and Maine National Guard tuition assistance;

See title page for effective date.

CHAPTER 470

H.P. 1213 - L.D. 1690

An Act Concerning Confidential Records Received by the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 21-A MRSA §1003, sub-§3-A, as enacted by PL 2007, c. 571, §6, is amended to read:

3-A. Confidential records. Investigative working papers of the commission are confidential ~~and may not be disclosed to any person except the members and staff of the commission~~, except that the commission may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or ~~audit~~ other enforcement matter:

A. Financial information not normally available to the public;

B. Information ~~belonging to a party committee, political action committee, ballot question committee, candidate or candidate's authorized committee~~ that, if disclosed, would reveal sensitive political or campaign information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, ~~in a final audit or investigation report or determination~~ if the information or record is materially relevant to a finding of fact ~~or~~, violation or other decision by the commission concerning an audit, investigation or other enforcement matter.

See title page for effective date.

CHAPTER 471

H.P. 1220 - L.D. 1696

An Act To Clarify That Veterans Who Served in Iraq and Afghanistan Qualify for the Veterans' Property Tax Exemption

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

Sec. 1. 36 MRSA §653, sub-§1, ¶C, as amended by PL 2007, c. 240, Pt. PPPP, §1, is further amended to read:

C. The estates up to the just value of $6,000, having a taxable situs in the place of residence, of

veterans who served in the Armed Forces of the United States:

(1) During any federally recognized war period, including the Korean Campaign, the Vietnam War, the Persian Gulf War ~~and,~~ the periods from August 24, 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990, Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or who were awarded the Armed Forces Expeditionary Medal, when they have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after February 27, 1961 and before May 8, 1975 unless the veteran died in service or was discharged for a service-connected disability after that date. "Persian Gulf War" means service on active duty on or after August 2, 1990 and before or on the date that the United States Government recognizes as the end of that war period; or

(2) Who are disabled by injury or disease incurred or aggravated during active military service in the line of duty and are receiving any form of pension or compensation from the United States Government for total, service-connected disability.

The exemptions provided in this paragraph apply to the property of that veteran, including property held in joint tenancy with that veteran's spouse or held in a revocable living trust for the benefit of that veteran.

Sec. 2. 36 MRSA §653, sub-§1, ¶D-1, as amended by PL 2007, c. 437, §7 and affected by §22, is further amended to read:

D-1. The estates up to the just value of $50,000, having a taxable situs in the place of residence, for specially adapted housing units, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign, the Vietnam War, the Persian Gulf War ~~and,~~ the periods from August 24, 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990, Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or who were awarded the Armed Forces Expeditionary Medal, and who are paraplegic veterans within the meaning of 38 United States Code, Chapter 21, Section 2101, and who received a grant from the United States Government for any such housing, or of the unremarried widows or widowers of those veterans. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after February 27, 1961 and before May 8, 1975, unless the veteran died in service or was discharged for a service-connected disability after that date. "Persian Gulf War" means service on active duty on or after August 2, 1990 and before or on the date that the United States Government recognizes as the end of that war period. The exemption provided in this paragraph applies to the property of the veteran including property held in joint tenancy with a spouse or held in a revocable living trust for the benefit of that veteran.

See title page for effective date.

CHAPTER 472

S.P. 671 - L.D. 1705

An Act To Conform the Maine Tax Laws to the United States Internal Revenue 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, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of 2013 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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 §111, sub-§1-A, as amended by PL 2013, c. 368, Pt. TT, §1 and affected by §20, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~January 2~~ December 31, 2013.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2013 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2013.

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

Effective March 6, 2014.

CHAPTER 473
S.P. 634 - L.D. 1643

An Act To Enable the Bureau of Labor Standards To Access Federal Reimbursement by Amending State Law To Conform to Federal Law

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

Sec. 1. 26 MRSA §43, as amended by PL 1971, c. 620, §13, is further amended to read:

§43. Facts and statistics; seal; testimony; sources confidential

The director may furnish a written or printed list of interrogatories for the purpose of gathering such facts and statistics as are contemplated, to any person, or the proper officer of any corporation operating within the State, and may require full and complete answers thereto under oath. The director shall have a seal, and may take and preserve testimony, issue subpoenas, administer oaths and examine witnesses under oath in all matters relating to the duties required of ~~said~~ the bureau. Such testimony ~~shall~~ must be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses summoned and testifying before the director ~~shall~~ must be paid, from any funds at the disposal of the bureau, the same fees as witnesses before the Superior Court. In the report ~~of said bureau no use shall be made of the~~, except safety and health reports, names of individuals, firms or corporations supplying the information called for by this section may not be used unless by written permission, such information being confidential and not for the purpose of disclosing personal affairs.

Sec. 2. 26 MRSA §44, as amended by PL 1975, c. 519, §4, is further amended to read:

§44. Right of access

The director as state factory inspector, and any authorized agent of the bureau, may enter any workplace as defined in section 1, provided by the State~~,~~ or by a state agency, county, municipal corporation, school district or other public corporation or political subdivision when the same are open or in operation, for the purpose of gathering facts and statistics ~~such as are contemplated by~~ under sections 42 to 44, and may examine ~~into~~ the methods of ~~protection~~ protecting employees from danger ~~to employees~~ and the sanitary conditions in and around ~~such~~ the buildings and places, and may make a record of such inspection. Upon petition of the director, a Superior Court in the county in which any refusal to permit entry or fact gathering or inspection was alleged to have occurred may order appropriate injunctive relief against any person in charge of ~~said~~ the workplace who refuses entry to the director or authorized agent of the bureau.

Each employer subject to this section shall make, keep and preserve, and make available to the director or ~~his~~ the director's authorized agent, upon request, such records regarding ~~his~~ the employer's activities relating to occupational safety and health as the director may prescribe by ~~regulation~~ rule as necessary or appropriate for the enforcement of section 45 or any ~~standard,~~ rule ~~or order promulgated~~ adopted pursuant to section 565 or for developing information regarding the causes and prevention of occupational accidents, diseases and illnesses. Any information obtained by the director ~~shall~~ must be obtained with a minimum burden upon employers, especially those employing a small work force.

The ~~director~~ bureau shall also issue ~~regulations~~ rules requiring that employers through posting of notices or other appropriate means~~,~~ keep their employees informed of their protections and obligations under this chapter and chapter 6, including the provisions of applicable standards.

Sec. 3. 26 MRSA §45, as amended by PL 1979, c. 95, §1, is further amended to read:

§45. Notice of improper conditions

If, upon inspection, the director or any authorized agent of the bureau finds that an employer has violated a requirement of section 561-A or any rule ~~or order promulgated~~ adopted pursuant to section 565, ~~he~~ the director or the authorized agent of the bureau shall immediately issue a citation to the employer. Each citation ~~shall~~ must be in writing and ~~shall~~ describe with particularity the nature of the violation, including a reference to the provision of this Title or the ~~standard,~~ rules~~, regulations or order~~ alleged to have been violated. In addition, the citation ~~shall~~ must fix a specific time for the abatement of the violation.

Each citation issued under this section, or a copy or copies ~~thereof~~, ~~shall~~ must be prominently posted at or near each place where a violation referred to in the citation occurred or existed. In addition, employees must have access to their toxic exposure records or records of employee observation of exposure monitoring and measuring.

Sec. 4. 26 MRSA §561, as enacted by PL 1969, c. 454, is repealed.

Sec. 5. 26 MRSA §561-A is enacted to read:

§561-A. General duties

1. Employer duties. An employer has the following duties.

A. An employer shall furnish to each employee employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to the employee.

B. An employer shall comply with occupational safety and health rules adopted under this chapter.

2. Employee duties. An employee shall comply with occupational safety and health rules and all rules adopted under this chapter that are applicable to the employee's own actions and conduct.

Sec. 6. 26 MRSA §569, as amended by PL 2013, c. 70, Pt. B, §4, is repealed and the following enacted in its place:

§569. Rules

The rules of the bureau must, at a minimum, conform to the standards of the federal Occupational Safety and Health Administration. If a rule adopted by the bureau conflicts with the rule of another state agency with regard to occupational safety and health standards, including conflicts of rules regarding employee health exposure, the bureau rule supersedes the other state agency rule.

Sec. 7. 26 MRSA §570, as enacted by PL 1979, c. 95, §3, is amended to read:

§570. Discrimination

~~No person shall~~ A person may not discharge or in any manner discriminate against an employee because that ~~person~~ employee has filed any complaint concerning an alleged ~~violations of~~ occupational safety or health ~~standards~~ hazard or has testified or is about to testify in any proceeding relating to employee safety and health or because of the exercise by the employee on behalf of ~~himself~~ the employee or others of any right ~~granted him by~~ under this chapter.

Any employee who believes that ~~he~~ the employee has been discharged or otherwise discriminated against by any person in violation of this section may, within 30 days after the alleged violation occurs, file a complaint with the director, alleging discrimination. Upon receipt of the complaint, the director shall conduct an investigation as ~~he deems~~ the director determines is appropriate. If upon investigation the director determines that the provisions of this chapter have been violated, ~~he~~ the director shall bring an action in the Superior Court in the county in which the alleged violation occurred. In any action, the Superior Court ~~shall have~~ has jurisdiction, for cause shown, to restrain violations of this section and order all appropriate relief, including rehiring or reinstatement of the employee to ~~his~~ the employee's former position with back pay.

Within 90 days of the receipt of a complaint filed under this section, the director shall notify the complainant of ~~his~~ the director's determination.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Regulation and Enforcement 0159

Initiative: Allocates funds to conduct public sector enforcement and consultation services.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$400,000
FEDERAL EXPENDITURES FUND TOTAL	$0	$400,000

See title page for effective date.

CHAPTER 474

S.P. 663 - L.D. 1668

An Act To Expedite Training Waiver Decisions for Unemployment Claimants by Transferring Original Jurisdiction from the Unemployment Insurance Commission to the Bureau of Unemployment Compensation

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 number of applications for training waivers to the Maine Unemployment Insurance Commission has increased dramatically in 2013 because the only path for many citizens to receive their unemployment benefits requires their participation in commission-approved training; and

Whereas, the commission does not possess adequate staff to efficiently process both the training waiver case load and its normal case load despite the use of mechanisms such as overtime; and

Whereas, training waiver cases are inherently time-sensitive because claimants rely upon their unemployment benefits to pay for necessities of daily living, such as food, medicine and shelter, and failure

to quickly process training waiver cases can result in citizens' having inadequate funds for these critical items; and

Whereas, the backlog of training waiver cases has increased substantially since submission of this legislation; and

Whereas, if this legislation is not enacted as an emergency, the backlog of training waiver cases will increase and adversely affect even more unemployment claimants; 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. 26 MRSA §1192, sub-§6, as amended by PL 1991, c. 870, §3, is further amended to read:

6. Approved training. Notwithstanding any other provisions of this chapter, any otherwise eligible claimant in training, as approved for the claimant by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, may not be denied benefits for any week with respect to subsection 3, relating to availability and the work search requirement or the provisions of section 1193, subsection 3. Enrollment in a degree-granting program may not be the sole cause for denial of approved training status for an otherwise eligible claimant. Benefits paid to any eligible claimant while in approved training, for which, except for this subsection, the claimant could be disqualified under section 1193, subsection 3, may not be charged against the experience rating record of any employer but must be charged to the General Fund. For purposes of this subsection, "the deputy" means a representative from the bureau designated by the commissioner.

Sec. 2. 26 MRSA §1192, sub-§6-C, as repealed and replaced by PL 1989, c. 502, Pt. A, §109, is amended to read:

6-C. Prohibition against disqualification of individuals in approved training under section 1196. Notwithstanding any other provision of this chapter, no otherwise eligible individual may be denied benefits for any week because that individual is in training as approved by the ~~commission~~ deputy, under rules adopted by the commission with the advice and consent of the commissioner, nor may that individual be denied benefits by reason of leaving work to enter that training, ~~provided that~~ as long as the work left is not suitable employment.

For purposes of this subsection, ~~the term~~ "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, and "the deputy" means a representative from the bureau designated by the commissioner.

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

Effective March 10, 2014.

CHAPTER 475

H.P. 1157 - L.D. 1586

An Act To Strengthen Enforcement Standards for Potatoes

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

Sec. 1. 7 MRSA §951-A, first ¶, as amended by PL 1985, c. 184, is further amended to read:

~~No~~ A person may not plant seed ~~potato~~ potatoes in the State, the product of which is intended for sale, ~~may be planted in the State~~ in lots of one or more acres unless that seed is certified in accordance with rules adopted by the commissioner. These rules may include without limitation requirements for filing reports with the commissioner and requirements for filing records to the commissioner or ~~his~~ the commissioner's designee, upon request, ~~which~~ that demonstrate that the potatoes ~~so~~ planted have been properly certified. A person, firm or corporation that plants potatoes in violation of this section ~~shall be~~ is subject to a ~~civil penalty~~ fine of ~~not less than $20 and~~ $1,000 plus not more than ~~$100~~ $400 per acre for each acre or part of an acre planted ~~in violation of this section; provided that failure~~. Failure to file complete and accurate reports or failure to provide complete and accurate records in accordance with the rules adopted by the commissioner ~~shall be~~ is an additional violation resulting in a separate ~~civil penalty~~ fine of not less than $200 nor more than $1,000 for each such failure. Any ~~civil penalty~~ fine collected under this section ~~shall be~~ is payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt and may amend rules consistent with the Maine Administrative Procedure Act~~, Title 5, chapter 375,~~ to implement this section. In addition to the enforcement powers and penalties established in this section, the commissioner may issue subpoenas to any individual in order to compel delivery of any reports or records ~~which are~~ required under this section. These subpoenas ~~shall be~~ are enforceable by any court of competent jurisdiction.

Sec. 2. 7 MRSA §956, first ¶, as amended by PL 1979, c. 731, §§10 and 11, is further amended to read:

The commissioner shall diligently enforce all of the provisions of sections 951 to 957. ~~He~~ The commissioner, either in person or by a duly authorized representative, ~~shall have~~ has free access, ingress and egress to any place or field or any building, boat, truck, trailer, ~~or~~ railroad car, warehouse, depot, station, packing house, boat dock~~,~~ or any building wherein potatoes are packed, stored, transported, sold, offered or exposed for sale or for transportation or for planting. ~~He~~ The commissioner may also, in person, or by duly authorized representative, open any container and may take samples therefrom. ~~He~~ The commissioner shall, upon written request~~, therefor~~, pay the packer the fair market value of any sample retained or destroyed by ~~him~~ the commissioner. ~~He~~ The commissioner may recover ~~forfeitures~~ fines imposed for violation of those sections in a civil action brought in ~~his~~ the commissioner's own name and, if ~~he~~ the commissioner prevails in that action, ~~shall~~ recover full costs.

See title page for effective date.

CHAPTER 476

H.P. 1186 - L.D. 1614

An Act Regarding the Laws Governing Liquor Licensing and Enforcement

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 passage of Public Law 2013, chapter 368, Part V has resulted in certain technical errors and inconsistencies in the laws governing the enforcement of the laws governing alcoholic beverages and the administration of the spirits business in the State; and

Whereas, these errors and inconsistencies create uncertainties and confusion in implementing laws governing alcoholic beverages and the administration of the spirits business in the State; and

Whereas, it is necessary that these uncertainties and this confusion be resolved immediately in order to ensure proper administration of the spirits business in the State and to protect the public safety; 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 §1-A is enacted to read:

§1-A. License required

Unless specifically provided under this Title, a person may not engage in wholesale or retail sales of liquor without a license issued in accordance with this Title.

Sec. A-2. 28-A MRSA §2, sub-§11-C, as enacted by PL 2013, c. 368, Pt. V, §8, is amended to read:

11-C. Electronic funds transfer. "Electronic funds transfer" means the use of an electronic device for the purpose of ordering, instructing or authorizing a financial institution or credit union to debit or credit an account.

Sec. A-3. 28-A MRSA §3-A, as enacted by PL 2013, c. 368, Pt. V, §14, is repealed.

Sec. A-4. 28-A MRSA §3-B is enacted to read:

§3-B. Payments submitted to the bureau

1. Form of payment. The bureau may accept payment by check, credit card, debit card or electronic funds transfer from a licensee for:

A. Purchase of spirits and, until June 30, 2014, fortified wine;

B. Payment of license fees, application fees, permit fees, excise taxes and premiums; and

C. Payment of any other fees or taxes authorized by this Title.

2. Timing of payment from agency liquor store. An agency liquor store, when approved by the bureau, may pay for spirits purchased from the bureau by mailing a check for payment to the bureau or an entity awarded a contract under section 90 when notified of the amount due or upon receiving a delivery of spirits. Payments remitted by check must be received or postmarked within 3 days of receipt of a delivery of spirits or notification of the amount due. Payments remitted using electronic funds transfer must be debited within 3 days of receipt of a delivery of spirits or notification of the amount due.

3. Payments returned for insufficient funds or not honored; suspension. If a payment made to the bureau is returned for insufficient funds or is not honored, the bureau shall immediately notify the licensee. If the bureau does not receive payment in full, in a manner prescribed by the bureau, by 5:00 p.m. on the 2nd business day after notifying the licensee, the bureau, notwithstanding chapter 33 and Title 5, chapter

375, subchapter 5, may immediately suspend the licensee's license. The director of the bureau or the director's designee shall notify the licensee of the suspension and shall demand that the licensee provide proof of payment within 30 days of the date of suspension. If the licensee fails to show proof that the payment returned for insufficient funds or not honored was subsequently paid in full, the suspension remains in effect until payment is made or until the license is subject to renewal as provided in section 458. A licensee aggrieved by a decision of the director or the director's designee may request in writing and must be granted a hearing before the District Court, which shall consider the matter in the same manner as is provided in section 803. The bureau may require a licensee whose payment is returned for insufficient funds or not honored to make all payments to the bureau by cash, certified check or money order only for a period not to exceed one year for each instance of payments returned for insufficient funds or not honored. For the purposes of this subsection, payments made to the bureau include payments to the entity contracted by the State under section 90.

Sec. A-5. 28-A MRSA §4, sub-§1, ¶A, as amended by PL 2013, c. 2, §1, is further amended to read:

A. Licensees may not sell liquor on Sunday between the hours of ~~6~~ 5 a.m. and 9 a.m., except on March 17th, when a licensee may sell liquor beginning at 6 a.m.

Sec. A-6. 28-A MRSA §11, sub-§4, as amended by PL 2013, c. 368, Pt. V, §15, is further amended to read:

4. Inspection of business premises under common roof of licensee. All persons carrying on any business, except ~~any bank or savings and loan~~ a financial institution or credit union, under the common roof and having common entranceways with a licensee shall agree in writing to allow reasonable inspection of their premises by authorized enforcement agents of the Department of Administrative and Financial Services and authorized representatives of the bureau.

Sec. A-7. 28-A MRSA §83, as amended by PL 2013, c. 269, Pt. A, §2 and Pt. C, §3 and affected by §13 and repealed by c. 368, Pt. V, §18, is repealed.

Sec. A-8. 28-A MRSA §83-A, as enacted by PL 2013, c. 368, Pt. V, §19, is repealed.

Sec. A-9. 28-A MRSA §§83-B and 83-C are enacted to read:

§83-B. Enforcement and licensing activities of the bureau

The bureau shall establish policies and rules and propose legislation concerning the administration and the enforcement of the laws under this Title and for the sale of liquor in this State. The bureau shall:

1. Enforcement. Enforce the laws relating to the manufacture, importation, storage, transportation and sale of all liquor and administer those laws relating to licensing and the collection of taxes on liquor required to be remitted under this Title;

2. Licensing and licensing hearings. Issue and renew all licenses authorized by this Title and hold licensing hearings as required by this Title. The director of the bureau or the director's designee shall appoint a hearing officer who may conduct hearings in any licensing matter pending before the bureau. The hearing officer, after holding the hearing, shall render a final decision based upon the record of the hearing. Except as provided in section 805, the decision of the hearing officer is final.

The hearing officer may administer oaths and issue subpoenas for witnesses and subpoenas duces tecum to compel the production of books and papers relating to any license question in dispute before the bureau or to any matter involved in a hearing. Witness fees in all proceedings are the same as for witnesses before the Superior Court and must be paid by the bureau, except that, notwithstanding Title 16, section 253, the bureau is not required to pay the fees before the travel and attendance occur;

3. Recommend revocation of licenses. Recommend to the District Court that it suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued pursuant to this Title or the rules adopted under this Title;

4. Prevent sale to minors and others. Prevent the sale of liquor by licensees to minors and intoxicated persons;

5. Appeals of municipal decisions. Review all appeals from the decisions of municipal officers. The director or the director's designee may appoint a hearing officer as provided in subsection 2 to conduct hearings;

6. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of liquor throughout the State and the operation and administration of state activities relating to licensing and enforcement under this Title and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;

7. Rules. Adopt rules consistent with this Title or other laws of the State for the administration, licensing, clarification, execution and enforcement of all laws concerning liquor and to prevent violations of those laws. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The rules adopted by the Department of Public Safety before July 1, 2013 are deemed adopted by the bureau;

8. Rules for food service organizations. Adopt rules permitting food service organizations to purchase malt liquor, wine and fortified wine from a wholesale licensee, notwithstanding section 1401, subsection 9. For the purposes of this subsection, "food service organization" means a business entity that provides catering services to passengers on international flights and cruises. The rules must provide that a food service organization is not required to have a license in order to purchase malt liquor, wine and fortified wine from a wholesale licensee for consumption by passengers on international flights and cruises after leaving port;

9. Publish laws and rules. Ensure that licensees have access to the provisions of this Title, other laws governing liquor and all rules adopted pursuant to this Title in accordance with this section.

A. The bureau shall provide notification to licensees that the provisions of this Title and rules adopted pursuant to this Title are available on the bureau's publicly accessible website and that the bureau will provide a paper copy of this Title or rules to a licensee at no charge, upon request from that licensee.

B. The bureau shall notify all licensees of changes to this Title and rules adopted within 90 days of adjournment of each regular session of the Legislature.

C. The bureau may charge a reasonable fee for paper copies of this Title, any new laws enacted in this Title or any newly adopted or existing rules to cover the cost of producing the paper copy to persons other than licensees. Nothing in this paragraph prevents the bureau, upon its own discretion, from providing paper copies for no fee.

D. The bureau shall keep that part of its publicly accessible website regarding this section updated with any new or updated laws or rules;

10. Deposit revenues. Deposit all net revenues derived from licensing and enforcement under this Title to the General Fund; and

11. Certification. Certify monthly to the Treasurer of State and the commissioner a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau. The bureau shall submit an annual report that includes a complete statement of expenses and revenues collected in accordance with the licensing and enforcement functions of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title.

§83-C. Administration of the spirits business by the bureau; rules

The bureau shall establish policies and rules and propose legislation concerning the administration of the spirits business laws under this Title. The bureau shall:

1. Administration and trade marketing supervision. Manage the administration and trade marketing of spirits through agency liquor stores and consistent with one or more contracts awarded under section 90;

2. Price regulation. Establish the wholesale and retail prices of spirits sold in this State. The bureau shall adopt rules regarding the wholesale pricing of spirits and the retail pricing of spirits sold by agency liquor stores. An entity awarded a contract under section 90 is granted the privilege to distribute spirits under this Title and is immune from antitrust action so long as the entity is in compliance with the bureau's rules and all other applicable laws and regulations;

3. Purchase. Oversee the wholesale purchase and storage of spirits for sale in the State. If the bureau awards a contract under section 90, spirits delivered to and stored at a warehouse approved by the bureau are the property of the supplier. Spirits become the property of the bureau upon removal from the warehouse for shipment to an agency liquor store. Spirits delivered to an agency liquor store become the property of the licensee upon receipt of delivery. A person awarded a contract under section 90 at no time takes legal title to any spirits delivered to the warehouse. The bureau may buy and have in its possession spirits for sale to the public. The bureau shall buy spirits directly and not through the State Purchasing Agent. All spirits must be free from adulteration and misbranding;

4. Investigate and recommend changes. Carry out a continuous study and investigation of the sale of spirits throughout the State and the operation and administration of state activities regarding the sale of spirits and recommend to the commissioner any changes in the laws or rules and methods of operation that are in the best interest of the State;

5. Sales incentives to agents; rules. 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 any person awarded a contract under section 90. The bureau may adopt rules to provide for a sales incentive program for agency liquor stores. Rules adopted in accordance with this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A;

6. Rules. Adopt rules consistent with this Title or other laws of the State for the administration of all laws concerning the sale of spirits. Rules adopted

under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

7. Certification. Certify monthly to the Treasurer of State and the commissioner a complete statement of revenues from and expenses for the sale of spirits by the bureau and submit an annual report that includes a complete statement of the revenues and expenses of the bureau to the Governor and the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters, together with recommendations for changes to this Title;

8. Establish performance standards for contracts. Establish performance standards for any contract awarded under this Title, subject to applicable laws relating to public contracts; and

9. Report on expenditures. Report annually on expenditures and investments made by the bureau, including, but not limited to, reductions in the list price at which spirits are sold and incentives offered to agency liquor stores, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over 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 of spirits generally.

Sec. A-10. 28-A MRSA §84, sub-§1-A is enacted to read:

1-A. Manage enforcement and licensing activities. Manage the enforcement and licensing activities of the bureau under section 83-B;

Sec. A-11. 28-A MRSA §85, sub-§2, as amended by PL 2013, c. 269, Pt. C, §5 and affected by §13 and amended by c. 368, Pt. V, §22, is repealed and the following enacted in its place:

2. Inventory. The bureau may keep and have on hand a stock of spirits 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. Spirits may not be considered to be in the inventory until payment has been made for them.

Sec. A-12. 28-A MRSA §352, as amended by PL 2013, c. 368, Pt. V, §§27 and 61, is repealed.

Sec. A-13. 28-A MRSA §352-A is enacted to read:

§352-A. Purchase of spirits from agency liquor stores; purchase from reselling agents

Purchases of spirits by a nonlicensee from an agency liquor store must be made by cash, check, credit card or debit card. Purchases from a reselling agent by a licensee authorized to sell spirits for on-premises consumption must be made by cash, check or electronic funds transfer.

Sec. A-14. 28-A MRSA §353, as amended by PL 2013, c. 368, Pt. V, §28, is further amended to read:

§353. Business hours

Agency liquor stores may be open for the sale and delivery of spirits and fortified wine ~~between the hours of 6 a.m. and 1 a.m.~~ as provided in section 4, subsection 1 in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary and except as provided in section 4, subsection 1, paragraph A, agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the next day.

Sec. A-15. 28-A MRSA §354, as amended by PL 2013, c. 368, Pt. V, §29, is further amended to read:

§354. Sales to minors or intoxicated persons

An agency liquor store may not sell ~~spirits and fortified wine~~ liquor to a minor or to a visibly intoxicated person.

Sec. A-16. 28-A MRSA §355, as amended by PL 2013, c. 368, Pt. V, §30, is repealed.

Sec. A-17. 28-A MRSA §460, sub-§3, as amended by PL 2013, c. 368, Pt. V, §34, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~ bureau 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.

Sec. A-18. 28-A MRSA §606, sub-§1, as amended by PL 2013, c. 368, Pt. V, §35, is further amended to read:

1. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits and fortified wine for on-premises consumption must purchase spirits and fortified wine from ~~an agency liquor store~~ a reselling agent. This subsection does not apply to public service corporations operating interstate.

Sec. A-19. 28-A MRSA §606, sub-§1-A, ¶A, as amended by PL 2013, c. 368, Pt. V, §36, is further amended to read:

A. ~~Beginning November 30, 2003, the~~ The sale price of spirits sold by a reselling agent to an establishment licensed for on-premises consumption must equal the price established by the commission.

Sec. A-20. 28-A MRSA §606, sub-§1-C, as amended by PL 2013, c. 368, Pt. V, §37, is further amended to read:

1-C. Price of state spirits sales to agency liquor stores. The bureau may offer discounts below the list price on ~~liquor~~ spirits sold to agency liquor stores.

Sec. A-21. 28-A MRSA §606, sub-§4, as repealed by PL 2013, c. 269, Pt. A, §7 and affected by §10 and amended by c. 368, Pt. V, §38, is repealed.

Sec. A-22. 28-A MRSA §803, sub-§1, as amended by PL 2003, c. 451, Pt. T, §12, is further amended to read:

1. Violation of law or rule. Upon discovering a violation of federal or state law, rule or regulation relating to liquor, or an infraction of a rule adopted by the bureau, the ~~commissioner~~ director of the bureau, or the ~~commissioner's~~ director's designee, shall:

A. Report the violation to the District Court Judge in a signed complaint; or

B. Issue warnings to the licensees involved.

Sec. A-23. 28-A MRSA §803, sub-§2, ¶A, as amended by PL 2009, c. 199, §7, is further amended to read:

A. The ~~commissioner~~ director of the bureau or the ~~commissioner's~~ director's designee shall notify the licensee or the licensee's agent or employee by serving on the licensee or the licensee's agent or employee a copy of the complaint and a notice stating the time and place of the hearing and that the licensee or the licensee's agent or employee may appear in person or by counsel at the hearing. Service of the complaint and hearing notice upon the licensee is sufficient when served in hand by the ~~commissioner's~~ director's designee or when sent by registered or certified mail at least 7 days before the date of the hearing to the address given by the licensee at the time of the licensee's application for a license. Service of the complaint and hearing notice upon a licensee's agent or employee is sufficient when served in hand by the ~~commissioner's~~ director's designee or when sent by registered or certified mail at least 7 days before the date of the hearing to the address given by the agent or employee at the time the agent or employee was initially notified by the bureau of the violation. The ~~commissioner~~ director or the ~~commissioner's~~ director's designee shall file proof of service with the District Court.

Sec. A-24. 28-A MRSA §803, sub-§6, as amended by PL 2003, c. 451, Pt. T, §13, is further amended to read:

6. Warnings. Upon the written recommendation of the ~~commissioner~~ director of the bureau, or the ~~commissioner's~~ director's designee, the District Court Judge, instead of notifying a licensee against whom a complaint is pending to appear for hearing, may send the licensee a warning. Warnings must be sent by registered or certified mail and contain a copy of the complaint. A licensee to whom a warning is sent may demand a hearing by notifying the District Court Judge by registered or certified mail within 10 days from the date the warning was mailed.

Sec. A-25. 28-A MRSA §1012, sub-§6, as amended by PL 2013, c. 368, Pt. V, §40, is further amended to read:

6. Minibar license. The bureau may issue a license for the placement of a minibar to an operator of a hotel licensed under section 1061 or in accordance with the license required by Title 30-A, section 3811 subject to the following conditions and applicable rules established by the bureau:

A. The fee for a minibar license for a hotel holding an existing license under section 1061 is $100 annually plus $5 for each room in which a minibar is placed, not to exceed a maximum of $900 per hotel;

B. The fee for a minibar license for a hotel holding an existing license under Title 30-A, section 3811 is $200 annually plus $10 for each room in which a minibar is placed;

C. A minibar may be stocked with beer, wine and distilled spirits as well as other complementary merchandise;

D. Supplies of beer and wine for a hotel minibar must be purchased from a wholesale licensee;

E. Supplies of distilled spirits for a hotel minibar must be purchased from an agency liquor store;

F. A hotel must maintain invoices for all alcoholic beverages stocked in a minibar and must maintain records of all sales of alcoholic beverages sold or dispensed from a minibar;

G. A minibar must be equipped with a secure locking device that may be unlocked only by persons 21 years of age or older;

H. A hotel room equipped with a minibar may be rented only to a person who is 21 years of age or older and who has demonstrated proof of age by presenting proper identification as described in section 2087 unless the minibar is secured in a manner that prevents access by a person under 21 years of age;

I. The registered occupant of a hotel room equipped with a minibar is liable for any violation of liquor laws by anyone under 21 years of age who also occupies or enters the room; and

J. A minibar may be stocked and serviced only by an employee who is 21 years of age or older.

The ~~Department of Administrative and Financial Services~~ 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. A-26. 28-A MRSA §1201, sub-§3-A, as amended by PL 2013, c. 368, Pt. V, §41, is further amended to read:

3-A. Sale of liquor for off-premises consumption to retailer prohibited. A person licensed under this section, or an agent or employee of the person, may not knowingly sell liquor to another retailer licensed under this section for resale except as provided in section 606 ~~and the rules adopted pursuant to section 83-A~~.

Sec. A-27. 28-A MRSA §1205, sub-§3, as amended by PL 2013, c. 368, Pt. V, §43, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~ bureau 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.

Sec. A-28. 28-A MRSA §1207, sub-§3, as amended by PL 2013, c. 368, Pt. V, §45, is further amended to read:

3. Rules. The ~~Department of Administrative and Financial Services~~ bureau 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.

Sec. A-29. 28-A MRSA §1401, sub-§1, as amended by PL 1997, c. 373, §123, is further amended to read:

1. Issuance of licenses. The bureau may issue licenses under this section for the sale and distribution of malt liquor ~~or~~, wine and fortified wine at wholesale.

Sec. A-30. 28-A MRSA §1401, sub-§9 is enacted to read:

9. Sales to licensees only. A licensee under this section may sell or distribute malt liquor, wine and fortified wine only to persons licensed for the retail sale of malt liquor, wine or fortified wine for consumption on or off the licensed premises in accordance with this Title.

Sec. A-31. 28-A MRSA §1403-A, sub-§11, as enacted by PL 2009, c. 373, §1, is amended to read:

11. Report. A direct shipper shall submit a report to the bureau ~~quarterly~~ annually in a manner and form prescribed by the bureau that includes the total number of cases of wine shipped to recipients in the State and, for a direct shipper located in the State, shipments made outside the State, the name and residence address of shipment recipients in the State, the common carrier used to deliver the shipments and the date, quantity and purchase price of each shipment.

Sec. A-32. 28-A MRSA §1505, last ¶, as amended by PL 2013, c. 368, Pt. V, §47, is further amended to read:

The ~~Department of Administrative and Financial Services~~ bureau may 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.

Sec. A-33. 28-A MRSA §2073, sub-§3, as amended by PL 2013, c. 368, Pt. V, §49, is further amended to read:

3. Legal importation into and transportation of liquor within the State. ~~Spirits and fortified wine~~ Liquor may be legally imported into and transported within the State in the following situations.

A. Upon application, the bureau may grant to an individual a permit to transport ~~spirits and fortified wine~~ liquor purchased for that person's own personal use.

B. For-hire carriers and contract carriers, authorized by the Department of Public Safety, may transport ~~spirits and fortified wine~~ liquor to liquor warehouses, to licensees ~~and~~, from manufacturers to liquor warehouses and to the state line for transportation outside the State.

C-1. Reselling agents may transport spirits to licensees who are licensed for the sale of spirits for on-premises consumption.

D. Manufacturers may transport ~~spirits and fortified wine~~ liquor within the State to liquor warehouses, to persons authorized under paragraph E and to the state line for transportation outside the State.

E. The bureau may permit in writing the importation of ~~spirits and fortified wine~~ liquor into the State and the transportation of ~~spirits and fortified wine~~ liquor from place to place within the State to the following destinations for the specified purposes:

(1) To hospitals and state institutions, for medicinal purposes only, ~~spirits and fortified wine~~ liquor made available to them from stocks of ~~spirits and fortified wine~~ liquor seized by the Federal Government;

(2) To industrial establishments in the State for industrial uses;

(3) To schools, colleges and state institutions for laboratory use only;

(4) To any licensed pharmacist in the State for use in the compounding of prescriptions

and other medicinal use, but not for sale by pharmacists unless compounded with or mixed with other substances; or

(5) To any physician, surgeon, osteopath, chiropractor, optometrist, dentist or veterinarian for medicinal use only.

F. The bureau may authorize hospitals and state institutions to purchase spirits ~~and fortified wine~~, for medicinal purposes only, from agency liquor stores. This authorization must be in writing.

Sec. A-34. 28-A MRSA §2076, sub-§1, as amended by PL 2013, c. 368, Pt. V, §51, is further amended to read:

1. Delivery of liquor. Except with the bureau's written permission or except as provided in section ~~453-C~~ 2073, subsection 3, paragraph C-1 for reselling agents, a person may not knowingly transport to or cause to be delivered to any person other than the bureau any spirits ~~or fortified wine~~ not purchased from an agency liquor store.

Sec. A-35. 28-A MRSA §2077, sub-§3, as amended by PL 2013, c. 368, Pt. V, §52, is further amended to read:

3. For-hire carriers and contract carriers may import and transport within State. For-hire carriers and contract carriers, authorized by the ~~bureau~~ Department of Public Safety, may transport malt liquor or wine into and within the State to licensees, to purchasers of malt liquor or wine from licensees and to the state line for transportation outside the State.

Sec. A-36. Repeal. Those sections of this Part that amend the Maine Revised Statutes, Title 28-A, section 353 and section 606, subsection 1 are repealed June 30, 2014.

PART B

Sec. B-1. 28-A MRSA §353-A is enacted to read:

§353-A. Business hours

Agency liquor stores may be open for the sale and delivery of spirits as provided in section 4, subsection 1 in municipalities and unincorporated places that have voted in favor of the operation of agency liquor stores under local option provisions. Notwithstanding any local option decisions to the contrary and except as provided by section 4, subsection 1, paragraph A, agency liquor stores may be open from 9 a.m. Sunday to 1 a.m. the following day.

Sec. B-2. 28-A MRSA §453-C, sub-§1, as amended by PL 2013, c. 269, Pt. C, §6 and affected by §13 and amended by c. 368, Pt. V, §32, is repealed and the following enacted in its place:

1. Agent licensed to resell spirits purchased from the bureau. An agent licensed to resell spirits purchased from the bureau or through an entity awarded a contract under section 90 to a retail licensee licensed for on-premises consumption must be licensed as a reselling agent. A reselling agent is prohibited from reselling spirits to a retail licensee licensed for on-premises consumption unless the spirits are purchased from the bureau or through an entity awarded a contract under section 90.

Sec. B-3. 28-A MRSA §606, sub-§1-D is enacted to read:

1-D. Purchase of spirits. Subject to the restrictions provided in subsection 1-A, a person licensed to sell spirits for on-premises consumption must purchase spirits from a reselling agent. This subsection does not apply to public service corporations operating interstate.

Sec. B-4. 28-A MRSA §606, sub-§8, as amended by PL 2013, c. 269, Pt. C, §11 and affected by §13 and amended by c. 368, Pt. V, §39, is repealed and the following enacted in its place:

8. Limits on price. An agency liquor store shall sell all spirits purchased from the bureau or through an entity awarded a contract under section 90 at the retail price established by the commission.

Sec. B-5. 28-A MRSA §2229, sub-§2, as amended by PL 2013, c. 368, Pt. V, §54, is further amended to read:

2. Sale of forfeited spirits by bureau. Except as provided in paragraph A, the bureau or an entity awarded a contract under section ~~89~~ 90 shall restock and resell forfeited spirits ~~and fortified wine to~~ at agency liquor stores throughout the State.

A. If any spirits ~~or fortified wine is~~ are determined by the court to be unfit or unsatisfactory for consumption or retail sale, the court may order the spirits ~~or fortified wine~~ to be destroyed by any officer competent to serve the process on which ~~it was~~ they were forfeited. The officer shall make the return accordingly to the court.

(1) The spirits ~~and fortified wine~~ must be destroyed by ~~pouring it~~ being poured upon the ground or into a public sewer.

Sec. B-6. Effective date. This Part takes effect July 1, 2014.

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

Effective March 16, 2014, unless otherwise indicated.

CHAPTER 477
H.P. 1194 - L.D. 1622

An Act To Amend the Laws Governing Firefighter Absence from Work for Emergency Response

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 26, section 809 pertains to absence for emergency response by members of a volunteer fire department; and

Whereas, many volunteer fire departments are becoming municipal fire departments; and

Whereas, because current law does not apply to municipal fire departments, the members of municipal fire departments are not protected from being discharged or having disciplinary action taken against them by their employers for responding to emergencies; and

Whereas, it is imperative that this legislation take effect immediately so that members of municipal fire departments will have the same protection as members of volunteer fire departments; 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. 26 MRSA §809, sub-§1, ¶A-1 is enacted to read:

A-1. "Firefighter" has the same meaning as "municipal firefighter" and "volunteer firefighter" in Title 30-A, section 3151, subsections 2 and 4.

Sec. 2. 26 MRSA §809, sub-§1, ¶C, as enacted by PL 2005, c. 296, §1, is repealed.

Sec. 3. 26 MRSA §809, sub-§2, as enacted by PL 2005, c. 296, §1, is amended to read:

2. Prohibition against discharge or disciplinary action. An employer may not discharge or take any other disciplinary action against an employee because of the employee's failure to report for work at the beginning of the employee's regular working hours if the employee failed to do so because the employee was responding to an emergency in the employee's capacity as a ~~volunteer~~ firefighter and the employee reported for work as soon as reasonably possible after being released from the emergency. An employer may charge the lost time against the employee's regular pay or against the employee's available leave time. This subsection does not apply to the absence of a ~~volunteer~~ firefighter from the ~~volunteer~~ firefighter's regular employment as a law enforcement officer, a utility worker or medical personnel when the services of that person are essential to protect public health or safety or if the employee has been designated as essential by the employer pursuant to subsection 6.

Sec. 4. 26 MRSA §809, sub-§3, as enacted by PL 2005, c. 296, §1, is amended to read:

3. Notification; verification. If time permits, when an employee is responding as a ~~volunteer~~ firefighter to an emergency, the employee, the employee's designee or the fire department supervisor shall notify the employer that the employee will not report to work at the appointed time. At the request of an employer, an employee losing work time as provided in subsection 2 shall provide the employer with a statement from the chief of the ~~volunteer~~ fire department or the chief's designee stating that the employee was responding to an emergency call and the time of release from the call.

Sec. 5. 26 MRSA §809, sub-§5, as enacted by PL 2005, c. 296, §1, is amended to read:

5. Impact on individual agreements. This section does not apply if the employer and the employee have entered into a written agreement, signed by the employer and the employee, that governs procedures to be followed when the employee is called to respond to an emergency as a ~~volunteer~~ firefighter. This subsection applies only if:

A. The local official in charge of calling out firefighters has a written policy that:

(1) Specifies the circumstances under which firefighters will be ordered to remain at an emergency; and

(2) Affirms that firefighters will be released as soon as practicable; and

B. The employee presents a copy of the policy to the employer upon notifying the employer of the employee's status as a ~~volunteer~~ firefighter.

Sec. 6. 26 MRSA §809, sub-§6, as enacted by PL 2005, c. 296, §1, is amended to read:

6. Designation as essential. Upon receiving notice of an employee's ~~volunteer~~ firefighter status, an employer may designate the employee essential to the employer's operations when the absence of the employee would cause disruption of the employer's business.

Sec. 7. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 26, chapter 7, subchapter 4-C, in the subchapter headnote, the words "volunteer firefighter;

absence from work" are amended to read "firefighter; absence from work" 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 March 16, 2014.

CHAPTER 478
S.P. 649 - L.D. 1656

An Act To Increase Safety for Victims of Domestic Violence and Victims of Sexual Assault

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 victim of domestic violence or sexual assault is further traumatized when the alleged offender engages in unwanted contact with the victim; and

Whereas, current law does not prohibit a person accused of domestic violence or sexual assault from contacting the victim prior to the setting of bail; and

Whereas, the protection of a victim of domestic violence or sexual assault from unwanted contact by the alleged offender is paramount to a successful prosecution of the criminal conduct and the ability of the victim to repair the victim's life; 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 §90-B, sub-§§4 to 6, as enacted by PL 2001, c. 539, §1, are amended to read:

4. Use of designated address. Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept and use only the designated address as a program participant's address ~~when creating a new public record~~ unless the secretary has determined that:

A. The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and

B. The program participant's address or mailing address will be used only for those statutory and administrative purposes.

5. Disclosure to law enforcement and state agencies. If the secretary determines appropriate, the secretary may make a program participant's address or mailing address available for ~~inspection or copying,~~ use under the following circumstances:

A. If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

B. Upon request to the secretary by a commissioner of a state agency or the commissioner's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the commissioner or the commissioner's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

6. Disclosure pursuant to court order or canceled certification. If the secretary determines appropriate, the secretary shall ~~make~~ allow a program participant's address and mailing address to be made available for ~~inspection or copying~~ use under the following circumstances:

A. To a person identified in a court order, upon the secretary's receipt of that court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

B. If the certification has been canceled because the applicant or program participant violated subsection 2, paragraph E, subparagraph (1).

Sec. 2. 15 MRSA §1094-B is enacted to read:

§1094-B. Improper contact with a family or household member prior to the setting of preconviction bail

1. Improper contact. A person is guilty of improper contact with a family or household member prior to the setting of preconviction bail if:

A. The person is being detained as a result of the person's arrest for an offense specified in section 1023, subsection 4, paragraph B-1;

B. Preconviction bail has not been set by a justice or judge;

C. The person is notified, in writing or otherwise, by the county jail staff not to make direct or indirect contact with the specifically identified alleged victim of the offense for which the person is being detained;

D. The alleged victim is a family or household member of the person; and

E. After the notification specified in paragraph C, the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

As used in this subsection, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

2. Penalty. Violation of this section is a Class D crime.

Sec. 3. 16 MRSA §53-B, sub-§1, ¶A, as enacted by PL 1995, c. 128, §1, is amended to read:

A. "Advocate" means an employee of or volunteer for a nongovernmental or Maine tribal program for victims of domestic or family violence who:

(1) Has undergone at least 30 hours of training; and

(2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.

Sec. 4. 16 MRSA §53-B, sub-§1, ¶A-2 is enacted to read:

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

Sec. 5. 16 MRSA §53-B, sub-§1, ¶A-3 is enacted to read:

A-3. "Criminal justice agency" has the same meaning as in section 703, subsection 4.

Sec. 6. 16 MRSA §53-B, sub-§1-A is enacted to read:

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

Sec. 7. 19-A MRSA §4002, sub-§4, as amended by PL 2011, c. 640, Pt. C, §1, is further amended to read:

4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Sec. 8. Uniform policy. No later than June 1, 2014, the State Board of Corrections shall establish a minimum, uniform policy for notifying defendants detained at a county jail or other correctional facility after being arrested for an offense under the Maine Revised Statutes, Title 15, section 1023, subsection 4, paragraph B-1 and prior to the setting of preconviction bail by a justice or judge that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

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

Effective March 16, 2014.

CHAPTER 479

H.P. 1211 - L.D. 1688

An Act To Streamline Enforcement of Child Support Orders 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 needs to take effect as soon as possible to provide the Penobscot Nation with the ability to enforce child support orders against delinquent parents; 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 §2459-A is enacted to read:

§2459-A. Suspension of license for failure to meet family financial responsibility; Penobscot Nation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Penobscot Nation" means the Penobscot Nation Tribal Court or the entity authorized by the governing body of the Penobscot Nation pursuant to Title 30, section 6209-B to exercise jurisdiction over child support enforcement matters.

B. "Support obligor" means an individual who owes a duty of support and over whom the Penobscot Nation has jurisdiction.

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

2. Compliance with support orders. In addition to other qualifications and conditions established by this Title, the right of an individual subject to the jurisdiction of the Penobscot Nation to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of this section.

3. Certification of noncompliance. Upon receipt of a written certification from the Penobscot Nation that a support obligor who owns or operates a motor vehicle is not in compliance with a support order, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a support order until the Penobscot Nation issues a release that states the support obligor is in compliance with the support order or the Penobscot Nation orders reinstatement.

4. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 3, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Penobscot Nation. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in the Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.

5. Temporary license. Upon being presented with a conditional release issued by the Penobscot Nation and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

6. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

7. Agreement. The Secretary of State and the Penobscot Nation may enter into an agreement to carry out the requirements of this section.

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

Effective March 16, 2014.

CHAPTER 480

H.P. 1214 - L.D. 1691

An Act To Stop Unlicensed Loan Transactions

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

Sec. 1. 9-A MRSA §5-118 is enacted to read:

§5-118. Unlicensed loan transactions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated clearinghouse" means the nationwide electronic funds transfer system that provides for an interbank exchange of either checks or automated debit or credit entries.

B. "Financial account" means a checking, savings, share, stored value, prepaid, payroll card or other depository account.

C. "Lender" means a person engaged in the business of making loans of money and charging, contracting for or receiving on any such loan interest, a finance charge, a discount or consideration. For

purposes of this section, "lender" does not include a supervised financial organization.

D. "Process" or "processing" includes printing a check, draft or other form of negotiable instrument drawn on or debited against a consumer's financial account, formatting or transferring data for use in connection with the debiting of a consumer's financial account by means of such an instrument or an electronic funds transfer or arranging for such services to be provided to a lender.

E. "Processor" means a person who engages in processing. For purposes of this section, "processor" does not include the automated clearinghouse.

2. Certain loans prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a lender directly or through an agent to solicit or make a loan to a consumer by any means unless the lender is in compliance with Article 2, Part 3 or is otherwise exempt from the requirements of Article 2, Part 3.

3. Certain processing prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a processor, other than a supervised financial organization, to process a check, draft, other form of negotiable instrument or an electronic funds transfer from a consumer's financial account in connection with a loan solicited from or made by any means to a consumer unless the lender is in compliance with Article 2, Part 3 or is otherwise exempt from the requirements of Article 2, Part 3.

4. Certain assistance to lenders or processors prohibited. It is an unfair or deceptive act or practice in commerce, a violation of the Maine Unfair Trade Practices Act and a violation of this Title for a person or lender to provide substantial assistance to a lender or processor when the person or lender or the person's or lender's authorized agent receives notice from a regulatory, law enforcement or similar governmental authority, knows from its normal monitoring and compliance systems or consciously avoids knowing that the lender or processor is in violation of subsection 2 or 3 or is engaging in an unfair or deceptive act or practice in commerce. This subsection does not apply to a supervised financial organization.

See title page for effective date.

CHAPTER 481

H.P. 1258 - L.D. 1753

An Act To Redistrict the Knox County Budget Committee Districts

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 requires the county commissioners of Knox County to prepare a redistricting plan for county budget committee seats; and

Whereas, this plan must be implemented by the primary election, which may occur before the expiration of 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 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 §757, sub-§1, as repealed and replaced by PL 1993, c. 565, §1, is amended to read:

1. Redistricting process. The county commissioners shall prepare a redistricting plan for county budget committee seats by June 1, ~~1993~~ 2021 and every 10 years thereafter. The county commissioners shall submit the plan to the Secretary of State within 5 days of adoption. The Secretary of State shall immediately transmit the redistricting plan to the Legislature for review and enactment.

Sec. 2. 30-A MRSA §757, sub-§2, as repealed and replaced by PL 1993, c. 565, §1, is repealed and the following enacted in its place:

2. Budget committee districts. Budget committee members must be elected from districts as provided in this subsection.

A. District 1 consists of Isle au Haut, Matinicus Isle Plantation, North Haven, St. George and Friendship and elects one member. The initial term for District 1 expires on December 31, 2016.

B. District 2 consists of South Thomaston, Vinalhaven and Owls Head and elects one member. The initial term for District 2 expires on December 31, 2014.

C. District 3 consists of Rockland and elects 2 members at large. The initial term for District 3 expires on December 31, 2016.

D. District 4 consists of Camden and elects one member. The initial term for District 4 expires on December 31, 2014.

E. District 5 consists of Rockport and Hope and elects one member. The initial term for District 5 expires on December 31, 2016.

F. District 6 consists of Appleton, Union and Washington and elects one member. The initial term for District 6 expires on December 31, 2014.

G. District 7 consists of Warren and elects one member. The initial term for District 7 expires on December 31, 2016.

H. District 8 consists of Thomaston and Cushing and elects one member. The initial term for District 8 expires on December 31, 2014.

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

Effective March 16, 2014.

CHAPTER 482

H.P. 1262 - L.D. 1758

An Act To Clarify the Use of the Term "Civil Violation" in the Motor Vehicle Statutes

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

Sec. 1. 29-A MRSA §101, sub-§85, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

85. Traffic infraction. "Traffic infraction" means any violation of any provision of this Title, or of any rules established under this Title, not expressly defined as a crime or as a civil violation and otherwise not punishable by incarceration.

The term "traffic infraction" as used in any public or private law of this State or in any rule adopted pursuant to any law of this State has this same meaning and effect.

Sec. 2. 29-A MRSA §2063, sub-§7, as amended by PL 2007, c. 400, §6, is further amended to read:

7. Penalties. A person 17 years of age or over who violates this section commits a ~~civil violation~~ traffic infraction for which a fine of not less than $25 and not more than $250 may be adjudged. A person under 17 years of age is not subject to a fine under this section.

Sec. 3. 29-A MRSA §2063-B, sub-§3, as enacted by PL 2007, c. 400, §7, is amended to read:

3. Penalties. A person 17 years of age or over who violates this section commits a ~~civil violation~~ traffic infraction for which a fine of not less than $25 and not more than $250 may be adjudged.

Sec. 4. 29-A MRSA §2082, sub-§7, as amended by PL 1995, c. 65, Pt. A, §108 and affected by §153 and Pt. C, §15, is further amended to read:

7. Placement of stickers on illegally parked vehicles. A person may not place a sticker or other device on the windshield of a motor vehicle parked in a manner that allegedly constitutes trespass by motor vehicle, as defined in Title 17-A, section 404, if the sticker or other device would obstruct the driver's forward view. A person who places a sticker in violation of this subsection commits a ~~civil violation~~ traffic infraction for which a forfeiture not to exceed $50 may be adjudged. This subsection does not apply to law enforcement officers engaged in the performance of official duties.

Sec. 5. 29-A MRSA §2326, first ¶, as repealed and replaced by PL 2007, c. 400, §11, is amended to read:

A person who violates section 2323, subsection 1 commits a ~~civil violation~~ traffic infraction.

Sec. 6. 29-A MRSA §2601, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Form of Uniform Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for civil violations defined in this Title and criminal traffic offenses defined in Title 23, section 1980 or this Title in the form known as the Uniform Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

Sec. 7. 29-A MRSA §2601, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

8. When a lawful complaint. If the Uniform Summons and Complaint is duly sworn to as required

by law and otherwise legally sufficient in respect to the form of a complaint and to charging commission of the offense alleged in the summons to have been committed, then the summons when filed with a court having jurisdiction constitutes a lawful complaint for the purpose of the commencement of any prosecution of a civil violation under this Title or a misdemeanor or Class D or Class E crime under Title 23, section 1980 or this Title. When filed with the violations bureau, the Violation Summons and Complaint is considered a lawful complaint for the purpose of the commencement of a traffic infraction proceeding.

Sec. 8. 29-A MRSA §2605, sub-§1, as amended by PL 2005, c. 325, §2, is further amended to read:

1. Suspension by clerk. If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

See title page for effective date.

CHAPTER 483

S.P. 625 - L.D. 1634

An Act To Allow an Earlier Implementation Date for an Architectural Paint Stewardship Program

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

Sec. 1. 38 MRSA §2144, sub-§5, ¶A, as enacted by PL 2013, c. 395, §1, is amended to read:

A. ~~Beginning~~ Unless an earlier implementation date is proposed in a plan and approved by the commissioner, beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under subsection ~~2~~ 3, whichever occurs later, a producer or a representative organization shall implement the plan. If an earlier implementation date is proposed in a plan and approved by the commissioner, a producer or representative organization shall implement the plan beginning on that date.

Sec. 2. 38 MRSA §2144, sub-§5, ¶E, as enacted by PL 2013, c. 395, §1, is amended to read:

E. By October 15, 2016, and annually thereafter, the operator of a paint stewardship program shall submit a report to the commissioner regarding the paint stewardship program. If implementation of a plan begins before December 31, 2014, the commissioner may establish an earlier date for submission of the initial report. The report must include, but is not limited to:

(1) A description of the methods used to collect, transport, reduce, reuse and process post-consumer paint in the State;

(2) The volume of post-consumer paint collected in the State;

(3) The volume and type of post-consumer paint collected in the State by method of disposition, including reuse, recycling and other methods of processing;

(4) The total cost of implementing the paint stewardship program, as determined by an independent financial audit funded from the paint stewardship assessment. The report of total cost must include a breakdown of administrative, collection, transportation, disposition and communication costs;

(5) A summary of outreach and educational activities undertaken and samples of educational materials provided to consumers of architectural paint;

(6) The total volume of post-consumer paint collected by the paint stewardship program and a breakdown of the volume collected at each collection site;

(7) Based on the paint stewardship assessment collected by the paint stewardship program, the total volume of architectural paint sold in the State during the preceding year;

(8) A list of all processors used to manage post-consumer paint collected by the paint stewardship program in the preceding year up to the paint's final disposition, the volume each processor accepted and the disposition method used by each processor; and

(9) An evaluation of the effectiveness of the paint stewardship program compared to prior

years and anticipated steps, if any are needed, to improve performance throughout the State.

Sec. 3. 38 MRSA §2144, sub-§7, as enacted by PL 2013, c. 395, §1, is amended to read:

7. Retailers. ~~Beginning~~ Unless an earlier implementation date is approved by the commissioner pursuant to subsection 5, paragraph A, beginning July 1, 2015 or 3 months after a plan is approved by the commissioner under subsection ~~2~~ 3, whichever occurs later, a retailer may not sell architectural paint unless, on the date the retailer orders the architectural paint from the producer or its agent, the producer or the paint brand is listed on the department's publicly accessible website as implementing or participating in an approved paint stewardship program. A retailer may participate as a paint collection point pursuant to the paint stewardship program on a voluntary basis and pursuant to all applicable laws and rules. A retailer that collects post-consumer paint must follow a collection site procedure manual developed by a producer or representative organization to ensure the use of environmentally sound management practices when handling architectural paints at collection locations. If an earlier implementation date is approved by the commissioner pursuant to subsection 5, paragraph A, the provisions of this subsection apply with respect to the plan as of that date.

See title page for effective date.

CHAPTER 484

H.P. 951 - L.D. 1327

An Act To Provide Greater Options for Transportation of Public School Students for Cocurricular Activities

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

Sec. 1. 29-A MRSA §2301, sub-§1-C is enacted to read:

1-C. Multifunction school activity bus. "Multifunction school activity bus" means a noncommercial motor vehicle that:

A. Is designed to carry 15 or fewer passengers including the driver;

B. Meets all the Federal Motor Vehicle Safety Standards of 49 Code of Federal Regulations, Part 571, as amended, that are applicable to multifunction school activity buses;

C. Meets all provisions of this Title pertaining to school buses, except for section 2302, subsection 1, paragraphs A to E and G and H; section 2304; and section 2308;

D. Is clearly marked with the words "students aboard";

E. Has all emergency exits clearly marked; and

F. Is clearly marked with the school administrative unit or school district name.

Sec. 2. 29-A MRSA §2310, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

§2310. Other permitted uses for buses

A bus may be used for school activities other than conveying students to and from home and school if:

1. Carrying capacity of 40 or more passengers. The bus has a carrying capacity of 40 or more passengers and is operated by a motor carrier holding an operator's permit issued by the Bureau of State Police and is integrally constructed; or

2. Multifunction school activity bus. The bus is a multifunction school activity bus that is operated by a driver with a school bus operator endorsement pursuant to section 2303 that is appropriate for the number of passengers and gross vehicle weight rating. A driver of a multifunction school activity bus must comply with all applicable school bus operator requirements of this Title.

Sec. 3. 29-A MRSA §2452, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Permanent revocation. Permanently revoke the school bus operator endorsement of any person convicted of OUI who operated a school ~~or~~ bus, private school activity bus or multifunction school activity bus, as defined in section 2301, during the commission of the offense;

See title page for effective date.

CHAPTER 485

H.P. 1197 - L.D. 1625

An Act Concerning Maine's Elver Fishery

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, 2014 and changes made to elver fishing licensing laws 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 §6210, as enacted by PL 2013, c. 468, §8, is amended to read:

§6210. Procedure for administrative assessment of penalty for pecuniary gain

The department in an adjudicatory proceeding may impose an administrative penalty for a violation of section 6575-K or section 6864, subsection 7-A equal to the pecuniary gain from that violation in accordance with this section.

1. Definition. As used in this section, unless the context otherwise indicates, "pecuniary gain" means the amount of money or the value of property at the time a person violates section 6575-K or section 6864, subsection 7-A that the person derives from the violation.

2. Initiation and notice. If the Chief of the Bureau of Marine Patrol delivers to the commissioner a written statement under oath that the chief has probable cause to suspect that a violation of section 6575-K or section 6864, subsection 7-A has been committed, the commissioner shall immediately examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the imposition of a penalty is necessary, the commissioner shall immediately notify the person who is alleged to have violated the law in accordance with Title 5, section 9052. The notice must state that the person may request a hearing in writing within 10 days of the notice.

3. Hearing. If a hearing is requested pursuant to subsection 2, it must be held within 30 business days after receipt by the commissioner of the request for a hearing, except that a hearing may be held more than 30 business days after the request if the delay is requested by the person requesting the hearing and mutually agreed to in writing. The hearing must be held in accordance with the Maine Administrative Procedure Act, except that:

A. Notwithstanding Title 5, section 9057, issues of the hearing are limited to whether the person requesting the hearing committed a violation of section 6575-K or section 6864, subsection 7-A; and

B. Notwithstanding Title 5, section 9061, the decision of the presiding officer under Title 5, section 9062 must be made not more than 10 business days after completion of the hearing. The presiding officer must be the commissioner or the commissioner's designee.

Any decision to impose an administrative penalty under this section must be based on evidence in the record of the pecuniary gain, which may include evidence of the fair market value of any elvers illegally possessed by the person at the time the violation was committed. The penalty may be based on evidence of the amount of money or value of property the person received for elvers sold in violation of section 6575-K or section 6864, subsection 7-A.

4. Appeal. A decision of the commissioner or the commissioner's designee to assess an administrative penalty for pecuniary gain pursuant to this section may be appealed to the Superior Court if the appeal is filed with the court within 30 days of the decision.

5. Request for hearing on penalty amount; place of hearing. The license holder may request a hearing regarding the amount of the administrative penalty assessed under this section. A hearing must be requested in writing within 10 days from the receipt of the notice of the penalty. The hearing must be held within 10 days of the request unless a longer period of time is mutually agreed to by the commissioner or the commissioner's designee and the license holder who requests the hearing in writing. The hearing must be conducted in the Augusta area.

6. Disposition of penalty. The commissioner shall deposit any payments for administrative penalties collected pursuant to this section into the Eel and Elver Management Fund established under section 6505-D.

Sec. 2. 12 MRSA §6302-A, sub-§3, ¶E-1, as enacted by PL 2013, c. 8, §1, is repealed and the following enacted in its place:

E-1. The Passamaquoddy Tribe may issue to members of the tribe commercial licenses for the taking of elvers subject to the following limitations:

(1) A license that allows the taking of elvers with an elver fyke net may be issued to only 6 members of the tribe in any calendar year; and

(2) A license that allows the taking of elvers with an elver dip net may be issued to any member of the tribe not authorized to use an elver fyke net;

Sec. 3. 12 MRSA §6302-B is enacted to read:

§6302-B. Elver quota for federally recognized Indian tribes in the State

If the commissioner adopts an elver individual fishing quota system pursuant to section 6505-A, subsection 3-A, this section governs the allocation of the elver quota to federally recognized Indian tribes in the State.

1. Annual allocation. In accordance with section 6505-A, the commissioner shall annually allocate 21.9% of the overall annual quota of elver fishery annual landings to the federally recognized Indian tribes in the State. If the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians reach an agreement regarding the division of this 21.9% portion of the overall annual quota among them and communicate in writing that agreement to the commissioner prior to March 1st of the year in which the quota is allocated, the commissioner shall allocate that portion of the quota in accordance with that agreement. If no agreement is reached, the commissioner shall allocate that portion of the quota in accordance with the following:

A. To the Passamaquoddy Tribe, 14% of the overall annual quota;

B. To the Penobscot Nation, 6.4% of the overall annual quota;

C. To the Houlton Band of Maliseet Indians, 1.1% of the overall annual quota; and

D. To the Aroostook Band of Micmacs, 0.4% of the overall annual quota.

In making any allocations under this subsection, the commissioner shall reserve a portion no greater than 10% of each allocation in order to ensure that the quota is not exceeded.

2. Individual allocation. The Passamaquoddy Tribe shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E-1 a specific amount of the quota allocated to the Passamaquoddy Tribe under subsection 1, paragraph A and shall provide documentation to the department of that allocation for each individual license holder. The Passamaquoddy Tribe shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department. The Penobscot Nation shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph E a specific amount of the quota allocated to the Penobscot Nation under subsection 1, paragraph B and shall provide documentation to the department of that allocation for each individual license holder. The Penobscot Nation shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department. The Houlton Band of Maliseet Indians shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph G a specific amount of the quota allocated to the Houlton Band of Maliseet Indians under subsection 1, paragraph C and shall provide documentation to the department of that allocation for each individual license holder. The Houlton Band of Maliseet Indians shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department. The Aroostook Band of Micmacs shall allocate to each person to whom it issues a license under section 6302-A, subsection 3, paragraph F a specific amount of the quota allocated to the Aroostook Band of Micmacs under subsection 1, paragraph D and shall provide documentation to the department of that allocation for each individual license holder. The Aroostook Band of Micmacs shall allocate all of the quota that it has been allocated and may not alter any individual allocations once documentation has been provided to the department.

The department shall issue elver transaction cards under section 6305 to a person licensed by the Passamaquoddy Tribe under section 6302-A, subsection 3, paragraph E-1, the Penobscot Nation under section 6302-A, subsection 3, paragraph E, the Houlton Band of Maliseet Indians under section 6302-A, subsection 3, paragraph G or the Aroostook Band of Micmacs under section 6302-A, subsection 3, paragraph F only upon receipt of adequate documentation specifying the individual quota allocated to that person by the tribe, nation or band under this subsection.

3. Overage. If the total weight of elvers sold by persons licensed by the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians exceeds the quota allocated under subsection 1 to that tribe, nation or band, the commissioner shall deduct the amount of the overage from any future allocation to that tribe, nation or band. If the overage exceeds the overall annual quota allocated to that tribe, nation or band for the following year, the overage must be deducted from the overall annual quota allocations to that tribe, nation or band in subsequent years until the entire overage has been accounted for.

Sec. 4. 12 MRSA §6404-M is enacted to read:

§6404-M. Suspension or revocation based on conviction of a violation of an elver individual fishing quota

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6575-K.

1. First offense. For the 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. 5. 12 MRSA §6505-A, sub-§1, as amended by PL 2013, c. 468, §23, is further amended to read:

1. License required. Except as provided in section 6302-A and section 6302-B, a person may not

engage in the activities authorized under subsection 1-A unless the person is issued one of the following elver fishing licenses under this section:

A. A resident elver fishing license for one device;

B. A resident elver fishing license for 2 devices;

C. A nonresident elver fishing license for one device;

D. A nonresident elver fishing license for 2 devices;

E. A resident elver fishing license with crew for one device;

F. A resident elver fishing license with crew for 2 devices;

G. A nonresident elver fishing license with crew for one device; or

H. A nonresident elver fishing license with crew for 2 devices.

The department may not issue a license under paragraph E, F, G or H until January 1, 2015.

Sec. 6. 12 MRSA §6505-A, sub-§1-C, as enacted by PL 2013, c. 468, §24, is amended to read:

1-C. Elver transaction card issued. The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction card must include the license holder's name and license number.

Sec. 7. 12 MRSA §6505-A, sub-§3-A is enacted to read:

3-A. Elver fishing quotas. The commissioner may adopt rules to establish, implement and administer an elver individual fishing quota system in order to ensure that the elver fishery annual landings do not exceed the overall annual quota established by the Atlantic States Marine Fisheries Commission. A person issued a license under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not take, possess or sell elvers in excess of the weight quota allocated to that person under the quota system. The rules must:

A. Establish an overall annual quota for the State;

B. Establish the amount of the overall annual quota under paragraph A that is allocated to persons licensed under this section and specify a formula to establish individual quotas for persons licensed under this section. The formula may take into account the amount of elvers a person licensed under this section lawfully harvested in previous seasons based on final harvesting reports. The rules must specify the date by which harvester reports are considered final for the purpose of determining individual quotas; and

C. Provide, in accordance with section 6302-B, that 21.9% of the overall annual quota under paragraph A is allocated to the federally recognized Indian tribes in the State and establish the amount of that portion of the overall annual quota allocated to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs.

If persons issued licenses under this section collectively exceed the overall annual quota allocated to those persons pursuant to paragraph B, the number of pounds by which the license holders exceeded that overall annual quota must be deducted from the following year's overall annual quota allocated to persons licensed under this section. If the overage exceeds the overall annual quota allocated to persons licensed under this section for the following year, the overage must be deducted from the overall annual quota allocated to persons licensed under this section in subsequent years until the entire overage has been accounted for.

The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to establish and implement the elver individual fishing quota in advance of the beginning of the elver fishing season.

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

Sec. 8. 12 MRSA §6575-H, as amended by PL 2013, c. 468, §29, is further amended to read:

§6575-H. Sale and purchase of elvers

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, by whom the landings will be reported, and the seller, 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 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A.

1-A. Purchase of elvers. 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 shall post at the point of sale the price that that buyer will pay.

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. 9. 12 MRSA §6575-K is enacted to read:

§6575-K. Elver individual fishing quota

1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota. A person may not possess or sell a weight of elvers that exceeds the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A.

2. Prohibition on fishing after elver individual fishing quota has been reached. A person who has sold a weight of elvers that meets or exceeds that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

3. Violation. An individual who in fact violates this section commits a crime in accordance with section 6204 for which a fine of $2,000 must be imposed, none of which may be suspended.

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

Effective March 18, 2014.

CHAPTER 486

H.P. 34 - L.D. 39

An Act To Expand the Number of Qualified Educators

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

PART A

Sec. A-1. 5 MRSA §17859, sub-§1-A is enacted to read:

1-A. Restoration to work of classroom-based employees. Effective August 1, 2014, a classroom-based employee who has reached normal retirement age and who retires after September 1, 2011 may be restored to service as a classroom-based employee with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;

B. Subject to the 5-year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or

C. In any combination of paragraphs A and B, as long as the total time the classroom-based employee is restored to service does not exceed 10 years with an individual school administrative unit.

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

Sec. A-2. 5 MRSA §17859, sub-§2, ¶A, as enacted by PL 2011, c. 380, Pt. MMM, §1, is amended to read:

A. The compensation of the retired state employee or retired teacher who returns to service must be set at 75% of the compensation established for the position to be filled, at a step determined by the appointing authority. The compensation of the retired classroom-based employee who returns to service as a classroom-based employee pursuant to subsection 1-A, paragraph A must be set at 100% of the compensation established for the position to be filled, at a step determined by the school administrative unit, for up to the maximum 5-year period that a classroom-based employee may contract with an individual school administrative unit.

PART B

Sec. B-1. Working group. The Commissioner of Administrative and Financial Services or the commissioner's designee shall convene a working group to review the impact that the Maine Revised Statutes, Title 20-A, section 17859 as originally enacted by Public Law 2011, chapter 380, Part MMM, section 1 has had on the State as an employer, local school administrative units and the Maine Community College System and invite interested parties including the Maine Community College System, statewide associations representing teachers, school boards, principals, superintendents and state employees to participate in the review. The working group shall identify the number of state employees and teachers who have retired and returned to work pursuant to Title 20-A, section 17859 as originally enacted; the financial impact of that provision including any savings to the State and local school administrative units; and any unintended or unforeseen consequences that have occurred as a result of that provision.

Sec. B-2. Report. No later than January 8, 2015, the Commissioner of Administrative and Financial Services shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs the working group's findings and recommendations, as required by this Part, including any implementing legislation. The joint standing committees are each authorized to report out a bill related to the subject matter of the report to the First Regular Session of the 127th Legislature following receipt of the report.

See title page for effective date.

CHAPTER 487

H.P. 1298 - L.D. 1807

An Act To Restore Funding in the Maine Budget Stabilization Fund through Alternative Sources

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 in order to achieve savings authorized in this 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:

PART A

Sec. A-1. PL 2013, c. 451, §2 is repealed.

Sec. A-2. PL 2013, c. 451, §5 is repealed.

PART B

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Independent Agencies - Statewide 0016

Initiative: Reduces funding as the result of a new actuarial projection of the cost of retiree health insurance.

GENERAL FUND	2013-14	2014-15
Personal Services	($2,452,212)	($8,954,764)
GENERAL FUND TOTAL	($2,452,212)	($8,954,764)

Sec. B-2. Calculation and transfer. 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 1 of this Part that apply against each account for departments and agencies statewide that have occurred as a result of a new actuarial projection. The State Budget Officer shall transfer the savings by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations and allocations in fiscal years 2013-14 and 2014-15.

PART C

Sec. C-1. Department of Education; general purpose aid for local schools; lapsed balances. Notwithstanding any provisions of law to the contrary, $10,169,276 of unencumbered balance forward from the Department of Education, General Purpose Aid for Local Schools program, General Fund carrying account, All Other line category lapses to the General Fund unappropriated surplus no later than June 30, 2014.

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

Effective March 21, 2014.

CHAPTER 488
H.P. 1267 - L.D. 1768

An Act To Allow All Current Members and Veterans of the United States Armed Forces To Be Eligible for In-state Tuition Rates

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 provides greater affordability to veterans for attendance at Maine's postsecondary educational institutions; and

Whereas, veterans may need to make their decisions about which postsecondary educational institution to attend prior to the end of 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 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 §10010, as amended by PL 2013, c. 311, §2, is repealed and the following enacted in its place:

§10010. Current members and veterans of the United States Armed Forces

If a current member of the United States Armed Forces or a veteran of the United States Armed Forces who has been honorably discharged is enrolled in a program of education at any campus of the University of Maine System, the Maine Community College System or the Maine Maritime Academy, that member or veteran is eligible for in-state tuition rates, regardless of the member's or veteran's state of residence.

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

Effective March 22, 2014.

CHAPTER 489
S.P. 694 - L.D. 1755

An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure"

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

Sec. 1. 38 MRSA §436-A, sub-§12, as amended by PL 2013, c. 320, §6, is further amended to read:

12. Structure. "Structure" means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind and anything constructed or erected 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~~ does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8. As used in this subsection, "service drop" has the same meaning as in section 952.

See title page for effective date.

CHAPTER 490
H.P. 1203 - L.D. 1680

An Act To Protect the Integrity of Funding for Harness Racing Purses

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 provide protection for funds used to pay purses in harness horse racing 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. 8 MRSA §272-B, first ¶, as repealed and replaced by PL 2007, c. 211, §1 and affected by §2, is amended to read:

Notwithstanding any other provision of this chapter, up to 3% of funds designated to supplement purses may be paid to a statewide association of horsemen in accordance with this section. A statewide association of horsemen, referred to in this section as "the association," means an association of horsemen a majority of the membership of which is composed of owners, trainers and drivers or any combination of owners, trainers and drivers who are licensed by the commission and whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership.

Sec. 2. 8 MRSA §272-C is enacted to read:

§272-C. Trust account

1. Establishment; deposits. A licensee conducting live racing in the State shall establish a trust account for the benefit of the persons who race horses at that licensee's facility. Except as provided by subsection 3, funds distributed to or retained by the licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any administrative assessments pursuant to section 267-A, that must be used to pay or supplement harness racing purses must be deposited in that account and used exclusively to pay harness racing purses. The funds in a trust account established in accordance with this subsection are not considered to be property of the licensee, may not be pledged as security for the debts of the licensee and are not subject to attachment or execution by creditors of the licensee.

2. Payment if licensee fails to conduct racing. If a licensee fails to conduct a race meet during a calendar year, all funds held in the trust account established under this section by that licensee must be returned to the commission, which shall return to the licensee any amount that represented a reimbursement that equaled an overpayment of harness racing purses. Any remaining balance of the trust account must be redistributed by the commission to the trust accounts of all racetracks that continue to conduct live racing in the State, with each track receiving that portion of money determined by multiplying the amount of money available for redistribution by a fraction, the numerator of which is the number of race dates at that racing facility during the prior calendar year and the denominator of which is the total number of race dates throughout the State during that year, except that those funds received by a licensee pursuant to section 298 must be returned to the fund to supplement harness racing purses established in section 298 and must be distributed according to that section.

3. Limited interim use of funds permitted. Notwithstanding subsection 1, a licensee, solely for the purpose of funding racing operations, may during the period from January 1st to April 30th make use of funds that otherwise would be in a trust account established pursuant to subsection 1 if the following conditions are met:

A. The amount of the funds to be used is approved in writing by the association described in section 272-B;

B. The licensee provides the executive director of the commission written notice of the amount of funds to be used and the written approval from the association under paragraph A to use the funds;

C. The executive director of the commission certifies that the licensee is likely to receive disbursements from the funds established under sections 295 and 299 and Title 7, section 91 within 120 days; and

D. Funds used are repaid to the trust account established pursuant to subsection 1 no later than 10 days from the May 30th distribution to the licensee under section 295, subsection 2 and section 299, subsection 2.

This subsection is repealed June 30, 2017.

Sec. 3. 8 MRSA §275-A, sub-§1, as amended by PL 2003, c. 401, §10, is further amended to read:

1. Commercial track. "Commercial track" means a harness horse racing track licensed under this chapter to conduct harness horse racing with parimutuel wagering that:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 100 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is 300,000 or more, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 100 days in each of the 2 preceding calendar years; ~~or~~

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 25 days in each of the previous 2 calendar years, except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is less than 300,000, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 26 days in each of the 2 preceding calendar years.;

C. Began operation after January 1, 2014 in a region with a population of 300,000 or more, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph A that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 100 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 100 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track; or

D. Began operation after January 1, 2014 in a region with a population of less than 300,000, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph B that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 25 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 25 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track.

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

Sec. 4. 8 MRSA §276-B is enacted to read:

§276-B. Commercial track ceases operation; entitled to funds

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track.

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

Effective March 22, 2014.

CHAPTER 491

H.P. 1188 - L.D. 1616

An Act Regarding Appointments of Certain Positions in the Department of Corrections

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2011, c. 655, Pt. I, §1 and affected by §11, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Financial Institutions;

Superintendent of Consumer Credit Protection;

State Tax Assessor;

Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;

Superintendent of Insurance;

Executive Director of the Maine Consumer Choice Health Plan;

Deputy Commissioner, Department of Administrative and Financial Services;

~~Associate~~ Deputy Commissioner ~~for Adult Services~~, Department of Corrections;

~~Associate Commissioner for Juvenile Services, Department of Corrections;~~

Public Advocate;

Deputy Commissioner, Department of Health and Human Services;

Chief Information Officer;

Associate Commissioner ~~for Legislative and Program Services~~, Department of Corrections; and

Chief of the State Police.

Sec. 2. 5 MRSA §936, sub-§1, as amended by PL 1999, c. 731, Pt. G, §1, is repealed and the following enacted in its place:

1. Major policy-influencing positions. The positions of deputy commissioner and 2 associate commissioners are major policy-influencing positions within the Department of Corrections. Notwithstanding any other provision of law, these positions and their successor positions are subject to this chapter.

Sec. 3. 34-A MRSA §1403, sub-§2, as amended by PL 2001, c. 386, §11, is further amended to read:

2. Appointments. The commissioner's appointment powers are as follows.

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions in the institutional services unit ~~must be identified through a separate agreement with labor and~~ may be used only at preidentified posts and work sites. ~~Use of intermittent employees for the purposes of overtime must be governed by an agreement between the parties.~~

B. The commissioner may appoint and set the salary for ~~3~~ one deputy commissioner and 2 associate commissioners to assist in carrying out the responsibilities of the department.

(1) An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(2) To be eligible for appointment as the deputy commissioner or an associate commissioner, a person must have training and experience in general management.(3) The deputy commissioner has the powers, duties, obligations and liabilities of the commissioner when the commissioner is unable to perform the duties of the office.

~~C. The commissioner shall appoint the following officials to serve at the pleasure of the commissioner:~~

~~(1) Associate Commissioner for Adult Services;~~

~~(1-A) Associate Commissioner for Juvenile Services; and~~

~~(3) Associate Commissioner for Legislative and Program Services.~~

D. The commissioner may appoint and set the salary for a director of operations, a policy development coordinator and a media and public information officer to assist in carrying out the responsibilities of the department. An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

Sec. 4. 34-A MRSA §1403, sub-§3, as amended by PL 1995, c. 502, Pt. F, §19, is further amended to read:

3. Delegation. The commissioner's delegation powers are as follows.

A. Unless a specific statute otherwise directs, the commissioner may delegate powers and duties given under this Title to the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators.

B. The commissioner may empower the deputy commissioner, associate commissioners, chief administrative officers and regional correctional administrators to further delegate powers and duties delegated to them by the commissioner.

B-1. Unless a specific statute otherwise directs, the commissioner may empower chief administrative officers to delegate powers and duties given to them by chapter 3 and may empower regional correctional administrators to delegate powers and duties given to them by chapter 5.

C. ~~An~~ The deputy commissioner, an associate commissioner or associate commissioners may be designated to assist in the development of community correctional programs at the county level and to coordinate activities of the department with each county and any county correctional advisory groups. The deputy commissioner, associate commissioner or associate commissioners may appoint staff to assist in carrying out this paragraph.

Sec. 5. 34-A MRSA §3001, sub-§1, as amended by PL 1999, c. 583, §5, is further amended to read:

1. Appointment. The commissioner may appoint chief administrative officers as necessary for the proper performance of the functions of the department~~, subject to the Civil Service Law~~. An appointment is for an indeterminate term and until a successor is ap-

pointed and qualified or during the pleasure of the commissioner.

A. To be eligible for appointment as a chief administrative officer, a person must be experienced in ~~the~~ correctional management ~~of the particular type of facility to which that person is assigned~~.

B. Chief administrative officers shall report directly to the commissioner or to the deputy commissioner or ~~to~~ an associate commissioner if so directed by the commissioner.

Sec. 6. 34-A MRSA §5402, sub-§2, ¶B, as amended by PL 2013, c. 133, §28, 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 and such other employees as may be required to carry out adequate supervision of all probationers, parolees from the correctional facilities and other persons placed under the supervision of an employee listed in this paragraph;

Sec. 7. 34-A MRSA §5402, sub-§3, ¶A-1 is enacted to read:

A-1. Appoint regional correctional administrators as necessary for the proper performance of the functions of the department. An appointment is for an indeterminate term and until a successor is appointed and qualified or during the pleasure of the commissioner.

(1) To be eligible for appointment as a regional correctional administrator, a person must be experienced in correctional management.

(2) A regional correctional administrator shall report directly to the commissioner or to the deputy commissioner or an associate commissioner if so directed by the commissioner.

Sec. 8. Vacancies. Notwithstanding any other provision of law, the Commissioner of Corrections may not appoint a person to the position of director of operations, policy coordinator, media and public information officer, chief administrative officer or regional correctional administrator for the Department of Corrections until the person in that respective position on the effective date of this Act no longer serves in that position.

See title page for effective date.

CHAPTER 492

H.P. 1176 - L.D. 1604

An Act To Make Technical Changes to Marine Resources 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 2014 elver fishing season begins at noon on March 22, 2014, and this legislation makes changes to the elver fishing licensing laws that need to take effect in time for the 2014 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 §6301, sub-§2, ¶U, as corrected by RR 2009, c. 2, §24, is amended to read:

U. A limited wholesale shellfish harvester's license issued under section 6851-A expires on March 31st of each year; ~~and~~

Sec. 2. 12 MRSA §6301, sub-§2, ¶V, as reallocated by RR 2009, c. 2, §22, is amended to read:

V. A lobster processor license issued under section 6851-B expires on March 31st of each year~~.~~; and

Sec. 3. 12 MRSA §6301, sub-§2, ¶W is enacted to read:

W. A commercial green crab only license issued under section 6808 expires on April 30th of each year.

Sec. 4. 12 MRSA §6407, as enacted by PL 1977, c. 661, §5, is amended to read:

§6407. Conviction or adjudication; juvenile offense; failure to appear

Under this chapter:

1. Conviction or adjudication. ~~A judgment of guilt shall be considered a~~ A conviction of a crime is considered a conviction and an adjudication of a civil violation is considered an adjudication during the pendency of appeal;

2. Juvenile offense. A conviction ~~as~~ of a juvenile offense ~~shall be~~ is considered a conviction; and

3. Failure to appear. Failure to appear in court when properly summoned ~~shall be~~ is considered a conviction.

Sec. 5. 12 MRSA §6455, sub-§5-A, ¶¶B, C and D, as enacted by PL 2013, c. 309, §2, are amended to read:

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~~ $160.75;

(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; 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~~ $320.75;

(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~~ $480.75;

(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 sea-

food 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.

Sec. 6. 12 MRSA §6535, sub-§2, ¶¶A and B, as enacted by PL 2013, c. 282, §5, are amended to read:

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 or sells scallops to a purchaser who holds a valid wholesale seafood license 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, 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, 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.

Sec. 7. 12 MRSA §6702, sub-§4, as amended by PL 2013, c. 301, §15, 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~~ 1 1/2 bushels of shell scallops or one gallon of shucked scallops for personal use without a scallop dragging license under this section.

Sec. 8. 12 MRSA §6703, sub-§3, as amended by PL 2013, c. 301, §16, 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~~ 1 1/2 bushels of shell scallops or one gallon of shucked scallops.

Sec. 9. 12 MRSA §6808, sub-§4, as amended by PL 2009, c. 229, §19, is further amended to read:

4. Exemptions. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs for personal use if the green crabs are taken by a method exempted under section 6501, subsection 3, paragraph A. A municipality or the holder of an aquaculture lease or license that harvests green crabs under authorization from the department is not required to have a commercial green crab only license as long as the harvesting of green crabs occurs under supervision of the municipality or the holder of an aquaculture lease or license. Notwithstanding subsection 1, any individual licensed to fish for lobster and crab pursuant to section 6421, subsection 1, paragraph A, B, C or E may also fish for or take green crabs and possess, ship, transport or sell green crabs that the license holder has taken. In accordance with section 6853, the holder of a marine worm dealer's license is not required to have a commercial green crab only license to buy, possess, ship, transport or sell green crabs for a purpose other than for human consumption. In accordance with section 6851, the holder of a wholesale seafood dealer's license is not required to have a commercial green crab only license to buy, possess, ship, transport or sell green crabs.

Sec. 10. 12 MRSA §6808, sub-§6, as amended by PL 2009, c. 213, Pt. G, §33, is further amended to read:

6. Fees. The fee for a commercial green crab only license is ~~$38~~ $10 for a resident license and ~~$76~~ $20 for a nonresident license, which authorizes the license holder to engage in the licensed activities under subsection 2.

Sec. 11. 12 MRSA §6808, sub-§7, as amended by PL 2009, c. 213, Pt. G, §34, is further amended to read:

7. Disposition of fees. Fees for commercial green crab only licenses must be deposited in the Green Crab Management Fund established in section 6809 as follows:

A. ~~Thirty-three~~ Eight dollars for a resident commercial green crab only license; and

B. ~~Sixty-six~~ Sixteen dollars for a nonresident commercial green crab only license.

Sec. 12. 12 MRSA §6851, sub-§2, as amended by PL 2011, c. 598, §41, is further amended to read:

2. License activities. The holder of a wholesale seafood license may, in the wholesale or retail trade:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins and shrimp purchased directly from harvesters;

B. Within or beyond the state limits, buy, sell, shuck, pack, ship or, within the state limits, transport fresh or frozen shellfish, except lobsters, to the extent these activities are expressly authorized by a shellfish certificate issued under section 6856; ~~or~~

D. Buy, sell, process, ship or, within the state limits, transport crayfish~~.~~; and

E. Within or beyond the state limits, buy, possess, ship, transport or sell green crabs without a commercial green crab only license issued under section 6808.

A holder of a wholesale 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 wholesale seafood license holder's request.

Sec. 13. 12 MRSA §6852, sub-§2-A, as enacted by PL 2011, c. 598, §44, is amended to read:

2-A. Enhanced retail certificate authorized. The holder of a retail seafood license may obtain an enhanced retail certificate from the department. The holder of an enhanced retail certificate may, in the retail trade within the state limits, buy, sell, transport, ship or serve:

A. Shellstock bought from a commercial shellfish license holder licensed under section 6601;

B. Shellstock bought from a surf clam boat license holder licensed under section 6602;

C. Shellstock bought from a mahogany quahog license holder licensed under section 6731; or

D. Shellstock bought from a hand-raking mussel license holder licensed under section 6745 or a mussel boat license holder licensed under section 6746.

For the purposes of inspection or collection of samples, the commissioner or the commissioner's agent may access an establishment or part thereof ~~or vehicle~~ in which activities authorized under this certificate are conducted by a person holding a retail seafood license. Denial of access is grounds for suspension or revocation of a retail seafood license under the provisions of section 6372. The holder of an enhanced retail certificate may not designate a vehicle as that person's establishment.

Sec. 14. 12 MRSA §6853, as amended by PL 2009, c. 213, Pt. G, §39 and c. 478, §4, is further amended to read:

§6853. Marine worm dealer's license; green crab authorizations

1. License required. A person may not engage in the activities authorized under this section without a current:

A. Marine worm dealer's license;

B. Supplemental marine worm dealer's license; or

C. Other license issued under this Part authorizing the activities.

2. Licensed activity. The holder of a marine worm dealer's license may buy, possess, ship, transport or sell marine worms. The holder of a marine worm dealer's license may also buy, possess, ship, transport or sell green crabs for a purpose other than for human consumption without a commercial green crab only license issued under section 6808.

3. License limited. A license authorizes these activities at only one establishment or with only one vehicle.

4. Supplemental license. A supplemental license must be obtained for each additional establishment or vehicle.

5. Eligibility. The marine worm dealer's license is a resident license.

6. Fee. The fee for a marine worm dealer's license is $64 and the fee for a supplemental license is $26.

7. Violation. A person who violates this section commits a civil violation for which a forfeiture of not less than $100 nor more than $500 may be adjudged.

A holder of a license required under this section when buying marine worms directly from a harvester may buy only from a harvester who possesses a marine worm digger's license under section 6751, and when buying green crabs from a harvester may buy only from a harvester who possesses a commercial green crab only license issued under section 6808. The harvester shall make the marine worm digger's license or commercial green crab only license available for inspection upon the license holder's request.

Sec. 15. 12 MRSA §6864, sub-§1-A, as enacted by PL 2013, c. 301, §20, is amended 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.

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

Effective March 22, 2014.

CHAPTER 493

H.P. 1183 - L.D. 1611

An Act Concerning Learner's Permits

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

Sec. 1. 29-A MRSA §1304, sub-§1-A is enacted to read:

1-A. Learner's permit; issuance. The following provisions apply to the issuance of a learner's permit.

A. Fees for a learner's permit may be collected only by the Secretary of State in accordance with section 154, subsection 1.

B. Any required application materials for a learner's permit may be collected only by the Secretary of State.

C. Any required examination for a learner's permit may be administered only by the Secretary of State.

D. A learner's permit may be issued only by the Secretary of State.

Sec. 2. 29-A MRSA §1304, last ¶, as enacted by PL 2013, c. 381, Pt. B, §16, is repealed.

Sec. 3. Transition provisions. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1304, subsection 1-A, prior to October 1, 2014, the Secretary of State may allow an individual affiliated with an approved driver education course to collect fees or application materials for a learner's permit. Notwithstanding Title 29-A, section 1304, subsection 1-A, prior to January 1, 2015, the Secretary of State may allow an individual affiliated with an approved driver education course to administer any required examination for a learner's permit.

See title page for effective date.

CHAPTER 494

H.P. 1185 - L.D. 1613

An Act To Clarify Disclosure Requirements for Political Statements Broadcast by Radio

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 2013, c. 362, §1, 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 fund-raisers, 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.~~ If a communication that is financed by someone other than the candidate or the

candidate's authorized committee is broadcast by radio, only the city and state of the address of the person who financed the communication must be stated.

Sec. 2. 21-A MRSA §1014, sub-§6, ¶¶B and C, as enacted by PL 2011, c. 389, §13, are amended to read:

B. Campaign signs produced and distributed at a cost not exceeding $100, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee; ~~and~~

C. Internet and e-mail activities costing less than $100, as excluded by rule of the commission, paid for by one or more individuals who are not required to register or file campaign finance reports with the commission and who are acting independently of and without authorization by a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee or an agent of a candidate, candidate's authorized campaign committee, party committee, political action committee or ballot question committee~~.~~;

Sec. 3. 21-A MRSA §1014, sub-§6, ¶¶D and E are enacted to read:

D. Communications in which the name or address of the person who made or authorized the expenditure for the communication would be so small as to be illegible or infeasible, including communications on items such as ashtrays, badges and badge holders, balloons, campaign buttons, clothing, coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers, matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar items determined by the commission to be too small and unnecessary for the disclosures required by this section and in electronic media advertisements where compliance with this section would be impractical due to size or character limitations; and

E. Campaign signs that are financed by the candidate or candidate's authorized committee and that clearly identify the name of the candidate and are lettered or printed individually by hand.

See title page for effective date.

CHAPTER 495

H.P. 1192 - L.D. 1620

An Act To Increase the Maximum Gas Safety Administrative Penalty Amounts

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

Sec. 1. 35-A MRSA §4516-A, sub-§§1 and 2, as enacted by PL 2003, c. 505, §35, are amended to read:

1. Violation of this Title. The commission may impose an administrative penalty on a natural gas pipeline utility that violates any provision of this Title relating to safety of pipeline facilities or transportation of gas or any rule issued under this Title in an amount not to exceed ~~$100,000~~ $200,000 for each violation. Each day of violation constitutes a separate offense.

2. Maximum administrative penalty. The maximum administrative penalty may not exceed ~~$1,000,000~~ $2,000,000 for any related series of violations.

Sec. 2. 35-A MRSA §4705-A, sub-§§1 and 2, as enacted by PL 2003, c. 505, §38, are amended to read:

1. Violation of this Title. The commission may impose an administrative penalty on a gas utility that violates any provision of this Title relating to safety of gas facilities or any rule issued under this Title in an amount not to exceed ~~$100,000~~ $200,000 for each violation. Each day of violation constitutes a separate offense.

2. Maximum administrative penalty. The maximum administrative penalty may not exceed ~~$1,000,000~~ $2,000,000 for any related series of violations.

See title page for effective date.

CHAPTER 496

S.P. 636 - L.D. 1645

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §101, sub-§11, as amended by PL 2013, c. 381, Pt. B, §3, is further amended to read:

11. Bus. "Bus" means a motor vehicle designed for carrying more than ~~16~~ 15 persons, including the operator.

Sec. 2. 29-A MRSA §406, sub-§§1 and 2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are repealed.

Sec. 3. 29-A MRSA §455, sub-§2, as amended by PL 2007, c. 703, §2 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

2. Plate design; optional environmental vanity plates. The Secretary of State, the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife in consultation with the joint standing committee of the Legislature having jurisdiction over transportation matters shall determine the plate design.

The design must accommodate the use of numbers and letters as provided in section 453. Upon request and as provided by section 453, the Secretary of State shall issue environmental plates that are also vanity plates. Environmental vanity plates are issued in accordance with this section and section 453. The Secretary of State may modify class codes and create unique identifiers for the purpose of expanding the program. ~~The annual service fee of $15 for vanity plates is credited to the Highway Fund. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.~~

Sec. 4. 29-A MRSA §456-C, sub-§1, as amended by PL 2007, c. 240, Pt. LLLL, §2, is further amended to read:

1. Sportsman registration plates. The Secretary of State, upon receiving an application and evidence of payment of the registration fee required by section 501 and the excise tax required by Title 36, section 1482, shall issue a registration certificate and a set of sportsman plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. Vanity plates may not duplicate vanity plates issued in another class of plate. The Secretary of State shall begin issuing ~~sportsmen~~ sportsman registration plates by April 1, 2008. Sportsman vanity plates are issued in accordance with this section and section 453.

Sec. 5. 29-A MRSA §510, sub-§1, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A farm lot and between farm lots, when used for farm purposes ~~by the owner~~; or

Sec. 6. 29-A MRSA §510, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The premises where kept and a woodlot, or between woodlots used for logging purposes ~~by the owner of the log skidder or the owner's employee~~; or

Sec. 7. 29-A MRSA §510, sub-§3, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. A woodlot and between woodlots used for logging purposes ~~by the owner~~; or

Sec. 8. 29-A MRSA §510, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Privilege to operate a tractor or skidder suspended. If a person's license has been revoked or suspended, that person may not operate a ~~farm~~ tractor or log skidder on a public way except as provided in subsection 1, paragraphs A and B, subsection 2, paragraph A or subsection 3, paragraphs A and B until the Secretary of State reinstates that person's license or issues to that person another license.

Sec. 9. 29-A MRSA §515-B, sub-§3, as enacted by PL 1999, c. 734, §1, is amended to read:

3. Design. The Secretary of State shall determine the design of the Purple Heart motorcycle registration plate. Upon request and as provided by section 453, the Secretary of State shall issue Purple Heart motorcycle registration plates that are also vanity plates. Purple Heart vanity plates are issued in accordance with this section and section 453. ~~The annual service fee of $15 for vanity plates is credited to the Highway Fund.~~

Sec. 10. 29-A MRSA §521, sub-§5, as amended by PL 2011, c. 23, §1, is repealed and the following enacted in its place:

5. Application; issuance. The following provisions apply to an application for and the issuance of a disability plate or placard.

A. An application for a disability plate or placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to the applicant's physical disability as defined in subsection 1. The physician, physician assistant, nurse practitioner or registered nurse shall designate the duration of the applicant's disability not to exceed 6 years or designate the applicant's disability as permanent. The Secretary of State shall issue to an eligible applicant disability plates and windshield placards upon request. A disability plate or placard issued to a person for whom the duration of the person's disability has been designated as not exceeding 6 years expires upon the expiration of the duration of the disability as designated by the physician, physician assistant, nurse practitioner or registered nurse.

B. When the Secretary of State determines the disability to be permanent from the application, the disability plate or placard expires upon the expiration date of that person's driver's license or nondriver identification card issued by this State. The applicant is not required to continue to provide proof of disability upon renewal of the applicant's disability plate or placard.

C. When the applicant's need for the disability plate or placard terminates or the applicant dies, the disability plate or placard must be returned to the Secretary of State. Notwithstanding subsection 2, paragraphs B and C, the provisions of this subsection, as regards the issuance of a disability plate or placard for a person with a permanent disability, apply only to that person.

Sec. 11. 29-A MRSA §523, sub-§4, as enacted by PL 1997, c. 69, §1, is amended to read:

4. Veterans vanity plates. Upon request and as provided by section 453, the Secretary of State shall issue veterans registration plates that are also vanity plates. Veterans registration vanity plates are issued in accordance with this section and section 453. ~~The annual service fee of $15 for vanity plates is credited to the Highway Fund.~~

Sec. 12. 29-A MRSA §956, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 13. 29-A MRSA §1304, sub-§1, ¶H, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of 6 months has passed from the date the person was issued a learner's permit; and

(2) The person has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the ~~35~~ 70 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the ~~35~~ 70 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

Sec. 14. 29-A MRSA §1851, sub-§§5 and 6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

5. Left after repair completed. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work; ~~or~~

6. Left on residential property. Left on an individual's residential property for more than 6 months~~.~~; or

Sec. 15. 29-A MRSA §1851, sub-§7 is enacted to read:

7. Left at storage facility. Left at a storage facility, if the owner has failed to pay storage or rental fees.

Sec. 16. 29-A MRSA §2472, sub-§2-B, as enacted by PL 2011, c. 654, §12, is amended to read:

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination pursuant to section 1301, subsection 4 as prescribed by the Secretary of State ~~before the suspension may be terminated~~ within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

See title page for effective date.

CHAPTER 497

S.P. 651 - L.D. 1657

An Act To Ensure Equity in Teacher Retirement Costs for Private Academies

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 be in place in time to apply to the 2013-2014 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 §5806, sub-§2, as amended by PL 2013, c. 368, Pt. C, §3 and c. 418, §1, is repealed and the following enacted in its place:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. From school year 2009-2010 to school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or $500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. For the 2014-2015 school year, a school administrative unit is not required to pay an insured value factor greater than 6% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in the 2015-2016 school year, a school administrative unit is not required to pay an insured value factor greater than the amount of the prior school year's insured value factor adjusted by a percentage equal to the percentage change in the state share percentage of the total cost of funding public education in the prior school year as determined by section 15671, subsection 7, paragraph C as compared to the applicable percentage for the current school year. In no case may the insured value factor be less than 6% or greater than 10% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay an insured value factor that exceeds the amount otherwise permitted by this subsection by no more than 5% of the school's tuition rate per student. For the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted under this section by an amount equal to the calculated normal cost of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012.

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

Effective April 2, 2014.

CHAPTER 498

S.P. 641 - L.D. 1674

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

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 people of Maine voted in support of access for patients to legal and safe medical marijuana in both 1999 and 2009; and

Whereas, the First Regular Session of the 126th Legislature enacted a law to restrict the use of pesticides in the cultivation of marijuana to those exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and

Whereas, the effect of this law has been to severely restrict the options available to persons cultivating marijuana for medical purposes; and

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe medical marijuana for the thousands of Maine patients currently recommended this medicine; 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 §2423-A, sub-§2, ¶J, as reallocated by RR 2013, c. 1, §39, is amended to read:

J. Use a pesticide in the cultivation of marijuana if the pesticide is ~~exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~ used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management

approved by the Commissioner of Agriculture, Conservation and Forestry. A registered primary caregiver may not in the cultivation of marijuana use a pesticide ~~exempt from the federal registration requirements and that is registered with the Board of Pesticides Control~~ unless the registered primary caregiver or the registered primary caregiver's employee is certified in the application of the pesticide pursuant to section 1471-D and any employee who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, ~~Part~~ Section 170.130. An employee of the registered primary caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.

Sec. 2. 22 MRSA §2428, sub-§9, ¶G, as enacted by PL 2013, c. 371, §4, is amended to read:

G. A registered dispensary may not use a pesticide on marijuana except a pesticide that is ~~exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~ used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered dispensary may not in the cultivation of marijuana use a pesticide ~~exempt from federal registration requirements and registered with the Board of Pesticides Control~~ unless at least one registered dispensary employee involved in the application of the pesticide is certified pursuant to section 1471-D and all other registered dispensary employees who have direct contact with treated plants have completed safety training pursuant to 40 Code of Federal Regulations, ~~Part~~ Section 170.130. A registered dispensary employee who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, ~~Part~~ Section 170.230.

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

Effective April 2, 2014.

CHAPTER 499

H.P. 1219 - L.D. 1695

An Act Regarding Fishways

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

Sec. 1. 12 MRSA §12457, sub-§1, ¶A, as amended by PL 2011, c. 253, §27, is further amended to read:

A. The area within 150 feet of any operational fishway, except:

(1) At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(a) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(b) Woodland Dam on the St. Croix River in Baileyville;

(2) At the following places, the area within the fishway and within 75 feet of the downstream mouth of the fishway is closed to fishing at all times:

(a) East Grand Lake Dam in Forest City Township, T9 R4 NBPP, except that fishing upstream from the dam at the top of the fishway is lawful;

(2-A) At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

(a) Spednic Lake Dam in Vanceboro;

(3) At the so-called ice control dam on the Narraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

(4) At East Outlet Dam in Sapling Township, T1R7, in Somerset County and in Big Moose Township, T2R6, in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

(5) There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County, Chain of Ponds Dam in Chain of Ponds Township in Franklin County, Long Pond Dam in Seven Ponds Township in Franklin County, Beaver Pond Dam in Seven Ponds Township in Franklin County ~~and~~, Little Island Pond Dam in Seven Ponds Township in Franklin County, Pushaw Lake Dam in the Town of Hudson in Penobscot County, Davis Pond Dam in the Town of

Eddington in Penobscot County, Leonard's Mills Dam on Blackman Stream in the Town of Bradley in Penobscot County, Souadabscook Stream Dam at Grist Mill Road in the Town of Carmel in Penobscot County and Webber Pond Dam in the Town of Vassalboro in Kennebec County;

See title page for effective date.

CHAPTER 500

H.P. 1169 - L.D. 1598

An Act To Improve Hospital-based Behavioral Health Treatment for Persons with Intellectual Disabilities or Autism

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

Sec. 1. 34-B MRSA §5605, sub-§13, as amended by PL 2013, c. 310, §7, is further amended to read:

13. Behavioral support, modification and management. Behavior modification and behavior management of and supports for a person with an intellectual disability or autism who is not a patient in a psychiatric unit of an acute hospital or a psychiatric hospital as defined in section 3801, subsection 7-B are governed as follows.

A. A person with an intellectual disability or autism may not be subjected to a behavior modification or behavior management program to eliminate dangerous or maladaptive behavior without first being assessed by a physician to determine if the proposed program is medically contraindicated and that the dangerous or maladaptive behavior could not be better treated medically.

A-1. Support programs may contain both behavior modification and behavior management components.

A-2. The following practices are prohibited as elements of behavior modification or behavior management programs:

(1) Seclusion;

(2) Corporal punishment;

(3) Actions or language intended to humble, dehumanize or degrade the person;

(4) Restraints that do not conform to rules adopted pursuant to this section;

(5) Totally enclosed cribs or beds; and

(6) Painful stimuli.

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.

See title page for effective date.

CHAPTER 501

H.P. 1168 - L.D. 1597

An Act To Clarify Provisions of the Maine Medical Use of Marijuana 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, changes made during the First Regular Session of the 126th Legislature to the laws regarding access to facilities where medical marijuana is cultivated need to be clarified; and

Whereas, it is important to provide this clarification as soon as possible in order to ensure the proper administration of the Maine Medical Use of Marijuana 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. 22 MRSA §2423-A, sub-§3, ¶B, as amended by PL 2013, c. 424, Pt. G, §1 and affected by §2, is further amended to read:

B. A primary caregiver who has been designated by a patient to cultivate marijuana for the patient's medical use must keep all plants in an enclosed, locked facility unless the plants are being transported because the primary caregiver is moving or taking the plants to the primary caregiver's own property in order to cultivate them. The primary caregiver shall use a numerical identification system to enable the primary caregiver to identify marijuana plants cultivated for a patient. Access to the cultivation facility is limited to the primary caregiver, except that an elected official invited by the primary caregiver for the purpose of providing education to the elected official on cultivation by the primary caregiver, emergency services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide those professional services while under the direct supervision of the primary caregiver.

Sec. 2. 22 MRSA §2428, sub-§6, ¶I, as amended by PL 2013, c. 374, §2, is further amended to read:

I. All cultivation of marijuana must take place in an enclosed, locked facility unless the marijuana plants are being transported between the dispensary and a location at which the dispensary cultivates the marijuana plants, as disclosed to the department in subsection 2, paragraph A, subparagraph (3). The dispensary shall use a numerical identification system to enable the dispensary to track marijuana plants from cultivation to sale and to track prepared marijuana obtained pursuant to section 2423-A, subsection 2, paragraph H from acquisition to sale. Access to the cultivation facility is limited to a cardholder who is a principal officer, board member or employee of the dispensary when acting in that cardholder's official capacity, except that an elected official invited by a principal officer, board member or employee for the purpose of providing education to the elected official on cultivation by the dispensary, emergency services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide professional services while under the direct supervision of a cardholder who is a principal officer, board member or employee of the dispensary.

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

Effective April 2, 2014.

CHAPTER 502

H.P. 1325 - L.D. 1843

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 To Address Supplemental Funding Needs Projected for the Fiscal Year Ending June 30, 2014 and To Adjust Funding for the Fiscal Year Ending 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.

ATTORNEY GENERAL, DEPARTMENT OF THE

Chief Medical Examiner - Office of 0412

Initiative: Provides funds for statutorily authorized payments to medical examiners and reimbursements to funeral homes.

GENERAL FUND	2013-14	2014-15
All Other	$50,000	$50,000
GENERAL FUND TOTAL	$50,000	$50,000

Chief Medical Examiner - Office of 0412

Initiative: Provides funds for contracted forensic pathologist and histological laboratory services.

GENERAL FUND	2013-14	2014-15
All Other	$57,000	$84,000
GENERAL FUND TOTAL	$57,000	$84,000

District Attorneys Salaries 0409

Initiative: Establishes one part-time Assistant District Attorney position in Prosecutorial District Number 4 for domestic violence prosecutions.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	$0	$42,045
All Other	$0	$1,485
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$43,530

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$107,000	$134,000
OTHER SPECIAL REVENUE FUNDS	$0	$43,530
DEPARTMENT TOTAL - ALL FUNDS	$107,000	$177,530

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Adjusts funding to align allocations with projected available resources approved by the Revenue Forecasting Committee in its December 1, 2013 report.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$464,217	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$464,217	$0

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	$464,217	$0
DEPARTMENT TOTAL - ALL FUNDS	$464,217	$0

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Military Training and Operations 0108

Initiative: Provides funding for the state share of the architectural and engineering design for the Maine National Guard Joint Force Headquarters in Augusta.

GENERAL FUND	2013-14	2014-15
Capital Expenditures	$9,540	$0
GENERAL FUND TOTAL	$9,540	$0

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$9,540**	**$0**
DEPARTMENT TOTAL - ALL FUNDS	**$9,540**	**$0**

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Teacher Retirement program to cover a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	($114,037)	$0
GENERAL FUND TOTAL	($114,037)	$0

General Purpose Aid for Local Schools 0308

Initiative: Provides funding for fiscal year 2013-14 and fiscal year 2014-15 only for a portion of the cost of transporting students enrolled in a program at the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

GENERAL FUND	2013-14	2014-15
All Other	$109,180	$200,000
GENERAL FUND TOTAL	$109,180	$200,000

General Purpose Aid for Local Schools 0308

Initiative: Provides additional state subsidy for the Easton School Department in fiscal year 2013-14 only.

GENERAL FUND	2013-14	2014-15
All Other	$36,000	$0
GENERAL FUND TOTAL	$36,000	$0

Teacher Retirement 0170

Initiative: Provides funding for a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	$114,037	$0
GENERAL FUND TOTAL	$114,037	$0

Teacher Retirement 0170

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Teacher Retirement program to cover a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	$114,037	$0
GENERAL FUND TOTAL	$114,037	$0

EDUCATION, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$259,217**	**$200,000**
DEPARTMENT TOTAL - ALL FUNDS	**$259,217**	**$200,000**

EXECUTIVE DEPARTMENT

Office of Policy and Management Z135

Initiative: Provides funding in fiscal year 2013-14 for technical expertise to support the development of an economic plan for the State. Also provides ongoing funding beginning in fiscal year 2014-15 for other expenses that support the work of the Governor's Office of Policy and Management.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$25,745	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$25,745	$0

EXECUTIVE DEPARTMENT		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
OTHER SPECIAL REVENUE FUNDS	**$25,745**	**$0**
DEPARTMENT TOTAL - ALL FUNDS	**$25,745**	**$0**

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Developmental Services Waiver - MaineCare 0987

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($338,186)
GENERAL FUND TOTAL	$0	($338,186)

Developmental Services Waiver - Supports Z006

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($48,309)
GENERAL FUND TOTAL	$0	($48,309)

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($18,175)
All Other	$0	($1,893)
GENERAL FUND TOTAL	$0	($20,068)

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$30,420	$0
All Other	($30,420)	$0
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Provides funding in Personal Services by reducing All Other for 4 Physician III positions to increase retention and fill vacant positions at Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$10,253	$0
All Other	($10,253)	$0
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reorganizes 10 Psychiatric Social Worker II positions to Intensive Care Manager positions in order to increase retention and fill vacant positions and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2013-14	2014-15
Personal Services	$2,351	$0
All Other	($2,351)	$0
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reclassifies the Clinical Director position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

GENERAL FUND	2013-14	2014-15
Personal Services	$2,058	$0
All Other	($2,058)	$0
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reclassifies one Public Services Manager I position to a Public Services Manager II position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

GENERAL FUND	2013-14	2014-15
Personal Services	$1,874	$0
All Other	($1,874)	$0
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for security by the Department of Public Safety, Bureau of Capitol Police.

GENERAL FUND	2013-14	2014-15
All Other	$118,325	$0
GENERAL FUND TOTAL	$118,325	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for consulting services.

GENERAL FUND	2013-14	2014-15
All Other	$43,870	$0
GENERAL FUND TOTAL	$43,870	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($26,159)
All Other	$0	($9,900)
GENERAL FUND TOTAL	$0	($36,059)

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for a contracted Psychiatrist position.

GENERAL FUND	2013-14	2014-15
All Other	$29,580	$0
GENERAL FUND TOTAL	$29,580	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding to be used for legal assistance in medication hearings.

GENERAL FUND	2013-14	2014-15
All Other	$1,910	$0
GENERAL FUND TOTAL	$1,910	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for interpreting services in order to comply with federal regulations.

GENERAL FUND	2013-14	2014-15
All Other	$15,550	$0
GENERAL FUND TOTAL	$15,550	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$60,627	$0
GENERAL FUND TOTAL	$60,627	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$18,175
All Other	$0	$1,893
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$20,068

Dorothea Dix Psychiatric Center 0120

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$69,735	$0
All Other	($69,735)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Provides funding in Personal Services by reducing All Other for 4 Physician III positions to increase retention and fill vacant positions at Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$16,413	$0
All Other	($16,413)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Reorganizes 10 Psychiatric Social Worker II positions to Intensive Care Manager positions in order to increase retention and fill vacant positions and transfers All Other to Personal Services to fund the reorganization.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$3,808	$0
All Other	($3,808)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Reclassifies the Clinical Director position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$3,295	$0
All Other	($3,295)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Reclassifies one Public Services Manager I position to a Public Services Manager II position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$3,032	$0
All Other	($3,032)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Medicaid Services - Developmental Services 0705

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($92,433)
GENERAL FUND TOTAL	$0	($92,433)

Medicaid Waiver for Brain Injury Residential /Community Serv Z160

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($20,949)
GENERAL FUND TOTAL	$0	($20,949)

Medicaid Waiver for Other Related Conditions Z159

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($6,567)
GENERAL FUND TOTAL	$0	($6,567)

Mental Health Services - Child Medicaid 0731

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($113,132)
GENERAL FUND TOTAL	$0	($113,132)

Mental Health Services - Community Medicaid 0732

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15

All Other	$0	($144,222)
GENERAL FUND TOTAL	$0	($144,222)

Office of Substance Abuse and Mental Health Services - Medicaid Seed 0844

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($21,963)
GENERAL FUND TOTAL	$0	($21,963)

Riverview Psychiatric Center 0105

Initiative: Provides funding for security by the Department of Public Safety, Bureau of Capitol Police.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$191,507	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$191,507	$0

Riverview Psychiatric Center 0105

Initiative: Provides funding for consulting services.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$71,002	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$71,002	$0

Riverview Psychiatric Center 0105

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$26,159
All Other	$0	$9,900
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$36,059

Riverview Psychiatric Center 0105

Initiative: Adjusts funding to continue operations at Riverview Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	($3,176,972)	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	($3,176,972)	$0

Riverview Psychiatric Center 0105

Initiative: Provides funding for a contracted Psychiatrist position.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$47,874	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$47,874	$0

Riverview Psychiatric Center 0105

Initiative: Provides funding to be used for legal assistance in medication hearings.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$3,091	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$3,091	$0

Riverview Psychiatric Center 0105

Initiative: Provides funding for interpreting services in order to comply with federal regulations.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$25,168	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$25,168	$0

Riverview Psychiatric Center 0105

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$98,123	$0

OTHER SPECIAL REVENUE FUNDS TOTAL	$98,123	$0

Riverview Psychiatric Center 0105

Initiative: Provides one-time funding for consulting services to address issues identified by the federal Joint Commission on Hospital Accreditation and United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$9,548	$0
GENERAL FUND TOTAL	$9,548	$0

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$15,453	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$15,453	$0

Traumatic Brain Injury Seed Z042

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	($389)
GENERAL FUND TOTAL	$0	($389)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS) **DEPARTMENT TOTALS**	**2013-14**	**2014-15**
GENERAL FUND	**$279,410**	**($842,277)**
OTHER SPECIAL REVENUE FUNDS	**($2,724,754)**	**$56,127**
DEPARTMENT TOTAL - ALL FUNDS	**($2,445,344)**	**($786,150)**

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Division of Licensing and Regulatory Services Z036

Initiative: Reallocates the cost of one Social Services Program Specialist II position from 100% Other Special Revenue Funds to 75% Other Special Revenue Funds in the Medical Use of Marijuana Fund program and 16.25% General Fund and 8.75% Other Special Revenue Funds in the Division of Licensing and Regulatory Services program.

GENERAL FUND	**2013-14**	**2014-15**
Personal Services	$13,526	$0
GENERAL FUND TOTAL	$13,526	$0

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
Personal Services	$7,281	$7,716
OTHER SPECIAL REVENUE FUNDS TOTAL	$7,281	$7,716

Food Supplement Administration Z019

Initiative: Adjusts funding for the state-funded food supplement program due to increased enrollment of legal noncitizens, specifically the aged and disabled persons, victims of domestic violence and department-defined hardship cases.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$180,000	$180,000
GENERAL FUND TOTAL	$180,000	$180,000

Food Supplement Administration Z019

Initiative: Provides funding for the state-funded food supplement program for the exception for legal noncitizens who have received their work documents but who are not yet employed, as provided in Public Law 2013, chapter 368, Part OO, section 14. These funds may not lapse but must be carried forward to be used for the same purposes.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$130,692	$130,692
GENERAL FUND TOTAL	$130,692	$130,692

Medical Care - Payments to Providers 0147

Initiative: Reduces allocations to reflect the dissolution of the Dirigo Health Program.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	($9,614,390)	$0

OTHER SPECIAL REVENUE FUNDS TOTAL	($9,614,390)	$0

Medical Care - Payments to Providers 0147

Initiative: Allocates funds to recognize the transfer from the Dirigo Health Fund for Medicaid seed for the parents of children whose family income is between 133% and 200% of the federal poverty level.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$1,788,956	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$1,788,956	$0

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,732,388)
GENERAL FUND TOTAL	$0	($1,732,388)

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$2,516,733
FEDERAL EXPENDITURES FUND TOTAL	$0	$2,516,733

FEDERAL BLOCK GRANT FUND	2013-14	2014-15
All Other	$0	$1,805
FEDERAL BLOCK GRANT FUND TOTAL	$0	$1,805

Medical Care - Payments to Providers 0147

Initiative: Provides funding in the Medical Care - Payments to Providers program necessary to make cycle payments.

GENERAL FUND	2013-14	2014-15
All Other	$36,000,000	$0
GENERAL FUND TOTAL	$36,000,000	$0

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$57,945,721	$0
FEDERAL EXPENDITURES FUND TOTAL	$57,945,721	$0

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding to reflect additional hospital revenue above levels assumed in the March 2014 report of the Revenue Forecasting Committee.

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

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$1,000,000

Medical Use of Marijuana Fund Z118

Initiative: Provides funding to align allocations with existing resources and support a memorandum of understanding with the Department of Public Safety.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$342,233	$342,233
OTHER SPECIAL REVENUE FUNDS TOTAL	$342,233	$342,233

Medical Use of Marijuana Fund Z118

Initiative: Reallocates the cost of one Social Services Program Specialist II position from 100% Other Special Revenue Funds to 75% Other Special Revenue Funds in the Medical Use of Marijuana Fund program and 16.25% General Fund and 8.75% Other Special Revenue Funds in the Division of Licensing and Regulatory Services program.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	($20,807)	($22,052)
OTHER SPECIAL REVENUE FUNDS TOTAL	($20,807)	($22,052)

Nursing Facilities 0148

Initiative: Adjusts funding to reflect the increase in the Federal Medical Assistance Percentage from the estimated federal fiscal year 2015 rate of 61.72% to 61.88%.

GENERAL FUND	2013-14	2014-15
All Other	$0	($375,684)
GENERAL FUND TOTAL	$0	($375,684)

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$375,684
FEDERAL EXPENDITURES FUND TOTAL	$0	$375,684

Office of Aging and Disability Services Central Office 0140

Initiative: Reorganizes one Clerk IV position to an Office Specialist I Manager Supervisor position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2013-14	2014-15
Personal Services	$304	$1,241
All Other	($304)	($1,241)
GENERAL FUND TOTAL	$0	$0

Office of Aging and Disability Services Central Office 0140

Initiative: Reorganizes one Social Services Program Manager position to a Public Services Manager II position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2013-14	2014-15
Personal Services	$1,893	$8,007
All Other	($1,893)	($8,007)
GENERAL FUND TOTAL	$0	$0

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funding to reorganize one Legal Service Consultant position to a Staff Attorney position funded 100% Federal Expenditures Fund in the Office of Aging and Disability Services Central Office program.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$4,820	$19,601
All Other	$178	$722
FEDERAL EXPENDITURES FUND TOTAL	$4,998	$20,323

Office of MaineCare Services 0129

Initiative: Reorganizes one Clerk IV position to an Office Specialist I Manager Supervisor position and transfers All Other to Personal Services to fund the reorganization.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$203	$827
All Other	($203)	($827)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

Office of MaineCare Services 0129

Initiative: Reorganizes one Social Services Program Manager position to a Public Services Manager II position and transfers All Other to Personal Services to fund the reorganization.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$1,136	$4,807
All Other	($1,136)	($4,807)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	**$36,324,218**	**($2,797,380)**
FEDERAL EXPENDITURES FUND	**$57,950,719**	**$2,912,740**
OTHER SPECIAL REVENUE FUNDS	**($7,496,727)**	**$1,327,897**
FEDERAL BLOCK GRANT FUND	**$0**	**$1,805**
DEPARTMENT TOTAL - ALL FUNDS	**$86,778,210**	**$1,445,062**

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for increased investigator, interpreter, transcription and expert witness fee costs as well as increased attorney's fee expenses.

GENERAL FUND	2013-14	2014-15
All Other	$810,000	$0
GENERAL FUND TOTAL	$810,000	$0

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$810,000	$0
DEPARTMENT TOTAL - ALL FUNDS	$810,000	$0

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for increased guardian ad litem costs due to an increase in case filings.

GENERAL FUND	2013-14	2014-15
All Other	$100,000	$0
GENERAL FUND TOTAL	$100,000	$0

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for an increase in psychological exam costs.

GENERAL FUND	2013-14	2014-15
All Other	$100,000	$0
GENERAL FUND TOTAL	$100,000	$0

Courts - Supreme, Superior and District 0063

Initiative: Provides funds for one Assistant Clerk position and related costs to assist with record checks.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	$0	$55,571
All Other	$0	$52,430
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$108,001

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for longevity pay.

GENERAL FUND	2013-14	2014-15
Personal Services	$139,535	$0
GENERAL FUND TOTAL	$139,535	$0

Judicial - Debt Service Z097

Initiative: Deappropriates funds no longer needed for debt service costs.

GENERAL FUND	2013-14	2014-15
All Other	($92,000)	$0
GENERAL FUND TOTAL	($92,000)	$0

JUDICIAL DEPARTMENT DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$247,535	$0
OTHER SPECIAL REVENUE FUNDS	$0	$108,001
DEPARTMENT TOTAL - ALL FUNDS	$247,535	$108,001

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Reallocates the cost of one Accounting Associate I position from 100% Employment Security Services program, Federal Expenditures Fund to 75% Employment Security Services program, Federal Expenditures Fund and 25% Employment Services Activity program, Competitive Skills Scholarship Fund.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$0	$22,794
All Other	$0	($22,794)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

Employment Services Activity 0852

Initiative: Transfers and reallocates the cost of various positions between the 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.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($547)
All Other	$0	$547
GENERAL FUND TOTAL	$0	$0

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$0	($295,157)
All Other	$0	$295,157
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$7,214
All Other	$0	($7,214)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

COMPETITIVE SKILLS SCHOLARSHIP FUND	2013-14	2014-15
Personal Services	$0	$310,162
All Other	$0	($310,162)
COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL	$0	$0

LABOR, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**$0**
FEDERAL EXPENDITURES FUND	**$0**	**$0**
OTHER SPECIAL REVENUE FUNDS	**$0**	**$0**
COMPETITIVE SKILLS SCHOLARSHIP FUND	**$0**	**$0**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$0**

MARITIME ACADEMY, MAINE

Maine Maritime Academy Scholarship Fund - Casino Z167

Initiative: Adjusts funding to align allocations with projected available resources approved by the Revenue Forecasting Committee in its December 1, 2013 report.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$19,793	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$19,793	$0

MARITIME ACADEMY, MAINE

DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	**$19,793**	**$0**
DEPARTMENT TOTAL - ALL FUNDS	**$19,793**	**$0**

SECRETARY OF STATE, DEPARTMENT OF

Bureau of Administrative Services and Corporations 0692

Initiative: Transfers one Corporations and Elections Specialist position from 100% Federal Expenditures Fund to 100% General Fund and transfers the cost of one Corporations and Elections Program Specialist position from 50% Federal Expenditures Fund to 100% General Fund.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	$26,639	$113,253
All Other	$750	$750
GENERAL FUND TOTAL	$27,389	$114,003

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding to increase the hours of one Elections Coordinator position from 60 hours to 80 hours biweekly.

GENERAL FUND	2013-14	2014-15
Personal Services	$2,917	$11,669
GENERAL FUND TOTAL	$2,917	$11,669

Elections and Commissions 0693

Initiative: Transfers one Corporations and Elections Specialist position from 100% Federal Expenditures Fund to 100% General Fund and transfers the cost of one Corporations and Elections Program Specialist position from 50% Federal Expenditures Fund to 100% General Fund.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	(1.000)	(1.000)
Personal Services	($26,639)	($113,253)
All Other	($750)	($750)
FEDERAL EXPENDITURES FUND TOTAL	($27,389)	($114,003)

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$30,306	$125,672
FEDERAL EXPENDITURES FUND	($27,389)	($114,003)
DEPARTMENT TOTAL - ALL FUNDS	$2,917	$11,669

TREASURER OF STATE, OFFICE OF

Debt Service - Treasury 0021

Initiative: Reduces funding for debt service.

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

TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	($1,000,000)	$0
DEPARTMENT TOTAL - ALL FUNDS	($1,000,000)	$0

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

University of Maine Scholarship Fund Z011

Initiative: Adjusts funding to align allocations with projected available resources approved by the Revenue Forecasting Committee in its December 1, 2013 report.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$553,335	$0
OTHER SPECIAL REVENUE FUNDS TOTAL	$553,335	$0

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	$553,335	$0
DEPARTMENT TOTAL - ALL FUNDS	$553,335	$0

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	$37,067,226	($3,179,985)
FEDERAL EXPENDITURES FUND	$57,923,330	$2,798,737
OTHER SPECIAL REVENUE FUNDS	($9,158,391)	$1,535,555
FEDERAL BLOCK GRANT FUND	$0	$1,805
COMPETITIVE SKILLS SCHOLARSHIP FUND	$0	$0
SECTION TOTAL - ALL FUNDS	$85,832,165	$1,156,112

PART B

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Financial and Personnel Services - Division of 0713

Initiative: RECLASSIFICATIONS

FINANCIAL AND PERSONNEL SERVICES FUND	2013-14	2014-15
Personal Services	$15,913	$22,032
All Other	($15,913)	($22,032)
FINANCIAL AND PERSONNEL SERVICES FUND TOTAL	$0	$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
FINANCIAL AND PERSONNEL SERVICES FUND	$0	$0
DEPARTMENT TOTAL - ALL FUNDS	$0	$0

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Land Management and Planning Z239

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$5,361	$3,427
OTHER SPECIAL REVENUE FUNDS TOTAL	$5,361	$3,427

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	$5,361	$3,427
DEPARTMENT TOTAL - ALL FUNDS	$5,361	$3,427

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$25,010	$18,554
OTHER SPECIAL REVENUE FUNDS TOTAL	$25,010	$18,554

BAXTER STATE PARK AUTHORITY DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	$25,010	$18,554
DEPARTMENT TOTAL - ALL FUNDS	$25,010	$18,554

EDUCATION, DEPARTMENT OF

School Finance and Operations Z078

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$27,503	$22,371
FEDERAL EXPENDITURES FUND TOTAL	$27,503	$22,371

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
FEDERAL EXPENDITURES FUND	$27,503	$22,371
DEPARTMENT TOTAL - ALL FUNDS	$27,503	$22,371

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Air Quality 0250

Initiative: RECLASSIFICATIONS

GENERAL FUND	2013-14	2014-15
Personal Services	$934	$3,809
All Other	($934)	($3,809)
GENERAL FUND TOTAL	$0	$0

Land and Water Quality 0248

Initiative: RECLASSIFICATIONS

GENERAL FUND	2013-14	2014-15
Personal Services	$1,448	$5,908
All Other	($1,448)	($5,908)
GENERAL FUND TOTAL	$0	$0

Maine Environmental Protection Fund 0421

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$934	$3,809
All Other	($934)	($3,809)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$0
OTHER SPECIAL REVENUE FUNDS	$0	$0
DEPARTMENT TOTAL - ALL FUNDS	$0	$0

LABOR, DEPARTMENT OF

Rehabilitation Services 0799

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$18,642	$5,779
All Other	($18,642)	($5,779)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

State Workforce Investment Board Z158

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$0	$23,277
All Other	$0	($23,277)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
FEDERAL EXPENDITURES FUND	$0	$0
DEPARTMENT TOTAL - ALL FUNDS	$0	$0

MARINE RESOURCES, DEPARTMENT OF

Bureau of Public Health Z154

Initiative: RECLASSIFICATIONS

GENERAL FUND	2013-14	2014-15
Personal Services	$4,384	$4,441
All Other	($4,384)	($4,441)
GENERAL FUND TOTAL	$0	$0

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$10,442	$11,395
All Other	($10,442)	($11,395)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Bureau of Resource Management 0027

Initiative: RECLASSIFICATIONS

GENERAL FUND	2013-14	2014-15
Personal Services	$4,250	$1,507
All Other	($4,250)	($1,507)
GENERAL FUND TOTAL	$0	$0

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$6,705	$6,901
All Other	($6,705)	($6,901)
FEDERAL EXPENDITURES FUND TOTAL	$0	$0

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$27,463	$26,309
All Other	($16,658)	($17,278)
OTHER SPECIAL REVENUE FUNDS TOTAL	$10,805	$9,031

MARINE RESOURCES, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**$0**
FEDERAL EXPENDITURES FUND	**$0**	**$0**
OTHER SPECIAL REVENUE FUNDS	**$10,805**	**$9,031**
DEPARTMENT TOTAL - ALL FUNDS	**$10,805**	**$9,031**

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**$0**
FEDERAL EXPENDITURES FUND	**$27,503**	**$22,371**
OTHER SPECIAL REVENUE FUNDS	**$41,176**	**$31,012**
FINANCIAL AND PERSONNEL SERVICES FUND	**$0**	**$0**
SECTION TOTAL - ALL FUNDS	**$68,679**	**$53,383**

PART C

Sec. C-1. Transfer; Fund for a Healthy Maine; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer $5,081,000 from the Fund for a Healthy Maine to the General Fund unappropriated surplus no later than June 30, 2014.

PART D

Sec. D-1. Transfer; Dirigo Health Fund; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer $500,000 by June 30, 2014 and $5,746,207 by June 30, 2015 from the Dirigo Health Fund to the General Fund unappropriated surplus.

Sec. D-2. Transfer; Dirigo Health Fund; Other Special Revenue Funds. Notwithstanding any other provision of law, the State Controller shall transfer $1,788,956 by June 30, 2014 from the Dirigo Health Fund to the Department of Health and Human Services, Medical Care - Payments to Providers, Other Special Revenue Funds account.

PART E

Sec. E-1. Transfer to General Fund unappropriated surplus; K-12 Essential Programs and Services, Other Special Revenue Funds account. Notwithstanding any other provision of law, the State Controller shall transfer $4,768,355 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2014.

Sec. E-2. 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 $5,294,492 from the K-12 Essential Programs and Services, Other Special Revenue Funds account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2015.

PART F

Sec. F-1. PL 2013, c. 368, Pt. F, §1 is amended to read:

Sec. F-1. Governmental structure and operations review. The Director of the Governor's Office of Policy and Management shall use the powers established under the Maine Revised Statutes, Title 5, section 3104 to analyze the structures and functions of government and identify potential savings in the fiscal year 2013-14 and fiscal year 2014-15 biennial budget. The savings identified must provide a minimum of $11,250,000 in General Fund savings in fiscal year 2013-14 that do not require legislative approval but can be achieved administratively and by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The fiscal year 2013-14 savings identified by the Governor's Office of Policy and Management must be considered as adjustments to appropriations in fiscal year 2013-14. The director shall also make recommendations for an additional $22,500,000 of savings in fiscal year 2014-15 to be achieved either by administrative actions or program eliminations subject to approval of the Legislature.

Sec. F-2. PL 2013, c. 368, Pt. F, §4 is amended to read:

Sec. F-4. Implementation; achievement of savings. If, after receipt and review of the recommendations presented by the Director of the Governor's Office of Policy and Management pursuant to section 3, the Legislature fails to enact legislation in

the Second Regular Session of the 126th Legislature that achieves ~~$22,500,000~~ $9,690,775 in savings, the Commissioner of Administrative and Financial Services shall make recommendations to the Governor regarding the achievement of the balance of these savings through the use of the temporary curtailment of allotments power specified in the Maine Revised Statutes, Title 5, section 1668, and the Governor is authorized to achieve the balance of those savings using that power. The State Budget Officer shall determine amounts under section 5 to be distributed by financial order upon approval of the Governor. The curtailment of allotments pursuant to this section may not include reductions to the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the General Purpose Aid for Local Schools and Adult Education programs within the Department of Education and the Head Start program within the Department of Health and Human Services.

Sec. F-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: Provides funding to partially offset the statewide deappropriation included in Public Law 2013, chapter 368, Part F to avoid reductions to certain programs and agencies that were included in the recommendations of the Governor's Office of Policy and Management pursuant to that Part.

GENERAL FUND	2013-14	2014-15
Unallocated	$0	$12,809,225
GENERAL FUND TOTAL	$0	$12,809,225

PART G

Sec. G-1. Transfers from available fiscal year 2013-14 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 2013-14, the State Controller shall transfer $2,000,000 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, 2014, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds must be transferred so that the sum equals $2,000,000 and notify the State Controller and the Joint Standing Committee on Appropriations and Financial Affairs of the amounts to be transferred from each account.

Sec. G-2. Transfers from available fiscal year 2014-15 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 2014-15, the State Controller shall transfer $2,750,000 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, 2015, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds must be transferred so that the sum equals $2,750,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

PART H

Sec. H-1. Fiscal year 2014-15 health insurance funding. The State Employee Health Commission must use $3,008,000 of the 2013 plan year savings identified by Aetna, Inc. to the commission for the purpose of increasing the resources available for the fiscal year 2014-15 health insurance plan design for the state employee and retiree health insurance programs.

Sec. H-2. 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: Adjusts funding to reflect current year projected costs of the State's contribution for state employee health insurance premiums based on the intent that at least the same amount of funding is identified and made available to the state employee health insurance program in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
Personal Services	($950,000)	$0
GENERAL FUND TOTAL	($950,000)	$0

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Adjusts funding to reflect current year projected costs of retiree health insurance based on the intent that at least the same amount of funding is identified and made available to the retiree health insurance program in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
Personal Services	($2,058,000)	$0

GENERAL FUND TOTAL	($2,058,000)	$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**($3,008,000)**	**$0**
DEPARTMENT TOTAL - ALL FUNDS	**($3,008,000)**	**$0**

PART I

Sec. I-1. Lapsed balances; Compensation and Benefit Plan, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $2,500,000 from the Department of Administrative and Financial Services, Compensation and Benefit Plan program, General Fund account to the unappropriated surplus of the General Fund no later than June 30, 2015.

PART J

Sec. J-1. 36 MRSA §5219-L, sub-§1, as amended by PL 2007, c. 627, §93, is further amended to read:

1. Super credit allowed for substantial expansions of research and development. ~~A~~ For tax years beginning before January 1, 2014, a taxpayer that qualifies for the research expense tax credit allowed under section 5219-K is allowed an additional credit against the tax due under this Part equal to the excess, if any, of qualified research expenses for the taxable year over the super credit base amount. For purposes of this section, "super credit base amount" means the average amount spent on qualified research expenses by the taxpayer in the 3 taxable years immediately preceding the effective date of this section, increased by 50%. For purposes of this section, "qualified research expenses" has the same meaning as under the Code, Section 41 but applies only to expenditures for research conducted in this State.

Sec. J-2. 36 MRSA §5219-L, sub-§3, as enacted by PL 1997, c. 557, Pt. B, §10 and affected by §14 and Pt. G, §1, is amended to read:

3. Carry over to succeeding years. A taxpayer entitled to a credit under this section for any taxable year may carry over and apply to the tax due for any one or more of the next succeeding ~~5~~ 10 taxable years the portion, as reduced from year to year, of any unused credit, but in no event may the credit applied in any single year exceed ~~50%~~ 25% of the taxpayer's tax due after the allowance of any other credits taken pursuant to this chapter.

Sec. J-3. Application. This Part applies to tax years beginning on or after January 1, 2014.

PART K

Sec. K-1. 36 MRSA §5219-W, sub-§1, as amended by PL 2009, c. 627, §10 and affected by §12, is further amended to read:

1. Credit allowed. Except as provided by subsection 2, a taxpayer that is a qualified Pine Tree Development Zone business as defined in Title 30-A, section 5250-I, subsection 17 is allowed a credit in the amount of:

A. ~~One hundred~~ Fifty percent of the tax that would otherwise be due under this Part for each of the first 5 tax years beginning with the tax year in which the taxpayer commences its qualified business activity, as defined in Title 30-A, section 5250-I, subsection 16; and

B. For a business located in a tier 1 location, as defined in Title 30-A, section 5250-I, subsection 21-A, ~~50%~~ 25% of the tax that would otherwise be due under this Part for each of the 5 tax years following the time period in paragraph A.

Sec. K-2. Application. This Part applies to tax years beginning on or after January 1, 2014.

PART L

Sec. L-1. Lapsed balances; Legislature, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $1,765,004 from the Personal Services line category and $424,367 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, 2015.

Sec. L-2. Lapsed balances; Apportionment Commission, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $21,400 from the Personal Services line category and $39,229 from the All Other line category in the Apportionment Commission, General Fund account in the Legislature to the General Fund unappropriated surplus no later than June 30, 2015.

PART M

Sec. M-1. PL 2013, c. 354, Pt. E, §1 is repealed.

Sec. M-2. PL 2013, c. 354, Pt. E, §2 is amended to read:

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~~ 2014 to any person not eligible on June 30, 2013 and employed by the departments and agen-

cies 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~~ 2014. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

Sec. M-3. PL 2013, c. 354, Pt. E, §3 is amended to read:

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. M-4. PL 2013, c. 368, Pt. E, §1, as amended by PL 2013, c. 425, §1, is repealed.

Sec. M-5. PL 2013, c. 368, Pt. E, §2 is amended to read:

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~~ 2014 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~~ 2014. These savings may be replaced by other Personal Services savings by agreement of the State and the bargaining agents representing state employees.

Sec. M-6. PL 2013, c. 368, Pt. E, §3 is amended to read:

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 General 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 appropriations 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. M-7. 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: Provides funding to offset the deappropriation associated with eliminating merit increases for fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$3,829,314
GENERAL FUND TOTAL	$0	$3,829,314

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Provides funding to offset the deappropriation associated with eliminating certain longevity payments.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$444,824
GENERAL FUND TOTAL	$0	$444,824

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$4,274,138
DEPARTMENT TOTAL - ALL FUNDS	$0	$4,274,138

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding to offset the deappropriation associated with eliminating certain longevity payments.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$226,770
GENERAL FUND TOTAL	$0	$226,770

JUDICIAL DEPARTMENT DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$226,770
DEPARTMENT TOTAL - ALL FUNDS	$0	$226,770

LEGISLATURE

Legislature 0081

Initiative: Provides funding to offset the deappropriation associated with eliminating certain longevity payments.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$7,816
GENERAL FUND TOTAL	$0	$7,816

LEGISLATURE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$7,816
DEPARTMENT TOTAL - ALL FUNDS	$0	$7,816

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF

Office of Program Evaluation and Government Accountability 0976

Initiative: Provides funding to offset the deappropriation associated with eliminating certain longevity payments.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$283
GENERAL FUND TOTAL	$0	$283

PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, OFFICE OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$283
DEPARTMENT TOTAL - ALL FUNDS	$0	$283

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	$0	$4,509,007
SECTION TOTAL - ALL FUNDS	$0	$4,509,007

PART N

Sec. N-1. Transfers from available fiscal year 2013-14 Other Special Revenue Funds balances within the Department of Environmental Protection to General Fund. Notwithstanding any other provision of law, at the close of fiscal year 2013-14, the State Controller shall transfer $700,000 from available balances in Other Special Revenue Funds accounts within the Department of Environmental Protection to the General Fund unappropriated surplus. On or before June 30, 2014, the Commissioner of Environmental Protection shall determine from which accounts the funds must be transferred so that the sum equals $700,000 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 O

Sec. O-1. 26 MRSA §2033, sub-§2, as amended by PL 2013, c. 422, §1, is further amended to read:

2. Program established. The department shall establish and administer an employment training program known as the Competitive Skills Scholarship Program. The purpose of the program is to provide individuals with access to education, training and support leading to skilled, well-compensated jobs with anticipated high employment demand, to improve the economic well-being of the participants in the program and to provide employers with a skilled labor force in accordance with the provisions of this section.

The commissioner may expend funds through the department's career centers from the fund for the costs of education, training and support in accordance with subsection 6, for career counseling and for the admini-

stration of the program. Career counseling must include developing a plan and assisting a participant in accessing the support necessary for the participant to participate in the plan. The commissioner shall establish a limit on or a formula that limits the proportion of program funds that are expended on career counseling and for administration; except that, beginning with fiscal year ~~2014-2015~~ 2014-15, the commissioner may not expend, on an annualized basis, more than ~~10%~~ $550,000 of the annual revenue to the fund for administrative costs and for career counseling.

Sec. O-2. PL 2013, c. 368, Pt. QQQ, §1 is amended to read:

Sec. QQQ-1. Competitive Skills Scholarship Fund; transfer to General Fund. Notwithstanding any other provision of law, the State Controller shall transfer ~~$2,500,000~~ $3,450,000 from the Competitive Skills Scholarship Fund in the Department of Labor to the General Fund unappropriated surplus no later than June 30, 2014.

Sec. O-3. Report. No later than January 30, 2015, the Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the caseload being supported by funding from the Competitive Skills Scholarship Fund. Notwithstanding any other provision of law, if the average caseload of the 3-month period ending December 31, 2014 is below 400, the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs may report out legislation that adjusts the amount of funding that may be used for administrative costs of the fund.

PART P

Sec. P-1. Lapsed balances; Education in Unorganized Territory, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $1,867,740 from the Personal Services line category in the Education in Unorganized Territory, General Fund account in the Department of Education to the General Fund unappropriated surplus no later than June 30, 2014.

PART Q

Sec. Q-1. Transfer from Callahan Mine Site Restoration, Department of Transportation to the General Fund unappropriated surplus. Notwithstanding any other provision of law, the State Controller shall transfer $135,000 by June 30, 2014 from the Callahan Mine Site Restoration program, Other Special Revenue Funds account within the Department of Transportation to the General Fund unappropriated surplus.

PART R

Sec. R-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: Reduces funding for MaineCare cycle payments and payments to providers to reflect decreased health care costs.

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

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	($8,048,017)	$0
FEDERAL EXPENDITURES FUND TOTAL	($8,048,017)	$0

PART S

Sec. S-1. Department of the Attorney General; settlement funds. The Department of the Attorney General shall deposit $1,246,965 of the funds received under the "Johnson & Johnson Risperdal/Invega settlement" in the General Fund no later than June 30, 2014.

PART T

Sec. T-1. 36 MRSA §4641-B, sub-§4-B, ¶C, as amended by PL 2013, c. 368, Pt. U, §1, is further amended to read:

C. In fiscal year 2013-14, the Treasurer of State shall credit the revenues derived from the tax imposed pursuant to section 4641-A, subsection 1 in accordance with this paragraph.

(1) At the beginning of the fiscal year, the Maine State Housing Authority shall certify to the Treasurer of State the amount that is necessary and sufficient to meet the authority's obligations relating to bonds issued or planned to be issued by the authority under Title 30-A, section 4864.

(2) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first pay revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Maine Energy, Housing and

Economic Recovery Fund established in Title 30-A, section 4863, until the amount paid equals the amount certified by the Maine State Housing Authority under subparagraph (1), after which the Treasurer of State shall credit any remaining revenues available under this subparagraph to the General Fund.

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~$2,510,964~~ $2,710,964 of the revenues available under this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

PART U

Sec. U-1. Transfer to General Fund; Judicial Department, Other Special Revenue Funds account. Notwithstanding any other provision of law, the State Controller shall transfer $100,000 from the Judicial Department, Courts - Supreme, Superior and District program, Foreclosure Mediation Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2014.

PART V

Sec. V-1. 4 MRSA §17-A, as amended by PL 2013, c. 159, §1, is further amended to read:

§17-A. Publications and technology

1. Informational publications and record searches. 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 and record searches.

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 fund publications, forms and information technology. Twenty percent of fees collected for record searches must be deposited in the fund, and 80% of fees collected for record searches must be deposited in the General Fund.

PART W

Sec. W-1. Transfer to General Fund; Department of Health and Human Services, Other Special Revenue Funds account. Notwithstanding any other provision of law, the State Controller shall transfer $250,000 from the Department of Health and Human Services, Medical Use of Marijuana Fund, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2014.

PART X

Sec. X-1. Lapsed balances; Department of Health and Human Services, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $1,000,000 from the Department of Health and Human Services, State-funded Foster Care/Adoption Assistance program, General Fund account to the unappropriated surplus of the General Fund no later than June 30, 2014.

PART Y

Sec. Y-1. Emergency rule-making authority; Department of Health and Human Services. Notwithstanding any other provision of law, on or before June 30, 2014, the Department of Health and Human Services may adopt emergency rules under the Maine Revised Statutes, Title 5, sections 8054 and 8073 as necessary to appropriately adjust the hospital supplemental pool for both acute care and critical access hospitals under MaineCare Benefits Manual Chapter III, Section 45 without the necessity of demonstrating that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART Z

Sec. Z-1. Personal Services balances; Maine Commission on Indigent Legal Services; transfers authorized. Notwithstanding any other provision of law, in the 2014-2015 biennium, the Maine Commission on Indigent Legal Services may transfer up to $50,000 in available balances of Personal Services appropriations, after all salary, benefit and other obligations are met, to the All Other line category in the Maine Commission on Indigent Legal Services program, General Fund account.

PART AA

Sec. AA-1. Department of the Attorney General; General Fund balances. Notwithstanding any other provision of law, remaining balances of All Other appropriations within the Department of the Attorney General do not lapse in fiscal year 2013-14, but must carry forward within the same program into fiscal year 2014-15.

PART BB

Sec. BB-1. Personal Services balances; Judicial Department; transfers authorized. Notwithstanding any other provision of law, in the 2014-2015 biennium, the Judicial Department is authorized to transfer up to $250,000 in available balances of Personal Services appropriations, 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 CC

Sec. CC-1. Carrying provision; Department of Secretary of State, Administration - Archives. Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other and Capital Expenditures line categories on June 30, 2014 in the Department of Secretary of State, Administration - Archives program to fiscal year 2014-15. The amounts carried forward must be used for computer hardware and software to preserve and provide public access to state records.

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

Effective April 3, 2014.

CHAPTER 503

H.P. 1195 - L.D. 1623

An Act To Further Protect Patient Access to Safe Medical Marijuana by Allowing Dispensaries To Purchase Excess Marijuana from Other Dispensaries

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 First Regular Session of the 126th Legislature enacted a law to permit a registered primary caregiver to sell up to a total of 2 pounds of excess prepared marijuana annually to registered dispensaries; and

Whereas, the purchase by a dispensary of up to 2 pounds of excess prepared marijuana per primary caregiver could not realistically meet the demands of patients at a dispensary if that dispensary suffered a crop failure or other unforeseen disaster; and

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe marijuana for medical use for the thousands of Maine patients who currently hold written certificates from their physicians and who purchase their prepared marijuana from dispensaries; 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 §2422, sub-§3-A is enacted to read:

3-A. Extended inventory supply interruption. "Extended inventory supply interruption" means any circumstance that:

A. Requires a registered dispensary to limit for more than a 2-week period the amount that a patient may purchase to less than 2 1/2 ounces during a 15-day period; or

B. Prevents a registered dispensary from consistently offering for a 2-week period or longer a full range of strains of marijuana, including but not limited to strains rich in cannabidiol, to a patient.

Sec. 2. 22 MRSA §2428, sub-§1-A, ¶E, as enacted by PL 2011, c. 407, Pt. B, §32, is amended to read:

E. Obtain prepared marijuana from a primary caregiver under section 2423-A, subsection 2, paragraph H or from another registered dispensary for the purposes of addressing an extended inventory supply interruption under subsection 6, paragraph G.

Sec. 3. 22 MRSA §2428, sub-§6, ¶G, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

G. A dispensary is prohibited from acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying or dispensing marijuana for any purpose except to assist qualifying patients who have designated the dispensary to cultivate marijuana for them for the medical use of marijuana directly or through the qualifying patients' primary caregivers, to obtain prepared marijuana as provided in subsection 1-A, paragraph E or to provide prepared marijuana as provided in paragraph L and subsection 9, paragraph B.

Sec. 4. 22 MRSA §2428, sub-§6, ¶L is enacted to read:

L. A dispensary may provide excess prepared marijuana to another dispensary that is experiencing an extended inventory supply interruption.

Sec. 5. 22 MRSA §2428, sub-§9, ¶B, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

B. A dispensary may not dispense, deliver or otherwise transfer marijuana to a person other than a qualifying patient who has designated the dispensary to cultivate marijuana for the patient ~~or~~, to

the patient's primary caregiver or to a dispensary as provided in subsection 6, paragraphs G and L.

Sec. 6. 22 MRSA §2428, sub-§9, ¶E, as corrected by RR 2013, c. 1, §41, is amended to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or K ~~or~~, through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them or from a dispensary as provided in subsection 1-A, paragraph E.

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

Effective April 3, 2014.

CHAPTER 504

H.P. 1265 - L.D. 1763

An Act To Make Available to the Public Certain Information Concerning the Alcohol Content of Malt Liquor, Wine and Spirits

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 ambiguity in the law regarding the display of alcohol content is causing confusion among manufacturers, sellers and distributors of alcoholic beverages; and

Whereas, it is important to resolve this ambiguity 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. 28-A MRSA §709, sub-§1, as amended by PL 1999, c. 275, §1, is further amended to read:

1. Certain practices prohibited. The following practices are prohibited.

A. No licensee or employee or agent of a licensee may:

(1) Offer or deliver any free liquor to any person or group of persons;

(2) Deliver more than 2 drinks containing spirits, a carafe containing more than one liter or 33.8 ounces of wine, or any serving or pitcher containing more than one liter or 33.8 ounces of malt liquor, to one person at one time;

(3) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks for a fixed price, except at private functions not open to the public;

(4) Encourage or permit, on the licensed premises, any game or contest that involves drinking or the awarding of drinks as prizes; or

(5) ~~Any~~ Engage in any other practice the specific purpose of which is to encourage customers of the licensee to drink to excess~~; and~~.

B. No licensee may advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under paragraph A. This paragraph does not prohibit a licensee or employee or agent of a licensee from including the alcohol content of malt liquor, wine or spirits in an advertisement or on a label, or in a display on an advertisement or label, if the alcohol content is expressed as a percentage of alcohol by volume.

Sec. 2. 28-A MRSA §711, as amended by PL 1993, c. 730, §33, is repealed.

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

Effective April 3, 2014.

CHAPTER 505

H.P. 1292 - L.D. 1800

An Act To Update Statutory Dates for the State Government Evaluation Act Review of Agencies

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

Sec. 1. 3 MRSA §959, sub-§1, as amended by PL 2013, c. 1, Pt. DD, §§1 and 2; c. 368, Pt. V, §§1 and 2; and c. 405, Pt. D, §1, is further amended to read:

1. Scheduling guidelines. Except as provided in subsection 2, reviews of agencies or independent agencies must be scheduled in accordance with the following. Subsequent reviews must be scheduled on an ongoing basis every 8 years after the dates specified in this subsection.

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

(1) Baxter State Park Authority in 2017;

(2) Board of Pesticides Control in 2019;

(3) Wild Blueberry Commission of Maine in 2019;

(4) Maine Dairy and Nutrition Council in 2015;

(5) Maine Dairy Promotion Board in 2015;

(6) Maine Milk Commission in 2015;

(7) State Harness Racing Commission in 2015;

(8) Maine Agricultural Bargaining Board in 2017;

(9) Department of Agriculture, Conservation and Forestry in 2017; and

(10) Land for Maine's Future Board in 2015.

B. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters shall use the following list as a guideline for scheduling reviews:

(1) State Employee Health Commission in ~~2009~~ 2017; and

(2) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over business and economic development matters, in ~~2007~~ 2015.

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

(1) Maine Development Foundation in ~~2005~~ 2021;

(5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in ~~2007~~ 2021;

(19) Department of Economic and Community Development in ~~2005~~ 2021;

(23) Maine State Housing Authority in ~~2007~~ 2015;

(32) Finance Authority of Maine in ~~2009~~ 2017;

(36) Board of Dental Examiners in ~~2011~~ 2019;

(37) Board of Osteopathic Licensure in ~~2011~~ 2019;

(38) Board of Licensure in Medicine in ~~2011~~ 2019;

(41) State Board of Nursing in ~~2011~~ 2019;

(42) State Board of Optometry in ~~2011~~ 2019; and

(45) State Board of Registration for Professional Engineers in ~~2011; and~~ 2019.

~~(50) Maine Science and Technology Foundation in 2007.~~

D. The joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Public Safety, except for the Emergency Services Communication Bureau, in ~~2001~~ 2015;

(2) Department of Corrections in ~~2011~~ 2019; and

(3) The Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management in ~~2008~~ 2015.

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

(2) Department of Education in ~~2005~~ 2021;

(2-A) State Board of Education in ~~2005~~ 2021;

(3) Maine Arts Commission in 2015;

(5) Maine Historic Preservation Commission in 2015;

(5-A) Notwithstanding section 952, Maine Historical Society in 2015;

(6) Maine Library Commission in 2015;

(6-A) Maine State Cultural Affairs Council in 2015;

(6-B) Maine State Library in 2015;

(6-C) Maine State Museum in 2015;

(7) Maine State Museum Commission in 2015;

(8) Office of State Historian in 2015;

(9) Board of Trustees of the Maine Maritime Academy in ~~2009~~ 2017;

(10) Board of Trustees of the University of Maine System in ~~2009~~ 2017;

(12) Maine Community College System in ~~2009~~ 2017;

(13) Maine Health and Higher Educational Facilities Authority in ~~2011~~ 2019; and

(14) Maine Educational Loan Authority in ~~2011~~ 2019.

F. The joint standing committee of the Legislature having jurisdiction over health and human services matters shall use the following list as a guideline for scheduling reviews:

(6) Department of Health and Human Services in ~~2009~~ 2017;

(7) Board of the Maine Children's Trust Incorporated in ~~2011~~ 2019; and

(9) Maine Developmental Disabilities Council in ~~2011~~ 2019.

G. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters shall use the following list as a guideline for scheduling reviews:

(1) Department of Inland Fisheries and Wildlife in ~~2007~~ 2015; and

(2) Advisory Board for the Licensing of Taxidermists in ~~2007~~ 2015.

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

(2) Maine Human Rights Commission in ~~2009~~ 2017;

(3) Maine Indian Tribal-State Commission in ~~2011~~ 2019; and

(4) Department of the Attorney General in ~~2011~~ 2019.

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

(2) Department of Labor in ~~2007~~ 2015;

(3) Maine Labor Relations Board in ~~2009~~ 2017; and

(4) Workers' Compensation Board in ~~2009~~ 2017.

J. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall use the following schedule as a guideline for scheduling reviews:

(2) State Liquor and Lottery Commission in ~~2007~~ 2015;

(3) The Department of Administrative and Financial Services with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in ~~2007~~ 2015; and

(4) Department of Defense, Veterans and Emergency Management in ~~2011~~ 2019, except for the Maine Emergency Management Agency within the department.

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

(1) Atlantic States Marine Fisheries Commission in ~~2005~~ 2021;

(2) Department of Marine Resources in ~~2005~~ 2021;

(4) Lobster Advisory Council in ~~2007~~ 2015; and

(5) Maine Sardine Council in ~~2007~~ 2015.

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

(1) Department of Environmental Protection in ~~2007~~ 2017;

(2) Board of Environmental Protection in ~~2007~~ 2017;

(4) Saco River Corridor Commission in ~~2005~~ 2021; and

(5) Board of Underground Oil Tank Installers in ~~2011~~ 2019.

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

(1) Capitol Planning Commission in ~~2011~~ 2019;

(1-A) Maine Governmental Facilities Authority in ~~2005~~ 2021;

(2) State Civil Service Appeals Board in ~~2005~~ 2021;

(3) State Claims Commission in ~~2005~~ 2021;

(4) Maine Municipal Bond Bank in ~~2007~~ 2015;

(5) Office of Treasurer of State in ~~2007~~ 2015;

(6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services, in ~~2011~~ 2019; and

(7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in ~~2011~~ 2019.

N. The joint standing committee of the Legislature having jurisdiction over taxation matters shall use the following schedule as a guideline for scheduling reviews:

(1) State Board of Property Tax Review in ~~2011~~ 2019; and

(2) Department of Administrative and Financial Services, Bureau of Revenue Services in ~~2011~~ 2019.

O. The joint standing committee of the Legislature having jurisdiction over transportation matters shall use the following schedule as a guideline for scheduling reviews:

(1) Maine Turnpike Authority in ~~2005~~ 2021;

(2) The Bureau of Motor Vehicles within the Department of the Secretary of State in ~~2007~~ 2015;

(3) The Department of Transportation in ~~2007~~ 2015; and

(4) Maine State Pilotage Commission in ~~2009~~ 2017.

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

(1) Public Advocate in ~~2005~~ 2015;

(2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in ~~2007~~ 2015;

(3) Public Utilities Commission, including the Emergency Services Communication Bureau, in ~~2007~~ 2015; and

(5) Telecommunications Relay Services Advisory Council in ~~2013~~ 2015.

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~~ 2021.

Sec. 2. 3 MRSA §963, as enacted by PL 1995, c. 488, §2, is amended to read:

§963. Review

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than June 30, ~~2000~~ 2022 and at least once every 10 years after June 30, ~~2000~~ 2022.

See title page for effective date.

CHAPTER 506

S.P. 720 - L.D. 1805

An Act To Implement the Recommendations of the Review Committee Established To Examine the Impact of Unfunded Education Mandates and Other Regulatory Burdens

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

Sec. 1. 20-A MRSA §6, as enacted by PL 1989, c. 889, §2, is repealed.

Sec. 2. 20-A MRSA §254, sub-§7, as enacted by PL 1983, c. 739, is repealed.

Sec. 3. 20-A MRSA §254, sub-§§8 and 9, as amended by PL 1995, c. 625, Pt. A, §21, are repealed.

Sec. 4. 20-A MRSA §254, sub-§10, as enacted by PL 1989, c. 889, §3, is repealed.

Sec. 5. 20-A MRSA §256, sub-§7, as enacted by PL 1989, c. 889, §5, is repealed.

Sec. 6. 20-A MRSA c. 11, as amended, is repealed.

Sec. 7. 20-A MRSA §4001, sub-§7, as amended by PL 1999, c. 81, §3, is further amended to read:

7. Maintenance and capital improvement program. A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities~~, utilizing a maintenance template and software provided by the department and shall annually commit resources to that program pursuant to established minimum standards. The department and the Department of Administrative and Financial Services, Bureau of General Services shall establish the mini-~~

~~mum standards. The Department of Education and the Bureau of General Services shall adopt rules necessary to implement this subsection. Rules adopted by the Department of Education and the Bureau of General Services to implement this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A~~.

Sec. 8. 20-A MRSA §4502, sub-§4-A, as enacted by PL 1989, c. 889, §7, is amended to read:

4-A. Affirmative action plan. Each school administrative unit shall develop an affirmative action plan in accordance with Title 5, chapter 65 as part of the school approval process and update this plan annually as necessary. The affirmative action plan must include a description of the status of the unit's nondiscriminatory hiring practice provided in section 1001, subsection 13~~,~~ and plans for in-service training programs on gender equity for teachers, administrators and school boards~~, and a plan for meeting the 5-year goal established under section 254, subsection 9~~. The unit shall submit any update of the plan annually to the commissioner.

Sec. 9. 20-A MRSA §4709, sub-§3, as enacted by PL 1991, c. 292, §1, is repealed.

Sec. 10. 20-A MRSA §4801, sub-§1, ¶E, as enacted by PL 1991, c. 622, Pt. DD, §2, is repealed.

Sec. 11. 20-A MRSA §5802-A, as enacted by PL 1989, c. 916, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 12. 20-A MRSA §5807, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 13. 20-A MRSA §6103, sub-§3-B, as enacted by PL 2005, c. 519, Pt. I, §2, is repealed.

Sec. 14. 20-A MRSA §6209-A, as amended by PL 2007, c. 259, §6, is repealed.

Sec. 15. 20-A MRSA §13405, as enacted by PL 2005, c. 635, §5, is repealed.

Sec. 16. 20-A MRSA §15681, sub-§2-A, ¶A, as enacted by PL 2005, c. 635, §7, is repealed.

Sec. 17. 20-A MRSA §15905, sub-§6, as enacted by PL 1995, c. 632, §2, is amended to read:

6. Facility maintenance plan required. The state board shall require a school administrative unit applying for state funds for a school construction project to establish a facility maintenance plan for the projected life cycle of the proposed school building. ~~The department shall provide technical assistance to school administrative units in carrying out this section. Assistance must include, but is not limited to, the provision of a model facility maintenance plan and the provision of technical and other assessment information from the school facilities inventory under section 15917.~~

Sec. 18. 20-A MRSA §15918, as enacted by PL 1997, c. 787, §11, is repealed and the following enacted in its place:

§15918. Maintenance and capital improvement plan assistance

The department, within existing resources, shall support facility maintenance and capital planning training for school administrative units.

Sec. 19. Department rules. Rules adopted to implement the Maine Revised Statutes, Title 20-A, section 4001, subsection 7 and section 15918, which are repealed by this Act, related to the establishment of a school facilities maintenance template and software and the delivery of technical assistance to school administrative units to implement maintenance and capital improvement programs for school facilities are void and have no effect. Notwithstanding any other provision of law, amendments to the rules to remove these provisions are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 507

S.P. 709 - L.D. 1782

An Act To Make Technical Amendments to the Criminal History Record Information Act and the Intelligence and Investigative Record Information Act and a Related Provision in the Maine Revised Statutes, Title 20-A

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

Sec. 1. 16 MRSA §703, sub-§2, ¶E, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

E. Information disclosing that a criminal proceeding has been ~~indefinitely~~ postponed for a period of more than one year or dismissed because the person charged is found by the court to be mentally incompetent to stand trial or to be sentenced;

Sec. 2. 16 MRSA §703, sub-§2, ¶F, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

F. Information disclosing that a criminal charge has been filed, if ~~the filing period is indefinite or for~~ more than one year has elapsed since the date of the filing;

Sec. 3. 16 MRSA §705, sub-§3, as enacted by PL 2013, c. 267, Pt. A, §2, is amended to read:

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~~ employment.

Sec. 4. 16 MRSA §804, first ¶, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

Except as provided in sections 805 and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine 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:

Sec. 5. 16 MRSA §805, sub-§3, ¶B, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

B. A court rule ~~or,~~ court order or court decision of this State or of the United States.

Sec. 6. 16 MRSA §806, sub-§1, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

1. A government agency responsible for investigating child or adult abuse, neglect or exploitation or regulating facilities and programs providing care to children or adults. 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 or for licensing or regulating the programs or facilities that provide care to children or incapacitated or dependent adults if the intelligence and investigative record information ~~is used in~~ concerns the investigation of suspected abuse, neglect or exploitation;

Sec. 7. 16 MRSA §806, sub-§2, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

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, an insurer or an immediate family member, foster parent or guardian 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

Sec. 8. 16 MRSA §807, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

§807. Confirming existence or nonexistence of confidential intelligence and investigative record information

A Maine 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.

Sec. 9. 16 MRSA §809, as enacted by PL 2013, c. 267, Pt. A, §3, is amended to read:

§809. Unlawful dissemination of confidential intelligence and investigative record information

1. Offense. A person is guilty of unlawful dissemination of confidential intelligence and investigative record information if the person intentionally disseminates intelligence and investigative record information confidential under section 804 knowing it to be in violation of any of the provisions of this chapter.

2. Classification. Unlawful dissemination of confidential intelligence and investigative record information is a Class E crime.

Sec. 10. 20-A MRSA §6103, sub-§1, as amended by PL 2013, c. 267, Pt. B, §14, is further amended to read:

1. Criminal history record information obtained; reliance. The commissioner shall obtain criminal history record information containing a record of ~~confidential~~ public criminal history record information as defined in Title 16, section 703, subsection ~~2~~ 8 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.

See title page for effective date.

CHAPTER 508

H.P. 1159 - L.D. 1588

An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute

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

Sec. 1. 34-A MRSA §3402, as amended by PL 1985, c. 785, Pt. B, §156, is further amended to read:

§3402. Warden

1. Chief administrative officer. The chief administrative officer of the Maine Correctional Center is called the ~~superintendent~~ warden.

2. Duties. In addition to other duties set out in this Title, the ~~superintendent~~ warden shall supervise and control the prisoners, pretrial detainees, employees, grounds, buildings and equipment at the center.

3. Powers. In addition to other powers granted in this Title, the ~~superintendent~~ warden has the following powers.

A. The ~~superintendent~~ warden may appoint ~~2 assistant superintendents~~ deputy wardens, subject to the Civil Service Law. ~~An assistant superintendent~~ A deputy warden designated by the ~~superintendent~~ warden has the powers, duties, obligations and liabilities of the ~~superintendent~~ warden when the ~~superintendent~~ warden is absent from the center location or is unable to perform the duties of the office.

B. The ~~superintendent~~ warden may, with the written approval of the commissioner, contract with the Director of the Federal Bureau of Prisons acting pursuant to the United States Code, Title 18, Section 4002, for the imprisonment, subsistence, care and proper employment of persons convicted of crimes against the United States, and may receive and detain such persons pursuant to the contracts.

Sec. 2. 34-A MRSA §3403, as amended by PL 1995, c. 502, Pt. F, §§25 and 26, is further amended to read:

§3403. Prisoners generally

1. Conditions of confinement. Conditions of confinement of prisoners are governed as follows.

A. The ~~superintendent~~ warden shall detain and confine all persons committed to the department in accordance with the sentences of the courts and with the rules of the department.

B. The ~~superintendent~~ warden shall provide for the safekeeping or employment of persons committed to the department in order to teach them a useful trade or profession and to improve their mental and moral condition, which may include work involving public restitution.

2. Housing. The ~~superintendent~~ warden shall maintain separate housing facilities for men and women.

Sec. 3. 34-A MRSA §3405, sub-§1, as repealed and replaced by PL 1983, c. 581, §§42 and 59, is amended to read:

1. Powers. Employees of the center:

A. Have the same power as sheriffs in their respective counties to search for and apprehend escapees from the center when authorized to do so by the ~~superintendent~~ warden; and

B. May carry weapons and other security equipment when authorized by the ~~superintendent~~ warden inside and outside the center in connection with their assigned duties or training.

Sec. 4. 34-A MRSA §3407, sub-§1, as enacted by PL 1983, c. 581, §§43 and 59, is amended to read:

1. Duties of commissioner. The commissioner shall immediately notify the ~~superintendent~~ warden and the sheriff of the county in which the sentencing court is located;

Sec. 5. 34-A MRSA §3407, sub-§2, ¶B, as amended by PL 1999, c. 583, §26, is further amended to read:

B. Deliver the person to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the ~~superintendent~~ warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

Sec. 6. 34-A MRSA §3407, sub-§4, as amended by PL 2009, c. 391, §19, is further amended to read:

4. Duties of the warden. The ~~superintendent~~ warden shall:

A. File the record, as provided by Title 15, section 1707, in the ~~superintendent's~~ warden's office.

Sec. 7. 34-A MRSA c. 3, sub-c. 9 is enacted to read:

SUBCHAPTER 9

BOLDUC CORRECTIONAL FACILITY

§4201. Establishment

There is established the Bolduc Correctional Facility, referred to in this subchapter as "the facility," located in Warren in Knox County for the confinement and rehabilitation of persons who have been duly convicted and sentenced to the Department of Corrections.

§4202. Purposes

The purposes of the facility include, but are not limited to, vocational and academic education and rehabilitative programs, including work release and work involving public restitution.

§4203. Director

1. Chief administrative officer. The chief administrative officer of the facility is called the director and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the director has the following duties.

A. The director shall exercise proper supervision over the employees, grounds, buildings and equipment at the facility.

B. The director shall supervise and control the prisoners at the facility in accordance with departmental rules.

3. Powers. In addition to other powers granted in this Title, the director may appoint one assistant director, subject to the Civil Service Law; the assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform the director's duties.

§4204. Prisoners generally

1. Confinement of prisoners transferred to facility. All prisoners transferred to the facility must be detained and confined in accordance with the sentences of the court and the rules of the department.

2. Education. The director shall maintain suitable courses for academic and career and technical education of the prisoners. The director shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

3. Employment. The commissioner may authorize the employment of prisoners of the facility on public works with any department, agency or entity of state, county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall adopt those rules as the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and departmental employees. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner.

C. The prisoners employed under this subsection may not be compensated monetarily for work performed.

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

4. Escape. Any prisoner who escapes from the facility, or from any assignment beyond the grounds of the facility, including assignment with community-rehabilitative programs, is guilty of escape under Title 17-A, section 755.

Sec. 8. 34-A MRSA §5802, first ¶, as enacted by PL 1983, c. 459, §6, is amended to read:

The board may grant a parole from a penal or correctional institution after the expiration of the period of confinement, less deductions for good behavior, or after compliance with conditions provided for in ~~sections~~ section 5803 ~~to 5805~~ applicable to the sentence being served by the prisoner or inmate. It may revoke a parole when a condition of the parole is violated.

Sec. 9. 34-A MRSA §5802, sub-§2, as enacted by PL 1983, c. 459, §6, is amended to read:

2. Custody and control. While on parole, the parolee is under the custody of the warden ~~or superintendent~~ of the institution from which ~~he~~ the parolee was released, but under the immediate supervision of and subject to the rules of the division or any special conditions of parole imposed by the board.

Sec. 10. 34-A MRSA §5804, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 11. 34-A MRSA §5805, as enacted by PL 1983, c. 459, §6, is repealed.

Sec. 12. 34-A MRSA §5808, as enacted by PL 1983, c. 459, §6, is amended to read:

§5808. Discharge from parole

Any parolee who faithfully performs all the conditions of parole and completes ~~his~~ the parolee's sentence is entitled to a certificate of discharge to be issued by the warden ~~or superintendent~~ of the institution to which ~~he~~ the parolee was committed.

Sec. 13. 34-A MRSA §5809, as enacted by PL 1983, c. 459, §6, is amended to read:

§5809. Certificate of discharge

Whenever it appears to the board that a person on parole is no longer in need of supervision, it may order the ~~superintendent or~~ warden of the institution from which ~~he~~ the parolee was released to issue ~~him~~ the parolee a certificate of discharge, except ~~that~~ in the case of persons serving a life sentence who may not be discharged from parole in less than 10 years after release on parole.

Sec. 14. 34-A MRSA §5810, as enacted by PL 1983, c. 459, §6, is amended to read:

§5810. Records forwarded to State Police

When a person who has been convicted under Title 17, former section 1951, 3151, 3152 or 3153 is paroled, the warden ~~or superintendent~~ of the institution shall forward to the State Police a copy of ~~his~~ the per-

son's record and a statement of facts necessary for full comprehension of the case. Whenever any prisoner~~,~~ who has been convicted of an offense under Title 17, former section 1951, 3151, 3152 or 3153 is discharged in full execution of ~~his~~ the prisoner's sentence, the ~~Warden of the Maine State Prison~~ warden shall make and forward to the State Police a copy of the prison record of that prisoner together with a statement of any fact or facts ~~which he~~ that the warden may ~~deem~~ consider necessary for a full comprehension of the case.

See title page for effective date.

CHAPTER 509

H.P. 1177 - L.D. 1605

An Act To Amend Maine's Aquaculture Laws

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

Sec. 1. 12 MRSA §6072, sub-§13, ¶G, as corrected by RR 2013, c. 1, §22, is 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. A change in authorization is not an adjudicatory 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; and

Sec. 2. 12 MRSA §6072, sub-§18 is enacted to read:

18. Violation. A person who violates a condition of a lease under this section commits a civil violation for which a fine of not less than $100 for each violation may be adjudged.

Sec. 3. 12 MRSA §6072-A, sub-§1, as amended by PL 2013, c. 301, §2, 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. 4. 12 MRSA §6072-A, sub-§8, as amended by PL 2013, c. 301, §3, 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 permission 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. 5. 12 MRSA §6072-A, sub-§24 is enacted to read:

24. Violation. A person who violates a condition of a lease under this section commits a civil violation for which a fine of not less than $100 for each violation may be adjudged.

Sec. 6. 12 MRSA §6072-C, sub-§2, as amended by PL 2009, c. 229, §5, is further amended to read:

2. Licensed activities; criteria. The holder of a limited-purpose aquaculture license may place marine organisms on the ocean bottom without gear or utilize approved aquaculture gear in a site in the coastal waters of the State to engage in certain aquaculture activities that meet the criteria established in this subsection and in rules adopted by the commissioner. The license also authorizes unlicensed individuals to assist the license holder in the licensed activities with the written permission of the license holder. The commissioner, or qualified professional department staff designated in writing by the commissioner, may issue a limited-purpose aquaculture license for certain aquaculture activities if:

A. The proposed activity generates no discharge into coastal waters;

B. The applicant proposes to utilize aquaculture gear and markings approved by the commissioner in rules adopted pursuant to subsection 8;

C. The gear, excluding mooring equipment, does not cover more than 400 square feet of area and the gear does not present an unreasonable impediment to safe navigation;

D. The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners;

E. The proposed activity does not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area;

F. The applicant holds no more than 3 other limited-purpose aquaculture licenses issued under this section; and

G. The consent of the riparian ~~landowner~~ owner is obtained if the proposed activity is located above the mean low-water mark.

Sec. 7. 12 MRSA §6072-C, sub-§7-A is enacted to read:

7-A. Prohibition; taking product. A person other than a marine patrol officer or the license holder, or the license holder's assistant with written permission from the license holder, may not take any marine organism grown by the license holder under the license in the area designated on the license and marked in accordance with applicable rules.

Sec. 8. 12 MRSA §6072-C, sub-§10 is enacted to read:

10. Reporting requirement; confidentiality. A holder of a limited-purpose aquaculture license shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Information provided in seeding and harvesting reports submitted by a license holder under this subsection is considered confidential information reported to the commissioner pursuant to section 6173.

Sec. 9. 12 MRSA §6601, sub-§2-A, as enacted by PL 2007, c. 522, §3, is amended to read:

2-A. Licensed activities; aquaculture. The holder of a commercial shellfish license who is also the holder or authorized representative of a holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C and personnel who are operating under the authority of such a holder of a commercial shellfish license may remove, possess, transport within the state limits or sell cultured shellfish the holder has removed from the leased area or the licensed gear to a wholesale seafood license holder certified under section 6856. Such a holder of a commercial shellfish license may also sell such shellstock from that license holder's home in the retail trade. A holder of a commercial shellfish license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 12 MRSA §6863, first ¶, as enacted by PL 1991, c. 876, §2, is amended to read:

A person may not grow cultchless American oysters in the State unless licensed under this section, except that a person who is the holder of a lease issued under section 6072, 6072-A or 6072-B that authorizes the culture of American oysters or a license issued under section 6072-C that authorizes the culture of American oysters is not required to obtain a cultchless American oyster growers license.

See title page for effective date.

CHAPTER 510

H.P. 1275 - L.D. 1778

An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment

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 civil forfeiture law provides for many exemptions from attachment; and

Whereas, the description of a debtor's fishing boat that is used for income-generating purposes is out of date; and

Whereas, the continued use of the out-of-date description allows the attachment of fishing boats that are commonly used in commercial fishing, leading to an inability of the debtor to generate income, which is contradictory to the reason for the exemption; 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 §4422, sub-§9, as enacted by PL 1981, c. 431, §2, is amended to read:

9. Fishing boat. The debtor's interest in one boat, not exceeding ~~5 tons burden~~ 46 feet in length, used by the debtor primarily for commercial fishing.

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

Effective April 2, 2014.

CHAPTER 511

S.P. 719 - L.D. 1802

An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs

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 Unemployment Reform Blue Ribbon Commission, established by Executive Order 2013-003, recognized significant staffing shortages within the Department of Labor, Bureau of Unemployment Compensation and recommended the addition of full-time staff; and

Whereas, as a result of being understaffed, the Bureau of Unemployment Compensation has been unable to serve the unemployed citizens of Maine adequately in relation to the timeliness of claims processing, call center wait times, adjudications and hearings, and this inability has resulted in a below-standard level of service for Maine citizens; and

Whereas, Maine remains out of compliance with the United States Department of Labor's minimum performance measures for timeliness; and

Whereas, the Bureau of Unemployment Compensation and the Maine Unemployment Insurance Commission need to add full-time, permanent staff to reverse this trend, yet there are no federal or state funds readily available for this purpose; and

Whereas, the Department of Labor, Bureau of Employment Services needs to fully fund a modernization of the bureau's Maine Job Bank computer system, expand the functionality of the system and access to the system and create a stable technological platform from which to deliver the services offered by the Maine Job Bank; and

Whereas, the Department of Labor, Center for Workforce Research and Information needs to develop economic data critical to the reemployment of unemployed workers; and

Whereas, in order to rectify quickly the staffing shortages and deliver services to the unemployed citizens of Maine, it is necessary that this legislation take effect 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. Money credited to State of Maine account in Unemployment Trust Fund under Section 903(d) and Section 903(f) of federal Social Security Act. Money credited to the account of the State of Maine in the federal Unemployment Trust Fund by the United States Secretary of the Treasury on March 13, 2002 pursuant to Section 903(d) of the federal Social Security Act and on July 29, 2009 pursuant to Section 903(f) of the federal Social Security Act may not be requisitioned from the State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices. Money used for the payment of benefits is requisitioned as defined in the Maine Revised Statutes, Title 26, section 1162. Money requisitioned and used for the pay-

ment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices requires a specific appropriation by the Legislature as provided in section 2. That use is only permissible if the expenses are incurred and the money is requisitioned after the effective date of a law making an appropriation and specifying the purposes for which the money is appropriated and the amounts appropriated for those purposes. Any amount that may be obligated under such an appropriation is limited to an amount that does not exceed the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(d) and Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts used by the State pursuant to this Act and charged against the amounts transferred to the account of the State of Maine.

For purposes of this section, the amounts obligated under an appropriation for administrative purposes must be charged against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation and expenditure or other disposition of money appropriated under this section must be accounted for in accordance with standards established by the United States Secretary of Labor. Money appropriated as provided in this Act for the payment of administration must be requisitioned as needed for the payment of obligations incurred under the appropriation and, upon requisition, must be deposited in the Employment Security Administration Fund from which payments are made. Money so deposited must, until expended, remain a part of the unemployment fund and, if it will not be immediately expended, must be returned promptly to the account of the State of Maine in the Federal Unemployment Trust Fund.

Sec. 2. Allocation maintaining state unemployment compensation and public employment system. There is allocated out of funds made available to the State under Section 903(d) and Section 903(f) of the federal Social Security Act, as amended, the sum of $17,500,000 in accordance with section 1, to be used under the direction of the Department of Labor, for the purpose of maintaining and operating the State's unemployment compensation and public employment system. The uses include both personnel and nonpersonnel administrative costs required to administer the unemployment insurance program, deliver employment assistance services through the Department of Labor's career center system and provide labor market information program services for workers and employers in the State. Prior to using the funds made available to the State under Section 903(f) of the federal Social Security Act, the funds made available to the State under Section 903(d) of the federal Social Security Act must be exhausted.

The amount obligated pursuant to this Act may not exceed at any time the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(d) and Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the State of Maine account.

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

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Allocates funds for the costs associated with adding 10 Customer Representative Specialist - Benefits positions, 10 Claims Adjudicator positions and 4 Hearings Examiner positions to address understaffing in areas of claims processing, adjudication and appeals.

FEDERAL EXPENDITURES FUND	**2013-14**	**2014-15**
POSITIONS - LEGISLATIVE COUNT	0.000	24.000
Personal Services	$0	$1,441,277
All Other	$0	$576,794
FEDERAL EXPENDITURES FUND TOTAL	$0	$2,018,071

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

Effective April 3, 2014.

CHAPTER 512

H.P. 1210 - L.D. 1687

An Act To Create Parity for Proprietary Information Submitted to the Department of Marine Resources

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

Sec. 1. 12 MRSA §6072, sub-§10, ¶D, as amended by PL 2009, c. 240, §8, is further amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the department shall provide a copy of the report to the municipality or municipalities in which or adjacent to

which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4~~ 6173.

Sec. 2. 12 MRSA §6072-A, sub-§17-A, ¶D, as enacted by PL 2009, c. 240, §11, is amended to read:

D. The lessee shall annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Upon written request, the commissioner shall provide a copy of the report to the municipality or municipalities in which or adjacent to which the lease is located. The seeding and harvesting reports submitted by a lessee under this paragraph are considered ~~proprietary information~~ confidential statistics for the purposes of section ~~6077, subsection 4~~ 6173.

Sec. 3. 12 MRSA §6173-B is enacted to read:

§6173-B. Special licenses; mandatory quality control program; shellfish sanitation and depuration certificates; confidentiality of proprietary information

Except as provided in subsections 1 and 2, information obtained by the department under this section is a public record as provided by Title 1, chapter 13, subchapter 1.

1. Confidential information. Information submitted to the department pursuant to provisions regarding special licenses for research, aquaculture or education under section 6074, surveillance and inspection of all segments of the State's fishing industries under section 6102 or the shellfish sanitation certificate and the depuration certificate under section 6856 may be designated by the submittor as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submittor and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days shall give written notice of the decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.

2. Release information. The commissioner may not release information designated under subsection 1 prior to the expiration of the time allowed for the filing of an appeal or to the rendering of the decision on any appeal.

3. Definition. For purposes of this section, "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 submittor and would make available information not otherwise publicly available.

See title page for effective date.

CHAPTER 513

S.P. 660 - L.D. 1665

An Act To Clarify the Confidentiality of Wood Processor Report Information

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

Sec. 1. 12 MRSA §8884, sub-§1-A, as amended by PL 1991, c. 528, Pt. G, §10 and affected by Pt. RRR; and amended by c. 591, Pt. G, §10; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §23, is repealed.

Sec. 2. 12 MRSA §8884, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is repealed and the following enacted in its place:

3. Confidentiality. Information collected by the bureau under this section is public except for:

A. Volumes of forest products;

B. Species of forest products;

C. Types of forest products;

D. County of origin of forest products; and

E. Personally identifying information of forest product suppliers to roundwood processing operations and importers and exporters of forest products.

Summary reports that use aggregate data that do not reveal the activities of an individual person or firm are public records.

See title page for effective date.

CHAPTER 514

S.P. 253 - L.D. 704

An Act To Improve the Availability of Mail-in Rebates in the State

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

Sec. 1. 28-A MRSA §708, sub-§6, as amended by PL 2009, c. 145, §1, is further amended to read:

6. Marketing and mail-in promotions. Upon approval by the commission, promotional materials~~,~~ ~~including mail-in rebates,~~ designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Upon approval by the commission, a mail-in rebate may be provided to consumers through print or electronic media, attached to the spirits product or displayed near the spirits product where the spirits product is offered for sale for off-premises consumption. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product. Mail-in rebates authorized by this subsection must require the inclusion of the original dated sales receipt for the spirits product to which the rebate is applied. Mail-in rebates, certificates or merchandise included with a spirits product must be inserted in the package or attached to the package by the manufacturer.

Sec. 2. 28-A MRSA §708, first ¶, as amended by PL 2009, c. 145, §1, is further amended to read:

This section does not prohibit a certificate of approval holder from including ~~a mail-in offer,~~ a certificate, instant redeemable coupon or merchandise in or on a package of beer, wine or low-alcohol spirits for sale by an off-premise retailer. The package containing the ~~mail-in offer,~~ certificate, instant redeemable coupon or merchandise must be packaged by the certificate of approval holders at the brewery or winery. Upon approval of the bureau, a certificate of approval holder may offer a mail-in rebate for a malt liquor, wine or low-alcohol spirits product for consumers through print or electronic media, attached to the package of malt liquor, wine or low-alcohol spirits product or displayed near where the malt liquor, wine or low-alcohol spirits product is offered for sale for off-premises consumption. Mail-in rebates authorized by this paragraph must require the inclusion of the original dated sales receipt for the product to which the rebate is applied. Mail-in rebates must be redeemed by the certificate of approval holder and may not exceed the purchase price of the malt liquor, wine or low-alcohol spirits product to which the rebate is applied.

Sec. 3. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

CHAPTER 515

S.P. 633 - L.D. 1642

An Act To Clarify the Law Governing 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, as enacted by PL 2013, c. 332, §1 and affected by §3, is repealed.

Sec. 2. 22 MRSA §1718-B is enacted to read:

§1718-B. Consumer information regarding health care entity prices

This section applies to the disclosure of health care prices by a health care entity.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Frequently provided health care services and procedures" means those health care services and procedures that were provided by the health care entity at least 50 times in the preceding calendar year.

B. "Health care entity" means a health care practitioner, as defined in section 1711-C, subsection 1, paragraph F; a group of health care practitioners; or a health care facility, as defined in section 1711-C, subsection 1, paragraph D, that charges patients for health care services and procedures. A health care entity does not include a pharmacy or a pharmacist.

2. Requirements. The following requirements apply to health care entities.

A. A health care entity shall have available to patients the prices of the health care entity's most frequently provided health care services and procedures. The prices stated must be the prices that the health care entity charges patients 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 descriptions of the services and procedures and the applicable standard medical codes or current procedural technology codes used by the American Medical Association.

B. A health care entity shall inform patients about the availability of prices for the most frequently provided health care services and procedures.

C. A health care entity shall prominently display in a location that is readily accessible to patients information on the price transparency tools available from the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683 to assist consumers with obtaining estimates of costs associated with health care services and procedures.

A health care entity that does not routinely render services directly to patients in an office setting may satisfy this subsection by providing the information on its publicly accessible website.

See title page for effective date.

CHAPTER 516

H.P. 1245 - L.D. 1739

An Act To Amend the Maine Medical Use of Marijuana Act

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

Sec. 1. 22 MRSA §2422, sub-§1-B is enacted to read:

1-B. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a national certifying organization acceptable to the State Board of Nursing.

Sec. 2. 22 MRSA §2422, sub-§4-C is enacted to read:

4-C. Medical provider. "Medical provider" means a physician or a certified nurse practitioner.

Sec. 3. 22 MRSA §2422, sub-§9, as amended by PL 2011, c. 407, Pt. B, §10, is further amended to read:

9. Qualifying patient. "Qualifying patient" or "patient" means a person who has been diagnosed by a ~~physician~~ medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Sec. 4. 22 MRSA §2422, sub-§14, as amended by PL 2011, c. 407, Pt. B, §14, is further amended to read:

14. Prepared marijuana. "Prepared marijuana" means the dried leaves and flowers and the by-products of the dried leaves and flowers of the marijuana plant that require no further processing and any mixture or preparation of those dried leaves and flowers and by-products, including but not limited to tinctures, ointments and other preparations, but does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the plant and does not include the ingredients, other than marijuana, in tinctures, ointments or other preparations that include marijuana as an ingredient or food or drink prepared with marijuana as an ingredient for human consumption.

Sec. 5. 22 MRSA §2422, sub-§16, as amended by PL 2011, c. 407, Pt. B, §15, is further amended to read:

16. Written certification. "Written certification" means a document on tamper-resistant paper signed by a ~~physician~~ medical provider, that expires ~~in~~ within one year and that states that in the ~~physician's~~ medical provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition. A written certification may be made only in the course of a bona fide ~~physician-patient~~ medical provider-patient relationship after the ~~physician~~ medical provider has completed a full assessment of the qualifying patient's medical history.

Sec. 6. 22 MRSA §2423-A, sub-§2, ¶C, as enacted by PL 2009, c. 631, §21 and affected by §51, is amended to read:

C. Assist ~~no more than~~ a maximum of 5 patients ~~at any one time with~~ who have designated the primary caregiver to cultivate marijuana for their medical use ~~of marijuana~~;

Sec. 7. 22 MRSA §2423-A, sub-§2, ¶G, as amended by PL 2013, c. 371, §1; c. 393, §1 and c. 396, §5, is further amended to read:

G. Prepare food as defined in section 2152, subsection 4 containing marijuana, including tinctures of marijuana, for medical use by a qualifying patient pursuant to section 2152, subsection 4-A and section 2167;

Sec. 8. 22 MRSA §2423-B, as repealed and replaced by PL 2011, c. 407, Pt. B, §17, is amended to read:

§2423-B. Authorized conduct by a medical provider

A ~~physician~~ medical provider may provide a written certification for the medical use of marijuana under this chapter and, after having done so, may otherwise state that in the ~~physician's~~ medical provider's professional opinion a qualifying patient is likely to receive therapeutic benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition.

1. Adult qualifying patient. Prior to providing written certification for the medical use of marijuana under this section, a ~~physician~~ medical provider shall inform an adult qualifying patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana.

2. Minor qualifying patient. Prior to providing written certification for the medical use of marijuana by a minor qualifying patient under this section, a ~~physician~~ medical provider, referred to in this subsection as "the treating ~~physician~~ medical provider," shall inform the minor qualifying patient and the parent or legal guardian of the patient of the risks and benefits of the medical use of marijuana and that the patient may benefit from the medical use of marijuana. Except with regard to a minor qualifying patient who is eligible for hospice care, prior to providing a written certification under this section, the treating ~~physician~~ medical provider shall consult with a qualified physician, referred to in this paragraph as "the consulting physician," from a list of physicians who may be willing to act as consulting physicians maintained by the department that is compiled by the department after consultation with statewide associations representing licensed medical professionals. The consultation between the treating ~~physician~~ medical provider and the consulting physician may consist of examination of the patient or review of the patient's medical file. The consulting physician shall provide an advisory opinion to the treating ~~physician~~ medical provider and the parent or legal guardian of the minor qualifying patient concerning whether the patient is likely to receive therapeutic or palliative benefit from the medical use of marijuana to treat or alleviate the patient's debilitating medical condition. If the department or the consulting physician does not respond to a request by ~~a~~ the treating ~~physician~~ medical provider within 10 days of receipt of the request, the treating ~~physician~~ medical provider may provide written certification for treatment without consultation with ~~another~~ a physician.

3. Expiration. A written certification form for the medical use of marijuana under this section expires within one year after issuance by the qualifying patient's ~~physician~~ medical provider.

4. Form; content. A written certification under this section must be in the form required by rule adopted by the department and may not require a qualifying patient's ~~physician~~ medical provider to state the patient's specific medical condition.

5. Possible sanctions. Nothing in this chapter prevents a professional licensing board from sanctioning a ~~physician~~ medical provider for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

Sec. 9. 22 MRSA §2423-D, as amended by PL 2011, c. 407, Pt. B, §19, is further amended to read:

§2423-D. Authorized conduct by a visiting qualifying patient

A qualifying patient who is visiting the State from another jurisdiction that authorizes the medical use of marijuana pursuant to a law recognized by the department who possesses a valid written certification as described in section 2423-B from the patient's treating ~~physician~~ medical provider and a valid medical marijuana certification from that other jurisdiction and photographic identification or a driver's license from that jurisdiction may engage in conduct authorized for a qualifying patient under this chapter.

Sec. 10. 22 MRSA §2425, sub-§1, ¶D, as enacted by IB 2009, c. 1, §5, is amended to read:

D. Name, address and telephone number of the qualifying patient's ~~physician~~ medical provider;

Sec. 11. 22 MRSA §2425, sub-§2, ¶A, as amended by PL 2009, c. 631, §29 and affected by §51, is further amended to read:

A. The qualifying patient's ~~physician~~ medical provider has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient and to a parent, guardian or person having legal custody of the qualifying patient;

Sec. 12. 22 MRSA §2425, sub-§6, ¶B, as enacted by IB 2009, c. 1, §5, is amended to read:

B. A registered qualifying patient who fails to notify the department as required under paragraph A commits a civil violation for which a fine of not more than $150 may be adjudged. If the registered qualifying patient's certifying ~~physician~~ medical provider notifies the department in writing that the registered qualifying patient has ceased to suffer from a debilitating medical condition, the registered qualifying patient's registry identification card becomes void upon notification by the department to the qualifying patient.

Sec. 13. 22 MRSA §2425, sub-§8, as amended by PL 2011, c. 691, Pt. A, §22, is further amended to read:

8. Confidentiality. This subsection governs confidentiality.

A. Applications and supporting information submitted by qualifying patients and registered patients under this chapter, including information regarding their primary caregivers and ~~physicians~~ medical providers, are confidential.

B. Applications and supporting information submitted by primary caregivers and ~~physicians~~ medical providers operating in compliance with this chapter are confidential.

C. The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Individual names and other identifying information on the list are confidential, exempt from the freedom of access laws, Title 1, chapter 13, and not subject to disclosure except as provided in this subsection and to authorized employees of the department as necessary to perform official duties of the department.

D. The department shall verify to law enforcement personnel whether a registry identification card is valid without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.

F. Applications, supporting information and other information regarding a registered dispensary are not confidential except that information that is contained within dispensary information that identifies a qualifying patient, a registered patient, the registered patient's ~~physician~~ medical provider and the primary caregiver of the qualifying patient or registered patient is confidential.

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered primary caregivers and registered patients' ~~physicians~~ medical providers are confidential and may not be disclosed except as provided in this subsection and as follows:

(1) To department employees who are responsible for carrying out this chapter;

(2) Pursuant to court order or subpoena issued by a court;

(3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;

(4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;

(5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and

(6) To a registered patient's treating ~~physician~~ medical provider and to a registered patient's registered primary caregiver for the purpose of carrying out this chapter.

H. This subsection does not prohibit a ~~physician~~ medical provider from notifying the department if the ~~physician~~ medical provider acquires information indicating that a registered patient or qualifying patient is no longer eligible to use marijuana for medical purposes or that a registered patient or qualifying patient falsified information that was the basis of the ~~physician's~~ medical provider's certification of eligibility for use.

I. The department may disclose to an agency of State Government designated by the commissioner and employees of that agency any information necessary to produce registry identification cards or manage the identification card program and may disclose data for statistical or research purposes in such a manner that individuals cannot be identified.

J. A hearing concerning the revocation of a registry identification card under subsection 3-A is confidential.

K. Except as otherwise provided in this subsection, a person who knowingly violates the confidentiality of information protected under this chapter commits a civil violation for which a fine of up to $1,000 may be imposed. This paragraph does not apply to a ~~physician~~ medical provider or staff of a hospice provider or nursing facility named as a primary caregiver or any other person directly associated with a ~~physician~~ medical provider or a hospice provider or nursing facility that provides services to a registered patient.

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175.

Sec. 14. 22 MRSA §2425, sub-§10, ¶E, as enacted by IB 2009, c. 1, §5, is amended to read:

E. The number of ~~physicians~~ medical providers providing written certifications for qualifying patients;

Sec. 15. 22 MRSA §2428, sub-§6, ¶J, as amended by PL 2011, c. 407, Pt. B, §32, is further amended to read:

J. A dispensary that is required to obtain a license for the preparation of food pursuant to section 2167 shall obtain the license prior to preparing goods containing marijuana, including tinctures of marijuana, for medical use by a qualifying patient.

Sec. 16. 22 MRSA §2430-A, as enacted by PL 2009, c. 631, §46 and affected by §51, is repealed and the following enacted in its place:

§2430-A. Compliance

The department may take action necessary to ensure compliance with this chapter, including, but not limited to, collecting, possessing, transporting and performing laboratory testing on soil and marijuana plant samples and samples of products containing marijuana from registered primary caregivers and registered dispensaries to determine compliance with this chapter and for evidence purposes.

Sec. 17. Framework for processing, documenting and investigating complaints regarding the Maine Medical Use of Marijuana Act. The Department of Health and Human Services shall develop a framework for processing, documenting and investigating complaints concerning the implementation of the Maine Medical Use of Marijuana Act. The department shall review mechanisms for processing, documenting and investigating complaints and shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over health and human services matters by December 1, 2014. The department shall include in its report whether enacting new laws or authorizing new rules, either routine technical or major substantive, is required to implement the recommendations of the department.

See title page for effective date.

CHAPTER 517

S.P. 536 - L.D. 1452

An Act To Protect Areas in Which Shellfish Conservation Gear Has Been Placed for Predator Control and Habitat Enhancement Purposes and Establish a Municipal Predator Control Pilot Program

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 soft shell clam and marine worm industries are vital to Maine's coastal economy; and

Whereas, cooperation of the soft shell clam and marine worm industries and other interested parties is needed to develop predator control strategies to mitigate the effects of green crabs; and

Whereas, the soft shell clam and marine worm industries have an economic interest in properly managing the intertidal zone in a way that does not disadvantage either user group; and

Whereas, green crabs are thought to exert adverse impact on juvenile soft shell clams and the intertidal zone and research is needed to understand and respond to the effects of green crabs on the intertidal zone; and

Whereas, green crabs are invasive and are causing immediate damage; 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 §6671, sub-§§10-B and 10-C are enacted to read:

10-B. Molesting municipal shellfish gear placed in protected areas. A municipality may, as part of a municipal shellfish conservation program, place protective netting, fencing, traps or other gear in the intertidal zone to provide protection from shellfish predators. Any netting, fencing, traps or other gear placed for this purpose must be clearly marked with signs or tags that identify the municipality that placed the gear and indicate the purpose of the gear.

A. A person may not tamper with, molest, disturb, alter, destroy or in any manner handle gear placed by a municipality in accordance with this subsection.

B. A person who violates paragraph A commits a civil violation for which a fine of not less than $300 and not more than $1,000 may be adjudged.

10-C. Prohibition. A person may not fish for or take any marine organism from within a predator control project area that has been approved by the commissioner as part of a municipal predator control project, except that the municipality may remove green crabs from within the predator control project area. A person who violates this subsection commits a civil violation for which a fine of not less than $300 and not more than $1,000 may be adjudged.

This subsection is repealed February 28, 2015.

Sec. 2. Municipal predator control pilot project.

1. Pilot project authorized. The Commissioner of Marine Resources, referred to in this section as "the commissioner," may solicit proposals from municipalities with shellfish conservation ordinances approved pursuant to the Maine Revised Statutes, Title 12, section 6671, subsection 4-B to conduct a pilot project for the purpose of determining the effectiveness of predator control in increasing the survival rate of soft shell clams and marine worms. Municipalities

must submit their proposals on forms provided by the Department of Marine Resources. The area encompassed by a predator control proposal from a municipality may include no more than 10% of the total area of the entire municipal intertidal zone that is open to the taking of shellfish. In addition, the area encompassed by a predator control proposal, when combined with any area under municipal shellfish aquaculture permits under Title 12, section 6673, subsection 2-A, paragraph B, may not include more than 25% of the entire municipal intertidal zone that is open to the taking of shellfish under section 6671.

2. Proposal selection. The commissioner may approve predator control proposals to participate in the pilot project under subsection 1 from up to 4 municipalities. If more than 4 municipalities submit proposals, the commissioner shall consult the Shellfish Advisory Council established pursuant to the Maine Revised Statutes, Title 12, section 6038 for advice on which proposals to approve. The commissioner may approve more than 4 municipal proposals if the commissioner determines that the additional municipal projects do not affect access to the municipal intertidal zone for the purpose of harvesting marine worms.

3. Marking. A municipality with a predator control project approved by the commissioner under subsection 2 shall clearly mark the boundaries of the predator control project with green stakes and flags and post signs that include the words "approved predator control project" and "no harvesting of marine organisms is allowed within these boundaries."

4. Maintenance of predator control gear. A municipality must maintain all gear approved as part of a predator control project under subsection 1 in good working condition. In the proposal to the commissioner under subsection 1, the municipality must provide a weekly maintenance plan. The commissioner may terminate the municipality's predator control project and order the removal of all gear if the commissioner determines that the municipality has failed to follow the weekly maintenance plan provided.

5. Notice. A municipality with a predator control project approved by the commissioner under subsection 2 shall provide adequate public notice to harvesters of soft shell clams or marine worms of the areas that have been closed to harvesting. This notice must include, but is not limited to, notice in local newspapers and publicly accessible websites of the municipality and posting signs as appropriate at water access sites.

6. Repeal. This section is repealed February 28, 2015.

Sec. 3. Predator control strategies. The Commissioner of Marine Resources shall, with the cooperation of the soft shell clam and marine worm industries and other interested parties, develop predator control strategies to mitigate the effects of green crabs. The strategies must identify the needs of the soft shell clam and marine worm industries and recognize that both industries have an economic interest in properly managing the intertidal zone in a way that does not disadvantage either user group. The commissioner shall present those strategies for review and comment to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 31, 2015. After review of the strategies, the committee may report out a bill related to the strategies to the First Regular Session of the 127th Legislature.

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

Effective April 5, 2014.

CHAPTER 518

H.P. 1212 - L.D. 1689

An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing

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

Sec. 1. 1 MRSA §402, sub-§3, ¶R, as amended by PL 2013, c. 339, §2, is further amended to read:

R. Social security numbers in the possession of the Secretary of State; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶S, as enacted by PL 2013, c. 339, §3, is amended 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~~.~~; and

Sec. 3. 1 MRSA §402, sub-§3, ¶T is enacted to read:

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources.

See title page for effective date.

CHAPTER 519

H.P. 1266 - L.D. 1764

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes

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

Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 2009, c. 651, §1, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

(4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5);

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury; or

E. Has been:

(1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to C;

(2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or

(3) Found not competent to stand trial with respect to a criminal charge.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

In the case of a deferred disposition, unless the person is alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, a person is deemed to have been convicted when the court imposes the sentence. In the case of a deferred disposition for a person alleged to have committed one or more of the offenses listed in section 1023, subsection 4, paragraph B-1, that person may not pos-

sess a firearm beginning at the start of the deferred disposition period.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of insanity upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of insanity, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 15 MRSA §1023, sub-§4, ¶D, as enacted by PL 2011, c. 341, §2, is amended to read:

D. Set preconviction or post-conviction bail for a violation of condition of release pursuant to section 1092, except as provided in section 1092, subsection 4; or

Sec. 3. 15 MRSA §1092, sub-§4, as enacted by PL 2011, c. 341, §3, is amended to read:

4. Limitations on authority of bail commissioner to set bail. A court may, but a bail commissioner may not, set bail for a defendant granted preconviction or post-conviction bail who has been arrested for an alleged violation of this section if:

A. The condition of release alleged to be violated relates to new criminal conduct for a crime classified as Class C or above or for a Class D or Class E crime involving domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual exploitation of minors pursuant to Title 17-A, chapter 12;

B. The underlying crime for which preconviction or post-conviction bail was granted is classified as Class C or above; or

C. The underlying crime for which preconviction or post-conviction bail was granted is a crime involving domestic violence, sexual assault pursuant to Title 17-A, chapter 11 or sexual exploitation of minors pursuant to Title 17-A, chapter 12.

If a bail commissioner does not have sufficient information to determine whether the violation of the condition of release meets the criteria set forth under this subsection, the bail commissioner may not set bail on the violation of the condition of release.

Sec. 4. 15 MRSA §3318-B, sub-§2, as enacted by PL 2011, c. 282, §5, is amended to read:

2. No substantial probability that juvenile will be competent in the foreseeable future. If, following the competency determination hearing provided in section 3318-A, subsection ~~8~~ 7, the Juvenile Court finds that the juvenile is incompetent to proceed and that there does not exist a substantial probability that the juvenile will be competent in the foreseeable future, the Juvenile Court shall promptly hold a hearing to determine whether or not the Juvenile Court should:

A. Order the Commissioner of Health and Human Services to evaluate the appropriateness of providing mental health and behavioral support services to the juvenile; or

B. Order the juvenile into the custody of the Commissioner of Health and Human Services utilizing the procedures set forth in section 3314, subsection 1, paragraph C-1 for purposes of placement and treatment.

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

Sec. 5. 16 MRSA §642, as enacted by PL 2013, c. 402, §1, is amended to read:

§642. Authority to obtain and disclose content information held by a provider of electronic communication service

1. Authority to obtain. A government entity may obtain portable electronic device content information directly from a provider of electronic communication service only in accordance with a valid warrant issued by a duly authorized ~~judge or~~ justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or as otherwise provided in this subchapter.

2. Authority to disclose. A provider of electronic communication service may disclose portable electronic device content information to a government entity only pursuant to a warrant issued by a duly authorized ~~judge or~~ justice, judge or justice of the peace or as otherwise provided in this subchapter.

Sec. 6. 16 MRSA §648, as reallocated by RR 2013, c. 1, §29, is amended to read:

§648. Warrant needed for acquisition of location information

Except as provided in this subchapter, a government entity may not obtain location information without a valid warrant issued by a duly authorized ~~judge or~~ justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55.

A ~~judge or~~ justice, judge or justice of the peace may issue a warrant for the location information of an electronic device pursuant to this section for a period of time necessary to achieve the objective of the authorization, but in any case the warrant is not valid for more than 10 days after the issuance. A ~~judge or~~ justice, judge or justice of the peace may grant an extension of a warrant upon a finding of continuing probable cause and a finding that the extension is necessary to achieve the objective of the authorization. An extension may not exceed 30 days.

Sec. 7. 17-A MRSA §431, sub-§9-A is enacted to read:

9-A. "Criminal justice agency" means a governmental agency of the State or any subunit of a governmental agency of the State at any governmental level that performs the administration of criminal justice pursuant to statute. "Criminal justice agency" includes the Department of the Attorney General and district attorneys' offices. As used in this subsection, "administration of criminal justice" means activities relating to the investigation of all or specific crimes and the prosecution of offenders.

Sec. 8. 17-A MRSA §1348-A, sub-§4, as enacted by PL 2009, c. 336, §15, is amended to read:

4. For purposes of a deferred disposition, a person is deemed to have been convicted when the court imposes the sentence. Notwithstanding Title 15, section 1003, subsection 9, prior to sentence imposition, preconviction bail applies to the person.

Sec. 9. 30-A MRSA §1606, sub-§2, as amended by PL 2001, c. 171, §9, is further amended to read:

2. Sentence prorated. Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under this section may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1304 must have their sentences prorated at the rate ~~of $5 removed from the fines for every one hour of participation in the project~~ that is applicable to the individual inmate pursuant to Title 17-A, section 1304, subsection 3, paragraph A, subparagraph (1).

See title page for effective date.

CHAPTER 520

S.P. 706 - L.D. 1779

An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use

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

Sec. 1. 22 MRSA §2423-A, sub-§4-A is enacted to read:

4-A. Use and storage in inpatient hospice facility or nursing facility permitted. A qualifying patient who is a resident of a hospice provider facility licensed under chapter 1681 or nursing facility licensed under chapter 405, while in the hospice provider facility or nursing facility, may use forms of prepared marijuana that are not smoked, including, but not limited to, vaporized marijuana, edible marijuana and tinctures and salves of marijuana. A qualifying patient who uses a form of prepared marijuana pursuant to this subsection may store the prepared marijuana in the qualifying patient's room and is not required to obtain a registry identification card or to designate the hospice provider or nursing facility as a primary caregiver under subsection 4. A hospice provider or nursing facility is not required to be named as a primary caregiver by a qualifying patient who uses prepared marijuana pursuant to this subsection. This subsection does not limit the ability of a hospice provider or nursing facility to prohibit or restrict the use or storage of prepared marijuana by a qualifying patient.

See title page for effective date.

CHAPTER 521

H.P. 992 - L.D. 1389

An Act To Expedite the Foreclosure Process

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

PART A

Sec. A-1. 36 MRSA §4641-B, sub-§6, as enacted by PL 2009, c. 402, §21, is amended to read:

6. Transfer of tax on deeds of foreclosure or in lieu of foreclosure. Notwithstanding subsection ~~4~~ 4-B, the State Tax Assessor shall monthly pay to the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection the revenues derived from the tax imposed on the transfer of real property ~~by deeds that convey real property back to a lender holding a bona fide mortgage that is genuinely in default, either by deeds from a mortgagor to a mortgagee in lieu of foreclosure or by deeds from a mortgagee to itself at a public sale pursuant to Title 14, section 6323~~ described in section 4641-C, subsection 2, paragraphs A and C.

Sec. A-2. 36 MRSA §4641-B, sub-§7 is enacted to read:

7. Assignment of rights in or connected with foreclosed real property. A person assigning rights in or connected with title to foreclosed real property for which a deed is not given, including rights as high bidder at the public sale pursuant to Title 14, section 6323, shall report the assignment to the register of deeds in the county or counties in which the real property is located within 30 days of the assignment on a return in the form of an affidavit furnished by the State Tax Assessor. The State Tax Assessor shall provide for the collection of the tax in the same manner as in subsection 1 as if the assignment were a transfer of real property by deed. The return must be signed by

both the transferor and the transferee and accompanied by payment of the tax due. When the real property is located in more than one county, the tax must be divided among the counties in the same proportion in which the real property is distributed among the counties. Disputes between 2 or more counties as to the proper amount of tax due to them as a result of a particular transaction must be decided by the State Tax Assessor upon the written petition of an official authorized to act on behalf of any such county. This subsection applies to assignments made during the time between the judgment of foreclosure and the transfer of the foreclosed real property by deed.

Sec. A-3. 36 MRSA §4641-C, sub-§2, as amended by PL 2009, c. 402, §22, is repealed and the following enacted in its place:

2. Mortgage deeds, deeds of foreclosure and deeds in lieu of foreclosure. Mortgage deeds, discharges of mortgage deeds and partial releases of mortgage deeds.

A. For the purposes of this subsection, only the mortgagor is exempt from the tax imposed for a deed in lieu of foreclosure.

B. In the event of a transfer, by deed, assignment or otherwise, to a 3rd party at a public sale held pursuant to Title 14, section 6323, the tax imposed upon the grantor by section 4641-A applies only to that portion of the proceeds of the sale that exceeds the sums required to satisfy in full the claims of the mortgagee and all junior claimants originally made parties in interest in the proceedings or having subsequently intervened in the proceedings as established by the judgment of foreclosure and sale. The tax must be deducted from the excess proceeds.

C. In the event of a transfer, by deed, assignment or otherwise, from a mortgagee or its servicer to the mortgagee or its servicer or to the owner of the mortgage debt at a public sale held pursuant to Title 14, section 6323, the mortgagee or its servicer if the servicer is the selling entity is considered to be both the grantor and grantee for purposes of section 4641-A.

D. In the event of a deed in lieu of foreclosure and a deed from a mortgagee or its servicer to the mortgagee or its servicer or to the owner of the mortgage debt at a public sale held pursuant to Title 14, section 6323, the tax applies to the value of the property.

For the purposes of this subsection, "servicer" means a person or entity that acts on behalf of the owner of a mortgage debt to provide services related to the mortgage debt, including accepting and crediting payments from the mortgagor, issuing statements and notices to the mortgagor, enforcing rights of the owner of a mortgage debt and initiating and pursuing foreclosure proceedings;

PART B

Sec. B-1. 14 MRSA §6326 is enacted to read:

§6326. Order of abandonment for residential properties in foreclosure

1. Plaintiff request. The plaintiff in a judicial foreclosure action may present evidence of abandonment as described in subsection 2 and may request a determination pursuant to subsection 3 that the mortgaged premises have been abandoned if:

A. More than 50% of the mortgaged premises is used for residential purposes; and

B. The mortgaged premises are the subject of an uncontested foreclosure action or an uncontested foreclosure judgment has been issued with respect to the premises and a foreclosure sale with respect to the premises is pending pursuant to this subchapter. An action or judgment is uncontested if:

(1) The mortgagor has not appeared in the action to defend against foreclosure;

(2) There has been no communication from or on behalf of the mortgagor to the plaintiff for at least 90 days showing any intent of the mortgagor to continue to occupy the premises or there is a document of conveyance or other written statement, signed by the mortgagor, that indicates a clear intent to abandon the premises; and

(3) Either all mortgagees with interests that are junior to the interests of the plaintiff have waived any right of redemption pursuant to section 6322 or the plaintiff has obtained or has moved to obtain a default judgment against such junior mortgagees.

2. Evidence of abandonment. For the purposes of this section, evidence of abandonment showing that the mortgaged premises are vacant and the occupant has no intent to return may include, but is not limited to, the following:

A. Doors and windows on the mortgaged premises are continuously boarded up, broken or left unlocked;

B. Rubbish, trash or debris has observably accumulated on the mortgaged premises;

C. Furnishings and personal property are absent from the mortgaged premises;

D. The mortgaged premises are deteriorating so as to constitute a threat to public health or safety;

E. A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has re-

quested entrance to, or taken other steps to gain entrance to, the mortgaged premises;

F. Reports of trespassers, vandalism or other illegal acts being committed on the mortgaged premises have been made to local law enforcement authorities;

G. A code enforcement officer or other public official has made a determination or finding that the mortgaged premises are abandoned or unfit for occupancy;

H. The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises; and

I. Other reasonable indicia of abandonment.

3. Court determination of abandonment; vacation of order. The plaintiff may at any time after commencement of a foreclosure action under section 6321 file with the court a motion to determine that the mortgaged premises have been abandoned.

A. If the court finds by clear and convincing evidence, based on testimony or reliable hearsay, including affidavits by public officials and other neutral nonparties, that the mortgaged premises have been abandoned, the court may issue an order granting the motion and determining that the premises are abandoned.

B. The court may not grant the motion if the mortgagor or a lawful occupant of the mortgaged premises appears and objects to the motion.

C. The court shall vacate the order under paragraph A if the mortgagor or a lawful occupant of the mortgaged premises appears in the action and objects to the order prior to the entry of judgment.

4. Effect of court determination of abandonment. Upon the issuance of an order of abandonment under subsection 3 determining that the mortgaged premises are abandoned:

A. The foreclosure action may be advanced on the docket and receive priority over other cases as the interests of justice require;

B. The period of redemption provided for in section 6322 is shortened to 45 days from the later of the issuance of the judgment of foreclosure and the order of abandonment;

C. If the mortgaged premises include dwelling units occupied by tenants as their primary residence, the plaintiff shall assume the duties of landlord for the rental units as required by chapter 709 upon the later of the issuance of the judgment of foreclosure and the order of abandonment; and

D. The plaintiff shall notify the municipality in which the premises are located and shall record the order of abandonment in the appropriate registry of deeds within 30 days from the later of the issuance of the judgment of foreclosure and the order of abandonment.

Sec. B-2. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, that section of this Part that enacts Title 14, section 6326 applies to foreclosure actions that are pending on the effective date of this Part.

PART C

Sec. C-1. 14 MRSA §6323, sub-§1, as amended by PL 2007, c. 103, §1, is further amended to read:

1. Procedures for all civil actions. Upon expiration of the period of redemption, if the mortgagor or the mortgagor's successors, heirs or assigns have not redeemed the mortgage, any remaining rights of the mortgagor to possession terminate, and the mortgagee shall cause notice of a public sale of the premises stating the time, place and terms of the sale to be published once in each of 3 successive weeks in a newspaper of general circulation in the county in which the premises are located, the first publication to be made not more than 90 days after the expiration of the period of redemption. ~~The~~ Except when otherwise required under 12 Code of Federal Regulations, Section 1024.41 or any successor provision, the public sale must be held not less than 30 days nor more than 45 days after the first date of that publication ~~and~~. Except for sales of premises that the court has determined to be abandoned pursuant to section 6326, the public sale may be adjourned, for any time not exceeding 7 days and from time to time until a sale is made, by announcement to those present at each adjournment. For sales of premises that the court has determined to be abandoned pursuant to section 6326, the public sale may be adjourned once for any time not exceeding 7 days, except that the court may permit one additional adjournment for good cause shown. Adjournments may also be made in accordance with the requirements of 12 Code of Federal Regulations, Section 1024.41 or any successor provision. The mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee may convey the property to the mortgagor or execute a waiver of foreclosure, and all other rights of all other parties remain as if no foreclosure had been commenced. The mortgagee shall sell the premises to the highest bidder at the public sale and deliver a deed of that sale and the writ of possession, if a writ of possession was obtained during the foreclosure process, to the purchaser. The deed conveys the premises free and clear of all interests of the parties in interest joined in the action. The mortgagee or any other party in interest may bid at the public sale. If the mortgagee is the highest bidder at the public sale, there is no obliga-

tion to account for any surplus upon a subsequent sale by the mortgagee. Any rights of the mortgagee to a deficiency claim against the mortgagors are limited to the amount established as of the date of the public sale. The date of the public sale is the date on which bids are received to establish the sales price, no matter when the sale is completed by the delivery of the deed to the highest bidder. If the property is conveyed by deed pursuant to a public sale in accordance with this subsection, a copy of the judgment of foreclosure and evidence of compliance with the requirements of this subsection for the notice of public sale and the public sale itself must be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

PART D

Sec. D-1. 36 MRSA §946-A, as repealed and replaced by PL 1995, c. 20, §1, is repealed.

Sec. D-2. 36 MRSA §946-B is enacted to read:

§946-B. Tax-acquired property and the restriction of title action

1. Tax liens recorded after October 13, 2014. A person may not commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes upon the expiration of a 5-year period immediately following the expiration of the period of redemption. This subsection applies to a tax lien recorded after October 13, 2014.

2. Tax liens recorded after October 13, 1993 and on or before October 13, 2014. A person may not commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes after the earlier of the expiration of a 15-year period immediately following the expiration of the period of redemption and October 13, 2019. This subsection applies to a tax lien recorded after October 13, 1993 and on or before October 13, 2014.

3. Tax liens recorded on or before October 13, 1993. For a tax lien recorded on or before October 13, 1993, a person must commence an action against its validity no later than 15 years after the expiration of the period of redemption or no later than July 1, 1997, whichever occurs later.

4. Disability or lack of knowledge. Disability or lack of knowledge of any kind does not suspend or extend the time limits provided in this section.

PART E

Sec. E-1. 32 MRSA §11002, sub-§6, as amended by PL 2005, c. 475, §1, is further amended to read:

6. Debt collector. "Debt collector" means any person conducting business in this State, the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another. "Debt collector" includes persons who furnish collection systems carrying a name that simulates the name of a debt collector and who supply forms or form letters to be used by the creditor even though the forms direct the debtor to make payments directly to the creditor. Notwithstanding the exclusion provided by section 11003, subsection 7, "debt collector" includes any creditor who, in the process of collecting the creditor's own debts, uses any name other than the creditor's that would indicate that a 3rd person is collecting or attempting to collect these debts. "Debt collector" includes any attorney-at-law whose principal activities include collecting debts as an attorney on behalf of and in the name of clients, except that any such attorney licensed to practice law in this State is subject exclusively to subchapter 2 and any such attorney not licensed to practice law in this State is subject to this entire chapter. "Debt collector" also includes any person regularly engaged in the enforcement of security interests securing debts, including a repossession company and a residential real estate property preservation provider. "Debt collector" does not include any person who retrieves collateral when a consumer has voluntarily surrendered possession. A person is regularly engaged in the enforcement of security interests if that person enforced security interests more than 5 times in the previous calendar year. If a person does not meet these numerical standards for the previous calendar year, the numerical standards must be applied to the current calendar year.

Sec. E-2. 32 MRSA §11002, sub-§§8-A and 8-B are enacted to read:

8-A. Residential real estate property preservation provider. "Residential real estate property preservation provider" means a person who regularly provides residential real estate property preservation services. "Residential real estate property preservation provider" does not include a supervised financial organization, a supervised lender, a person licensed by the Plumbers' Examining Board, a person licensed by the Electricians' Examining Board, a person licensed by the Department of Professional and Financial Regulation under chapter 131, a person licensed by the Maine Fuel Board or a person licensed by the Real Estate Commission.

8-B. Residential real estate property preservation services. "Residential real estate property preservation services" means those services undertaken at the direction of a person holding or enforcing a mortgage on residential real estate that is in default or in which the property is presumed abandoned in entering or arranging for entry into a building to perform the services of winterizing the residence, changing the door locks or removing unsecured items from the residence.

Sec. E-3. 32 MRSA §11017, sub-§§1 and 2, as enacted by PL 1993, c. 126, §3, are amended to read:

1. Right to take possession after default. ~~A~~ Except in the case of a residential real estate property preservation provider, a debt collector acting on behalf of a creditor may take possession of collateral only if possession can be taken without entry into a dwelling, unless that entry has been authorized after default and without the use of force or other breach of the peace.

2. Return of private property. ~~A~~ Except in the case of a residential real estate property preservation provider, a debt collector shall inventory any unsecured property taken with repossessed collateral and immediately notify the consumer that the property will be made available in a manner convenient to the consumer.

Sec. E-4. 32 MRSA §11017, sub-§4 is enacted to read:

4. Residential real estate property preservation. A residential real estate property preservation provider may enter into a dwelling only if authorized by the terms of a note, contract or mortgage. The provider may not use force or effect a breach of the peace against any person. The provider shall inventory any unsecured items removed from the dwelling and immediately notify the appropriate consumer that the unsecured items will be made available in a manner convenient to the consumer. The provider shall make a permanent record of all steps taken to preserve and secure the dwelling and shall make that record and the inventory of removed unsecured items available to the consumer upon written request.

PART F

Sec. F-1. 14 MRSA §6321-A, sub-§7, ¶A, as enacted by PL 2009, c. 402, §18, is amended to read:

A. Assign mediators, including active retired justices and judges pursuant to Title 4, sections 104 and 157-B, who:

(1) Are trained in mediation and ~~all~~ relevant aspects of the law related to real estate, mortgage procedures, foreclosure or foreclosure prevention;

(2) Have knowledge of community-based resources that are available in the judicial districts in which they serve;

(3) Have knowledge of mortgage assistance programs; ~~and~~

(4) Are trained in using the relevant Federal Deposit Insurance Corporation forms and worksheets~~.~~;

(5) Are knowledgeable in principal loss mitigation and mortgage loan servicing guidelines and regulations; and

(6) Are capable of facilitating and likely to facilitate identification of and compliance with principal loss mitigation and mortgage loan servicing guidelines and regulations.

The court may establish ~~a training~~ an orientation program for mediators and require that mediators receive such ~~training~~ orientation prior to being appointed;

Sec. F-2. 14 MRSA §6321-A, sub-§13, as amended by PL 2009, c. 476, Pt. B, §7 and affected by §9, is further amended to read:

13. Report. A mediator must complete a report for each mediation conducted under this section. The mediator's report must indicate in a manner as determined by the court that the parties completed in full the Net Present Value Worksheet in the Federal Deposit Insurance Corporation Loan Modification Program Guide or other reasonable determination of net present value. If the mediation did not result in the settlement or dismissal of the action, the report must include the outcomes of the Net Present Value Worksheet or other determination of net present value. As part of the report, the mediator may notify the court if, in the mediator's opinion, either party failed to negotiate in good faith. The mediator's report must also include a statement of all agreements reached at mediation, with sufficient specificity to put all parties on notice of their obligations under agreements reached at mediation, including but not limited to a description of all documents that must be completed and provided pursuant to the agreements reached at mediation and the time frame during which all actions are required to be taken by the parties, including decisions and determinations of eligibility for all loss mitigation options.

See title page for effective date.

CHAPTER 522

H.P. 1294 - L.D. 1803

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2014-15

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 establish-

ment 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 2014-15 is as follows:

Audit - Fiscal Administration	$219,722
Education	12,022,813
Forest Fire Protection	150,000
Human Services - General Assistance	55,750
Property Tax Assessment - Operations	1,031,852
Maine Land Use Planning Commission - Operations	523,019
TOTAL STATE AGENCIES	$14,003,156
County Reimbursements for Services:	
Aroostook	$1,042,847
Franklin	991,854
Hancock	320,363
Kennebec	11,831
Oxford	1,185,959
Penobscot	1,020,403
Piscataquis	990,627
Somerset	1,441,824
Washington	839,105
TOTAL COUNTY SERVICES	$7,844,813
COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND	
Tax Increment Financing Payments	$3,100,000
TOTAL REQUIREMENTS	$24,947,969
COMPUTATION OF ASSESSMENT	
Requirements	$24,947,969
Less Deductions:	
General -	
State Revenue Sharing	$100,000
Homestead Reimbursement	94,538
Miscellaneous Revenues	70,000
Transfer from undesignated fund balance	2,300,000
TOTAL GENERAL DEDUCTIONS	$2,564,538
Educational -	
Land Reserved Trust	$70,000
Tuition/Travel	105,077
United States Forestry Payment in Lieu of Taxes	0
Special - Teacher Retirement	148,378
TOTAL EDUCATION DEDUCTIONS	$323,455
TOTAL DEDUCTIONS	$2,887,993
TAX ASSESSMENT	$22,059,976

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

Effective April 5, 2014.

CHAPTER 523

H.P. 1304 - L.D. 1817

An Act To Amend the Law Concerning the State Cost-share Program for Salt and Sand Storage Facilities

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 construction of salt and sand storage facilities is important for the protection of groundwater; and

Whereas, the Department of Transportation currently has funding available to assist municipalities and counties with the construction of salt and sand storage facilities; and

Whereas, sufficient time is needed for those eligible municipalities and counties to go through a public process to decide if grants from the Department of Transportation should be used in conjunction with local money to construct salt and sand storage facilities; 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. 23 MRSA §1851, as repealed and replaced by PL 1999, c. 387, §1 and affected by §7, is amended to read:

§1851. State cost-share program for salt and sand storage facilities

The Department of Transportation may administer funds for the construction of municipal or county salt and sand storage facilities in order to reduce salt pollution of ground and surface waters. In administering these funds, the department shall provide reimbursement to municipal and county governmental entities for approved ~~projects in the following order, according to priorities established pursuant to Title 38, section 411~~:

~~**1. Priority 1 projects.** Priority 1 projects, as long as the site was registered with the Department of Environmental Protection pursuant to Title 38, section 413 before October 15, 1997, regardless of the date the priority rating was designated;~~

~~**2. Priority 2 projects.** Priority 2 projects, as long as the site was registered with the Department of Environmental Protection pursuant to Title 38, section 413 before October 15, 1997, regardless of the date the priority rating was designated;~~

3. Priority 3 projects. Priority 3 projects that were designated before ~~October 15, 1997 and continue to be so designated on~~ April 1, 2000 ~~and Priority 3 projects designated on April 1, 2000 that were designated Priority 5 projects prior to October 15, 1997~~; and

~~**4. Priority 4 projects.** Priority 4 projects that were constructed before November 1, 1999 with plans and financial information submitted to the Department of Transportation by November 1, 1999. Notwithstanding any other provision of this section, 20% of all funds authorized by the Legislature after January 1, 1999 for municipal reimbursement of sand and salt storage facility construction costs must be used to reimburse municipalities with Priority 4 projects eligible under this subsection until all such eligible projects have been fully reimbursed. The department shall reimburse municipalities eligible under this subsection in the order in which those municipalities complete the submission of all required documentation;~~

~~**5. Priority changes.** Priority 3 projects designated on April 1, 2000 that were designated Priority 4 projects as of October 15, 1997;~~

6. Priority 5 projects. Priority 5 projects that were constructed before November 1, 1999, with plans and financial information submitted to the Department of Transportation by November 1, 1999~~;~~.

~~**7. Other projects.** All other projects eligible for reimbursement. Priority 4 and Priority 5 sites designated on April 1, 2000 are not eligible for reimbursement.~~

Allocation of funds must be based upon the sum of 25% of the expenses permitted plus 1.25 times the ratio of miles of state and state aid roads maintained for winter maintenance, as described in sections 1001 and 1003, to all miles maintained for winter maintenance by the municipality, quasi-municipal agency or county. The Department of Transportation shall establish guidelines to reimburse eligible local government entities in a consistent and timely manner.

The Department of Transportation shall review and approve municipal and county plans and specifications pursuant to established departmental guidelines for design, construction and size before a municipality or county constructs a facility. Municipal actions inconsistent with such guidelines are reimbursed at the sole discretion of the department.

Reimbursable expenses under this section do not include land acquisition or debt service.

Sec. 2. 23 MRSA §1852, as amended by PL 1999, c. 387, §2, is repealed.

Sec. 3. 38 MRSA §451-A, sub-§1-A, as amended by PL 1999, c. 387, §5, is further amended to read:

1-A. Time schedule for salt and sand-salt storage program. An owner or operator of a salt or sand-salt storage area is not in violation of any groundwater classification or reclassification adopted on or after January 1, 1980 with respect to discharges to the groundwater from those facilities, if the owner or operator has completed all steps required to be completed by the schedules set forth in this subchapter. The commissioner shall administer this schedule according to the project priority list adopted by the board pursuant to section 411 and the provisions of this subsection. A municipal or county site classified as Priority 4 or Priority 5 as of April 1, 2000, which was registered pursuant to section 413 prior to October 15,

1997, ~~may~~ is not ~~be~~ in violation of any groundwater classification or reclassification with respect to discharges to the groundwater from those facilities.

A. Preliminary notice for municipal and county Priority 3 projects must be completed and submitted to the Department of Transportation ~~by the following dates:~~ within 2 months of receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

~~(1) For Priority 1 and 2 projects, the latest of the following dates:~~

~~(a) One year from a designation under section 411;~~

~~(b) One year from notice of availability of a state grant, if eligible; or~~

~~(c) January 1996.~~

~~(2) For municipal, state and county Priority 3 projects, the later of the following dates:~~

~~(a) One year from notice of availability of a state grant, if eligible; or~~

~~(b) January 2003.~~

~~(3) For other Priority 3 projects, the later of the following dates:~~

~~(a) One year from a designation under section 411; or~~

~~(b) January 1997.~~

D. For municipal and county ~~sites only~~ Priority 3 projects, review of final plans with the Department of Transportation must be completed within ~~12~~ 14 months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

E. Construction of municipal and county Priority 3 projects must be completed and the facility must be in operation within ~~24~~ 26 months of ~~the dates established in paragraph A for each priority category~~ receipt of a certified letter from the Department of Transportation notifying the municipality or county of funds available for the construction of a facility.

In no case may violations of the lowest groundwater classification be allowed. In addition, no violations of any groundwater classifications adopted after January 1, 1980~~,~~ may be allowed for more than ~~3 years~~ 26 months from the date of an offer of a state grant for the construction of those facilities.

The department may not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the schedule and the state grant is not available.

Sec. 4. Report. By January 1, 2017, the Department of Transportation shall provide a report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the status of providing funding under the Maine Revised Statutes, Title 23, section 1851 for the construction of salt and sand storage facilities in municipalities and counties with Priority 3 projects and providing reimbursement for qualified Priority 5 projects. The department shall consult with the Department of Environmental Protection, when appropriate, to identify those provisions of law governing project funding that are unnecessary and no longer relevant because all funding has been completed and shall include in the report suggested legislation making the recommended changes. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 128th Legislature related to the recommendations in the department's report.

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

Effective April 5, 2014.

CHAPTER 524

S.P. 656 - L.D. 1662

An Act To Clarify the Law Governing the Maintenance of Veterans' Grave Sites

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

Sec. 1. 13 MRSA §1101, as repealed and replaced by PL 2013, c. 421, §1, is amended to read:

§1101. Maintenance and repairs; municipality

1. Grave sites of veterans in ancient burying grounds. In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, shall keep in good condition all graves, headstones, monuments and markers ~~and, to~~ designating the burial place of Revolutionary soldiers and sailors

and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground.

1-A. Grave sites of persons who are not designated as veterans in ancient burying grounds. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality in which an ancient burying ground is located may keep the grass, weeds and brush suitably cut and trimmed from May 1st to September 30th of each year on all graves, headstones, monuments and markers in the ancient burying ground not designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's functions regarding an ancient burying ground.

2. Grave sites of veterans in public burying grounds. ~~In any public burying ground in which a veteran of the Armed Forces of the United States is buried, the municipality in which that burying ground is located shall~~ A municipality, cemetery corporation or cemetery association owning and operating a public burying ground shall, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, keep the grave, headstone, monument or marker designating the burial place of any veteran of the Armed Forces of the United States in that public burying ground in good condition and repair from May 1st to September 30th of each year~~, including:~~.

A municipality in which a public burying ground is located may, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations and other interested persons, adopt standards of good condition and repair to which grave sites of veterans of the Armed Forces of the United States must be kept. The standards at a minimum must detail how to maintain the grave, grass and headstones.

If a municipality does not adopt standards, the municipality, cemetery corporation or cemetery association shall apply the following standards of good condition and repair:

~~A. Regrading the grave site to make it level when the grave site has sunk 3 or more inches compared to the surrounding ground;~~

~~B. Maintaining the proper height and orientation, both vertical and horizontal, of the headstone, monument or marker;~~

~~C. Ensuring that inscriptions on the headstone, monument or marker are visible and legible;~~

D. ~~Ensuring~~ Ensure that ~~the average height of~~ grass ~~at the grave site is between 1.5 to 2.5 inches but no more than 3 inches~~ is suitably cut and trimmed;

E. ~~Keeping~~ Keep a flat grave marker free of grass and debris; and

F. ~~Keeping~~ Keep the burial place free of fallen trees, branches, vines and weeds.

Sec. 2. 13 MRSA §1101-A, sub-§4 is enacted to read:

4. Public burying ground. "Public burying ground" means a burying ground or cemetery in which any person may be buried without regard to religious or other affiliation and includes a cemetery owned and operated by a municipality, a cemetery corporation or a cemetery association.

Sec. 3. 13 MRSA §1101-B, sub-§2, as amended by PL 2013, c. 421, §2, is further amended to read:

2. Maintenance by landowner. A person who owns a parcel of land that contains an ancient burying ground and chooses to deny access to the municipality or its caretaker designated pursuant to section 1101 shall assume the duties as described in section 1101 and Title 30-A, section 2901, subsection 1. Maintenance of an ancient burying ground by the owner exempts the municipality from performing the duties as described in section 1101.

A municipality or its caretaker designated pursuant to section 1101 to carry out the municipality's functions regarding an ancient burying ground must have access to any ancient burying ground within the municipality in order to determine if the ancient burying ground is being maintained in good condition and repair. If an ancient burying ground or a veteran's grave within an ancient burying ground is not maintained in good condition and repair, the municipality may take over the care or appoint a caretaker to whom it delegates the municipality's functions regarding an ancient burying ground.

See title page for effective date.

CHAPTER 525
H.P. 1228 - L.D. 1718

An Act To Improve the Job Creation Through Educational Opportunity Program

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

Sec. 1. 20-A MRSA §12541, sub-§2, as amended by PL 2009, c. 553, Pt. A, §2, is repealed.

Sec. 2. 20-A MRSA §12541, sub-§2-A, as enacted by PL 2009, c. 553, Pt. A, §3, is repealed.

Sec. 3. 20-A MRSA §12541, sub-§4-A, as enacted by PL 2009, c. 553, Pt. A, §4, is repealed and the following enacted in its place:

4-A. Financial aid package. "Financial aid package" means financial aid obtained by a student after December 31, 2007 for attendance at an accredited Maine community college, college or university after December 31, 2007. For purposes of a qualified individual claiming an educational opportunity tax credit for tax years beginning on or after January 1, 2013, "financial aid package" may include financial aid obtained for up to 30 credit hours of course work at an accredited non-Maine community college, college or university earned prior to transfer to an accredited Maine community college, college or university, if the 30 credit hours were earned after December 31, 2007 and the transfer occurred after December 31, 2012. For purposes of an employer claiming an educational opportunity tax credit for tax years beginning on or after January 1, 2013, "financial aid package" may include financial aid obtained by a qualified employee after December 31, 2007 for attendance at an accredited non-Maine community college, college or university after December 31, 2007. The financial aid package may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited Maine or non-Maine community college, college or university. Loans are includable in the financial aid package only if entered into prior to July 1, 2023.

Sec. 4. 20-A MRSA §12541, sub-§7, as amended by PL 2009, c. 553, Pt. A, §7, is repealed.

Sec. 5. 20-A MRSA §12541, sub-§8 is enacted to read:

8. Qualified employee. "Qualified employee" has the same meaning as in Title 36, section 5217-D, subsection 1, paragraph E.

Sec. 6. 20-A MRSA §12541, sub-§9 is enacted to read:

9. Qualified individual. "Qualified individual" has the same meaning as in Title 36, section 5217-D, subsection 1, paragraph G.

Sec. 7. 20-A MRSA §12542, sub-§1, as enacted by PL 2007, c. 469, Pt. A, §1, is amended to read:

1. Program created; goals. The Job Creation Through Educational Opportunity Program, referred to in this chapter as "the program," is created to ~~reimburse education related costs for~~ provide an educational opportunity tax credit to Maine residents who obtain an associate degree or a bachelor's degree in this State, and live, work and pay taxes in this State thereafter. The program is designed to achieve the following goals:

A. Promote economic opportunity for people in this State by ensuring access to the training and higher education that higher-paying jobs require;

B. Bring more and higher-paying jobs to this State by increasing the skill level of this State's workforce;

C. Offer educational opportunity and retraining to individuals impacted by job loss, workplace injury, disability or other hardship;

D. Keep young people in this State through incentives for educational opportunity and creation of more high-paying jobs; and

E. Accomplish all of the goals in this subsection with as little bureaucracy as possible.

Sec. 8. 20-A MRSA §12542, sub-§2-A, as amended by PL 2011, c. 548, §7, is repealed.

Sec. 9. 20-A MRSA §12542, sub-§3, as amended by PL 2011, c. 665, §§2 and 3, is repealed.

Sec. 10. 20-A MRSA §12542, sub-§3-A, as amended by PL 2011, c. 665, §4, is repealed.

Sec. 11. 20-A MRSA §12542, sub-§4-A, ¶C, as enacted by PL 2009, c. 553, Pt. A, §13, is amended to read:

C. An accredited Maine community college, college or university must document for the student information required for purposes of the educational opportunity tax credit, including, once the student has earned the degree, the total principal of loans the student received as part of that student's financial aid package related to course work completed at the accredited Maine community college, college or university. The accredited Maine community college, college or university shall provide an original or certified copy to the student and shall retain a copy of the documentation in its files for at least 10 years after the student graduates.

Sec. 12. 20-A MRSA §12542, sub-§4-A, ¶D, as enacted by PL 2009, c. 553, Pt. A, §13, is repealed.

Sec. 13. 20-A MRSA §12542, sub-§5, as amended by PL 2009, c. 553, Pt. A, §14, is further amended to read:

5. Effective date; participation by individual already enrolled in degree program. The program must commence for the first semester that begins after the effective date of this chapter. A Maine resident who when the program commences is enrolled in an associate or a bachelor's degree program at an accredited Maine community college, college or university may participate, subject to the same essential terms as other program participants. ~~Such an individual need only meet the eligibility requirements in subsection 3 from January 1, 2008 forward.~~

Sec. 14. 36 MRSA §5122, sub-§2, ¶FF, as amended by PL 2011, c. 138, §1 and affected by §4, is further amended to read:

FF. To the extent included in federal adjusted gross income, student loan payments made by the taxpayer's employer directly to a lender on behalf of a qualified employee in accordance with section 5217-D, whether or not the employer claims, or could claim, the credit provided by section 5217-D, subsection 5;

Sec. 15. 36 MRSA §5217-D, as amended by PL 2011, c. 665, §§7 to 12 and affected by §13, is further amended to read:

§5217-D. Credit for educational opportunity

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Benchmark loan payment" ~~has the same meaning as in Title 20-A, section 12541, subsection 2~~ means the monthly loan payment for the amount of the principal cap paid over 10 years at the interest rate for federally subsidized Stafford loans under 20 United States Code, Section 1077a applicable during the individual's last year of enrollment at an accredited Maine community college, college or university.

A-1. "Accredited non-Maine community college, college or university" means an institution located outside the State that is accredited by a regional accrediting association or by one of the specialized accrediting agencies recognized by the United States Secretary of Education.

A-2. "Accredited Maine community college, college or university" has the same meaning as in Title 20-A, section 12541, subsection 1.

B. "Employer" has the same meaning as the term "employing unit," as defined in Title 26, section 1043, subsection 10.

B-1. "Financial aid package" means financial aid obtained by a student after December 31, 2007 for attendance at an accredited Maine community college, college or university after December 31, 2007. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2013, the financial aid package may include financial aid obtained for up to 30 credit hours of course work at an accredited non-Maine community college, college or university earned prior to transfer to an accredited Maine community college, college or university, if the 30 credit hours were earned after December 31, 2007 and the transfer occurred after December 31, 2012. For purposes of an employer claiming a credit under this section for tax years beginning on or after January 1, 2013, the financial aid package may include financial aid obtained by a qualified employee after December 31, 2007 for attendance at an accredited non-Maine community college, college or university after December 31, 2007. The financial aid package may include private loans or less than the full amount of loans under federal programs, depending on the practices of the accredited Maine or non-Maine community college, college or university. Loans are includable in the financial aid package only if entered into prior to July 1, 2023.

C. "Full time" employment means employment with a normal workweek of 32 hours or more.

D. “Part time” employment means employment with a normal workweek of between 16 and 32 hours.

D-1. "Principal cap" means:

(1) For an individual graduating from an accredited Maine community college, college or university before January 1, 2015, the amount calculated by the State Tax Assessor under Title 20-A, section 12542, former subsection 2-A;

(2) For an individual obtaining a bachelor's degree and graduating from an accredited Maine community college, college or university on or after January 1, 2015, the average in-state tuition and mandatory fees for attendance at the University of Maine System for the academic year ending during the calendar year prior to the year of graduation multiplied by 4; and

(3) For an individual obtaining an associate degree and graduating from an accredited Maine community college, college or university on or after January 1, 2015, the average in-state tuition and mandatory fees for attendance at the Maine Community College System for the academic year ending during the calendar year prior to the year of graduation multiplied by 2.

E. "Qualified employee" means an employee who is employed at least part time and who is ~~eligible for the credit provided in this section~~ a qualified individual or who would be ~~eligible for the credit in this section by meeting all the criteria established under Title 20-A, section 12542~~ a qualified individual except that the employee's associate or bachelor's degree was awarded by an accredited non-Maine community college, college or university.

G. "~~Opportunity program participant~~ Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who ~~obtains the specified degree and complies with the requirements under Title 20-A, section 12542~~ is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Attended, and obtained an associate or a bachelor's degree from, an accredited Maine community college, college or university after December 31, 2007. The individual need not obtain the degree from the institution in which that individual originally enrolled, as long as all course work toward the degree is performed at an accredited Maine community college, college or university, except that an individual who transfers to an accredited Maine community college, college or university after December 31, 2012 from outside the State and earned no more than 30 credit hours of course work toward the degree at an accredited non-Maine community college, college or university after December 31, 2007 and prior to the transfer is eligible for the credit if all other eligibility criteria are met. Program eligibility for such an individual must be determined as if the commencement of course work at the relevant accredited Maine community college, college or university was the commencement of course work for the degree program as a whole;

(2) Was a Maine resident while in attendance at the accredited Maine community college, college or university. For purposes of this subparagraph, "Maine resident" has the same meaning as in Title 20-A, section 12541, subsection 5;

(3) Lived in Maine while pursuing the degree, excepting periods when it was reasonably necessary for the individual to live elsewhere as part of the relevant institution's academic programs or while pursuing course work at an accredited non-Maine community college, college or university as provided in subparagraph (1);

(4) During the taxable year, was a resident individual; and

(5) Worked during the taxable year:

(a) For tax years beginning prior to January 1, 2015, at least part time for an employer located in this State or, for tax years beginning on or after January 1, 2013, was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces; or

(b) For tax years beginning on or after January 1, 2015, at least part time in this State for an employer or as a self-employed individual or was, during the taxable year, deployed for military service in the United States Armed Forces, including the National Guard and the Reserves of the United States Armed Forces.

As used in this subparagraph, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

H. "Resident individual" means someone:

(1) Who is domiciled in this State; or

(2) Who is not domiciled in this State, but maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State, unless the individual is a member of the Armed Forces of the United States.

I. "Seasonal employment" has the same meaning as in Title 26, section 1251 and in regulations promulgated thereunder.

J. "Term of employment" includes all months when the individual is actually employed. It includes time periods when an individual is on leave or vacation. It extends to the full year for individuals working for employers who customarily operate only during a regularly recurring period of 9 months or more in a calendar year. For individuals working for employers who customarily operate only during regularly recurring periods of less than 9 months in a calendar year, including seasonal employment, the term of employment extends only to ~~time periods when~~ months during which the individual is actually working.

2. Credit allowed. A ~~taxpayer constituting an opportunity program participant~~ qualified individual or an employer of a qualified employee is allowed a credit against the tax imposed by this Part ~~for each taxable year under the terms established~~ in accordance

with the provisions of this section. The credit is created to implement the Job Creation Through Educational Opportunity Program established under Title 20-A, chapter 428-C.

A. A taxpayer entitled to the credit for any taxable year may carry over and apply to the tax liability for any one or more of the next succeeding 10 years the portion, as reduced from year to year, of any unused credits.

B. ~~More than one~~ A taxpayer may claim a credit based on loan payments actually made to a relevant lender or lenders ~~to benefit a single opportunity program participant, but no 2 taxpayers may claim the credit based on the same payment~~ under this section only with respect to loans that are part of the qualified individual's financial aid package and, for tax years beginning on or after January 1, 2015, only with respect to loan payment amounts paid by the taxpayer during that part of the taxable year that the qualified individual worked in this State. Payment of loan amounts in excess of the amounts due during the taxable year does not qualify for the credit. Refinanced loans that are part of the qualified individual's financial aid package are eligible for the credit under this section if the refinanced loans remain separate from other debt, including debt incurred in an educational program other than the degree program for which a credit is claimed under this section. Forbearance or deferment of loan payments does not affect eligibility for the credit under this section. For tax years beginning on or after January 1, 2015, an individual who worked in this State for any part of a month during the Maine residency period of the taxable year is considered to have worked in this State for the entire month. For tax years beginning on or after January 1, 2015, an individual who worked outside this State for an entire month during the Maine residency period is considered to have worked in this State during that month, except that in no case may this exception exceed 3 months during the Maine residency period of the taxable year.

C. Except as provided in ~~paragraph D~~ subsection 3, the credit under this section may not reduce the tax otherwise due under this Part to less than zero. ~~The credit allowed to an employer of a qualified employee may not reduce the tax otherwise due under this Part to less than zero.~~

~~D. Notwithstanding paragraph C, the credit allowed to an opportunity program participant is refundable if the opportunity program participant obtains an associate degree or bachelor's degree in science, technology, engineering or mathematics.~~

3. Calculation of the credit; qualified individuals. ~~The~~ Subject to subsection 2 and except as provided in this subsection, the credit ~~in this section~~ with respect to a qualified individual is equal to the amount determined ~~on the basis of the amount~~ under paragraph A or paragraph B, whichever is less, multiplied by the proration factor~~. For purposes of this subsection, the proration factor is the amount derived by dividing the total number of academic credit hours earned for a bachelor's or associate degree after December 31, 2007 by the total number of academic credit hours earned for the bachelor's or associate degree.~~:

A. ~~If the~~ The benchmark loan payment ~~is less than the actual monthly amount, then the credit claimed may not exceed the product of the benchmark loan payment and~~ multiplied by the number of months during the taxable year in which the taxpayer made loan payments~~.~~; or

B. ~~If the opportunity program participant's actual~~ The monthly loan payment amount ~~is less than the benchmark loan payment, the credit must be based on the actual~~ multiplied by the number of months during the taxable year in which the taxpayer made loan payments ~~made during the taxable year~~.

The credit under this subsection for an individual who transferred to an accredited Maine community college, college or university from an accredited non-Maine community college, college or university after December 31, 2012 and who earned no more than 30 credit hours of course work toward the degree at an accredited non-Maine community college, college or university is equal to 50% of the amount otherwise determined under this section in the case of an associate degree and equal to 75% of the amount otherwise determined under this section in the case of a bachelor's degree.

Notwithstanding subsection 2, paragraph C, the credit under this subsection is refundable to the extent the credit is based on loans included in the financial aid package acquired to obtain a bachelor's degree or associate degree in science, technology, engineering or mathematics.

For purposes of this subsection, the proration factor is the amount derived by dividing the total number of academic credit hours earned for a bachelor's or associate degree after December 31, 2007 by the total number of academic credit hours earned for the bachelor's or associate degree.

~~4. Conditions for an opportunity program participant claiming the credit.~~ ~~An opportunity program participant may claim the credit only if the participant is a resident individual. The participant may claim the credit based only on regular payments made during months in which the individual was working for an employer located in this State or was deployed for military service in the United States Armed Forces,~~

~~including the National Guard and the Reserves of the United States Armed Forces. As used in this subsection, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A. A married couple filing jointly under Title 36, section 5221 may claim the credit only to the extent that the spouse on whose behalf the credit is claimed meets these requirements.~~

5. Calculation of the credit; employers. ~~A~~ Subject to subsection 2, a taxpayer constituting an employer making loan payments directly to a lender during the taxable year on loans included in a qualified employee's financial aid package may claim ~~the~~ a credit ~~under this section under the following circumstances~~ equal to the benchmark loan payment or the actual monthly loan payment made by the employer on the loans, whichever is less, multiplied by the number of months during the taxable year the employer made loan payments on behalf of the qualified employee during the term of employment. The credit under this subsection may not be claimed with respect to months of the taxable year during which the employee was not a qualified employee. ~~The employer may undertake to make partial or full loan payments directly to the relevant lender or lenders on behalf of a qualified employee, having taken reasonable steps to ascertain that the employee is in fact a qualified employee, and may claim a credit based on amounts that came due and were paid by the employer during the term of employment. To receive the credit, the employer must retain for 5 years any proof of eligibility that the employee or independent contractor provides.~~

~~The employer may claim a credit for the amount that the qualified employee could have claimed during any months when the qualified employee was employed, had the qualified employee made the partial or full loan payments instead, under conditions where the qualified employee had sufficient income to claim the full credit for the taxable year.~~ If the qualified employee is employed ~~only~~ on a part-time basis during the taxable year, the ~~employer may claim a~~ credit ~~only up~~ with respect to that employee is limited to ~~half of the total that the qualified employee could have claimed had the qualified employee made all payments and earned sufficient income to claim the full credit for the taxable year, but the amount the employer claims must still be based on amounts actually paid. An employer is not disqualified under this section if the qualified employee is not eligible to claim the credit solely because the employee's associate degree or bachelor's degree was awarded by an accredited non-Maine community college, college or university~~ 50% of the credit otherwise determined under this subsection.

See title page for effective date.

CHAPTER 526

H.P. 1235 - L.D. 1727

An Act To Establish Guidelines for the Stocking and Administration of Epinephrine Autoinjectors in 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 §6305 is enacted to read:

§6305. Epinephrine autoinjectors; guidelines; emergency administration

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collaborative practice agreement" means a written and signed agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A that provides for the prescription of epinephrine autoinjectors by the physician or school health advisor and administration of epinephrine autoinjectors by a school nurse or designated school personnel to students during school or a school-sponsored activity under emergency circumstances involving anaphylaxis.

B. "Designated school personnel" means those employees, agents or volunteers of a school administrative unit or an approved private school designated by a collaborative practice agreement between a physician licensed in this State or a school health advisor under section 6402-A and a school nurse under section 6403-A who have completed the training required by rule to provide or administer an epinephrine autoinjector to a student.

C. "Epinephrine autoinjector" means a device that automatically injects a premeasured dose of epinephrine.

D. "School" means a public or approved private school.

2. Collaborative practice agreement; adoption authorized. A school administrative unit or an approved private school may authorize adoption of a collaborative practice agreement for the purposes of stocking and administering epinephrine autoinjectors

as provided under this section. The administration of an epinephrine autoinjector in accordance with this section is not the practice of medicine.

3. Collaborative practice agreement; authority. A collaborative practice agreement permits a physician licensed in this State or school health advisor under section 6402-A to prescribe an epinephrine autoinjector and direct a school nurse under section 6403-A to administer an epinephrine autoinjector in good faith to any student experiencing anaphylaxis during school or a school-sponsored activity. Pursuant to a collaborative practice agreement, a physician licensed in this State or school health advisor under section 6402-A may authorize the school nurse under section 6403-A during school or a school-sponsored activity to designate other school personnel with training required by rule to administer an epinephrine autoinjector if the school nurse is not present when a student experiences anaphylaxis.

4. Collaborative practice agreement; terms and provisions. A collaborative practice agreement must include the following information:

A. Name and physical address of the school;

B. Identification and signatures of the physician or school health advisor under section 6402-A and school nurse under section 6403-A who are parties to the collaborative practice agreement, the dates the agreement is signed by each party and the beginning and end dates of the period of time within which the agreement is in effect; and

C. Any other information considered appropriate by the physician or school health advisor under section 6402-A and school nurse under section 6403-A.

5. Use of epinephrine autoinjectors without a collaborative practice agreement. The governing body of a school administrative unit or an approved private school may authorize a school nurse under section 6403-A and designated school personnel to administer an epinephrine autoinjector to a student in accordance with a prescription specific to the student on file with the school nurse and in accordance with section 254, subsection 5. The administration of an epinephrine autoinjector in accordance with this subsection is not the practice of medicine.

6. Manufacturer or supplier arrangement. A school administrative unit or an approved private school may enter into an arrangement with a manufacturer of epinephrine autoinjectors or a 3rd-party supplier of epinephrine autoinjectors to obtain epinephrine autoinjectors at fair market prices or reduced prices or for free.

7. Purchase from licensed pharmacies. A collaborative practice agreement under this section may provide that a school administrative unit or an approved private school may purchase epinephrine autoinjectors from a pharmacy licensed in this State.

8. Guidelines. By December 1, 2015 and as needed after that date, the department in consultation with the Department of Health and Human Services shall develop and make available to all schools guidelines for the management of students with life-threatening allergies. The guidelines must include, but are not limited to:

A. Guidelines regarding education and training for school personnel on the management of students with life-threatening allergies, including training related to the administration of an epinephrine autoinjector;

B. Procedures for responding to life-threatening allergic reactions;

C. A process for the development of individualized health care and allergy action plans for students with known life-threatening allergies; and

D. Protocols to prevent exposure to allergens.

9. Plan. By September 1, 2016 and as needed after that date, the governing body of a school administrative unit or an approved private school shall:

A. Implement a protocol based on the guidelines developed pursuant to subsection 8 for the management of students with life-threatening allergies enrolled in the schools under its jurisdiction; and

B. Make the protocol under paragraph A available on the governing body's publicly accessible website or the publicly accessible website of each school under the governing body's jurisdiction or, if those websites do not exist, make the protocol publicly available through other means as determined by the governing body.

The governing body of the school administrative unit or the approved private school shall annually attest to the department that the schools under its jurisdiction are implementing the protocol in accordance with the provisions of this subsection.

Sec. 2. Rules. By December 1, 2015, the Department of Education, in consultation with the Department of Health and Human Services, shall amend their rules relating to medication administration in schools in the State to carry out the provisions of the Maine Revised Statutes, Title 20-A, section 6305. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:

1. Encourage each school administrative unit and approved private school to submit to the Department of Education, on a form developed by the Department of Education, a report of each incident in the school administrative unit or the approved private school or at

a school event involving a severe allergic reaction or the administration of an epinephrine autoinjector;

2. Provide for the development and publication, without disclosing personally identifying information, of an annual report by the Department of Education compiling, summarizing and analyzing all incident reports submitted pursuant to subsection 1; and

3. Establish detailed standards for training programs overseen by school nurses that must be completed by designated school personnel in order to provide or administer an epinephrine autoinjector in accordance with Title 20-A, section 6305. The training program may be conducted online and must, at a minimum, cover:

A. Techniques on how to recognize symptoms of severe allergic reactions, including anaphylaxis;

B. Standards and procedures for the storage and administration of epinephrine autoinjectors; and

C. Emergency follow-up procedures.

See title page for effective date.

CHAPTER 527

S.P. 687 - L.D. 1735

An Act To Amend Forester Licensing Requirements

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

Sec. 1. 32 MRSA §5514, sub-§3, ¶C, as amended by PL 2003, c. 364, §2, is further amended to read:

C. The applicant shall ~~submit 3 references from persons demonstrating the applicant's good character to work as an intern forester. One of the references must be from the individual~~ provide the name of the person who is proposed to serve as the sponsor.

Sec. 2. 32 MRSA §5515, sub-§3, as enacted by PL 2001, c. 261, §4, is repealed and the following enacted in its place:

3. Internship. An applicant for a forester license shall complete an internship as follows.

A. An applicant with an associate degree or no degree shall demonstrate 48 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. Notwithstanding the licensure requirements under this subchapter, an applicant with an associate degree may earn up to 12 months of forestry experience toward the 48-month requirement prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the first year of an associate degree program and prior to graduation from that program and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 48 months of experience within 6 calendar years prior to application.

B. An applicant with a bachelor's degree or higher shall demonstrate 24 months of forestry experience as an intern forester or as provided in this paragraph pursuant to rules adopted by the board. An applicant with a bachelor's degree or higher may earn up to 12 months of forestry experience toward the 24-month requirement prior to the issuance of an intern forester license if:

(1) The forestry experience is obtained after the applicant has completed the junior year of the bachelor's degree program and prior to graduation and is under the supervision of a forester registered with the board pursuant to subsection 10, paragraph B; or

(2) The applicant can demonstrate lawful prior professional forestry practice in another jurisdiction.

An applicant under this paragraph must complete the 24 months of experience within 6 calendar years prior to application.

Sec. 3. 32 MRSA §5515, sub-§§4 and 5, as enacted by PL 2001, c. 261, §4, are amended to read:

4. Recommendation. The applicant shall submit ~~references from 3 foresters familiar with the applicant's forestry practice. At least one of the references must be~~ a reference from the sponsor, unless the sponsor is unavailable as a reference through no fault of the applicant. An applicant exempted under subsection 5 shall submit ~~references~~ a reference from ~~3~~ a forestry ~~professionals~~ professional familiar with the applicant's forestry practice.

5. Exemption to internship; professional practice in another jurisdiction. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of lawful prior professional forestry practice in another jurisdiction within the 6-year period prior to application~~, as long as the practice is determined by the board to be substantially equiva-~~

~~lent to the successful completion of forestry internship under subsection 3~~ pursuant to rules adopted by the board.

Sec. 4. 32 MRSA §5515, sub-§5-A is enacted to read:

5-A. Exemption to internship; professional practice as a federal employee. Notwithstanding subsection 3, the board may waive the internship requirement, as set forth in subsection 3, for an applicant who has at least 24 months of prior professional forestry practice as an employee of the Federal Government within the 6-year period prior to application pursuant to rules adopted by the board.

Sec. 5. 32 MRSA §5515, sub-§6, as amended by PL 2007, c. 402, Pt. T, §10, is further amended to read:

6. Examination. Each applicant for a forester license shall submit an application and examination fee as set under section 5507 and successfully pass an examination approved by the board designed to test an individual's knowledge to engage in the practice of forestry. An applicant with an associate degree or higher from a program that has a curriculum in forestry from a school or college approved by the board is required to pass only the examination section that tests the applicant's knowledge of the State's forestry laws, rules and practices. Applicants must meet all other qualifications for licensure prior to taking the examination except that an applicant with a degree in forestry from a school or college approved by the board pursuant to rules adopted by the board may take the examination prior to meeting all of the qualifications for licensure.

Sec. 6. 32 MRSA §5516, sub-§1, as enacted by PL 2001, c. 261, §4, is repealed.

Sec. 7. 32 MRSA §5516, sub-§2, as enacted by PL 2001, c. 261, §4 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

2. Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction is governed by this subsection.

~~A. An applicant who is licensed under the laws of a jurisdiction that has a reciprocal agreement with the board may obtain a license upon the terms and conditions as agreed upon through the reciprocal agreement.~~

B. An applicant who is licensed in good standing under the laws of ~~a~~ another jurisdiction ~~that has not entered into a reciprocal agreement with the board~~ may qualify for licensure ~~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 subchapter for that level of licensure~~ pursuant to rules adopted by the board, including, but not limited to, passing the examination as required by section 5515, subsection 6.

~~C. All nonresident license applicants shall submit with the application an irrevocable consent that service of process on the applicant for an action filed in a court of this State arising out of the applicant's activities as a forester in this State may be made by delivery of the process to the Director of the Office of Professional and Occupational Regulation if, in the exercise of due diligence, a plaintiff can not effect personal service upon the applicant.~~

Sec. 8. Transition. An applicant for a forester license pursuant to the Maine Revised Statutes, Title 32, chapter 76, subchapter 3 who possesses an intern forester license issued prior to the effective date of this Act and who earns forestry experience pursuant to the rule of the Board of Licensure of Foresters, Chapter 60: Sponsorship of Intern Foresters in effect on the effective date of this Act may not be required to meet additional forestry experience standards adopted by the board by rule after the effective date of this Act in order to qualify for a forester license.

Sec. 9. Effective date. This Act takes effect April 1, 2015.

Effective April 1, 2015.

CHAPTER 528

H.P. 1246 - L.D. 1740

An Act To Amend Laws Relating to Health Care Data

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

Sec. 1. 22 MRSA §1711-C, sub-§6, ¶F-3 is enacted to read:

F-3. To the Maine Health Data Organization as required by and for use in accordance with chapter 1683. Health care information, including protected health information, as defined in 45 Code of Federal Regulations, Section 160.103 (2013), submitted to the Maine Health Data Organization must be protected by means of encryption;

Sec. 2. 22 MRSA §8702, sub-§1-B is enacted to read:

1-B. Business associate. "Business associate" has the same meaning as under 45 Code of Federal Regulations, Section 160.103 (2013).

Sec. 3. 22 MRSA §8702, sub-§2-A is enacted to read:

2-A. Covered entity. "Covered entity" has the same meaning as under 45 Code of Federal Regulations, Section 160.103 (2013).

Sec. 4. 22 MRSA §8702, sub-§4-B is enacted to read:

4-B. HIPAA. "HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996.

Sec. 5. 22 MRSA §8702, sub-§8-C is enacted to read:

8-C. Protected health information. "Protected health information" includes:

A. "Protected health information" as defined in 45 Code of Federal Regulations, Section 160.103 (2013);

B. Individually identifiable health information:

(1) That is demographic information about an individual reported to the organization that relates to the past, present or future physical or mental health or condition of the individual;

(2) That pertains to the provision of health care to an individual; or

(3) That relates to the past, present or future payment for the provision of health care to an individual and that identifies, or with respect to which there is a reasonable basis to believe the information could be used to identify, the individual; and

C. "Health care information" as defined in section 1711-C, subsection 1, paragraph E.

Sec. 6. 22 MRSA §8705-A, first ¶, as enacted by PL 2003, c. 659, §2, is amended to read:

The board shall adopt rules to ensure that payors and providers file data as required by section 8704, subsection 1; that users that obtain health data and information from the organization safeguard the identification of patients and health care practitioners as required by section ~~8707~~ 8714, subsections ~~1 and~~ 2, 3 and 4; and that payors and providers pay all assessments as required by section 8706, subsection 2.

Sec. 7. 22 MRSA §8705-A, sub-§3, as amended by PL 2007, c. 136, §4, is further amended to read:

3. Fines. The following provisions apply to enforcement actions under this section except for circumstances beyond a person's or entity's control.

A. When a person or entity that is a health care facility or payor violates the requirements of this chapter, except for section ~~8707~~ 8714, that person or entity commits a civil violation for which a fine of not more than $1,000 per day may be adjudged. A fine imposed under this paragraph may not exceed $25,000 for any one occurrence.

B. A person or entity that receives data or information under the terms and conditions of section ~~8707~~ 8714 and intentionally or knowingly uses, sells or transfers the data in violation of the board's rules for commercial advantage, pecuniary gain, personal gain or malicious harm commits a civil violation for which a fine not to exceed $500,000 may be adjudged.

C. A person or entity not covered by paragraph A or B that violates the requirements of this chapter, except for section ~~8707~~ 8714, commits a civil violation for which a fine of not more than $100 per day may be adjudged. A fine imposed under this paragraph may not exceed $2,500 for any one occurrence.

Sec. 8. 22 MRSA §8707, as amended by PL 2011, c. 524, §4, is repealed.

Sec. 9. 22 MRSA §8708, sub-§7, as enacted by PL 1995, c. 653, Pt. A, §2 and affected by §7, is amended to read:

7. Authority to obtain information. Nothing in this section may be construed to limit the board's authority to obtain information that it considers necessary to carry out its duties. The board shall adopt rules regarding the definition, collection, use and release of clinical data before collecting any type of clinical data that it did not collect as of March 1, 2014. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 22 MRSA §§8714 to 8717 are enacted to read:

§8714. General public access to data; rules

The board shall adopt rules to provide for public access to data allowed under this chapter and to implement the requirements of this section.

1. Confidentiality. All data collected by the organization that contain protected health information are confidential. Data of the organization may be collected, stored and released only in accordance with this chapter and rules adopted pursuant to this chapter. Data of the organization containing protected health information may not be open to public inspection, are not public records for purposes of any state or federal freedom of access laws and may not be examined in any judicial, executive, legislative, administrative or other proceeding as to the existence or content of any individual's identifying health information except that an individual's identifying health information may be used to the extent necessary to prosecute civil or criminal violations regarding information in the organization database. Decisions of the organization or

employees and subcommittees of the organization on data release are not reviewable.

2. General public access; confidentiality. The board shall adopt rules making information provided to the organization under this chapter, except protected health information and other confidential information, available to any person upon request.

3. Release of data. The board shall adopt rules for the release of data governing all levels of information in the form of de-identified data, limited data sets and protected health information. All uses of released data are governed by the following principles of release:

A. Release of protected health information must be limited to only information that is necessary for the stated purpose of the release;

B. Data releases must be governed by data use agreements that provide adequate privacy and security measures that include appropriate accountability and notification requirements as required of business associate agreements under HIPAA;

C. Follow-up must be provided to ensure data are used as specified and that no protected health information is publicly revealed. The board shall adopt rules providing for any necessary data suppression; and

D. Release of more protected health information than a limited data set as described in 45 Code of Federal Regulations, Section 164.514(e) must be approved by the board consistent with state and federal laws.

4. Certain practitioners. The board shall adopt rules to protect the identity of certain health care practitioners, as it determines appropriate, except that the identity of practitioners performing abortions as defined in section 1596 must be designated as confidential and may not be disclosed.

5. Notice and comment period. The board shall adopt rules to establish criteria for determining whether information is confidential clinical data, confidential financial data or other protected health information and specify procedures to give affected health care practitioners and payors notice and opportunity to comment in response to requests for information that may be considered confidential.

6. Identifying information. The board shall adopt rules to provide that individuals may be directly or indirectly identified, including through a linking or reidentification process, only as provided in this chapter and the rules of the board. Any protected health information may be used only for the purposes for which the organization releases it.

7. Minimum use. The board shall adopt rules to provide that persons gaining access to protected health information may use that information to the minimum extent necessary to accomplish the purposes for which approval was granted and for no other purpose.

8. Limitation on release. The board may not grant approval for release of data if the board finds that the proposed identification of or contact with individuals would violate any state or federal law or diminish the confidentiality of health care information or the public's confidence in the protection of that information in a manner that outweighs the expected benefit to the public of the proposed investigation.

9. Release; publication and use of data. The board shall adopt rules to govern the release, publication and use of analyses, reports and compilations derived from the health data made available by the organization. The rules must apply to all data collected, stored and released by the organization, including reports under section 8712.

10. Other privacy protections. Individually identifiable data submitted to the organization that would be protected by Title 5, sections 19203 and 19203-D, Title 34-B, section 1207 or 42 United States Code, Section 290dd-2 may not be linked or reidentified in any way that identifies an individual or in any way for which there is a reasonable basis to believe the information could be used to identify an individual. The board shall adopt rules to ensure privacy and security protections of the data that are at least equivalent to the privacy and security requirements of HIPAA.

11. Choice regarding disclosure of information. The board shall adopt rules to address the provisions for requirements regarding the disclosure of information in section 8717, subsection 3.

12. Oversight and notification to individuals. Rules developed pursuant to this section must include a definition of "breach" and a procedure for notification to affected individuals that is equivalent to those of HIPAA. If a breach requiring notification to affected individuals has occurred, the board shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters within 30 days of the breach. Information provided pursuant to this subsection must maintain the confidentiality of all individuals affected by the breach.

13. Individual complaints. The board shall adopt rules to establish a process for an individual to file a complaint if the individual believes that the individual's protected health information has been released by the organization, the board or an employee of the organization, in violation of the board's rules.

14. Rulemaking. The board shall adopt rules as necessary to implement this section. Rules adopted pursuant to this section are major substantive rules as described in Title 5, chapter 375, subchapter 2-A.

§8715. Public health

1. Permitted use and disclosure to public health authorities. The organization may disclose protected health information, without an individual's authorization, to a public health authority for public health purposes mandated by state or federal law.

2. Use by public health authority. A state or federal public health authority to which protected health information has been disclosed under subsection 1 may use that information for public health activities and may disclose that information for public health activities as allowed by state or federal law and in accordance with board rules on data release adopted pursuant to section 8714.

3. Data use agreement. Prior to disclosing any data under subsection 1, the organization shall enter into a data use agreement with a public health authority. The agreement must include protocols that have been approved by the board for safeguarding confidential information and for ensuring there will be no disclosures of protected health information. The protocols must include appropriate accountability and notification requirements as in the business associate agreements under HIPAA.

§8716. Health care improvement studies

The board may approve the disclosure of protected health information to persons conducting health care improvement studies, subject to the following conditions.

1. Disclosure to study entities. For health care improvement studies, regarding health care utilization, improvement, cost or quality and involving patients with whom the study entity has a treatment or payor relationship, whether the study is funded by the Federal Government or the State Government or private persons, the organization may disclose protected health information to a study entity who is a covered entity or to the covered entity's business associates if those persons conducting the study do not disclose protected health information to any person not directly involved in the study without consent from the subject of the protected health information.

2. Recipients of information. A person receiving protected health information under subsection 1 may use that information only to the minimum extent necessary to accomplish the purposes of the study for which approval was granted and for no other purpose.

3. Confidentiality; protocol. The protocol for any study entity receiving protected health information under subsection 1 must be designed to preserve the confidentiality of all health care information that can be associated with identified patients, to specify the manner in which contact is made with patients and to maintain public confidence in the protection of confidential information.

4. Additional protection. The board may not grant approval to a study entity under this section for the disclosure of protected health information if the board finds that the proposed identification of or contact with patients would violate any state or federal law or diminish the confidentiality of health care information or the public's confidence in the protection of that information in a manner that outweighs the expected benefit to the public of the proposed investigation.

5. Data use agreement. Prior to disclosing any data pursuant to subsection 1, the organization shall enter into a data use agreement with a study entity. The agreement must include protocols that have been approved by the board for safeguarding confidential information and for ensuring there will be no disclosures of protected health information. The protocols must include appropriate accountability and notification requirements as in business associate agreements under HIPAA.

§8717. Covered entities' access to protected health information

1. Permitted uses and disclosures; definitions. The organization may disclose protected health information without authorization by the subject of the information for the treatment activities of any health care provider, the payment activities of a covered entity and of any health care provider or the health care operations of a covered entity or its business associates involving either quality or competency assurance activities or fraud and abuse detection and compliance activities, if the covered entity has a relationship with the subject of the information and the protected health information pertains to the relationship. For the purposes of this section:

A. "Health care operations" means any of the following activities of a covered entity:

(1) Quality assessment and improvement activities, including case management and care coordination;

(2) Competency assurance activities, including provider or health plan performance evaluation, credentialing and accreditation;

(3) Conducting or arranging for medical reviews, audits or legal services, including fraud and abuse detection and compliance programs;

(4) Specified insurance functions, such as underwriting, risk rating and reinsuring risks;

(5) Business planning, development, management and administration; and

(6) Business management and general administrative activities of the covered entity, including but not limited to de-identifying

protected health information, creating a limited data set and permissible fund-raising for the benefit of the covered entity;

B. "Payment activities" means activities of a health plan to obtain premiums, determine or fulfill responsibilities for coverage and provision of benefits and furnish or obtain reimbursement for health care delivered to an individual and activities of a health care provider to obtain payment or be reimbursed for the provision of health care to an individual; and

C. "Treatment" means the provision, coordination or management of health care and related services for an individual by one or more health care providers, including consultation between providers regarding an individual and referral of an individual by one provider to another.

2. Minimum necessary. The board shall develop policies and procedures that reasonably limit disclosures of, and requests for, protected health information for payment activities and health care operations to the minimum extent necessary.

3. Choice regarding disclosure of information. Before approving the release of any protected health information under this chapter, the organization shall implement a mechanism that allows an individual to choose to not allow the organization to disclose and use the individual's health information under this chapter.

Sec. 11. Rule-making authority. The Board of Directors of the Maine Health Data Organization shall adopt rules as necessary to implement this Act. Rules adopted pursuant to this section are major substantive rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 12. Contingent effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 1711-C, subsection 6, paragraph F-3 and sections 8702 and 8705-A, repeal Title 22, section 8707 and enact Title 22, sections 8714 to 8717 take effect upon the final adoption of major substantive rules required to implement the provisions of this Act. The Board of Directors of the Maine Health Data Organization shall notify the Revisor of Statutes when the major substantive rules authorized under this Act are finally adopted.

See title page for effective date, unless otherwise indicated.

CHAPTER 529

H.P. 1231 - L.D. 1721

An Act To Make Changes to and Clarify Maine Traveler Information Services Laws

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

Sec. 1. 23 MRSA §1902, sub-§§3 and 4, as repealed and replaced by PL 1981, c. 318, §1, are amended to read:

3. Control outdoor advertising. Prohibit and control the indiscriminate use of outdoor advertising; ~~and~~

4. Protection of scenic beauty. Enhance and protect the natural scenic beauty of the State~~.~~; and

Sec. 2. 23 MRSA §1902, sub-§5 is enacted to read:

5. Preserve public safety. Ensure that signs are erected in substantial compliance with national standards.

Sec. 3. 23 MRSA §1903, sub-§1-C, as enacted by PL 1997, c. 635, §1, is repealed.

Sec. 4. 23 MRSA §1903, sub-§8, as amended by PL 2011, c. 115, §1, is further amended to read:

8. On-premises sign. "On-premises sign" means a sign that is erected and maintained according to the standards set forth in section 1914 upon the real property upon which the business, facility or point of interest advertised by the sign is located, a sign licensed pursuant to section 1914, subsection 4 that is within the portion of the public right-of-way that abuts that real property or an approach sign as permitted by section 1914, subsection 10. The sign may advertise only the business, facility or point of interest at, or the sale, rent or lease of, the property upon which it is located.

Sec. 5. 23 MRSA §1903, sub-§10-B, as enacted by PL 1997, c. 635, §1, is amended to read:

10-B. Producer. "Producer" means a person who produces, cultivates, grows or harvests ~~an agricultural product~~ farm and food products, as defined in Title 7, section 415, subsection 1, paragraph B.

Sec. 6. 23 MRSA §1903, sub-§10-C is enacted to read:

10-C. Principal building or structure. "Principal building or structure" means a building where an advertised business or activity is regularly carried on or practiced or a parking lot or storage or processing area or other structure that is essential and customary to the conduct of the advertised business or activity.

Sec. 7. 23 MRSA §1912-B, last ¶, as amended by PL 2011, c. 344, §30, is repealed.

Sec. 8. 23 MRSA §1913-A, as amended by PL 1999, c. 152, Pt. G, §§2 and 3, is further amended to read:

§1913-A. Categorical signs

1. Types of signs within the public right-of-way. The following signs may be erected and maintained within the public right-of-way without license or permit ~~under~~ as long as they conform to applicable provisions of this subsection and rules adopted pursuant to this chapter ~~as follows~~:

A. Signs ~~of~~ erected by a duly constituted governmental body, a soil and water conservation district or a regional planning district;

B. Signs located on or in the rolling stock of common carriers, except those ~~which~~ that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention ~~shall include~~ includes, but is not ~~be~~ limited to, signs ~~which~~ that are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

C. Signs on registered and inspected motor vehicles, except those ~~which~~ that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention ~~shall include~~ includes, but is not ~~be~~ limited to, signs ~~which~~ that are continuously in the same location or signs that extend beyond the height, width or length of the vehicle;

D. Signs~~,~~ with an area of not more than 260 square inches~~,~~ identifying stops or fare zone limits of motor buses;

E. Signs showing the place and time of service or meetings of religious and civic organizations, in the municipality or township. Each religious or civic organization may erect no more than 4 signs. No sign may exceed in size 24 inches by 30 inches;

F. Memorial signs or tablets;

G. Hand-held or similar signs outside the public way not affixed to the ground or buildings;

H. Signs bearing political messages relating to an election, primary or referendum, ~~provided that these signs~~ which may not be placed within the right-of-way prior to 6 weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week thereafter; ~~and~~

I. Adopt-A-Highway Program signs allowed under section 1117~~.~~;

J. Signs erected by a producer that direct travelers to the location where farm and food products, as defined in Title 7, section 415, subsection 1, paragraph B, are grown, produced and sold. A producer that sells farm and food products from a location with frontage on a numbered state highway may not erect a sign pursuant to this paragraph adjacent to that highway. A sign must be directional in nature, may not exceed 8 square feet in size and must be located within 5 miles of where the farm and food product is sold. A producer may not erect more than 4 signs pursuant to this paragraph, and the total number of signs erected by that producer pursuant to this paragraph and section 1911, subsection 2 may not exceed 6; and

K. Signs erected for a farmers' market, as defined in Title 7, section 415, subsection 1, paragraph A, as long as the signs are directional in nature. A farmers' market may not erect more than 4 signs pursuant to this paragraph, and the total number of signs erected by that farmers' market pursuant to this paragraph and section 1911, subsection 2 may not exceed 6. A farmers' market may erect a banner over a public way if the farmers' market obtains municipal approval and complies with rules adopted pursuant to this chapter.

2. Types of signs outside the right-of-way. The following signs may be erected and maintained outside of the public right-of-way without license or permit ~~under this chapter as follows~~ as long as they meet applicable provisions of this subsection and rules adopted pursuant to this chapter:

A. Signs erected by a public, civic, philanthropic, charitable or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event or soliciting contributions;

B. Signs erected by fairs and expositions within the county where the activity is located;

C. Signs bearing religious messages and signs showing the time and place of services or meetings of religious and civic organizations;

D. Signs erected by nonprofit historical and cultural institutions. Each institution ~~which~~ that has certified its nonprofit status with the commissioner~~,~~ may erect not more than 2 signs with a surface area not to exceed 50 square feet per sign; and

E. Signs bearing political messages~~; and~~.

~~G. Signs erected between May 1st and December 31st by a producer of agricultural products, as long as those signs advertise products that are grown, produced and sold on the producer's premise. A producer that grows, produces and sells an agricultural product from a location with frontage on a numbered state highway may not erect a sign under this paragraph adjacent to that highway. Signs must be directional in nature and may ad-~~

~~vertise only the agricultural product that is available for immediate purchase. The producer erecting the sign shall remove the sign once the agricultural product advertised on the sign is no longer available. A sign may not exceed 8 square feet in size and must be located within 5 miles of where the product is sold. A sign may only be erected on private property after the producer erecting the sign has obtained the landowner's written consent. A sign must be a minimum of 33 feet from the center of a road. A producer may not erect more than 4 signs pursuant to this paragraph and the total number of signs erected by that producer under this paragraph and section 1911, subsection 2 may not exceed 6.~~

~~**3. Regulations.** The commissioner may promulgate regulations and orders, including prohibitions, to protect highway safety and implement the intent of this chapter.~~

~~The signs referred to in this section shall be subject to regulation, including prohibition, as set forth in section 1922.~~

4. Zones. The commissioner may ~~promulgate regulations~~ adopt rules permitting signs, including signs bearing commercial messages, in any zone or area of the State, together with ~~regulations~~ rules concerning the dimensions, construction, illumination and other characteristics of such signs if the Attorney General certifies to the commissioner that the United States Supreme Court has determined that signs in such zones or areas must be permitted.

5. Prohibited practices. None of the signs referred to in this section may be erected or maintained on any traffic control signs or devices, public utility poles or fixtures or upon any trees. None of these signs may be painted or drawn upon rocks or other natural features.

6. Interstate system. None of the signs referred to in this section, other than signs conforming with subsection 1, paragraphs B and C and logo signs erected pursuant to section 1912-B, may be located within the right-of-way limits of the interstate system or within 660 feet of the nearest edge of the interstate system and erected in such a fashion that the message may be read from the interstate highway.

Sec. 9. 23 MRSA §1914, as amended by PL 2011, c. 115, §§2 to 4 and corrected by RR 2011, c. 1, §36, is further amended to read:

§1914. On-premises signs

1. License and permit. ~~No~~ Except as provided in subsection 4, a license or permit may not be required for an on-premises sign.

2. Number. On-premises signs on any one property ~~shall~~ may not exceed 10 in number, except in the case of more than one business, facility or point of interest being conducted on one property, signs for each business, facility or point of interest ~~shall~~ may not exceed 10 in number.

3. Location. On-premises signs ~~shall~~ must be located within 1,000 feet of the principal building or structure where the business or facility is carried on or practiced or within 1,000 feet of the point of interest. ~~Storage areas, warehouses and other auxiliary structures and fixtures are not deemed to be buildings where the business, facility or point of interest is carried on or practiced.~~

4. Location; relation to public way; license. ~~On premises~~ Unless a license is obtained from the commissioner pursuant to this subsection, on-premises signs are prohibited:

A. Within 33 feet of the center line of any public way ~~if the highway is less than 66 feet in width~~;

B. ~~Except as provided in subsection 4-A, within~~ Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; and

C. Within the full width of the right-of-way of any public way.

Paragraphs A and B do not apply to signs erected before September 1, 1957.

Neither the granting of a license nor the installation of a sign on the public way conveys permanent property rights relating to the public way. The Department of Transportation is not responsible for loss or damage to an on-premises sign under this subsection from the use of the right-of-way of the public way for highway purposes. An on-premises sign under this subsection may be removed by the department to accommodate highway uses at any time without compensation to the owner of the on-premises sign and at the owner's expense.

~~**4-A. Waiver.** The commissioner may grant a person a written waiver of the prohibition under subsection 4, paragraph B for an on-premises sign when the owner of property on which the on-premises sign is to be located assumes all costs for removal and installation of the on-premises sign and provides a written statement of this fact to the registry of deeds for the county where the on-premises sign is to be located if:~~

~~A. The majority of on-premises signs on either edge of the public way within 1,000 feet of the location of the proposed on-premises sign are located within 20 feet from the outside edge of the paved portion of the public way; or~~

~~B. The proposed on-premises sign replaces an existing on-premises sign at the same location~~

~~within 20 feet from the outside edge of the paved portion of the public way.~~

~~If an on-premises sign is granted a waiver under this subsection, the owner of the on-premises sign does not gain any permanent property rights relating to the right-of-way of the public way by installing the on-premises sign within the right-of-way of the public way. The department is not responsible for loss or damage to an on-premises sign under this subsection from the use of the right-of-way of the public way for highway purposes. An on-premises sign under this subsection may be removed by the department at any time without compensation to the owner of the on-premises sign and at the owner's expense to accommodate highway uses.~~

~~The commissioner may adopt rules necessary for the implementation of this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

5. Interstate highways. Not more than one on-premises sign~~,~~ advertising the sale or lease of the property~~,~~ may be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas, ~~which is visible therefrom~~ when that land is visible from any portion of the interstate system.

Not more than one on-premises sign visible from any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on.

No on-premises advertisement, located more than 50 feet from the principal building or structure where the business, facility or point of interest advertised is carried on, may exceed 20 feet in length, width or height or 150 square feet in area, including border and trim, but excluding supports.

Any on-premises sign located more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on that displays any trade name ~~which~~ that refers to or identifies any service rendered or product sold ~~shall~~ must display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

6. On-premises signs prohibited. An on-premises sign is prohibited if it:

A. Attempts or appears to attempt to direct the movement of traffic or interferes with, imitates or resembles any official traffic sign, signal or device;

B. Prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;

C. Contains, includes or is illuminated by a flashing, intermittent or moving light or lights, except as provided in subsection 11-A;

D. Uses lighting in any way unless the light is in the opinion of the commissioner effectively shielded to prevent beams or rays of light from being directed at any portion of the public way or is of such intensity or brilliance as to cause glare or impair the vision of the operator of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle; or

E. Moves, has any animated or moving parts or has the appearance of movement, except as provided in subsection 11-A.

~~**7. Signs erected on natural features.** No on-premises sign may be permitted which is erected or maintained upon trees or painted or drawn upon rocks or other natural features.~~

8. Height. The maximum height of on-premises signs ~~shall be~~ is 25 feet above the ground level of land upon which it is located or if the sign is affixed to or is part of a building, the maximum is 10 feet above the roof of the building.

9. Jurisdiction by local authority in compact areas. Except as otherwise provided in this chapter, administration of this chapter ~~by the Department of Transportation does not apply to~~ for on-premises advertisements located in compact areas of an urban compact municipality, as defined in section 754, ~~the administration of which~~ is the responsibility of local authority. In compact areas of an urban compact municipality adjacent to the interstate, the Department of Transportation is responsible for the administration of this section.

10. Approach signs. Any business or facility whose principal building or structure, or a point of interest, which is located on a private way more than 1,000 feet from the nearest public way, or is not visible to traffic from the nearest public way, may erect no more than 2 approach signs with a total surface area not to exceed 100 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private ways.

11-A. Changeable signs. Notwithstanding subsection 6, paragraphs C and E, changeable signs are not prohibited as long as the sign complies with ~~all~~ the ~~terms~~ applicable provisions of this subsection and rules adopted pursuant to this chapter. The Department of Transportation shall administer the provisions of this subsection, except as provided in paragraph B.

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Changeable sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

(2) "Display" means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

~~(3) "Lot of record" means a lot for which the deed was legally recorded, or that was created by a plan legally recorded, in the registry of deeds for the county where the lot is located. Contiguous lots of record in the same ownership are considered one lot.~~

(4) "Message" means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.

(5) "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.

(6) "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

B. The display on each side of a changeable sign:

(1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;

(2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash or display continuous streaming of information or video animation; and

(3) May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance.

~~C. The display may comprise no more than 50% of the surface area of a changeable sign.~~

D. ~~No more than~~ Only one changeable sign with 2 sides is allowed ~~per lot of record~~ for each public way that provides direct vehicular access to the business, facility or point of interest.

E. Changeable signs may not be located so that the message is readable from a controlled-access highway or ramp.

F. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the centerline of the nearest public way or actual ground level adjacent to the sign, whichever is lower.

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

(1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and

(2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance.

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules~~, policies or guidelines~~ adopted by the Department of Transportation~~. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Time~~, except that time and temperature signs erected prior to September 29, 1995 need not comply with those rules~~, policies or guidelines~~.

Sec. 10. 23 MRSA §1925, as amended by PL 2011, c. 344, §31, is further amended to read:

§1925. Administration of chapter

~~The~~ Except as otherwise provided in this chapter, the commissioner shall administer this chapter. The commissioner may employ, subject to the Civil Service Law, clerical and other assistants required for the administration of this chapter. The commissioner may delegate to personnel of the Department of Transportation the authority to administer this chapter. The commissioner ~~may~~ shall adopt rules ~~to administer the various provisions of this chapter that are consistent~~

~~with the provisions of this chapter~~ for the implementation of this chapter that are substantially compliant with the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration and other national engineering standards. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter.

The Maine Turnpike Authority shall implement and administer the provisions of this chapter relating to signs on the Maine Turnpike in accordance with section 1965.

See title page for effective date.

CHAPTER 530

H.P. 1279 - L.D. 1787

An Act To Clarify the Enforcement Provisions Relating to Motor Carrier Registration

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

Sec. 1. 29-A MRSA §551, sub-§6, as enacted by PL 2009, c. 598, §8, is repealed.

Sec. 2. 29-A MRSA §556, first ¶, as amended by PL 1997, c. 776, §22, is further amended to read:

A motor vehicle is exempt from this subchapter, except sections 555, 555-A, ~~558~~ 558-A, 560 and 562, as follows:

Sec. 3. 29-A MRSA §558, as amended by PL 2011, c. 219, §1 and c. 455, §1 and affected by §4, is repealed.

Sec. 4. 29-A MRSA §§558-A and 558-B are enacted to read:

§558-A. Violation of provisions of subchapter

1. Crimes; penalties. Except as provided in subsections 2 to 4, a person commits a crime if that person:

A. In fact violates this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime that is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A;

B. Intentionally or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. Violation of this paragraph is a Class E crime;

C. In fact violates any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference 49 Code of Federal Regulations, Section 391.41 (2007), or as amended, and that violation occurs as a result of the operation of a commercial motor vehicle by a person who has methadone or its metabolite in that person's body. Violation of this paragraph is a Class E crime; or

D. Intentionally or knowingly violates this subchapter or a rule adopted pursuant to this subchapter and the violation in fact causes either death or serious bodily injury to a person whose health or safety is protected by the provision violated and the death or serious bodily injury is a reasonably foreseeable consequence of the violation. Violation of this paragraph is a Class C crime.

The maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that is not an out-of-service order is $250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is $500. For purposes of this subsection, "out-of-service order" means a declaration by a law enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Sections 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.

2. Traffic infractions involving federal regulations; violations. The following provisions govern traffic infractions.

A. A person may not violate any provision of the rules of the Department of Public Safety, Bureau of State Police adopted under section 555 that incorporates by reference any of the following federal regulations or that is an amended version of any of the following federal regulations:

(1) 49 Code of Federal Regulations, Section 390.21 (2007);

(2) Except as otherwise provided in subsection 1, paragraph C, 49 Code of Federal Regulations, Section 391.41 (2007);

(3) 49 Code of Federal Regulations, Sections 392.16, 392.22, 392.24, 392.25, 392.33 and 392.71 (2007);

(4) Any section of 49 Code of Federal Regulations, Part 393 (2007); or

(5) 49 Code of Federal Regulations, Part 396, except Sections 396.7 and 396.9 (2007).

B. The following provisions govern penalties for violations of this subsection.

(1) A person who violates this subsection commits a traffic infraction for which a fine of $250 must be adjudged.

(2) A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of $500 must be adjudged.

3. Traffic infractions not involving federal regulations; violations. A person may not violate any provision of the Secretary of State's rules adopted pursuant to section 551. The following penalties apply to violations of this subsection.

A. A person who violates this subsection commits a traffic infraction for which a fine of $250 must be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a traffic infraction for which a fine of $500 must be adjudged.

4. Civil violations. A person commits a civil violation if that person violates this subchapter or a rule adopted pursuant to this subchapter and the violation is discovered during a compliance review as that term is defined in 49 Code of Federal Regulations, Section 385.3, unless the compliance review occurs during the course of or as a result of a criminal investigation. A person who violates this subsection is subject to a fine that must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. A fine imposed may not be greater than the fine amount provided in the Federal Motor Carrier Safety Administration's uniform fine assessment program.

§558-B. Notification by court to Secretary of State of a failure to appear or noncompliance with court order; resulting suspension

1. Notification by court. If a person after being ordered to appear to answer a violation fails to appear or after appearing fails to comply with an order issued pursuant to this subchapter, the court shall notify the Secretary of State.

2. Suspension of registration. After receiving notice pursuant to subsection 1, the Secretary of State shall suspend the person's commercial registration certificates and plates and the privilege to operate a commercial motor vehicle in this State. The suspension must remain in effect until the person appears in court and complies with a court order.

See title page for effective date.

CHAPTER 531
S.P. 628 - L.D. 1637

An Act Regarding Taste-testing Event 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, current ambiguity in the law regarding the conduct of special licensed events for the taste testing of alcoholic beverages is having a negative impact on the promotion of craft breweries and wineries in the State; and

Whereas, it is important to resolve this ambiguity 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. 28-A MRSA §709, sub-§2, ¶E, as amended by PL 2011, c. 629, §12, is further amended to read:

E. Those licensed under ~~sections 1052-B or 1052-C~~ section 1052-D offering free samples or tastings;

Sec. 2. 28-A MRSA §1052-B, as amended by PL 2013, c. 345, §3; c. 351, §§1 and 2; and c. 368, Pt. XXXX, §1 and affected by §13, is repealed.

Sec. 3. 28-A MRSA §1052-C, as amended by PL 2011, c. 629, §18, is repealed.

Sec. 4. 28-A MRSA §1052-D is enacted to read:

§1052-D. Taste-testing event license

1. Taste-testing event license. A person who has been issued a license under section 1355-A, a wholesaler licensed under section 1401 or a person who has been granted a certificate of approval from the bureau may apply jointly in any combination for a license to participate in a taste-testing event subject to the conditions prescribed by this section.

2. Sponsored manufacturers. For the purposes of this section, "sponsored manufacturer" means a manufacturer without a certificate of approval who is sponsored by a certificate of approval holder or a manufacturer licensed under section 1355-A or a manufacturer who may participate in a taste-testing event.

A sponsored manufacturer licensed in another state may participate in the taste-testing event in the same manner and subject to the same conditions as a manufacturer licensed under section 1355-A or a person who has been granted a certificate of approval if:

A. The sponsored manufacturer provides a copy of state and federal licenses or permits authorizing the manufacture of alcoholic beverages; and

B. The sponsored manufacturer is included on the application for the taste-testing event license.

Nothing in this section prohibits a manufacturer licensed under section 1355-A or a manufacturer who has received a certificate of approval from sponsoring more than one sponsored manufacturer.

3. Application. An applicant for a taste-testing event license shall submit a written application to the bureau no later than 15 calendar days prior to the first day of the taste-testing event. The application must include the following:

A. The name and address of each applicant;

B. The title and purpose of the taste-testing event;

C. The date, time and duration of the taste-testing event;

D. The address and location of the taste-testing event including a description of the area designated for the taste-testing event;

E. The names of each sponsored manufacturer who intends to take part in the taste-testing event and the name of the certificate of approval holder or manufacturer who has agreed to be the manufacturer's sponsor;

F. The sample size and overall sample limit that will be imposed for each day of the taste-testing event consistent with the requirements in subsection 7, paragraph C; and

G. Approval by the municipal officer or a municipal official designated by the municipal officers of the municipality where the taste-testing event will be located. Notwithstanding section 653, the approval may be granted without public notice.

4. Fee. The license fee for a taste-testing event license is $20 for each manufacturer licensed under section 1355-A, sponsored manufacturer, wholesaler licensed under section 1401 or certificate of approval holder.

5. Ruling on application. Upon receipt of an application under subsection 3, the bureau shall immediately approve or deny the application. The bureau shall advise applicants that the license may be suspended or revoked under chapter 33.

6. Up to 10 licensed events per year; one event per license. A certificate of approval holder, a manufacturer licensed under section 1355-A or a wholesaler licensed under section 1401 may obtain up to 10 licenses under this section per calendar year. Each license permits a taste-testing event lasting up to 4 consecutive days.

7. Conditions. The following conditions apply to taste-testing events licensed under this section.

A. A person may not be charged a fee, except the fee for admission, for any malt liquor, wine or spirits that are offered for taste testing at the event. This paragraph does not apply to malt liquor, wine or spirits that are sold for on-premises consumption under a license duly issued by the bureau separate from a taste-testing event license.

B. The venue for the taste-testing event may not be currently licensed to serve alcoholic beverages for on-premises consumption. If the venue is currently licensed, the bureau shall permit the temporary surrender of the venue's license for the duration of the taste-testing event.

C. A licensee under this section shall limit the size of samples provided for tasting to 4 ounces of malt liquor, 1 1/2 ounces of wine and 1/2 ounce of spirits. A licensee shall limit the total number of samples to 12 per day, per person, except that:

(1) The 12-sample limit does not apply when the licensee provides a variety of substantial food offerings to patrons of the taste-testing event. For the purposes of this subparagraph, "substantial food" does not include offerings such as prepackaged snacks, pretzels, peanuts, popcorn or chips; and

(2) The sample-size and 12-sample limit do not apply when a licensee includes, as part of a taste-testing event, a multicourse sit-down meal designed to pair food with complementing alcoholic beverages. This exception applies only at a taste-testing event that is designed to promote the food and beverage or hospitality industry at which at least 50% of the vendors represent and promote a business other than the manufacture or distribution of liquor.

D. A licensee under this section shall record of the number of patrons admitted to the taste-testing event by requiring patrons to submit a ticket or sign a register or by employing some similar method of tracking attendance.

E. Points of entry to the taste-testing venue must be clearly defined and monitored to ensure consumption takes place only within the designated area of the taste-testing event.

F. A minor is prohibited from attending the taste-testing event unless accompanied by a parent or guardian or unless the alcohol served at the taste-testing event is confined to a segregated area from which minors are prohibited.

G. Malt liquor, wine or spirits for taste testing may not be poured in advance and made available for patrons of the taste-testing event to serve themselves.

H. A person who is visibly intoxicated may not be served.

I. A licensee under this section who is a manufacturer licensed under section 1355-A, is a wholesaler licensed under section 1401 or is a certificate of approval holder may provide for taste testing any malt liquor or wine that the licensee, wholesaler or manufacturer manufactures or distributes that is registered and authorized for distribution and sale under this Title or spirits the licensee or manufacturer manufactures listed for sale by the bureau. Excise taxes for malt liquor and wine under section 1652 must be paid before the scheduled date of the taste-testing event.

J. A sponsored manufacturer may, for the purpose of promoting malt liquor or wine for distribution and sale in the State, provide for taste testing any malt liquor or wine that the sponsored manufacturer manufactures outside the State that has been registered with the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau. All containers of malt liquor or wine served in accordance with this paragraph, including empty containers, must be removed from the State following the taste-testing event. All malt liquor and wine provided for the taste-testing event under this paragraph is subject to excise taxes under section 1652 and premiums, when applicable, under section 1703.

K. Each manufacturer, sponsored manufacturer, wholesaler or certificate of approval holder licensed to take part in the taste-testing event shall make available to the bureau or local law enforcement agency upon request a list of the persons designated by the respective licensee to serve malt liquor, wine or spirits for taste testing at the event. The list must be accompanied by an affidavit attesting that no person designated to serve alcohol for taste testing has been found to have violated any state or federal law prohibiting the sale or furnishing of alcohol to a minor.

L. Each manufacturer, sponsored manufacturer, wholesaler or certificate of approval holder shall provide to any person designated to serve malt liquor, wine or spirits for taste testing a badge or similar means of identification that clearly identifies the name of the manufacturer, sponsored manufacturer, wholesaler or certificate of approval holder. The badge or similar means of identification must be worn in a manner so that it is conspicuous and clearly visible to a person being served.

8. Information to be provided by the bureau. The bureau shall develop an informational pamphlet or similar document that is posted on the bureau's publicly accessible website describing the conditions that apply to the conduct of a taste-testing event, including generally applicable laws and rules that are not described in this section. The bureau shall consider commonly cited violations from similar events that have been conducted in the State when developing the informational pamphlet or similar document.

Sec. 5. 28-A MRSA §1361, sub-§2, as amended by PL 2007, c. 539, Pt. QQQ, §1, is further amended to read:

2. Fee for certificate of approval. The fee for a certificate of approval is $1,000 per year for malt liquor only and $1,000 for wine only, except that the fee for a manufacturer or foreign wholesaler of wine or malt liquor who ships 120 gallons of wine or malt liquor or less per year is $100. Payment of the fee must accompany the application for the certificate.

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

Effective April 8, 2014.

CHAPTER 532

H.P. 1241 - L.D. 1733

An Act Regarding the Registration of Motor Vehicles of Deployed Members of the National Guard or Reserves of the United States Armed Forces

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

Sec. 1. 36 MRSA §1483, sub-§16, as enacted by PL 2007, c. 404, §3 and affected by §4, is amended to read:

16. Active military stationed in Maine. Vehicles owned, including those jointly owned with a spouse, by a person on active duty serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State. Joint ownership of the vehicle must be indicated in the vehicle's title documentation. A member of the Armed Forces of the United States stationed in the State, or that member's spouse, who desires to reg-

ister that member's vehicle in this State pursuant to this subsection shall present certification from the commander of the member's post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base. For purposes of this subsection, "a person on active duty serving in the Armed Forces of the United States" does not include a member of the National Guard or the Reserves of the United States Armed Forces.

See title page for effective date.

CHAPTER 533

H.P. 1293 - L.D. 1801

An Act To Eliminate Inactive Boards and Commissions

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

Sec. 1. 4 MRSA §191, as amended by PL 2011, c. 204, §1, is repealed.

Sec. 2. 4 MRSA §192, as enacted by PL 1981, c. 510, §1, is amended to read:

§192. Personnel

The State Court Administrator shall employ~~, subject to the approval of the State Court Library Committee,~~ and shall supervise a professionally trained person, who ~~shall be~~ is designated the State Court Library Supervisor. The supervisor ~~shall have~~ has general supervision of the professional functions of all county law libraries~~,~~ and shall visit all libraries whenever necessary, meet with county law library committees, coordinate activities with the court administrator's offices, advise staff members of the clerks of courts and carry out any additional duties assigned by the State Court ~~Library Committee~~ Administrator.

The law libraries in locations without employees ~~shall be~~ are maintained by the offices of the clerks of courts and the duties of each clerk's office ~~shall be~~ are specified by the State Court Administrator~~, subject to the approval of the State Court Library Committee~~.

Sec. 3. 4 MRSA §193, as amended by PL 2011, c. 204, §2, is further amended to read:

§193. System of law libraries

There must be a system of law libraries accessible to all citizens within the State~~, under the supervision of the State Court Library Committee~~.

These libraries must be located in:

Androscoggin County, Auburn;

Aroostook County, Caribou;

Aroostook County, Houlton;

Cumberland County, Portland;

Franklin County, Farmington;

Hancock County, Ellsworth;

Kennebec County, Augusta;

Knox County, Rockland;

Lincoln County, Wiscasset;

Oxford County, South Paris;

Penobscot County, Bangor;

Piscataquis County, Dover-Foxcroft;

Sagadahoc County, Bath;

Somerset County, Skowhegan;

Waldo County, Belfast;

Washington County, Machias; and

York County, Alfred.

All funds appropriated by the Legislature for the use and benefit of the law libraries must be paid to the Administrative Office of the Courts and must be disbursed by that office ~~under the direction of the State Court Library Committee~~.

The libraries located at Bangor and Portland are to serve as regional court law library centers. The State Court ~~Library Committee~~ Administrator or the State Court Administrator's designee shall allocate specific funds, in addition to the resources received by the other law libraries, to the regional court law library centers in Bangor and Portland to purchase legal resources, library equipment and supplies and necessary personnel. Both regional court libraries must receive the same funds.

All other law libraries must have access to the regional court law library centers for the resources not available locally.

Sec. 4. 4 MRSA §194, as enacted by PL 1981, c. 510, §1, is repealed.

Sec. 5. 4 MRSA §196, as amended by PL 2001, c. 250, §4, is further amended to read:

§196. Duties, county committee

The County Law Library Committee shall~~, in conjunction with the State Court Library Committee,~~ establish local operating policies, such as, but not limited to, hours, circulation policies and photocopy privileges. Each county committee shall exercise supervision over the expenditures of private and nonstate funds, including endowments, and may use those funds to upgrade its county law library. Each county committee shall determine space requirements~~, with the advice and assistance of the State Court Library Committee~~.

Sec. 6. 4 MRSA §197, 2nd ¶, as amended by PL 1981, c. 698, §4, is further amended to read:

The treasurer shall, annually, before the last Wednesday in July, deposit in the office of the State Court ~~Library Committee~~ Administrator a statement of the funds received and expended by the treasurer during the preceding fiscal year.

Sec. 7. 5 MRSA §12004-G, sub-§23, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 8. 5 MRSA §12004-I, sub-§18-C, as enacted by PL 2001, c. 358, Pt. II, §1 and amended by PL 2003, c. 20, Pt. TT, §1, is repealed.

Sec. 9. 5 MRSA §12004-I, sub-§47-H, as enacted by PL 2011, c. 412, §1, is repealed.

Sec. 10. 5 MRSA §12004-I, sub-§74-E, as enacted by PL 2007, c. 377, §3, is repealed.

Sec. 11. 5 MRSA §12006, sub-§3, ¶H, as enacted by PL 2009, c. 369, Pt. A, §17, is amended to read:

H. State House and Capitol Park Commission, as established in Title 3, section 901-A; ~~and~~

Sec. 12. 5 MRSA §12006, sub-§3, ¶I, as enacted by PL 2009, c. 369, Pt. A, §18, is amended to read:

I. Maine Agricultural Bargaining Board, as established in Title 13, section 1956~~.~~ ; and

Sec. 13. 5 MRSA §12006, sub-§3, ¶J is enacted to read:

J. Blaine House Commission.

Sec. 14. 20-A MRSA §19102, sub-§2, as amended by PL 2001, c. 358, Pt. II, §3 and PL 2003, c. 20, Pt. TT, §1, is further amended to read:

2. Learning technology plan. The use of the fund must be based on a learning technology plan, referred to in this section as the "plan," developed annually beginning for school year 2002-03 by the commissioner ~~with the advice of the advisory board established under section 19109~~ and adopted by the Legislature. The annual plan must be designed to achieve the goal of preparing students for a future economy that relies on technology and innovation.

The plan developed annually by the commissioner ~~and the advisory board~~ must include, but is not limited to, consideration of the following:

A. The appropriate structure, governance and oversight of the fund;

B. The current use of learning technology in classrooms in the State;

C. The current readiness of faculty to use technology in teaching;

D. The professional development needed to integrate technology into classroom teaching;

E. Assessment of the strategy and goals for improving and equalizing access to and the use of learning technology in all schools;

F. A plan for implementing the plan in several phases, with Phase I implementing the plan for all schools, students and teachers at the 7th and 8th grade levels;

G. Strategies that coordinate the resources and goals of the fund and the plan with a network of schools and libraries in the State administered by the Public Utilities Commission and the telecommunications education access fund;

H. Strategies that coordinate learning technology in kindergarten to grade 12 education with initiatives and resources of the State's postsecondary education institutions; and

I. Data tracking and assessment of the progress of implementing the goals of the fund and the plan.

Sec. 15. 20-A MRSA §19102, sub-§4, as enacted by PL 2011, c. 380, Pt. CC, §1, is amended to read:

4. Learning technology program; evaluation for implementation in grades 7 to 12. Notwithstanding any other provision of law, the commissioner shall conduct an annual comprehensive review of the learning technology program and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters on the progress and results of the comprehensive review by February 15th annually. In conducting the comprehensive review, the commissioner shall:

A. Through a competitive bidding process consistent with Title 5, chapter 155, subchapter 1-A contract with an education policy research institute to assess the effect of the laptop program on student performance in achieving the content standards and performance indicators established by the statewide system of learning results established in section 6209 using valid, standardized assessment measures;

B. Identify high-need areas for improvements in students' learning and skills;

C. Provide targeted training and professional development of teachers from the 7th to 12th grade who participate in the laptop program; and

D. Contract with an education policy research institute to conduct a biennial audit including an evaluation of the costs, effectiveness and achievement outcomes of the learning technology program.

The commissioner~~, with advice from the advisory board,~~ shall submit a report that includes findings and recommendations, including suggested legislation to revise and update chapter 606-B and this chapter, for presentation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over education matters by January 31st annually.

Sec. 16. 20-A MRSA §19103, sub-§2, as enacted by PL 2001, c. 358, Pt. II, §4 and amended by PL 2003, c. 20, Pt. TT, §1, is further amended to read:

2. Fundraising plan. The commissioner and the Commissioner of Administrative and Financial Services shall, for the duration of the fund, identify and submit grant and fundraising proposals in support of the priorities of the learning technology plan established pursuant to section 19102 to federal, corporate, foundation or other 3rd-party sources as appropriate.

~~In conjunction with the advisory board established under section 19109, the~~ The commissioner and the Commissioner of Administrative and Financial Services shall develop a plan for fundraising and identifying grant sources that is designed to raise sufficient funds to enable the learning technology plan to expand to the secondary school level. The fundraising plan must identify specific funding sources, as appropriate, timelines and an assessment of the probability of success.

In order to preserve the integrity of the educational purposes of the learning technology plan, all fundraising and grant proposals must be consistent with the goals and terms of the learning technology plan. The commissioner and the Commissioner of Administrative and Financial Services ~~in conjunction with the advisory board established under section 19109~~ shall develop any necessary guidelines for fundraising and grant proposals in order to carry out this requirement.

Sec. 17. 20-A MRSA §19105, sub-§1, as enacted by PL 2001, c. 358, Pt. II, §6, is amended to read:

1. Annual plan recommendation. Prior to December 15th of each year, the commissioner, after consultation with ~~the advisory board established under section 19109 and~~ the Commissioner of Administrative and Financial Services and after receiving the approval of the state board, shall recommend to the Governor and the Department of Administrative and Financial Services, Bureau of the Budget the funding level for implementing the annual learning technology plan.

Sec. 18. 20-A MRSA §19108, sub-§2, as enacted by PL 2001, c. 358, Pt. II, §6, is repealed.

Sec. 19. 20-A MRSA §19109, as enacted by PL 2001, c. 358, Pt. II, §6 and amended by PL 2003, c. 20, Pt. TT, §1, is repealed.

Sec. 20. 20-A MRSA §19110, as enacted by PL 2001, c. 358, Pt. II, §6, is repealed.

Sec. 21. 22 MRSA §2175, sub-§§1 to 3, as amended by PL 2011, c. 587, §1, are further amended to read:

1. Program established; training approval. The Maine Wild Mushroom Harvesting Certification Program is established to ensure that properly trained persons harvest, broker and sell wild mushrooms in order to protect public health and the safety of the food supply. The program is administered by the Department of Health and Human Services for the purpose of establishing training and certification requirements for persons who commercially harvest, broker or sell wild mushrooms in this State. The Commissioner of Health and Human Services shall approve training programs provided by persons or entities outside the department ~~in accordance with the recommendations of the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5~~.

2. Certification of wild mushroom harvesters, brokers or sellers. The Commissioner of Health and Human Services~~, upon consultation with the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5,~~ shall certify persons with appropriate training in mushroom harvesting, brokering or selling to sell, transfer or otherwise deliver wild mushrooms within the State. Certification is valid for a period not to exceed 5 years, unless the Department of Health and Human Services, by rule, establishes another certification period.

3. Refusal to certify; revocation of certification. The Department of Health and Human Services may decline to certify any person determined to lack the appropriate training to safely harvest, broker or sell wild mushrooms, in accordance with ~~recommendations of the Maine Wild Mushroom Harvesting Advisory Committee under subsection 5 and~~ rules adopted by the Department of Health and Human Services pursuant to this section. The Department of Health and Human Services may revoke, in accordance with the Maine Administrative Procedure Act, the certification of any person in accordance with ~~recommendations of the Maine Wild Mushroom Harvesting Advisory Committee and~~ rules adopted by the Department of Health and Human Services pursuant to this section.

Sec. 22. 22 MRSA §2175, sub-§4-A is enacted to read:

4-A. Advisory role of Director of the Maine Center for Disease Control and Prevention. The Director of the Maine Center for Disease Control and Prevention within the Department of Health and Hu-

man Services shall advise the Commissioner of Health and Human Services on the following:

A. Certification of individuals who have completed approved training to engage in the harvesting, brokering or selling of wild mushrooms in this State; and

B. Wild mushroom harvesting training programs and certification.

Sec. 23. 22 MRSA §2175, sub-§5, as amended by PL 2011, c. 587, §1 and c. 657, Pt. W, §5, is repealed.

Sec. 24. 34-A MRSA §1209-A, as amended by PL 2007, c. 653, Pt. A, §§21 to 24, is repealed.

Sec. 25. 34-A MRSA §1803, sub-§5, ¶B, as enacted by PL 2007, c. 653, Pt. A, §30, is repealed.

See title page for effective date.

CHAPTER 534

S.P. 544 - L.D. 1482

An Act To Amend the Motor Vehicle Franchise Laws

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

Sec. 1. 10 MRSA §1171, sub-§3-A is enacted to read:

3-A. Essential tool. "Essential tool" means a tool, implement or other device required by the manufacturer, including but not limited to a tablet, scanner, diagnostic machine, computer, computer program, computer software, website, website portal or similar tool, with respect to which there is no other similar tool or device available from any source other than the manufacturer or the representative of a manufacturer that will perform the function necessary to the diagnosis or repair of a manufacturer's express warranty claim on a new motor vehicle.

Sec. 2. 10 MRSA §1174, sub-§3, ¶A, as amended by PL 1997, c. 521, §8, is further amended to read:

A. To refuse to deliver in reasonable quantities and within a reasonable time after receipt of a dealer's order to any motor vehicle dealer having a franchise or contractual arrangement for the retail sale of new motor vehicles sold or distributed by that manufacturer, distributor, distributor branch or division, factory branch or division any motor vehicles or parts or accessories to motor vehicles covered by that franchise or contract specifically publicly advertised by that manufacturer, distributor, distributor branch or division, factory branch or division or wholesale branch or division to be available for delivery. The allocation of new motor vehicles in this State must be made on a fair and equitable basis and must consider the needs of those dealerships with a relevant market area radius of more than 5 miles as defined in section 1174-A, subsection 1. The manufacturer has the burden of establishing the fairness of its allocation system. A failure by a manufacturer to provide to a dealer a fair and adequate supply and mix of vehicles, including the allocation of vehicles under any separate dealer designation, including but not limited to "premier," "business class or elite" or any other designation not available to all new motor vehicle dealers for that franchise, that results in an effort to terminate a new motor vehicle dealer for, in whole or in part, poor sales performance or market penetration may be evidence that the termination was not for good cause. The failure to deliver any motor vehicle is not considered a violation of this chapter if the failure is due to an act of God, work stoppage or delay due to a strike or labor difficulty, shortage of materials, freight embargo or other cause over which the manufacturer, distributor or any agent of the manufacturer or distributor has no control. A separate dealer agreement is not required of a new motor vehicle dealer already a party to a dealer agreement or franchise agreement for the retail sale of any particular new motor vehicle model made or distributed by a manufacturer, distributor, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof, except that a manufacturer or distributor may require a dealer to purchase special tools or equipment, stock reasonable quantities of certain parts, purchase reasonable quantities of promotional materials or participate in training programs that are reasonably necessary for the dealer to sell or service such a new motor vehicle model. Any special tools, parts or signs not used within 2 years of receipt by the dealer may be returned by the dealer to the manufacturer or distributor for a full refund of cost of those special tools, parts and signs;

Sec. 3. 10 MRSA §1174, sub-§3, ¶F-1, as enacted by PL 1999, c. 766, §1, is amended to read:

F-1. To vary or change the cost or the markup in any fashion or through any device whatsoever to any dealer for any motor vehicle of that line make based on:

(1) The purchase by any dealer of furniture or other fixtures from any particular source; or

(2) The purchase by any dealer of computers or other technology from any particular source~~;~~.

A manufacturer that designates any tool as special or essential, or who requires the purchase of hardware or software, whether or not designated as an essential tool, may recover from the dealer only the actual costs of providing any such tool, the actual costs of user fees, the actual costs of maintenance fees and other costs of any nature of software for any such tool, as long as the tool is directly available only from the manufacturer or its wholly owned subsidiary;

Sec. 4. 10 MRSA §1174, sub-§3, ¶N, as amended by PL 2009, c. 367, §2, is further amended to read:

N. To require any new motor vehicle dealer to change the location of the new motor vehicle dealership or during the course of the agreement or as a condition of renewal of a franchise agreement to make any substantial alterations to the dealership premises when to do so would be unreasonable. A manufacturer may not require any substantial alterations or renovations to the dealership's premises without written assurance of a sufficient supply of new motor vehicles so as to justify an expansion in light of the current market and economic conditions or require any new motor vehicle dealer to use a specific product or service provider in relation to any dealership premises or facilities alterations or renovations unless the manufacturer reimburses the dealer for a substantial portion, which may not be less than 55%, of the cost of the product or service provider. However, a new motor vehicle dealer may elect to use a vendor selected by the dealer if the product or service is substantially similar in quality and design to that required by the manufacturer, subject to the manufacturer's approval, which may not be unreasonably withheld. A manufacturer may not require any substantial renovation or alteration to dealership premises or facilities without providing, upon a dealer's request, a dealer-specific detailed economic analysis of the impact of the alteration or renovation on sales, service and dealer profitability that substantiates the need for the alteration or renovation or require a new motor vehicle dealer to make any substantial alterations or renovations more than once every 10 years. A dealer-specific economic analysis provided by the manufacturer may not be interpreted as a guaranty of a return on investment by the dealer. Nothing in this paragraph creates an exemption from the requirements of state health and safety laws or local zoning laws or restricts the requirement to comply with alterations or renovations that are necessary to adequately sell or service a vehicle due to the technology of the vehicle. Nothing in this paragraph allows a dealer or vendor to infringe upon or impair a manufacturer's intellectual property or trademark and trade dress rights. A manufacturer is not required to reimburse a dealer for the cost of signs or other materials bearing that manufacturer's own trademark;

Sec. 5. 10 MRSA §1174, sub-§3, ¶T, as amended by PL 2009, c. 367, §5, is further amended to read:

T. To act as, offer to act as or purport to be a broker; ~~or~~

Sec. 6. 10 MRSA §1174, sub-§3, ¶¶V and W are enacted to read:

V. Except as expressly authorized in this paragraph, to require a motor vehicle dealer to provide its customer lists, customer information, consumer contact information, transaction data or service files.

(1) The following definitions apply to this paragraph:

(a) "Dealer management computer system" means a computer hardware and software system that is owned or leased by the dealer, including a dealer's use of web applications, software or hardware, whether located at the dealership or provided at a remote location, and that provides access to customer records and transactions by a motor vehicle dealer and that allows the motor vehicle dealer timely information in order to sell vehicles, parts or services through that motor vehicle dealership.

(b) "Dealer management computer system vendor" means a seller or reseller of dealer management computer systems, a person that sells computer software for use on dealer management computer systems or a person that services or maintains dealer management computer systems, but only to the extent the seller, reseller or other person listed is engaged in such activities.

(c) "Security breach" means an incident of unauthorized access to and acquisition of records or data containing dealership or dealership customer information through which unauthorized use of the dealership or dealership customer information has occurred or is reasonably likely to occur or that creates material risk of harm to a dealership or a dealership's customer. An incident of unauthorized access to and acquisition of records or data containing dealership or dealership customer information, or an incident of disclosure of dealership customer information to one or more 3rd

parties that was not specifically authorized by the dealer or customer, constitutes a security breach.

(2) Any requirement by a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof that a new motor vehicle dealer provide its customer lists, customer information, consumer contact information, transaction data or service files as a condition of the dealer's participation in any incentive program or contest, for a customer or dealer to receive any incentive payments otherwise earned under an incentive program or contest, for the dealer to obtain customers or customer leads or for the dealer to receive any other benefits, rights, merchandise or services that the dealer would otherwise be entitled to obtain under the franchise or any other contract or agreement or that are customarily provided to dealers is voidable at the option of the dealer, unless all of the following conditions are satisfied:

(a) The customer information requested relates solely to the specific program requirements or goals associated with such manufacturers' or distributors' own new vehicle makes or specific vehicles of their own make that are certified preowned vehicles and the dealer is not required to provide general customer information or other information related to the dealer;

(b) The requirement is lawful and would not require the dealer to allow any customer the right to opt out under the federal Gramm-Leach-Bliley Act, 15 United States Code, Chapter 94, Subchapter I; and

(c) The dealer is not required to allow the manufacturer, distributor or a 3rd party to have direct access to the dealer's dealer management computer system, but the dealer is instead permitted to provide the same dealer, consumer or customer data or information specified by the manufacturer or distributor by timely obtaining and pushing or otherwise furnishing the required data in a widely accepted file format in accordance with subparagraph (11).

(3) Nothing contained in this section limits the ability of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof to require that the dealer provide, or use in accordance with law, customer information related solely to that manufacturer or distributor's own vehicle makes to the extent necessary to:

(a) Satisfy any safety or recall notice obligations;

(b) Complete the sale and delivery of a new motor vehicle to a customer;

(c) Validate and pay customer or dealer incentives; or

(d) Submit to the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof claims under section 1176.

(4) At the request of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof, a dealer may be required to provide customer information related solely to that manufacturer's, distributor's, wholesaler's, distributor branch's or division's, factory branch's or division's or wholesale branch's or division's own vehicle makes for reasonable marketing purposes, market research, consumer surveys, market analysis and dealership performance analysis, except that the dealer is required to provide such customer information only if the provision of the information is lawfully permissible, the requested information relates solely to specific program requirements or goals associated with the manufacturer's or distributor's own vehicle makes and does not require the dealer to provide general customer information or other information related to the dealer and the requested information can be provided without requiring that the dealer allow any customer the right to opt out under the federal Gramm-Leach-Bliley Act, 15 United States Code, Chapter 94, Subchapter I.

(5) A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent, dealer management computer system vendor or other representative thereof, or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agency, dealer management computer system vendor or other representative thereof, may not access or obtain dealer or customer data

from or write dealer or customer data to a dealer management computer system used by a motor vehicle dealer or require or coerce a motor vehicle dealer to use a particular dealer management computer system, unless the dealer management computer system allows the dealer to reasonably maintain the security, integrity and confidentiality of the data maintained in the system. A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent, dealer management computer system vendor or other representative thereof, or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agency, dealer management computer system vendor or other representative thereof, may not prohibit a dealer from providing a means to regularly and continually monitor the specific data accessed from or written to the dealer's dealer management computer system or from complying with applicable state and federal laws, rules and regulations. Nothing in this subparagraph imposes an obligation on a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent, dealer management computer system vendor or other representative thereof, or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agency, dealer management computer system vendor or other representative thereof, to provide such capability.

(6) A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor, or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor may not access or use customer or prospect information maintained in a dealer management computer system used by a motor vehicle dealer for purposes of soliciting a customer or prospect on behalf of, or directing a customer or prospect to, any other dealer. The limitations in this subsection do not apply to:

(a) A customer that requests a reference to another dealership;

(b) A customer that moves more than 60 miles away from the dealer whose data were accessed;

(c) Customer or prospect information that was provided to the dealer by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof; or

(d) Customer or prospect information obtained by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof in which the dealer agrees to allow the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor the right to access and use the customer or prospect information maintained in the dealer's dealer management computer system for purposes of soliciting a customer or prospect of the dealer on behalf of or directing a customer or prospect to any other dealer in a separate, standalone written instrument dedicated solely to such an authorization.

(7) A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor may not provide access to customer or dealership information maintained in a dealer management computer system used by a motor vehicle dealer without first obtaining the dealer's prior express written consent, revocable by the dealer upon 5 days' written notice, to pro-

vide such access. Prior to obtaining such consent and prior to entering into an initial contract or renewal of a contract with a dealer, the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor shall provide to the dealer a written list of all specific 3rd parties to whom any data obtained from the dealer have actually been provided within the 12-month period ending November 1st of the prior year. The list must describe the scope and specific fields of the data provided. In addition to the initial list, a dealer management computer system vendor or a 3rd party acting on behalf of or through a dealer management computer system vendor must provide to the dealer an annual list of 3rd parties to whom such data are actually being provided on November 1st of each year and to whom the data have actually been provided in the preceding 12 months and describe the scope and specific fields of the data provided. Lists required pursuant to this subparagraph must be provided to the dealer by January 1st of each year. A dealer management computer system vendor's contract that directly relates to the transfer or accessing of dealer or dealer customer information must conspicuously state: "NOTICE TO DEALER: THIS AGREEMENT RELATES TO THE TRANSFER AND ACCESSING OF CONFIDENTIAL INFORMATION AND CONSUMER-RELATED DATA." Consent in accordance with this subparagraph does not change any such person's obligations to comply with the terms of this section and any additional state or federal laws, rules and regulations. A dealer management computer system vendor may not refuse to provide a dealer management computer system to a motor vehicle dealer if the dealer refuses to provide consent under this subparagraph.

(8) A dealer management computer system vendor or 3rd party acting on behalf of or through a dealer management computer system vendor may not access or obtain data from or write data to a dealer management computer system used by a motor vehicle dealer unless the dealer management computer system allows the dealer to reasonably maintain the security, integrity and confidentiality of customer and dealer information maintained in the system. A dealer management computer system vendor or 3rd party acting on behalf of or through a dealer management computer system vendor may not prohibit a dealer from providing a means to regularly and continually monitor the specific data accessed from or written to the dealer management computer system and from complying with applicable state and federal laws, rules and regulations. This subparagraph does not impose on a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor an obligation to provide such capability.

(9) A manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor that has electronic access to customer or motor vehicle dealership data in a dealer management computer system used by a motor vehicle dealer shall provide notice to the dealer of any security breach of dealership or customer data obtained through that access, which at the time of the security breach was in the possession or custody of the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party. The disclosure notification must be made without unreasonable delay by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party following discovery by the person, or notification to the person, of the security breach. The disclosure notification must

describe measures reasonably necessary to determine the scope of the security breach and corrective actions that may be taken in an effort to restore the integrity, security and confidentiality of the data; these measures and corrective actions must be implemented as soon as practicable by all persons responsible for the security breach.

(10) Nothing in this section precludes, prohibits or denies the right of the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof to receive customer or dealership information from a motor vehicle dealer for the purposes of complying with federal or state safety requirements or implement any steps related to manufacturer recalls at such times as necessary in order to comply with federal and state requirements or manufacturer recalls as long as receiving this information from the dealer does not impair, alter or reduce the security, integrity and confidentiality of the customer and dealership information collected or generated by the dealer.

(11) Notwithstanding any of the terms or provisions contained in this subparagraph or in any consent, authorization, release, novation, franchise or other contract or agreement, whenever any manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor requires that a new motor vehicle dealer provide any dealer, consumer or customer data or information through direct access to a dealer's dealer management computer system, the dealer is not required to provide, and may not be required to consent to provide in a written agreement, that direct access to its dealer management computer system. The dealer may instead provide the same dealer, consumer or customer data or information specified by the requesting party by timely obtaining and furnishing the requested data to the requesting party in a widely accepted file format except that, when a dealer would otherwise be required to provide direct access to its dealer management computer system under the terms of a consent, authorization, release, novation, franchise or other contract or agreement, a dealer that elects to provide data or information through other means may be charged a reasonable initial setup fee and a reasonable processing fee based on actual incremental costs incurred by the party requesting the data for establishing and implementing the process for the dealer. A term or provision contained in a consent, authorization, release, novation, franchise or other contract or agreement that is inconsistent with this subsection is voidable at the option of the dealer.

(12) Notwithstanding the terms or conditions of any consent, authorization, release, novation, franchise or other contract or agreement, a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor that has electronic access to consumer or customer data or other information in a dealer management computer system used by a new motor vehicle dealer, or who has otherwise been provided consumer or customer data or other information by the dealer, shall fully indemnify and hold harmless a dealer from whom it has acquired that consumer or customer data or other information from all damages, costs and expenses incurred by that dealer, including, but not limited to, judgments, settlements, fines, penalties, litigation costs, defense costs, court costs and attorney's fees arising out of complaints, claims, civil or administrative actions and, to the fullest extent allowable under the law, governmental investigations and prosecutions to the extent caused by the access, storage, maintenance, use, sharing, disclosure or retention of that dealer's consumer or customer data or other information by the manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor or a 3rd party acting on behalf of or through a manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof or dealer management computer system vendor; or

W. To refuse to allow access by a dealer to a dealer file in accordance with this paragraph.

(1) For purposes of this paragraph, "dealer file" means all reports, memoranda, letters or other documents, in hard copy or electronic form, that a manufacturer, distributor, wholesaler, distribution branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof has in its possession that are created after the effective date of this paragraph, that contain information or data and that state, reflect, display or represent a failure by the dealer to perform in compliance with the obligations of the franchise agreement or other standards established by the manufacturer, distributor, wholesaler, distribution branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof, including, but not limited to, sales performance, effectiveness and goals, customer satisfaction index, facility issues and standards, fixed operations, employee matters including personal information concerning the dealer principal as well as any executive manager, sales manager, parts manager or service manager and any dealer successor, financial information and profitability, inventory, warranty issues and audits, marketing and advertising, sales and facility programs, contact reports and market studies.

(2) A dealer has the right to review and obtain copies of its complete dealer file once every 18 months. A manufacturer, distributor, wholesaler, distribution branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof shall provide the dealer file or the requested portion of the file to the dealer within 30 days of the dealer's written request, which may be submitted electronically. The manufacturer, distributor, wholesaler, distribution branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof may provide the file electronically and shall certify that the dealer file it produces is complete as of the date of production. If the file is provided in paper format, the dealer may be charged a reasonable per page fee for copies, as long as the fee does not exceed the usual and customary fee charged by copy centers in the immediate vicinity of the location of the file. No other fees or charges may be assessed.

(3) Any documents or portions of documents that are not produced by the manufacturer, distributor, wholesaler, distribution branch or division, factory branch or division, wholesale branch or division or officer, agent or other representative thereof in response to a dealer's request pursuant to this paragraph must, at the option of the dealer, be excluded from, and are not admissible as evidence and may not be used in any manner at, any proceeding at the board or any other State agency or any court proceeding;

Sec. 7. 10 MRSA §1176, as amended by PL 2003, c. 356, §10, is further amended by adding at the end a new paragraph to read:

A franchisor may not deny those elements of a warranty claim that are based on a dealer's incidental failure to comply with a claim requirement or a clerical error or other technicality, regardless of whether the franchisor contests any other element of that warranty claim, as long as the dealer corrects any such clerical error or other technicality according to licensee guidelines.

Sec. 8. 10 MRSA §1176-A, as enacted by PL 1997, c. 521, §26, is amended to read:

§1176-A. Audits

A manufacturer may reasonably and periodically audit a new motor vehicle dealer to determine the validity of paid claims or any charge-backs for customer or dealer incentives. Audits of incentive payments may be only for the ~~18-month~~ 12-month period immediately preceding the date notifying the dealer that an audit is to be conducted.

See title page for effective date.

CHAPTER 535

H.P. 1199 - L.D. 1676

An Act To Strengthen Disclosure about Provider Networks in Health Insurance Plans to Consumers and Providers

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

Sec. 1. 24-A MRSA §4303, sub-§19 is enacted to read:

19. Information about provider networks. A carrier offering a managed care plan shall prominently disclose to applicants, prospective enrollees and enrollees information about the carrier's provider network for the applicable managed care plan, including whether there are hospitals, health care facilities, physicians or other providers not included in the plan's network and any differences in an enrollee's financial

responsibilities for payment of covered services to a participating provider and to a provider not included in a provider network. The superintendent may adopt rules that set forth the manner, content and required disclosure of the information in accordance with this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24-A MRSA §4303-B is enacted to read:

§4303-B. Disclosure related to provider networks

1. Disclosure. Upon request, a carrier shall provide to a provider to which the carrier has decided not to offer the opportunity to participate or that the carrier has decided not to include as a participating provider in any of the carrier's provider networks a written explanation of the reason for the carrier's decision. The written explanation provided by the carrier must indicate whether the reason for not offering the provider the opportunity to contract or for not including the provider in any network was related to the provider's performance with respect to quality, cost or cost-efficiency.

2. No right of action. A provider has no right of action as the result of a disclosure made in accordance with this section.

See title page for effective date.

CHAPTER 536

S.P. 646 - L.D. 1671

An Act To Prohibit Motorized Recreational Gold Prospecting in Class AA Waters and Certain Atlantic Salmon and Brook Trout Habitats

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

Whereas, motorized recreational gold prospecting may occur without a permit, subject to certain conditions; and

Whereas, in order to provide additional protection to certain sensitive stream segments that provide important habitats to Atlantic salmon and brook trout before the next motorized recreational gold prospecting season, which will begin after winter ends, this legislation must take effect 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. 38 MRSA §480-B, sub-§5-C is enacted to read:

5-C. Motorized recreational gold prospecting. "Motorized recreational gold prospecting" means the operation of small-scale, motorized equipment for the removal, separation, refinement and redeposition of sediments and other substrates occurring below the normal high-water mark of a stream for the noncommercial, recreational discovery and collecting of gold specimens. "Motorized recreational gold prospecting" includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box or winch, individually or together.

Sec. 2. 38 MRSA §480-Q, sub-§5-A, ¶G, as enacted by PL 2013, c. 260, §1, is amended to read:

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~~.~~;

(3) Waters defined as Class AA waters pursuant to section 465; and

(4) The following areas of critical or high-value brook trout or Atlantic salmon habitat:

(a) Bemis Stream and tributaries in Township D and Rangeley Plantation;

(b) Bond Brook in the City of Augusta and the Town of Manchester;

(c) Bull Branch of Sunday River and tributaries in Grafton Township and Riley Township;

(d) Carrabassett River and tributaries in the Town of Carrabassett Valley, Freeman Township, the Town of Kingfield, Mount Abram Township and Salem Township;

(e) Cold Stream tributaries, including Tomhegan Stream, in Chase Stream Township, Johnson Mountain Township and West Forks Plantation;

(f) Enchanted Stream in Upper Enchanted Township and Lower Enchanted Township;

(g) Magalloway River and tributaries, including Little Magalloway River, in Bowmantown Township, Lincoln Plantation, Lynchtown Township, Magalloway Plantation, Oxbow Township, Parkertown Township and Parmachenee Township;

(h) Rapid River in the Town of Upton and Township C;

(i) Sheepscot River and tributaries, including the West Branch, in the Town of Alna, the Town of China, the Town of Freedom, the Town of Liberty, the Town of Montville, the Town of Palermo, the Town of Somerville, the Town of Whitefield and the Town of Windsor;

(j) South Bog Stream in Rangeley Plantation;

(k) Spencer Stream and Little Spencer Stream tributaries, including Kibby Stream in Kibby Township, Skinner Township, T.3, R.5 B.K.P. W.K.R., T.4, R.5 B.K.P. W.K.R., King and Bartlett Township and T.5, R.6 B.K.P. W.K.R.; and

(l) Togus Stream in the Town of Chelsea and the Town of Randolph.

Sec. 3. Department of Inland Fisheries and Wildlife; review of critical and high-value brook trout habitat. By December 1, 2015, the Department of Inland Fisheries and Wildlife shall review data, conduct site visits and collect any additional information necessary to determine whether the specific areas listed in the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4), as they relate to critical or high-value habitat for brook trout, continue to represent critical or high-value habitat for brook trout, and whether there are areas not listed that represent additional critical or high-value brook trout habitat that should be closed to motorized recreational gold prospecting. At a minimum and to the extent applicable to brook trout habitat, this review must include an examination of the following areas: Sandy River and tributaries above Farmington Falls; Sandy Stream and tributaries in Carrying Place Township, Highland Plantation and Lexington Plantation; Dead River and tributaries above Flagstaff Lake and between Grand Falls and The Forks Plantation; and Kennebec River tributaries between the Indian Pond Dam in Chase Stream Township and Indian Stream Township and the Williams Dam in the Town of Solon. By January 15, 2016, the department shall submit recommendations, if any, to add or remove areas of critical or high-value brook trout habitat on the list of areas closed to motorized recreational gold prospecting under Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee may report out a bill relating to these recommendations to the Second Regular Session of the 127th Legislature.

Sec. 4. Department of Marine Resources; review of critical and high-value Atlantic salmon habitat. By December 1, 2015, the Department of Marine Resources shall review data, conduct site visits and collect any additional information necessary to determine whether the specific areas listed in the Maine Revised Statutes, Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4), as they relate to critical or high-value habitat for Atlantic salmon, continue to represent critical or high-value habitat for Atlantic salmon, and whether there are areas not listed that represent additional critical or high-value Atlantic salmon habitat that should be closed to motorized recreational gold prospecting. At a minimum and to the extent applicable to Atlantic salmon habitat, this review must include an examination of the following areas: Sandy River and tributaries above Farmington Falls; Sandy Stream and tributaries in Carrying Place Township, Highland Plantation and Lexington Plantation; Dead River and tributaries above Flagstaff Lake and between Grand Falls and The Forks Plantation; and Kennebec River tributaries between the Indian Pond Dam in Chase Stream Township and Indian Stream Township and the Williams Dam in the Town of Solon. By January 15, 2016, the department shall submit recommendations, if any, to add or remove areas of critical or high-value Atlantic salmon habitat on the list of areas closed to motorized recreational gold prospecting under Title 38, section 480-Q, subsection 5-A, paragraph G, subparagraph (4) to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters, and the committee may report out a bill relating to these recommendations to the Second Regular Session of the 127th Legislature.

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

Effective April 8, 2014.

CHAPTER 537

H.P. 1238 - L.D. 1730

An Act To Assist Victims of Human Trafficking

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

Whereas, human trafficking is occurring in Maine; and

Whereas, victims of human trafficking need assistance 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. 5 MRSA §3360, sub-§3, ¶G, as amended by PL 2009, c. 336, §1, is further amended to read:

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252; ~~or~~

Sec. 2. 5 MRSA §3360, sub-§3, ¶H, as amended by PL 2009, c. 336, §2, is further amended to read:

H. Sexual exploitation of a minor as described in Title 17-A, chapter 12~~.~~; or

Sec. 3. 5 MRSA §3360, sub-§3, ¶J is enacted to read:

J. Aggravated sex trafficking or sex trafficking as described in Title 17-A, sections 852 and 853, respectively.

Sec. 4. 5 MRSA §3360-I, first ¶, as amended by PL 2013, c. 368, Pt. EE, §1 and affected by §2 and c. 424, Pt. H, §§1 and 2, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of $35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and $20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of $1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of $500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of $500 on any person for the first conviction and $1,000 for each subsequent conviction of engaging in prostitution as described in Title 17-A, section 853-A and an assessment of $500 on any person for the first conviction and $1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other law, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

Sec. 5. 17-A MRSA §853-A, sub-§4 is enacted to read:

4. It is an affirmative defense to prosecution under this section that the person engaged in prostitution because the person was compelled to do so as described in section 852, subsection 2.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Victims' Compensation Board 0711

Initiative: Allocates funds generated by placing an assessment on individuals convicted of certain sex trafficking and prostitution crimes as part of the sentence imposed by the court.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$8,500
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$8,500

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

Effective April 10, 2014.

CHAPTER 538

S.P. 662 - L.D. 1667

An Act To Amend Certain Provisions of Inland Fisheries and 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, this legislation makes significant changes to simplify and clarify the hunting laws and contains provisions regarding the supervision of junior

hunters and reciprocity with other states that are members the interstate wildlife violator compact; and

Whereas, the Department of Inland Fisheries and Wildlife requires sufficient time to update the hunting and fishing law guides and other literature containing information that is relevant to enforcement and to inform interested parties of the changes being made to the inland fisheries and wildlife laws; 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 §10502, sub-§2, ¶B, as amended by PL 2009, c. 340, §10, is further amended to read:

B. A firearm or archery equipment, including crossbows, seized in connection with a violation of:

(1) Section 11206;

(2) Section 10902, subsection 6; ~~or~~

(3) Section 10752, subsection 6, paragraph B and section 10902, subsection 4, paragraphs A and B; or

(4) Section 10906;

Sec. 2. 12 MRSA §10801, sub-§6, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 3. 12 MRSA §10902, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. Failure to pay fine. If a license or registration is suspended pursuant to this section or Title 14, section 3142, the suspension remains in effect until the person pays the fine. On condition of payment of a $25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the $25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this subsection, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

Sec. 4. 12 MRSA §10902, sub-§4, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Any license issued by the department in effect at the time a person is convicted of a violation of section 12256, disturbing traps, is revoked upon conviction and must be immediately surrendered to the commissioner and the person is ineligible to obtain any license issued by the department as specified in section 10752, subsection 6, paragraph A.

Sec. 5. 12 MRSA §10902, sub-§6, ¶F, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

F. Buying or selling deer, exceeding the bag limit on deer or hunting deer after having killed one, in violation of section 11217 or 11501 or unlawfully hunting or possessing an antlerless deer in a wildlife management district for which no antlerless deer permits have been issued in violation of section 11152, subsection 1-A;

Sec. 6. 12 MRSA §10902, sub-§6, ¶H, as amended by PL 2013, c. 280, §4, 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. 7. 12 MRSA §10902, sub-§6, ¶I, as enacted by PL 2013, c. 280, §5, is amended to read:

I. Hunting bear over another person's bait without written permission of that person in violation of section 11301, subsection 1-A~~.~~; or

Sec. 8. 12 MRSA §10902, sub-§6, ¶J is enacted to read:

J. Hunting or any violation of section 10906 while that person's license is revoked.

Sec. 9. 12 MRSA §10902, sub-§8, ¶D, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §103 and affected by §422, is further amended to read:

D. Buying or selling freshwater sport fish, in violation of section 12609-A; ~~or~~

Sec. 10. 12 MRSA §10902, sub-§8, ¶E, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

E. Taking fish by explosive, poisonous or stupefying substances, in violation of section 12653~~.~~; or

Sec. 11. 12 MRSA §10902, sub-§8, ¶F is enacted to read:

F. Fishing or any violation of section 10906 while that person's license is revoked.

Sec. 12. 12 MRSA §10903, as amended by PL 2011, c. 576, §6, is further amended to read:

§10903. Effective date for suspensions

1. For mandatory suspension. For a violation having a minimum statutory suspension period, a suspension is effective upon conviction or adjudication and the license holder must surrender the license immediately to the commissioner. That person is not entitled to a hearing under section 10905 if the suspension period does not exceed the minimum period of suspension required by law. In addition to any suspension period ordered by the commissioner, a person whose license is suspended for a violation having a mandatory suspension must successfully complete an outdoor ethics course ~~conducted or endorsed by the department prior~~ as provided in section 10903-A in order to ~~being~~ be eligible to have that license reinstated. A person is not required to complete the outdoor ethics course under section 10903-A if that person's license is revoked under the interstate wildlife violator compact authorized in accordance with section 10103 as a result of a conviction occurring outside of the State and that person has met the eligibility requirements for reinstatement of the license in the state in which the conviction occurred.

2. For all other suspensions. For a violation that does not have a minimum statutory suspension period, a suspension is effective upon written notification of suspension by the commissioner. That person must surrender that license to the commissioner upon receipt of a notice of suspension and is entitled to a hearing under section 10905. The commissioner shall adopt rules specifying the conditions under which a person whose license is suspended for a violation that does not carry a mandatory suspension is required to complete an outdoor ethics course as provided in section 10903-A. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

~~Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is $100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A.~~

Sec. 13. 12 MRSA §10903-A is enacted to read:

§10903-A. Outdoor ethics course

An outdoor ethics course must be scheduled by the Bureau of Warden Service and must be given whenever there are 10 or more persons needing or wanting to take the course. The fee for an outdoor ethics course is $100, payable 10 working days prior to the start of the course. All fees collected under this section are allocated to the landowner relations program established in section 10108, subsection 4-A.

Sec. 14. 12 MRSA §10953, sub-§1, as repealed and replaced by PL 2013, c. 236, §3, is amended to read:

1. Species and seasons. ~~Except as provided in this Part, a~~ 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. 15. 12 MRSA §10953, sub-§1-A, as enacted by PL 2011, c. 61, §3, is repealed.

Sec. 16. 12 MRSA §10953, sub-§1-B is enacted to read:

1-B. Hunting with a crossbow; 70 years of age or older. A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person 70 years of age or older may hunt deer with a crossbow during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

This subsection is repealed January 1, 2015.

Sec. 17. 12 MRSA §11105, sub-§1, as amended by PL 2013, c. 408, §9, is further amended to read:

1. Hunter safety course requirements. Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a ~~juvenile~~ junior license or an apprentice hunter license issued under section 11108-B 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 previ-

ously held a valid 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.

Sec. 18. 12 MRSA §11108-A, as amended by PL 2009, c. 69, §1, is repealed.

Sec. 19. 12 MRSA §11108-B, as amended by PL 2009, c. 340, §13, is further amended to read:

§11108-B. Apprentice hunter license restrictions

1. Adult supervisor required. A holder of an ~~apprenticeship~~ apprentice hunter license may not hunt other than in the presence of ~~a person at least 18 years of age who holds a valid Maine hunting license~~ an adult supervisor.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than $500 and not more than $1,000 may be adjudged.

(2) A person who violates this subsection 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.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid Maine hunting license.

B. "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 and citizen band radios.

2. Adult supervisor responsibility. ~~A~~ An adult supervisor must have held a valid hunting license for the prior ~~5~~ 3 consecutive years to be qualified to supervise a holder of an ~~apprenticeship~~ apprentice hunter license. ~~A~~ An adult supervisor ~~is responsible for ensuring~~ shall ensure that the holder of an ~~apprenticeship~~ apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~A~~ An adult supervisor may not intentionally permit a person hunting under an ~~apprenticeship~~ apprentice hunter license with that adult supervisor to violate subsection 1.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than $500 must be adjudged.

(2) A person who violates this subsection 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.

3. Eligibility. A ~~person who is~~ resident or nonresident 16 years of age or older who has never held a valid adult hunting license ~~or junior hunting license may hold an apprenticeship hunter license~~ in this State, or any other state, province or country, is eligible to obtain an apprentice hunter license. ~~A~~ Notwithstanding section 11105, a person ~~may not be issued an apprenticeship hunter license after having held an apprenticeship hunter license under section 11109~~ is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than twice. A person selected to receive a moose permit may not then purchase an ~~apprenticeship~~ apprentice hunter license to meet the licensing requirements for that permit.

4. Expiration of apprentice hunter license. An ~~apprenticeship~~ apprentice hunter license is valid for up to 12 calendar months and expires on December 31st.

~~**5. Definition.** For purposes of this section, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including binoculars and citizen band radios. For purposes of this section, "supervisor" means a person or persons who are 18 years of age or older, hold a valid Maine hunting license and are hunting with a person holding an apprenticeship hunter license.~~

Sec. 20. 12 MRSA §11108-C is enacted to read:

§11108-C. Eligibility and restrictions for a junior hunting license

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means:

(1) The parent or guardian of the junior hunter; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior hunter; and

(b) Holds or has held a valid Maine hunting license or meets the requirements of section 11105.

B. "In the presence of" means in visual and voice contact without the use of visual or audio en-

hancement devices, including but not limited to binoculars and citizen band radios.

2. Eligibility. A resident or nonresident who is at least 10 years of age and under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

3. Supervision of junior hunters. A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of an adult supervisor.

4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who obtained a junior hunter license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of or under the effective control of an adult supervisor or the person has successfully completed a hunter safety course acceptable under section 11105. The following penalties apply to a violation of this subsection:

A. A person who violates this subsection commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged; and

B. A person who violates paragraph 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.

5. Expiration of junior hunting license issued to person 15 years of age. A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

6. Penalties for supervisors of junior hunters. A person who is the adult supervisor of a holder of a valid junior hunting license when that junior hunter violates any provision of this Part pertaining to hunting:

A. Commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged; and

B. 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. 21. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2013, c. 213, §1, 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~~ exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 22. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2013, c. 213, §2 and c. 408, §12, is repealed and the following enacted in its place:

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 exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 23. 12 MRSA §11152, sub-§7, as amended by PL 2013, c. 408, §13, is further amended to read:

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, or is suffering from the permanent loss of use of both lower limbs. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

Sec. 24. 12 MRSA §11154, sub-§14 is enacted to read:

14. Permits for hunting lodges. In any year in which the total number of moose permits available as determined by the commissioner under subsection 2 for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose hunting permit under this subsection is $1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting.

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

(1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;

(2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927;

(3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and

(4) The hunting permit may not be sold or transferred by the hunter.

C. A hunting outfitter may be allocated more than one permit.

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued.

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type.

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5.

G. If proceeds in any year from the auction authorized under subsection 11 are less than $107,000, proceeds from the chance drawing conducted pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to $107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263.

Sec. 25. 12 MRSA §11208, as amended by PL 2005, c. 477, §7, is further amended to read:

§11208. Unlawful shooting or discharge of firearm, bow and arrow or crossbow

1. Shooting or discharge of firearm, bow and arrow or crossbow over or near public paved way. A person may not:

A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway;

B. Discharge any firearm, bow and arrow or crossbow over a public paved way; or

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part.

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

Sec. 26. 12 MRSA §11209, as corrected by RR 2013, c. 1, §26, is 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 a muzzle-loading ~~firearms~~ firearm, 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~~,~~ or crossbow ~~or bow and arrow~~.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

Sec. 27. 12 MRSA §11214, sub-§1, ¶G, as amended by PL 2005, c. 419, §6 and affected by §12, is further amended to read:

G. ~~Except~~ Hunt a wild animal or wild bird with a set bow or, except as provided in section 10953, hunt a wild animal or wild bird with a crossbow ~~or set bow~~;

Sec. 28. 12 MRSA §11403, sub-§2, as amended by PL 2011, c. 61, §4 and c. 298, §1, is further amended to read:

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952, subsection 2 and section 10953, subsection ~~1-A~~ 1-B, the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow with the following specifications.

(1) Bows must have a minimum draw weight of 35 pounds.

(2) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun.

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

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

Sec. 29. 12 MRSA §11857, sub-§3, as enacted by PL 2013, c. 280, §11, is repealed.

Sec. 30. 12 MRSA §12201, sub-§1-B is enacted to read:

1-B. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means:

(1) The parent or guardian of the junior trapper; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior trapper; and

(b) Holds or has held a valid Maine trapping license or meets the requirements of subsection 3.

B. "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 and citizen band radios.

Sec. 31. 12 MRSA §12201, sub-§3, as amended by PL 2013, c. 185, §3, is further amended to read:

3. Successful completion of trapper evaluation program required for license. Except as provided in paragraph A, a person who applies for a state license to trap, other than a junior trapping license pursuant to subsection 2, paragraph B or an apprentice trapper license issued under section 12204, must submit proof of having successfully completed ~~an~~ a trapper 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 paragraph is exempt from the requirements of this subsection.

Sec. 32. 12 MRSA §12201, sub-§7, as amended by PL 2009, c. 69, §3, is further amended to read:

7. Supervision of junior trappers. The following provisions must be observed.

A. A person under 10 years of age may not trap unless that person is accompanied at all times while trapping by ~~a parent or guardian or by~~ an adult ~~at least 18 years of age approved by a parent or guardian~~ supervisor. A person under 10 years of age may not trap bear.

B. A person over 10 years of age and under 16 years of age may not trap unless that person:

(1) Holds a junior trapping license; and

(2) Is ~~accompanied by~~ in the presence of and under the effective control of an adult supervisor at all times while trapping, unless the holder of the junior trapping license submits proof of having successfully completed ~~an~~ a trapper education course of the type described in section 10108, subsection 7.

Sec. 33. 12 MRSA §12201, sub-§9, as enacted by PL 2009, c. 69, §4, is repealed and the following enacted in its place:

9. Penalties for supervisors of junior trappers. A person who is the adult supervisor of a holder of a valid junior trapping license when that junior trapper violates any provision of this Part pertaining to trapping:

A. Commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged; and

B. 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. 34. 12 MRSA §12204, sub-§§1 to 4, as enacted by PL 2011, c. 51, §1, are amended to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "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 and citizen band radios.

B. ~~"Supervisor"~~ "Adult supervisor" means a person who is 18 years of age or older~~,~~ and holds or has held a valid trapping license under this subchapter for 3 consecutive years ~~and is trapping with a person holding an apprentice trapper license~~ or has successfully completed a trapper education course of the type described in section 10108, subsection 7.

2. Adult supervisor required. A holder of an apprentice trapper license may not trap other than in the presence of ~~a~~ an adult supervisor.

3. Adult supervisor responsibility. ~~A~~ An adult supervisor shall ensure that the holder of an apprentice trapper license follows safe and ethical trapping protocol and adheres to the laws under this Part. ~~A~~ An adult supervisor may not intentionally permit a person trapping under an apprentice trapper license with that adult supervisor to violate subsection 2.

4. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid adult trapping license ~~or junior trapping license~~ in this State, or any other state, province or country, is eligible to obtain an apprentice trapper license~~, except that a person may not be issued an apprentice trapper license after having previously held an apprentice trapper license under this section~~. ~~A~~ Notwithstanding section 12201, subsection 3, a person is eligible to obtain an apprentice trapper license without having successfully completed a trapper education course as described in section 10108, subsection 7. A person may not obtain an apprentice trapper license more than twice.

Sec. 35. 12 MRSA §12461, sub-§1, as amended by PL 2007, c. 21, §2, is repealed and the following enacted in its place:

1. Adoption of state heritage fish waters. The commissioner shall adopt by rule a list of state heritage fish waters composed of lakes and ponds that contain state heritage fish, as defined in Title 1, section 212-A. This list must include waters identified as eastern brook trout waters and arctic charr waters that have never been stocked according to any reliable records authorized for adoption by Resolve 2005, chapter 172, as amended, and waters identified as eastern brook trout waters and arctic charr waters that according to reliable records have not been stocked for at least 25 years. The list of state heritage fish waters may be amended by rule in accordance with the provisions of subsections 2 and 3 based on criteria established by the commissioner and in accordance with the provisions of Title 5, chapter 375. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 36. 12 MRSA §12461, sub-§§2 and 3, as amended by PL 2007, c. 21, §2, are further amended to read:

2. Addition of waters to list. The commissioner may adopt rules to amend ~~a~~ the list established under subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as a state heritage fish water. Rules adopted to add a lake or pond to ~~a~~ the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.

3. Removal of waters from list. The commissioner may by rule remove a lake or pond from ~~a~~ the list established under subsection 1. Rules adopted pursuant to this subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A public hearing on the rules must be held prior to adoption of the rules and conducted in accordance with the provisions of Title 5, chapter 375.

Sec. 37. 12 MRSA §12461, sub-§6, ¶B, as enacted by PL 2013, c. 358, §3, is amended to read:

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. 38. 12 MRSA §12461, sub-§§7 and 8 are enacted to read:

7. Use of live fish as bait exceptions. Notwithstanding the fishing restrictions set forth in subsection 5, a person may fish using live fish for bait in the following waters:

A. Millimagassett Lake, in T.7, R.8 W.E.L.S.;

B. 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

C. Webster Lake, in T.6, R.10 W.E.L.S. and T.6, R.11 W.E.L.S.

8. Report required. The commissioner shall report by January 15th annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding any rule-making actions taken to add or to remove waters from the list of state heritage fish waters.

Sec. 39. 12 MRSA §12462, as enacted by PL 2013, c. 358, §4, is repealed.

Sec. 40. 12 MRSA §12501, sub-§5, as repealed by PL 2013, c. 380, §2 and affected by §5 and repealed by c. 408, §19, is repealed and the following enacted in its place:

5. Nonresident junior fishing license expiration. A nonresident junior fishing license issued to a nonresident who has passed that nonresident's 15th birthday is valid through the calendar year for which the license was issued.

Sec. 41. 12 MRSA §12501, sub-§6, ¶D, as repealed by PL 2013, c. 380, §3 and affected by §5 and repealed by c. 408, §20, is repealed and the following enacted in its place:

D. A nonresident junior fishing license, for persons 12 years of age or older and under 16 years of age, is $16. This paragraph is repealed January 1, 2015.

Sec. 42. PL 2013, c. 368, Pt. YY, §1 is amended to read:

Sec. YY-1. Transfer of funds from Carrying Balances - Inland Fisheries and Wildlife, General Fund account. Notwithstanding any other provision of law, the State Controller shall transfer $150,000 on or before August 1, 2013 from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account to the Administrative Services - Inland Fisheries and Wildlife, General Fund account to fund ~~security improvements and renovations at the Gray headquarters facility~~ the construction of a new headquarters facility in Gray.

Sec. 43. PL 2013, c. 437, §1 is repealed.

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

Effective April 10, 2014.

CHAPTER 539

H.P. 1291 - L.D. 1799

An Act To Amend the Laws Governing Charitable Solicitations

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

Sec. 1. 9 MRSA §5002, as amended by PL 2013, c. 313, §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~~,~~ and professional solicitors ~~and professional fund raising counsel~~ and the bonding of professional solicitors.

Sec. 2. 9 MRSA §5003, sub-§1, as amended by PL 2003, c. 541, §1, is further amended to read:

1. Charitable organization. "Charitable organization" means any person or entity, including any person or entity organized in a foreign state, that is or holds itself out to be organized or operated for any charitable purpose ~~or~~ and that solicits, accepts or obtains contributions from the public for any charitable purpose and by any means, including, but not limited to, personal contact, telephone, mail, newspaper advertisement, television or radio. Status as a tax-exempt entity does not necessarily qualify that entity as a charitable organization. ~~A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization that has its principal place of business outside the State is considered a charitable organization for the purposes of this Act.~~ For purposes of this chapter, an organization established for

and serving bona fide religious purposes is not a charitable organization.

Sec. 3. 9 MRSA §5003, sub-§8, as amended by PL 2013, c. 313, §8, is further amended to read:

8. Principal officer. "Principal officer" means the president, chair, executive director or other officer or employee responsible for the daily operation of a charitable organization~~,~~ or a professional solicitor ~~or professional fund-raising counsel~~.

Sec. 4. 9 MRSA §5003, sub-§9, as amended by PL 2011, c. 286, Pt. A, §2, is repealed.

Sec. 5. 9 MRSA §5004, sub-§3, ¶G, as amended by PL 2013, c. 313, §9, is further amended to read:

G. The name, mailing address and license number of any professional solicitor ~~or professional fund-raising counsel~~ who acts or will act on behalf of the charitable organization in connection with fund-raising campaigns for contributions from the State's residents;

Sec. 6. 9 MRSA §5004, sub-§3, ¶P, as amended by PL 2013, c. 313, §9, is repealed.

Sec. 7. 9 MRSA §5005-B, sub-§1, ¶B, as amended by PL 2013, c. 313, §11, is further amended to read:

B. The name, mailing address, telephone number and license number of each professional solicitor ~~and professional fund-raising counsel~~ with which the charitable organization 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;

Sec. 8. 9 MRSA §5005-B, sub-§1, ¶F, as amended by PL 2013, c. 313, §11, is further amended to read:

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.

Sec. 9. 9 MRSA §5005-B, sub-§§2 and 3, as amended by PL 2013, c. 313, §11, are further amended to read:

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~~ 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 professional solicitor prohibited. A charitable organization may not contract with an unlicensed professional solicitor ~~or professional fund-raising counsel~~. A violation of this subsection may result in disciplinary action as provided under Title 10, section 8003, subsection 5-A.

Sec. 10. 9 MRSA §5006, sub-§1, ¶A, as amended by PL 2013, c. 313, §12, is further amended to read:

A. Organizations that solicit primarily within their membership and 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. 11. 9 MRSA §5006, sub-§1, ¶D, as amended by PL 2013, c. 313, §13, 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 $35,000 during a calendar year or do not receive contributions from more than 35 persons during a calendar year, if 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 $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 $35,000 or the number of contributors reaches 35, must be licensed with the director as required by this Act;

Sec. 12. 9 MRSA §5006, sub-§3, as amended by PL 2013, c. 313, §14, is repealed.

Sec. 13. 9 MRSA §5008-A, as enacted by PL 2013, c. 313, §17, is amended to read:

§5008-A. Licensure, license renewal and records kept by professional solicitors

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~~ and submitting 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. 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~~ and submitting 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 approved 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. The bond remains in place for 5 years after the licensee ceases activity in the State. Notwithstanding this provision, the director may permit the bond to be eliminated prior to that date.

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~~.

Sec. 14. 9 MRSA §5008-B, as enacted by PL 2013, c. 313, §17, is amended to read:

§5008-B. Annual fund-raising activity reports to be filed by professional solicitors

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 retained 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. 15. 9 MRSA §5009, as repealed and replaced by PL 2013, c. 313, §18, is amended to read:

§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.

See title page for effective date.

CHAPTER 540

S.P. 701 - L.D. 1766

An Act To Clarify and Update a Nurse's Authority To Administer Medication

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

Sec. 1. 32 MRSA §2102, sub-§2, ¶A, as amended by PL 1993, c. 600, Pt. A, §110, is further amended to read:

A. Diagnosis and treatment of human responses to actual or potential physical and emotional health problems through such services as case finding, health teaching, health counseling and provision of care supportive to or restorative of life and well-being and execution of the medical regimen as prescribed by a ~~licensed physician, podiatrist or dentist~~ legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices or otherwise legally authorized individual acting under the delegated authority of a ~~physician, podiatrist or dentist~~ legally authorized licensed professional acting within the scope of the licensed professional's authority to prescribe medications, substances or devices:

(1) "Diagnosis" in the context of nursing practice means that identification of and discrimination between physical and psychosocial signs and symptoms essential to effective execution and management of the nursing regimen. This diagnostic privilege is distinct from medical diagnosis;

(2) "Human responses" means those signs, symptoms and processes that denote the indi-

vidual's health needs or reaction to an actual or potential health problem; and

(3) "Treatment" means selection and performance of those therapeutic measures essential to the effective management and execution of the nursing regimen;

Sec. 2. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

CHAPTER 541

H.P. 1193 - L.D. 1621

An Act To Include Natural Gas Expansion in the State Energy Plan

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

Sec. 1. 2 MRSA §9, sub-§3, ¶C, as amended by PL 2013, c. 415, §2, is further amended to read:

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets.

(1) Beginning in 2015, the update to the plan must:

(a) Be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over natural resources matters;

(b) Address the association between energy planning and meeting the greenhouse gas reduction goals in the state climate action plan pursuant to Title 38, section 577. The director shall consult with the Department of Environmental Protection in developing this portion of the plan;

(c) Include a section devoted to wind energy development, including:

(i) The State's progress toward meeting the wind energy development goals established in Title 35-A, section 3404, subsection 2, including an assessment of the likelihood of achieving the goals and any recommended changes to the goals;

(ii) Examination of the permitting process and any recommended changes to the permitting process;

(iii) Identified successes in implementing the recommendations contained in the February 2008 final report of the Governor's Task Force on Wind Power Development created by executive order issued May 8, 2007;

(iv) A summary of tangible benefits provided by expedited wind energy developments, including, but not limited to, documentation of community benefits packages and community benefit agreement payments provided;

(v) A review of the community benefits package requirement under Title 35-A, section 3454, subsection 2, the actual amount of negotiated community benefits packages relative to the statutorily required minimum amount and any recommended changes to community benefits package policies;

(vi) Projections of wind energy developers' plans, as well as technology trends and their state policy implications;

(vii) Recommendations, including, but not limited to, identification of places within the State's unorganized and deorganized areas for inclusion in the expedited permitting area established pursuant to Title 35-A,

chapter 34-A and the creation of an independent siting authority to consider wind energy development applications; ~~and~~

(d) Include a description of activities undertaken pursuant to paragraph H~~.~~; and

(e) Include a description of the State's activities relating to the expansion of natural gas service, any actions taken by the office to expand access to natural gas in the State and any recommendations for actions by the Legislature to expand access to natural gas in the State.

The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out legislation by February 1st of each odd-numbered year relating to the content of the plan. The joint standing committee of the Legislature having jurisdiction over natural resources matters may make recommendations regarding that legislation to the joint standing committee of the Legislature having jurisdiction over energy matters.

See title page for effective date.

CHAPTER 542

S.P. 746 - L.D. 1847

An Act To Clarify Outcome-based Forestry

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

Sec. 1. 12 MRSA §8003, sub-§3, ¶Q, as amended by PL 2011, c. 488, §1, is further amended to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating ~~experimental~~ areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, subsection 2-B, can be applied and tested. No more than 6 such areas may be designated. The director shall seek to designate areas ~~representing~~ of various sizes owned by different landowners. The designated areas must represent differing forest types and conditions and ~~from~~ different geographic regions of the State. Prior to entering into an outcome-based forestry agreement, the director and the panel of technical experts under section 8869, subsection 3-A shall conduct a comprehensive review of the proposed outcome-based forestry agreement. The term of initial agreements may not exceed 5 years. The director may renew an agreement if requirements under this section and section 8869, subsection 3-A are met. The term of a subsequent agreement may not exceed 5 years.

Sec. 2. 12 MRSA §8868, sub-§2-B, as amended by PL 2011, c. 488, §2, is further amended to read:

2-B. Outcome-based forest policy. "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's ~~forest~~ forests, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests.

Sec. 3. 12 MRSA §8869, sub-§3-A, as amended by PL 2011, c. 488, §3, is further amended to read:

3-A. Plans for outcome-based forestry areas. Practices applied on an ~~experimental~~ area created pursuant to section 8003, subsection 3, paragraph Q must provide at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations. At a minimum, tests of outcome-based forestry principles must address:

A. Soil productivity;

B. Water quality, wetlands and riparian zones;

C. Timber supply and quality;

D. Aesthetic impacts of timber harvesting;

E. Biological diversity; ~~and~~

F. Public accountability~~.~~;

G. Economic considerations;

H. Social considerations; and

I. Forest health.

The Governor shall appoint a panel of at least 6 technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry principles. The panel of technical experts must have expertise in all of the principles listed in paragraphs A to I. In order to participate in ~~the~~ an outcome-based forestry ~~experiment~~ project, the landowner, director and technical panel must develop agreed-upon desired outcomes for the ~~experimental~~ outcome-based forestry area and develop a method for determining if the outcomes have been attained and a system for reporting results to the public. The technical panel shall assess whether the practices applied on the outcome-based forestry area provide at least the equivalent forest and environmental protection as provided by rules and regulations otherwise applicable to that outcome-based forestry area. The technical panel may not delegate

this assessment to any other person, except that the technical panel may consider information provided by the bureau, the landowner or a 3rd-party forest certification program auditor.

Sec. 4. 12 MRSA §8869, sub-§3-B is enacted to read:

3-B. Reporting and notification; outcome-based forestry projects. The director, in consultation with the technical panel under subsection 3-A, shall report to the joint standing committee of the Legislature having jurisdiction over forestry matters as follows.

A. Beginning March 1, 2015 and annually thereafter, the director shall submit a report detailing the progress on each outcome-based forestry agreement under section 8003, subsection 3, paragraph Q. The report must include an assessment of the landowner's progress toward attaining the outcomes under subsection 3-A. The report must be presented to the joint standing committee of the Legislature having jurisdiction over forestry matters at a public meeting no sooner than 30 days after submission of the report to the committee.

B. When an initial outcome-based forestry agreement is approved by the director as provided by section 8003, subsection 3, paragraph Q, the director shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters within 15 days. In the notification, the director shall address how the proposed agreement will provide at least the equivalent forest and environmental protection as provided by rules and regulations that otherwise would apply to that outcome-based forestry area.

C. When an outcome-based forestry agreement under this section is renewed as provided by section 8003, subsection 3, paragraph Q, the director shall notify the joint standing committee of the Legislature having jurisdiction over forestry matters no later than 15 days after the agreement is renewed.

A report, notification or any information concerning outcome-based forestry projects under this subsection must be placed on the Department of Agriculture, Conservation and Forestry's publicly accessible website.

Sec. 5. 12 MRSA §8869, sub-§7-A, as amended by PL 2011, c. 488, §4, is further amended to read:

7-A. Exemption for outcome-based forestry areas. ~~Outcome-based forest policy experimental areas~~ An outcome-based forestry area designated under section 8003, subsection 3, paragraph Q ~~are~~ is exempt from the requirements of this ~~subchapter and rules adopted pursuant to this subchapter~~ section if specifically exempted in the agreement establishing the outcome-based forestry area.

Sec. 6. 12 MRSA §8869, sub-§13, as amended by PL 2011, c. 488, §5 and c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

13. Confidential information. Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based ~~forest policy experimental~~ forestry areas, as created pursuant to section 8003, subsection 3, paragraph Q, is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the bureau has determined 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 person submitting the information and would make available information not otherwise publicly available. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information.

Sec. 7. 12 MRSA §8879, sub-§1, as amended by PL 2011, c. 532, §2 and c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

1. Content. The report must describe the condition of the State's forests based on historical information and information collected and analyzed by the bureau for the 5-year period. The report must provide an assessment at the state level of progress in achieving the standards developed pursuant to section 8876-A, including ~~progress~~ an assessment of ~~the~~ designated outcome-based forestry ~~experiment~~ projects authorized under section 8003, subsection 3, paragraph Q, including a recommendation to continue, change or discontinue the outcome-based forestry projects. The director shall also provide observations on differences in achieving standards by landowner class. The report must summarize importing and exporting of forest products for foreign and interstate activities. The director shall obtain public input during the preparation of the report through appropriate methods.

See title page for effective date.

CHAPTER 543

S.P. 654 - L.D. 1660

An Act Regarding Bad Faith Assertions of Patent Infringement

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

Sec. 1. 14 MRSA c. 757 is enacted to read:

CHAPTER 757

ACTIONS FOR BAD FAITH ASSERTION OF PATENT INFRINGEMENT

§8701. Actions for bad faith assertion of patent infringement

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

A. "Demand letter" means a letter, an e-mail or other written communication asserting that a target has engaged in patent infringement.

B. "Person" means a natural person, corporation, trust, partnership, incorporated or unincorporated association or any other legal entity.

C. "Target" means a person:

(1) Who has received a demand letter;

(2) Against whom a lawsuit has been filed alleging patent infringement; or

(3) Whose customers have received a demand letter asserting that the person's product, service or technology has infringed a patent.

2. Prohibition. A person may not make a bad faith assertion of patent infringement against another person.

3. Civil action. A target may bring a civil action in Superior Court against a person who has made a bad faith assertion of patent infringement against the target. In determining whether a person made a bad faith assertion of patent infringement:

A. The court may consider the following factors as evidence that the person made a bad faith assertion of patent infringement:

(1) The demand letter does not contain:

(a) The patent number;

(b) The name and address of the patent owner or owners and assignee or assignees, if any; or

(c) Factual allegations concerning the specific areas in which the target's products, services or technology infringed the patent or are covered by the claims in the patent;

(2) The demand letter does not contain the information described in subparagraph (1), the target requested the information and the person did not provide the information within a reasonable period of time;

(3) Prior to sending the demand letter, the person failed to conduct an analysis comparing the claims in the patent to the target's products, services or technology or an analysis was done but does not identify specific areas in which the products, services or technology are covered by the claims in the patent;

(4) The demand letter includes a demand for payment of a license fee or a response within an unreasonably short period of time;

(5) The person offered to license the patent for an amount that is not based on a reasonable estimate of the value of the license;

(6) The person knew or should have known that the assertion of patent infringement is meritless;

(7) The assertion of patent infringement is deceptive; and

(8) The person or a subsidiary or affiliate of the person previously filed or threatened to file a lawsuit based on the same or similar claim of patent infringement and:

(a) Those threats or lawsuits lacked the information described in subparagraph (1); or

(b) The person attempted to enforce the claim of patent infringement in litigation and a court found the claim to be meritless; and

B. The court may consider the following factors as evidence that the person did not make a bad faith assertion of patent infringement:

(1) The demand letter contains the information described in paragraph A, subparagraph (1);

(2) The demand letter does not contain the information described in paragraph A, subparagraph (1), the target requested the information and the person provided the information within a reasonable period of time;

(3) The person engaged in a good faith effort to establish that the target infringed the patent and to negotiate an appropriate remedy;

(4) The person made a substantial investment in the use of the patent or in the production or sale of a product or item covered by the patent;

(5) The person is:

(a) The inventor or joint inventor of the patent or, in the case of a patent filed by and awarded to an assignee of the original inventor or joint inventor, is the original assignee; or

(b) An institution of higher education or a technology transfer organization whose primary purpose is to facilitate the commercialization of technologies developed by an institution of higher education that is owned by or affiliated with an institution of higher education; and

(6) The person demonstrated good faith business practices in previous efforts to enforce the patent or a substantially similar patent or successfully enforced the patent or a substantially similar patent through litigation.

4. Remedies. The court may award the following remedies to a target who prevails in an action brought pursuant to this subsection:

A. Equitable relief;

B. Damages;

C. Costs and fees, including reasonable attorney's fees; and

D. Punitive damages in an amount equal to $50,000 or 3 times the total damages, costs and fees, whichever is greater.

5. Action by Attorney General. The Attorney General may bring an action to enjoin a violation of this chapter. Any violation of this chapter is a violation of the Maine Unfair Trade Practices Act.

6. Bond. When a target reasonably believes a person made a bad faith assertion of patent infringement against the target, the target may file a motion with the court to require the person to post a bond. If the court finds the target has established a reasonable likelihood that the person made a bad faith assertion of patent infringement, the court shall require the person to post a bond in an amount equal to a good faith estimate of the target's costs to litigate the claim and amounts reasonably likely to be recovered under subsection 4. The court shall hold a hearing if requested by either party. A bond ordered pursuant to this subsection may not exceed $250,000. The court may waive the bond requirement if it finds the person has available assets equal to the amount of the proposed bond or for other good cause shown.

7. Exemption. This section does not apply to a demand letter or assertion of patent infringement that includes a claim for relief arising under 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262.

§8702. Rules

The Attorney General shall adopt rules implementing this chapter. Evidence of a violation of a rule adopted by the Attorney General constitutes prima facie evidence of a bad faith assertion of patent infringement in any action brought under 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 544

S.P. 618 - L.D. 1627

An Act To Amend the Reporting Requirements for the Business Equipment Tax Exemption

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 made by the First Regular Session of the 126th Legislature to the business equipment tax exemption program will affect the reporting of information by taxpayers beginning April 1, 2014; and

Whereas, some of the information that taxpayers claiming an exemption under the program are required to report is proprietary information that could subject the taxpayers to financial harm if released publicly; and

Whereas, this legislation protects that proprietary information and needs to take effect as soon as possible to prevent harm to businesses; 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 §693, sub-§1, as amended by PL 2013, c. 368, Pt. O, §7 and affected by §12 and c. 385, §§2 and 3, is further amended to read:

1. Reporting. On or before May 1st of each year, a taxpayer claiming an exemption under this section shall file a report with the assessor of the taxing jurisdiction in which the property would otherwise be subject to taxation on April 1st of that year. The report must identify the property for which exemption is

claimed that would otherwise be subject to taxation on April 1st of that year and must be made on a form prescribed by the State Tax Assessor or substitute form approved by the State Tax Assessor. ~~When the valuation of all property assessed to the taxpayer exceeds 2% of the total taxable valuation of the municipality for the prior tax year, the report must also include sufficient information, including income and expense information as necessary, to allow the assessor to determine the just value of the property owned by the taxpayer that is claiming the exemption as well as the property exempted under this subchapter.~~ The State Tax Assessor shall furnish copies of the form to each municipality in the State and the form must be made available to taxpayers prior to April 1st annually. The assessor of the taxing jurisdiction may require the taxpayer to sign the form and make oath to its truth. If the report is not filed by April 1st, the filing deadline is automatically extended to May 1st without the need for the taxpayer to request or the assessor to grant that extension. Upon written request, the assessor may at any time grant further extensions of time to file the report. If a taxpayer fails to file the report in a timely manner, including any extensions of time, the taxpayer may not obtain an exemption for that property under this subchapter for that tax year. The assessor of the taxing jurisdiction may require in writing that a taxpayer answer in writing all reasonable inquiries as to the property for which exemption is requested. A taxpayer has 30 days from receipt of such an inquiry to respond. Upon written request, a taxpayer is entitled to a 30-day extension to respond to the inquiry and the assessor may at any time grant additional extensions upon written request. The answer to any such inquiry is not binding on the assessor.

All notices and requests provided pursuant to this subsection must be made by personal delivery or certified mail and must conspicuously state the consequences of the taxpayer's failure to respond to the notice or request in a timely manner.

If an exemption has already been accepted and the State Tax Assessor subsequently determines that the property is not entitled to exemption, a supplemental assessment must be made within 3 years of the original assessment date with respect to the property in compliance with section 713, without regard to the limitations contained in that section regarding the justification necessary for a supplemental assessment.

~~If the taxpayer fails to provide sufficient information as may be required under this subsection, the taxpayer may not obtain an exemption under this subchapter for that tax year.~~

Sec. 2. 36 MRSA §693, sub-§4, as enacted by PL 2013, c. 368, Pt. O, §8 and affected by §12 and c. 385, §§2 and 3, is repealed.

Sec. 3. 36 MRSA §694, sub-§1, as amended by PL 2013, c. 368, Pt. O, §9 and affected by §12 and c. 385, §§2 and 3, is further amended to read:

1. Examination and identification. The assessor shall examine each report pursuant to section 693 that is timely filed, determine whether the property identified in the report is entitled to an exemption under this subchapter and determine the just value of the property. ~~The assessor also shall certify to the State Tax Assessor that the taxpayer has provided sufficient information necessary for the proper valuation of the property and that the assessor has considered that information in the valuation and exemption determinations. Failure to provide this certification to the State Tax Assessor disqualifies the municipality from reimbursement pursuant to subsection 2, paragraphs B and C.~~

Sec. 4. 36 MRSA §694, sub-§2, ¶B, as amended by PL 2013, c. 368, Pt. O, §10 and affected by §12 and c. 385, §§2 and 3, is further amended to read:

B. In the case of a municipality that chooses reimbursement under this paragraph in which the personal property factor exceeds 5%, the applicable percentage for exempt business equipment is 50% plus an amount equal to 1/2 of the personal property factor. For purposes of this paragraph, "personal property factor" means the percentage derived from a fraction, the numerator of which is the value of business personal property in the municipality, whether taxable or exempt, and the denominator of which is the value of all taxable property in the municipality plus the value of exempt business equipment. For purposes of this paragraph, the taxable value of exempt business equipment is the value that would have been assessed on that equipment if it were taxable. ~~In order to obtain the reimbursement under this paragraph on or after April 1, 2014, the municipality must provide to the State Tax Assessor a report providing an appraisal of the exempt business equipment of all taxpayers whose equalized municipal valuation makes up at least 2% of the overall equalized valuation of the municipality. The appraisal report must include a summary of the appraiser's consideration of the cost, income capitalization and sales comparison approaches to the valuation of property. The appraisal must determine a value for the property within the 5 years prior to the date of the claim and must be prepared by a qualified professional appraiser, as defined in section 208-A. This appraisal must be the basis on which the property is assessed for municipal property tax purposes.~~

Sec. 5. 36 MRSA §706, as amended by PL 1981, c. 30, §§1 and 2, is further amended to read:

§706. Taxpayers to list property, notice, penalty, verification

Before making an assessment, the assessor or assessors, the chief assessor of a primary assessing area or the State Tax Assessor in the case of the unorganized territory may give seasonable notice in writing to all persons liable to taxation or qualifying for exemption pursuant to subchapter 4-C in the municipality, primary assessing area or the unorganized territory to furnish to the assessor or assessors, chief assessor or State Tax Assessor true and perfect lists of all their estates~~, not by law exempt from taxation,~~ of which they were possessed on the first day of April of the same year.

The notice to owners may be by mail directed to the last known address of the taxpayer or by any other method that provides reasonable notice to the taxpayer.

If notice is given by mail and the taxpayer does not furnish the list, ~~he~~ the taxpayer is barred of ~~his~~ the right to make application to the assessor or assessors, chief assessor or State Tax Assessor or any appeal ~~therefrom~~ from an application for any abatement of ~~his~~ those taxes, unless ~~he~~ the taxpayer furnishes the list with ~~his~~ the application and satisfies ~~them~~ the assessing authority or authority to whom an appeal is made that ~~he~~ the taxpayer was unable to furnish ~~it~~ the list at the time appointed.

The assessor or assessors, chief assessor or State Tax Assessor may require the person furnishing the list to make oath to its truth, which oath any of them may administer~~, and may require him to answer in writing all proper inquiries as to the nature, situation and value of his property liable to be taxed in the State; and a refusal or neglect to answer such inquiries and subscribe the same bars an appeal, but such list and answers shall not be conclusive upon the assessor or assessors, chief assessor or the State Tax Assessor~~.

The assessor or assessors, chief assessor or State Tax Assessor may require the taxpayer to answer in writing all proper inquiries as to the nature, situation and value of the taxpayer's property liable to be taxed in the State or subject to exemption pursuant to subchapter 4-C. As may be reasonably necessary to ascertain the value of property according to the income approach to value pursuant to the requirements of section 208-A or generally accepted assessing practices, these inquiries may seek information about income and expenses, manufacturing or operational efficiencies, manufactured or generated sales price trends or other related information. A taxpayer has 30 days from receipt of such an inquiry to respond. Upon written request, a taxpayer is entitled to a 30-day extension to respond to the inquiry and the assessor may at any time grant additional extensions upon written request. Information provided by the taxpayer in response to an inquiry that is proprietary information, and clearly labeled by the taxpayer as proprietary and confidential information, is confidential and is exempt from the provisions of Title 1, chapter 13. An assessor of the taxing jurisdiction may not allow the inspection of or otherwise release such proprietary information to anyone other than the State Tax Assessor, who shall treat such proprietary information as subject to section 191, subsection 1, except that the exemption provided in section 191, subsection 2, paragraph I does not apply to such proprietary information. 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 person submitting the information and would make available information not otherwise publicly available and information protected from disclosure by federal or state law or regulations. A person who knowingly violates the confidentiality provisions of this paragraph commits a Class E crime.

A taxpayer's refusal or neglect to answer inquiries bars an appeal, but the answers are not conclusive upon the assessor or assessors, chief assessor or State Tax Assessor.

If the assessor or assessors, chief assessor or ~~the~~ State Tax Assessor fail to give notice by mail, the taxpayer is not barred of ~~his~~ the right to make application for abatement ~~provided that~~; however, upon demand the taxpayer shall answer in writing all proper inquiries as to the nature, situation and value of ~~his~~ the taxpayer's property liable to be taxed in the State~~; and a~~. A taxpayer's refusal or neglect to answer the inquiries and subscribe the same bars an appeal, but the list and answers ~~shall~~ are not ~~be~~ conclusive upon the assessor or assessors, chief assessor or the State Tax Assessor.

Sec. 6. PL 2013, c. 368, Pt. O, §11, as repealed and replaced by PL 2013, c. 385, §1 and affected by §3, is repealed.

Sec. 7. Application. This Act applies to property tax years beginning on or after April 1, 2014.

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

Effective April 15, 2014.

CHAPTER 545

H.P. 1315 - L.D. 1826

An Act To Protect the State's Authority in Issues Concerning Federal Relicensing of Dams Located in the State

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

Sec. 1. 38 MRSA §638 is enacted to read:

§638. Notice of relicensing deadline

By January 15, 2015, and annually thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report describing all pending applications for water quality certification under Section 401 of the federal Clean Water Act for dams located in the State that are subject to the jurisdiction of the Federal Energy Regulatory Commission. The report submitted under this section must include, for each pending application, the filing date of the application, the respective response deadline for the department and a short statement describing the department's plan to address that deadline. The report must also include a list of the licensing or relicensing deadlines for the dams described in this section that are anticipated to occur within 5 years after the date of the report and, if applicable, the department's plan to address each deadline.

See title page for effective date.

CHAPTER 546
S.P. 673 - L.D. 1707

An Act To Amend the State's Tax Laws

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

Sec. 1. 25 MRSA §1542-A, sub-§1, ¶H, as amended by PL 2001, c. 52, §5, is further amended to read:

H. Charged with the commission of a juvenile crime; ~~or~~

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶I, as enacted by PL 2001, c. 52, §6, is amended to read:

I. Who is a prospective adoptive parent not the biological parent as required under Title 18-A, section 9-304, subsection (a-1)~~.~~; or

Sec. 3. 25 MRSA §1542-A, sub-§1, ¶J is enacted to read:

J. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-B.

Sec. 4. 25 MRSA §1542-A, sub-§3, ¶J is enacted to read:

J. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as specified under Title 36, section 194-B, subsection 2.

Sec. 5. 25 MRSA §1542-A, sub-§4, as amended by PL 2005, c. 663, §15, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Bureau of Revenue Services.

Sec. 6. 25 MRSA §2399, 2nd ¶, as amended by PL 2013, c. 95, §1, 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~~ Beginning in 2013 and every 5 years thereafter, by October 1st the Department of Professional and Financial Regulation, Bureau of Insurance shall determine ~~every~~ for the subsequent 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.

Sec. 7. 36 MRSA §194-B is enacted to read:

§194-B. National criminal history record information

As part of the process of evaluating an applicant for employment with the bureau on or after January 1, 2015, the assessor shall perform a national criminal history record check in accordance with this section.

1. Criminal history record information obtained from the Federal Bureau of Investigation. The assessor shall obtain national criminal history record information from the Federal Bureau of Investigation for any person not then employed with the Bureau of Revenue Services who has applied for and may be offered employment.

2. Fingerprinting. An individual not then employed with the Bureau of Revenue Services applying for employment with the bureau must consent to having fingerprints taken for use in accordance with this section before the individual may be employed by the bureau. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks for the Bureau of Revenue Services. The State Police may charge the Bureau of Revenue Services for the expenses incurred in processing state and national criminal history record checks. The full fee charged under this subsection must be deposited in a dedicated revenue account for the State Bureau of Identification with the purpose of paying costs associated with the maintenance and replacement of the criminal history record systems.

3. Confidentiality. All information obtained by the assessor pursuant to this section is confidential and not a public record pursuant to Title 1, chapter 13.

4. Applicant's access to criminal history record information. The Bureau of Revenue Services shall provide an applicant with access to information obtained pursuant to this section, if requested, by providing a paper copy of the criminal history record information directly to the applicant, but only after the Bureau of Revenue Services confirms that the applicant is the subject of the record. In addition, the Bureau of Revenue Services shall publish guidance on requesting such information from the Federal Bureau of Investigation.

Sec. 8. 36 MRSA §653, sub-§1, ¶G, as amended by PL 2013, c. 222, §1, 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 application and proof of entitlement must be made available to the State Tax Assessor upon request. 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.

Sec. 9. 36 MRSA §1752, sub-§17, as amended by PL 1997, c. 557, Pt. B, §2 and affected by §14 and Pt. G, §1, is further amended to read:

17. Tangible personal property. "Tangible personal property" means personal property that may be seen, weighed, measured, felt, touched or in any other manner perceived by the senses, but does not include rights and credits, insurance policies, bills of exchange, stocks and bonds and similar evidences of indebtedness or ownership. "Tangible personal property" includes electricity. "Tangible personal property" includes any computer software that is not a custom computer software program. "Tangible personal property" includes any product transferred electronically.

Sec. 10. 36 MRSA §1754-B, sub-§1-A, as enacted by PL 2013, c. 200, §4 and affected by §6, is amended to read:

1-A. Persons presumptively required to register. This subsection ~~creates a~~ defines the basis for and obligations associated with the rebuttable presumption created by this subsection that a seller not ~~subject to~~ registered under 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 as 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 as 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. 11. 36 MRSA §4102, sub-§6, ¶C, as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

C. With respect to which an election is made, on a return timely filed with the assessor, to treat the property as Maine qualified terminable interest property for purposes of the tax imposed by this chapter. The amount of property with respect to which the election is made may not be less than zero or greater than the amount by which the federal applicable exclusion amount under the Code,

Section 2010 exceeds the Maine exclusion amount. For the purposes of this paragraph, "federal applicable exclusion amount" does not include any deceased spousal unused exclusion amount under the Code, Section ~~2810~~ 2010.

Sec. 12. 36 MRSA §4109, sub-§1, as enacted by PL 2011, c. 380, Pt. M, §9, is amended to read:

1. Deferred payment arrangement. If the United States Internal Revenue Service has approved a federal estate tax deferral and installment payment arrangement under the Code, Section 6166, the personal representative may elect a similar deferred payment arrangement under this section for payment of the tax imposed by this chapter, subject to acceptance by the assessor. The assessor may approve a deferral and installment arrangement under similar circumstances and on similar terms with respect to an estate of a decedent dying after December 31, ~~2011~~ 2012 that does not incur a federal estate tax.

Sec. 13. 36 MRSA §5122, sub-§2, ¶M-1, as enacted by PL 2011, c. 657, Pt. R, §2 and affected by §3, is amended to read:

M-1. For tax years beginning on or after January 1, 2014, for each individual who is a primary recipient of retirement plan benefits under an employee retirement plan or an individual retirement account, an amount that is the lesser of the aggregate of retirement plan benefits under employee retirement plans or individual retirement accounts included in the individual's federal adjusted gross income and the pension deduction amount reduced by the total amount of the individual's social security benefits and railroad retirement benefits paid by the United States, but not less than $0. The social security benefits and railroad retirement benefits reduction does not apply to benefits paid under a military retirement plan.

For purposes of this paragraph, the following terms have the following meanings.

(1) "Employee retirement plan" means a state, federal or military retirement plan or any other retirement benefit plan established and maintained by an employer for the benefit of its employees under the Code, Section 401(a), Section 403 or Section 457(b), except that distributions made pursuant to a Section 457(b) plan are not eligible for the deduction provided by this paragraph if they are made prior to age 55 and are not part of a series of substantially equal periodic payments made for the life of the primary recipient or the joint lives of the primary recipient and that recipient's designated beneficiary.

(2) "Individual retirement account" means an individual retirement account under Section 408 of the Code, a Roth IRA under Section 408A of the Code, a simplified employee pension under Section 408(k) of the Code or a simple retirement account for employees under Section 408(p) of the Code.

(3) "Military retirement plan" means retirement plan benefits received as a result of service in the active or reserve components of the Army, Navy, Air Force, Marines or Coast Guard.

(4) "Pension deduction amount" means $10,000 for tax years beginning on or after January 1, 2014.

(5) "Primary recipient" means the individual upon whose earnings or contributions the retirement plan benefits are based or the surviving spouse of that individual.

(6) "Retirement plan benefits" means employee retirement plan benefits, except pick-up contributions for which a subtraction is allowed under paragraph E, reported as pension or annuity income for federal income tax purposes and individual retirement account benefits reported as individual retirement account distributions for federal income tax purposes. "Retirement plan benefits" does not include distributions that are subject to the tax imposed by the Code, Section 72(t);

Sec. 14. 36 MRSA §5122, sub-§2, ¶X, as amended by PL 2007, c. 466, Pt. A, §67 and affected by §70, is further amended to read:

X. The taxpayer's pro rata share of an amount that was previously added back to federal taxable income pursuant to section 5200-A, subsection 1, paragraph N; section 5200-A, subsection 1, paragraph T; section 5200-A, subsection 1, paragraph Y, subparagraph (2); or section 5200-A, subsection 1, paragraph AA, subparagraph (2) by ~~an S~~ a corporation of which the taxpayer is a shareholder and by which, absent ~~the~~ an S corporation election, the corporation could have reduced its federal taxable income for the taxable year pursuant to section 5200-A, subsection 2, paragraph M, R, V or Y;

Sec. 15. 36 MRSA §5251, as amended by PL 2007, c. 437, §19 and affected by §22, is further amended to read:

§5251. Information statement

Every person who is required to deduct and withhold tax under this Part, or who would have been required to deduct and withhold tax if an employee had claimed no more than one withholding exemption, shall furnish a written statement as prescribed by the assessor to each person in respect to the items of income subject to withholding paid to that person during the calendar year on or before January 31st of the suc-

ceeding year, or, in the case of an employee who is terminated before the close of the calendar year, within 30 days from the date of receipt of a written request from the employee if that 30-day period ends before January 31st. The assessor may establish an alternative due date for providing a written statement under this section that is consistent with the due date for the related federal statement. The statement must show the amount of wages paid by the employer to the employee or, in the case of withholding pursuant to sections 5250-B and 5255-B, the total items of income that were subject to withholding, the amount deducted and withheld as tax and such other information as the assessor requires.

Sec. 16. 36 MRSA §6901, sub-§2, as amended by PL 2011, c. 240, §45 and affected by §47, is further amended to read:

2. Certified production wages. "Certified production wages" means wages subject to withholding under section 5250, subsection 1 that are paid by a visual media production company for work on a certified visual media production~~. "Certified production wages" includes~~, an amount paid to a temporary employee-leasing company for personal services rendered in this State by a leased employee in connection with a certified visual media production ~~and~~, an amount paid for the services of a performing artist working in the State in connection with a certified visual media production and other contractual payments for the services of individuals working in the State in connection with a certified visual media production. "Certified production wages" includes only the first $50,000 paid to or with respect to a particular individual for personal services rendered in connection with a particular certified visual media production.

Sec. 17. Retroactive application. That section of this Act that amends the Maine Revised Statutes, Title 25, section 2399, 2nd paragraph applies retroactively to the fire risk allocation determination required for tax periods beginning on or after January 1, 2014.

See title page for effective date.

CHAPTER 547

S.P. 685 - L.D. 1724

An Act To Conform Licensing Requirements for Real Estate Appraisers with Federal Law

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

Sec. 1. 32 MRSA §14021, sub-§7 is enacted to read:

7. Fingerprinting. In accordance with standards adopted by the appraiser qualifications board, an applicant shall submit a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary for a statewide and nationwide criminal history record check to be completed by the Department of Public Safety, State Bureau of Identification and the Federal Bureau of Investigation, commencing at the time determined by the appraiser qualifications board. All costs associated with the criminal history record check are the responsibility of the applicant and must be submitted with the fingerprints. Criminal history records provided to the board of real estate appraisers are confidential and may only be used to determine an applicant's eligibility for licensure. 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 history record information pursuant to Title 16, section 709.

Sec. 2. 32 MRSA §14024, sub-§2, as enacted by PL 1999, c. 185, §5, is repealed.

Sec. 3. 32 MRSA §14024, sub-§3, as enacted by PL 1999, c. 185, §5, is amended to read:

3. Applicants licensed in another jurisdiction. An applicant who is licensed under the laws of another jurisdiction ~~is governed by this subsection.~~ may be issued a license if:

~~A. An applicant who is licensed under the laws of a jurisdiction that has a current reciprocal agreement with the board may obtain a license upon such terms and conditions as may be agreed upon through the reciprocal agreement.~~

~~B. An applicant who is licensed, in good standing, under the laws of a jurisdiction that has not entered into a reciprocal agreement with the board may qualify for licensure by submitting evidence, satisfactory to the board, that the applicant has met all of the qualifications for licensure equivalent to those as set forth by this subchapter for that level of licensure.~~

C. The applicant holds a license in good standing from a jurisdiction with requirements for licensure that meet or exceed the license requirements as set forth by this subchapter for that level of licensure; and

D. The appraiser licensing program of the other jurisdiction complies with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as determined by the federal agency responsible for the determination under that Act.

Sec. 4. 32 MRSA §14027, sub-§1, as amended by PL 2011, c. 286, Pt. L, §2, is further amended to read:

1. Requirement. As a prerequisite to renewal of a license, an applicant must have completed continuing education as set forth by rules adopted by the board. An applicant may not repeat for credit the same continuing education course offering within a license renewal cycle.

Sec. 5. 32 MRSA §14035, sub-§2, as amended by PL 2011, c. 286, Pt. L, §3, is further amended to read:

2. Professional qualifications. An applicant for a certified general real property appraiser license must meet the licensing requirements ~~promulgated~~ established by the appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required by section 14035-A, an applicant must:

A. Hold a bachelor's or higher degree from an accredited college or university ~~or have successfully passed 30 semester credit hours in the following college level subject matter courses from an accredited college, junior college, community college or university:~~

~~(1) English composition;~~

~~(2) Microeconomics;~~

~~(3) Macroeconomics;~~

~~(4) Finance;~~

~~(5) Algebra, geometry or higher mathematics;~~

~~(6) Statistics;~~

~~(7) Computers, word processing and spreadsheets;~~

~~(8) Business or real estate law; and~~

~~(9) Two elective courses in accounting, geography, agricultural economics, business management or real estate.~~

~~An applicant may receive credit for a college course for an exam taken through a college level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accrediting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval~~;

B. Satisfactorily complete 300 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and

~~C. Pass the appraiser qualifications board's uniform state certified general real property appraiser examination; and~~

D. Hold a valid license under this chapter and demonstrate 3,000 hours of appraisal experience obtained during no fewer than 30 months, including 1,500 hours of nonresidential appraisal work.

Sec. 6. 32 MRSA §14035, sub-§3, as enacted by PL 2005, c. 518, §6, is repealed.

Sec. 7. 32 MRSA §14035-A is enacted to read:

§14035-A. Required examination; certified general real property appraiser

An applicant for a certified general real property appraiser license must pass the appraiser qualifications board's uniform state-certified general real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified general real property appraiser license within 24 months of successfully completing the examination.

Sec. 8. 32 MRSA §14036, sub-§2, as amended by PL 2011, c. 286, Pt. L, §4, is further amended to read:

2. Professional qualifications. An applicant for a certified residential real property appraiser license must meet the licensing requirements ~~promulgated~~ established by the appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required by section 14036-A, an applicant must:

A. Hold ~~an associate's~~ a bachelor's or higher degree from an accredited college or university ~~or have successfully passed 21 semester credit hours in the following collegiate level subject matter courses from an accredited college, junior college, community college or university:~~

~~(1) English composition;~~

~~(2) Principles of microeconomics or macroeconomics;~~

~~(3) Finance;~~

~~(4) Algebra, geometry or higher mathematics;~~

~~(5) Statistics;~~

~~(6) Computers, word processing and spreadsheets; and~~

~~(7) Business or real estate law.~~

~~An applicant may receive credit for a college course for an exam taken through a college level examination program if a college or university accredited by a commission on colleges, a regional or national accreditation association or an accred-~~

~~iting agency that is recognized by the United States Secretary of Education accepts the exam and issues a transcript showing its approval~~;

B. Satisfactorily complete 200 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination; and

~~C. Pass the appraiser qualifications board's uniform state certified residential real property appraiser examination; and~~

D. Hold a valid license under this chapter and demonstrate 2,500 hours of appraisal experience obtained during no fewer than 24 months, including complex residential property appraisals completed under the supervision of a certified residential real property appraiser or a certified general real property appraiser under section 14035.

Sec. 9. 32 MRSA §14036, sub-§3, as enacted by PL 2005, c. 518, §7, is repealed.

Sec. 10. 32 MRSA §14036-A is enacted to read:

§14036-A. Required examination; certified residential real property appraiser

An applicant for a certified residential real property appraiser license must pass the appraiser qualifications board's uniform state-certified residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a certified residential real property appraiser license within 24 months of successfully completing the examination.

Sec. 11. 32 MRSA §14037, sub-§2, as enacted by PL 2005, c. 518, §8, is amended to read:

2. Professional qualifications. ~~Each~~ An applicant for a residential real property appraiser license must meet the licensing requirements ~~promulgated~~ established by the appraiser qualifications board. ~~Each~~ As a prerequisite to taking the examination required by section 14037-A, an applicant must:

A. Satisfactorily complete 150 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standard of professional appraisal practice course and examination;

~~B. Pass the appraiser qualifications board's licensed residential real property appraiser examination; and~~

C. Hold a valid license under this chapter and demonstrate 2,000 hours of appraisal experience obtained during no fewer than 12 months~~.~~; and

D. Hold an associate or higher degree from an accredited college or university or have successfully completed 30 semester credit hours of college-level courses from an accredited college, junior college, community college or university.

Sec. 12. 32 MRSA §14037, sub-§3, as enacted by PL 2005, c. 518, §8, is repealed.

Sec. 13. 32 MRSA §14037-A is enacted to read:

§14037-A. Required examination; residential real property appraiser

An applicant for a residential real property appraiser license must pass the appraiser qualifications board's licensed residential real property appraiser examination within 24 months of the date the applicant is eligible to take the examination. An applicant must apply for a residential real property appraiser license within 24 months of successfully completing the examination.

Sec. 14. 32 MRSA §14038, sub-§2, as enacted by PL 2005, c. 518, §9, is amended to read:

2. Professional qualifications. ~~Each~~ An applicant for a trainee real property appraiser license must meet the licensing requirements ~~promulgated~~ established by the appraiser qualifications board. ~~Each~~ An applicant must satisfactorily complete ~~75 creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course and examination.~~:

A. Seventy-five creditable class hours as specified in the appraiser qualifications board's required core curriculum, which must include the 15-hour national uniform standards of professional appraisal practice course, within 5 years of the date of application for licensure; and

B. A supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board.

Sec. 15. 32 MRSA §14038, sub-§3, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 16. 32 MRSA §14038, sub-§4, as enacted by PL 2005, c. 518, §9, is amended to read:

4. Number of supervisors. A trainee real property appraiser may have more than one supervising certified residential real property appraiser or certified general real property appraiser~~, but a supervising appraiser may not supervise more than 3 trainee real property appraisers at one time~~.

Sec. 17. 32 MRSA §14038, sub-§6, as enacted by PL 2005, c. 518, §9, is repealed.

Sec. 18. 32 MRSA §14039 is enacted to read:

§14039. Supervisory appraiser

1. Scope of practice. A supervisory appraiser is responsible for the training, guidance and direct supervision of a trainee real property appraiser as set forth by rules adopted by the board.

2. Certified level license required. A certified general real property appraiser or certified residential real property appraiser who has held a license for a minimum of 3 years and within the last 3 years has not had a license suspended or revoked or been subject to other disciplinary action that limits the licensee's legal eligibility to perform real estate appraisal activity may supervise a trainee real property appraiser.

3. Completion of supervisory course. A supervisory appraiser must satisfactorily complete a supervisory appraiser and trainee appraiser course as specified by the appraiser qualifications board to supervise a trainee real property appraiser licensed on or after January 1, 2015.

4. Filing with board. Before employing a trainee real property appraiser, a supervising certified residential real property appraiser or certified general real property appraiser must register the name and starting date of employment of that trainee with the board.

5. Limitation on number of trainees. A supervisory appraiser may not supervise more than 3 trainee real property appraisers at one time.

Sec. 19. Effective date. This Act takes effect January 1, 2015.

Effective January 1, 2015.

CHAPTER 548

H.P. 1299 - L.D. 1808

An Act To Protect the Public from Mosquito-borne Diseases

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

Sec. 1. 7 MRSA c. 6-A is enacted to read:

CHAPTER 6-A

MANAGEMENT OF MOSQUITOES

§171. Management of mosquitoes for protection of public health; state policy

It is the policy of the State to work to find and implement ways to prevent mosquito-borne diseases in a manner that minimizes risks to humans and the environment. The State, led by the department and the Department of Health and Human Services pursuant to this chapter and Title 22, chapter 257-B, respectively, shall monitor mosquito-borne diseases and shall base mosquito management methods, including potential pesticide use, on an evaluation of the most current risk assessments. On a continuing basis, the State shall research and evaluate means of reducing disease-carrying mosquitoes without the use of pesticides. When the Department of Health and Human Services determines that the disease risk is high and public education efforts are insufficient to adequately prevent mosquito-borne diseases in the State, the Department of Health and Human Services may declare a mosquito-borne disease public health threat pursuant to Title 22, chapter 257-B and the State may undertake emergency activities to reduce disease-carrying mosquito populations that threaten the health of residents of this State. The State in undertaking emergency activities shall use a combination of the lowest risk, most effective integrated pest management techniques and science-based technology and shall consult with officials from affected municipalities in determining the most appropriate combination of response strategies.

§172. Department lead agency; powers of commissioner

1. Lead agency. The department is the lead agency of the State for carrying out mosquito management activities as described in this chapter.

2. Management methods. The commissioner may use appropriate methods for the management of mosquitoes and the prevention of their breeding in a manner consistent with section 171, including, but not limited to, conducting or contracting for mosquito management activities and purchasing equipment necessary for the purposes of carrying out this chapter.

§173. Duties of commissioner

1. Study; plan; arrange cooperation. When sufficient money for such purposes is available in the fund, the commissioner, in cooperation with appropriate personnel from the Department of Health and Human Services, shall:

A. Consider and study mosquito management problems, including mosquito surveillance;

B. Identify means of managing disease-carrying mosquitoes in a manner that minimizes pesticide use;

C. Coordinate plans for mosquito management work that may be conducted by private landowners, groups, organizations, municipalities, counties and mosquito management districts formed pursuant to section 175; and

D. Arrange, to the extent practicable, cooperation among state departments and with federal agencies in conducting mosquito management operations within the State.

2. Consultation. The commissioner shall consult with the University of Maine Cooperative Extension and private sector experts and municipalities in devel-

oping plans and procedures for implementing this chapter.

3. Assist with disseminating information. When sufficient money for such purposes is available in the fund, the commissioner, in cooperation with appropriate personnel from the Department of Health and Human Services and experts from the University of Maine Cooperative Extension, shall assist private landowners, groups, organizations, municipalities, counties and mosquito management districts formed pursuant to section 175 to disseminate information to the residents of the State about ways to reduce mosquito populations, to eliminate mosquito breeding sites and to protect themselves from mosquito-borne diseases as well as other relevant information.

4. Implement mosquito management response. When a mosquito-borne disease public health threat is declared by the Commissioner of Health and Human Services pursuant to Title 22, section 1447, the Commissioner of Agriculture, Conservation and Forestry shall implement an effective management response consistent with section 171. The management response must include combinations of integrated pest management techniques. The Commissioner of Agriculture, Conservation and Forestry shall consider the availability of funds in the fund in planning the response.

§174. Maine Mosquito Management Fund

The Maine Mosquito Management Fund, referred to in this chapter as "the fund," is established to carry out the purposes of this chapter. The fund consists of any money received as contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the department, must be held separate and apart from all other money, funds and accounts. 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. The department may expend the money available in the fund and make grants to private landowners, groups, organizations, agencies, municipalities, counties, the University of Maine Cooperative Extension and mosquito management districts formed pursuant to section 175 to carry out the purposes of this chapter.

§175. Mosquito management districts

For the purposes of preserving and promoting the public health and welfare by providing for coordinated and effective management of mosquitoes, municipalities may cooperate with each other through the creation of mosquito management districts.

§176. Rules

The commissioner may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are major substantive rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA c. 257-B is enacted to read:

CHAPTER 257-B

MOSQUITOES

§1447. Lead agency for monitoring mosquito-borne diseases; declaring a public health threat

The department is the lead agency for monitoring for mosquito-borne diseases in the State and determining the severity of the threat to the public health. The Maine Center for Disease Control and Prevention shall create and maintain an arboviral illness surveillance, prevention and response plan for the purposes of alerting the public and other state, local and federal agencies about the existence of the threat so that appropriate actions may be taken. When available surveillance information indicates a strong likelihood of a human disease outbreak arising from mosquito-borne pathogens, the commissioner may declare a mosquito-borne disease public health threat in accordance with the Maine Center for Disease Control and Prevention arboviral illness surveillance, prevention and response plan. For purposes of this section, the department shall collaborate with the Department of Agriculture, Conservation and Forestry.

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

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Maine Mosquito Management Fund N179

Initiative: Provides an allocation of $500 to establish the new Maine Mosquito Management Fund within the Department of Agriculture, Conservation and Forestry to be used in monitoring and preventing mosquito-borne diseases.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$500
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$500

See title page for effective date.

CHAPTER 549

H.P. 1320 - L.D. 1831

An Act To Allow Signs for Areas of Local, Regional and Statewide Interest on the Interstate System

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

Sec. 1. 23 MRSA §1201, as amended by PL 2011, c. 610, Pt. C, §1, is repealed.

Sec. 2. 23 MRSA §1912-B, as amended by PL 2011, c. 344, §30, is further amended to read:

§1912-B. Logo signs on the interstate system

~~Pursuant to rules adopted under this section, the~~ The commissioner may authorize the placement of logo signs within the right-of-way of the interstate system except for that portion owned by the Maine Turnpike Authority. To implement this section, the commissioner shall adopt rules that include provisions that regulate the size, shape and location of logo signs, the application procedure for permission to erect a logo sign, the criteria for selection among applicants, allocation of available logo sign space and fees to produce, place and maintain a logo sign. Notwithstanding Title 5, section 8071, subsection 3, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Logo signs for exits on the Maine Turnpike are governed by rules adopted pursuant to section 1965, subsection 1, paragraph U. A logo sign may not be larger than existing service information signs permitted on the interstate highway~~. Logo signs may be installed only on portions of the interstate highway that are rural in character or on certain connector highways where it is necessary to establish continuity for logo signs erected on the Maine Turnpike. A logo sign~~ and may include only logos for gas, food, lodging, camping and attractions. ~~Applications from at least 3 qualified businesses must be approved before installation of a logo sign panel at an exit. Logos for 2 or more types of service may be displayed on the same sign panel. More than one logo sign panel may be installed at an exit only when 3 or more qualified businesses are available for each of 2 or more types of service. The number of logo sign panels at an exit may not exceed one for each type of service or a total of 5 for all types of services. Rules adopted under this section must regulate the size, shape, manner and location of logo signs and must describe the procedure for applying to the department for permission to erect a logo sign and the criteria used by the department to select among applicants. The commissioner shall establish fees for the production and placement of a logo sign and annual fees to cover the maintenance costs.~~

~~The commissioner shall adopt rules to implement this section. Those rules may not be adopted until March 15, 1996. The commissioner shall report to the Joint Standing Committee on Transportation in January 1996 on the development of those rules.~~

Sec. 3. 23 MRSA §1912-C is enacted to read:

§1912-C. Guide signs on the interstate system

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advance guide sign" means a sign described in the national standards that identifies the principal destinations and routes served by an exit and the distance to that exit.

B. "Authority" means the Maine Turnpike Authority.

C. "College or university" means an accredited institution providing postsecondary education that has authorization to confer a degree in accordance with Title 20-A, chapter 409.

D. "Department" means the Department of Transportation.

E. "Exit directional sign" means an exit sign that repeats the route and destination information that is displayed on an advance guide sign for that exit.

F. "Interchange guide sign" means an advance guide sign or exit directional sign.

G. "Military installation" means a facility that is owned by the Federal Government and is operated by a branch of the United States Armed Forces.

H. "National standard" means the latest version of the Manual on Uniform Traffic Control Devices approved by the United States Department of Transportation, Federal Highway Administration in accordance with 23 United States Code and the latest version of the Guidelines for the Selection of Supplemental Guide Signs for Traffic Generators Adjacent to Freeways published by the American Association of State Highway and Transportation Officials.

I. "Signing agency" means, with respect to signs proposed to be placed along the state-constructed and state-maintained interstate system, the department and, with respect to signs proposed to be placed along the Maine Turnpike, the authority.

J. "State park" means any area of land or an interest in land, with or without improvements, that is designated as a state park, that is acquired by or under the control of the State and that is managed primarily for public recreation or conservation purposes.

K. "Supplemental guide sign" means a sign used to provide information regarding destinations accessible from an exit other than places displayed on an interchange guide sign.

L. "Transportation facility" means a bus, train, air, ship or ferry terminal, a park and ride lot or an intermodal transportation facility.

M. "Veterans, police or firefighters memorial" means a veterans cemetery or a memorial honoring veterans, firefighters or police officers if the cemetery or memorial is maintained and funded by a state or federal agency.

2. Authority to place interchange guide signs on the interstate system. To guide travelers to destinations of local, regional and statewide interest, interchange guide signs and supplemental guide signs may be placed by a signing agency at strategic points on the interstate system beside the traffic lanes approaching an exit if the placement complies with this section and with national standards. All determinations regarding whether the placement of interchange guide signs or supplemental guide signs on the interstate system meets the standards contained in this section must be made by the signing agency.

3. Interchange guide signs. The following provisions apply to interchange guide signs.

A. The primary destination displayed on an interchange guide sign must be the municipality in which the exit is located or the street name or route adjacent to the exit, or both.

B. Unless otherwise allowed by the signing agency, advance guide signs must be placed from 1/2 mile to 2 miles in advance of the exit.

C. In addition to the primary destination, a secondary destination may be displayed on an interchange guide sign. The secondary destination must be selected by the signing agency in accordance with its judgment of how best to serve travelers and must be one of the following:

(1) The municipality with the largest population within 5 miles of the exit that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district;

(2) A municipality with a population of at least 2,000 that is located within 5 miles of the exit, that has a highway that is classified as an arterial or a major collector providing a connection from the exit to the municipality's population center or business district if a portion of the interstate system passes through that municipality;

(3) A municipality that is located within 10 miles of the exit, that has a highway that is classified as an arterial or major collector providing a direct connection from the exit to the municipality's population center or business district and that has a population of at least 10,000;

(4) Another municipality that is considered a major destination if its inclusion would benefit travelers; or

(5) A major destination, other than a municipality, that is directly connected to the exit if its inclusion would benefit travelers.

D. An interchange guide sign may bear the name of a specific destination if the primary purpose of the exit is to provide access to that destination.

4. Supplemental guide signs. The purpose of a supplemental guide sign is to provide directional guidance to travelers and not to promote commercial or economic interests. Supplemental guide signs must be limited in number and restricted in location to avoid driver distraction and impairment to traffic.

The following provisions apply to supplemental guide signs.

A. A supplemental guide sign may be used only if it does not conflict or interfere with required signs or with other permitted signs already in place. Whether sufficient space exists for a supplemental guide sign must be determined by the signing agency with reference to national standards. Supplemental guide signs for municipalities and transportation facilities take precedence over supplemental guide signs for other destinations.

B. A supplemental guide sign must be located in advance of the exit that provides the most direct or convenient route to the destination, except that the signing agency may allow a different location if there is more than one exit in the municipality or if another location is warranted to facilitate traffic.

C. A supplemental guide sign for a destination is permitted only if there are sufficient signs off the interstate highway to direct travelers from the interstate highway to the destination with minimal confusion.

D. A sign for a destination that meets the criteria for logo signs under section 1912-B or in rules adopted pursuant to section 1965, subsection 1, paragraph U is not eligible to be placed as a supplemental guide sign under this section unless that destination's name is readily recognized as the principal attraction in a major recreational area as described in subsection 5, paragraph C and it is necessary to include it on a supplemental guide sign to avoid traveler confusion.

5. Destinations qualifying for supplemental guide signs. The following destinations may appear on a supplemental guide sign:

A. A college or university that:

(1) Is located within 15 miles of an exit and has an enrollment of 300 or more students attending classes on site; or

(2) Has an enrollment of 1,000 or more students attending classes on site;

B. A national park or state park that:

(1) Is located within 10 miles of an exit and has a minimum annual attendance of 25,000 recorded visitors; or

(2) Is between 10 and 120 miles from an exit and has a minimum annual attendance of 75,000 recorded visitors;

C. A major recreational area that is a geographic region that is served by a highway that is classified as an arterial or a major collector. The geographic region must:

(1) Contain a beach or lake access that is open to the public, allows swimming for all ages, provides parking for more than 100 vehicles, has rest rooms on or adjacent to the beach or lake access and, with respect to a beach, maintains lifeguards on duty during July and August;

(2) Contain a ski area open to the public that:

(a) Has a minimum vertical drop of 1,000 feet with 40 or more maintained trails; or

(b) Is within 10 miles of the exit, has a minimum vertical drop of 200 feet with 10 or more maintained trails and has an aerial lift servicing groomed trails; or

(3) Have generated at least 1% of the State's total sales subject to the taxes under Title 36, section 1811 on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, prepared food and rental of living quarters in any hotel, rooming house or tourist or trailer camp over the previous 3 years and must offer recreational opportunities of sufficient traffic significance to warrant signs in accordance with criteria developed by the signing agency;

D. A military installation to which at least 2,000 employees and military personnel are permanently assigned, as long as the distance from the applicable exit to the installation does not exceed one mile for every 200 employees and military personnel permanently assigned to the installation;

E. A municipality that qualifies for but has not been included on an interchange guide sign;

F. A transportation facility if signs for the facility significantly benefit the transportation system; and

G. A veterans, police or firefighters memorial that is located within 20 miles of an exit.

Sec. 4. 23 MRSA §1967, sub-§1, as amended by PL 2007, c. 480, §1, is repealed and the following enacted in its place:

1. Property of the authority. All property of the authority and all property held in the name of the State pursuant to the provisions of this chapter are exempt from levy and sale by virtue of any execution, and an execution or other judicial process is not a valid lien upon property of the authority held pursuant to the provisions of this chapter.

A. The authority may not lease, sell or otherwise convey, or allow to be used, any of its real or personal property or easements in that property, franchises, buildings or structures, with access to any part of the turnpike or its approaches, for commercial purposes, except for the following:

(1) Intermodal transportation facilities, kiosks at rest areas, gasoline filling stations, service and repair stations, safety patrol vehicles sponsored or operated by 3rd parties, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and restaurants that the authority determines are necessary to service the needs of the traveling public while using the turnpike. The leasehold interests in such intermodal transportation facilities, kiosks, gasoline filling stations, service and repair stations, tourist-oriented retail facilities, state and tri-state lottery ticket agencies, automatic teller machines and restaurants are subject to taxation as provided in section 1971;

(2) Electrical power, telegraph, telephone, communications, water, sewer or pipeline facilities installed or erected by the authority, or permitted to be installed or erected by the authority; and

(3) Signs erected and maintained by the authority, or allowed by the authority to be erected and maintained, in accordance with rules adopted pursuant to section 1965, subsection 1, paragraph U, that contain names, symbols, trademarks, logos or other identifiers of specific commercial enterprises.

As used in this subsection, "tourist-oriented retail facilities" means facilities that promote tourism in this State by selling products that are made or primarily made in this State or to which value is added in this State.

Sec. 5. Implementation. Within a reasonable time after the effective date of this Act, not to exceed 5 years, the Department of Transportation or the Maine Turnpike Authority, as appropriate, shall remove or

modify any supplemental guide signs on the interstate system to comply with this Act.

See title page for effective date.

CHAPTER 550

S.P. 655 - L.D. 1661

An Act To Clarify the Provisions of a Historic Preservation Tax Credit

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

Sec. 1. 36 MRSA §5219-BB, sub-§4, as amended by PL 2011, c. 548, §31, is repealed and the following enacted in its place:

4. Maximum credit. The credit allowed pursuant to this section and section 2534 may not exceed the greater of:

A. Five million dollars for the portion of a certified rehabilitation as defined by the Code, Section 47(c)(2)(C) placed in service in the State in the taxable year; and

B. Five million dollars for each building that is a component of a certified historic structure for which a credit is claimed under this section.

Sec. 2. Application. That section of this Act that repeals and replaces the Maine Revised Statutes, Title 36, section 5219-BB, subsection 4 applies to credits for which the first credit installment under Title 36, section 5219-BB, subsection 5 is claimed on a return filed for a tax year beginning on or after January 1, 2014.

See title page for effective date.

CHAPTER 551

H.P. 1257 - L.D. 1751

An Act To Provide Property Tax Relief to Maine Residents

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

Sec. 1. 22 MRSA §4301, sub-§7, as amended by PL 2013, c. 368, Pt. OO, §6, is further amended to read:

7. Income. "Income" means any form of income in cash or in kind received by the household, including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources, unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, household income from any other source, including relatives or unrelated household members and any benefit received pursuant to Title 36, chapter 907 ~~and~~, Title 36, section 5219-II and Title 36, section 5219-KK, unless used for basic necessities as defined in section 4301, subsection 1.

The following items are not available within the meaning of this subsection and subsection 10:

A. Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;

B. Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or

C. Earned income of children below the age of 18 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation is the 30-day period commencing on the date of the application. This prospective calculation does not disqualify an applicant who has exhausted income to purchase basic necessities if that income does not exceed the income standards established by the municipality. Notwithstanding this prospective calculation, if any applicant or recipient receives a lump sum payment prior or subsequent to applying for assistance, that payment must be prorated over future months. The period of proration is determined by disregarding any portion of the lump sum payment that the applicant or recipient has spent to purchase basic necessities, including but not limited to: all basic necessities provided by general assistance; reasonable payment of funeral or burial expenses for a family member; reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities; repayments of loans or credit, the proceeds of which can be verified as having been spent on basic necessities; and payment of bills earmarked for the purpose for which the lump sum is paid. All income received by the household between the receipt of the lump sum payment and the application for assistance is added to the remainder of the lump sum. The period of proration is then determined by dividing the remainder of the lump sum payment by the verified actual monthly amounts for all

of the household's basic necessities. That dividend represents the period of proration determined by the administrator to commence on the date of receipt of the lump sum payment. The prorated sum for each month must be considered available to the household for 12 months from the date of application or during the period of proration, whichever is less.

Sec. 2. 36 MRSA §5219-II, first ¶, as enacted by PL 2013, c. 368, Pt. L, §1, is amended to read:

For tax years beginning on or after January 1, 2013 and before January 1, 2014, a Maine resident individual is allowed a property tax fairness credit as computed under this section against the taxes imposed under this Part.

Sec. 3. 36 MRSA §5219-KK is enacted to read:

§5219-KK. Property tax fairness credit for tax years beginning on or after January 1, 2014

For tax years beginning on or after January 1, 2014, a Maine resident individual is allowed a property tax fairness credit as computed under this section against the taxes imposed under this Part.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Benefit base" means property taxes paid by a resident individual during the tax year on the resident individual's homestead in this State or rent constituting property taxes paid by the resident individual during the tax year on a homestead in the State not exceeding the following amounts:

(1) For persons filing as single individuals, $2,000;

(2) For persons filing joint returns or as heads of households that claim no more than 2 personal exemptions, $2,600;

(3) For persons filing joint returns or as heads of households that claim 3 or more personal exemptions, $3,200; and

(4) For married individuals filing separate returns, 1/2 of the amount under subparagraph (2) or (3), whichever would apply if the individual had filed a joint return for the taxable year with the individual's spouse.

B. "Dwelling" means an individual house or apartment, duplex unit, cooperative unit, condominium unit, mobile home or mobile home pad.

C. "Homestead" means the dwelling owned or rented by a taxpayer or held in a revocable living trust for the benefit of the taxpayer and occupied by the taxpayer and the taxpayer's dependents as a home and may consist of a part of a multidwelling or multipurpose building and a part of the land, up to 10 acres, upon which it is built. For purposes of this paragraph, "owned" includes a vendee in possession under a land contract, one or more joint tenants or tenants in common and possession under a legally binding agreement that allows the owner of the dwelling to transfer the property but continue to occupy the dwelling as a home until some future event stated in the agreement.

D. "Income" means federal adjusted gross income increased by the following amounts:

(1) Trade or business losses; capital losses; any net loss resulting from combining the income or loss from rental real estate and royalties, the income or loss from partnerships and S corporations, the income or loss from estates and trusts, the income or loss from real estate mortgage investment conduits and the net farm rental income or loss; any loss associated with the sale of business property; and farm losses included in federal adjusted gross income;

(2) Interest received to the extent not included in federal adjusted gross income;

(3) Payments received under the federal Social Security Act and railroad retirement benefits to the extent not included in federal adjusted gross income; and

(4) The following amounts deducted in arriving at federal adjusted gross income:

(a) Educator expenses pursuant to the Code, Section 62(a)(2)(D);

(b) Certain business expenses of performing artists pursuant to the Code, Section 62(a)(2)(B);

(c) Certain business expenses of government officials pursuant to the Code, Section 62(a)(2)(C);

(d) Certain business expenses of reservists pursuant to the Code, Section 62(a)(2)(E);

(e) Health savings account deductions pursuant to the Code, Section 62(a)(16) and Section 62(a)(19);

(f) Moving expenses pursuant to the Code, Section 62(a)(15);

(g) The deductible part of self-employment tax pursuant to the Code, Section 164(f);

(h) The deduction for self-employed SEP, SIMPLE and qualified plans pursuant to the Code, Section 62(a)(6);

(i) The self-employed health insurance deduction pursuant to the Code, Section 162(1);

(j) The penalty for early withdrawal of savings pursuant to the Code, Section 62(a)(9);

(k) Alimony paid pursuant to the Code, Section 62(a)(10);

(l) The IRA deduction pursuant to the Code, Section 62(a)(7);

(m) The student loan interest deduction pursuant to the Code, Section 62(a)(17);

(n) The tuition and fees deduction pursuant to the Code, Section 62(a)(18); and

(o) The domestic production activities deduction pursuant to the Code, Section 199.

E. "Rent constituting property taxes" means 15% of the gross rent actually paid in cash or its equivalent during the tax year solely for the right of occupancy of a homestead in the State. For the purposes of this paragraph, "gross rent" means rent paid at arm's length solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property appliances furnished by the landlord as part of the rental agreement, whether or not expressly set out in the rental agreement. If the landlord and tenant have not dealt with each other at arm's length, and the assessor is satisfied that the gross rent charged was excessive, the assessor may adjust the gross rent to a reasonable amount for purposes of this section.

2. Credit. A resident individual is allowed a credit against the taxes imposed under this Part in an amount equal to 50% of the amount by which the benefit base for the resident individual exceeds 6% of the resident individual's income. The credit may not exceed $600 for resident individuals under 65 years of age as of the last day of the taxable year or $900 for resident individuals 65 years of age and older as of the last day of the taxable year. In the case of married individuals filing a joint return, only one spouse is required to be 65 years of age or older to qualify for the $900 credit limitation. In the case of resident married individuals filing separate returns, each of whom claims the credit on the same homestead, the credit for each spouse may not exceed $300 if, for the taxable year, neither spouse was a resident individual 65 years of age or older or $450 if, for the taxable year, at least one spouse was 65 years of age or older.

3. Refundability of credit. The tax credit under this section is refundable after the application of nonrefundable credits.

Sec. 4. 36 MRSA §5403, as amended by PL 2013, c. 368, Pt. Q, §11 and affected by §12 and amended by Pt. TT, §19, is repealed and the following enacted in its place:

§5403. Annual adjustments for inflation

Beginning in 2015, and each calendar year thereafter, on or about September 15th, the assessor shall multiply the cost-of-living adjustment for taxable years beginning in the succeeding calendar year by the dollar amounts of the tax rate tables specified in section 5111, subsections 1-D, 2-D and 3-D and of the benefit base amounts in section 5219-KK, subsection 1, paragraph A. Beginning in 2013, and each calendar year thereafter, on or about September 15th, the assessor shall multiply the cost-of-living adjustment for taxable years beginning in the succeeding calendar year by the dollar amount of the itemized deduction limitation amount in section 5125, subsection 4. If the benefit base amounts, itemized deduction limitation amount or the dollar amounts of each rate bracket, adjusted by application of the cost-of-living adjustment, are not multiples of $50, any increase must be rounded to the next lowest multiple of $50. If the cost-of-living adjustment for any taxable year would be less than the cost-of-living adjustment for the preceding calendar year, the cost-of-living adjustment is the same as for the preceding calendar year. The assessor shall incorporate such changes into the income tax forms, instructions and withholding tables for the taxable year.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides one-time funding to implement changes to the property tax fairness credit.

GENERAL FUND	2013-14	2014-15
All Other	$0	$124,650
GENERAL FUND TOTAL	$0	$124,650

See title page for effective date.

CHAPTER 552

S.P. 703 - L.D. 1769

An Act To Implement the Recommendations 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. 20-A MRSA §7403, as amended by PL 2011, c. 683, §2, is further amended to read:

§7403. Responsibility; location; geographic access

~~The center school is responsible for providing a free, appropriate public education to students enrolled pursuant to chapter 301.~~ The center school programs are operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf located on Mackworth Island or at a location determined by the school board in accordance with section 7407, subsection 17. Satellite school programs, including a residential program in accordance with section 7407, subsection 17, may be located near the population centers of deaf and hard-of-hearing students within the State.

1. Responsibility; repeal. The center school is responsible for providing a free, appropriate public education to students placed pursuant to chapter 301.

This subsection is repealed July 1, 2015.

Sec. 2. 20-A MRSA §7405, sub-§4 is enacted to read:

4. Repeal. This section is repealed July 1, 2015.

Sec. 3. 20-A MRSA §7405-A is enacted to read:

§7405-A. Placement; state and federal educational services requirements; technical assistance

Beginning July 1, 2015, the following provisions apply to student placement, state and federal educational services requirements and technical assistance.

1. Placement. The school administrative unit in which a deaf or hard-of-hearing student resides is responsible for providing a free, appropriate public education pursuant to chapter 301 for a student placed in the center school or in one of the satellite school programs. An individualized education program team for a school administrative unit in which a deaf or hard-of-hearing student resides is responsible for the placement decision of that student and, when the center school or one of the satellite school programs is being considered as a placement for the student, shall invite a representative of the center school or the satellite school to attend the individualized education program team meeting at which this placement is being considered. The Maine Educational Center for the Deaf and Hard of Hearing is responsible for the sums necessary to ensure that the services required to meet the individualized education program for each student placed in the center school or in one of the satellite school programs are provided, including:

A. The cost of tuition; and

B. The costs of transportation and other related services as defined by section 7001, subsection 4-B, including the following related services:

(1) Speech-language therapy;

(2) Audiology in conjunction with the student's primary audiologist;

(3) Occupational therapy;

(4) Transportation;

(5) Interpreting services;

(6) Extended school year services;

(7) Frequency modulation systems;

(8) Evaluation for the following services:

(a) Occupational therapy;

(b) Speech-language therapy;

(c) American Sign Language;

(d) Psychoeducational assessment for placement; and

(e) Academic achievement; and

(9) Behavioral supports and planning.

Beginning July 1, 2015, the costs of related services not listed in this paragraph are the responsibility of the school administrative unit in which a deaf or hard-of-hearing student resides for those students attending the center school or in one of the satellite school programs operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf beginning in the 2015-2016 school year.

The school board shall pay the room and board costs for each student placed in a residential program in the center school or in one of the satellite school programs through funds appropriated by the State.

2. State and federal educational services requirements. The center school, center preschool and any satellite school shall comply with all standards for state public schools and shall comply with all federal

and state laws and department rules for the provision of educational services to children with disabilities.

3. Technical assistance. A school administrative unit may request technical assistance from the school in matters relating to the education of deaf and hard-of-hearing students.

See title page for effective date.

CHAPTER 553

S.P. 752 - L.D. 1854

An Act Regarding Compensation for the Panel of Mediators

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

Sec. 1. 26 MRSA §965, sub-§2, ¶C, as amended by PL 1997, c. 412, §2, is further amended to read:

C. The Panel of Mediators, consisting of not less than 5 nor more than 10 impartial members, must be appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. The Maine Labor Relations Board shall supply to the Governor nominations for filling vacancies. Vacancies occurring during a term must be filled for the unexpired term. Members of the panel are entitled to a fee for services in the amount of ~~$100~~ $300 for up to 4 hours of mediation services provided and ~~$100~~ $300 for each consecutive period of up to 4 hours thereafter and also are entitled to traveling and all other necessary expenses. Notwithstanding the provisions of Title 5, section 12003-A, subsection 9, members of the panel who provide mediation services in more than one dispute in a given day are entitled to the compensation as provided in this paragraph in each such case. The necessary expenses incurred by the members must be allocated to the mediation session that required the costs. The costs for services rendered and expenses incurred by members of the panel and any state cost allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by members of the panel is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the mediator is assigned. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action.

Sec. 2. Report. The Maine Labor Relations Board shall submit a report by December 15, 2017 to the joint standing committee of the Legislature having jurisdiction over labor matters on the effect of the changes made pursuant to section 1, specifically with regard to the impact on recruitment and retention of mediators and the effect on the public sector collective bargaining process as a whole.

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

LABOR, DEPARTMENT OF

Labor Relations Board 0160

Initiative: Allocates funds for the increase in fees for mediation services provided by members of the Panel of Mediators.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$27,800
All Other	$0	$4,258
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$32,058

See title page for effective date.

CHAPTER 554

H.P. 1354 - L.D. 1860

An Act To Provide for Temporary Commissioners at the Public Utilities Commission

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 is currently a proceeding before the Public Utilities Commission for which a quorum is not available; and

Whereas, the proceeding cannot be decided without a quorum and a delay in the case could be detrimental to all parties; and

Whereas, in order to maintain a quorum at the commission, the appointment process and confirmation process proposed in this legislation must commence 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. 35-A MRSA §108-B is enacted to read:

§108-B. Lack of quorum; temporary appointment

If the commission is unable to maintain a quorum for reasons as described in subsection 1, the Governor shall appoint 3 alternate commissioners who may serve as temporary commissioners in accordance with this section.

1. Selection of alternate commissioners. If 2 or more commissioners, due to a conflict of interest, disability or other reason, are unable to serve in a proceeding, which results in the commission being unable to maintain a quorum as provided under section 108-A, the commission shall report this information to the Governor and post this information on its publicly accessible website. Once the Governor is notified of the lack of a quorum for a particular proceeding, the Governor shall appoint 3 alternate commissioners, each of whom may serve as a temporary commissioner in that particular proceeding. All appointed alternate commissioners must be retired judges or justices who are subject to review by the joint standing committee of the Legislature having jurisdiction over public utilities matters and to confirmation by the Legislature. Once the alternate commissioners are confirmed by the Legislature, the commission shall, in a transparent manner, randomly assign from the alternate commissioners one alternate commissioner to be the first alternate commissioner, one alternate commissioner to be the 2nd alternate commissioner and one alternate commissioner to be the 3rd alternate commissioner and send this information to the Governor. Following the receipt of this information, the Governor shall appoint alternate commissioners as temporary commissioners in the assigned order, until the number of temporary commissioners needed to reach a quorum is reached. If, for good cause, an alternate commissioner is unable to serve as a temporary commissioner, the Governor shall appoint the next assigned alternate as a temporary commissioner.

2. Service for duration of proceeding. Once appointed as a temporary commissioner to serve in a proceeding, the temporary commissioner shall serve for the length of time for which there is otherwise no quorum for the proceeding.

3. Compensation. In the event of a temporary appointment under this section, the commission shall provide administrative support to the temporary commissioner and compensate the temporary commissioner for the hours spent at the commission working on a proceeding at an hourly rate that is computed by dividing the annual salary of a commissioner, established in Title 2, section 6-A, subsection 2, by 2,080 hours.

4. Authority. A temporary commissioner appointed pursuant to this section is subject to all laws applicable to and has such authority with respect to the proceeding as a commissioner. An alternate commissioner who is not appointed as a temporary commissioner has no authority with respect to any proceedings of the commission.

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

Effective April 17, 2014.

CHAPTER 555

S.P. 579 - L.D. 1532

An Act To Provide Model Language for Standard Sewer District Charters

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

Sec. 1. 5 MRSA §18251, sub-§3, ¶B, as enacted by PL 2003, c. 630, Pt. A, §3, is amended to read:

B. An elected official or an official appointed for a fixed term. Special provisions apply to certain officials as follows:

(1) Membership of trustees of a water district is governed by Title 35-A, section 6410, subsection 8;

(2) Membership of trustees of a sanitary district is governed by Title 38, section 1104; and

(3) Membership of trustees of a sewer district is governed by Title 38, section ~~1252~~ 1036, subsections 7 and 8;

Sec. 2. 14 MRSA §6321, 4th ¶, as amended by PL 2007, c. 391, §9, is further amended to read:

For purposes of this section, "public utility easements" means any easements held by public utilities, as defined in Title 35-A, section 102; sewer districts, as defined in Title 38, section ~~1251~~ 1032, subsection 3 or 4; or sanitary districts, as formed under Title 38, chapter 11.

Sec. 3. 30-A MRSA §2356, sub-§3, as amended by PL 1995, c. 616, §1, is further amended to read:

3. Trustees' compensation; water districts and sewer districts. This chapter does not affect the procedures concerning changes in the compensation of trustees of water districts and sewer districts as provided in Title 35-A, section 6410, subsection 7~~,~~ and Title 38, section ~~1252~~ 1036, subsection ~~5~~ 7.

Sec. 4. 30-A MRSA §5061, sub-§5, as enacted by PL 2007, c. 174, §2, is amended to read:

5. Sewer utility. "Sewer utility" means a municipal sewer department, a sewer district as defined in Title 38, section ~~1251~~ 1032, subsection 3 or 4 or a sanitary district formed under Title 38, chapter 11.

Sec. 5. 33 MRSA §593-A, sub-§1, ¶B, as enacted by PL 2003, c. 526, §1, is amended to read:

B. "Utility" means a public utility as defined in Title 35-A, section 102, sanitary district established under Title 38, chapter 11 or sewer district as defined in Title 38, section ~~1251~~ 1032, subsection 3 or 4.

Sec. 6. 38 MRSA c. 10 is enacted to read:

CHAPTER 10

STANDARD SEWER DISTRICT ENABLING ACT

SUBCHAPTER 1

GENERAL PROVISIONS

§1031. Short title

This chapter may be known and cited as "the Standard Sewer District Enabling Act."

§1032. Definitions

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

1. Charter. "Charter" means a private and special law or series of private and special laws that establishes a sewer district and defines its responsibilities and authorities.

2. Rates. "Rates" means a rate, toll, rent, assessment, supplemental charge or other lawful charge established by a sewer district pursuant to its charter.

3. Sewer district. "Sewer district" means a district, including a multipurpose district and standard district, created by a private and special law of the State whose purposes include collection, interception and treatment of sewerage. Except as otherwise provided in this chapter or other applicable law, "sewer district" does not include a district whose sewerage activities are confined to interception and treatment.

4. Standard district. "Standard district" means a sewer district that is formed and chartered by a private and special law in conformance with this chapter.

§1033. Scope and application

The provisions of this chapter apply as follows.

1. Applicable to all sewer districts. Except as otherwise provided in the statutory provisions listed in this subsection or in subsection 6, the following provisions are incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with the following provisions is void.

A. Section 1036, subsection 7;

B. Section 1037;

C. Section 1040;

D. Section 1042;

E. Section 1045;

F. Section 1046, subsection 1 and subsection 4;

G. Section 1048, subsection 1, paragraph B and subsection 5; and

H. Section 1051.

2. Mandatory provisions from former chapter 12. The following provisions apply to all sewer districts:

A. Section 1038;

B. Section 1049;

C. Section 1050;

D. Section 1054; and

E. Section 1055.

3. Standard provisions. Except as provided in subsections 1 and 2 or other express provisions of this chapter, the provisions of this chapter do not apply to a sewer district unless the charter of that district incorporates those provisions.

4. Mandatory provisions. Provisions governing the following aspects of a standard district are not included in this chapter and must be otherwise specified in a standard district charter:

A. The corporate name of the standard district;

B. The territorial limits of the standard district;

C. The number of trustees of the standard district, which in accordance with section 1036 may not be less than 3;

D. The appointing authority responsible for appointing or the method of electing the first board of trustees;

E. The terms of the trustees who are elected or appointed subsequent to the first board. Terms of the first board are determined pursuant to section 1036, subsection 4;

F. Whether the trustees, subsequent to the first board, are appointed or elected; and

G. The procedures for the local referendum on the creation of the standard district.

5. Optional provisions. A standard district charter may include provisions relating to the following:

A. Special qualifications of trustees;

B. Election of trustees by other than at-large elections as provided in section 1036, subsection 1. Any provision for election of trustees by other than at-large elections must establish voting districts in conformance with the judicial principle of one person, one vote;

C. Additional purposes and powers of the standard district, such as authority to buy out an existing sewer company or to provide water or other utility services;

D. Areas outside the standard district's territory in which the standard district is authorized to provide sewer services or accept sewage or septage;

E. Areas outside the standard district's territory in which the standard district is authorized to locate facilities;

F. Notwithstanding section 1053, a specific debt limit;

G. Towns with which the standard district is authorized to contract to provide sewer service; and

H. Any other provisions or duties necessary to accomplish the legislative purposes for creating the standard district.

6. Limited sewer districts; exception. Except as otherwise provided in this subsection or other applicable law, a sewer district whose sewerage collection activities are limited to collection performed pursuant to a contract with one or more municipalities is exempt from the requirements of this chapter. The sewerage collection activities may include the ownership, maintenance or operation of the collection facilities but not the fixing of rate schedules for their use. If the sewer district owns the collection facilities used under the contract, the sewer district is subject to the requirements of section 1042.

7. Guidelines for modified charters. As determined appropriate by the Legislature, a standard district charter may include provisions that differ from the provisions in this chapter.

§1034. Exemption from taxation

A standard district is a public municipal corporation within the meaning of Title 36, section 651 and the property of the district is exempt from taxation to the extent provided in that section.

§1035. Legislative amendment of charters

Prior to acting on a proposed sewer district charter amendment, the joint standing committee of the Legislature having jurisdiction over energy and utility matters shall request written comments from the municipalities that lie in whole or in part within the sewer district.

SUBCHAPTER 2

GOVERNANCE

§1036. Trustees

All of the affairs of a standard district must be managed by a board of trustees whose members must be residents of the standard district. The number of trustees must be specified in the standard district's charter and may not be less than 3. After selection of the first board, each trustee is nominated and elected or appointed as provided in the charter creating the standard district and in accordance with subsection 1 or 2, as applicable. If the charter does not indicate whether trustees are appointed or elected, after the selection of the first board the trustees must be elected in accordance with subsection 1.

1. Nominations and elections; vacancies. Nominations and elections of trustees must be conducted in accordance with the laws relating to municipal elections in Title 30-A, chapter 121, and all elections must be conducted by secret ballot in accordance with Title 30-A, section 2528.

When the term of office of a trustee expires, the trustee's successor is elected at large by a plurality vote of the voters of the standard district. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the standard district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers. A vacancy is filled in the same

manner for the unexpired term by a special election called by the trustees of the standard district.

The trustees shall acquire a complete list of all the registered voters residing in the standard district. The trustees may acquire this list or portions of the list from the registrar of any town within the standard district. The town may charge a fee for providing the list. The list acquired by the trustees governs the eligibility of a voter. Voters who reside outside the territorial limits of the standard district, as defined in its charter, are not eligible voters. All warrants issued for elections by the trustees must show that only the voters residing within the territorial limits of the standard district are entitled to vote.

2. Appointments. If the charter creating a standard district specifies that the trustees are appointed, the appointments must be made as provided in the charter.

3. Eligibility requirements. When a trustee ceases to be a resident of a standard district, the trustee shall vacate the office of trustee and the vacancy is filled as provided in subsections 1 or 2, as applicable. All trustees are eligible for reelection or reappointment, but a person who is a municipal officer, as defined in Title 30-A, section 2001, subsection 10, of any town located, in whole or in part, within the standard district is not eligible for appointment, nomination or election as a trustee of that standard district.

4. First board. The first board is appointed or elected as provided in the charter creating the standard district. At the first meeting, the initial trustees shall determine by agreement or, failing to agree, shall determine by lot the term of office of each trustee. The terms of the trustees must be determined in accordance with the following table.

Total number of trustees	1 year	2 years	3 years
3	1	1	1
4	1	1	2
5	1	2	2
6	2	2	2
7	2	2	3
8	2	3	3
9	3	3	3
10	3	3	4
11	3	4	4
12	4	4	4
13	4	4	5
14	4	5	5
15	5	5	5

The trustees shall enter on their records the determination made. Vacancies are filled pursuant to subsection 1 or 2, as applicable.

At the first meeting, the trustees shall organize by electing from among their members a chair and a clerk, by adopting a corporate seal and by electing a treasurer who may or may not be a trustee.

5. Organization; conduct of business. Within one week after each annual appointment or election, the trustees of a standard district shall meet for the purpose of electing a chair, treasurer and clerk in accordance with subsection 4 to serve for the ensuing year and until their successors are elected or appointed and qualified. The trustees, from time to time, may choose and employ and fix the compensation of any other necessary officers and agents, who serve at the pleasure of the trustees. The treasurer shall furnish bond in the sum and with sureties approved by the trustees. The standard district shall pay the cost of the bond.

The trustees may adopt and establish bylaws consistent with the laws of this State and necessary for the convenience and the proper management of the affairs of the standard district and perform other acts within the powers delegated by law to the trustees.

The trustees must be sworn to the faithful performances of their duties including the duties of a member who serves as clerk or clerk pro tem. The trustees shall publish an annual report that includes a report of the treasurer.

Business of the standard district must be conducted in accordance with the applicable provisions of the Freedom of Access Act.

6. Decisions of the board. All decisions of the board of trustees must be made by a majority of those present and voting, except that a vote to approve the issuing of any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance must be approved by a majority of the entire board. A quorum of the board of trustees consists of the total number of authorized trustees divided by 2 and, if necessary to obtain a whole number, the resulting number rounded up to the next whole number.

Trustees are subject to the conflict of interest provisions of Title 30-A, section 2605.

7. Trustees compensation; applicable to all sewer districts. The trustees of a sewer district receive compensation as recommended by the trustees and approved by majority vote of the municipal officers in municipalities representing a majority of the population within the sewer district, including compensation for any duties they perform as officers as well as for their duties as trustees. Certification of the vote must be recorded with the Secretary of State and

recorded in the bylaws. Compensation for duties as trustees must be based on an amount specified in the bylaws for each meeting actually attended plus reimbursement for travel and expenses, with the total not to exceed a specific amount as specified in the bylaws. Compensation schedules in effect on January 1, 2013 continue in effect until changed.

This subsection is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this subsection is void, unless the sewer district's charter expressly references this subsection or former section 1252, subsection 5 and specifically provides that this subsection or former section 1252, subsection 5 does not apply.

8. Trustees retirement; applicable to all sewer districts. A person who has not been a trustee of a sewer district prior to January 1, 1987, or who is not a full-time employee, is not eligible to become member of the Maine Public Employees Retirement System as a result of the person's selection as a trustee.

This subsection is deemed to be incorporated into the private and special laws governing sewer district, and any part of a sewer district charter not in conformity with this subsection is void, unless the sewer district's charter expressly references this subsection or former section 1252, subsection 6 and specifically provides that this subsection or former section 1252, subsection 6 does not apply.

9. Expenses. The trustees of a standard district may obtain an office and incur necessary expenses.

10. Recall. A trustee may be recalled under the following provisions.

A. The eligible voters of a standard district may petition for the recall of any trustee after the first year of the term for which the trustee is elected by filing a petition with the municipal clerk, or the county commissioners in the case of unorganized territory, demanding the recall of the trustee. A trustee may be subject to recall for misfeasance, malfeasance or nonfeasance in office. The petition must be signed by eligible voters of that portion of the standard district that that trustee represents equal to at least 25% of the vote cast for the office of Governor at the last gubernatorial election within that portion of the standard district. The recall petition must state the reason for which removal is sought.

B. Within 3 days after the petition is offered for filing, the official with whom the petition is left shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate must state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, the petition must again be carefully examined to determine sufficiency and a certificate stating the findings must be attached. Immediately upon finding an original or amended petition sufficient, the official shall file the petition and call a special election to be held not less than 40 days nor more than 45 days from the filing date. The official shall notify the trustee against whom the recall petition is filed of the special election.

C. The trustee against whom the recall petition is filed must be a candidate at the special election without nomination, unless the trustee resigns within 10 days after the original filing of the petition. There may not be a primary. Candidates for the office may be nominated under the usual procedure of nomination for a primary election by filing nomination papers, not later than 5 p.m., 4 weeks preceding the election and have their names placed on the ballot at the special election.

D. The trustee against whom a recall petition has been filed shall continue to perform the duties of the trustee's office until the result of the special election is officially declared. The person receiving the highest number of votes at the special election is declared elected for the remainder of the term. If the incumbent receives the highest number of votes, the incumbent continues in office. If another receives the highest number of votes, that person succeeds the incumbent, if that person qualifies, within 10 days after receiving notification.

E. After one recall petition and special election, no further recall petition may be filed against the same trustee during the term for which the trustee was elected.

§1037. Coordination with municipal planning; applicable to all sewer districts

The following provisions facilitate coordination of municipal planning and sewer extension planning.

1. Growth management. The trustees of a sewer district shall cooperate with municipal officials in the development of municipal growth management and other land use plans and ordinances.

2. Development that affects the district. Municipal officers shall cooperate with the trustees of a sewer district during the consideration of development applications that may affect the operations of the sewer district.

This section is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this section is void, unless the sewer dis-

trict's charter expressly references this section or former section 1252, subsection 9 and specifically provides that this section or former section 1252, subsection 9 does not apply.

§1038. Reorganization as sanitary districts

A sewer district existing on January 1, 2013 may, but is not required to, reorganize as a sanitary district under the Maine Sanitary District Enabling Act by referendum in accordance with section 1101, subsection 1-A. The referendum may be initiated by the voters or by a majority of the trustees.

SUBCHAPTER 3

POWERS

§1039. Powers

Except as otherwise provided by law, for the purposes of its incorporation, a standard district may locate, construct and maintain pipes, drains, sewers, conduits, treatment plants, pumping stations and other necessary structures and equipment for the collection, interception and treatment of sewerage, commercial and industrial waste and storm and surface water for the health, welfare, comfort and convenience of the inhabitants of the standard district.

All incidental powers, rights and privileges necessary to accomplish the objectives of this chapter are granted to a standard district.

§1040. Right of eminent domain; applicable to all sewer districts

The authority and procedures for the exercise of eminent domain by a sewer district must conform to sections 1152, 1152-A, 1153 and 1154. In addition, a sewer district may not take by right of eminent domain any of the property or facilities of any other public utility used or acquired for future use by the owner of the public utility in the performance of a public duty, unless expressly authorized by a special Act of the Legislature.

This section is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this section is void, unless the sewer district's charter expressly references this section or former section 1252, subsection 2 and specifically provides that this subsection or former section 1252, subsection 2 does not apply.

§1041. Crossing other public utilities and railroad corporations

If a standard district, in constructing, maintaining or replacing any of its facilities, must cross property of another public utility or railroad corporation, the standard district must obtain the consent of the other public utility or railroad corporation and undertake the work in accordance with conditions established by agreement. If, within 30 days after requesting consent, the standard district fails to reach an agreement with the public utility or railroad corporation the standard district may petition as follows.

1. Public utility. In the case of crossing property of a public utility, the standard district may petition the Public Utilities Commission to determine the time, place and manner of crossing. All work done on the property of the public utility must be done under the supervision and to the satisfaction of the public utility or as prescribed by the Public Utilities Commission.

2. Railroad corporation. In the case of crossing the property of a railroad corporation, the standard district may petition the Department of Transportation to determine the time, place and manner of crossing. All work done on the property of the railroad corporation must be done under the supervision and to the satisfaction of the railroad corporation or as prescribed by the Department of Transportation.

All work under this section must be done at the expense of the standard district.

§1042. Sewer extensions; applicable to all sewer districts

Sewer extensions are governed by this section.

1. Written assurance from municipality. A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

A. Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and

B. The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

If the municipal officers fail to issue a response to a written request from a sewer district for written assurance within 45 calendar days of receiving the request in writing, the written assurance is deemed granted.

Not less than 7 days prior to the meeting at which the trustees will take final action on whether to proceed with the extension, the trustees of the sewer district shall publish notice of the proposed extension in a newspaper having a general circulation that includes all municipalities through which the sewer extension will pass.

2. Review of municipal decision; applicable to all sewer districts. For an intermunicipal sewer extension, when written assurance is denied by municipal officers pursuant to subsection 1, an aggrieved party may appeal, within 15 days of the decision, to the Department of Agriculture, Conservation and For-

estry for a review of the municipal officers' decision. Notwithstanding Title 5, chapter 375, subchapter 4, the following procedures apply to the review by the Department of Agriculture, Conservation and Forestry.

A. The Department of Agriculture, Conservation and Forestry may request any additional information from the sewer district, the municipality or the department. All information requested must be submitted within 30 days of the request, unless an extension is granted by the Department of Agriculture, Conservation and Forestry.

B. Within a reasonable time, the Department of Agriculture, Conservation and Forestry shall hold a hearing. The Department of Agriculture, Conservation and Forestry shall give at least 7 days' written notice of the hearing to the sewer district, the municipality and the party that requested the hearing. The hearing is informal and the Department of Agriculture, Conservation and Forestry may receive any information it considers necessary.

C. Within 15 days of the hearing and within 60 days of the request for review, the Department of Agriculture, Conservation and Forestry shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the Department of Agriculture, Conservation and Forestry constitutes final agency action.

D. Notwithstanding section 1, if the Department of Agriculture, Conservation and Forestry determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the Department of Agriculture, Conservation and Forestry shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating land use and the sewer district may construct the sewer extension.

This section is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this section is void, unless the sewer district's charter expressly references this section or former section 1252, subsection 7 and specifically provides that this subsection or former section 1252, subsection 7 does not apply.

§1043. Conditions for carrying out work

When a standard district enters, digs up or excavates any public way or other land to lay or maintain its sewers, drains or pipes, constructing manholes or catch basins or other appurtenances or for any other purpose, the work must be done expeditiously. On completion of the work the standard district shall restore the public way or land to its condition prior to such work or to a condition equally good. If the work is being undertaken in a municipality and could potentially endanger travel on a public way, the municipal officers of the municipality in which the work is being done may order a temporary closing of the public way and of any intersecting way. Upon request of the standard district, the public way must remain closed to public travel until the municipal officers of the unit of local government determines the public way is restored to a condition safe for traffic. If the work is being undertaken in an unorganized territory and could potentially endanger travel on a public way, the commissioners of the county where the public way is located may order a temporary closing of the public way and of any intersecting way. Upon request of the standard district, the public way must remain closed to public travel until the county commissioners determine the public way is restored to a condition safe for traffic.

§1044. Contracts

A standard district, through its trustees, in order to carry out the purposes of its incorporation, may contract with a person, standard district, utility or corporation or with a municipality, the State or other governmental entity whether located inside or outside the boundaries of the standard district.

§1045. Lease of property; applicable to all sewer districts

A sewer district may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other necessary action, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this section, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

This section is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this section is void, unless the sewer district's charter expressly references this section or former section 1252, subsection 10 and specifically provides that this subsection or former section 1252, subsection 10 does not apply.

§1046. Enforcement

Sewer districts have enforcement powers as specified in this section.

1. Violation of standards by an industrial user; applicable to all sewer districts. A sewer district may seek in a civil action injunctive relief from an industrial user that violates a pretreatment standard or requirement, administered by the sewer district. The sewer district may seek a civil penalty of up to $1,000 per day for each violation by an industrial user of a pretreatment standard or requirement.

This subsection is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this subsection is void, unless the sewer district's charter expressly references this subsection or former section 1252, subsection 8 and specifically provides that this subsection or former section 1252, subsection 8 does not apply.

2. Injury to property of standard districts. A person may not place, discharge or leave any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of a standard district formed under this chapter contrary to its regulations or knowingly injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the standard district.

A person who violates this subsection is liable to pay twice the amount of the damages to the standard district to be recovered in any proper action and is subject to a civil penalty not to exceed $2,500 for each violation, payable to the standard district. The civil penalty is recoverable in a civil action.

3. Required connection. Except as provided in subsection 4, upon receiving a request from a standard district to connect a building located in the territory of the standard district that is accessible to a sewer or drain of the standard district and that is intended for human habitation or occupancy or that has facilities for discharge or disposal of waste water or commercial or industrial waste, the owner of that building shall arrange to have the building connected through a sanitary sewer or drainage system to the standard district's accessible sewer or drain in the most direct manner possible. If feasible, each building requiring connection must have its own separate connection. The connection must be completed within 90 days of the receipt by the owner of the request, or within any extended period requested by the owner and agreed to by the trustees. For purposes of this subsection, "owner" includes the owners of record or any person against whom property taxes on the building are assessed.

A person who receives a notice in accordance with this subsection to connect to a building and fails to connect to the building in accordance with this subsection is subject to a civil penalty not to exceed $2,500, payable to the standard district. This penalty is recoverable in a civil action.

4. Connections not required; applicable to all sewer districts. An existing building that is already served by a private sewer system is not required to connect with a sewer or drain of a sewer district as long as the private sewer or drainage system functions in a satisfactory and sanitary manner and does not violate applicable law or ordinance applicable to the connection with a sewer or drain or a sewer district or any applicable requirements of the state plumbing code, as determined by the municipal plumbing inspector or the municipal plumbing inspector's alternate, or, in the event that both are trustees or employees of the sewer district, the Department of Health and Human Services, Division of Health Engineering.

This subsection is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this subsection is void, unless the sewer district's charter expressly references this subsection or former section 1252, subsection 3 and specifically provides that this subsection or former section 1252, subsection 3 does not apply.

5. Permissive connection. A person not otherwise required to connect a private sewer into a sewer of a standard district may connect to the standard district's sewer if that person obtains a permit from the standard district and pays any charges required by this subsection. The clerk of the standard district shall record the permit in the records of the standard district.

A. If construction of the standard district's sewer is complete at the proposed point of entry of the private sewer and the standard district has established an entrance charge for entry at that location, the person seeking to connect the private sewer at that location shall pay the entrance charge before the connection is undertaken.

B. If the standard district's sewer is under construction and not completed at the point of the proposed entry of the private sewer, the person seeking to connect the private sewer at that location is not required to pay an entrance charge.

§1047. Inspection of sewers

The officers or agents of a standard district have free access to all premises served by the standard district's sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce this chapter and the rules prescribed by the trustees of the standard district.

SUBCHAPTER 4

RATES AND FEES

§1048. Rates and fees

A person, firm and corporation, whether public, private or municipal, shall pay to the treasurer of a standard district the rates established by the trustees for the sewer or drainage service used or available with respect to their real estate as long as those rates are consistent with this section.

1. Uniform rates. Rates must be uniform within a standard district whenever the cost to the standard district of installation and maintenance of sewers or their appurtenances and the cost of service is substantially uniform, except that:

A. A standard district may establish a higher rate in sections where, for any reason, the cost to the standard district of construction and maintenance, or the cost of service, exceeds the average as long as the higher rates are uniform throughout the sections where the rates apply; and

B. Trustees may reduce the impact fee or connection fee, as those terms are defined in Title 30-A, section 5061, for sewer service to newly constructed affordable housing in accordance with Title 30-A, chapter 202-A.

This paragraph is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this paragraph is void, unless the sewer district's charter expressly references this paragraph or former section 1252, subsection 12 and specifically provides that this paragraph or former section 1252, subsection 12 does not apply.

2. Multidistrict rates. Notwithstanding any other provision of law, a standard district that shares, supplies or contracts for services with another district shall establish rates mutually agreeable to the trustees of each participating district.

3. Readiness to serve. A standard district's rates may include readiness to serve rates charged against owners of real estate abutting or accessible but not connected to sewers or drains of the standard district, whether or not the real estate is improved.

4. Interest on late payments. A standard district may charge and collect interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

5. Adoption of rate schedule. Prior to the adoption of a new rate schedule, the trustees shall hold a public hearing regarding the proposed rate schedule. The trustees shall publish the proposed rates and notice of the hearing not less than once in a newspaper having a general circulation in the district not less than 7 days prior to the hearing. The standard district shall mail to each ratepayer a notice of the public hearing and the proposed rate at least 14 days prior to the hearing.

This subsection is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this subsection is void, unless the sewer district's charter expressly references this subsection or former section 1252, subsection 1 and specifically provides that this subsection or former section 1252, subsection 1 does not apply.

6. Revenue from rates. Rates established by the trustees in accordance with this chapter must be fixed and adjusted so as to produce in aggregate revenue at least sufficient, together with any other revenues, to:

A. Pay the current expenses of operating and maintaining the sewerage, drainage and treatment system of the standard district;

B. Pay the principle of, premium, if any, and interest on all bonds and notes issued by the standard district under this chapter as they become due and payable;

C. Create and maintain reserves as may be required by any trust agreement or resolution securing bonds and notes;

D. Provide funds for paying the cost of all necessary repairs, replacements and renewals of the sewerage, drainage and treatment systems of the standard district; and

E. Pay or provide for all amounts that the standard district may be obligated to pay or provide for by law or contract, including any resolution or contract with or benefit of the holders of its bonds and notes.

7. Rates in an unorganized territory. If a standard district encompasses unorganized territory, rates applicable to real estate in that unorganized territory must be charged against the person or entity in possession of the real estate.

8. Civil action for unpaid rates. If rates under this section are not paid, and a standard district does not collect unpaid rates as a qualified sewer district under section 1050, then the standard district may maintain a civil action against the person who has not paid rates for the amount of the unpaid rates plus 10% interest.

9. Disconnection of water service for nonpayment of sewer services. If a standard district is part of a multidistrict utility that is a consumer-owned water utility, the utility may disconnect water service for failure to pay for sewer service in accordance with Title 35-A, section 6111-C.

§1049. Waiver of sewer district lien foreclosure

A sewer district, including but not limited to a qualified sewer district subject to section 1050, may use the following provisions to waive a lien foreclosure.

1. Waiver. The treasurer of a sewer district, including a qualified sewer district, when authorized by the trustees of the sewer district, may waive the foreclosure of a sewer district lien mortgage created pursuant to the sewer district's charter by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate

are not affected by the filing of a waiver under this section.

2. Form. The waiver of foreclosure under subsection 1 must be substantially in the following form.

The foreclosure of the sewer lien mortgage on real estate for charges against.....(NAME) to.....(NAME OF SEWER DISTRICT) dated.....and recorded in the.....County Registry of Deeds in Book....., Page..... is hereby waived.

The form must be dated, signed by the treasurer of the sewer district and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

§1050. Qualified sewer districts; collection of unpaid rates

The provisions of this section apply only to a qualified sewer district.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible sewer district" means a sewer district whose charter does not establish, or authorize the district to establish, a lien on real estate served by the district.

B. "Qualified sewer district" means an eligible sewer district that has satisfied the requirements of subsection 4; or a standard district unless this section is expressly excluded from the standard district's charter.

C. "Real estate" means an identified parcel of land and its improvements, if any, including, but not limited to, a mobile home.

2. Lien. There is a lien on real estate served or benefited by the sewers of the qualified sewer district to secure the payment of the qualified sewer district's rates. The lien established under this section takes precedence over all other claims on such real estate, except claims for taxes.

3. Collection. The treasurer of the qualified sewer district may collect rates and all rates must be committed to the treasurer. The treasurer may, after demand for payment, sue in the name of the qualified sewer district in a civil action in any court of competent jurisdiction for any rates remaining unpaid. In addition to other methods established by law for the collection of rates and without waiver of the right to sue for the collection of rates, the lien created under subsection 2 may be enforced in the following manner.

A. When rates have been committed to the treasurer of the qualified sewer district for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the rates became due and payable, give to the owner of the real estate served, leave at the owner's last and usual place of abode or send by certified mail, return receipt requested, to the owner's last known address a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating the amount of the rates due, describing the real estate upon which the lien is claimed and stating that a lien is claimed on the real estate to secure the payment of the rates and demanding the payment of the rates within 30 days after service or mailing, with $1 added to the demanded rate for the treasurer and an additional fee to cover mailing the notice by certified mail, return receipt requested. The notice must contain a statement that the qualified sewer district is willing to arrange installment payments of the outstanding debt.

B. After the expiration of 30 days and within one year after giving notice pursuant to paragraph A, the treasurer of the qualified sewer district shall record in the registry of deeds of the county in which the property of the person is located a certificate signed by the treasurer setting forth the amount of the rates due, describing the real estate on which the lien is claimed and stating that a lien is claimed on the real estate to secure payment of the rates and that a notice and demand for payment has been given or made in accordance with this section and stating further that the rates remain unpaid. At the time of the recording of the certificate in the registry of deeds, the treasurer shall file in the office of the qualified sewer district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

C. The filing of the certificate in the registry of deeds creates a mortgage held by the qualified sewer district on the real estate described in the certificate that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the qualified sewer district all the rights usually possessed by mortgagees, except that the qualified sewer district as mortgagee does not have any right to possession of that real estate until the right of redemption has expired.

D. If the mortgage created under paragraph C, together with interest and costs, has not been paid within 18 months after the date of filing the certificate in the registry of deeds in accordance with paragraph B, the mortgage is foreclosed and the right of redemption expires. The filing of the cer-

tificate in the registry of deeds is sufficient notice of the existence of the mortgage. In the event that the rate, with interest and costs, is paid within the period of redemption, the treasurer of the qualified sewer district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

E. The owner of the real estate shall pay the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by Title 33, section 751, plus $13, plus all certified mail, return receipt requested, fees.

F. Not more than 45 days or less than 30 days before the foreclosing date of the mortgage created under paragraph C, the treasurer of the qualified sewer district shall notify the party named on the mortgage and each record holder of a mortgage on the real estate in a writing signed by the treasurer or bearing the treasurer's facsimile signature and left at the holder's last and usual place of abode or sent by certified mail, return receipt requested, to the holder's last known address of the impending automatic foreclosure and indicating the exact date of foreclosure. For sending this notice, the qualified sewer district is entitled to receive $3 plus all certified mail, return receipt requested, fees, which must be added to and become a part of the amount due under paragraph E. If notice is not given in the time period specified in this paragraph, the person not receiving timely notice has up to 30 days after the treasurer provides notice as specified in this paragraph in which to redeem the mortgage. The notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE

..... SEWER DISTRICT

NOTICE OF IMPENDING AUTOMATIC FORECLOSURE

SEWER LIEN

M.R.S.A., Title 38, section 1050

IMPORTANT: DO NOT DISREGARD THIS NOTICE

YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY THE CHARGES, COSTS AND INTEREST FOR WHICH A LIEN ON YOUR PROPERTY HAS BEEN CREATED BY THE

..... SEWER DISTRICT.

TO: .....

IF THE LIEN FORECLOSES,

THE ..... SEWER DISTRICT WILL OWN

YOUR PROPERTY, SUBJECT ONLY TO MUNICIPAL TAX LIENS.

.....

District Treasurer

G. The qualified sewer district shall pay the treasurer $1 for the notice, $1 for filing the lien certificate and the amount paid for certified mail, return receipt requested, fees. The fees for recording the lien certificate must be paid by the qualified sewer district to the register of deeds.

H. A discharge of the certificate given after the right of redemption has expired, which discharge has been recorded in the registry of deeds for more than one year, terminates all title of the qualified sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the qualified sewer district has conveyed any interest based upon the title acquired from any of the affected liens.

4. Adoption; referendum. An eligible sewer district may become a qualified sewer district in accordance with this subsection. The trustees of the eligible sewer district shall submit a proposal to become a qualified sewer district for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the eligible sewer district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following form:

"Do you favor authorizing the (insert name of eligible sewer district) to become a qualified sewer district, allowing the district to exercise the lien authority established in the Maine Revised Statutes, Title 38, section 1050 with respect to unpaid rates?"

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

The results must be declared by the trustees and entered upon the eligible sewer district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

The eligible sewer district becomes a qualified sewer district under this section only upon acceptance of the question by a majority of the legal voters within the eligible sewer district voting at the referendum. Failure of approval by the majority of voters voting at the

referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the eligible sewer district.

§1051. Landlord access to tenant bill payment information; applicable to all sewer districts

If a tenant is billed for sewer service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the sewer district 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 account, including any amounts due or overdue.

This section is deemed to be incorporated into the private and special laws governing a sewer district, and any part of a sewer district charter not in conformity with this section is void, unless the sewer district's charter expressly references this section or former section 1252, subsection 11 and specifically provides that this subsection or former section 1252, subsection 11 does not apply.

SUBCHAPTER 5

BONDS, INVESTMENT AND DEBT LIMIT

§1052. Authorized to receive government aid, borrow money and issue bonds and notes

A standard district is authorized to receive government aid, borrow money and issue bonds and notes in accordance with this section.

1. Authorization of bonds. A standard district may provide by resolution of its board of trustees, without district vote, for the borrowing of money and the issuance from time to time of bonds for any of its corporate purposes, including, but not limited to:

A. Paying and refunding its indebtedness;

B. Paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities, whether incurred by the standard district or any municipality within the standard district or any person residing in unorganized territory encompassed by the standard district. The standard district may reimburse any municipality within the standard district or any person residing in unorganized territory encompassed by the standard district for any expenses incurred or paid by the municipality or person;

C. Paying costs directly or indirectly associated with acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating sewage and treatment plants or systems and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction and for any period after construction as the trustees may determine;

D. Providing reserves for debt service, repairs and replacements or other capital or current expenses as may be required by a trust agreement or resolution securing bonds; and

E. Any combination of these purposes.

Bonds may be issued under this section as general obligations of the standard district or as special obligations payable solely from particular funds. The principal of, premium, if any, and interest on all bonds are payable solely from the funds provided for that purpose from revenues. For purposes of this section, "revenues" means and includes the proceeds of bonds, all revenues, rates, fees, entrance charges, assessments, rents and other receipts derived by the standard district from the operation of its sewer system and other properties, including, but not limited to, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties. All bonds issued by a standard district under this section are legal obligations of the standard district, and a standard district whose charter includes this section is declared to be a quasi-municipal corporation within the meaning of Title 30-A, section 5701. Bonds may be issued under this section without obtaining the consent of any commission, board, bureau or agency of the State or of any municipality encompassed by the district and without any other proceedings or the happening of other conditions other than those proceedings or conditions that are specifically required by the standard district's charter or other applicable law. Bonds issued under this section do not constitute a debt or liability of the State or of any municipality encompassed by the standard district or a pledge of the faith and credit of the State or any such municipality, but the bonds are payable solely from the funds provided for that purpose, and a statement to that effect must be recited on the face of the bonds.

2. Notes. A standard district may provide by resolution of its trustees, without district vote, for the issuance from time to time of notes in anticipation of bonds authorized under this section and of notes in anticipation of the revenues to be collected or received in any year or in anticipation of the receipt of federal or state grants or other aid. The issue of these notes is governed by the applicable provisions of this chapter relating to the issue of bonds, except that notes in anticipation of revenue must mature no later than one year from their respective dates and notes issued in anticipation of federal or state grants or other aid and renewals of grants or aids must mature no later than the expected date of receipt of those grants or aid. Notes in anticipation of revenue issued to mature less than one year from their dates may be renewed from time to time by the issue of other notes, except that the period from the date of an original note to the maturity of any note issued to renew or pay the original note or the interest on a note may not exceed one year.

A standard district is authorized and empowered to enter into agreements with the State or the United States, or any agency of either, or any municipality, corporation, commission or board authorized to grant or loan money to or otherwise assist in the financing of projects of the type that that district is authorized to carry out and to accept grants and borrow money from any government, agency, municipality, corporation, commission or board as may be necessary or desirable to accomplish the purposes of the standard district.

3. Maturity; interest; form; temporary bonds. The bonds issued under this section must be dated, must mature at such time or times not exceeding 40 years from their date or dates and must bear interest at such rate or rates as may be determined by the trustees, and may be made redeemable before maturity, at the option of the standard district, at the price or prices and under the terms and conditions as fixed by the trustees prior to the issuance of the bonds. The trustees shall determine the form of the bonds, including any interest coupons to be attached to the bonds, and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company inside or outside the State. Bonds must be executed in the name of the standard district by the manual or facsimile signature of the officer or officers as authorized in the resolution to execute the bonds, but at least one signature on each bond must be a manual signature. Coupons, if any, attached to the bonds must be executed with the facsimile signature of the officer or officers of the standard district designated in the resolution. In case any officer, whose signature or a facsimile of whose signature appears on any bonds or coupons, ceases to be such officer before the delivery of the bonds, the signature or its facsimile is valid and sufficient for all purposes as if the officer had remained in office until the delivery.

Notwithstanding any of the other provisions of this chapter or any recitals in any bonds issued under this section, all bonds issued under this section are negotiable instruments under the laws of this State. The bonds may be issued in coupon or registered form, or both, as the trustees may determine, and provision may be made for the registration of any coupon bonds as to principal alone and as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The trustees may sell bonds, either at public or private sale and for the price as they determine to be for the best interests of the standard district. The proceeds of the bonds of each issue must be used solely for the purpose for which those bonds have been authorized and must be disbursed in the manner and under the restrictions, if any, that the trustees provide, in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds. The resolution providing for the issuance of bonds and any trust agreement securing the bonds may contain limitations upon the issuance of additional bonds as the trustees determine proper, and these additional bonds must be issued under such restrictions and limitations prescribed by that resolution or trust agreement. Prior to the preparation of definitive bonds, the trustees may, under the same restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when those bonds are executed and are available for delivery. The trustees may provide for the replacement of any bond that is mutilated, destroyed or lost.

4. Pledges and covenants; trust agreement. In the discretion of the trustees of a standard district, each or any issue of bonds may be secured by a trust agreement by and between the standard district and a corporate trustee, which may be any trust company located within or outside the State.

A. The resolution authorizing the issuance of the bonds or the trust agreement may pledge or assign, in whole or in part, the revenues and other money held or to be received by the standard district and any accounts and contract or other rights to receive the revenues of the money, whether then existing or coming into existence and whether then held or acquired by the standard district, and the proceeds of the revenues or the money, but may not convey or mortgage the sewer system or any other properties of the standard district. The resolution may also contain provisions for protecting and enforcing the rights and remedies of the bondholders that are reasonable and proper and not in violation of law, including, but not limited to, covenants setting forth the duties of the standard district and the trustees in relation to the acquisition, construction, reconstruction, improvement, repair, maintenance, operation and insurance of its sewer system or any of its other properties, the fixing and revising of rates, fees and charges, the application of the proceeds of bonds, the custody, safeguarding and application of revenues, defining defaults and providing for remedies in the event of defaults that may include the acceleration of maturities, the establishment of reserves and the making and amending of contracts. The resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. In addition, the resolution or trust agreement may contain such other provisions as the trustees determine reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the resolution or trust agreement may be treated as a part of the cost of

operation. The pledge by any resolution or trust agreement is valid and binding and is deemed continuously perfected for the purposes of the Uniform Commercial Code from the time when the pledge is made. All revenues, money, rights and proceeds so pledged and received by the standard district are immediately subject to the lien of the pledge without any physical delivery or segregation of the revenues and proceeds or further action under the Uniform Commercial Code or otherwise, and the lien of the pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the standard district irrespective of whether those parties have notice of the lien.

B. The resolution authorizing the issuance of bonds under this section or any trust agreement securing those bonds may provide that all or a sufficient amount of revenues, after providing for the payment of the cost of repair, maintenance and operation and reserves as may be provided in the resolution or trust agreement, must be set aside at regular intervals as provided in the resolution or trust agreement and deposited in a fund for the payment of the interest on and the principal of bonds issued under this section as the interest and principle become due and for the redemption price or purchase price of bonds retired by call or purchase. The use and disposition of money of the fund are subject to any regulations provided in the resolution authorizing the issuance of the bonds or in the trust agreement securing the bonds and, except as may otherwise be provided in the resolution or trust agreement, the fund must be a fund for the benefit of all bonds without distinction or priority of one over another.

5. Trust funds. Notwithstanding any other law, all funds received pursuant to the authority of a standard district's charter are trust funds, to be held and applied solely as provided in the charter of the standard district. The resolution authorizing the issuance of bonds or the trust agreement securing the bonds must provide that any officer to whom, or bank, trust company or other fiscal agent to which, the funds are paid must act as trustee of the funds and must hold and apply the funds for the purposes of the standard district in accordance with its charter, subject to any regulations as may be provided in the resolution or trust agreement or as may be required by the charter of the standard district.

6. Remedies. A holder of bonds issued under this section or of any of the coupons appertaining to the bonds, and the trustee under a trust agreement, except to the extent the rights given may be restricted by the resolution authorizing the issuance of those bonds or trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, including proceedings for the appointment of a receiver to take possession and control of the properties of the standard district, protect and enforce all rights under the laws of the State, including this section, or under the resolution or trust agreement. A holder of bonds issued under this section or of any of the coupons appertaining to the bonds and the trustee under a trust agreement may enforce and compel the performance of all duties required by the standard district charter or by the resolution or trust agreement to be performed by the standard district or by any officer of the standard district, including the fixing, charging and collecting of rates, fees and charges for the use of or for the services and facilities furnished by the standard district.

7. Refunding bonds. A standard district by resolution of its board of trustees, without district vote, may issue refunding bonds for the purpose of paying any of its bonds at maturity or upon acceleration or redemption. The refunding bonds may be issued at a time prior to the maturity or redemption of the refunded bonds that the board of trustees determines to be in the public interest. The refunding bonds may be issued in sufficient amounts to pay or provide the principal of the bonds being refunded, together with any redemption premium, any interest accrued or to accrue to the date of payment of the bonds, the expenses of issue of the refunding bonds, the expenses of redeeming the bonds being refunded and any reserves for debt service or other capital or current expenses from the proceeds of the refunding bonds that may be required by a trust agreement or resolution securing bonds. The issue of refunding bonds, the maturities and other details of those bonds, the security for those bonds, the rights of the holders and the rights, duties and obligations of the standard district in respect to those bonds are governed by the applicable provisions of the standard district charter relating to the issue of bonds other than refunding bonds.

8. Tax exemption. All bonds, notes or other evidences of indebtedness issued under the standard district's charter and the transfer of and the income from those bonds, notes or other evidences of indebtedness, including any profit made on the sale, are exempt from taxation in the State.

9. Bonds declared legal investments. Bonds and notes issued by a standard district under this section are securities in which all public officers and public bodies of the State and its political subdivisions, all insurance companies and associations and other persons carrying on an insurance business, trust companies, banks, bankers, banking associations, savings banks and savings associations, including savings and loan associations, credit unions, building and loan associations, investment companies, executors, administrators, trustees and other fiduciaries, pension, profit-sharing, retirement funds and other persons carrying on a banking business, and all other persons authorized to invest in bonds or other obligations of the State

may properly and legally invest funds, including capital in their control or belonging to them. The bonds and notes are securities that may properly and legally be deposited with and received by any state, municipal or public officer, or any agency or political subdivision of the State, for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

§1053. Debt limit; approval by voters of a standard district

1. Debt limit proposed. Prior to issuing on behalf of a standard district any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance, the trustees shall propose a debt limit for the standard district that the trustees must submit for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the standard district's registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the standard district if the usual voting place for persons located in the standard district is located outside the territory of the standard district. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The question presented must be in substantially the following form:

> "Do you favor establishing the debt limit of the (insert name of standard district) at (insert amount)?"

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

2. Results declared. The results of the referendum held under subsection 1 must be declared by the trustees and entered upon the standard district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

3. Effective date. A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the standard district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the standard district.

4. Total debt. Trustees may not issue any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance unless the total amount of the debt issued by the trustees is no more than the amount approved by referendum under this section.

§1054. Authority to increase debt limits; sewer districts

1. Debt limit. Notwithstanding any provision of a sewer district's charter to the contrary, a sewer district may increase its debt limit by referendum in accordance with this section. A sewer district is not required to use the procedure provided by this section and may seek to increase its debt limit by any other lawful means, including pursuant to any other means described in the sewer district's charter or by seeking legislative amendment to its charter.

2. Referendum. If a sewer district chooses to increase its debt limit pursuant to this section, the governing body of the sewer district shall propose a new debt limit and submit the proposal for approval at a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections in Title 30-A, chapter 121, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the sewer district if the usual voting place for persons located within the sewer district is located outside the territory of the sewer district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following:

> "Do you favor changing the debt limit of the (insert name of sewer district) from (insert current debt limit) to (insert proposed debt limit)?"

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

The results must be declared by the governing body of the sewer district and entered upon the sewer district's records. Due certificate of results must be filed by the clerk with the Secretary of State.

3. Approval. A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the sewer district voting at the referendum. Failure of approval by the majority of legal voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The cost of referenda are borne by the sewer district.

§1055. Mutual funds; sewer districts

A sewer district may invest its funds, including sinking funds, reserve funds and trust funds, to the extent that the term of any instrument creating the funds does not prohibit the investment, in shares of an investment company registered under the federal Investment Company Act of 1940, whose shares are registered under the United States Securities Act of 1933, only if the investments of the investment company are limited to obligations of the United States or any agency or instrumentality, corporate or otherwise,

of the United States or repurchase agreements secured by obligations of the United States or any agency or instrumentality, corporate or otherwise, of the United States. This section is in addition to, and not in limitation of, any power of a sewer district to invest its funds.

Sec. 7. 38 MRSA c. 12, as amended, is repealed.

See title page for effective date.

CHAPTER 556

S.P. 731 - L.D. 1825

An Act To Assist Electric Utility Ratepayers

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

Sec. 1. 35-A MRSA §3214, sub-§2-A is enacted to read:

2-A. Arrearage management program. Each transmission and distribution utility shall implement pursuant to this subsection an arrearage management program to assist eligible low-income residential customers who are in arrears on their electricity bills. An arrearage management program implemented pursuant to this subsection is a plan under which a transmission and distribution utility works with an eligible low-income residential customer to establish an affordable payment plan and provide credit to that customer toward the customer's accumulated arrears as long as that customer remains in compliance with the terms of the program. The commission shall establish requirements relating to the arrearage management programs by rule. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

In adopting rules regarding arrearage management programs, the commission shall:

A. Consider best practices as developed and implemented in other states or regions;

B. Require that an arrearage management program include an electricity usage assessment at no cost to the participant;

C. Permit each transmission and distribution utility to propose a start date for its program that is no later than October 1, 2015;

D. Ensure that each transmission and distribution utility develops terms and conditions for its arrearage management program in a manner that is consistent with the program's objectives and is in the best interests of all ratepayers; and

E. Ensure that a transmission and distribution utility recovers in rates all costs of arrearage management programs, including incremental costs, reconnection fees and administrative and marketing costs but not including the amount of any arrearage forgiven that is treated as bad debt for purposes of cost recovery by the transmission and distribution utility.

The Efficiency Maine Trust shall work with transmission and distribution utilities and other stakeholders to provide access to a complementary low-income energy efficiency program for participants in arrearage management programs in order to help reduce participants' energy consumption.

No later than January 28, 2018, the commission shall prepare a report assessing the effectiveness of arrearage management programs, including the number of participants enrolled in the programs, the number of participants completing the programs, the number of participants who have failed to complete the programs, the payment patterns of participating customers after completing the programs, the dollar amount of arrears forgiven, a comparison of outcomes for those participating in the programs and those not participating, the impact on a transmission and distribution utility's bad debt as a result of the programs, the costs and benefits to all ratepayers associated with the programs and recommendations for ways in which the programs might be improved or continued for the benefit of all ratepayers. In preparing its report, the commission shall hold at least one formal stakeholder meeting involving affected parties, including the Office of the Public Advocate and the participating transmission and distribution utilities. Parties must also be provided an opportunity to submit written comments to the commission regarding the performance of the programs.

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out a bill relating to the commission report to the Second Regular Session of the 128th Legislature.

This subsection is repealed September 30, 2018.

Sec. 2. 35-A MRSA §10110, sub-§2, ¶L is enacted to read:

L. Pursuant to section 3214, subsection 2-A, the trust shall work with transmission and distribution utilities and other stakeholders to provide access to a complementary low-income energy efficiency program for participants in the arrearage management programs in order to help reduce participants' energy consumption.

This paragraph is repealed September 30, 2018.

See title page for effective date.

CHAPTER 557
S.P. 638 - L.D. 1647

An Act To Make Changes to the So-called Dig Safe Law

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

Sec. 1. 23 MRSA §3360-A, sub-§3, ¶E, as amended by PL 2011, c. 72, §1, is further amended to read:

E. If the proposed excavation or blasting ~~does not commence within~~ commences or continues 60 calendar days ~~of~~ after notification under this subsection or the excavation or blasting will be expanded outside of the location originally specified in the notification, the excavator responsible for that excavation shall again notify the system as specified in paragraph A. The excavator shall notify the system once for each successive 60-day period.

Sec. 2. 23 MRSA §3360-A, sub-§10-A, ¶B, as enacted by PL 2011, c. 588, §11, is amended to read:

B. If the underground facilities are located on private property, provide service to a single-family residence and are owned and operated by the owner of that property:

(1) That landowner may mark the underground facilities in accordance with paragraph D;

(2) The excavator may wait 3 business days from the date of notification to commence the excavation or may commence the excavation upon notification;

(3) If the excavator waits 3 business days from the date of notification or until after the underground facilities are marked, if sooner, to commence excavation or if the markings made by the landowner pursuant to subparagraph (1) fail to identify the location of the underground facilities in accordance with paragraph D, an excavator damaging or injuring underground facilities is not liable for any damage or injury caused by the excavation, except on proof of negligence; and

(4) If the excavator does not wait until the underground facilities are marked or 3 business days from the date of notification to commence excavation, whichever occurs earlier, the excavator is liable for all damages to the underground facilities as a result of the excavation.

Sec. 3. So-called Dig Safe rule review. The Public Utilities Commission shall review Public Utilities Commission Rule Chapter 895: Underground Facility Damage Prevention Requirements to identify ways to decrease the number of notices that do not result in a marking that are issued by the damage prevention system under the Maine Revised Statutes, Title 23, section 3360-A, subsection 1-A. The commission may amend its rules in ways that will decrease the number of notices issued that do not result in a marking. The commission may submit a report with recommended changes to the law to the joint standing committee of the Legislature having jurisdiction over utility matters by January 10, 2015. The committee may report out a bill relating to the commission's report to the First Regular Session of the 127th Legislature.

See title page for effective date.

CHAPTER 558
H.P. 1318 - L.D. 1830

An Act To Further the Implementation of the Rockweed Fishery Management Plan

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

Sec. 1. 12 MRSA §6807, as amended by PL 2013, c. 169, §1, is further 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 establishing a process for the allocation to sectors under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. ~~Rules~~ All other rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Statewide management plan for rockweed; update on recommended actions. The Commissioner of Marine Resources, referred to in this section as "the commissioner," shall complete and present to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 31, 2015 an update on the implementation of the Rockweed Fishery Management Plan, referred to in this section as "the plan," dated January 2014, developed pursuant to Public Law 2013, chapter 169

and in accordance with the Maine Revised Statutes, Title 12, section 6171, subsection 2-A.

1. Working group convened. The commissioner shall create a working group whose purpose is to complete the work on developing criteria for areas closed to harvest or that are seasonally closed to harvest and identification of areas closed to harvest or that are seasonally closed to harvest as recommended by the plan, and recommend a process by which those designations will be maintained and adjusted as necessary. The working group must consist of scientists and other experts with areas of expertise relevant to the fishery and the considerations previously discussed by the plan's plan development team relevant to no-harvest determinations and staff as determined by the commissioner.

2. Working group membership; criteria; areas closed to harvest. The update must identify:

A. The membership of the working group convened pursuant to subsection 1;

B. The criteria recommended by the working group to be used to determine areas to be closed to harvest or areas that are seasonally closed to harvest, and the scientific or legal reasoning for each criterion;

C. Based upon the criteria in paragraph B, the recommended process for designating areas closed to harvest or areas that are seasonally closed to harvest, disseminating those designations and revising those designations; and

D. To the extent possible, the recommendations of the working group in identifying areas closed to harvest or areas that are seasonally closed to harvest.

3. Legislation. The joint standing committee of the Legislature having jurisdiction over marine resources matters is authorized to report out a bill to the First Regular Session of the 127th Legislature that is related to the implementation of the plan update submitted pursuant to this section.

See title page for effective date.

CHAPTER 559

H.P. 1152 - L.D. 1581

An Act To Improve Business Certainty for Providers of Quality Child Care

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

Sec. 1. 22 MRSA §3737, sub-§3, as amended by PL 2001, c. 394, §1, is further amended to read:

3. Quality differential. To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter ~~II-A~~ 2-A. The rules must ~~limit payment of the differential for substantial progress to a period of one year~~ establish a 4-step child care quality rating system and must provide for graduated quality differential rates for step 2, step 3 and step 4 child care services. ~~The rules must provide differential rates for substantial progress and must define substantial progress as:~~

~~A. Having submitted program descriptions and awaiting a scheduled visit from an accrediting body approved by the department; or~~

~~B. For family child care, having submitted a portfolio for a child development associate and awaiting a scheduled observation.~~

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance to Needy Families block grant.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Child Care Services 0563

Initiative: Allocates funds for changes in quality differential rates for child care services.

FEDERAL BLOCK GRANT FUND	2013-14	2014-15
All Other	$0	$73,590
FEDERAL BLOCK GRANT FUND TOTAL	$0	$73,590

See title page for effective date.

CHAPTER 560

S.P. 698 - L.D. 1760

An Act To Implement the Recommendations of the Commission To Study Transparency, Costs and Accountability of Health Care System Financing

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

Sec. 1. 22 MRSA §1718, as repealed and replaced by PL 2009, c. 71, §3, is amended to read:

§1718. Consumer information

Each hospital or ambulatory surgical center licensed under chapter 405 shall, upon request by an individual, provide the average charge for any inpatient service or outpatient procedure provided by the licensee. If a single medical encounter will involve services or procedures to be rendered by one or more 3rd-party health care entities as defined in section 1718-B, subsection 1, paragraph B, the hospital or ambulatory surgical center shall identify each 3rd-party health care entity to enable the individual to seek an estimate of the total price of services or procedures to be rendered directly by each health care entity to that individual. For emergency services, the hospital must provide the average charges for facility and physician services according to the level of emergency services provided by the hospital and based on the time and intensity of services provided. The hospital or ambulatory surgical center shall prominently display a notice informing individuals of an individual's authority to request information on the average charges described in this paragraph from the hospital or ambulatory surgical center.

Sec. 2. 22 MRSA §1718-C is enacted to read:

§1718-C. Estimate of the total price of a single medical encounter for an uninsured patient

Upon the request of an uninsured patient, a health care entity, as defined in section 1718-B, subsection 1, paragraph B, shall provide within a reasonable time of the request an estimate of the total price of medical services to be rendered directly by that health care entity during a single medical encounter. If the health care entity is unable to provide an accurate estimate of the total price of a specific medical service because the amount of the medical service to be consumed during the medical encounter is unknown in advance, the health care entity shall provide a brief description of the basis for determining the total price of that particular medical service. If a single medical encounter will involve medical services to be rendered by one or more 3rd-party health care entities, the health care entity shall identify each 3rd-party health care entity to enable the uninsured patient to seek an estimate of the total price of medical services to be rendered directly by each health care entity to that patient. When providing an estimate as required by this section, a health care entity shall also notify the uninsured patient of any charity care policy adopted by the health care entity.

Sec. 3. 22 MRSA §8704, sub-§7, as amended by PL 2011, c. 494, §8, is further amended to read:

7. Annual report. The board shall prepare and submit an annual report on the operation of the organization and the Maine Health Data Processing Center as authorized in Title 10, section 681, including any activity contracted for by the organization or contracted services provided by the center, with resulting net earnings, as well as on collaborative activities with other health data collection and management organizations and stakeholder groups on their efforts to improve consumer access to health care quality and price information and price transparency initiatives, to the Governor and 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 insurance and financial services matters no later than February 1st of each year. The report must include an annual accounting of all revenue received and expenditures incurred in the previous year and all revenue and expenditures planned for the next year. The report must include a list of persons or entities that requested data from the organization in the preceding year with a brief summary of the stated purpose of the request.

See title page for effective date.

CHAPTER 561

H.P. 1336 - L.D. 1852

An Act To Amend the Process Regarding the Transfer of Students between School Administrative Units

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 2013, c. 456, §§1 to 3, 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. If either of the superintendents decides not to approve the transfer, that superintendent shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of that superintendent's determination.

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' determinations 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.

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.

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 superintendents' determinations 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 45 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. The state board's decision is final and binding.

A transfer ~~approved~~ under this subsection may not be made ~~only~~ to a receiving school administrative unit that ~~operates~~ does not operate a public school that includes the grade level of the student whose parent requests the transfer, unless the superintendents of both the sending and receiving school administrative units approve the transfer.

See title page for effective date.

CHAPTER 562

S.P. 644 - L.D. 1652

An Act To Support Solar Energy Development in Maine

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

Sec. 1. 35-A MRSA c. 34-B is enacted to read:

CHAPTER 34-B

THE MAINE SOLAR ENERGY ACT

§3471. Short title

This chapter may be known and cited as "the Maine Solar Energy Act."

§3472. Legislative findings

1. Public interest. The Legislature finds that it is in the public interest to develop renewable energy resources, including solar energy, in a manner that protects and improves the health and well-being of the citizens and natural environment of the State while also providing economic benefits to communities, ratepayers and the overall economy of the State.

2. Contribution of solar energy development. The Legislature finds that the solar energy resources of the State constitute a valuable indigenous and renewable energy resource and that solar energy development, which is unique in its benefits to and impacts on the climate and the natural environment, can make a contribution to the general welfare of the citizens of the State for the following reasons:

A. Solar energy is an energy resource that does not rely on fossil fuel combustion and therefore it can displace energy provided by that source and reduce air pollution and greenhouse gas emissions; and

B. There is an inexhaustible supply of solar energy throughout the State that should be used cost-effectively for heat and electricity using current technology.

§3473. Specific measures to support solar energy

1. Monitoring. The commission shall monitor, to the extent possible through readily available information, the level of solar energy development in the State in relation to the goals in section 3474, basic trends in solar energy markets and the likely relative costs and benefits for ratepayers from solar energy development, including but not limited to minimizing peak load on transmission and distribution systems and the energy market price of electricity and natural gas during the peak hours.

2. Economic development. Within existing programs and resources, the State, including the Small Enterprise Growth Program, as established in Title 10, chapter 13; the Maine Technology Institute, as established in Title 5, section 12004-G, subsection 33-D; the Maine Rural Development Authority, as established in Title 5, section 12004-F, subsection 18; the Finance Authority of Maine, as established in Title 10, chapter 110; and the Department of Economic and Community Development, shall seek opportunities to promote investment in solar energy development, generation and manufacturing.

§3474. Determination of public policy; state solar energy generation goals

1. Encouragement of solar energy-related development. It is the policy of the State in furtherance of the goals established in subsection 2 to encourage the attraction of appropriately sited development related to solar energy generation, including any additional transmission, distribution and other energy infrastructure needed to transport additional solar energy to market, consistent with all state environmental standards; the permitting and financing of solar energy projects; appropriate utility rate structures; and the siting, permitting, financing and construction of solar energy research and manufacturing facilities for the benefit of all ratepayers.

2. State solar energy generation goals. When encouraging the development of solar energy generation, the State shall pursue cost-effective developments, policies and programs that advance the following goals:

A. Ensuring that solar electricity generation, along with electricity generation from other renewable energy technologies, meaningfully contributes to the generation capacity of the State through increasing private investment in solar capacity in the State;

B. Ensuring that the production of thermal energy from solar technologies meaningfully contributes to reducing the State's dependence on imported energy sources;

C. Ensuring that the production of electricity from solar energy meaningfully contributes to mitigating more costly transmission and distribution investments otherwise needed for system reliability;

D. Ensuring that solar energy provides energy that benefits all ratepayers regardless of income level;

E. Increasing the number of businesses and residences using solar technology as an energy resource; and

F. Increasing the State's workforce engaged in the manufacturing and installation of solar technology.

Sec. 2. Determination of the value of distributed solar energy generation.

1. Value of distributed solar energy generation. The Public Utilities Commission shall determine the value of distributed solar energy generation in the State. The commission shall develop a method for valuing distributed solar energy generation. The method developed by the commission must, at a minimum, account for the value of the energy; market price effects for energy production; the value of its delivery, generation capacity, transmission capacity and transmission and distribution line losses; and the societal value of the reduced environmental impacts of the energy. The commission may, based on known and measurable evidence of the cost or benefit of solar operation to utility ratepayers, incorporate other values into the method, including credit for systems installed at high-value locations on the electric grid, or other factors. The report required by subsection 4 must clearly identify the value of each of the individual components described in this subsection that comprise the value of solar energy generation as determined by the commission. For purposes of the report, the commission may rely on readily available data.

2. Method. In developing a method for valuing distributed solar energy generation pursuant to this section, the Public Utilities Commission shall consider published guidance from the Interstate Renewable Energy Council and any other published materials regarding methods for consistently evaluating the value of distributed solar energy generation. Prior to conducting its analysis of the value of solar energy generation, the commission shall make public its proposed methodology and underlying assumptions and the rationale for proposing them and provide for an opportunity for public comment on them.

3. Solar implementation options. The report required by subsection 4 must include a summary of options for increasing investment in or deployment of distributed solar energy generation that are used in other states or utility jurisdictions. The summary may include policy options or business models along with any existing information regarding costs, benefits and results of those approaches. The commission may pro-

vide an analysis of which options, approaches or models may be appropriate for this State considering this State's utility market structures.

4. Report. By February 15, 2015, the Public Utilities Commission shall submit to the joint standing committee of the Legislature having jurisdiction over energy matters a report on the determination of the value of distributed solar energy generation in the State. The commission is not required to follow an adjudicatory proceeding pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 4 in developing its methodology or preparing the report.

See title page for effective date.

CHAPTER 563

S.P. 263 - L.D. 725

An Act To Implement the Recommendations of the Judicial Compensation Commission

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, current salaries for members of the State's judiciary remain among the lowest in the nation; and

Whereas, the cost-of-living adjustments should become effective July 1, 2014; 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 §4, sub-§2-A, as amended by PL 1997, c. 643, Pt. M, §3, is further amended to read:

2-A. Cost-of-living adjustment. Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges 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 ~~4%~~ 3%. The State Court Administrator shall determine the cost of these adjustments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers.

Sec. 2. 4 MRSA §1701, sub-§13, as amended by PL 1995, c. 509, §1 and affected by §8, is further amended to read:

13. Biennial report required. No later than December ~~1st~~ 15th of each even-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.

Sec. 3. Judicial compensation; fiscal year 2014-15. In addition to the adjustments required in Public Law 2013, chapter 368, Part BB, section 1 and notwithstanding the Maine Revised Statutes, Title 4, section 4, the State Court Administrator shall adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 2% on July 1, 2014.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2014.

Effective July 1, 2014.

CHAPTER 564

H.P. 1232 - L.D. 1722

An Act To Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications

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 repeal of the sales and use tax exemption for sales of publications applies to sales occurring on or after October 1, 2013; and

Whereas, exempting from sales and use tax sales of printed paper materials subsequently distributed as free publications serves the public interest; and

Whereas, exempting from sales and use tax sales of printed paper materials included as inserts to publications, such as advertising or promotional materials, serves the public interest; and

Whereas, legislative action is immediately necessary to ensure efficient administration of the sales and use 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. 36 MRSA §1760, sub-§14-A is enacted to read:

14-A. Free publications and components of publications. Sales of publications and printed materials included in publications as follows:

A. Any publication that is purchased for distribution without charge as a free publication; and

B. Printed paper materials, including advertising flyers and promotional materials, purchased for inclusion in a publication.

For purposes of this subsection, "publication" means printed paper material, including without limitation newspapers, magazines and trade journals and employee, client and organization newsletters, issued at average intervals not exceeding 3 months that manifests a continuity of identity from issue to issue by a front page masthead bearing the name, date, volume and issue number of the publication and by a continuity of style, format, themes and subject matter. For purposes of this subsection, "publication" does not include printed paper materials consisting primarily of advertisements or the promotion of a single seller's products or services.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides funding to contract with the Kennebec County Sheriff's office for 2 Deputy Sheriff positions. These positions will be used to expand field activities to address debts other than sales tax debt handled by current deputies.

GENERAL FUND	2013-14	2014-15
All Other	$0	$200,000
GENERAL FUND TOTAL	$0	$200,000

Revenue Services, Bureau of 0002

Initiative: Provides funding for a contractor-provided audit selection system that makes data warehouse information available in a fashion conducive to audit selection, builds new data elements into the audit selection process and creates a predictive audit selection function.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$450,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$450,000

Revenue Services, Bureau of 0002

Initiative: Provides funding for one Revenue Agent position to assist in the audit of estate and fiduciary tax returns and to review related issues associated with decedents and beneficiaries.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	$0	$77,637
All Other	$0	$7,269
GENERAL FUND TOTAL	$0	$84,906

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$284,906
OTHER SPECIAL REVENUE FUNDS	$0	$450,000
DEPARTMENT TOTAL - ALL FUNDS	$0	$734,906

Sec. 3. Retroactivity. This Act applies to sales occurring on and after October 1, 2013.

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

Effective April 24, 2014.

CHAPTER 565

H.P. 769 - L.D. 1076

An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety

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

Sec. 1. 29-A MRSA §2354, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding any provision of this subchapter other than section 2354-D, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer may be operated with a maximum gross vehicle weight of:

Sec. 2. 29-A MRSA §2354-D is enacted to read:

§2354-D. Allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards to operate on a designated route of travel

1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards. Except for B-train double configurations as defined in section 2354-C, subsection 2, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

A. The department receives a proposal from an entity seeking an allowance to operate a specified commercial motor vehicle configuration pursuant to this subsection on a specified route of travel;

B. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds the proposed configuration and weight can be safely operated on the proposed route of travel. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety;

C. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, or can be improved and maintained to withstand, the proposed configuration and weight. The improvements necessary may include initial capital improvements and future maintenance or capital improvements; and

D. The department receives satisfactory assurance that at least 50% of the cost of any infrastructure assessment and at least 50% of the cost for any infrastructure improvements determined necessary pursuant to paragraph C will be provided by the entity seeking the allowance. The department may provide the balance of funding, if feasible.

2. Rules. The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, shall adopt rules to implement this section. The rules must include appropriate mechanisms to ensure that, prior to giving an allowance to operate a commercial motor vehicle pursuant to this section on a route of travel that includes a public way that traverses a municipality, unorganized or deorganized area in a county or a reservation or trust land of a federally recognized Indian tribe in this State, appropriate input from or approval of the municipality, county or federally recognized Indian tribe is obtained. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Report. Beginning February 1, 2017, and biennially thereafter, the Commissioner of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the implementation of this section. The report must include the number of proposals received by the department, including how many were authorized; the reasons any proposals were not authorized or did not move forward; the costs incurred by the department; the amount of funds provided by relevant entities or funding sources other than the department; any infrastructure improvements made to accommodate proposals; the designated routes of travel allowed; the allowed configurations on these designated routes; and the gross vehicle weights allowed.

4. Commissioner may revoke privileges of operation. The Commissioner of Transportation may revoke the privileges of operation under this section of a commercial motor vehicle and the associated entity that sought the allowance under this section for cause, including repeatedly exceeding allowed gross vehicle weight limits or operating outside the allowed designated route of travel. Revocation by the commissioner is considered a final agency action.

5. Exclusion. Nothing contained in this section applies to the Interstate Highway System as defined in the Federal Aid Highway Act of 1956.

Sec. 3. Report. By January 15, 2015, the Commissioner of Transportation shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters with an update on the progress made with respect to rulemaking pursuant to the Maine Revised Statutes, Title 29-A, section 2354-D, subsection 2.

See title page for effective date.

CHAPTER 566

H.P. 1173 - L.D. 1601

An Act To Increase the Amount of Funds Available to Counties for Witness Fees, Extradition Expenses and Prosecution Costs

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

Sec. 1. 14 MRSA §3144, as enacted by PL 1987, c. 414, §2, is amended to read:

§3144. Criminal failure to appear; cost of extradition

It is the intent of the Legislature that, when appropriate, the respective district attorney shall utilize Title 17-A, section 17, subsection 4~~,~~ and prosecute defendants who fail to appear. Any costs of extradition of a defendant who has been charged with the offense of failure to appear ~~shall~~ must be assessed against the defendant and ~~shall be~~ reimbursed to the ~~extradition account~~ Extradition and Prosecution Expenses Account in the appropriate prosecutorial district, established pursuant to Title 15, section 224-A.

Sec. 2. 15 MRSA §224, sub-§1, as amended by PL 1983, c. 843, §9, is further amended to read:

1. Expenses paid from funds allotted to prosecuting attorney. When a fugitive from justice is returned to the State of Maine for prosecution, expenses incurred ~~which~~ that are necessary and proper for the return ~~shall~~ must be paid out of the funds allotted for that purpose to the district attorney or from the Extradition and Prosecution Expenses Account established by section 224-A. In those cases prosecuted by the Attorney General, the expenses for extradition ~~shall~~ must be paid by the district attorney in whose county the crime is alleged to have been committed. District attorneys may agree to share expenses whenever a fugitive from justice is charged in the State with more than one offense.

Sec. 3. 15 MRSA §224-A, as amended by PL 2007, c. 31, §1 and PL 2013, c. 16, §10, is further amended to read:

§224-A. Extradition and Prosecution Expenses Account

1. Establishment; use. Notwithstanding any other provision of law, there is established an Extradition and Prosecution Expenses Account in each prosecutorial district in an amount not to exceed ~~$20,000~~ $30,000, to be administered by the district attorney and to be used solely for the ~~purpose~~ purposes of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4, paying fees or expenses of prosecution pursuant to section 1319 and paying witness fees pursuant to section 1320.

2. Funding. The Extradition and Prosecution Expenses Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is not payable as restitution pursuant to Title 17-A, section 1329, subsection 3-A, the district attorney shall determine whether it or a portion of it is deposited in the Extradition and Prosecution Expenses Account for that district attorney's prosecutorial district, but in no event may the account exceed ~~$20,000~~ $30,000. Any bail so forfeited and recovered and not deposited in the Extradition and Prosecution Expenses Account must be deposited in the General Fund. Any unexpended balance in the Extradition and Prosecution Expenses Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

3. Review by district attorney. The district attorney shall review monthly the Extradition and Prosecution Expenses Account and the expenses of that prosecutorial district in connection with the extradition of fugitives from justice, prosecution and witnesses and shall determine whether any funds in the account must be transferred to the General Fund.

4. Audit. Every district attorney shall have an annual audit made by the Office of the State Auditor or by a certified public accountant selected by the district attorney of the Extradition and Prosecution Expenses Account for ~~his~~ that district attorney's prosecutorial district, covering the last complete fiscal year.

If the auditor finds in the course of ~~his~~ the audit evidence of improper transactions, incompetency in keeping accounts or handling funds, failure to comply with this section or any other improper practice of financial administration, ~~he~~ the auditor shall report ~~the same~~ that finding to the Attorney General immediately.

5. Advances and accounting for extradition. The district attorney shall advance funds from the Extradition and Prosecution Expenses Account to the agents designated by ~~him~~ the district attorney to return a fugitive from justice to this State. A full accounting of all expenses and the return of all unused funds ~~shall~~ must be made by the agents no later than 3 business days from the date of return. All funds returned ~~shall~~ must be credited to the Extradition and Prosecution Expenses Account from which they were paid.

Sec. 4. 15 MRSA §1319, as enacted by PL 1975, c. 775, §1, is amended to read:

§1319. Authorization of payments by a prosecuting attorney

For purposes of this chapter, ~~where~~ when a prosecuting attorney is permitted to authorize payment of fees or expenses incurred on behalf of the State in a criminal prosecution, payment of those fees and expenses ~~shall~~ must be made by the proper authorities to the persons, municipalities or agencies to whom the payment is authorized upon certification to those authorities by the prosecuting attorney or ~~his~~ the prosecuting attorney's designee that the payment is reasonable and necessary to the prosecution of a given criminal case. Payment may be made from the Extradition and Prosecution Expenses Account established in section 224-A.

Sec. 5. 15 MRSA §1320, sub-§1, as amended by PL 1977, c. 63, is further amended to read:

1. Payments. Payments made ~~hereunder shall~~ under this section must be made first from the Extradition and Prosecution Expenses Account established in section 224-A and, if there are insufficient funds in that account, next from the county treasury upon authorization of the prosecuting attorney, unless otherwise expressly directed by law ~~and the payments shall~~. Payments from the county treasury must be made from the sums set aside in the county budget for the payments on account of Superior Court criminal proceedings.

See title page for effective date.

CHAPTER 567

H.P. 1353 - L.D. 1859

An Act To Amend the Laws Governing Poultry Processing

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

Sec. 1. 22 MRSA §2517-C, sub-§1, as amended by PL 2013, c. 323, §5, is further amended to read:

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~~ by the producer that raised the poultry and 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-1. The poultry producer is registered under section 2515;

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;

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."

See title page for effective date.

CHAPTER 568
S.P. 421 - L.D. 1223

An Act To Authorize a General Fund Bond Issue To Support Human Health Research in Maine

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $3,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Technology Institute

Provides funds, to be awarded through a competitive process to institutions that, as of the effective date of this Act, have been designated as Centers of Biomedical Research Excellence by the United States Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences and have also received IDeA Network of Biomedical Research Excellence grants and to be matched by $5,700,000 in private and public funds, to modernize and expand infrastructure in a biological laboratory specializing in tissue repair and regeneration located in the State, in order to increase biotechnology workforce training, retain and recruit to the State multiple biomedical research and development groups and create a drug discovery and development facility that will improve human health and stimulate biotechnology job growth and economic activity.

Total	$3,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Report. The Department of Economic and Community Development shall report by January 15th annually, until the bond proceeds authorized by this Act have been fully expended, to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and research and economic development matters.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for

holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $3,000,000 bond issue, to be awarded through a competitive process and to be matched by $5,700,000 in private and public funds, to modernize and expand infrastructure in a biological laboratory specializing in tissue repair and regeneration located in the State in order to increase biotechnology workforce training, retain and recruit to the State multiple biomedical research and development groups and create a drug discovery and development facility that will improve human health and stimulate biotechnology job growth and economic activity?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 569
H.P. 1184 - L.D. 1612

An Act To Amend the Veterans' Services Laws

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

Sec. 1. 5 MRSA §12004-I, sub-§5-C is enacted to read:

5-C.

Defense, Veterans and Emergency Management	Maine Veterans' Memorial Cemetery System Care Fund Advisory Board	Expenses Only	37-B MRSA §512-A

Sec. 2. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2013, c. 251, §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. The report must include information on the status of communications with the United States Department of Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who as members of the Maine National Guard were exposed to environmental hazards at the Canadian military support base in Gagetown, New Brunswick, Canada.

(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. 3. 37-B MRSA §505, sub-§2, ¶F, as amended by PL 2013, c. 365, §1, is further amended to read:

F. A child of a veteran who is attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for ~~associate's~~ associate and bachelor's programs. The tuition waiver provided under this paragraph may be reduced by an amount necessary to ensure that the value of this waiver, combined with all other grants and benefits received by the student, does not exceed the total cost of education. Room and board may not be waived. A child of a veteran has 6 academic years from the date of first entrance to complete 120 credit hours. For degree programs that require more than 120 credit hours, the state-supported postsecondary vocational school or institution of collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-supported postsecondary vocational school or institution of collegiate grade shall notify the director. The director may waive the limit of 6 consecutive academic years when the recipient's education has been interrupted by severe medical disability, learning disability, illness or other hardship, making continued attendance impossible, however, the extension may not exceed 2 academic years. Students must maintain at least a 2.0 or "C" grade point average to continue receiving educational benefits. If a student's grade point average falls below 2.0 or a "C," then the student has one semester to bring the grade point average up to at least 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a "C," the student loses educational benefits under this paragraph until the student achieves a grade point average of at least 2.0 or a "C."

Sec. 4. 37-B MRSA §508, as amended by PL 2009, c. 406, §11, is further amended to read:

§508. Veteran service officers

Veteran service officers shall serve, assist and advocate for all veterans. A veteran service officer must be trained and conversant on the issues, benefits and definitions affecting all veterans, including atomic, Vietnam, Desert Storm and female veterans. The bureau shall have at least one veteran service officer who specializes in female veterans' issues.

Sec. 5. 37-B MRSA §512-A is enacted to read:

§512-A. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board

1. Maine Veterans' Memorial Cemetery System Care Fund Advisory Board; establishment. The Maine Veterans' Memorial Cemetery System Care Fund Advisory Board, as established by Title 5, section 12004-I, subsection 5-C and referred to in this section as "the board," shall monitor, facilitate and provide recommendations for the administration, management and use of the Maine Veterans' Memorial Cemetery System Care Fund.

2. Members. The board consists of the following 7 members appointed by the Commissioner of Defense, Veterans and Emergency Management:

A. One member representing the interests of the Commissioner of Defense, Veterans and Emergency Management;

B. One member representing the interests of the Treasurer of State;

C. One member representing the interests of the American Legion or a successor organization;

D. One member representing the interests of the Veterans of Foreign Wars or a successor organization;

E. One member representing the interests of Disabled American Veterans or a successor organization;

F. One member representing the interests of American Veterans or a successor organization; and

G. One member representing the interests of an organization that provides a forum for veterans' organizations to work together on behalf of veterans in the State.

3. Vacancies. In the event of a vacancy on the board, the Commissioner of Defense, Veterans and Emergency Management shall appoint a new member to fill the vacancy until the expiration of the term. A vacancy on the board must be filled in the same manner as the original appointment was made under subsection 2.

4. Terms. Members of the board are appointed for 3-year terms.

5. Removal. The Commissioner of Defense, Veterans and Emergency Management may remove a member of the board for cause.

6. Voting; quorum. A quorum consists of 5 members of the board. Each member has one vote. A recommendation may not be approved by the board without at least 3 affirmative votes.

7. Board proceedings. The board shall meet not less than annually at a date and time set by the director. The director shall prepare the agenda and prepare and keep a summarized record of meetings. The board may not make binding decisions but shall vote on recommendations. The director shall be present at the meetings to facilitate the meetings. The director does not have a vote.

Sec. 6. 37-B MRSA §514, sub-§2, as enacted by PL 2013, c. 128, §3, is amended to read:

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. If revenues in the fund are insufficient to make the full amount of the distributions required by this subsection, the director shall divide the amount of available funds equally between the veterans' service organizations; and

Sec. 7. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 37-B, section 512-A, subsection 4, of the initial members of the Maine Veterans' Memorial Cemetery System Care Fund Advisory Board, the Commissioner of Defense, Veterans and Emergency Management shall designate 2 appointees to serve for one-year terms, 2 appointees to serve for 2-year terms and 3 appointees to serve for 3-year terms.

Sec. 8. Contributions for plaque to honor veterans. The Department of Defense, Veterans and Emergency Management and veterans groups shall solicit contributions to provide funds for the design and construction of a plaque to honor veterans of the State who have participated in military campaigns and operations and who are not honored by existing plaques, as authorized by Resolve 2011, chapter 163. Contributions for this purpose must be paid to the Legislature and deposited in the State House and Capitol Park Commission program, Other Special Revenue Funds account within the Legislature.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

State House and Capitol Park Commission 0615

Initiative: Provides a base allocation to authorize expenditures from any contributions received for the design and construction of a plaque to honor veterans of the State.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$0	$500
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$500

See title page for effective date.

CHAPTER 570
S.P. 657 - L.D. 1673

An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry

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

Sec. 1. 38 MRSA §480-E-3, as enacted by PL 2011, c. 599, §13 and amended by c. 657, Pt. W, §§5 and 7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

§480-E-3. Delegation of permit-granting authority to the Department of Agriculture, Conservation and Forestry, Bureau of Forestry

Notwithstanding section 480-E-1, the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall issue all permits under this article for timber harvesting activities ~~that are located within the unorganized and deorganized areas of the State as defined in Title 12, section 682, subsection 1 and~~ in all areas of the State that are not subject to review and approval by the department under any other article of this chapter. For the purposes of this section, "timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, the mining of gravel used for the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. Prior to issuing a permit under this section for the mining of gravel used for the construction or maintenance of roads used primarily for timber harvesting in an organized area of the State, the Bureau of Forestry shall consult with the department.

~~**1. Activity located in organized and unorganized area.** If a timber harvesting activity is located in part within an organized area and in part within an unorganized or deorganized area, that portion of the timber harvesting activity within the organized area is subject to department review under this article if that portion is an activity pursuant to this article. That portion of the timber harvesting activity within an unorganized or deorganized area of the State is not subject to the requirements of this article except as provided in subsection 2.~~

~~**2. Allowed use.** If a timber harvesting activity is located as described in subsection 1, the department may review that portion of the activity within the unorganized and deorganized areas if the Department of Agriculture, Conservation and Forestry, Bureau of Forestry determines that the project is an allowed use within the subdistrict or subdistricts for which it is proposed. A permit from the Bureau of Forestry is not required for those aspects of an activity approved by the department under this subsection.~~

The Department of Agriculture, Conservation and Forestry, Bureau of Forestry, in consultation with the department, shall annually review standards for timber harvesting activities adopted by the Bureau of Forestry to ensure that the standards afford a level of protection consistent with the goals of this article and the goals of Title 12, chapter 805, subchapter 3-A.

See title page for effective date.

CHAPTER 571

H.P. 1281 - L.D. 1789

An Act To Modernize and Improve the Efficiency of Maine's Courts

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

Sec. 1. 4 MRSA §1610-G is enacted to read:

§1610-G. Additional securities; judicial branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities in an amount not to exceed $15,000,000 outstanding at any one time for paying the costs associated with planning, purchasing, customizing and implementing a case management, data storage and electronic filing system for the Supreme Judicial Court, Superior Court and District Court, including the violations bureau.

Sec. 2. Report. The Chief Justice of the Supreme Judicial Court, or the chief justice's designee, shall provide a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters during the first regular session of the Legislature following the initial issuance of securities to fund a case management, data storage and electronic filing system for the judicial branch pursuant to the Maine Revised Statutes, Title 4, section 1610-G. The report must summarize the progress made on implementing the system, the system's usefulness and efficiencies realized within the judicial branch resulting from implementing the system.

See title page for effective date.

CHAPTER 572

H.P. 1355 - L.D. 1861

An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $8,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

UNIVERSITY OF MAINE SYSTEM

University of Maine Cooperative Extension Service

Provides funds to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service.

Total $8,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor an $8,000,000 bond issue to provide funds to assist Maine agriculture and to protect Maine farms through the creation of an animal and plant disease and insect control facility administered by the University of Maine Cooperative Extension Service?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 573

S.P. 710 - L.D. 1784

An Act To Reform Regulation of Consumer-owned Water Utilities

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

Sec. 1. 35-A MRSA §6105, sub-§§2 and 3, as enacted by PL 1987, c. 141, Pt. A, §6, are amended to read:

2. Just and reasonable rates. The governing body shall establish ~~and file~~ rates, tolls or charges ~~which~~ that are just and reasonable and ~~which~~ that provide revenue as may be required to perform its public utility service and to attract necessary capital on just and reasonable terms. The governing body shall provide the rate schedule and any changes to the rate schedule to the commission.

3. Uniform rates. The governing body shall establish ~~and file~~ rates ~~which~~ that are uniform within the territory supplied whenever the installation and maintenance of mains and the cost of service is substantially uniform. If, for any reason, the cost of construction and maintenance or the cost of service in a section of the territory exceeds the average, the governing body may establish ~~and file~~ higher rates for that section, but these higher rates ~~shall~~ must be uniform throughout that section. The governing body shall provide the rate schedule and any changes to the rate schedule to the commission.

Sec. 2. 35-A MRSA §6105, sub-§4, as corrected by RR 2011, c. 2, §39, is amended to read:

4. Purposes. The governing body may establish ~~and file~~ rates under this section to provide revenue for the following purposes, but no other:

A. To pay the current expenses for operating and maintaining the water system and to provide for normal renewals and replacements;

B. To provide for the payment of the interest on the indebtedness created or assumed by the utility;

C. To provide each year a sum equal to not less than 2% nor more than 10% of the term indebtedness represented by the issuance of bonds created or assumed by the utility~~, which~~; the sum ~~shall~~ must be turned into a sinking fund and there kept to provide for the extinguishment of term indebtedness. The money set aside in this sinking fund ~~shall~~ must be devoted to the retirement of the term obligations of the utility and may be invested in such securities as savings banks in the State are allowed to hold;

D. To provide for annual principal payments on serial indebtedness created or assumed by the utility;

E. To provide for a contingency allowance as provided in section 6112;

F. To provide for rate adjustments to reflect the cost of anticipated construction of plants or facilities required by the 1986 amendments to the United States Safe Drinking Water Act, Public Law 93-523, or related projects, except that rates established under this paragraph are not subject to section 6104; and

G. To provide for recovery of the amounts necessary to fund the replacement of water system infrastructure. Those funds must be deposited in a capital reserve account and used in accordance with section 6107-A.

Sec. 3. 35-A MRSA §6107, sub-§3, as amended by PL 1987, c. 490, Pt. B, §16, is further amended to read:

3. Use of funds. The funds generated by the system development charge ~~shall~~ must be deposited into a special account of the consumer-owned water utility dedicated to finance capital outlays for water system expansion caused by an increase in demand for service. The funds from the special account ~~shall~~ may be used only for the purpose of financing the expansion of the system and ~~shall~~ may not be used for the repair or replacement of existing facilities unless the replacement is required as a result of increased demand for service. The system development charge ~~shall~~ may not be treated as income of the consumer-owned water utility nor ~~shall~~ may it be considered part of the rates established and ~~filed~~ provided to the commission pursuant to section 6105.

Sec. 4. 35-A MRSA §6114 is enacted to read:

§6114. Exemption from requirements

The commission may grant exemptions from portions of this Title to individual consumer-owned water utilities or a class of consumer-owned water utilities in accordance with this section. An exemption granted under this section must be granted pursuant to standards and procedures adopted by the commission by rule.

1. General standards. In order to grant an exemption, the commission must make specific findings that the exemption is in the public interest, will not result in unjust or unreasonable rates and will not have a negative impact on the provision of safe, adequate and reliable service and that the affected consumer-owned water utility or class of consumer-owned water utilities has the adequate technical, financial and administrative capacity to perform the waived function or requirement.

2. Initiation of exemption. The commission shall consider an exemption to an individual consumer-owned water utility at the request of a consumer-owned water utility. The commission shall require the consumer-owned water utility to notify its customers and hold a public hearing before approving the request for exemption. The commission may, on its own motion, grant an exemption to a class of consumer-owned water utilities. The commission shall adopt by rule standards and procedures for granting an exemption to a class of consumer-owned water utilities.

3. Exceptions. The commission may not a grant an exemption under this section from any of the following sections of this Title:

A. Section 116;

B. Section 301, subsections 1 to 3;

C. Section 309, subsection 1;

D. Section 501;

E. Section 502;

F. Section 702;

G. Section 709;

H. Section 712;

I. Section 1101;

J. Section 1302;

K. Section 6105;

L. Section 6109;

M. Section 6109-B;

N. Section 6111-C; and

O. Section 6112.

4. Consumer assistance division. The commission shall ensure that customers of consumer-owned water utilities retain access to the services provided by the consumer assistance division within the commission.

5. Rescission. The commission shall establish by rule a process by which:

A. Customers of a consumer-owned water utility may petition the commission to rescind an exemp-

tion granted under this section to an individual consumer-owned water utility or to a class of consumer-owned water utilities; and

B. The commission may on its own motion rescind an exemption granted under this section to an individual consumer-owned water utility or to a class of consumer-owned water utilities.

A rescission may be in whole or in part and may be specific to an individual consumer-owned water utility.

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 574

H.P. 1260 - L.D. 1756

An Act To Authorize a General Fund Bond Issue To Support Biomedical Research in Maine

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $10,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Technology Institute

Provides funds, to be awarded through a competitive process and to be matched by $11,000,000 in private and other funds, to expand the State's research capabilities in the areas of mammalian genetics and murine biometric analytics, make the State a global resource for precision medicine, improve the State's capacity to attract and retain young professionals and bring additional grant funding, private sector investment, job growth and economic activity to the State.

Total	$10,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Report. The Department of Economic and Community Development shall report by January 15th annually, until the bond proceeds authorized by this Act have been fully expended, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint

standing committee of the Legislature having jurisdiction over research and economic development matters.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $10,000,000 bond issue, to be awarded through a competitive process and to be matched by $11,000,000 in private and other funds, to build a research center and to discover genetic solutions for cancer and the diseases of aging, to promote job growth and private sector investment in this State, to attract and retain young professionals and make the State a global leader in genomic medicine?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 575

H.P. 870 - L.D. 1230

An Act To Improve Access to Oral Health Care

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

Sec. 1. 22 MRSA §3174-XX is enacted to read:

§3174-XX. Dental hygiene therapy reimbursement

1. Reimbursement. By October 1, 2015, the department shall provide for the reimbursement under the MaineCare program of dental hygiene therapists practicing as authorized under Title 32, chapter 16, subchapter 3-C for the procedures identified in their scope of practice. Reimbursement must be provided to dental hygiene therapists directly or to a federally qualified health center pursuant to section 3174-V when a dental hygiene therapist is employed as a core provider at the center.

2. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 2. 24 MRSA §2317-B, sub-§19, as enacted by PL 1999, c. 256, Pt. M, §10, is amended to read:

19. Title 24-A, chapter 67. Medicare supplement insurance policies, Title 24-A, chapter 67; ~~and~~

Sec. 3. 24 MRSA §2317-B, sub-§20, as amended by PL 2003, c. 428, Pt. G, §1, is further amended to read:

20. Title 24-A, chapters 68 and 68-A. Long-term care insurance, nursing home care insurance and home health care insurance, Title 24-A, chapters 68 and 68-A~~.~~; and

Sec. 4. 24 MRSA §2317-B, sub-§21 is enacted to read:

21. Title 24-A, sections 2765-A and 2847-U. The practice of dental hygiene by a dental hygiene therapist, Title 24-A, sections 2765-A and 2847-U.

Sec. 5. 24-A MRSA §2765-A is enacted to read:

§2765-A. Coverage for services provided by dental hygiene therapist

1. Services provided by dental hygiene therapist. An insurer that issues individual dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 16, subchapter 3-C when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

2. Limits; coinsurance; deductibles. A contract that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

3. Coordination of benefits with dental insurance. If an enrollee eligible for coverage under this section is eligible for coverage under a dental insurance policy or contract and a health insurance policy

or contract, the insurer providing dental insurance is the primary payer responsible for charges under subsection 1 and the insurer providing individual health insurance is the secondary payer.

4. Application. The requirements of this section apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 6. 24-A MRSA §2847-U is enacted to read:

§2847-U. Coverage for services provided by dental hygiene therapist

1. Services provided by dental hygiene therapist. An insurer that issues group dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by a dental hygiene therapist licensed under Title 32, chapter 16, subchapter 3-C when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

2. Limits; coinsurance; deductibles. A contract that provides coverage for the services required by this section may contain provisions for maximum benefits and coinsurance and reasonable limitations, deductibles and exclusions to the extent that these provisions are not inconsistent with the requirements of this section.

3. Coordination of benefits with dental insurance. If an enrollee eligible for coverage under this section is eligible for coverage under a dental insurance policy or contract and a health insurance policy or contract, the insurer providing dental insurance is the primary payer responsible for charges under subsection 1 and the insurer providing group health insurance is the secondary payer.

Sec. 7. 32 MRSA c. 16, sub-c. 3-C is enacted to read:

SUBCHAPTER 3-C

DENTAL HYGIENE THERAPIST

§1094-AA. Dental hygiene therapist

A dental hygienist or independent practice dental hygienist licensed by the board pursuant to this chapter may practice as a licensed dental hygiene therapist to the extent permitted by this subchapter. To qualify for licensure under this subchapter as a dental hygiene therapist, a person shall apply to the board on forms provided by the board, pay the application fee under section 1094-DD and demonstrate to the board that the applicant:

1. Licensure. Possesses a valid license to practice dental hygiene or independent practice dental hygiene pursuant to this chapter or qualifies for licensure to practice by endorsement pursuant to section 1094-L;

2. Educational program standards and requirements. Has successfully completed a dental hygiene therapy education program that:

A. Is accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;

B. Is a minimum of 4 semesters;

C. Is consistent with the model curriculum for educating dental hygiene therapists adopted by the American Association of Public Health Dentistry, or a successor organization, is consistent with existing dental hygiene therapy programs in other states and is approved by the board; and

D. Meets the requirements for dental hygiene therapy education programs adopted by the board;

3. Bachelor of Science degree. Has been awarded a Bachelor of Science degree in dental hygiene. In order to meet the requirements of this subsection, an applicant must hold at least an associate degree in dental hygiene before entering a dental hygiene therapy education program that meets the requirements of subsection 2, which may be completed concurrently or consecutively with a Bachelor of Science degree in dental hygiene;

4. Examination. Has passed a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education and has passed an examination of the applicant's knowledge of Maine laws and rules relating to the practice of dentistry. An applicant who fails the clinical examination twice may not take the clinical examination again until further education and training, as specified by the board, are obtained; and

5. Supervised clinical practice. Has completed 2,000 hours of supervised clinical practice under the supervision of a dentist licensed under this chapter and in conformity with rules adopted by the board, during which supervised clinical practice the applicant holds a provisional dental hygiene therapy license pursuant to section 1094-BB. For purposes of meeting the requirements of this subsection, an applicant's hours of supervised clinical experience while enrolled in the 4-semester dental training therapy program may be included.

§1094-BB. Provisional dental hygiene therapy license

The board shall issue a provisional dental hygiene therapy license to an applicant for licensure under this

subchapter who has met the requirements of section 1094-AA, subsections 1 to 4 and rules adopted by the board and who has paid a fee established by the board of not more than $175. During the period of provisional licensure, which may not exceed 3 years, the applicant shall maintain in good standing the applicant's license to practice as a dental hygienist or an independent practice dental hygienist. During the period of provisional licensure the applicant may be compensated for services performed as a dental hygiene therapist.

§1094-CC. Dental coverage and reimbursement

Notwithstanding the requirements of Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the Cub Care program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental hygiene therapist authorized to practice under this subchapter.

§1094-DD. License; fees; discontinuation of license

The board shall issue a license to practice as a dental hygiene therapist to an applicant for licensure under this subchapter who has met the requirements of this subchapter and rules adopted pursuant to the subchapter for licensure and has paid the application fee of not more than $175. A dental hygiene therapist shall publicly exhibit the license at the therapist's place of business or employment. The initial date of expiration of the license must be the original expiration date of the dental hygiene therapist's dental hygienist license issued by the board pursuant to subchapter 4 or, for an independent practice dental hygienist licensed by endorsement, January 1st of the first odd-numbered year following initial licensure. On or before January 1st of each odd-numbered year, a dental hygiene therapist shall pay to the board a license renewal fee. The board may renew the license of a dental hygiene therapist who meets the requirements for continued licensure and pays a renewal fee and a late fee by February 1st in the year in which renewal is due. The board shall suspend the license of a dental hygiene therapist who does not renew a license by February 1st in the year that renewal is due. The board may renew the license of a dental hygiene therapist who pays a renewal fee and a reinstatement fee as required by the board.

§1094-EE. Continuing education

As a condition of renewal of a license to practice under this subchapter, a dental hygiene therapist shall submit evidence of successful completion of 35 hours of continuing education in the 2 years prior to renewal. Continuing education under this section must be in conformity with the provisions of section 1084-A and must include board-approved courses, including but not limited to a course in cardiopulmonary resuscitation. The board may refuse renewal to an applicant who has not satisfied the requirements of this section or may renew a license on terms and conditions set by the board.

§1094-FF. Limitation of practice

Upon completion of 2,000 hours of supervised clinical practice under section 1094-AA, subsection 4 a dental hygiene therapist may provide services within the scope of practice provided in section 1094-HH and under the direct supervision of a dentist who is licensed in this State in the following health settings: a hospital; a public school, as defined in Title 20-A, section 1, subsection 24; a nursing facility licensed under Title 22, chapter 405; a residential care facility licensed under Title 22, chapter 1663; a clinic; a health center reimbursed as a federally qualified health center as defined in 42 United States Code, Section 1395x(aa)(4) (1993) or that has been determined by the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services to meet the requirements for funding under Section 330 of the Public Health Service Act, 42 United States Code, Section 254(b); a federally qualified health center licensed in this State; a public health setting that serves underserved populations as recognized by the federal Department of Health and Human Services; or a private dental practice in which at least 50% of the patients who are provided services by that dental hygiene therapist are covered by the MaineCare program under Title 22 or are underserved adults.

§1094-GG. Written practice agreement; standing orders

A dental hygiene therapist may practice only under the direct supervision of a dentist who is licensed in this State, referred to in this subchapter as "the supervising dentist," and through a written practice agreement signed by both parties. For the purposes of this section, a written practice agreement is a signed document that, in conformity with the legal scope of practice provided in section 1094-HH, outlines the functions that the dental hygiene therapist is authorized to perform. A dental hygiene therapist may practice only under the standing order of a dentist, may provide only care that follows written protocols and may provide only services that the dental hygiene therapist is authorized to provide by that dentist.

1. Minimum written practice agreement requirements. A written practice agreement between a supervising dentist and a dental hygiene therapist must include the following elements:

A. The services and procedures and the practice settings for those services and procedures that the dental hygiene therapist may provide, together with any limitations on those services and procedures;

B. Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;

C. Procedures to be used with patients treated by the dental hygiene therapist for obtaining informed consent and for creating and maintaining dental records;

D. A plan for review of patient records by the supervising dentist and the dental hygiene therapist;

E. A plan for managing medical emergencies in each practice setting in which the dental hygiene therapist provides care;

F. A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;

G. Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;

H. Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and

I. Specific written protocols, including a plan for providing clinical resources and referrals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental hygiene therapist.

2. Responsibility. The supervising dentist shall accept responsibility for all authorized services and procedures performed by the dental hygiene therapist pursuant to the written agreement. A dental hygiene therapist who provides services or procedures beyond those authorized in the written agreement engages in unprofessional conduct for the purposes of this chapter.

3. Revision. Revisions to the written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental hygiene therapist.

4. Requirements. A supervising dentist and a dental hygiene therapist who sign a written practice agreement shall each file a copy of the agreement with the board, keep a copy for the dentist's or dental hygiene therapist's own records and make a copy available to patients of the dental hygiene therapist upon request. The copy of the written practice agreement in the records of the board must be made available to the public upon request.

§1094-HH. Scope of practice

A dental hygiene therapist may provide the care and services listed in this section and may provide them only under the direct supervision of a dentist licensed in this State. A dental hygiene therapist practicing under general supervision of a dentist may perform all duties of a dental hygiene therapist listed in rules adopted by the board. A dental hygiene therapist who is licensed as a dental hygienist may perform all of the duties of a dental hygienist under this chapter. A dental hygiene therapist who is licensed as an independent practice dental hygienist may perform all of the duties of an independent practice dental hygienist. A dental hygiene therapist may:

1. Assessments and treatments; preparations; restorations. Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;

2. Crowns; space maintainers. Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;

3. Referrals. Provide referrals;

4. Anesthesia. Administer local anesthesia and nitrous oxide analgesia;

5. Preventive services. Perform preventive services;

6. Management of dental trauma and suturing; extractions. Conduct urgent management of dental trauma, perform suturing and extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist;

7. Medications. Provide, dispense and administer, within the parameters of the written practice agreement entered into under section 1094-GG and with the authorization of the supervising dentist, anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials;

8. Radiographs. Administer radiographs; and

9. Other related services and functions. Perform other related services and functions authorized by the supervising dentist and for which the dental hygiene therapist is trained.

§1094-II. Supervision of dental hygienists and dental assistants

A dental hygiene therapist may supervise dental assistants and dental hygienists to the extent permitted in the written practice agreement entered into under section 1094-GG. A dental hygiene therapist may not supervise more than 3 dental assistants and 2 dental hygienists in any one practice setting.

§1094-JJ. Referrals

A supervising dentist shall arrange for another dentist or specialist to provide any services needed by a patient of a dental hygiene therapist supervised by

that dentist that are beyond the scope of practice of the dental hygiene therapist and that the supervising dentist is unable to provide. A dental hygiene therapist, in accordance with a written practice agreement entered into under section 1094-GG, shall refer patients to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental hygiene therapist.

§1094-KK. Rulemaking

The board shall adopt rules to implement this subchapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 8. Board of Dental Examiners. By January 1, 2015, the Department of Professional and Financial Regulation, Board of Dental Examiners shall adopt rules setting requirements for dental hygiene therapy education programs. Prior to adopting rules, the board shall consult with:

1. A member of the Maine Dental Association;

2. A member of the Maine Dental Hygienists' Association;

3. A dentist who practices at a dental clinic at which at least 50% of that dentist's patients are eligible for the MaineCare program;

4. A dental hygienist who practices at a dental clinic at which at least 50% of that dental hygienist's patients are eligible for the MaineCare program;

5. A person whose area of expertise is in public health; and

6. A member of an organization that advocates for low-income persons.

Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Notwithstanding Title 32, section 1094-AA, subsection 2, paragraph A, until a dental hygiene therapy education program has been accredited by the American Dental Association Commission on Dental Accreditation or a successor organization, the Board of Dental Examiners may approve the dental hygiene therapy education program.

Sec. 9. Exemption from review. Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, this Act is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

Sec. 10. Application. Those sections of this Act that enact the Maine Revised Statutes, Title 22, section 3174-XX; Title 24, section 2317-B, subsection 21; and Title 24-A, sections 2765-A and 2847-U apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2015 in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 576

S.P. 735 - L.D. 1832

An Act To Increase Employment Opportunities for Veterans

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

Sec. 1. 5 MRSA §4573, sub-§5, as amended by PL 1995, c. 393, §19, is further amended to read:

5. Federal Indian policy. Nothing in this Act may be construed to prohibit any employment policy or action that is permitted under 42 United States Code, Section 2000e-2(i) (1982) of the federal Equal Employment Opportunity Act governing employment of Indians; ~~and~~

Sec. 2. 5 MRSA §4573, sub-§6, ¶B, as enacted by PL 1995, c. 393, §20, is amended to read:

B. Nothing in this Act may be construed to preempt, modify or amend any state, county or local law, ordinance, rule or regulation applicable to food handling that is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, which can not be eliminated by reasonable accommodation, pursuant to the list of infectious or communicable diseases and the modes of transmissibility published by the United States Secretary of Health and Human Services~~.~~; and

Sec. 3. 5 MRSA §4573, sub-§7 is enacted to read:

7. Veteran preference. For a private employer to apply a voluntary veteran preference, pursuant to Title 26, chapter 7, subchapter 11, to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

Sec. 4. 26 MRSA c. 7, sub-c. 11 is enacted to read:

SUBCHAPTER 11

VETERAN PREFERENCE

§876. Short title

This subchapter may be known and cited as "the Voluntary Veteran Preference Employment Policy Act."

§877. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. DD Form 214. "DD Form 214" means an Armed Forces Report of Transfer or Discharge or its predecessor or successor forms.

2. Private employer. "Private employer" means a sole proprietor, corporation, partnership, limited liability company or other entity with one or more employees. "Private employer" does not include the State, a county, a municipality, a township, a school district or a public institution of higher education.

3. Veteran. "Veteran" means a person who has served on active duty in the United States Armed Forces, or has served in the national guard of any state or the Reserves of the United States Armed Forces, and was discharged or released with an honorable discharge.

4. Veteran preference employment policy. "Veteran preference employment policy" means a private employer's preference for hiring, promoting or retaining a veteran over another qualified applicant or employee.

§878. Veteran preference employment policy

A private employer may have a veteran preference employment policy. The policy must be in writing and must be applied uniformly to employment decisions regarding hiring, promotion or retention during a reduction in workforce. A private employer may require that a veteran submit a DD Form 214 to be eligible for the preference.

See title page for effective date.

CHAPTER 577

H.P. 1206 - L.D. 1683

An Act To Improve Degree and Career Attainment for Former Foster Children

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

Sec. 1. 22 MRSA §4010-C is enacted to read:

§4010-C. Transition grant program

The Department of Health and Human Services shall establish a transition grant program to provide financial support to eligible individuals to pay for postsecondary education.

1. Age; enrollment in postsecondary education institution. In order to be eligible to participate in the program, an individual must be at least 21 years of age but less than 27 years of age, must have exited the voluntary extended care and support agreement with the State under section 4037-A at 21 years of age and must be enrolled in a postsecondary education institution.

2. Level of financial support. The transition grant is for postsecondary support up to the completion of an undergraduate degree. The level of financial support must be equivalent to the current voluntary extended foster care supports pursuant to section 4037-A. The department shall set duration limits, including a 6-year maximum for a 4-year degree, a 4-year maximum for a 2-year degree and other duration limits for other types of postsecondary education.

3. Postsecondary education navigator services. The program must include postsecondary education navigator services that provide transitional services and college support. The department shall determine the specifics of those services.

4. Advisory committee. The department shall establish an advisory committee to provide oversight of the implementation of the transition grant program. The advisory committee must include stakeholders in the postsecondary education field, the department's postsecondary education navigator under subsection 6, professionals who work with transitional foster youth, employers, representatives of the department and other interested parties. The department shall adopt rules to determine the membership, terms of office and voting procedures of the advisory committee and other specifics of the advisory committee's governance structure. The advisory committee shall provide an annual report to the department and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

5. Limit on number of individuals receiving transition grants. No more than 40 individuals at any one time may receive transition grants under this section.

6. Postsecondary education navigator. The department shall develop the roles and responsibilities for the postsecondary education navigator to provide transitional services and college student support for individuals pursuant to this section. The postsecondary education navigator shall provide data to the advisory committee.

The department 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.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

State-funded Foster Care/Adoption Assistance 0139

Initiative: Appropriates funds for a transitional grant program for individuals exiting the state foster care system at 21 years of age and actively pursuing post-secondary education. This appropriation is to provide the initial 20 grants beginning January 1, 2015.

GENERAL FUND	2013-14	2014-15
All Other	$0	$50,000
GENERAL FUND TOTAL	$0	$50,000

State-funded Foster Care/Adoption Assistance 0139

Initiative: Deappropriates funds on a one-time basis resulting from program savings.

GENERAL FUND	2013-14	2014-15
All Other	$0	($50,000)
GENERAL FUND TOTAL	$0	($50,000)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$0
DEPARTMENT TOTAL - ALL FUNDS	$0	$0

See title page for effective date.

CHAPTER 578
S.P. 68 - L.D. 232

An Act To Increase the Base for the Cost-of-living Increase for Retired State Employees and Teachers

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 prior to the close of fiscal year 2013-14 in order to reserve sufficient funds from the General Fund unappropriated surplus at the end of fiscal year 2013-14 to pay for the one-time, noncumulative cost-of-living adjustment payable in calendar year 2014; 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. 380, Pt. T, §22 is amended to read:

Sec. T-22. Noncumulative cost-of-living adjustment retirement benefit. No later than August 15th in 2012, 2013 and 2014, the Executive Director of the Maine Public Employees Retirement System shall notify the State Controller of the total cost of providing a payment to retirees that would otherwise have been eligible for a cost-of-living adjustment but for the operation of the suspension of the annual cost-of-living adjustments pursuant to the provisions of this Part. The benefit calculation <u>for the noncumulative cost-of-living adjustments payable in 2012 and 2013</u> is equal to the change in the Consumer Price Index for the year ending in June of the prior calendar year, up to a maximum of 3%, but in no case may the change be less than 0%, multiplied by the retirement benefit payments up to a maximum of $20,000 for the one-year period ending August 31st of that calendar year, excluding any retirement benefits calculated pursuant to this section. <u>The benefit calculation for the noncumulative cost-of-living adjustment payable in 2014 is equal to the change in the Consumer Price Index for the year ending in June 2013, up to a maximum of 3%, but in no case may the change be less than 0%, multiplied by the retirement benefit payments up to a maximum of $30,000 for the one-year period ending August 31, 2014, excluding any retirement benefits calculated pursuant to this section.</u> The State Controller shall transfer the amounts calculated pursuant to this section up to the balance available in the reserve for retirement benefits established in the Maine Revised Statutes, Title 5, section 1522 no later than September 1st of each year. If the balance in the reserve for retirement benefits on that date is not sufficient to fully fund the total benefits calculated, the State Controller shall transfer the amount that is available in the reserve to the Maine Public Employees Retirement System and the executive director shall proportionally reduce the benefit calculated by this section to equal the amount of funding provided.

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

Effective April 29, 2014.

CHAPTER 579

H.P. 1209 - L.D. 1686

An Act To Address Preventable Deaths from Drug Overdose

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 because the number of drug overdoses and ensuing deaths is on the rise; 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 c. 556-A is enacted to read:

CHAPTER 556-A

OPIOIDS

§2353. Naloxone hydrochloride

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Health care professional" means a person licensed under Title 32 who is authorized to prescribe naloxone hydrochloride.

B. "Immediate family" has the same meaning as set forth in Title 21-A, section 1, subsection 20.

C. "Opioid-related drug overdose" means a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or a condition that a reasonable person would believe to be an opioid-related drug overdose that requires medical assistance.

2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride is governed by this subsection.

A. A health care professional may prescribe naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose.

B. An individual to whom naloxone hydrochloride is prescribed in accordance with paragraph A may provide the naloxone hydrochloride so prescribed to a member of that individual's immediate family to possess and administer to the individual if the family member believes in good faith that the individual is experiencing an opioid-related drug overdose.

C. A health care professional may prescribe naloxone hydrochloride to a member of an individual's immediate family for administration to the individual in the event of an opioid-related drug overdose if:

(1) The health care professional has an established health care professional-patient relationship with the individual; and

(2) The individual is at risk of experiencing an opioid-related drug overdose.

A health care professional who prescribes naloxone hydrochloride to a member of an individual's immediate family in accordance with this paragraph shall document in the individual's patient medical record the name of each family member who receives such a prescription and the health care professional's intention that the naloxone hydrochloride be administered to the individual.

D. If a member of an individual's immediate family is prescribed naloxone hydrochloride in accordance with paragraph C, that family member may administer the naloxone hydrochloride to the individual if the family member believes in good faith that the individual is experiencing an opioid-related drug overdose.

Nothing in this subsection affects the provisions of law relating to maintaining the confidentiality of medical records.

3. Authorized administration of naloxone hydrochloride by law enforcement officers and municipal firefighters. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement officers and municipal firefighters pursuant to this subsection.

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

Effective April 29, 2014.

CHAPTER 580
H.P. 1198 - L.D. 1626

An Act To Fund Invasive Species Prevention and Control

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

Whereas, invasive aquatic plants such as milfoil are infesting many of Maine's lakes and a comprehensive, coordinated and long-term plan is necessary to remove and control these infestations; and

Whereas, to control infestations of invasive aquatic plants, 3 cleanups per year for 3 years are recommended; and

Whereas, the milfoil infestation problem is worsening and needs to be addressed 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. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2013, c. 368, Pt. AAA, §1, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to a formula that is jointly agreed upon by the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources biannually that pays to the department the administrative costs of the Division of Licensing and Registration. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The remainder of revenues after reduction for administrative costs and after allowing for any necessary year-end reconciliation and accounting distribution must be allocated 75% to the department and 25% to the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

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

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

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

Sec. 2. 12 MRSA §10257, sub-§1, as amended by PL 2011, c. 74, §1, is further amended to read:

1. Fund established. The Lake and River Protection Fund, referred to in this section as the "fund," is established within the department as a nonlapsing fund. The fund must be administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials, educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers required under section 13058, subsection 3. For purposes of this section, "nuisance species" has the same meaning as in Title 38, section 1861, subsection 2.

Sec. 3. 12 MRSA §13058, sub-§3, as amended by PL 2009, c. 213, Pt. OO, §17, is repealed and the following enacted in its place:

3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee. No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in

the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. The fee for a sticker issued under this subsection is $20, $1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

A. Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

B. Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

Sec. 4. 38 MRSA §1863, as amended by PL 2003, c. 414, Pt. B, §73 and affected by Pt. D, §7 and c. 614, §9, is further amended to read:

§1863. Invasive Aquatic Plant and Nuisance Species Fund

The Invasive Aquatic Plant and Nuisance Species Fund, referred to in this section as the "fund," is created within the department as a nonlapsing fund. The fund is administered by the commissioner. The fund is funded from a portion of the fees collected for lake and river protection stickers issued under Title 12, section 13058, subsection 3 and from other funds accepted for those purposes by the commissioner or allocated or appropriated by the Legislature. Money in the fund may be used only for costs related to conducting inspections under section 1862, conducting invasive aquatic plant prevention, containment, eradication and management activities and reimbursing agencies as necessary for costs associated with conducting or enforcing the provisions of this chapter and chapter 20-B. The commissioner may also use funds to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species. The commissioner shall use at least 20% of the money in the fund for eradication activities.

Sec. 5. Transfer; Inland Fisheries and Wildlife carrying account. Notwithstanding any other provision of law, the State Controller shall transfer $46,000 by May 1, 2014 and $225,400 by July 10, 2015 from the Inland Fisheries and Wildlife carrying account, General Fund account within the Department of Inland Fisheries and Wildlife to the Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Allocates funds from an increased percentage of fees from 60% to 80% on certificates for watercraft operation on inland waters and lake and river protection stickers.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$46,000	$225,400
OTHER SPECIAL REVENUE FUNDS TOTAL	$46,000	$225,400

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

Effective April 29, 2014.

CHAPTER 581

S.P. 577 - L.D. 1530

An Act To Establish a Process for the Implementation of Universal Voluntary Public Preschool Programs for Children 4 Years of Age

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

Sec. 1. 20-A MRSA §405, sub-§3, ¶T, as enacted by PL 1995, c. 395, Pt. J, §4, is amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children who are 4 years of age in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results~~,~~ established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 1983, c. 859, Pt. K, §§3 and 7, is further amended to read:

8. Operate public preschool programs, kindergarten and grades one to 12. They shall either operate programs in kindergarten and grades ~~1~~ one to

12 or otherwise provide for students to participate in those grades as authorized elsewhere in this Title. To the extent the State provides adequate start-up funding, they may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. They shall determine which students ~~shall~~ attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time.

Sec. 3. 20-A MRSA c. 203, sub-c. 3 is enacted to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS FOR CHILDREN 4 YEARS OF AGE

§4271. Start-up funding for public preschool programs

1. Start-up funding. To the extent the State provides adequate start-up funding, school administrative units may operate public preschool programs or provide for students to participate in such programs in accordance with the requirements of this Title. For the purposes of this subchapter, "start-up funding" means a one-time, start-up grant awarded to a qualified school administrative unit that submits an implementation plan that is approved by the department for the operation of a new or expanded public preschool program.

2. Allowable costs. Beginning with the 2015-2016 school year and for each subsequent school year, the State may provide start-up funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter.

3. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year, the commissioner may provide start-up funding to qualified school administrative units to operate public preschool programs for children 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose and must include $4,000,000 annually in revenues distributed from general purpose aid for local schools that the department receives from casino slot machines or casino table games pursuant to section 15671, subsection 5-A. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of this subchapter.

4. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program. The qualifications established for implementation plans must contain standards and best practices for public preschool programs and must encourage a school administrative unit to demonstrate coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 4 years of age in accordance with this subchapter and rules adopted by the commissioner. In awarding grants under this section, the commissioner shall give priority to a qualified school administrative unit that has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following order of preference:

A. The first preference must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and

B. The 2nd preference must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of start-up funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Application for federal public preschool funds. The department may apply for assistance from the Federal Government for the development of public preschool programs for children 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide any federal funds received to qualified school administrative units as part of the start-up funding provided for the development and operation of public preschool programs under this section. If federal funds are used as part of the start-up funds to operate new or expanded public preschool programs, the students enrolled in these programs must be considered subsidizable pupils for purposes of state subsidy calculations pursuant to chapter 606-B.

Sec. 4. 20-A MRSA §4501, as amended by PL 2007, c. 141, §6, is further amended to read:

§4501. Duty of school units

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. ~~School units that choose to~~ To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program ~~must meet~~, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2018-2019 school year.

1. Assessment. The commissioner shall adopt rules that strongly encourage the use of a uniform common statewide assessment program for kindergarten, which may be used by school administrative units in addition to other quality assessments school administrative units determine to be necessary beginning with the 2016-2017 school year. The uniform common statewide assessment must be designed to measure student comprehension of academic content and mastery of related skills and cover such areas as physical health and motor development; social and emotional development; learning styles; language and literacy; and general cognition. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Grant funds. Beginning with the 2015-2016 school year, in accordance with this section, the department, if funds are available, shall award grants pursuant to section 4271 to each qualified school administrative unit equal to the school administrative unit's allowable costs to implement the approved plan to develop and operate a new or expanded public preschool program. Grant funds must be used to fund the allowable costs of the implementation plan not otherwise subsidized by the State.

Sec. 5. 20-A MRSA §4502, sub-§9, as enacted by PL 2007, c. 141, §11, is amended to read:

9. Public preschool programs for children 4 years of age. ~~Any~~ To the extent the State provides adequate start-up funding for a public preschool program for children 4 years of age, a school administrative unit that ~~wishes to~~ does not have a public preschool program for children 4 years of age may develop ~~an early childhood program~~ a public preschool program implementation plan for children 4 years of age ~~must submit a proposal~~ for submission to and approval ~~to~~ by the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

Beginning with the 2015-2016 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required under this subsection.

Sec. 6. 20-A MRSA §15671, sub-§5-A, as enacted by PL 2013, c. 368, Pt. C, §5, is amended to read:

5-A. Funds from casino slot machines or table games. Revenues received by the department from casino slot machines or casino table games pursuant to Title 8, section 1036, subsection 2-A, paragraph A or Title 8, section 1036, subsection 2-B, paragraph A must be distributed until the end of fiscal year 2014-15 as general purpose aid for local schools, and each school administrative unit shall make its own determination as to how to allocate these resources. Beginning in fiscal year 2015-16, $4,000,000 in revenues must be distributed by the department to provide start-up funds for approved public preschool programs for children 4 years of age in accordance with chapter 203, subchapter 3. Neither the Governor nor the Legislature may divert the revenues payable to the department to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of the revenues paid to the department from casino slot machines or casino table games for another purpose must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over education matters at least 30 days prior to any vote or public hearing on the proposal.

Sec. 7. 20-A MRSA §15674, sub-§3 is enacted to read:

3. Pupil count for public preschool programs. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the year of funding.

Sec. 8. 20-A MRSA §15675, sub-§3, ¶A, as amended by PL 2007, c. 141, §15, is further amended to read:

A. For purposes of the additional weight under this subsection, the count of public preschool program to grade 2 students is calculated based on

the number of resident pupils in the most recent calendar year. Beginning with funding for the 2015-2016 school year, the pupil count for students 4 years of age and students 5 years of age attending public preschool programs must be based on the most recent October 1st count prior to the allocation year.

Sec. 9. 20-A MRSA §15681, sub-§1, ¶C, as amended by PL 2007, c. 141, §16, is further amended to read:

C. To receive targeted public preschool program to grade 2 funds calculated pursuant to subsection 4, the school administrative unit must be in compliance with any applicable reporting requirements for local early childhood programs. Any program must be in compliance with chapter 203, subchapter 2 or 3.

Sec. 10. 20-A MRSA §15688-A, sub-§4 is enacted to read:

4. New or expanded public preschool programs for children 4 years of age. Beginning in fiscal year 2015-16 and for each subsequent fiscal year, the commissioner may expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children 4 years of age pursuant to chapter 203, subchapter 3. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 203, subchapter 3 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of public preschool programs. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of chapter 203, subchapter 3.

Sec. 11. 20-A MRSA §15689-F, sub-§3, as enacted by PL 2013, c. 368, Pt. C, §20, is amended to read:

3. Casino revenues. If the annual funding for public education ~~from~~ for children in public preschool programs and for children in kindergarten and grades one to ~~grade~~ 12 is supported by casino revenues credited to the department pursuant to Title 8, section 1036, the department shall journal expenditures from the General Purpose Aid for Local Schools, General Fund account to the K-12 Essential Programs and Services, Other Special Revenue Funds account to meet financial obligations and for purposes of cash flow.

Sec. 12. Implementation of universal availability of public preschool programs for children 4 years of age; rules. Prior to beginning the process of adopting rules pursuant to the Maine Revised Statutes, Title 20-A, section 4271, subsection 4 related to the Department of Education's recommended standards and best practices for public preschool programs for children 4 years of age, the Commissioner of Education shall invite stakeholders to provide their feedback and perspectives on the department's recommendations for school administrative units to phase in their implementation plans for the universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year and the department's current partnership with other states and research partners in a consortium to establish a state-of-the-art system for assessing young children's learning from kindergarten entry to grade 3.

1. Members. The commissioner shall invite the involvement of at least the following persons to participate in the department's planning and research initiatives as members of the stakeholder group:

A. A senior policy analyst with the Maine Children's Alliance;

B. A youth development coordinator with the University of Southern Maine, Edmund S. Muskie School of Public Service, Maine Roads to Quality;

C. A representative of a private early childhood education program;

D. A private provider of an early childhood program;

E. A state-level Head Start collaboration coordinator;

F. A director of a Head Start program;

G. An early literacy provider from the staff of a Head Start regional program;

H. A case manager from a regional site of the Child Development Services System;

I. Two public prekindergarten teachers;

J. A family literacy provider;

K. A superintendent of schools;

L. An elementary school principal;

M. The executive director of the Maine Administrators of Services for Children with Disabilities;

N. The early childhood consultant in the Department of Education;

O. A community collaboration coach for public preschool programs in the Department of Education;

P. The state director of the Child Development Services System in the Department of Education;

Q. The literacy specialist in the Department of Education;

R. The federal liaison in the Department of Education;

S. The child care consultant in the Department of Health and Human Services; and

T. The state grants compliance coordinator in the Department of Health and Human Services.

2. Report. The commissioner shall submit a report to the Joint Standing Committee on Education and Cultural Affairs by December 3, 2014 containing a summary of the work of the consortium partners and stakeholders, as well as an outline of the rules proposed by the department to implement the universal availability of public preschool programs for children 4 years of age by the 2018-2019 school year.

Sec. 13. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for the bus refurbishing program.

GENERAL FUND	2013-14	2014-15
All Other	$0	($69,877)
GENERAL FUND TOTAL	$0	($69,877)

PK-20, Adult Education and Federal Programs Team Z081

Initiative: Provides funds for 80% of one Early Childhood Coordinator position and related All Other costs beginning in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	$0	$64,877
All Other	$0	$5,000
GENERAL FUND TOTAL	$0	$69,877

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$0
DEPARTMENT TOTAL - ALL FUNDS	$0	$0

See title page for effective date.

CHAPTER 582

H.P. 357 - L.D. 538

An Act To Align Costs Recognized for Transfer of Nursing Facilities and Residential Care Facilities with Ordinary Commercial and Government Contracting Standards

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

Sec. 1. 22 MRSA §3175-D, sub-§2 is enacted to read:

2. Methodology. Beginning with the sale of a nursing facility that occurs on or after July 1, 2014, or such other date as approved by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, the department shall calculate depreciation recapture using a methodology that provides percentage credits for buildings, fixed equipment and moveable equipment based on the number of years of operation by the owner of the nursing facility that is consistent with the following:

A. For the purposes of determining depreciation recapture for buildings and fixed equipment, the methodology must determine the number of years of operation by reference to the date on which the owner began operating with the original license;

B. For the purposes of determining depreciation recapture for moveable equipment, the methodology must enable percentage credits to reach 100% after the first 6 years of the assigned useful life; and

C. The methodology must treat as equivalent to the owner of the nursing facility any person or entity that owns or controls the entity that owns the nursing facility and any entity that is owned or controlled by the owner of the nursing facility.

Sec. 2. 22 MRSA §7861, sub-§§2 and 3, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, are amended to read:

2. Compliance with standards and guidelines. Reviewing the compliance of assisted housing programs with standards and guidelines established for the programs; ~~and~~

3. Awarding of grants. Awarding of grants, when available and necessary, to subsidize the cost of assisted housing programs for eligible clients.

For the purposes of this subsection, "eligible clients" means adults who have been determined through an approved assessment by the department to be functionally or cognitively impaired and in need of finan-

cial assistance to access assisted housing programs.; and

Sec. 3. 22 MRSA §7861, sub-§4 is enacted to read:

4. Residential care facility depreciation. Calculating depreciation recapture for a residential care facility, as defined in section 7852, subsection 14, that is reimbursed by the department under the rules of reimbursement for room and board costs, including depreciation, when the facility is sold on or after July 1, 2013, using a methodology that provides percentage credits for buildings, fixed equipment and moveable equipment based on the number of years of operation of the residential care facility by the owner that is consistent with the following:

A. For the purposes of determining depreciation recapture for buildings and fixed equipment, the methodology must determine the number of years of operation by reference to the date on which the owner began operating with the original license;

B. For the purposes of determining depreciation recapture for moveable equipment, the methodology must enable percentage credits to reach 100% after the first 6 years of the assigned useful life; and

C. The methodology must treat as equivalent to the owner of the residential care facility any person or entity that owns or controls the entity that owns the residential care facility and any entity that is owned or controlled by the owner of the residential care facility.

Sec. 4. Application for state plan amendment. By October 1, 2014 the Department of Health and Human Services shall submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services an application for approval of a state plan amendment for the MaineCare program to authorize the methodology for calculating recapture of depreciation in the sale of nursing facilities as enacted in the Maine Revised Statutes, Title 22, section 3175-D, subsection 2 to apply to sales occurring on or after July 1, 2014.

Sec. 5. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 22, section 3175-D, subsection 2 does not take effect unless the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services approves an application for a state plan amendment for the MaineCare program submitted under this Act. The Commissioner of Health and Human Services shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes when the commissioner has received approval of the state plan amendment submitted under this Act from the Centers for Medicare and Medicaid Services.

See title page for effective date, unless otherwise indicated.

CHAPTER 583

H.P. 314 - L.D. 464

An Act To Change Compensation for Career and Technical Education Region Cooperative Board Meeting Attendance

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

Sec. 1. 20-A MRSA §8457, sub-§4, as amended by PL 1991, c. 518, §25, is further amended to read:

4. Compensation. A cooperative board member may be paid up to ~~$10~~ $20 for each meeting of the cooperative board or its subcommittees that the member attends.

See title page for effective date.

CHAPTER 584

H.P. 1221 - L.D. 1697

An Act To Provide Funding for the Veterans Treatment Courts

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

District Attorneys Salaries 0409

Initiative: Establishes one part-time Assistant District Attorney position for participation in veterans treatment courts.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	$0	$42,045
GENERAL FUND TOTAL	$0	$42,045

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2013-14	2014-15

GENERAL FUND	**$0**	**$42,045**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$42,045**

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Recognizes savings from managing vacancies.

GENERAL FUND	**2013-14**	**2014-15**
Personal Services	$0	($42,045)
GENERAL FUND TOTAL	$0	($42,045)

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**($42,045)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($42,045)**

SECTION TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**$0**
SECTION TOTAL - ALL FUNDS	**$0**	**$0**

See title page for effective date.

CHAPTER 585

H.P. 1242 - L.D. 1734

An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General

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

Sec. 1. 5 MRSA §200-J is enacted to read:

§200-J. Cold case homicide unit

The Attorney General in collaboration with the Commissioner of Public Safety shall establish a cold case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State. The unit must consist of personnel from the Department of the Attorney General and the Department of Public Safety, Bureau of State Police and must include at a minimum one attorney from the Department of the Attorney General, 2 detectives from the Bureau of State Police and one employee of the bureau's crime laboratory. The Attorney General shall adopt rules for the operation of the unit. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §1505-A, as enacted by PL 2001, c. 439, Pt. XXXX, §1, is repealed.

Sec. 3. Federal funding; cold case homicide unit. The Commissioner of Public Safety and the Attorney General shall pursue any federal funding available in order to establish a cold case homicide unit within the Department of the Attorney General as described in the Maine Revised Statutes, Title 5, section 200-J.

Sec. 4. Contingent effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 200-J and repeal Title 25, section 1505-A do not take effect unless sufficient federal funding becomes available to support the costs of the cold case homicide unit. The Commissioner of Public Safety shall notify the Secretary of State and the Revisor of Statutes when sufficient federal funding is available.

See title page for effective date, unless otherwise indicated.

CHAPTER 586

H.P. 1280 - L.D. 1788

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds 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 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.

TRANSPORTATION, DEPARTMENT OF

Administration 0339

Initiative: Provides funding for the reclassification of 4 Public Service Coordinator I positions from range 21 to range 25, one Public Service Coordinator I position from range 21 to range 23 and 3 Office Specialist I positions to Personnel Assistant positions.

HIGHWAY FUND	2013-14	2014-15
Personal Services	$19,493	$30,711
HIGHWAY FUND TOTAL	$19,493	$30,711

Fleet Services 0347

Initiative: Transfers 14 Inventory and Property Associate II positions and one Inventory and Property Associate I position from Fleet Services to the Maintenance and Operations program in the Highway Fund. Positions are funded by a reduction in All Other in the same program.

FLEET SERVICES FUND - DOT	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(15.000)
Personal Services	$0	($914,138)
FLEET SERVICES FUND - DOT TOTAL	$0	($914,138)

Highway and Bridge Capital 0406

Initiative: Provides funding for capital improvements for or replacement of the Sarah Mildred Long Bridge carrying the U.S. Route 1 Bypass over the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Capital Expenditures	$0	$30,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$30,000,000

Highway and Bridge Capital 0406

Initiative: Adjusts funding to align allocations with existing resources.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$15,000,000
Capital Expenditures	$0	$20,000,000
FEDERAL EXPENDITURES FUND TOTAL	$0	$35,000,000

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$1,500,000
All Other	$0	$1,500,000
Capital Expenditures	$0	$50,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$53,000,000

Highway and Bridge Light Capital Z095

Initiative: Provides additional funding for light capital paving as a result of the increased Highway Fund revenue projections.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	$1,800,000	$0
HIGHWAY FUND TOTAL	$1,800,000	$0

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	$416,768	$223,307
HIGHWAY FUND TOTAL	$416,768	$223,307

Maintenance and Operations 0330

Initiative: Provides funding for the Maintenance and Operations program to assist with the increased costs of winter weather.

HIGHWAY FUND	2013-14	2014-15
Personal Services	$800,000	$0
All Other	$1,455,019	$2,514,424
HIGHWAY FUND TOTAL	$2,255,019	$2,514,424

Maintenance and Operations 0330

Initiative: Transfers 14 Inventory and Property Associate II positions and one Inventory and Property Associate I position from Fleet Services to the Maintenance and Operations program in the Highway Fund. Positions are funded by a reduction in All Other in the same program.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	15.000
Personal Services	$0	$914,138
All Other	$0	($914,138)
HIGHWAY FUND TOTAL	$0	$0

Maintenance and Operations 0330

Initiative: Adjusts funding to align allocations with existing resources.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$19,849
All Other	$0	$151
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$20,000

Multimodal - Freight 0350

Initiative: Transfers funding from the Multimodal - Freight program to the Multimodal - Transportation Fund program for the federal Commercial Vehicle Information Systems and Networks grant.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	($1,000,000)
FEDERAL EXPENDITURES FUND TOTAL	$0	($1,000,000)

Multimodal - Ports and Marine 0323

Initiative: Adjusts funding to align allocations with existing resources.

MARINE PORTS FUND	2013-14	2014-15
All Other	$0	($25,000)
MARINE PORTS FUND TOTAL	$0	($25,000)

Multimodal Transportation Fund Z017

Initiative: Transfers funding from the Multimodal - Freight program to the Multimodal - Transportation Fund program for the federal Commercial Vehicle Information Systems and Networks grant.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$1,000,000
FEDERAL EXPENDITURES FUND TOTAL	$0	$1,000,000

Suspense Receivable - Transportation 0344

Initiative: Adjusts funding to align allocations with existing resources.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$118,753
All Other	$0	$8,416
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$127,169

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	$4,491,280	$2,768,442
FEDERAL EXPENDITURES FUND	$0	$35,000,000
OTHER SPECIAL REVENUE FUNDS	$0	$83,147,169
FLEET SERVICES FUND - DOT	$0	($914,138)
MARINE PORTS FUND	$0	($25,000)
DEPARTMENT TOTAL - ALL FUNDS	$4,491,280	$119,976,473

PART B

Sec. B-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 and Personal Services line categories on June 30, 2014 in the Department of Secretary of State, Administration - Motor Vehicles program to fiscal year 2014-15. 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 and to make capital improvements to the main office in Augusta.

PART C

Sec. C-1. Rename Suspense Receivable - Transportation program. Notwithstanding any other provision of law, the Suspense Receivable - Transportation program within the Department of Transportation is renamed the Receivables program.

Sec. C-2. Rename Highway and Bridge Light Capital program. Notwithstanding any other provision of law, the Highway and Bridge Light Capital program within the Department of Transportation is renamed the Highway Light Capital program.

Sec. C-3. Rename Multimodal - Freight program. Notwithstanding any other provision of law, the Multimodal - Freight program within the Department of Transportation is renamed the Multimodal - Freight Rail program.

PART D

Sec. D-1. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings and allocations in this Part that applies against each Highway Fund account for all departments and agencies from transfers of funding associated with transferring incremental funding from fiscal year 2013-14 to fiscal year 2014-15 for the State's contribution to state employee and retiree health insurance premiums 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 Transportation no later than October 1, 2014.

Sec. D-2. 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: Transfers from fiscal year 2013-14 to fiscal year 2014-15 incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to state employee health insurance premiums.

HIGHWAY FUND	2013-14	2014-15
Personal Services	($400,000)	$400,000
HIGHWAY FUND TOTAL	($400,000)	$400,000

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Transfers from fiscal year 2013-14 to fiscal year 2014-15 incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to retiree health insurance premiums.

HIGHWAY FUND	2013-14	2014-15
Personal Services	($1,077,253)	$1,077,253
HIGHWAY FUND TOTAL	($1,077,253)	$1,077,253

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	($1,477,253)	$1,477,253
DEPARTMENT TOTAL - ALL FUNDS	($1,477,253)	$1,477,253

PART E

Sec. E-1. Calculation and transfer. 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 2 of this Part that apply against each Highway Fund account for departments and agencies statewide that have occurred as a result of a new actuarial projection. The State Budget Officer shall transfer the savings 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. E-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Independent Agencies - Statewide 0016

Initiative: Reduces funding as the result of a new actuarial projection of the cost of retiree health insurance.

HIGHWAY FUND	2013-14	2014-15
Personal Services	($567,319)	($1,457,544)
HIGHWAY FUND TOTAL	($567,319)	($1,457,544)

PART F

Sec. F-1. 23 MRSA §1968, sub-§2-C is enacted to read:

2-C. Bonds for purchase of interstate in Kittery. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution for the issuance of special obligation or subordinate bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding $35,000,000 in aggregate principal amount exclusive of refundings, to purchase a section of Interstate 95 in Kittery from the Department of Transportation.

Sec. F-2. 23 MRSA §1969, sub-§1, ¶A, as amended by PL 2011, c. 302, §14, is further amended to read:

A. To the payment of the cost of the construction and reconstruction of the turnpike or to the payment to the Department of Transportation of the cost of department projects or to the payment of the cost of the purchase of a section of Interstate 95 in Kittery;

Sec. F-3. PL 2013, c. 354, Pt. N, §3 is amended to read:

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. Any future legislation submitted by the Department of Transportation to reestablish the Maine-New Hampshire Interstate Bridge Authority, referred to in this section as "the IBA," in accordance with Public Law 2011, chapter 610, Part D, section 3 must provide that the funding provided to the IBA by or through the State and the Maine Turnpike Authority, referred to in this section as "Maine IBA Funds," must be used for the future capital repair and rehabilitation of the Piscataqua River Bridge and the planned replacement bridge for the Sarah Mildred Long Bridge. Maine IBA Funds may not be used for the capital repair and rehabilitation of the Memorial Bridge or for the operations and custodial maintenance of any of the 3 Portsmouth-Kittery bridges.

Sec. F-4. Purchase and sale of interstate in Kittery. The State, acting by and through the Department of Transportation, is authorized to convey to the Maine Turnpike Authority, and the Maine Turnpike Authority is authorized to acquire, an approximately 1.9-mile portion of Interstate 95 in the Town of Kittery between the southerly terminus of the existing Maine Turnpike and the approach to the Piscataqua River Bridge, in consideration of the sum of $30,000,000, and such other consideration and on such other terms and provisions as the Commissioner of Transportation and the executive director of the Maine Turnpike Authority may mutually determine are reasonable or necessary to effectuate the acquisition. The closing date for the transfer must be on or before December 31, 2014, unless extended by mutual agreement.

Sec. F-5. Allocation. The proceeds of the transfer of the approximately 1.9-mile portion of Interstate 95 in the Town of Kittery from the Maine Turnpike Authority must be deposited in a new, separate, Other Special Revenue Funds account within the Highway and Bridge Capital program established for capital improvement or replacement of the Sarah Mildred Long Bridge carrying the U.S. Route 1 Bypass over the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire.

PART G

Sec. G-1. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of allocations in this Part that applies against each Highway Fund account for all departments and agencies from funding associated with providing merit pay increases and certain longevity payments in fiscal year 2014-15 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2014-15. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Transportation no later than October 1, 2014.

Sec. G-2. 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: Provides funding to offset savings from eliminating certain longevity payments.

HIGHWAY FUND	2013-14	2014-15
Personal Services	$0	$107,949
HIGHWAY FUND TOTAL	$0	$107,949

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Provides funding to offset 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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	$0	$806,550
DEPARTMENT TOTAL - ALL FUNDS	$0	$806,550

PART H

Sec. H-1. Lapsed balances; Salary Plan program, Highway Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $806,550 from the Department of Administrative and Financial Services, Salary Plan program, Highway Fund account to the unallocated surplus of the Highway Fund no later than August 1, 2014.

PART I

Sec. I-1. 29-A MRSA §523, sub-§7, as amended by PL 2011, c. 22, §2, is further amended to read:

7. Moratorium on decals for use with special veterans registration plates. During the period beginning October 1, 2009 and ending October 1, 2014, the Secretary of State may not issue any ~~special commemorative decals~~ decal not authorized by subsection 5, paragraphs A to AA ~~or~~, subsection 6, paragraphs A to E or subsection 8 for use with special veterans registration plates.

Sec. I-2. 29-A MRSA §523, sub-§8 is enacted to read:

8. Wabanaki decal. The Secretary of State may issue a set of 2 Wabanaki decals to a person who has or receives a special veterans registration plate if the Secretary of State receives an application and a statement signed by a tribal official from a federally recognized tribe within the Wabanaki Confederacy proving the applicant's membership in the tribe. One set of 2 Wabanaki decals must be displayed on the front and back plates. The fee for a set of Wabanaki decals may not exceed $5.

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

Effective April 30, 2014.

CHAPTER 587

S.P. 743 - L.D. 1840

An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program

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 Controlled Substances Prescription Monitoring Program is an important tool for prescribers of controlled substances to use to prevent and detect prescription drug misuse and diversion and improve patient care through better coordination of care; and

Whereas, timely enrollment in the Controlled Substances Prescription Monitoring Program and ongoing education of prescribers to use the program are fundamental to its success; 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 §7249, sub-§5, as enacted by PL 2011, c. 477, Pt. K, §1, is repealed.

Sec. 2. Online applications and renewals for prescribers of controlled substances; electronic coding; access for prescribers and their delegates. The Department of Health and Human Services, Controlled Substances Prescription Monitoring Program, referred to in this section as "the pro-

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

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

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

Effective April 30, 2014.

CHAPTER 588

H.P. 1323 - L.D. 1841

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

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

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

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

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

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

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

PART A

Sec. A-1. 3 MRSA §956, sub-§2, ¶N, as amended by PL 2013, c. 110, §3 and c. 307, §6, is repealed and the following enacted in its place:

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

(1) The statutory authority for each filing requirement;

(2) The date each filing requirement was adopted or last amended by the agency;

(3) The frequency that filing is required;

(4) The number of filings received annually for the last 2 years and the number anticipated to be received annually for the next 2 years; and

(5) A description of the actions taken or contemplated by the agency to reduce filing requirements and paperwork duplication;

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

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

P. Director, Division of Animal and Plant Health;

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

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

29-D.

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

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

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

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

(1) Assistance from Maine Quality Centers under Title 20-A, chapter 431-A;

(2) The Governor's Jobs Initiative Program under Title 26, chapter 25, subchapter 4;

(3) Municipal tax increment financing under Title 30-A, chapter 206;

(4) The jobs and investment tax credit under Title 36, section 5215;

(5) The research expense tax credit under Title 36, section 5219-K;

(6) Reimbursement for taxes paid on certain business property under Title 36, chapter 915;

(7) Employment tax increment financing under Title 36, chapter 917;

(8) The shipbuilding facility credit under Title 36, chapter 919;

(9) The credit for seed capital investment under Title 36, section 5216-B; and

~~(10) The credit for pollution reducing boilers under Title 36, section 5219-Z; and~~

(11) The credit for Maine fishery infrastructure investment under Title 36, section 5216-D.

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

7. Comprehensive outdoor recreation plan. Beginning January 1, 2003 and every 5 years thereafter, the director shall submit a state comprehensive outdoor recreation plan to the joint standing committee of the Legislature having jurisdiction over state parks and public lands matters, referred to in this subsection as the "committee of legislative oversight." The plan submitted by the bureau for review and approval by the National Park Service to establish the bureau's eligibility for funding from the land and water conservation fund under 16 United States Code, Section 4601-11 meets the requirements of this subsection. If federal funding is not available for updating the state plan, the bureau may make a written request to the committee of legislative oversight for an extension for submitting the plan. Upon receiving an extension request, the committee of legislative oversight shall discuss the advisability of an extension and the availability of state funds for preparation of the update. The committee may authorize an extension by writing to the director and stating the year by which an update must be received. A copy of the written extension must be filed by the committee with the Executive Director of the Legislative Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Post-hearing procedures are as provided in section 5822.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) An employee welfare benefit plan as defined in Section 3(1) of the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001, or a plan that would be an employee welfare benefit plan but for the "governmental plan" or "nonelecting church plan" exceptions, if the plan provides medical care as defined in subsection 2-A, and includes items and services paid for as medical care directly or through insurance, reimbursement or otherwise;

(2) Benefits consisting of medical care provided directly, through insurance or reimbursement and including items and services paid for as medical care under a policy, contract or certificate offered by a carrier;

(3) Part A or Part B of Title XVIII of the Social Security Act, Medicare;

(4) Title XIX of the Social Security Act, Medicaid, other than coverage consisting solely of benefits under Section 1928 of the Social Security Act;

(4-A) A state children's health insurance program under Title XXI of the Social Security Act;

(5) The Civilian Health and Medical Program for the Uniformed Services, CHAMPUS, 10 United States Code, Chapter 55;

(6) A medical care program of the federal Indian Health Care Improvement Act, 25 United States Code, Section 1601 et seq. or of a tribal organization;

(7) A state health benefits risk pool;

(8) A health plan offered under the federal Employees Health Benefits Amendments Act, 5 United States Code, Chapter 89;

(9) A public health plan as defined in federal regulations authorized by the federal Public Health Service Act, Section 2701(c)(1)(I), as amended by Public Law 104-191; or

(10) A health benefit plan under Section 5(e) of the Peace Corps Act, 22 United States Code, Section 2504(e).

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

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

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

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

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

~~(1) Life insurance benefits for varying amounts of benefits or requiring the payment of varying premiums,~~

~~(2) Annuity and pure endowment benefits,~~

~~(3) Disability and accidental death benefits in all certificates and contracts, and~~

~~(4) All other benefits except life insurance and endowment benefits,~~

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

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

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

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

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

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

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

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

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

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

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

(iv) Confidentiality policies and procedures;

(v) A system of ongoing evaluation activities;

(vi) A system of focused evaluation activities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The records must show:

(1) From whom it received the property;

(2) Under what authority it held, received or disposed of the property;

(3) To whom it delivered the property;

(4) The date and manner of destruction or disposition of the property; and

(5) The exact kinds, quantities and forms of the property.

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

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

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

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

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

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

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

§2079. Unnecessary noise

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

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

§2359. Prima facie evidence

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

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

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

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

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

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

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

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

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to 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. A-44. 34-A MRSA §1216, sub-§1, as repealed and replaced by PL 2013, c. 267, Pt. B, §27 and c. 424, Pt. B, §13, is repealed and the following enacted in its place:

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

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

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

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

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

E. To persons engaged in research if:

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

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

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

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

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

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

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

(2) The disclosure is approved by the commissioner.

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

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

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

2-C. Issuance and renewal of resale certificates; contents; presentation to vendor. On November 1st of each year, the assessor shall review the returns filed by each registered retailer unless the retailer has a resale certificate expiring after December 31st of that year. If the retailer reports $3,000 or more in gross sales during the 12 months preceding the assessor's review, the assessor shall issue to the registered retailer a resale certificate effective for 5 ~~calender~~ calendar years. Each certificate must contain the name and address of the retailer, the expiration date of the certificate and the certificate number. If a vendor has a true copy of a retailer's resale certificate on file, that retailer need not present the certificate for each subsequent transaction with that vendor during the period for which it is valid.

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

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

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

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

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

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

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

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

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

(1) The deck does not exceed 700 square feet in area;

(2) The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project; and

(3) The deck is attached to or accessory to a use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project.

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

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

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

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

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

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

PART B

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

5. Certification. Certify monthly to the Treasurer of State and the Commissioner of Administrative and Financial Services a complete statement of revenues and expenses for liquor sales for the preceding month and submit~~, in conjunction with the alcohol bureau,~~ an annual report that includes a complete statement of the revenues and expenses for the ~~alcohol bureau and the~~ bureau to the Governor and the Legislature, together with recommendations for changes in this Title.

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

§86. Conflict of interest

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

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

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

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

§754. Records open for inspection

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

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

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

§1501. Lists of officers, partners and sales representatives

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

PART C

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

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

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

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

B. "Loan broker" does not include:

(1) A supervised financial organization;

(2) A supervised lender other than a supervised financial organization, except that, with respect to any transaction in which a supervised lender other than a supervised financial organization is acting solely as a loan broker, section 10-302 applies;

(3) A person licensed by the Real Estate Commission to the extent that the person is engaged in activities regulated by that commission;

(4) A person currently admitted to the practice of law in this State;

(5) Any nonprofit organization exempt from taxation under the United States Internal Revenue Code, Section 501(c)(3) to the extent that the organization's activities are consistent with those set forth in its application for tax exemption to the Internal Revenue Service;

(6) A consumer reporting agency, as defined in the Fair Credit Reporting Act, Title 10, chapter ~~210~~ 209-B;

(7) An affiliate of a supervised lender when the affiliate provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender and when the affiliate is not compensated by the consumer for those services;

(8) An employee of a supervised lender or an employee of an affiliate of a supervised lender when the employee provides services described in paragraph A, subparagraph (1), (2) or (3) for or on behalf of that supervised lender or affiliate and when the employee or the affiliate is not compensated by the consumer for those services;

(9) A person paid by a supervised lender or a consumer to document a loan, attend or conduct a loan closing, disburse loan proceeds or record or file loan documents;

(10) A person who performs marketing services for a creditor, such as a telemarketer, an advertising agency or a mailing house, when the person is not compensated by the consumer for those services;

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

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

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

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

C. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of Title 10, chapter ~~210~~ 209-B;

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

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

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

L. The exchange of financial records between a financial institution authorized to do business in this State or credit union authorized to do business in this State and a consumer reporting agency or between or among a financial institution authorized to do business in this State or credit union authorized to do business in this State and its subsidiaries, employees, agents or affiliates, including those permitted under Title 10, chapter ~~210~~ 209-B or 15 United States Code, Chapter 41;

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

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

Reporting Act pursuant to Title 10, chapter ~~210~~ 209-B or 15 United States Code, Chapter 41.

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

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

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

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

2. Use of consumer reports. Notwithstanding this subsection, an insurer may use a consumer report as permitted under the Fair Credit Reporting Act pursuant to Title 10, chapter ~~210~~ 209-B and 15 United States Code, Chapter 41. An insurer may use information obtained from a consumer reporting agency to calculate an insurance score for underwriting and rating purposes, except that an insurer may not:

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

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

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

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

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

F. Take an adverse action against a consumer based on credit information unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days before the date the policy is first written or renewal is issued.

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

A. Notice to the consumer that an adverse action has been taken in accordance with the requirements of the Fair Credit Reporting Act pursuant to Title 10, chapter ~~210~~ 209-B and 15 United States Code, Chapter 41; and

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

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

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

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

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

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

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

7. Except as provided in Title 10, chapter ~~210~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or nonrenewal or at a hearing held under this section if the statements were made in good faith and, in the case of cancellation, are reasonably related to the grounds for cancellation.

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

§2923. Nonliability for certain statements

1. Notices. Except as provided in Title 10, chapter ~~210~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or intent not to renew under this chapter if:

A. The statements were made in good faith;

B. The statements are reasonably related to the reason for cancellation or intent not to renew; and

C. In the case of a notice of cancellation, the reason for cancellation is a reason permitted under section 2914.

2. Hearings. Except as provided in Title 10, chapter ~~210~~ 209-B, no person may be held liable in any civil action for statements made or information given at a hearing held under this chapter if:

A. The statements were made or the information was given in good faith;

B. The statements or the information are reasonably related to the reason for cancellation or intent not to renew; and

C. In the case of a hearing held on a notice of cancellation, the reason for cancellation is a reason permitted under section 2914.

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

7. Except as provided in Title 10, chapter ~~210~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or nonrenewal or at a hearing held under this section if the statements were made in good faith and, in the case of cancellation, are reasonably related to the grounds for cancellation.

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

§3056. Nonliability for certain statements

1. Notices. Except as provided in Title 10, chapter ~~210~~ 209-B, no insurer or licensed agent or employee of the insurer may be held liable in any civil action for statements made in a notice of cancellation or intent not to renew under this chapter if:

A. The statements were made in good faith;

B. The statements are reasonably related to the reason for cancellation or intent not to renew; and

C. In the case of a notice of cancellation, the reason for cancellation is a reason permitted under section 3049.

2. Hearings. Except as provided in Title 10, chapter ~~210~~ 209-B, no person may be held liable in any civil action for statements made or information given at a hearing held under this chapter if:

A. The statements were made or the information was given in good faith;

B. The statements or the information are reasonably related to the reason for cancellation or intent not to renew; and

C. In the case of a hearing held on a notice of cancellation, the reason for cancellation is a reason permitted under section 3049.

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

C. The publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of Title 10, chapter ~~210~~ 209-B;

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

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

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

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

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

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

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

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

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

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

PART D

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

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

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

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

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

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

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

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

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

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

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

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

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

PART E

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

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

(1) Maine Development Foundation in 2021;

(5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over ~~banking and~~ insurance and financial services matters, in ~~2021~~ 2015;

(19) Department of Economic and Community Development in 2021;

(23) Maine State Housing Authority in 2015;

(32) Finance Authority of Maine in 2017;

(36) Board of Dental Examiners in 2019;

(37) Board of Osteopathic Licensure in 2019;

(38) Board of Licensure in Medicine in 2019;

(41) State Board of Nursing in 2019;

(42) State Board of Optometry in 2019; and

(45) State Board of Registration for Professional Engineers in 2019.

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

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

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

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

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

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

(1) Retires upon or after reaching 65 years of age and has been in service for a minimum of one year immediately before retirement; ~~and~~ or

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

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

(1) Retires upon or after reaching 65 years of age; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective April 30, 2014, unless otherwise indicated.

CHAPTER 589

S.P. 539 - L.D. 1455

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

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

authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $10,000,000 for the purposes described in section 6 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Act.

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

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Provides funds for vital public improvement projects including stream crossing or culvert upgrades.

Total $5,400,000

Provides funds to restore state wetlands.

Total $400,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Provides funds for the revolving loan fund for wastewater treatment facilities, which will make the State eligible to secure federal grants.

Total $2,400,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Provides funds for the revolving loan fund for drinking water systems, which will make the State eligible to secure federal grants.

Total $1,800,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a $10,000,000 bond issue to ensure clean water and safe communities across Maine; to protect drinking water sources; to restore wetlands; to create jobs and vital public infrastructure; and to strengthen the State's long-term economic base and competitive advantage?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 590

S.P. 659 - L.D. 1664

An Act To Encourage Charitable Contributions to Nonprofit Organizations

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

Sec. 1. 36 MRSA §5125, sub-§5 is enacted to read:

5. Charitable contributions. The following amounts in excess of the limitation on itemized deductions under subsection 4 may be claimed:

A. For tax years beginning in 2016, charitable contributions included in federal itemized deductions up to $18,000; and

B. For tax years beginning on or after January 1, 2017, the amount of charitable contributions included in federal itemized deductions.

See title page for effective date.

CHAPTER 591

H.P. 1202 - L.D. 1679

An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education

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

Sec. 1. Department of Economic and Community Development to report on code enforcement officer training and certification. By February 15, 2015, the Department of Economic and Community Development, Office of Community Development shall provide a report to the joint standing committee of the Legislature having jurisdiction over economic development matters on the use of funds appropriated to support the long-term stability of the code enforcement officer training and certification program, as well as the total number of code enforcement officers trained and certified by the department. The joint standing committee of the Legislature having jurisdiction over economic development matters is authorized to report out a bill on the subject matter of this section to the First Regular Session of the 127th Legislature.

Sec. 2. Transfer from Gambling Control Board Other Special Revenue Funds. Notwithstanding any other provision of law, the State Controller shall transfer $418,021 no later than August 1, 2014 from the Gambling Control Board, Other Special Revenue Funds account to the unappropriated surplus of the General Fund.

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

PUBLIC SAFETY, DEPARTMENT OF

Criminal Justice Academy 0290

Initiative: Provides funding to maintain the operation of the Maine Criminal Justice Academy.

GENERAL FUND	2013-14	2014-15
All Other	$0	$250,000
GENERAL FUND TOTAL	$0	$250,000

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides funding for one Senior Tax Examiner position and 2 Tax Examiner positions in order to increase Maine Revenue Services' levy capability and address an extensive inventory of collection cases.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	$0	$205,652
All Other	$0	$21,807
GENERAL FUND TOTAL	$0	$227,459

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$227,459
DEPARTMENT TOTAL - ALL FUNDS	$0	$227,459

CORRECTIONS, DEPARTMENT OF

Correctional Medical Services Fund 0286

Initiative: Provides 3 months of funding for contracted clinical staff to staff a mental health unit at the Maine State Prison.

GENERAL FUND	2013-14	2014-15
All Other	$0	$829,062
GENERAL FUND TOTAL	$0	$829,062

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$829,062
DEPARTMENT TOTAL - ALL FUNDS	$0	$829,062

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Community Development Block Grant Program 0587

Initiative: Provides ongoing support for the code enforcement officer training and certification program.

GENERAL FUND	2013-14	2014-15
All Other	$0	$30,000
GENERAL FUND TOTAL	$0	$30,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$30,000
DEPARTMENT TOTAL - ALL FUNDS	$0	$30,000

EDUCATION, DEPARTMENT OF

Maine HIV Prevention Education Program N166

Initiative: Provides ongoing funds for HIV prevention training and education to partially offset the loss of federal grant funds as of August 31, 2013. Funding will be used to provide training for 165 health educators and special education teachers and 420 teachers and youth workers as well as training for student peer educators through student leadership conferences in 44 schools.

GENERAL FUND	2013-14	2014-15
All Other	$0	$150,000
GENERAL FUND TOTAL	$0	$150,000

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$150,000
DEPARTMENT TOTAL - ALL FUNDS	$0	$150,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Provides increased ongoing funding starting in fiscal year 2014-15 of $46,500 for the purpose of supporting the Maine Lakes Society in its implementation of the LakeSmart program, $15,000 for the purpose of managing and analyzing the data gathered by

the Maine Volunteer Lake Monitoring Program and $10,000 for the purpose of supporting the Maine Joint Environmental Training Coordinating Committee in its development and implementation of water pollution control, water quality protection and other environmental training programs.

GENERAL FUND	2013-14	2014-15
All Other	$0	$71,500
GENERAL FUND TOTAL	$0	$71,500

ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**$71,500**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$71,500**

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**$1,308,021**
SECTION TOTAL - ALL FUNDS	**$0**	**$1,308,021**

See title page for effective date.

CHAPTER 592
S.P. 675 - L.D. 1709

An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine Sector of the State's Economy

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

PART A

Sec. A-1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $7,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. A-2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Technology Institute

Provides funds to facilitate the growth of marine businesses and commercial enterprises that create jobs and improve the sustainability of the State's marine economy and related industries through capital investments, awarded after a competitive process administered by the Department of Economic and Community Development in consultation with the Department of Marine Resources and the Maine Technology Institute, to be matched by at least $7,000,000 in private and other funds.

Total	$7,000,000

Sec. A-6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective

unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. A-7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. A-8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. A-9. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a $7,000,000 bond issue to facilitate the growth of marine businesses and commercial enterprises that create jobs and improve the sustainability of the State's marine economy and related industries through capital investments, to be matched by at least $7,000,000 in private and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

PART B

Sec. B-1. Determination of awards. The Department of Economic and Community Development, in consultation with the Department of Marine Resources and the Maine Technology Institute, shall oversee the disbursement of bond proceeds and matching funds authorized pursuant to Part A in accordance with this section. Awards of bond proceeds and matching funds must be made on a competitive basis following a request for proposal process for a single award of $7,000,000.

1. A successful applicant must include the following entities:

A. A marine-based research program at a private or public university or a nonprofit research institution;

B. Commercial fishing or aquaculture interests;

C. Community-based organizations committed to the growth of the local economy; and

D. Private sector businesses.

2. A successful application must also include proposals for growth in each of the following areas:

A. Traditional commercial fishing interests;

B. Aquaculture industry;

C. Value-added seafood processing; and

D. Market development for Maine-based products.

PART C

Sec. C-1. Report. The Department of Economic and Community Development shall report by January 15th annually, until the bond proceeds authorized by this Act have been fully expended, on the use of the bond proceeds to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and research and economic development matters.

Sec. C-2. Contingent effective date. Part B and this Part take effect only if the General Fund bond issue proposed in Part A is approved by the voters of the State.

Effective pending referendum.

CHAPTER 593

H.P. 1253 - L.D. 1746

An Act To Facilitate Informed Planning for Higher Education and Careers

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

Sec. 1. 5 MRSA §12004-G, sub-§10-E is enacted to read:

10-E.

Education	State Education and Employment Outcomes Task Force	Expenses Only	20-A MRSA §12901

Sec. 2. 20-A MRSA c. 437 is enacted to read:

CHAPTER 437

STATE EDUCATION AND EMPLOYMENT OUTCOMES TASK FORCE

§12901. State Education and Employment Outcomes Task Force

1. Task force established. The State Education and Employment Outcomes Task Force, established in Title 5, section 12004-G, subsection 10-E and referred to in this chapter as "the task force," is established to develop procedures to maintain and disseminate information and data from the Department of Labor's educational outcome database, referred to in this chapter as "the database," including but not limited to information and data on education results, program completion, graduation, credentials earned and employment and earnings outcomes for graduates of postsecondary educational institutions in the State over time.

2. Membership. The task force consists of 15 members as follows:

A. Four members appointed by the President of the Senate as follows:

(1) Two members of the Senate, one from each of the 2 parties holding the largest number of seats in the Legislature;

(2) A representative from the University of Maine System; and

(3) A representative from the Maine School Management Association or a successor organization;

B. Three members appointed by the Speaker of the House as follows:

(1) Two members of the House of Representatives, one from each of the 2 parties holding the largest number of seats in the Legislature; and

(2) A representative from the Maine Community College System;

C. Four members appointed by the Governor as follows:

(1) A representative from the Maine Maritime Academy;

(2) A representative from a private postsecondary educational institution in the State;

(3) A representative from the Maine State Chamber of Commerce or a successor organization; and

(4) A person with expertise in state and national higher education policy;

D. The Commissioner of Education or the commissioner's designee;

E. The Commissioner of Labor or the commissioner's designee;

F. The administrator of the database or the administrator's designee; and

G. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee.

3. Meetings. The task force may meet no more than 4 times per calendar year.

4. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force.

5. Terms of appointment. Nonlegislative appointed members of the task force are appointed for terms of 3 years and may serve beyond their designated terms until their successors are appointed. Terms of appointment of Legislators coincide with their respective legislative terms of office.

6. Staffing. The Legislative Council shall provide staff support to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session. The Department of Education and the Department of Labor shall provide assistance and information to the task force as is consistent with the departments' current federal grants related to the work of the task force and to the extent time and funding allow as determined by the departments.

7. Duties. The task force shall:

A. Review procedures to maintain and disseminate information regarding the employment and earnings of graduates of postsecondary educational institutions in the State based on the database;

B. Advise on the use of the information provided in the database by state agencies, higher education organizations that have partnerships with the task force, local school systems and the public;

C. Make recommendations regarding the design and content of a website jointly hosted by the Department of Education and the Department of Labor that provides maximum information to the

public regarding higher education and employment;

D. Identify a viable long-term funding method to maintain the database;

E. Produce recommendations for the Department of Education regarding how to provide relevant, timely information to secondary school students who are making higher education decisions;

F. Address any issues that may arise from the use or impact of the database; and

G. Explore the feasibility of and possible methods for including data from the Department of Professional and Financial Regulation, Office of Professional and Occupational Regulation regarding licensure, as well as data covering other workforce credentials, into the database.

8. Reports; legislation. The task force shall report to the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over labor matters and the joint select or joint standing committee of the Legislature having jurisdiction over workforce training matters by November 1st each year on the status of the database. The reports must describe funding sources for the database and the sustainability of that funding, how the website under subsection 7, paragraph C is used, including by whom and how frequently they use it, efforts to incorporate its use into secondary schools and any other issues the task force determines necessary. The task force shall as part of its report recommend whether the task force should continue its work, or if its work could best be handled by another entity. If the task force recommends that the task force should continue its work, it shall recommend any suggested changes in the membership and size of the task force. The task force may submit with the reports legislation required to implement its recommendations.

Sec. 3. Lapsed balances; Legislature, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $2,500 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, 2015.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funding for the per diem and expenses of Legislators serving on the State Education and Employment Outcomes Task Force and other miscellaneous costs associated with the task force.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$880
All Other	$0	$1,620
GENERAL FUND TOTAL	$0	$2,500

See title page for effective date.

CHAPTER 594
S.P. 704 - L.D. 1776

An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities

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 people of the State of Maine need and deserve a variety of well-planned and financially stable long-term care services in home-based and community-based care settings and in nursing facilities in their communities; and

Whereas, in order to provide high-quality care to Maine's elderly and disabled persons in a dignified and professional manner that is sustainable into the future through a spectrum of long-term care services, prompt action is needed to correct chronic underfunding and to complete a thoughtful and thorough planning process; 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 §1708, sub-§3, as corrected by RR 2001, c. 2, Pt. A, §33 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Compensation for nursing homes. A nursing home, as defined under section 1812-A, or any portion of a hospital or institution operated as a nursing home, when the State is liable for payment for care, must be reimbursed at a rate established by the Department of Health and Human Services pursuant to this subsection. The department may not establish a so-called "flat rate." This subsection applies to all funds, including federal funds, paid by any agency of the State to a

nursing home for patient care. The department shall establish rules concerning reimbursement that:

A. Take into account the costs of providing care and services in conformity with applicable state and federal laws, rules, regulations and quality and safety standards;

B. Are reasonable and adequate to meet the costs incurred by efficiently and economically operated facilities;

C. Are consistent with federal requirements relative to limits on reimbursement under the federal Social Security Act, Title XIX;

D. Ensure that any calculation of an occupancy percentage or other basis for adjusting the rate of reimbursement for nursing facility services to reduce the amount paid in response to a decrease in the number of residents in the facility or the percentage of the facility's occupied beds excludes all beds that the facility has removed from service for all or part of the relevant fiscal period in accordance with section 333. If the excluded beds are converted to residential care beds or another program for which the department provides reimbursement, nothing in this paragraph precludes the department from including those beds for purposes of any occupancy standard applicable to the residential care or other program pursuant to duly adopted rules of the department; ~~and~~

E. Contain an annual inflation adjustment that:

(1) Recognizes regional variations in labor costs and the rates of increase in labor costs determined pursuant to the principles of reimbursement and establishes at least 4 regions for purposes of annual inflation adjustments; and

(2) Uses the applicable regional inflation factor as established by a national economic research organization selected by the department to adjust costs other than labor costs or fixed costs~~.~~; and

~~Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.~~

F. Establish a nursing facility's base year every 2 years and increase the rate of reimbursement beginning July 1, 2014 and every year thereafter.

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

Sec. 2. 22 MRSA §1714-A, sub-§9 is enacted to read:

9. Cost-of-care overpayments. On or before June 30, 2015, the department shall collect the total amount of debt arising from cost-of-care overpayments that exceeds by $4,000,000 the amount of that debt that had been budgeted for fiscal year 2014-15 as of April 15, 2014. To the extent necessary to meet this requirement, the department may establish payment terms, modify as otherwise permitted by law existing payment agreements to accelerate payment terms and offset current payments in accordance with subsection 5. If 7 days' notice and opportunity to comment are provided, the department may adopt rules on an emergency basis to modify its implementation of subsection 5 on an emergency basis for purposes of collecting cost-of-care overpayments without making the emergency findings otherwise required by Title 5, section 8054, subsection 2.

Sec. 3. Amendment of Principles of Reimbursement for Nursing Facilities. The Department of Health and Human Services shall amend Rule Chapter 101, MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities as follows.

1. The rule must be amended in order to establish a nursing facility's base year every 2 years and to increase the rate of reimbursement beginning July 1, 2014 and every year thereafter as follows:

A. In the direct care cost component in Section 80.3 and all other applicable divisions of Section 80.3 in which case mix data, regional wage indices or data required for rebasing calculations are referenced by date, the rule must be amended to establish a nursing facility's base year by reference to the facility's 2011 audited cost report or, if the 2011 audited cost report is not available, by reference to the facility's 2011 as-filed cost report; to refer to other required rebasing data no older than 2011 data; and to update a nursing facility's base year every 2 years thereafter; and

B. In the routine cost component in Section 80.4 and all other applicable divisions of Section 80.4 in which case mix data, regional wage indices or data required for rebasing calculations are referenced by date, the rule must be amended to establish a nursing facility's base year by reference to the facility's 2011 audited cost report or, if the 2011 audited cost report is not available, by reference to the facility's 2011 as-filed cost report; to refer to other required rebasing data no older than 2011 data; and to update a nursing facility's base year every 2 years thereafter.

2. The rule must be amended to increase the peer group upper limit on the base year case mix and regionally adjusted cost per day for a nursing facility beginning July 1, 2014 as follows:

A. In the direct care cost component in Section 80.3.3(4)(b), the peer group upper limit must be increased to 110% of the median; and

B. In the routine cost component in Section 80.5.4, the peer group upper limit must be increased to 110% of the median.

3. The rule must be amended in the routine cost component in Section 43.4.2(A) to eliminate the nursing facility administrative and management cost ceiling, thereby allowing all allowable administrative and management costs to be included in allowable routine costs for the purposes of rebasing, rate setting and future cost settlements beginning July 1, 2014.

4. The rule must be amended in Sections 91 and 91.1 to provide for ongoing, annual rate changes beginning July 1, 2014 to adjust for inflation and to set the inflation adjustment cost-of-living percentage change in nursing facility reimbursement each year in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

5. The rule must be amended to provide, beginning July 1, 2014, a supplemental payment, subject to cost settlement, to a nursing facility whose MaineCare residents constitute more than 70% of the nursing facility's total number of residents. The supplemental payment must provide an additional reimbursement of 40¢ per resident per day for each 1% this percentage of MaineCare residents is above 70%, except that the total supplemental payment must be calculated to avoid to the extent possible paying an amount in excess of allowable costs that would be an overpayment upon settlement of the facility's cost report.

6. The rule must be amended in Section 80.3.2 to increase the specific resident classification group case mix weight that is attributable to a nursing facility resident who is diagnosed with dementia.

The rate of reimbursement for nursing facilities that results from amending the rules to reflect rebasing the nursing facility's base year pursuant to this section may not result for any nursing facility in a rate of reimbursement that is lower than the rate in effect on April 1, 2014. The department may implement this section by adopting emergency rules. If the department provides at least 7 days' notice and opportunity to comment before adopting these rules, it is not required to make the findings otherwise required by the Maine Revised Statutes, Title 5, section 8054, subsection 2.

Sec. 4. Savings arising from recoveries in excess of projections; transitional cap on rate increases.

1. The Department of Health and Human Services shall continue its best efforts to collect all remaining cost-of-care overpayments to nursing facilities and private nonmedical institutions that were paid when the department's computer systems, when providing reimbursement owed by the department, failed to take into account the financial contributions paid by residents in the nursing facilities and private nonmedical institutions and miscalculated the amounts payable under the MaineCare program. Cost-of-care overpayments collected in excess of amounts projected in developing and reporting budget information to the Legislature or the Governor must be used to fund the implementation of section 3 to the extent of funding provided in this Act.

2. If the total amount of debt arising from cost-of-care overpayments that the department collects in fiscal year 2014-15 exceeds $13,000,000, the excess must be carried over to fiscal year 2015-16 to be expended to provide additional funding for implementation of section 3. In fiscal years 2014-15, 2015-16 and 2016-17, the Department of Health and Human Services, subject to state plan approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, shall limit the actual rate increase provided to the total amount available as a result of the state funds appropriated for nursing home rate increases, including without limitation the dollar amount specified in any appropriation provision plus any net amount available as a result of increased nursing facility provider tax revenue and available federal funds, minus the amount necessary to fund the supplemental payment provided in section 3, subsection 5. In establishing this limit in any year in which it applies, the department first shall calculate and publish the rate increases that would result from increasing rates pursuant to all of section 3 except for subsection 5 and then grant to all facilities a pro rata portion of that increase that does not exceed the limit established in this subsection and also grant supplemental payments pursuant to section 3, subsection 5. The pro rata methodology must be applied uniformly to all facilities so that each facility receives the same percentage of the initially published rate increases, plus the supplemental payment if applicable.

Sec. 5. Cost-of-care overpayment correction. The Department of Health and Human Services shall immediately require that the department's contractor Molina Medicaid Solutions make adjustments to the Maine Integrated Health Management Solution computer system to correct and discontinue overpayments in the calculation and deduction of cost of care in the payment of nursing facilities and private nonmedical institutions.

Sec. 6. Commission To Continue the Study of Long-term Care Facilities. Notwithstanding Joint Rule 353, the Commission To Continue the Study of Long-term Care Facilities, referred to in this section as "the commission," is established. The membership, duties and functioning of the commission are subject to the following requirements.

1. The commission consists of 11 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

B. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

C. Six members appointed by the Governor who possess expertise in the subject matter of the study, as follows:

(1) The director of a long-term care ombudsman program described under the Maine Revised Statutes, Title 22, section 5106, subsection 11-C;

(2) The director of a statewide association representing long-term care facilities and one representative of a 2nd association of owners of long-term care facilities;

(3) A person who serves as a city manager of a municipality in the State;

(4) A person who serves as a director or who is an owner or administrator of a nursing facility in the State; and

(5) A representative of the Governor's office or the Governor's administration.

2. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission. The chairs of the commission are authorized to establish subcommittees to work on the duties listed in subsection 4 and to assist the commission. The subcommittees must be composed of members of the commission and interested persons who are not members of the commission and who volunteer to serve on the subcommittees without reimbursement. Interested persons may include individuals with expertise in acuity-based reimbursement systems, a representative of an agency that provides services to the elderly and any other persons with experience in nursing facility care.

3. All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members and after adjournment of the Second Regular Session of the 126th Legislature, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this Act a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. The commission shall study the following issues and the feasibility of making policy changes to the long-term care system:

A. Funding for long-term care facilities, payment methods and the development of a pay-for-performance program to encourage and reward strong performance by nursing facilities;

B. Regulatory requirements other than staffing requirements and ratios;

C. Collaborative agreements with critical access hospitals for the purpose of sharing resources;

D. The viability of privately owned facilities in rural communities;

E. The impact on rural populations of nursing home closures; and

F. Access to nursing facility services statewide.

5. The Legislative Council shall provide necessary staffing services to the commission.

6. The Commissioner of Health and Human Services, the State Auditor and the State Budget Officer shall provide information and assistance to the commission as required for its duties.

7. No later than October 15, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill regarding the subject matter of the report to the First Regular Session of the 127th Legislature.

Sec. 7. Bimonthly report. Beginning in July 2014 and ending in June 2016, the Department of Health and Human Services shall report bimonthly to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the department's efforts to establish and collect the debt arising from cost-of-care overpayments pursuant to the Maine Revised Statutes, Title 22, section 1714-A, subsection 9.

Sec. 8. 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: Deappropriates funds for recovery of overpayments to providers that are in excess of the amounts currently budgeted for in the MaineCare program for fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15

All Other	$0	($4,000,000)
GENERAL FUND TOTAL	$0	($4,000,000)

Nursing Facilities 0148

Initiative: Provides one-time funding for increased reimbursements under the MaineCare program for nursing facilities.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	$4,520,000
GENERAL FUND TOTAL	$0	$4,520,000

FEDERAL EXPENDITURES FUND	**2013-14**	**2014-15**
All Other	$0	$7,311,686
FEDERAL EXPENDITURES FUND TOTAL	$0	$7,311,686

Nursing Facilities 0148

Initiative: Provides one-time funds for increased nursing home costs.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	$189,840
GENERAL FUND TOTAL	$0	$189,840

FEDERAL EXPENDITURES FUND	**2013-14**	**2014-15**
All Other	$0	$307,091
FEDERAL EXPENDITURES FUND TOTAL	$0	$307,091

Nursing Facilities 0148

Initiative: Adjusts funds to reflect additional nursing home provider tax revenue.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	($709,901)
GENERAL FUND TOTAL	$0	($709,901)

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$0	$709,901
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$709,901

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) **DEPARTMENT TOTALS**	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**($61)**
FEDERAL EXPENDITURES FUND	**$0**	**$7,618,777**
OTHER SPECIAL REVENUE FUNDS	**$0**	**$709,901**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$8,328,617**

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

Effective May 1, 2014.

CHAPTER 595

H.P. 1349 - L.D. 1858

An Act To Achieve the Savings Required under Part F of the Biennial Budget and To Change Certain Provisions of the Law for 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

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Provides funding to fully offset the remaining statewide deappropriation included in Public Law 2013, chapter 368, Part F that was partially offset in Public Law 2013, chapter 502, Part F.

GENERAL FUND	2013-14	2014-15
Unallocated	$0	$9,690,775
GENERAL FUND TOTAL	$0	$9,690,775

Information Services 0155

Initiative: Eliminates various positions identified in the review per Public Law 2013, chapter 368, Part F, section 2.

OFFICE OF INFORMATION SERVICES FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	$0	($105,756)
OFFICE OF INFORMATION SERVICES FUND TOTAL	$0	($105,756)

Revenue Services, Bureau of 0002

Initiative: Eliminates one Senior Tax Examiner position, 5 Tax Examiner positions, 2 Office Assistant II positions and one Office Associate II position and reduces All Other associated with the closing of the Maine Revenue Services office in Houlton.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(9.000)
Personal Services	$0	($551,482)
All Other	$0	($55,798)
GENERAL FUND TOTAL	$0	($607,280)

Revenue Services, Bureau of 0002

Initiative: Reduces funding to reflect salary savings from managing vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($139,649)
GENERAL FUND TOTAL	$0	($139,649)

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**$8,943,846**
OFFICE OF INFORMATION SERVICES FUND	**$0**	**($105,756)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$8,838,090**

ARTS COMMISSION, MAINE

Arts - Administration 0178

Initiative: Reduces Personal Services as a result of salary savings.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($8,038)
GENERAL FUND TOTAL	$0	($8,038)

ARTS COMMISSION, MAINE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**($8,038)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($8,038)**

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Reduces funding through the management of vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($61,834)
GENERAL FUND TOTAL	$0	($61,834)

District Attorneys Salaries 0409

Initiative: Reduces funding through the management of vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($105,287)
GENERAL FUND TOTAL	$0	($105,287)

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($167,121)
DEPARTMENT TOTAL - ALL FUNDS	$0	($167,121)

AUDITOR, OFFICE OF THE STATE

Audit - Departmental Bureau 0067

Initiative: Reduces funding to reflect salary savings from managing vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($14,104)
GENERAL FUND TOTAL	$0	($14,104)

AUDITOR, OFFICE OF THE STATE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($14,104)
DEPARTMENT TOTAL - ALL FUNDS	$0	($14,104)

CENTERS FOR INNOVATION

Centers for Innovation 0911

Initiative: Reduces funding for the Centers for Innovation.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,254)
GENERAL FUND TOTAL	$0	($1,254)

CENTERS FOR INNOVATION DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,254)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,254)

CHARTER SCHOOL COMMISSION, STATE

State Charter School Commission Z137

Initiative: Reduces funding for general operations.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,594)
GENERAL FUND TOTAL	$0	($1,594)

CHARTER SCHOOL COMMISSION, STATE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,594)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,594)

CORRECTIONS, DEPARTMENT OF

Administration - Corrections 0141

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($850)
GENERAL FUND TOTAL	$0	($850)

Adult Community Corrections 0124

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

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

Bolduc Correctional Facility Z155

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($79,219)
All Other	$0	($360,000)

GENERAL FUND TOTAL	$0	($439,219)

Central Maine Pre-release Center 0392

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($74,222)
GENERAL FUND TOTAL	$0	($74,222)

Charleston Correctional Facility 0400

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($135,111)
GENERAL FUND TOTAL	$0	($135,111)

Correctional Center 0162

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($160,888)
All Other	$0	($949,639)
GENERAL FUND TOTAL	$0	($1,110,527)

Correctional Impact Reserve Z131

Initiative: Reduces funding based on reduced costs.

GENERAL FUND	2013-14	2014-15
All Other	$0	($152,212)
GENERAL FUND TOTAL	$0	($152,212)

Corrections Food Z177

Initiative: Provides funds related to the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$78,027
All Other	$0	$4,147,713
GENERAL FUND TOTAL	$0	$4,225,740

Departmentwide - Overtime 0032

Initiative: Reduces funding through the management of overtime.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($550,000)
GENERAL FUND TOTAL	$0	($550,000)

Downeast Correctional Facility 0542

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($74,219)
All Other	$0	($170,113)
GENERAL FUND TOTAL	$0	($244,332)

Juvenile Community Corrections 0892

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

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

Juvenile Community Corrections 0892

Initiative: Reduces funding for reduced lease costs.

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

Long Creek Youth Development Center 0163

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($154,798)
All Other	$0	($238,510)
GENERAL FUND TOTAL	$0	($393,308)

Mountain View Youth Development Center 0857

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($180,995)

All Other	$0	($190,416)
GENERAL FUND TOTAL	$0	($371,411)

Prisoner Boarding Program Z086

Initiative: Reduces funding based on reduced costs.

GENERAL FUND	2013-14	2014-15
All Other	$0	($400,000)
GENERAL FUND TOTAL	$0	($400,000)

Southern Maine Women's Reentry Center Z156

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($100,740)
GENERAL FUND TOTAL	$0	($100,740)

State Prison 0144

Initiative: Reduces funding based on savings identified as a result of the privatization of food services.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($339,494)
All Other	$0	($1,402,796)
GENERAL FUND TOTAL	$0	($1,742,290)

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,506,482)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,506,482)

CULTURAL AFFAIRS COUNCIL, MAINE STATE

New Century Program Fund 0904

Initiative: Reduces funding in the New Century Community Program.

GENERAL FUND	2013-14	2014-15
All Other	$0	($8,512)
GENERAL FUND TOTAL	$0	($8,512)

CULTURAL AFFAIRS COUNCIL, MAINE STATE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($8,512)
DEPARTMENT TOTAL - ALL FUNDS	$0	($8,512)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Reduces funding by reallocating service center costs proportionally to the General Fund, the Federal Expenditures Fund and Other Special Revenue Funds.

GENERAL FUND	2013-14	2014-15
All Other	$0	($124,241)
GENERAL FUND TOTAL	$0	($124,241)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($124,241)
DEPARTMENT TOTAL - ALL FUNDS	$0	($124,241)

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for bus refurbishing.

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

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding to assist districts in the transition to standards-based high school diplomas.

GENERAL FUND	2013-14	2014-15
All Other	$0	($27,895)
GENERAL FUND TOTAL	$0	($27,895)

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for contracted services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($107,000)
GENERAL FUND TOTAL	$0	($107,000)

General Purpose Aid for Local Schools 0308

Initiative: Reduces funding for technology costs.

GENERAL FUND	2013-14	2014-15
All Other	$0	($50,000)
GENERAL FUND TOTAL	$0	($50,000)

Leadership Team Z077

Initiative: Reduces funding for operating expenses.

GENERAL FUND	2013-14	2014-15
All Other	$0	($642)
GENERAL FUND TOTAL	$0	($642)

Leadership Team Z077

Initiative: Reduces funding for accounting services provided by the Department of Administrative and Financial Services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($5,861)
GENERAL FUND TOTAL	$0	($5,861)

PK-20, Adult Education and Federal Programs Team Z081

Initiative: Reduces funding for contracted services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($34,678)
GENERAL FUND TOTAL	$0	($34,678)

School Finance and Operations Z078

Initiative: Reduces funding for operating expenses.

GENERAL FUND	2013-14	2014-15
All Other	$0	($613)
GENERAL FUND TOTAL	$0	($613)

Special Services Team Z080

Initiative: Reduces funding for operating expenses.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,417)
GENERAL FUND TOTAL	$0	($1,417)

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($328,106)
DEPARTMENT TOTAL - ALL FUNDS	$0	($328,106)

EDUCATION, STATE BOARD OF

State Board of Education 0614

Initiative: Reduces funding for per diem payments for board members.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($600)
GENERAL FUND TOTAL	$0	($600)

State Board of Education 0614

Initiative: Reduces funding for travel expense payments for board members.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,106)
GENERAL FUND TOTAL	$0	($1,106)

EDUCATION, STATE BOARD OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,706)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,706)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Administration - Environmental Protection 0251

Initiative: Reduces funding by recognizing savings from a conversion from the statewide e-mail exchange system and personal network storage.

GENERAL FUND	2013-14	2014-15
All Other	$0	($70,000)
GENERAL FUND TOTAL	$0	($70,000)

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($70,000)
DEPARTMENT TOTAL - ALL FUNDS	$0	($70,000)

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL

Governmental Ethics and Election Practices - Commission on 0414

Initiative: Reduces funding in All Other as a result of savings in general operations and supplies.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,441)
GENERAL FUND TOTAL	$0	($1,441)

ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,441)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,441)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Departmentwide 0640

Initiative: Reduces funding from technology savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Part that applies to each General Fund account in the Department of Health and Human Services and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to the appropriations in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
All Other	$0	($119,000)
GENERAL FUND TOTAL	$0	($119,000)

Departmentwide 0640

Initiative: Reduces funding from salary savings. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in this Part that applies to each General Fund account in the Department of Health and Human Services and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to the appropriations in fiscal year 2014-15.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($4,000,000)
GENERAL FUND TOTAL	$0	($4,000,000)

Maine Center for Disease Control and Prevention 0143

Initiative: Reduces funding for the vaccination program through the Maine Center for Disease Control and Prevention's redesign, consolidation and program efficiency project.

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

Office of MaineCare Services 0129

Initiative: Reduces funding in mail costs.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($5,219,000)

DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($5,219,000)**

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Fisheries and Hatcheries Operations 0535

Initiative: Reduces funding by recognizing a one-time shift of expenses from the fish stocking program to the department's Lifetime License Fund account.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	($200,000)
GENERAL FUND TOTAL	$0	($200,000)

Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Reduces funding one time by transferring part of the General Fund expenses for one Public Service Coordinator I position to the department's Lifetime License Fund account.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
Personal Services	$0	$8,211
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$8,211

Office of the Commissioner - Inland Fisheries and Wildlife 0529

Initiative: Reduces funding one time by transferring part of the General Fund expenses for one Public Service Coordinator I position to the department's Lifetime License Fund account.

GENERAL FUND	**2013-14**	**2014-15**
Personal Services	$0	($8,211)
GENERAL FUND TOTAL	$0	($8,211)

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Reduces funding by recognizing a one-time shift of expenses from the predator control program to the department's Di-CAP account.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	($50,000)
GENERAL FUND TOTAL	$0	($50,000)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**($258,211)**
OTHER SPECIAL REVENUE FUNDS	**$0**	**$8,211**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($250,000)**

LABOR, DEPARTMENT OF

Administration - Bureau of Labor Standards 0158

Initiative: Reduces funding to reflect salary savings from managing vacancies.

GENERAL FUND	**2013-14**	**2014-15**
Personal Services	$0	($32,958)
GENERAL FUND TOTAL	$0	($32,958)

LABOR, DEPARTMENT OF

DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**($32,958)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($32,958)**

LIBRARY, MAINE STATE

Maine State Library 0217

Initiative: Reduces funding to reflect savings achieved by the outsourcing of computer hardware and service agreements.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$0	($20,000)
GENERAL FUND TOTAL	$0	($20,000)

LIBRARY, MAINE STATE

DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$0**	**($20,000)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**($20,000)**

MARINE RESOURCES, DEPARTMENT OF

Bureau of Public Health Z154

Initiative: Eliminates one Marine Resource Scientist I position.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	$0	($73,887)
GENERAL FUND TOTAL	$0	($73,887)

Bureau of Resource Management 0027

Initiative: Provides funding for scallop and sea urchin sampling contracts.

GENERAL FUND	2013-14	2014-15
All Other	$0	$10,000
GENERAL FUND TOTAL	$0	$10,000

Bureau of Resource Management 0027

Initiative: Reduces funding by transferring the cost of one Marine Resource Scientist II position from 75% General Fund and 25% Federal Expenditures Fund to 25% General Fund, 25% Federal Expenditures Fund and 50% Other Special Revenues Fund.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($37,409)
GENERAL FUND TOTAL	$0	($37,409)

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$37,409
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$37,409

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($101,296)
OTHER SPECIAL REVENUE FUNDS	$0	$37,409
DEPARTMENT TOTAL - ALL FUNDS	$0	($63,887)

POTATO BOARD, MAINE

Potato Board 0429

Initiative: Reduces funding through a reduction of the Maine Potato Board's operational expenditures.

GENERAL FUND	2013-14	2014-15
All Other	$0	($1,710)
GENERAL FUND TOTAL	$0	($1,710)

POTATO BOARD, MAINE DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($1,710)
DEPARTMENT TOTAL - ALL FUNDS	$0	($1,710)

PUBLIC SAFETY, DEPARTMENT OF

Gambling Control Board Z002

Initiative: Reduces funding in Personal Services by freezing one vacant State Police Detective position.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($96,309)
GENERAL FUND TOTAL	$0	($96,309)

State Police 0291

Initiative: Reduces funding in Personal Services for savings from managing vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	($277,293)
GENERAL FUND TOTAL	$0	($277,293)

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($373,602)
DEPARTMENT TOTAL - ALL FUNDS	$0	($373,602)

TREASURER OF STATE, OFFICE OF

Administration - Treasury 0022

Initiative: Reduces funding for banking services.

GENERAL FUND	2013-14	2014-15
All Other	$0	($20,073)
GENERAL FUND TOTAL	$0	($20,073)

TREASURER OF STATE, OFFICE OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($20,073)
DEPARTMENT TOTAL - ALL FUNDS	$0	($20,073)

SECTION TOTALS	2013-14	2014-15
GENERAL FUND	$0	$684,397
OTHER SPECIAL REVENUE FUNDS	$0	$45,620
OFFICE OF INFORMATION SERVICES FUND	$0	($105,756)
SECTION TOTAL - ALL FUNDS	$0	$624,261

PART B

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Homestead Property Tax Exemption Reimbursement 0886

Initiative: Provides funding for homestead exemption payments.

GENERAL FUND	2013-14	2014-15
All Other	$0	$750,000
GENERAL FUND TOTAL	$0	$750,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$750,000
DEPARTMENT TOTAL - ALL FUNDS	$0	$750,000

CORRECTIONS, DEPARTMENT OF

Correctional Medical Services Fund 0286

Initiative: Provides 9 months of funding for contracted clinical staff to staff a mental health unit at the Maine State Prison.

GENERAL FUND	2013-14	2014-15
All Other	$0	$2,487,188
GENERAL FUND TOTAL	$0	$2,487,188

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$2,487,188
DEPARTMENT TOTAL - ALL FUNDS	$0	$2,487,188

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Disaster Assistance 0841

Initiative: Provides funding for the state share of disaster assistance for previously declared disasters.

GENERAL FUND	2013-14	2014-15
All Other	$0	$610,893
GENERAL FUND TOTAL	$0	$610,893

Military Training and Operations 0108

Initiative: Provides funding for the range reallocation of Military Firefighter positions from grade 15 to grade 17.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
Personal Services	$77,561	$364,900
FEDERAL EXPENDITURES FUND TOTAL	$77,561	$364,900

Military Training and Operations 0108

Initiative: Provides funding for the state share of the construction and inspection of the new Maine National Guard Joint Force Headquarters in Augusta.

GENERAL FUND	2013-14	2014-15
Capital Expenditures	$0	$375,067
GENERAL FUND TOTAL	$0	$375,067

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$985,960
FEDERAL EXPENDITURES FUND	$77,561	$364,900
DEPARTMENT TOTAL - ALL FUNDS	$77,561	$1,350,860

DIRIGO HEALTH

Dirigo Health Fund 0988

Initiative: Transfers one Public Executive III position and one Confidential Public Service Manager 1 position that provide support for the Maine Quality Forum and one quarter's funding from the Dirigo Health Fund to the General Fund.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	$0	$71,478
GENERAL FUND TOTAL	$0	$71,478

DIRIGO HEALTH FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	$0	($71,478)
DIRIGO HEALTH FUND TOTAL	$0	($71,478)

Dirigo Health Fund 0988

Initiative: Appropriates funds on an ongoing basis for the All Other operating costs of the Maine Quality Forum. This appropriation is for one quarter's All Other operating costs for the Maine Quality Forum.

GENERAL FUND	2013-14	2014-15
All Other	$0	$305,522
GENERAL FUND TOTAL	$0	$305,522

DIRIGO HEALTH

DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$377,000
DIRIGO HEALTH FUND	$0	($71,478)
DEPARTMENT TOTAL - ALL FUNDS	$0	$305,522

EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative: Provides funds for the Jobs for Maine's Graduates program.

GENERAL FUND	2013-14	2014-15
All Other	$0	$300,000
GENERAL FUND TOTAL	$0	$300,000

General Purpose Aid for Local Schools 0308

Initiative: Provides one-time funds for the 2nd year of the comprehensive early college programs.

GENERAL FUND	2013-14	2014-15
All Other	$0	$650,000
GENERAL FUND TOTAL	$0	$650,000

General Purpose Aid for Local Schools 0308

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Teacher Retirement program to cover a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	$0	($118,028)
GENERAL FUND TOTAL	$0	($118,028)

Teacher Retirement 0170

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Teacher Retirement program to cover a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	$0	$118,028
GENERAL FUND TOTAL	$0	$118,028

Teacher Retirement 0170

Initiative: Provides funding for a portion of the normal cost component of teacher retirement for career and technical education regions and a state-operated school.

GENERAL FUND	2013-14	2014-15
All Other	$0	$118,027
GENERAL FUND TOTAL	$0	$118,027

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$1,068,027
DEPARTMENT TOTAL - ALL FUNDS	$0	$1,068,027

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality 0248

Initiative: Provide funds for the revolving loan fund for wastewater treatment facilities that will make the State eligible to secure federal grants.

GENERAL FUND	2013-14	2014-15
All Other	$0	$500,000
GENERAL FUND TOTAL	$0	$500,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$500,000
DEPARTMENT TOTAL - ALL FUNDS	$0	$500,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Consent Decree Z163

Initiative: Provides one-time funds for mental health services in order to conform with the consent decree.

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

Developmental Services Waiver - MaineCare 0987

Initiative: Appropriates funds to support services provided under the MaineCare Benefits Manual, Chapter II, Section 21 for individuals on the waiting list for waiver services. This appropriation is for the initial month of funding for an ongoing initiative to reduce the waiting list.

GENERAL FUND	2013-14	2014-15
All Other	$0	$83,333
GENERAL FUND TOTAL	$0	$83,333

Developmental Services Waiver - Supports Z006

Initiative: Appropriates funds on an ongoing basis to support services provided under the MaineCare Benefits Manual, Chapter II, Section 29 for individuals on the waiting list for waiver services. This appropriation is for the initial month of funding for an ongoing initiative to reduce the waiting list.

GENERAL FUND	2013-14	2014-15
All Other	$0	$333,333
GENERAL FUND TOTAL	$0	$333,333

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reclassifies the Clinical Director position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$8,196
All Other	$0	($8,196)
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reorganizes 10 Psychiatric Social Worker II positions to Intensive Care Manager positions in order to increase retention and fill vacant positions and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$10,956
All Other	$0	($10,956)

GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$181,539
All Other	$0	($181,539)
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Provides funding in Personal Services by reducing All Other for 4 Physician III positions to increase retention and fill vacant positions at Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$61,248
All Other	$0	($61,248)
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Dorothea Dix Psychiatric Center 0734

Initiative: Reclassifies one Public Services Manager I position to a Public Services Manager II position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$7,637
All Other	$0	($7,637)
GENERAL FUND TOTAL	$0	$0

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$242,555
GENERAL FUND TOTAL	$0	$242,555

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for a contracted Psychiatrist position.

GENERAL FUND	2013-14	2014-15
All Other	$0	$118,312
GENERAL FUND TOTAL	$0	$118,312

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for consulting services.

GENERAL FUND	2013-14	2014-15
All Other	$0	$28,017
GENERAL FUND TOTAL	$0	$28,017

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for interpreting services in order to comply with federal regulations.

GENERAL FUND	2013-14	2014-15
All Other	$0	$53,480
GENERAL FUND TOTAL	$0	$53,480

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for security by the Department of Public Safety, Bureau of Capitol Police.

GENERAL FUND	2013-14	2014-15
All Other	$0	$100,232
GENERAL FUND TOTAL	$0	$100,232

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding for specialized training for staff related to the interaction of patients and security personnel.

GENERAL FUND	2013-14	2014-15
All Other	$0	$22,920

GENERAL FUND TOTAL	$0	$22,920

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding to be used for legal assistance in medication hearings.

GENERAL FUND	2013-14	2014-15
All Other	$0	$1,910
GENERAL FUND TOTAL	$0	$1,910

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides funding to contract for Director of Psychology services.

GENERAL FUND	2013-14	2014-15
All Other	$0	$60,674
GENERAL FUND TOTAL	$0	$60,674

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides one-time funding for consulting services to address issues identified by the federal Joint Commission on Hospital Accreditation and United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

GENERAL FUND	2013-14	2014-15
All Other	$0	$9,550
GENERAL FUND TOTAL	$0	$9,550

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides one-time funding for contracted nurses.

GENERAL FUND	2013-14	2014-15
All Other	$0	$122,131
GENERAL FUND TOTAL	$0	$122,131

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Provides one-time funding for repairs and maintenance in order to comply with safety requirements outlined by the federal Joint Commission on Hospital Accreditation and United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

GENERAL FUND	2013-14	2014-15
All Other	$0	$9,550
GENERAL FUND TOTAL	$0	$9,550

Disproportionate Share - Riverview Psychiatric Center 0733

Initiative: Establishes one Psychologist III position.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$37,622
All Other	$0	$1,507
GENERAL FUND TOTAL	$0	$39,129

Dorothea Dix Psychiatric Center 0120

Initiative: Reclassifies the Clinical Director position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$13,215
All Other	$0	($13,215)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Reorganizes 10 Psychiatric Social Worker II positions to Intensive Care Manager positions in order to increase retention and fill vacant positions and transfers All Other to Personal Services to fund the reorganization.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$17,722
All Other	$0	($17,722)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Reclassifies one Public Services Manager I position to a Public Services Manager II position at Dorothea Dix Psychiatric Center and transfers All Other to Personal Services to fund the reclassification.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$12,358
All Other	$0	($12,358)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Dorothea Dix Psychiatric Center 0120

Initiative: Provides funding in Personal Services by reducing All Other for 4 Physician III positions to increase retention and fill vacant positions at Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$98,752
All Other	$0	($98,752)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$0

Riverview Psychiatric Center 0105

Initiative: Provides one-time funding for the study, design and construction of a special care unit.

GENERAL FUND	2013-14	2014-15
Capital Expenditures	$0	$100,000
GENERAL FUND TOTAL	$0	$100,000

Riverview Psychiatric Center 0105

Initiative: Adjusts funding to continue operations at the Riverview Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	($3,176,972)
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	($3,176,972)

Riverview Psychiatric Center 0105

Initiative: Provides funding for a contracted Psychiatrist position.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$191,404
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$191,404

Riverview Psychiatric Center 0105

Initiative: Provides funding for consulting services.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$45,325
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$45,325

Riverview Psychiatric Center 0105

Initiative: Provides funding for interpreting services in order to comply with federal regulations.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$86,520
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$86,520

Riverview Psychiatric Center 0105

Initiative: Provides funding for security by the Department of Public Safety, Bureau of Capitol Police.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$161,816
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$161,816

Riverview Psychiatric Center 0105

Initiative: Provides funding for specialized training for staff related to the interaction of patients and security personnel.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$37,080
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$37,080

Riverview Psychiatric Center 0105

Initiative: Provides funding to be used for legal assistance in medication hearings.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$3,090

OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$3,090

Riverview Psychiatric Center 0105

Initiative: Provides funding to contract for Director of Psychology services.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$98,159
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$98,159

Riverview Psychiatric Center 0105

Initiative: Provides one-time funding for consulting services to address issues identified by the federal Joint Commission on Hospital Accreditation and United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$15,450
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$15,450

Riverview Psychiatric Center 0105

Initiative: Provides one-time funding for contracted nurses.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$197,584
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$197,584

Riverview Psychiatric Center 0105

Initiative: Provides one-time funding for repairs and maintenance in order to comply with safety requirements outlined by the federal Joint Commission on Hospital Accreditation and United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$15,450
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$15,450

Riverview Psychiatric Center 0105

Initiative: Adjusts funding to achieve salary parity in order to retain and recruit nursing staff at Riverview Psychiatric Center and Dorothea Dix Psychiatric Center.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$0	$392,429
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$392,429

Riverview Psychiatric Center 0105

Initiative: Establishes one Psychologist III position.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	$0	$60,785
All Other	$0	$2,435
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$63,220

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS) DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	**$0**	**$3,325,126**
OTHER SPECIAL REVENUE FUNDS	**$0**	**($1,869,445)**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$1,455,681**

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Division of Licensing and Regulatory Services Z036

Initiative: Reallocates the cost of one Social Services Program Specialist II position from 100% Other Special Revenue Funds to 75% Other Special Revenue Funds in the Medical Use of Marijuana Fund program

and 16.25% General Fund and 8.75% Other Special Revenue Funds in the Division of Licensing and Regulatory Services program.

GENERAL FUND	2013-14	2014-15
Personal Services	$0	$14,336
GENERAL FUND TOTAL	$0	$14,336

Division of Licensing and Regulatory Services Z036

Initiative: Provides funding to align allocations with existing resources.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$625,585
FEDERAL EXPENDITURES FUND TOTAL	$0	$625,585

Drinking Water Enforcement 0728

Initiative: Provides funds for the revolving loan fund for drinking water systems that will make the State eligible to secure federal grants.

GENERAL FUND	2013-14	2014-15
All Other	$0	$500,000
GENERAL FUND TOTAL	$0	$500,000

Head Start 0545

Initiative: Appropriates funds for the Head Start program.

GENERAL FUND	2013-14	2014-15
All Other	$0	$750,000
GENERAL FUND TOTAL	$0	$750,000

Medical Care - Payments to Providers 0147

Initiative: Provides funding in the Medical Care - Payments to Providers program necessary to make cycle payments.

GENERAL FUND	2013-14	2014-15
All Other	$0	$17,000,000
GENERAL FUND TOTAL	$0	$17,000,000

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$27,499,706
FEDERAL EXPENDITURES FUND TOTAL	$0	$27,499,706

Medical Care - Payments to Providers 0147

Initiative: Deappropriates and deallocates funds for an adjustment in the MaineCare baseline. This baseline adjustment reflects one month of MaineCare savings in fiscal year 2014-15 and is assumed to have an annual ongoing MaineCare baseline impact for the 2016-2017 biennium.

GENERAL FUND	2013-14	2014-15
All Other	$0	($833,333)
GENERAL FUND TOTAL	$0	($833,333)

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	($1,348,024)
FEDERAL EXPENDITURES FUND TOTAL	$0	($1,348,024)

Medical Care - Payments to Providers 0147

Initiative: Allocates funds to support services provided under the MaineCare Benefits Manual, Chapter II, Section 29 for individuals on the waiting list for waiver services. This appropriation is for the initial month of funding for an ongoing initiative to reduce the waiting list.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$539,210
FEDERAL EXPENDITURES FUND TOTAL	$0	$539,210

Medical Care - Payments to Providers 0147

Initiative: Allocates funds on an ongoing basis to support services provided under the MaineCare Benefits Manual, Chapter II, Section 21 for individuals on the waiting list for waiver services. This allocation is for the initial month of funding for an ongoing initiative to reduce the waiting list.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$134,802
FEDERAL EXPENDITURES FUND TOTAL	$0	$134,802

Medical Care - Payments to Providers 0147

Initiative: Reduces funding for MaineCare cycle payments and payments to providers to reflect decreased health care costs.

GENERAL FUND	2013-14	2014-15
All Other	($1,567,500)	$0
GENERAL FUND TOTAL	($1,567,500)	$0

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	($2,535,635)	$0
FEDERAL EXPENDITURES FUND TOTAL	($2,535,635)	$0

Nursing Facilities 0148

Initiative: Appropriates and allocates funds on an ongoing basis for an increase in MaineCare nursing facility reimbursement rates targeted at nursing facilities with the greatest share of Medicaid beds as a percentage of total bed census. This appropriation is for the initial month of funding for an ongoing initiative to increase nursing facility reimbursement.

GENERAL FUND	2013-14	2014-15
All Other	$0	$416,667
GENERAL FUND TOTAL	$0	$416,667

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$674,012
FEDERAL EXPENDITURES FUND TOTAL	$0	$674,012

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	($1,567,500)	$17,847,670
FEDERAL EXPENDITURES FUND	($2,535,635)	$28,125,291
DEPARTMENT TOTAL - ALL FUNDS	($4,103,135)	$45,972,961

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for a rate increase for private investigators effective January 1, 2015.

GENERAL FUND	2013-14	2014-15
All Other	$0	$17,500
GENERAL FUND TOTAL	$0	$17,500

Maine Commission on Indigent Legal Services Z112

Initiative: Provides funding for increased investigator, interpreter, transcription and expert witness fee costs as well as increased attorney's fee expenses.

GENERAL FUND	2013-14	2014-15
All Other	$0	$490,000
GENERAL FUND TOTAL	$0	$490,000

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	$507,500
DEPARTMENT TOTAL - ALL FUNDS	$0	$507,500

MUSEUM, MAINE STATE

Maine State Museum - Operating Fund N174

Initiative: Allocates funds to support the operations of the Maine State Museum.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	$0	$23,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$23,000

MUSEUM, MAINE STATE DEPARTMENT TOTALS	2013-14	2014-15
OTHER SPECIAL REVENUE FUNDS	$0	$23,000

DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$23,000**
SECTION TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**($1,567,500)**	**$27,848,471**
FEDERAL EXPENDITURES FUND	**($2,458,074)**	**$28,490,191**
OTHER SPECIAL REVENUE FUNDS	**$0**	**($1,846,445)**
DIRIGO HEALTH FUND	**$0**	**($71,478)**
SECTION TOTAL - ALL FUNDS	**($4,025,574)**	**$54,420,739**

PART C

Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2013, c. 368, Pt. C, §7, 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 45.87%.

(9) For fiscal year 2013-14, the target is 47.29%.

(10) For fiscal year 2014-15, the target is 46.80%.

Sec. C-2. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2013, c. 368, Pt. C, §8, 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 49.35%.

(3) For fiscal year 2013-14, the target is 50.44%.

(4) For fiscal year 2014-15 ~~and succeeding years~~, the target is ~~55%~~ 50.13%.

(5) For fiscal year 2015-16 and succeeding years, the target is 55%.

Sec. C-3. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2013, c. 368, Pt. C, §9, 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 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 52.71% 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%~~ 53.20% statewide total local share in fiscal year 2014-15 ~~and after~~.

(8) For the 2015 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 2015-16 and after.

Sec. C-4. 20-A MRSA §15681-A, sub-§4, as amended by PL 2013, c. 368, Pt. C, §10, is further amended to read:

4. Career and technical education costs. Career and technical education costs in the base year adjusted to the year prior to the allocation year. This subsection does not apply to the ~~2014-15~~ 2015-16 funding year and thereafter; and

Sec. C-5. 20-A MRSA §15688-A, sub-§1, as enacted by PL 2013, c. 368, Pt. C, §12, is amended to read:

1. Career and technical education costs. Beginning in fiscal year ~~2014-15~~ 2015-16, the allocation for career and technical education must be based upon a program-driven model that considers components for direct instruction, central administration, supplies, operation and maintenance of plant, other student and staff support and equipment. Monthly payments must be made directly to school administrative units with career and technical education centers and directly to career and technical education regions. If a school administrative unit with a career and technical education center or a career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

Sec. C-6. 20-A MRSA §15689-A, sub-§23, as enacted by PL 2013, c. 368, Pt. C, §15, is amended to read:

23. Comprehensive early college programs. The commissioner may expend and disburse ~~up to $500,000 in fiscal year 2013-14~~ funds to support early college programs that:

A. Provide secondary students with the opportunity to graduate from high school in 4 years with a high school diploma and at least 30 regionally accredited transferable postsecondary credits allowing for completion of an associate degree within one additional year of postsecondary schooling;

B. Involve a high school, a career and technical education center or region and one or more institutions of higher education;

C. Organize students into cohort groups and provide them with extensive additional guidance and support throughout the program with the goals of raising aspirations, increasing employability and encouraging postsecondary degree attainment; and

D. Maintain a focus on serving students who might not otherwise pursue a postsecondary education.

Sec. C-7. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2014-15 is 8.10.

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 2014-15 is as follows:

	2014-15 TOTAL
Total Operating Allocation	
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	$1,830,672,878
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	$90,854,708
Enhancing Student Performance and Opportunity	$2,472,105

Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	$62,816,943
Total Normal Cost of Teacher Retirement	$29,791,982
Total Cost of Funding Public Education from Kindergarten to Grade 12	
Total cost of funding public education from kindergarten to grade 12 for fiscal year 2014-15 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	$2,016,608,616
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2014-15 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement	$176,943,723
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	$42,254,567
Total cost of funding public education from kindergarten to grade 12	$2,235,806,906

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, 2014 and ending June 30, 2015 is calculated as follows:

	2014-15 LOCAL	2014-15 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
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	$1,072,762,508	$943,846,108
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2014-15 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		$176,943,723
State contribution to the total cost of funding public education from kindergarten to grade 12		$1,120,789,831

Sec. C-10. Limit of State's obligation. If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

Sec. C-11. Authorization of payments. Those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2014 and ending June 30, 2015.

PART D

Sec. D-1. Transfer; Dirigo Health Fund; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer $1,877,000 by June 30, 2015 from the Dirigo Health Fund to the unappropriated surplus of the General Fund.

PART E

Sec. E-1. PL 2009, c. 645, Pt. F, §1, sub-§§3 and 6 are amended to read:

3. Duties. The committee shall create an application for the grant for a teaching dental clinic for interested parties ~~within 60 days of the passage of the referendum in Part D~~. The committee shall hold a bidders conference ~~within 7 days following issuance of the applications~~, after which an applicant ~~has 18 days to~~ may complete and submit the application. The committee shall thereafter award the grant ~~before March 1, 2011~~.

6. Completion date. ~~The grants under subsection 5 must be awarded by December 1, 2011, and following~~ Following disbursement of ~~these~~ the grants in accordance with subsection 5, the committee terminates.

Sec. E-2. PL 2013, c. 425, §4 is amended to read:

Sec. 4. Costs to the Highway Fund. Costs to the Highway Fund must be provided in all or part through a transfer of Personal Services allocations within and between departments and agencies and from the Salary Plan program, ~~General~~ Highway Fund account in the Department of Administrative and Financial Services in the amount of $879,796 for the fiscal year ending June 30, 2014 and in the amount of $2,181,684 for the fiscal year ending June 30, 2015 to implement the economic terms of the collective bargaining agreements made by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association and, subject to ratification, the Maine State Employees Association, to provide equitable treatment of employees excluded from bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs E and F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

Sec. E-3. PL 2013, c. 502, Pt. H, §3 is enacted to read:

Sec. H-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 General Fund account for all executive branch departments and agencies from savings in section 2 of this Part and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2013-14. 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 June 1, 2014.

Sec. E-4. Retroactivity. That section of this Part that amends Public Law 2009, chapter 645, Part F, section 1, subsections 3 and 6 applies retroactively to April 12, 2010.

PART F

Sec. F-1. Payments to State from Loan Insurance Reserve Fund. Notwithstanding any other provision of law, the Finance Authority of Maine shall transfer $1,000,000 from the Loan Insurance Reserve Fund to the State as undedicated General Fund revenue no later than June 30, 2015.

PART G

Sec. G-1. Adjustment of salary schedules for fiscal year 2014-15. Notwithstanding any other provision of law, in order to implement wage parity adjustments as authorized in Public Law 2013, chapter 425, effective at the beginning of the pay week commencing closest to July 1, 2014, the salaries of certain members of the Governor's cabinet and appointees of members of the cabinet may be adjusted upward.

Sec. G-2. Adjustment of salary schedules for fiscal year 2014-15. Notwithstanding any other provision of law, effective at the beginning of the pay week commencing closest to July 1, 2014, the salaries of District Attorney positions, Assistant District Attorney positions and Assistant Attorney General positions must be adjusted upward by 4%.

Sec. G-3. Transfer from Salary Plan program and special account funding. The Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the economic items contained in this Part and Public Law 2013, chapter 425 in fiscal year 2014-15. Transfers from the Salary Plan program to the Department of the Attorney General may not exceed $423,424 in fiscal year 2014-15. Positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources.

PART H

Sec. H-1. Personal Services balances; Maine Health Data Organization; transfers authorized. Notwithstanding any other provision of law, in the 2014-2015 biennium, the Maine Health Data Organization is authorized to transfer up to $265,450 in available balances of Personal Services allocations, after all salary, benefit and other obligations are met, to the All Other line category in the Maine Health Data Organization, Other Special Revenue Funds account.

PART I

Sec. I-1. PL 2013, c. 368, Pt. YY, §1 is amended to read:

Sec. YY-1. Transfer of funds from Carrying Balances - Inland Fisheries and Wildlife,

General Fund account. Notwithstanding any other provision of law, the State Controller shall transfer $150,000 on or before August 1, 2013 from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account to the Administrative Services - Inland Fisheries and Wildlife, General Fund account to fund ~~security improvements~~ permitting and ~~renovations at the Gray~~ development costs related to the construction of a new headquarters facility in Gray.

Sec. I-2. Retroactivity. This Part applies retroactively to June 26, 2013.

PART J

Sec. J-1. 22 MRSA §2425, sub-§8, ¶L, as enacted by PL 2013, c. 516, §13, is amended to read:

L. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may used by the Department of Administrative and Financial Services, Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36.

Sec. J-2. 36 MRSA §191, sub-§3-B is enacted to read:

3-B. Additional restrictions for certain information provided by the Department of Health and Human Services. Information provided to the assessor by the Department of Health and Human Services pursuant to section 175 and Title 22, section 2425, subsection 8, paragraph L may be used by the bureau only for the administration and enforcement of taxes imposed under this Title. These restrictions are in addition to those imposed by subsection 1.

Sec. J-3. Schedule for reporting by Department of Health and Human Services of licenses issued or renewed under the Maine Medical Use of Marijuana Act. On or before September 1, 2014, the Department of Health and Human Services shall provide to the State Tax Assessor, pursuant to the Maine Revised Statutes, Title 36, section 175, the list of all licenses or certificates of authority issued or renewed by that department under Title 22, chapter 558-C during the period from April 1, 2013 to June 30, 2014. Thereafter, the department shall provide such information to the State Tax Assessor on the schedule provided by Title 36, section 175.

Sec. J-4. Effective date. Those sections of this Part that enact the Maine Revised Statutes, Title 36, section 191, subsection 3-B and amend Title 22, section 2425, subsection 8, paragraph L take effect 90 days after adjournment of the Second Regular Session of the 126th Legislature.

PART K

Sec. K-1. 36 MRSA §5219-W, sub-§1, as amended by PL 2013, c. 502, Pt. K, §1 and affected by §2, is further amended to read:

1. Credit allowed. Except as provided by subsection 2, a taxpayer that is a qualified Pine Tree Development Zone business as defined in Title 30-A, section 5250-I, subsection 17 is allowed a credit in the amount of:

A. ~~Fifty~~ One hundred percent of the tax that would otherwise be due under this Part for each of the first 5 tax years beginning with the tax year in which the taxpayer commences its qualified business activity, as defined in Title 30-A, section 5250-I, subsection 16; and

B. For a business located in a tier 1 location, as defined in Title 30-A, section 5250-I, subsection 21-A, ~~25%~~ 50% of the tax that would otherwise be due under this Part for each of the 5 tax years following the time period in paragraph A.

Sec. K-2. Application. This Part applies to tax years beginning on or after January 1, 2014.

PART L

Sec. L-1. Transfer of excess liquor contract profit sharing. In fiscal year 2014-15, the amount by which the State's share of the final profit sharing payment based on the gross operating profit from January 1, 2014 to June 30, 2014 pursuant to the wholesale liquor distribution contract in effect for the 10-year period ending June 30, 2014 exceeds $4,857,442 must be deposited in an Other Special Revenue Funds account within the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations for the purpose of funding additional liquor enforcement positions within the bureau.

PART M

Sec. M-1. 27 MRSA §83, sub-§5, as amended by PL 2007, c. 560, §3, is further amended to read:

5. Establish fees. To establish fees for admission to the Maine State Museum and miscellaneous services. All revenues derived from these fees must be credited as undedicated revenue to the General Fund through June 30, 2014. Beginning July 1, 2014, all revenues derived from these fees must be credited as dedicated revenue to the Maine State Museum - Operating Fund, Other Special Revenue Funds account to be used to support the operations of the Maine State Museum; and

PART N

Sec. N-1. PL 2013, c. 502, Pt. G, §2 is amended to read:

Sec. G-2. Transfers from available fiscal year 2014-15 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 2014-15, the State Controller shall transfer ~~$2,750,000~~ $1,750,000 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, 2015, the Commissioner of Professional and Financial Regulation shall determine from which accounts the funds must be transferred so that the sum equals ~~$2,750,000~~ $1,750,000 and notify the State Controller and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs of the amounts to be transferred from each account.

PART O

Sec. O-1. PL 2013, c. 368, Pt. PPPP, §2 is amended to read:

Sec. PPPP-2. Revenue Services - Bureau of; transfer to General Fund; June 30, 2014. Notwithstanding any other provision of law, the State Controller shall transfer ~~$500,000~~ $1,000,000 no later than June 30, 2014 from the Revenue Services - Bureau of program, Other Special Revenue Funds account in the Department of Administrative and Financial Services to the General Fund unappropriated surplus.

Sec. O-2. Lapsed balances; Maine Revenue Services, General Fund account. Notwithstanding any other provision of law, the State Controller shall lapse $250,000 from the Maine Revenue Services General Fund account, Personal Services line category in the Department of Administrative and Financial Services to the General Fund unappropriated surplus no later than June 30, 2015.

PART P

Sec. P-1. 19-A MRSA §2402, as amended by PL 2011, c. 477, Pt. L, §3, is further amended to read:

§2402. Dedicated funds

Except as provided in section 2103, subsections 3 and 3-A, all collections, fees and incentive payments received by the department from child support collections must be dedicated to reduce the State's General Fund share of Temporary Assistance for Needy Families and to cover the costs of making such collections. The department may not expend more than ~~$2,786,700~~ $5,500,000 in any fiscal year of incentive payment revenue for the purpose of covering the costs of making child support collections.

PART Q

Sec. Q-1. Timing of MaineCare payments. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1553, beginning July 1, 2014 the Department of Health and Human Services shall begin planning a payment scheduling change to be implemented in fiscal year 2014-15 to revise its process for paying MaineCare providers to modify the timing of MaineCare payments to providers to extend the time between submittal of a claim by the provider and the payment of the claim by MaineCare but to still remain at least one MaineCare weekly payment cycle before the deadline for timely processing of claims requirements as specified in 42 United States Code, Section 1396a(a)(37). In implementing this Part, the department shall consider the financial ability of providers to withstand the change in timing of payments. Within this payment process change, the department may establish processes for exempting from the extension of time for payment provider groups and providers who demonstrate to the department the justifiable need for such exemption. The department shall report its progress in implementing this change and in achieving savings to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by September 30, 2014. The department shall report its progress in implementing this change and in achieving savings to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2015. The department shall implement these changes in a manner that achieves the one-time 2014-15 MaineCare savings identified in section 2 of this Part.

Sec. Q-2. 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: Reduces funding on a one-time basis as a result of modifying the timing of MaineCare payments.

GENERAL FUND	2013-14	2014-15
All Other	$0	($20,000,000)
GENERAL FUND TOTAL	$0	($20,000,000)

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	($32,352,595)

FEDERAL EXPENDITURES FUND	$0	($32,352,595)
TOTAL		

PART R

Sec. R-1. Review of required reports. Notwithstanding any provision of law to the contrary, the judicial branch, the University of Maine System, the Maine Community College System, the Maine Maritime Academy and each quasi-independent state entity shall each prepare a list of reports that each is required to submit to the Legislature, a statement of the amount of staff time required to prepare each report and proposed legislation to repeal each reporting requirement 5 years after the effective date of this Act and submit the information to the joint standing committee of the Legislature with subject matter jurisdiction over that entity by January 9, 2015.

Sec. R-2. Report recommendations. Each joint standing committee of the Legislature having subject matter jurisdiction over an entity providing a report pursuant to section 1 shall review the information provided and determine the need to either continue or repeal the report requirement. Each joint standing committee is authorized to report out legislation to implement its recommendations related to the report to the First Regular Session of the 127th Legislature.

PART S

Sec. S-1. MaineCare reimbursement for adults with intellectual disabilities; medical add-on. The Department of Health and Human Services may not eliminate reimbursement for the medical add-on in the MaineCare Benefits Manual, Chapter III, Section 21 and Section 29 until the report required by Public Law 2013, chapter 368, Part NN has been submitted by the department to the joint standing committees of the Legislature pursuant to that Part and new rules adopted.

PART T

Sec. T-1. 36 MRSA §5125, sub-§4, as enacted by PL 2013, c. 368, Pt. TT, §11 and affected by §20, is amended to read:

4. Limitation. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed $27,500, except the limitation does not apply to medical and dental expenses included in an individual's itemized deductions from federal adjusted gross income.

Sec. T-2. Application. This Part applies to tax years beginning on or after January 1, 2014.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Provides an allocation of contingent-fee funding for contractor-provided automated tax collection functions, including but not limited to placing levies, verifying taxpayer addresses and collection priority scoring.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$0	$2,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$2,000,000

Revenue Services, Bureau of 0002

Initiative: Provides an allocation of contingent-fee funding for contracted tax collection services to enable the contractor to hire 8 additional collectors and to fund overtime for additional collection services.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$0	$600,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$600,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	**2013-14**	**2014-15**
OTHER SPECIAL REVENUE FUNDS	**$0**	**$2,600,000**
DEPARTMENT TOTAL - ALL FUNDS	**$0**	**$2,600,000**

PART U

Sec. U-1. 7 MRSA §3950, first ¶, as amended by PL 1991, c. 779, §40, is further amended to read:

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, including the establishment of fees necessary and appropriate to

finance the cost of animal control services, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

Sec. U-2. 8 MRSA c. 1, as amended, is repealed.

Sec. U-3. 8 MRSA c. 17, as amended, is repealed.

Sec. U-4. 8 MRSA c. 19, as amended, is repealed.

Sec. U-5. 8 MRSA §658, as amended by PL 1979, c. 127, §48, is further amended to read:

§658. Unincorporated places

County commissioners within their counties and counties within their limits shall respectively exercise over unincorporated places all the powers of municipal officers and towns under chapters ~~1,~~ 3, 7 and ~~17~~ 18 to 25.

Sec. U-6. 8 MRSA §701, as amended by PL 1979, c. 127, §49, is further amended to read:

§701. Jurisdiction

All penalties provided in chapters ~~1,~~ 3, 7 and ~~17~~ 18 to 25~~, except that specified in section 502, shall~~ must be recovered by complaint for the use of the town where incurred.

Sec. U-7. 10 MRSA c. 501, sub-c. 4, as amended, is repealed.

Sec. U-8. 22 MRSA §1607, as amended by PL 2005, c. 563, §15, is further amended to read:

§1607. Application

This chapter does not apply to fairs licensed, defined and regulated under Title 7, chapter 4, or military activities. It does not apply to persons, associations, corporations, trusts or partnerships licensed under Title 8, ~~chapters~~ chapter 11 ~~and 19~~.

Sec. U-9. 30-A MRSA §3781, 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:

§3781. License requirements

~~No person~~ A retail establishment located in a municipality that has adopted a licensing ordinance pursuant to this section may not offer for sale a stock of goods, wares or merchandise under the designation of "closing-out sale," "going out of business sale," "discontinuance of business sale," "entire stock must go," "must sell to the bare walls" or other designation ~~which~~ that states, directly or by implication, an intent of that person to dispose of the entire stock of goods with a view to permanently terminating further business after that disposal is complete, unless the person complies with the following requirements.

1. Inventory license. Before the disposal sale begins, the person must obtain a license to conduct the sale from the municipal officers of the municipality in which the sale will be conducted or other designated licensing official as provided by ordinance.

A. The person must apply to the municipal officers or designated licensing official for the license under oath. The application must contain a complete inventory of all items to be included in the sale and must be accompanied by the payment of a license fee set by ~~the municipal officers~~ ordinance. The applicant must affirm, in writing and under oath, to the municipal officers or designated licensing official that ~~no~~ merchandise will not be included in the stock offered for sale unless the merchandise is in or at the place of business where the sale will take place when the sale opens. Any unusual purchases and additions to the stock of goods, wares or merchandise made within 60 days before the filing of an application for a license is prima facie evidence that the purchases and additions were made in contemplation of the sale.

(1) If the applicant has been in the same business for which the sale is being conducted for less than 2 years of continuous operation in the municipality, the applicant must also affirm, in writing and under oath, that none of the merchandise was purchased before the sale opened for the purpose of selling and disposing of that merchandise at the sale.

B. The license is valid for 60 days from the date of issuance, unless revoked under subsection 3. The validity of the license may be extended for 60 additional days if the licensee provides an affidavit to the municipal officers or designated licensing official stating that all goods, wares or merchandise listed in the inventory have not been disposed of within the original 60-day period.

2. License issued; records preserved. The municipal officers or designated licensing official shall immediately issue the license upon compliance with this section. The ~~municipal officers~~ municipality shall preserve all applications for licenses and other papers filed in connection with an application as a public record in ~~their~~ the municipal office for 5 years. ~~They shall endorse the dates of filing and the granting or denial of the license on those papers and shall make an abstract of any other proceedings taken in connection with the application.~~

3. Revocation; prior violations; suspension. The municipal officers or designated licensing official shall revoke any license issued under this subchapter if the licensee ~~is convicted of violating~~ violates this sec-

tion~~. The municipal officers~~ or a licensing ordinance adopted pursuant to this section and may refuse to issue another license to any applicant who has been ~~convicted~~ adjudicated of violating this section or a licensing ordinance before the date of application. If any person ~~convicted~~ adjudicated of any violation of this section appeals the decision or sentence of the trial court, that person's license ~~shall~~ must be suspended while the appeal is pending in the appellate court.

Sec. U-10. 30-A MRSA c. 183, sub-c. 8 is enacted to read:

SUBCHAPTER 8

RECREATIONAL BUSINESS ACTIVITIES

§3981. Licensing recreational business activities

Pursuant to its home rule authority and for the purpose of protecting the safety, health and welfare of the general public, a municipality may establish by ordinance licensing procedures, standards and appropriate fees to cover the costs of administration, regulation and enforcement of recreational business activities including without limitation the activities of bowling alleys, shooting galleries, pool, bagatelle and billiard rooms, pinball machine arcades, public exhibitions and roller-skating and ice-skating rinks.

Sec. U-11. 32 MRSA §15102, sub-§1, ¶E, as amended by PL 2013, c. 70, Pt. C, §7, is further 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 director; or

Sec. U-12. State-local Intergovernmental Working Group; established. The Commissioner of Administrative and Financial Services, referred to in this Part as "the commissioner," in consultation with the Maine Municipal Association and the commissioners of all state agencies responsible for the implementation of municipally performed state-mandated activities, shall establish the State-local Intergovernmental Working Group, referred to in this Part as "the working group." The working group must include the commissioner or the commissioner's designee and no more than 6 municipal officials recommended by the Maine Municipal Association. The purpose of the working group is to establish a 2-way communication system between the state agencies responsible for oversight of municipally performed state-mandated activities and the municipalities that perform the mandated activities with the goal of establishing more efficient, effective and cost-effective approaches to the implementation and administration of the mandated activities. The working group shall meet periodically, at the call of the commissioner, to address the implementation of one or more specifically identified state mandates, including without limitation the several issues specifically identified as deserving review in the final report of the mandate working group as established by Public Law 2013, chapter 368, Part WW, section 1. No later than January 15th of each even-numbered year, the commissioner shall report on the working group's activities, along with any recommendations and suggested implementing legislation, to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters.

This section is repealed January 1, 2019.

Sec. U-13. Report. The joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to report out legislation related to the recommendations of the final report of the mandate working group, as authorized by Public Law 2013, chapter 368, Part WW, section 2 and submitted to the Joint Standing Committee on Appropriations and Financial Affairs February 4, 2014, to the First Regular Session of the 127th Legislature.

PART V

Sec. V-1. 36 MRSA §4641-B, sub-§4-B, ¶D, as amended by PL 2013, c. 368, Pt. U, §1, is further amended to read:

D. In fiscal year 2014-15, the Treasurer of State shall credit the revenues derived from the tax imposed pursuant to section 4641-A, subsection 1 in accordance with this paragraph.

(1) At the beginning of the fiscal year, the Maine State Housing Authority shall certify to the Treasurer of State the amount that is necessary and sufficient to meet the authority's obligations relating to bonds issued or planned to be issued by the authority under Title 30-A, section 4864.

(2) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first pay revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Maine Energy, Housing and Economic Recovery Fund established in Title 30-A, section 4863, until the amount paid equals the amount certified by the Maine State Housing Authority under subparagraph (1), after which the Treasurer of State shall credit any remaining revenues available under this subparagraph to the General Fund.

(3) On a monthly basis the Treasurer of State shall apply 50% of the revenues in accordance with this subparagraph. The Treasurer of State shall first credit ~~$4,038,104~~ $5,038,104 of the revenues available under

this subparagraph to the General Fund, after which the Treasurer of State shall pay any remaining revenues available under this subparagraph to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

PART W

Sec. W-1. MaineCare program integrity. The Department of Health and Human Services shall evaluate and improve its MaineCare program integrity processes to increase MaineCare recoveries and reduce MaineCare costs. In implementing this Part, the department shall establish specific goals and performance measures for its existing staff and vendors to achieve additional MaineCare recoveries and savings. For the purpose of this Part, program integrity processes include but are not limited to provider audits, including hospital diagnosis-related group audits; fraud referrals; 3rd-party liability activities; credit balance audits; and corrections to deficiencies in computer systems maintained by the department and its vendors.

Sec. W-2. MaineCare program integrity resources. In evaluating its MaineCare program integrity processes under section 1 of this Part, the department shall assess the need for additional MaineCare resources to meet the goals and performance measures for recoveries and savings identified in section 4 of this Part. If the department determines that additional resources are needed, the department is authorized to use the additional funding provided in section 4 of this Part to contract with additional vendors, to modify contracts with existing vendors and to secure additional staffing on a limited-period basis.

Sec. W-3. Reporting. The Department of Health and Human Services shall report its progress in implementing this Part in achieving MaineCare recoveries and savings to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Health and Human Services by September 30, 2014 and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2015.

Sec. W-4. 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: Reduces funding due to increased recoveries and savings from enhanced program integrity activities.

GENERAL FUND	2013-14	2014-15
All Other	$0	($3,500,000)
GENERAL FUND TOTAL	$0	($3,500,000)

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	($5,661,704)
FEDERAL EXPENDITURES FUND TOTAL	$0	($5,661,704)

Office of MaineCare Services 0129

Initiative: Provides funding to increase MaineCare program integrity resources.

GENERAL FUND	2013-14	2014-15
All Other	$0	$500,000
GENERAL FUND TOTAL	$0	$500,000

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	$0	$500,000
FEDERAL EXPENDITURES FUND TOTAL	$0	$500,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) DEPARTMENT TOTALS	2013-14	2014-15
GENERAL FUND	$0	($3,000,000)
FEDERAL EXPENDITURES FUND	$0	($5,161,704)
DEPARTMENT TOTAL - ALL FUNDS	$0	($8,161,704)

PART X

Sec. X-1. PL 2013, c. 368, Pt. S, §9 is repealed.

Sec. X-2. Fiscal year 2013-14 year-end unappropriated surplus, 4th priority transfer. The State Controller, at the close of the fiscal year ending June 30, 2014, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511 and 1522 and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, shall transfer from the available balance of the unappropriated surplus of the General Fund up to $20,000,000 to a General Fund reserve account established by the State Controller to reserve General Fund resources for future funding needs. Transfers from the reserve account may be authorized only by the Legislature. Any remaining balance in the reserve account at the close of the fiscal year ending June 30, 2015 must be transferred by the State Controller to the Maine Budget Stabilization Fund established by Title 5, section 1532.

Sec. X-3. Transfer from 4th priority transfer at close of fiscal year 2013-14; Department of Health and Human Services, Developmental Services Waiver - MaineCare program. Notwithstanding any other provision of law, at the close of fiscal year 2013-14, the State Controller shall transfer up to $1,300,000 of the amounts reserved pursuant to section 2 of this Part to the Department of Health and Human Services, Developmental Services Waiver - MaineCare program for services provided under Department of Health and Human Services Rule Chapter 101, MaineCare Benefits Manual, Chapter II, Section 21 for individuals on the Priority 1 waiting list for waiver services.

Sec. X-4. Transfers considered adjustments to appropriations. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, amounts transferred pursuant to section 3 of this Part are considered ongoing adjustments to appropriations beginning in fiscal year 2014-15. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

PART Y

Sec. Y-1. PL 2013, c. 502, Pt. A, §1, under the caption "HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)" in the first occurrence of that part relating to "Medical Use of Marijuana Fund Z118" is amended by amending the initiative paragraph to read:

Initiative: Provides funding to align allocations with existing resources ~~and support a memorandum of understanding with the Department of Public Safety~~ to ensure proper administration of the program by appropriately expanding technology and to develop regulatory oversight and enforcement.

PART Z

Sec. Z-1. Vacancy review and lapsed savings. The Department of Administrative and Financial Services, Bureau of the Budget shall conduct a review of vacant General Fund positions in executive branch departments and agencies for the purpose of identifying total savings in the Personal Services line category equal to $599,533 in fiscal year 2014-15. The Commissioner of Administrative and Financial Services shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs by July 1, 2014 with recommendations for the vacant General Fund positions that must be administratively held vacant during fiscal year 2014-15 to achieve the target level of savings and include the amounts of savings for the affected General Fund accounts. On or before August 1, 2014, the State Controller shall lapse the Personal Services savings identified in the commissioner's report from these General Fund accounts to the unappropriated surplus of the General Fund. The State Budget Officer shall prepare a financial order to reduce allotment in the affected accounts by the amount of the lapsed Personal Services savings.

Sec. Z-2. Department of Corrections; work release. The Department of Corrections shall change the term of work release from 12 months to 18 months prior to prisoner release.

Sec. Z-3. Payments to Quality Child Care Education Scholarship Fund. Notwithstanding any other provision of law, the Finance Authority of Maine shall transfer the remaining balance in the Quality Child Care Education Scholarship Fund established in the Maine Revised Statutes, Title 20-A, section 11670 to the State as undedicated Fund for a Healthy Maine revenue no later than June 30, 2015.

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

Effective May 1, 2014, unless otherwise indicated.

CHAPTER 596

S.P. 732 - L.D. 1827

An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $12,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

FINANCE AUTHORITY OF MAINE

Provides funds to insure portions of loans to small businesses made by a participating financial institution in order to spur investment and innovation.

Total	$4,000,000

Provides funds for state, regional and local financial intermediaries to make flexible loans to small businesses to create jobs, revitalize downtowns and strengthen the rural economy.

Total	$8,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a bond issue to provide $4,000,000 in funds to insure portions of loans to small businesses to spur investment and innovation and to provide $8,000,000 in funds to make flexible loans to small businesses to create jobs, revitalize downtowns and strengthen the rural economy?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 597

S.P. 127 - L.D. 347

An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders

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

Sec. 1. 24-A MRSA §2768, sub-§2, as reallocated by PL 2011, c. 420, Pt. A, §24, is amended to read:

2. Required coverage. All individual health insurance policies and contracts must provide coverage for autism spectrum disorders for an individual covered under a policy or contract who is ~~5~~ 10 years of age or under in accordance with the following.

A. The policy or contract must provide coverage for any assessments, evaluations or tests by a licensed physician or licensed psychologist to diagnose whether an individual has an autism spectrum disorder.

B. The policy or contract must provide coverage for the treatment of autism spectrum disorders when it is determined by a licensed physician or licensed psychologist that the treatment is medically necessary health care as defined in section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may be required to demonstrate ongoing medical necessity for coverage provided under this section at least annually.

C. The policy or contract may not include any limits on the number of visits.

D. The policy or contract may limit coverage for applied behavior analysis to $36,000 per year. An insurer may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph.

E. This subsection may not be construed to require coverage for prescription drugs if prescription drug coverage is not provided by the policy or contract. Coverage for prescription drugs for the treatment of autism spectrum disorders must be determined in the same manner as coverage for prescription drugs for the treatment of any other illness or condition is determined under the policy or contract.

Sec. 2. 24-A MRSA §2847-T, sub-§2, as reallocated by PL 2011, c. 420, Pt. A, §26, is amended to read:

2. Required coverage. All group health insurance policies, contracts and certificates must provide coverage for autism spectrum disorders for an individual covered under a policy, contract or certificate who is ~~5~~ 10 years of age or under in accordance with the following.

A. The policy, contract or certificate must provide coverage for any assessments, evaluations or tests by a licensed physician or licensed psychologist to diagnose whether an individual has an autism spectrum disorder.

B. The policy, contract or certificate must provide coverage for the treatment of autism spectrum disorders when it is determined by a licensed physician or licensed psychologist that the treatment is medically necessary health care as defined in section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may be required to demonstrate ongoing medical necessity for coverage provided under this section at least annually.

C. The policy, contract or certificate may not include any limits on the number of visits.

D. Notwithstanding section 2843 and to the extent allowed by federal law, the policy, contract or certificate may limit coverage for applied behavior analysis to $36,000 per year. An insurer may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph.

E. This subsection may not be construed to require coverage for prescription drugs if prescription drug coverage is not provided by the policy, contract or certificate. Coverage for prescription drugs for the treatment of autism spectrum disorders must be determined in the same manner as coverage for prescription drugs for the treatment of any other illness or condition is determined under the policy, contract or certificate.

Sec. 3. 24-A MRSA §4259, sub-§2, as reallocated by PL 2011, c. 420, Pt. A, §27, is amended to read:

2. Required coverage. All individual and group health maintenance organization contracts must provide coverage for autism spectrum disorders for an individual covered under a contract who is ~~5~~ 10 years of age or under in accordance with the following.

A. The contract must provide coverage for any assessments, evaluations or tests by a licensed physician or licensed psychologist to diagnose whether an individual has an autism spectrum disorder.

B. The contract must provide coverage for the treatment of autism spectrum disorders when it is determined by a licensed physician or licensed psychologist that the treatment is medically necessary health care as defined in section 4301-A, subsection 10-A. A licensed physician or licensed psychologist may be required to demonstrate on-

going medical necessity for coverage provided under this section at least annually.

C. The contract may not include any limits on the number of visits.

D. Notwithstanding section 4234-A and to the extent allowed by federal law for group contracts, the contract may limit coverage for applied behavior analysis to $36,000 per year. A health maintenance organization may not apply payments for coverage unrelated to autism spectrum disorders to any maximum benefit established under this paragraph.

E. This subsection may not be construed to require coverage for prescription drugs if prescription drug coverage is not provided by the contract. Coverage for prescription drugs for the treatment of autism spectrum disorders must be determined in the same manner as coverage for prescription drugs for the treatment of any other illness or condition is determined under the contract.

Sec. 4. Application. The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 598

S.P. 730 - L.D. 1824

An Act To Provide Additional Authority to the State Board of Corrections

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 Corrections is not functioning as intended by the Legislature to provide a coordinated county jail system; and

Whereas, this legislation is necessary to address the improper functioning 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. 4 MRSA §1057, sub-§3-A, as amended by PL 2009, c. 213, Pt. GGG, §1 and affected by §7, is further amended to read:

3-A. Reimbursement to counties. Monthly, the Treasurer of State shall transfer funds from the Government Operations Surcharge Fund to the State Board of Corrections ~~Investment~~ Operational Support Fund program in an amount equal to 2% of the total fines, forfeitures and penalties, including the surcharge imposed pursuant to subsection 2-A, received by the Treasurer of State for deposit in the Government Operations Surcharge Fund. The balance remaining in the Government Operations Surcharge Fund at the end of each month must accrue to the General Fund. Funds collected and deposited each month to the Government Operations Surcharge Fund must be transferred on the last day of the month in which the collections are made to the State Board of Corrections ~~Investment~~ Operational Support Fund program under Title 34-A, section 1805.

At the close of each month, the State Controller shall calculate the amount to be transferred to the State Board of Corrections ~~Investment~~ Operational Support Fund program based on the collections made during the month. The State Controller shall transfer by journal entry the amount due to the State Board of Corrections ~~Investment~~ Operational Support Fund program. This subsection takes effect July 1, 2009.

Sec. 2. 5 MRSA §1591, sub-§4, ¶A, as reallocated by RR 2009, c. 1, §6, is amended to read:

A. Any General Fund balance remaining in the State Board of Corrections ~~Investment~~ Operational Support Fund program at the end of any fiscal year to be carried forward for the next fiscal year.

Sec. 3. 30-A MRSA §701, sub-§2-A, as amended by PL 2011, c. 315, §§1 and 2 and affected by §4 and amended by c. 431, §1 and affected by §2, is further amended to read:

2-A. Tax assessment for correctional services. The counties shall annually collect no more and no less than $62,172,371 from municipalities for the provision of correctional services~~, excluding debt service,~~ in accordance with this subsection.

The assessment to municipalities within each county may not be greater or less than the fiscal year 2007-08 county assessment for correctional-related expenditures, which is:

A. A sum of $4,287,340 in Androscoggin County;

B. A sum of $2,316,666 in Aroostook County;

C. A sum of $11,575,602 in Cumberland County;

D. A sum of $1,621,201 in Franklin County;

E. A sum of $1,670,136 in Hancock County;

F. A sum of $5,588,343 in Kennebec County;

G. A sum of $3,188,700 in Knox County;

H. A sum of $2,657,105 in Lincoln County;

I. A sum of $1,228,757 in Oxford County;

J. A sum of $5,919,118 in Penobscot County;

K. A sum of $878,940 in Piscataquis County;

L. A sum of $2,657,105 in Sagadahoc County;

M. A sum of $5,363,665 in Somerset County;

N. A sum of $2,832,353 in Waldo County;

O. A sum of $2,000,525 in Washington County; and

P. A sum of $8,386,815 in York County.

Notwithstanding this subsection, the county assessment for correctional services-related expenditures in Somerset County must be set at the fiscal year 2009-10 level when the new Somerset County Jail is open and operating at a level sufficient to sustain the average daily number of inmates from Somerset County.

For the purposes of this subsection, "correctional services" includes the management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt.

Sec. 4. 30-A MRSA §710, sub-§1, as amended by PL 2011, c. 374, §5, is further amended to read:

1. Proposed budget. ~~At least 14 months before the beginning of the first year of the next biennium, the corrections working group established in Title 34-A, section 1804 shall provide biennial budget growth guidance for the correctional services expenditures in the new fiscal year for each county biennial budget.~~ The county commissioners shall submit proposed itemized correctional services budgets to the board in a format and by a date to be determined by the board, but no later than 12 months before the beginning of the next biennium.

Sec. 5. 30-A MRSA §710, sub-§1-A is enacted to read:

1-A. Budget growth factor. The budget growth factor is the same as the growth limitation factor as calculated under section 706-A for the current year. Nothing in this subsection authorizes a county to exceed the tax assessment established in section 701, subsection 2-A.

Sec. 6. 30-A MRSA §710, sub-§2, as amended by PL 2011, c. 374, §5, is further amended to read:

2. Review of county correctional services budgets. The board shall review, amend if necessary and approve each county correctional services budget submitted under subsection 1. The board must approve the county correctional services proposed budget if the total expenses in the proposed budget do not exceed the prior fiscal year's actual expenses or the prior fiscal year's budgeted expenses, whichever is less, plus the budget growth factor described in subsection 1-A for appropriations of any recommended sum in excess of the county share established pursuant to section 701, subsection 2-A.

Sec. 7. 34-A MRSA §1404, sub-§1, as amended by PL 2011, c. 374, §6, is further amended to read:

1. Managing facility capacity and inmate placement. ~~Consistent with the board's determination of facility use and purpose under section 1803, subsection 2, paragraph A, the commissioner is responsible for the daily management of inmate bed space throughout the coordinated correctional system and shall direct the transfer of inmates between facilities in order to fulfill this responsibility.~~ If the board fails to manage inmate bed space or inmate transfers as required under section 1803, subsection 2, paragraph D or if the board requests the commissioner to take on one or more of these functions and the commissioner agrees, the commissioner is responsible for the daily management of inmate bed space throughout the coordinated correctional system and shall direct the transfer of inmates between facilities in order to fulfill this responsibility consistent with the board's determination of facility use and purpose under section 1803, subsection 2, paragraph A. The commissioner shall develop a process for information sharing between the correctional facilities and the county jails, which must include at a minimum:

A. Daily reporting to the department by county jails of:

(1) Facility population by gender; classification; legal status, including pretrial or sentenced; special needs; and any other parameters determined by the commissioner; and

(2) Facility capacity and available bed space or bed space needs by the reportable parameters under subparagraph (1); and

B. Regular consultation with sheriffs.

Sec. 8. 34-A MRSA §1801, sub-§1, as amended by PL 2011, c. 374, §7, is repealed and the following enacted in its place:

1. Purpose of the board. The purpose of the board is to:

A. Promote public safety;

B. Establish a unified, efficient jail system that encourages collaboration among the counties, the department and the judicial branch; and

C. Develop and implement a coordinated correctional system that demonstrates sound fiscal management, achieves efficiencies, reduces recidivism and ensures the safety and security of correctional staff, inmates, visitors, volunteers and surrounding communities.

Sec. 9. 34-A MRSA §1801, sub-§2, ¶¶B and C, as enacted by PL 2007, c. 653, Pt. A, §30, are amended to read:

B. Pretrial diversion; ~~and~~

C. Rate of incarceration.~~;~~

Sec. 10. 34-A MRSA §1801, sub-§2, ¶¶D to K are enacted to read:

D. Standardization of practices, equipment, professionalism of personnel, programs and policies statewide among the counties;

E. Efficiencies and economies of scale through consolidated purchases of goods and services;

F. Establishment of regional authorities to promote the goals pursuant to this subsection;

G. Establishment of common accounting practices, codifications and reporting formats and standardized performance metrics;

H. Establishment of a common, prioritized long-term capital improvement budget;

I. Addressing mental health and substance abuse problems among inmates;

J. Efforts made toward equality in the burden of criminal justice-related costs of the coordinated correctional system on taxpayers statewide; and

K. Examination and implementation of best practices used at the national level.

Sec. 11. 34-A MRSA §1802, sub-§1, as amended by PL 2011, c. 374, §§9 and 10, is further amended to read:

1. Appointments. The board consists of ~~9~~ 5 members who are appointed by the Governor. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Senate, except those members appointed pursuant to paragraph C. The following provisions govern member qualifications:

A. ~~Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing sheriffs, at least one of whom must be a county sheriff~~ One member must be a sheriff nominated by a statewide organization representing sheriffs;

B. ~~Two members selected from a list of 3 nominations submitted to the Governor by a statewide organization representing county commissioners, at least one of whom must be a county commissioner~~ One member must be a county commissioner nominated by a statewide organization representing county commissioners;

C. Two members must be representatives of the executive branch and at least one of the 2 must be from the department; and

~~D. One member must be a municipal official selected from a list of 3 nominations submitted to the Governor by a statewide organization representing elected and appointed municipal officers and officials; and~~

E. ~~Two members~~ One member must be broadly representative of the public. ~~A~~ The member appointed under this paragraph may not be an elected state or county official or municipal officer and may not derive income in substantial portion from work as an employee of a state, county or municipal government or in the field of corrections.

~~Of the 9 members, one must be a person with expertise in issues relating to mental illness.~~

Sec. 12. 34-A MRSA §1803, sub-§1, as amended by PL 2011, c. 374, §12, is further amended to read:

1. Manage the cost of corrections. The board shall develop a plan to achieve systemic cost savings and cost avoidance throughout the coordinated correctional system with the goal of operating efficient correctional services. Additionally, the board shall:

A. Review, amend if necessary and adopt the correctional services expenditures in each county budget under Title 30-A, section 710;

B. Develop reinvestment strategies within the coordinated correctional system to improve services and reduce recidivism;

C. Establish boarding rates for the coordinated correctional system, except boarding rates for federal inmates;

D. Review department biennial and supplemental budget proposals affecting adult correctional and adult probation services and submit recommendations regarding these budget proposals to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs;

E. Develop parameters for facility population, including but not limited to gender; classification; legal status, including pretrial or sentenced; and special needs; and

F. Enter into contracts on behalf of ~~and with the consent of the county commissioners and sheriffs in the case of~~ county jails~~, and with the consent of the board of directors of the regional jail authority in the case of a~~ or regional ~~jail,~~ jails for any goods ~~and~~ or services when such contracts will:

(1) Lower the cost of providing correctional services;

(2) Improve delivery of correctional services; or

(3) Otherwise help to achieve the goals of the board pursuant to section 1801.

If the board enters into a contract on behalf of a county, that county is responsible for meeting the terms of the contract and the pro rata share of the costs for the goods and services under the contract. A county subject to a contract under this paragraph may not contract for any goods or services that are the subject of the contract without the prior written approval of the board. Except for goods and services contracted by the board, a county or regional jail may enter into an agreement with another county or regional jail to procure goods and services without the written permission of the board.

Sec. 13. 34-A MRSA §1803, sub-§1-A is enacted to read:

1-A. Adopt a budget growth factor; personnel costs. The board shall establish a budget growth factor for each fiscal year as determined pursuant to Title 30-A, section 710, subsection 1-A. The board shall approve a county budget that does not exceed the budget growth factor calculated on the total county budget that includes the state-funded portion of the county budget. A county may exceed the budget growth factor as applied to personnel costs but may not exceed the budget growth factor established for a county's overall budget.

Sec. 14. 34-A MRSA §1803, sub-§2, ¶¶B and C, as enacted by PL 2007, c. 653, Pt. A, §30, are amended to read:

B. Review and approve staffing levels at each correctional facility and county jail to ensure that safe conditions exist for staff, inmates and others; ~~and~~

C. Review the use of all correctional facilities and county jails. The board may downsize or close facilities or reassign services. The board shall adopt rules governing the process and standards for closing or downsizing a correctional facility or a county jail, including criteria to be evaluated and stakeholders to be consulted. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A~~.~~;

Sec. 15. 34-A MRSA §1803, sub-§2, ¶¶D and E are enacted to read:

D. Manage inmate bed space throughout the coordinated correctional system and direct the transfer of inmates between county jails; and

E. Receive and review all reports and results of county jail inspections conducted by the department pursuant to section 1208, subsection 2.

Sec. 16. 34-A MRSA §1803, sub-§3-A is enacted to read:

3-A. Adopt and enforce standards of efficiency. The board shall adopt and enforce standards to improve the efficiency of the county correctional system relating to:

A. Management information systems and infrastructure;

B. Security equipment;

C. Inmate classification;

D. Pretrial services;

E. Staffing qualifications and staffing levels; and

F. Other matters relating to construction, maintenance and operations.

Sec. 17. 34-A MRSA §1803, sub-§5, ¶D, as amended by PL 2009, c. 213, Pt. GGG, §3 and affected by §7, is further amended to read:

D. Administer the County Jail Prisoner Support and Community Corrections Fund established in section 1806 and the State Board of Corrections ~~Investment~~ Operational Support Fund program established in section 1805. The board may allocate available funds from the State Board of Corrections ~~Investment~~ Operational Support Fund program to meet any emergency expenses or for maintenance in emergency conditions of any correctional facility or county jail. The board may make allocations for these purposes only upon written request of the commissioner or a county;

Sec. 18. 34-A MRSA §1803, sub-§5, ¶E, as amended by PL 2009, c. 213, Pt. GGG, §4 and affected by §7, is further amended to read:

E. Prepare and submit to the Governor a budget for the State Board of Corrections ~~Investment~~ Operational Support Fund program established in section 1805 biennially that clearly identifies the financial contribution required by the State to support the ~~actual~~ recommended costs of corrections as established in subsection 1-A in addition

to the capped property tax contribution under Title 30-A, section 701, subsection 2-A. The board shall also propose in its budget an appropriation to the State Board of Corrections ~~Investment~~ Operational Support Fund program of an amount equal to ~~the difference between the 2007-08 fiscal year's county jail debt and the amount of that year's debt payment~~ 10% of the amount of projected statewide long-term capital improvement plan needs as approved by the board for the succeeding 10 years; ~~and~~

Sec. 19. 34-A MRSA §1803, sub-§5, ¶F, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

F. Promote and support the use of evidence-based practices~~.~~; and

Sec. 20. 34-A MRSA §1803, sub-§5, ¶G is enacted to read:

G. Consult with mental health and drug abuse experts to assist the board with issues related to mental health and drug abuse.

Sec. 21. 34-A MRSA §1803, sub-§7, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

7. Authority limited. The board does not have authority to exercise jurisdiction over inmate grievances, labor negotiations or contracts, including personnel rules negotiated as part of any collective bargaining agreement, ~~or any aspect of the operation of detention facilities~~ or the administration of juvenile community corrections services. Nothing in this subchapter authorizes the board to interfere in obligations counties have in collective bargaining obligations under Title 26, section 965.

Sec. 22. 34-A MRSA §1803, sub-§8, as enacted by PL 2007, c. 653, Pt. A, §30, is amended to read:

8. Rulemaking. The board may adopt rules necessary to implement this ~~section~~ subchapter. Unless otherwise indicated, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 23. 34-A MRSA §1803-A, sub-§3, as enacted by PL 2011, c. 374, §15, is amended to read:

3. Duties and powers of executive director. The Executive Director of the State Board of Corrections shall perform administrative duties and exercise the powers consistent with policies established by the board~~.~~, including:

A. Reviewing and making recommendations concerning proposed county corrections budgets;

B. Preparing the board budget;

C. Coordinating and compiling the long-term capital improvement plans submitted by the counties into a single budget document;

D. Preparing proposed goals, objectives for performance metrics and reports concerning the county correctional facilities; and

E. Developing recommendations with respect to contracts, services, standards and other matters within the jurisdiction of the board as the board may direct.

The executive director may appoint a financial analyst to assist with the work of the board. The executive director may request the assistance of the board, the Office of the Attorney General and other agencies of the State or the counties whenever necessary. The executive director and the commissioner shall enter into a written memorandum of understanding regarding the relationship of the board and its staff to the department.

Sec. 24. 34-A MRSA §1803-A, sub-§4 is enacted to read:

4. Compensation. The board shall set the compensation for the executive director and the financial analyst appointed under subsection 3.

Sec. 25. 34-A MRSA §1805, as amended by PL 2009, c. 213, Pt. GGG, §5 and affected by §7 and amended by c. 391, §15, is further amended to read:

§1805. State Board of Corrections Operational Support Fund program

1. Program established. The State Board of Corrections ~~Investment~~ Operational Support Fund program, referred to in this section as "the program," includes General Fund accounts and Other Special Revenue Funds accounts for the purposes specified in this section.

2. Expenditures of program. ~~Except as otherwise provided in this section, funding of the program may be expended only to compensate county governments and the department for costs approved by the board and the Legislature~~ Upon approval by the board, program funds may be used for personnel, goods and services, including, but not limited to, motor vehicles, information technologies and office equipment, that do not exceed $50,000 per item.

3. Sources of funding. The State Controller shall credit to the Other Special Revenue Funds accounts of the program:

A. Any net county assessment revenue pursuant to Title 30-A, section 701, subsection 2-A in excess of county jail appropriations in counties where jails or correctional services have been closed or downsized;

B. Any net county assessment revenue in excess of county jail expenditures in counties where changes in jail operations pursuant to board directives under section 1803 have reduced jail expenses. Any net revenue in excess of county or regional jail expenditures resulting from efficiencies generated by the independent actions of a county or regional jail remains with the county's or regional jail authority's correctional services fund balance;

D. Money from any other source, whether public or private, designated into or credited to the Other Special Revenue Funds accounts of the program; and

E. Interest earned or other investment income on balances in the Other Special Revenue Funds accounts of the program.

4. Unencumbered balances. Any unencumbered balance in General Fund accounts or Other Special Revenue Funds accounts remaining at the end of any fiscal year does not lapse but is carried forward to be expended for the purposes specified in this section and may not be made available for any other purpose.

5. Report by chair of the State Board of Corrections. The chair of the board shall report at least annually on or before the 2nd Friday in December to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters. The report must summarize the activity in any funds or accounts directly related to this section.

6. County correctional budget savings. In the first fiscal year in which any unencumbered balance in the corrections-related account of a county arises out of savings realized during the course of that fiscal year, that county may retain the unencumbered balance for future corrections-related purposes without offset of the state funds that would otherwise be due that county. A county shall submit to the board 10% of any unencumbered balance realized in a subsequent fiscal year and the remaining unencumbered balance must be used by the county as provided in this subsection.

Sec. 26. 34-A MRSA §1806, sub-§7, as amended by PL 2009, c. 213, Pt. GGG, §6 and affected by §7, is further amended to read:

7. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the State Board of Corrections ~~Investment~~ Operational Support Fund program that is administered by the board. All funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or to counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under subsection 5. Funds distributed to counties pursuant to this subsection must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

Sec. 27. 34-A MRSA §§1808 to 1815 are enacted to read:

§1808. Financial data

1. Develop a plan. The board shall develop a plan, policies and procedures regarding the collection, analysis and interpretation of financial data.

2. Develop a guidance document for counties. The board shall develop a guidance document for the counties regarding:

A. Coding expenses;

B. Submission of emergency requests;

C. Submission of budgets;

D. Implementing the board's fiscal policies;

E. Developing methods and costs that can be used to compare costs within the county corrections system and averaged system-wide for the county jail facilities; and

F. Any other policies and procedures that the board considers important to facilitating the counties' ability to comply with the board's needs.

3. Develop a fund balance policy. The board shall develop a fund balance policy consistent with the provisions of Title 30-A, section 924, subsection 2 to allow counties to reserve cash for their corrections needs as long as the needs reflect the policies and priorities of the board. The policy must include incentives for counties to save money. The board shall regularly assess fund balances, and any transfers of fund balances must be approved by the board.

4. Board contracts with the counties. The board may develop and execute contracts between the board and the counties. The contracts may provide for the use of state funds, board and county responsibilities and any other provisions the board determines necessary.

§1809. Application for other funds

The board may accept funds and apply for grants and other funds to implement statewide or multicounty corrections initiatives, including, but not limited to,

programming, technology, innovation and other initiatives to create a statewide county jail system.

§1810. Budget format

1. Creation of the county budget. The board shall develop and implement a budget format for county jails and a budget process that follows the same format and process that the State Budget Officer uses for the General Fund budget and for the department.

2. Baseline budget and budget initiatives. The board shall create a baseline budget for funding the county jails and new funding initiatives that define the need for funding decreases or increases. The board shall transmit budget instructions from the Department of Administrative and Financial Services to the county commissioners, who shall submit the budgets for their respective counties to the board. The budget instructions must include a budget growth factor consistent with the provisions of Title 30-A, section 710, subsection 1-A that the Department of Administrative and Financial Services has approved.

3. Single chart of accounts. The board shall establish a single chart of accounts for county corrections-related expenditures consistent with state General Fund standards and practices. All county jail budgets must be based and submitted on a state fiscal year basis.

4. Standardized format and data. The board shall adopt rules with respect to the standardized format and data to be used in county jail budgets and record keeping. The board shall ensure consistency in all county jail budgets to facilitate comparisons among county budgets and benchmarking.

5. Funding allocation among county jails. The board shall develop and approve a formula for allocating funding to the county jails. In determining the funding allocation formula, the board shall adopt rules that include, but are not limited to, rules regarding:

A. Jail size;

B. The number of beds;

C. The age of a facility;

D. Historic costs;

E. Management information system upgrades; and

F. Any other criteria determined necessary by the board.

§1811. County Corrections Capital Improvement Fund

1. Fund established. The County Corrections Capital Improvement Fund, referred to in this section as "the fund," is established.

2. Capital investment plan; capital expenditure budget. The board shall prepare a 10-year system-wide capital investment plan to be used to determine capital projects that can be funded for each county jail facility from the fund. The board shall report on the status of the capital investment plan to the Legislature by no later than January 15th of each first regular session of the Legislature. The board shall contract with an independent entity with expertise in developing a capital investment plan for correctional facilities to assist in developing the plan.

The board shall develop a capital expenditure budget for each county jail facility based on the capital investment plan to be submitted by each county with the operational budget for inclusion in the biennial budget or as required by the State Budget Officer.

3. Budget growth factor. The capital expenditure budget under subsection 2 must include a budget growth factor pursuant to Title 30-A, section 710, subsection 1-A that is approved by the Department of Administrative and Financial Services.

4. Rules. The board shall adopt rules governing the capital expenditure budget that take into consideration but are not limited to the following:

A. The age of the county jail facility;

B. The condition of the county jail facility;

C. Inmate and employee safety;

D. The needs of the system-wide correctional system;

E. Improvements necessary for the county jail facility to be more efficient; and

F. Any other criteria the board determines necessary.

5. Verification of emergency capital requests. In cases of emergency, if there are insufficient funds in the fund and in the retained funds of the affected county, the board may approve transfer of funds from the State Board of Corrections Operational Support Fund program. The board shall verify emergency capital requests based on criteria established by the board. The board shall:

A. Develop a uniform request form;

B. Require backup information documenting the emergency; and

C. Require evidence that the county used the most efficient procurement process possible under the emergency circumstances.

6. Reports to the board. Any payments made from the State Board of Corrections Operational Support Fund program that are not required to be approved by the board must be reported to the board in advance and included in financial reports on the State Board of Corrections Operational Support Fund program.

§1812. Use of funds

1. Restriction on use of funds. Property tax revenues for the support of county jails pursuant to Title 30-A, section 701, subsection 2-A and the State Board of Corrections Operational Support Fund program may be used only for county jail operations.

2. Fund balances. Fund balances remaining at the end of any fiscal year do not lapse but are carried forward for the benefit of the county jails that created the surplus.

3. Capital funds. Capital funds appropriated or allocated through the Capital Investment Fund or from other sources may be used only for approved capital investment purposes as determined by the board.

4. Inmate boarding revenues. Except as provided in this subsection, federal or state inmate boarding revenues are retained by the county jail facility generating the funds and are not offset against the state appropriation otherwise due that county under the approved allocation formula. Federal inmate boarding revenues are retained by the county up to budgeted amounts approved as part of the county correctional services budget procedure pursuant to Title 30-A, section 710 and the remaining federal revenues must be used as follows:

A. A county jail holding jail debt on or before July 1, 2008 shall transfer 25% of any remaining federal revenue to the County Corrections Capital Improvement Fund under section 1811 and apply 75% to the jail debt until the full discharge of that debt.

B. A county jail without any jail debt must transfer 75% of any remaining federal revenues to the County Corrections Capital Improvement Fund under section 1811.

5. Allocation of funds on quarterly basis. The board shall distribute allotments of funds quarterly, together with a report of the financial status of each county jail facility. The board may curtail funds as necessary to address shortfalls. The board may request the State Budget Officer to transfer funds from one quarter to another to meet the needs of county jails.

6. Revenue and expenditure reports. A county jail facility shall send a report of revenues generated and expenses incurred by the county jail to the board on a monthly basis and in the format prescribed by the board.

§1813. Monitoring performance

The board may monitor the operational, programmatic and financial performance of each county jail facility and establish appropriate metrics and data collection requirements to compare the counties among themselves and with other appropriate jurisdictions. The board shall require timely reporting of the data collected in a consistent format.

§1814. Enforcement authority

1. Board actions. A county jail that violates a provision of this subchapter may be subject to the following as determined by the board:

A. Holding in escrow appropriations otherwise due to a county jail;

B. Making a county jail facility ineligible for participation in programs;

C. Suspending or denying funding;

D. Requiring a county jail to transfer funds collected pursuant to Title 30-A, section 701, subsection 2-A to the State Controller to be credited to the State Board of Corrections Operational Support Fund program in an amount sufficient to cover any sums due to the board, the state or the other counties; and

E. If the county jail facility is a habitual violator, restricting or modifying the operations of the county jail facility and making a request to the department to take over the management and control of the county jail facility and its staff and inmates. For purposes of this paragraph, "habitual violator" means a county jail facility with 3 or more violations of this subchapter. The board shall adopt rules to implement the provisions of this paragraph. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

A county that violates this subchapter is responsible for all costs incurred by the State or other counties as a result of the violation, and the board may reallocate that county's appropriations during the time the county remains in violation of this subchapter.

2. Withdrawal from correctional system prohibited. A sheriff or a county commissioner may not withdraw a county jail facility from the coordinated correctional system or refuse to house any out-of-county inmates except in cases of jail overcrowding as determined by the department. Any disagreement or dispute by a county with the board is subject to mediation proceedings developed pursuant to this subchapter. This subsection does not prohibit a party from petitioning a court for relief at any time.

For purposes of this section, a violation of this subchapter includes a violation of a rule adopted by the board pursuant to this subchapter.

§1815. Program incentives

The board may provide funding to a county to support innovative or efficient programs for meeting needs of a county jail facility identified by the county or the board.

Sec. 28. Use of electronic technology. The State Board of Corrections shall work with the judicial branch to use electronic technology whenever possible to reduce the level of physical transfer of inmates between a county jail facility and a court. The board shall report its progress on the use of electronic technology to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by February 28, 2015.

Sec. 29. Rename program; State Board of Corrections. Notwithstanding any other provision of law, the State Board of Corrections Investment Fund program within the State Board of Corrections is renamed the State Board of Corrections Operational Support Fund program.

Sec. 30. Appointment of members to the State Board of Corrections; transitional members of board. Members for the 5 positions on the State Board of Corrections as described in the Maine Revised Statutes, Title 34-A, section 1802, subsection 1 must be appointed as provided in Title 34-A, section 1802, subsection 1. Notwithstanding Title 34-A, section 1802, on the effective date of this Act, the State Board of Corrections consists of the following 5 members:

1. The most recently appointed member representing sheriffs;

2. The most recently appointed member representing county commissioners;

3. The 2 members representing the executive branch; and

4. The most recently appointed member representing the public.

The 5 members of the State Board of Corrections on the effective date of this Act as described in subsections 1 to 4 may remain on the State Board of Corrections until the member or the member's successor is appointed and confirmed.

Sec. 31. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, STATE BOARD OF

State Board of Corrections Investment Fund Z087

Initiative: Provides one-time funding for an anticipated shortfall in fiscal year 2013-14.

GENERAL FUND	**2013-14**	**2014-15**
All Other	$1,200,000	$0
GENERAL FUND TOTAL	$1,200,000	$0

State Board of Corrections Investment Fund Z087

Initiative: Adjusts funding to bring allocations in line with available resources projected by the Revenue Forecasting Committee for fiscal years 2013-14 and 2014-15.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
All Other	$3,806	($7,696)
OTHER SPECIAL REVENUE FUNDS TOTAL	$3,806	($7,696)

CORRECTIONS, STATE BOARD OF DEPARTMENT TOTALS	**2013-14**	**2014-15**
GENERAL FUND	**$1,200,000**	**$0**
OTHER SPECIAL REVENUE FUNDS	**$3,806**	**($7,696)**
DEPARTMENT TOTAL - ALL FUNDS	**$1,203,806**	**($7,696)**

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

Effective May 1, 2014.

CHAPTER 599

S.P. 172 - L.D. 440

An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas

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

Sec. 1. 36 MRSA §5219-KK is enacted to read:

§5219-KK. Primary care access credit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible primary care professional" means a person licensed under Title 32, chapter 31, subchapter 3 or subchapter 4; Title 32, chapter 36, subchapter 4; or Title 32, chapter 48, subchapter 2 and who, on or after January 1, 2013:

(1) First begins practicing primary care medicine in the State by joining an existing health care practice in an underserved area or

establishing a new health care practice or purchasing an existing health care practice in an underserved area;

(2) Agrees to practice full time for at least 5 years in an underserved area;

(3) Is certified under subsection 3 to be eligible by the Department of Health and Human Services; and

(4) Has an unpaid student loan owed to an institution for course work directly related to that person's training in primary care medicine.

B. "Underserved area" means an area in the State that is a health professional shortage area or medically underserved area or that contains a medically underserved population as defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

2. Credit. For tax years beginning on or after January 1, 2014 but before January 1, 2019, an eligible primary care professional is allowed a credit against the taxes due under this Part as follows.

A. The credit may be claimed in the first year that the eligible primary care professional meets the conditions of eligibility for at least 6 months and each of the 4 subsequent years or until the student loan of the eligible primary care professional is paid in full, whichever comes first.

B. The credit may be claimed in an amount equal to the annual payments made on the student loan not to exceed $6,000 in the first year, $9,000 in the 2nd year, $12,000 in the 3rd year, $15,000 in the 4th year and $18,000 in the 5th year.

C. The credit may not reduce the tax due under this Part to less than zero.

3. Eligibility limitation; certification. The Department of Health and Human Services shall certify up to 5 eligible primary care professionals each year. The Department of Health and Human Services shall monitor certified primary care professionals to ensure that they continue to be eligible for the credit under this section and shall decertify any primary care professional who ceases to meet the conditions of eligibility. The Department of Health and Human Services shall notify the bureau whenever a primary care professional is certified or decertified. A decertified primary care professional ceases to be eligible for the credit under this section beginning with the tax year during which the primary care professional is decertified.

4. Rules. The Department of Health and Human Services 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.

5. Annual report. By January 15, 2016 and annually thereafter, the Department of Health and Human Services and the bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must indicate the number of eligible primary care professionals certified and decertified each year by the Department of Health and Human Services pursuant to this section and the total annual loss of revenue attributable to the credit under subsection 2.

Sec. 2. Transfer from the Medical Use of Marijuana Fund. Notwithstanding any other provision of law, the State Controller shall transfer $23,000 by June 30, 2015 from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

See title page for effective date.

CHAPTER 600

H.P. 1060 - L.D. 1479

An Act To Clarify Telecommunications Regulation Reform

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

Sec. 1. 35-A MRSA §116, sub-§1, ¶B, as amended by PL 2011, c. 623, Pt. B, §1, is repealed and the following enacted in its place:

B. For the purposes of this section, "intrastate gross operating revenues" means:

(1) In the case of all utilities except telephone utilities, revenues derived from filed rates except revenues derived from sales for resale;

(2) In the case of a telephone utility, all intrastate revenues, except revenues derived from sales for resale, whether or not the rates from which those revenues are derived are required to be filed pursuant to this Title; and

(3) In the case of a qualified telecommunications provider, all intrastate revenues except revenues derived from sales for resale.

Sec. 2. 35-A MRSA §7104, sub-§3, as amended by PL 2011, c. 623, Pt. B, §14, is further amended to read:

3. Authority. The commission shall adopt rules to implement this section and may require voice net-

work service providers ~~and providers of radio paging service~~ to contribute to a state universal service fund to support programs consistent with the goals of applicable provisions of this Title and the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56. Prior to requiring that voice network service providers ~~and providers of radio paging service~~ contribute to a state universal service fund, the commission shall assess the telecommunications needs of the State's consumers and establish the level of support required to meet those needs. If the commission establishes a state universal service fund pursuant to this section, the commission shall contract with an appropriate independent fiscal agent that is not a state entity to serve as administrator of the state universal service fund. Funds contributed to a state universal service fund are not state funds. Rules and any state universal service fund requirements established by the commission pursuant to this section must:

A. Be reasonably designed to maximize federal assistance available to the State for universal service purposes;

B. Meet the State's obligations under the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;

C. Be consistent with the goals of the federal Telecommunications Act of 1996, Public Law 104-104, 110 Stat. 56;

D. Ensure that any requirements regarding contributions to a state universal service fund be nondiscriminatory and competitively neutral; and

G. Require, if a voice network service provider recovers its contributions under this section by means of a charge placed on a bill issued to a customer, explicit identification on that bill of any charge imposed under this section.

For purposes of this section, "voice network service provider" means a voice service provider that offers its subscribers the means to initiate or receive voice communications using the public switched telephone network. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Universal service fund limitation. Unless expressly authorized by law after the effective date of this Act, the Public Utilities Commission may not, sooner than 90 days following the adjournment of the First Regular Session of the 127th Legislature, collect funds for the purpose of disbursing funds from a state universal service fund under the Maine Revised Statutes, Title 35-A, section 7104, subsection 3 to any company that operates more than 50,000 access lines in the State. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill to the First Regular Session of the 127th Legislature to provide that authorization.

Sec. 4. Report. The Public Utilities Commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters by January 7, 2015. In the report, the commission shall address options for decreasing the cost of ensuring that there are adequate and affordable basic telephone service options throughout the State. As used in this section, "provider of last resort service" has the same meaning as set out in the Maine Revised Statutes, Title 35-A, section 7201, subsection 7, and "state universal service fund" means the fund under Title 35-A, section 7104, subsection 3. The commission shall consider at least the following questions.

1. What financial assistance is needed, if any, from the state universal service fund for the largest incumbent local exchange carrier in the State to continue to provide basic telephone service in its current service area?

2. What type of basic telephone service could the largest incumbent local exchange carrier in the State provide with limited or no financial assistance from the state universal service fund?

3. In what geographic areas is it not economical for the largest incumbent local exchange carrier to provide basic telephone service? Of those areas, which ones have no alternatives for basic service at comparable rates? In those areas that have no alternatives, what amount of financial assistance would the local incumbent exchange carrier need to provide basic telephone service?

4. How might the characteristics of provider of last resort service be amended to allow for more competition in the types of service providers that are able to provide provider of last resort service? What are the implications of changing these characteristics with regard to reliability, safety, cost and ease of use of provider of last resort service and the availability and quality of broadband service throughout the State? What are the implications of limiting provider of last resort service to reliable access to emergency services?

5. If the obligation of providing provider of last resort service was not assigned to the incumbent local exchange carrier, how might the commission assign the obligation? What are the obstacles, if any, to the commission's reassigning the provider of last resort obligation to a service provider other than a local incumbent exchange carrier? Is there any action needed by the Legislature?

6. What are the implications of limiting financial assistance for provider of last resort service to areas of the State that have limited competition or availability of basic service providers?

7. What is the broadband penetration of each incumbent local exchange carrier that does and each incumbent local exchange carrier that does not receive state universal service funds? At what tiers, as determined by the Federal Communications Commission, do incumbent local exchange carriers provide service throughout the State? Should providers of provider of last resort service that receive state universal service funds be required to increase the availability, quality or affordability of broadband in this State?

8. In what ways can the commission and the Legislature coordinate any changes to provider of last resort service or to state universal service fund support with ongoing policy developments at the federal level resulting from cases before the Federal Communications Commission, including the call for rural broadband experiments, the Federal Communications Commission's Connect America Fund and changes to intercarrier compensation?

9. Can the State ensure the provision of universal access to telecommunications service at just, reasonable and affordable rates consistent with the federal Telecommunications Act of 1996 without maintaining a regulated provider of last resort service? If so, what is a reasonable time frame for eliminating a regulated provider of last resort service?

The report may include any other information the commission considers relevant to the Legislature's establishing the appropriate scope and nature of provider of last resort service in this State. The joint standing committee of the Legislature having jurisdiction over energy and utilities matters may report out a bill related to the subject matter of the report to the First Regular Session of the 127th Legislature.

See title page for effective date.

CHAPTER 601

H.P. 630 - L.D. 906

An Act To Permit a School Administrative Unit Discretion Concerning Participation of Students from Charter Schools in School Extracurricular and Interscholastic Activities

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 §2415, sub-§2, as enacted by PL 2011, c. 414, §5, is amended to read:

2. Access to extracurricular and interscholastic activities. A public charter school is eligible for ~~state-sponsored or school administrative unit-sponsored~~ statewide interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. ~~A~~ If a public charter school applies for and receives written approval from the superintendent of a school administrative unit or the superintendent's designee, who may withhold such approval, the public charter school is eligible for school administrative unit-sponsored interscholastic leagues, competitions, awards, scholarships and recognition programs for students, educators, administrators and schools to the same extent as are noncharter public schools. If a public charter school student applies for and receives written approval from the superintendent of the school administrative unit of the noncharter public school or the superintendent's designee, who may withhold such approval, the public charter school student is eligible to participate in extracurricular activities not offered by the student's public charter school at the noncharter public school within the attendance boundaries of which the student's custodial parent or legal guardian resides or the noncharter public school from which the student withdrew for the purpose of attending a public charter school. ~~A~~ The superintendent of the school administrative unit or the superintendent's designee may withhold approval only if the public charter school the student attends provides the same extracurricular or interscholastic activity or if the noncharter public school does not have the capacity to provide the public charter school student with the opportunity to participate in the extracurricular or interscholastic activity. If approval is withheld, the superintendent of the school administrative unit or the superintendent's designee shall provide a written explanation to the public charter school student or the student's parent or guardian stating the reason or reasons for the decision to withhold approval. If a public charter school student is allowed to participate in the noncharter public school's extracurricular activities, the public charter school student is eligible for extracurricular activities at ~~a~~ the noncharter public school subject to eligibility standards applied to full-time students of the noncharter public school. A school administrative unit or noncharter public school may not impose additional requirements on a public charter school student to participate in extracurricular activities that are not imposed on full-time students of the noncharter public school. Public charter school students ~~shall~~ must pay the same fees as other students to participate in extracurricular or cocurricular activities. For each public charter school student who par-

ticipates in an extracurricular or cocurricular activity at a noncharter public school, the public charter school must pay a reasonable share of the noncharter public school's costs for the activity, as determined through negotiations between the schools involved.

See title page for effective date.

CHAPTER 602

H.P. 1297 - L.D. 1806

An Act To Implement the Recommendations Contained in the State Government Evaluation Act Review of the Maine Public Employees Retirement System

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

PART A

Sec. A-1. 5 MRSA §17152, first ¶, as amended by PL 1995, c. 368, Pt. G, §6, is further amended to read:

The board may combine the assets of the State Employee and Teacher Retirement Program with the assets of other programs of the retirement system for investment purposes. The assets of the State Employee and Teacher Retirement Program may not be combined with the assets of another program for benefit purposes or for administrative expenses. All of the assets of the retirement system must be credited according to the purpose for which they are held among the several funds created by this section, namely:

PART B

Sec. B-1. 5 MRSA §18312 is enacted to read:

§18312. Emergency medical services persons

1. Contribution rate. Except as provided in subsections 2 and 3, an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, employed by a participating local district that provides a special retirement benefit under section 18453, subsection 4 or 5 shall contribute to the Participating Local District Retirement Program or must have pick-up contributions made by the employer at a rate of 8% of earnable compensation as long as the person is employed as an emergency medical services person.

2. Exception. A participating local district may elect to reduce the rate of contribution set out in subsection 1 to 6.5% of earnable compensation for all emergency medical services persons who continue employment after attaining eligibility for retirement during the remainder of their employment as emergency medical services persons.

3. Member contributions to Participating Local District Consolidated Retirement Plan. The board may establish by rule the rate at which emergency medical services persons who participate in the consolidated plan described in chapter 427 contribute to that plan. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

Sec. B-2. 5 MRSA §18453, sub-§2, as amended by PL 2001, c. 368, §1, is further amended to read:

2. Employee Special Plan #2. A retirement benefit to police officers, firefighters, sheriffs, full-time deputy sheriffs, county corrections employees, emergency medical services persons as defined in Title 32, section 83, subsection 12, including but not limited to first responders, emergency medical technicians, advanced emergency medical technicians and paramedics, or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits must be computed as follows:

A. Except as provided in paragraph B, 1/2 of the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current annual salary on the date of retirement or current final compensation, whichever is greater, and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

Sec. B-3. 5 MRSA §18453, sub-§3, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

3. Firefighter and Emergency Medical Services Person Special Plan #1. A retirement benefit equal to 1/2 of ~~his~~ the member's average final compensation to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55.

Sec. B-4. 5 MRSA §18453, sub-§4, as amended by PL 1993, c. 387, Pt. A, §22, is further amended to read:

4. Firefighter and Emergency Medical Services Person Special Plan #2. A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55. The benefits shall be computed as follows:

A. Except as provided in paragraph B, 2/3 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

Sec. B-5. 5 MRSA §18453, sub-§5, as amended by PL 1993, c. 387, Pt. A, §23, is further amended to read:

5. Firefighter and Emergency Medical Services Person Special Plan #3. A retirement benefit to a firefighter, including the chief of a fire department, and an emergency medical services person as defined in Title 32, section 83, subsection 12, including but not limited to a first responder, emergency medical technician, advanced emergency medical technician and paramedic, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district and who retires at any age. The benefits shall be computed as follows:

A. Except as provided under paragraph B, 2/3 of ~~his~~ the member's average final compensation; or

B. If the member's benefit would be greater, the part of the service retirement benefit based upon membership service before July 1, 1977, is determined, on a pro rata basis, on the member's current final compensation and the part of the service retirement benefit based upon membership service after June 30, 1977, is determined in accordance with paragraph A.

PART C

Sec. C-1. Establishment of a task force. By September 1, 2014 the Executive Director of the Maine Public Employees Retirement System shall establish a task force, referred to in this section as "the task force," to further the system's work on corporate governance by completing an environmental, social and governance policy that includes, without limitation, securities and manager selections; monitoring and proxy voting; company engagement; and environmental, social and governance policies within investment policy for recommendation to, and consideration for approval by, the Board of Trustees of the Maine Public Employees Retirement System. The task force shall submit the recommended policy to the Board of Trustees of the Maine Public Employees Retirement System by December 1, 2014.

1. Task force membership. The task force must be composed of experts in the field of environmental, social and governance policy who do not have an actual, potential or apparent self-interest in the policy outcome. Members of the task force must collectively possess experience with creating investment policies that support the investment goals of public pension funds; an understanding of environmental, social and governance policy issues as they affect different components of the investment process, including, but not limited to, securities and manager selections, monitoring and proxy voting and company engagement; practical knowledge or experience implementing environmental, social and governance policies within investment policy; and an understanding of the fiduciary duties of public pension trustees. The task force must be composed of 7 members, with a majority of members residing in the State, and must include:

A. The Executive Director of the Maine Public Employees Retirement System, who serves as chair of the task force;

B. The chief investment officer of the Maine Public Employees Retirement System;

C. A member from the academic community with expertise in environmental, social and governance policies;

D. A member with a background in public pension, foundation or endowment administration and experience in implementing environmental, social and governance policies;

E. A member from a national organization representing institutional investors and pension funds; and

F. Two members chosen by the members of the task force named under paragraphs A to E.

2. Stakeholder involvement. The task force shall actively solicit stakeholder advisors to provide information relevant to environmental, social and governance policy issues and stakeholder interests and other technical information as required.

3. Staff assistance. The Maine Public Employees Retirement System within existing resources shall provide necessary staffing services to the task force.

4. Report. By January 15, 2015, the Executive Director of the Maine Public Employees Retirement System shall submit to the joint standing committee of the Legislature having jurisdiction over public employee retirement matters a report on the task force's recommendations to, and any resulting actions taken by, the Board of Trustees of the Maine Public Employees Retirement System.

See title page for effective date.

CHAPTER 603

H.P. 1172 - L.D. 1600

An Act To Require Health Insurers To Provide Coverage for Human Leukocyte Antigen Testing To Establish Bone Marrow Donor Transplantation Suitability

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

Sec. 1. 24-A MRSA §4320-I is enacted to read:

§4320-I. Coverage for the cost of testing for bone marrow donation suitability

1. Required coverage. A carrier offering a health plan in this State shall provide coverage for laboratory fees up to $150 arising from human leukocyte antigen testing performed to establish bone marrow transplantation suitability in accordance with the following requirements:

A. The enrollee covered under the health plan must meet the criteria for testing established by the National Marrow Donor Program, or its successor organization;

B. The testing must be performed in a facility that is accredited by a national accrediting body with requirements that are substantially equivalent to or more stringent than those of the College of American Pathologists and is certified under the federal Clinical Laboratories Improvement Act of 1967, 42 United States Code, Section 263a;

C. At the time of the testing, the enrollee covered under the health plan must complete and sign an informed consent form that authorizes the results of the test to be used for participation in the National Marrow Donor Program, or its successor organization, and acknowledges a willingness to be a bone marrow donor if a suitable match is found; and

D. The carrier may limit each enrollee to one test per lifetime.

2. Prohibition on cost-sharing. A carrier may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for the coverage required under this section.

Sec. 2. Application. The requirements of this Act apply to all policies, contracts and certificates subject to this Act that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2015. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

CHAPTER 604

H.P. 1237 - L.D. 1729

An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence

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

Sec. 1. 29-A MRSA §2402, first ¶, as amended by PL 1995, c. 368, Pt. AAA, §6, is further amended to read:

For purposes of this chapter, a prior conviction or action has occurred within the 10-year period if the date of the action or the date ~~of the docket entry of conviction~~ the sentence is imposed is 10 years or less from the date of the new conduct.

Sec. 2. 29-A MRSA §2411, sub-§1-A, ¶D, as amended by PL 2011, c. 159, §1, is further amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person;

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. For purposes of this subparagraph, the 10-year limitation specified in section 2402 and Title 17-A, subsection 9-A, subsection 3 does not apply to the prior criminal homicide conviction or to a

prior conviction for a Class B or Class C crime under this section or former Title 29, section 1312-B. The convictions may have occurred at any time.

Sec. 3. 29-A MRSA §2412-A, sub-§5, as enacted by PL 1995, c. 368, Pt. AAA, §12, is amended to read:

5. Prior convictions. For purposes of this section, a prior conviction or suspension has occurred within a 10-year period if the date of the suspension or the ~~docket entry of a judgment of conviction by the clerk~~ imposition of sentence is 10 years or less from the date of the new conduct that is penalized or for which the new penalty may be enhanced.

Sec. 4. 29-A MRSA §2451, sub-§3, as amended by PL 2009, c. 54, §§1 to 3 and affected by c. 415, Pt. C, §§2 and 3, is further amended to read:

3. Suspension period. Unless a longer period of suspension is otherwise provided by law and imposed by the court, the Secretary of State shall suspend the license of a person convicted of OUI for the following minimum periods:

A. ~~Ninety~~ One hundred and fifty days, if the person has one OUI conviction within a 10-year period;

B. Three years, if the person has 2 OUI offenses within a 10-year period; ~~or~~

C. Six years, if the person has 3 ~~or more~~ OUI offenses within a 10-year period~~.~~; or

E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

For the purposes of this subsection, a conviction or suspension has occurred within a 10-year period if the date of the new conduct is within 10 years of a date of suspension or ~~a docket entry of judgment of conviction~~ imposition of sentence.

See title page for effective date.

CHAPTER 605

H.P. 734 - L.D. 1043

An Act To Improve the Regional Economic Development Revolving Loan Program

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

Sec. 1. 10 MRSA §1026-M, sub-§2, as amended by PL 1999, c. 401, Pt. OOO, §1, is further amended to read:

2. Eligible corporations. The fund is open to local, regional and statewide nonprofit or governmental economic development corporations or entities~~,~~ that are capable of providing financial assistance to businesses in order to create and protect jobs, as well as revitalize downtowns and build strong communities and a sustainable economy, referred to in this section as "corporations." In the case of loans to quality child care projects, the authority may also provide loans directly to eligible borrowers. To be eligible for assistance from the fund:

A. A corporation must apply to the authority to participate in the fund. The application must describe the corporation and its funding sources, the region or regions it serves, its methods and criteria for qualifying borrowers, including any targeted lending and economic development strategies, its expertise in management assistance and financing of small and emerging businesses, the method by which it will leverage funds from other sources in an amount at least equal to 2 times the amount requested from the fund and other information the authority determines necessary;

B. A corporation must have a strategy for the creation and retention of jobs, an effective small business marketing and technical assistance plan and enough expert assistance available to it to underwrite, document and service loans and assist its clients or it must have a strategy for real estate development including commercial and mixed-use real estate and community facilities;

C. The corporation must be determined by the authority to be able to prudently and effectively administer a direct loan fund and to coordinate with other business assistance programs and employment training and social assistance programs;

D. The corporation must propose performance measurements and goals and a process for monitoring compliance with proposed measurements and goals. The authority shall assist corporations in developing loan or equity-like debt underwriting and administrative capacity and in portfolio monitoring and servicing and may establish one or more advisory boards or committees to assist corporations; and

E. A child care project must apply to the authority or to a corporation and meet the eligibility criteria for a borrower.

Sec. 2. 10 MRSA §1026-M, sub-§3, ¶¶A and C, as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, are amended to read:

A. The size of the region or regions served by the corporation and the expected demand for loan funds in that region or those regions;

C. Whether an eligible corporation will serve statewide or will serve a geographic area or segment of potential business borrowers not served by other applicants.

Sec. 3. 10 MRSA §1026-M, sub-§5, as amended by PL 2001, c. 639, §2, is further amended to read:

5. Administrative costs. A corporation may not use any money disbursed from the fund by the authority for administrative expenses, but may charge a commitment fee of up to 2% and may use interest earnings not to exceed 7% of each loan annually on loans to cover reasonable ~~administrative, technical assistance and education costs~~ operating costs, including loan fund management, technical assistance and education. The authority shall review and approve a corporation's administrative expenses on an annual basis. The authority may establish by rule reasonable administrative fees for its administration of the fund.

Sec. 4. 10 MRSA §1026-M, sub-§6, ¶A, as amended by PL 2009, c. 131, §4, is further amended to read:

A. Loans may not exceed ~~$250,000~~ $350,000 to a borrower, including an affiliated entity, and approval of the authority is required for any loan in excess of $150,000. ~~Loans for quality child care projects may not exceed $100,000 to a borrower.~~ Loans or portions of loans to a quality child care project to be used solely for lead abatement may not exceed $15,000.

Sec. 5. 10 MRSA §1026-M, sub-§6, ¶B, as amended by PL 2009, c. 131, §5, is further amended to read:

B. Loans ~~over $100,000~~ of $50,000 or more for borrowers other than quality child care projects may not exceed ~~1/3~~ 1/2 of the net new funds being provided to a borrower. ~~Loans of $50,000 to $100,000 for projects other than quality child care projects may not exceed 1/2 of the net new funds being provided to a borrower.~~ Loans of less than $50,000 and loans for quality child care projects may be for the total amount of new funds being provided to the borrower.

Sec. 6. 10 MRSA §1026-M, sub-§6, ¶C, as amended by PL 2007, c. 683, Pt. B, §1, is further amended to read:

C. The authority and each corporation shall establish interest rates, amortization schedules and repayment terms for each borrower, except that loans may not be for a term longer than 20 years and:

(1) Loans to a quality child care project must bear a rate of interest ~~equal to 3%, not including any administrative costs or fees~~ not greater than 5%; or

(2) Loans to any other eligible borrower may not bear a rate of interest greater than the prime rate of interest plus 7%.

Sec. 7. 10 MRSA §1026-M, sub-§7, ¶A, as amended by PL 2011, c. 11, §1, is further amended to read:

A. The business for which funds are requested has ~~50~~ 100 or fewer employees or annual sales of ~~$5,000,000~~ $10,000,000 or less, and it consists of or involves at least one of the following:

(1) Manufacturing technologies, such as value-added wood products, specialty fabricated metal and electronic products, precision manufacturing and use of composites or advanced materials;

(2) Technologies, such as advanced information systems, advanced telecommunications, energy and environmental products and services;

(3) ~~Biological~~ Value-added natural resource enterprises and biological and natural resource technologies, such as aquaculture, marine technology, agriculture, forestry products and biotechnology;

(4) A business converting from defense dependency;

(5) A business significantly engaged in export of goods or services to locations outside the State;

(6) A business that dedicates significant resources to research and development activities;

(7) Other businesses with ~~10~~ 15 or fewer employees; ~~and~~

(8) A child care project that includes any business that, for compensation, provides a regular service of care and protection for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children~~.~~;

(9) A business significantly engaged in commercial and mixed-use real estate and community facilities; and

(10) A business significantly engaged in serving tourists, such as in the areas of outdoor recreation, culture and heritage and hospitality.

Notwithstanding the requirements of this paragraph, until June 30, 2012, a project or a borrower that is eligible for loan insurance under section

1026-A is eligible for financial assistance under the program.

Sec. 8. 10 MRSA §1026-M, sub-§8, as enacted by PL 1993, c. 722, Pt. C, §1 and affected by §2, is amended to read:

8. Priorities. Among eligible applicants, a corporation shall give priority to businesses and projects with the potential of meeting one or more of the following objectives.

A. The financing will help the business pursue a business that adds significant value to raw materials or inventory.

B. The financing is likely to result in a long-term net increase in permanent, quality jobs that meet a local or regional need or the retention of jobs in jeopardy of being lost.

Sec. 9. Contingent effective date. This Act does not take effect until the effective date of an act of the Legislature that appropriates or allocates a sum of at least $1,000,000 to the Finance Authority of Maine for the Regional Economic Development Revolving Loan Program and that specifies that the funds are appropriated or allocated for the purposes of this Act. The Finance Authority of Maine shall notify the Revisor of Statutes and the Secretary of State when the funds are appropriated or allocated by the Legislature pursuant to this section.

See title page for effective date, unless otherwise indicated.

CHAPTER 606

H.P. 1357 - L.D. 1862

An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need

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 authorizes the Secretary of State to issue special restricted licenses to persons who are 15 years of age; and

Whereas, it is imperative to authorize this special restricted license to persons affected by exigent medical circumstances 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. 29-A MRSA §1256, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A person who has reached 15 years of age and who has successfully completed a driver education course and passed an examination for operation of a motor vehicle as provided in section 1301 may be issued a special restricted license based on educational ~~or,~~ employment or medical need without the person's having held a permit for a period of 6 months as required by section 1304, subsection 1, paragraph H, subparagraph (1) as follows.

Sec. 2. 29-A MRSA §1256, sub-§1, as amended by PL 2001, c. 671, §21 and PL 2003, c. 545, §5, is further amended to read:

1. Educational need. A person seeking to qualify for a special restricted license based on educational need must file an application. If the applicant qualifies under paragraph A, ~~after passing an examination for operation of a motor vehicle as provided in section 1301,~~ and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education or a career and technical education center or region that the applicant is attending;

(2) A verification of school attendance; and

(3) A statement by the principal of the school of the lack of a readily available alternative means of transportation.

B. ~~This license~~ A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 3. 29-A MRSA §1256, sub-§2, as amended by PL 2001, c. 671, §22, is further amended to read:

2. Employment need. A person seeking to qualify for a special restricted license based on employment need must file an application. If the applicant qualifies under paragraph A, ~~after passing an examination for operation of a motor vehicle as provided in section 1301~~ and has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age, a special restricted license must be issued to the applicant.

A. An application must include:

(1) A signed, notarized statement from the applicant and the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation to, from or in connection with employment of the applicant; and

(2) A verification of employment by the employer.

B. ~~This license~~ A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence, school and place of employment and other places necessary in direct connection with that employment unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 4. 29-A MRSA §1256, sub-§2-A is enacted to read:

2-A. Medical need. A person seeking to qualify for a special restricted license based on medical need must file an application. The Secretary of State may grant a person who has reached 15 years of age a special restricted license under circumstances of medical necessity that are experienced by the person or a member of the person's immediate family if the Secretary of State determines the circumstances to be exigent and not inconsistent with the interest of highway safety and if that person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. A person issued a special restricted license must complete a minimum of 35 additional hours of driving, including 5 additional hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age in order to qualify for a provisional license without restriction.

A. An application must include:

(1) A signed, notarized statement from a physician attesting to the existence of circumstances of medical necessity; and

(2) A signed, notarized statement from the applicant or the applicant's parent or guardian that:

(a) No readily available alternative means of transportation exists; and

(b) Use of a motor vehicle is necessary for transportation in connection with circumstances of medical necessity that are experienced by the person or a member of the person's immediate family.

B. A special restricted license issued pursuant to this subsection only authorizes the holder to operate a motor vehicle between the holder's residence and school and locations necessitated by the circumstances of medical necessity unless accompanied by a licensed driver who meets the requirements of section 1304, subsection 1, paragraph E, subparagraphs (1) to (4).

Sec. 5. 29-A MRSA §1256, sub-§3, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. The Secretary of State receives written notice from the holder, parent, guardian, physician, principal or employer that the holder no longer qualifies for a special restricted license.

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

Effective May 12, 2014.

CHAPTER 607

H.P. 1359 - L.D. 1863

An Act To Correct an Error in the Laws To Assist Victims of Human Trafficking

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 2013, chapter 537 took effect April 10, 2014; and

Whereas, the purpose of Public Law 2013, chapter 537 is to help victims of human trafficking; and

Whereas, Public Law 2013, chapter 537 increases assessments on persons promoting sex trafficking, with the increased assessments made available to

victims of sex trafficking through the Victims' Compensation Fund; and

Whereas, Public Law 2013, chapter 537 does not correctly impose an assessment for the Victims' Compensation Fund on persons engaging a prostitute, but instead imposes the assessment on victims of sex trafficking; and

Whereas, this error needs to be corrected 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. 5 MRSA §3360-I, first ¶, as amended by PL 2013, c. 537, §4, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of $35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and $20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of $1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of $500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of $500 on any person for the first conviction and $1,000 for each subsequent conviction of engaging ~~in prostitution~~ a prostitute as described in Title 17-A, section ~~853-A~~ 853-B and an assessment of $500 on any person for the first conviction and $1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other law, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

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

Effective May 12, 2014.

CHAPTER 608

H.P. 1360 - L.D. 1865

An Act To Clarify the Specific Purposes of Recently Enacted Legislation Authorizing the Issuance of a General Fund Bond

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

Sec. 1. PL 2013, c. 572, §5 is amended to read:

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

UNIVERSITY OF MAINE SYSTEM

University of Maine Cooperative Extension Service

Provides funds to ~~assist~~ support Maine agriculture ~~and to protect Maine farms~~, facilitate economic growth in natural resources-based industries and monitor human health threats related to ticks, mosquitoes and bedbugs through the creation of an animal and plant disease and insect control ~~facility~~ laboratory administered by the University of Maine Cooperative Extension Service.

Total $8,000,000

Sec. 2. PL 2013, c. 572, §9 is amended to read:

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor an $8,000,000 bond issue to ~~provide funds to assist~~ support Maine agriculture ~~and to protect Maine farms~~, facilitate economic growth in natural resources-based industries and monitor human health threats related to ticks, mosquitoes and bedbugs through the creation of an animal and plant disease and insect control ~~facility~~ laboratory administered by the University of Maine Cooperative Extension Service?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

See title page for effective date.

CHAPTER 19

S.P. 677 - L.D. 1711

An Act To Amend the Territory of the Bayville Village Corporation

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

Sec. 1. P&SL 1911, c. 227, §1 is repealed and the following enacted in its place:

Sec. 1. Territory. The corporate limits of the Bayville Village Corporation are as follows. Beginning at an iron pipe set into a base rock of a stone wall on the Boothbay and Boothbay Harbor town line and also being on the westerly bound of land now or formerly of Robert H. Boenau; thence South 09º 47' 32" West a distance of 92.68 feet by last named land and by the Boothbay and Bayville town line to an iron pipe set into the earth at the northwest corner bound of land now or formerly of the estate of Robert Cartwright; thence South 12º 18' 27" West a distance of 195.68 feet by last named land and by the Boothbay and Bayville town line to an iron rod set into the earth at the northwest corner bound of land now or formerly of Robert W. Cavanagh and Susan S. Cavanagh; thence South 12º 27' 11" West a distance of 182.91 feet by last named land and by the Boothbay and Bayville town line and passing through an iron rod and an iron pipe to an iron rod set into the earth at the northwest corner bound of land now or formerly of Peter W. Jordan and Ruth S. Jordan; thence South 11º 34' 39" West a distance of 89.40 feet by last named land and by the Boothbay and Bayville town line to an iron pipe set into the earth; thence South 14º 37' 17" West a distance of 54.19 feet by last named land and by the Boothbay and Bayville town line to a reinforcing rod set into the earth at the northwest corner bound of land now or formerly of Richard Cain and Joanne Cain, trustees of the Richard and Joanne Cain Revocable Trust; thence South 12º 58' 34" West a distance of 69.78 feet by last named land and by the Boothbay and Bayville town line to an iron rod set into the earth at the northwest corner bound of land now or formerly of Craig S. Collins and Pamela A. Gardiner to an iron rod set into the earth; thence South 11º 58' 15" West a distance of 101.78 feet by last named land and by the Boothbay and Bayville town line to an iron rod set into the earth; thence by the same bearing, 135 feet, more or less, over last named land to the mean high-water mark of Linekin Bay, so-called; thence by the same bearing to the mean low-water mark of Linekin Bay; thence in a generally northwesterly direction by the mean low-water line of the waters of Linekin Bay to a point that is South 86º 03' 58" East from an iron pipe set into the earth on land now or formerly of Walter I. McDonough, Jr., and Janet E. McDonough that is 53 feet, more or less, from the mean high-water mark of Linekin Bay; thence North 86º 03' 58" West over last named land to the iron pipe, the straight line bearing and distance from the last mentioned iron rod to the iron pipe being North 86º 03' 58" West, 1,372.79 feet; thence by the same bearing a distance of 135 feet over land of Walter I. McDonough, Jr., and Janet E. McDonough to a reinforcing rod set into the earth; thence North 04º 35' 49" East a distance of 205 feet over land of Walter I. McDonough, Jr., and Janet E. McDonough to a reinforcing rod set into the earth; thence North 09º 04' 31" East a distance of 930.16 feet over land of Walter I. McDonough, Jr., and Janet E. McDonough and land of Karen Sutton et al. to an iron pipe set into the earth on the southerly bound of land now or formerly of Philip S. Robitaille and Virginia N. Robitaille; thence South 69º 14' 00" East a distance of 76.47 feet by last named land to an iron pipe set into the earth; thence South 34º 45' 59" East a distance of 191.79 feet by last named land to an iron pipe set into the earth; thence South 57º 23' 42" East a distance of 41.54 feet by last named land to an iron pipe set into the earth; thence South 23º 04' 08" East a distance of 64.06 feet by last named land to an iron pipe set into the earth; thence South 08º 09' 45" East a distance of 97.96 feet by last named land to an iron pipe set into the earth; thence South 60º 41' 44" East a distance of 185.27 feet by last named land to a reinforcing rod set into the earth; thence South 77º 13' 14" East a distance of 68.72 feet by last named land to an iron rod set into the earth; thence North 01º 55' 34" West a distance of 100 feet over last named land to an iron rod set into the earth; thence South 89º 55' 34" East a distance of 100 feet over last named land to an iron rod set into the earth; thence North 07º 51' 37" West a distance of 244.02 feet by last named land to an iron rod set into the earth; thence South 76º 52' 05" East a distance of 165.02 feet by last named land to an iron pipe set into the earth at the southwest corner bound of land now or formerly of Edwin Fred Harrington and Jeannine Harrington; thence South 65º 04' 54" East a distance of 249.18 feet by last named land to an iron rod set into the earth on the northwesterly bound of Virginia Street, so-called; thence North 31º 59' 48" East a distance of 217.61 feet over last named land to a reinforc-

ing rod set into the earth on the westerly bound of Bayville Road, so-called; thence South 88º 56' 34" East a distance of 58.10 feet crossing Bayville Road to a reinforcing rod set into the earth on the westerly bound of other land of Edwin Fred Harrington and Jeannine Harrington; thence southeasterly by the southwesterly bound of last named land and also by the northeasterly sideline of Bayville Road to an iron rod set into the earth at or near the northerly sideline of Hillside Road, so-called, the straight line bearing and distance from the last mentioned reinforcing rod set to the iron rod being South 17º 09' 29" East, 301.13 feet; thence North 89º 43' 09" East a distance of 82.57 feet over last named land to a reinforcing rod set into the earth; thence North 13º 36' 09" East a distance of 110.58 feet by last named land to an iron rod set into the earth; thence South 69º 38' 13" East a distance of 141.93 feet by last named land to an iron rod set into the earth; thence South 13º 23' 43" West a distance of 88.28 feet by last named land to an iron pipe set into the earth; thence South 80º 17' 55" East a distance of 20.12 feet by last named land to an iron pipe set into the earth; thence South 79º 10' 36" East a distance of 19.88 feet by last named land to an iron pipe set into the earth; and thence South 79º 25' 09" East a distance of 59.57 feet by last named land to the point of beginning.

See title page for effective date.

CHAPTER 20

S.P. 684 - L.D. 1725

An Act To Provide for the 2014 and 2015 Allocations of the State Ceiling on Private Activity Bonds

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 10, section 363 and Private and Special Law 2013, chapter 2 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2014 but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to the lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to the Treasurer of State. The $5,000,000 of the state ceiling on private activity bonds for calendar year 2014 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2014. Five million dollars of the state ceiling for calendar year 2015 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

Sec. 2. Allocation to the Finance Authority of Maine. The $40,000,000 of the state ceiling on private activity bonds for calendar year 2014 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2014. Forty million dollars of the state ceiling for calendar year 2015 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 3. Allocation to the Maine Municipal Bond Bank. The $10,000,000 of the state ceiling on private activity bonds for calendar year 2014 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2014. Ten million dollars of the state ceiling for calendar year 2015 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine Educational Loan Authority. The $15,000,000 of the state ceiling on private activity bonds for calendar year 2014 previously allocated to the Maine Educational Loan Authority remains allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2014. Fifteen million dollars of the state ceiling for calendar year 2015 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with Title 10, section 363, subsection 8.

Sec. 5. Allocation to the Maine State Housing Authority. The $50,000,000 of the state ceiling on private activity bonds for calendar year

2014 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2014. Fifty million dollars of the state ceiling for calendar year 2015 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

Sec. 6. Unallocated state ceiling. One hundred seventy-six million eight hundred twenty-five thousand dollars of the state ceiling on private activity bonds for calendar year 2014 is unallocated and must be reserved for future allocation in accordance with applicable laws. One hundred seventy-six million eight hundred twenty-five thousand dollars of the state ceiling for calendar year 2015 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective March 6, 2014.

CHAPTER 21

H.P. 1217 - L.D. 1693

An Act To Amend the Anson and Madison Water District Charter

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

Sec. 1. P&SL 2011, c. 6, §4, sub-§3, 2nd blocked ¶ is amended to read:

When the term of office of a trustee expires, the trustee's successor is elected by a plurality vote of the voters of the Town of Madison or the Town of Anson, as applicable. For the purpose of election, a special election must be called and held on the date established by the trustees. The election must be called by the trustees of the district in the same manner as town meetings are called and, for this purpose, the trustees are vested with the powers of municipal officers of towns. ~~A vacancy is filled in the same manner for the unexpired term by a special election called by the trustees of the district.~~ The trustees may call a special election to fill a vacancy for an unexpired term in the same manner as special elections are called for expired terms pursuant to this paragraph, or the trustees may appoint a person eligible to fill the vacancy. The person must be recommended by the trustees of the district from the town in which the vacancy occurs and shall fill the vacancy until the next annual meeting of that town, at which time the vacancy must be filled by special election.

See title page for effective date.

CHAPTER 22

S.P. 674 - L.D. 1708

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015

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

Sec. 1. Allocation. Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2015 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY	**2015**
Administration	
Personal Services	$1,053,581
All Other	1,488,781
TOTAL	$2,542,362
Accounts and Controls	
Personal Services	$2,678,020
All Other	1,257,011
TOTAL	$3,935,031
Highway Maintenance	
Personal Services	$4,173,193
All Other	2,841,637
TOTAL	$7,014,830
Equipment Maintenance	
Personal Services	$1,105,243
All Other	2,122,510
TOTAL	$3,227,753

Fare Collection	
Personal Services	$9,579,781
All Other	3,798,814
TOTAL	$13,378,595
Public Safety and Special Services	
Personal Services	$417,367
All Other	5,919,993
TOTAL	$6,337,360
Building Maintenance	
Personal Services	$528,903
All Other	515,913
TOTAL	$1,044,816
Subtotal of Line Items Budgeted	$37,480,746
General Contingency - 10% of line items budgeted for 2015 (10% allowed)	3,748,075
MAINE TURNPIKE AUTHORITY	
TOTAL REVENUE FUNDS	$41,228,821

Sec. 2. Transfer of allocations. Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

Sec. 3. Encumbered balance at year-end. At the end of each calendar year, encumbered balances may be carried to the next calendar year.

Sec. 4. Supplemental information. As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2015 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2015, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

Turnpike Revenue Bond Resolution Adopted April 18, 1991; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsections 1 and 2-A	**2015**
Debt Service Fund	$35,879,234
Reserve Maintenance Fund	30,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	24,121,604
Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	2,467,250
TOTAL	$92,468,088

See title page for effective date.

CHAPTER 23

S.P. 714 - L.D. 1790

An Act To Designate Maine State Housing Authority To Receive Funds from the National Housing Trust Fund

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 State Housing Authority is being designated by this legislation as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Recovery Act of 2008; and

Whereas, it is possible that funds from the National Housing Trust Fund will be available before the general effective date of legislation enacted in the Second Regular Session of the 126th Legislature; and

Whereas, it is in the State's best interest to have the Maine State Housing Authority designated as the entity to receive and allocate these funds as soon as possible so that when the funds are available there will be an entity to receive the funds; 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. State designee for National Housing Trust Fund. The Maine State Housing Authority is designated as the entity to receive and allocate funds from the National Housing Trust Fund established by the federal Housing and Economic Act of 2008.

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

Effective March 22, 2014.

CHAPTER 24

S.P. 635 - L.D. 1644

An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River

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

Sec. 1. Stabilization measures for coastline and coastal sand dune system adjacent to Saco River. Prior to completion of a River and Harbor Act of 1968, Section 111 project for prevention or mitigation of shore damages for the Saco River and Camp Ellis Beach by the United States Army Corps of Engineers and the City of Saco, the following provisions apply to protection, rehabilitation, maintenance and nourishment activities along the coastline and within the coastal sand dune system and waterways of the Saco River Harbor area, the Saco River Federal Navigation Project area, the Camp Ellis Beach area and the Ferry Beach area.

1. Notwithstanding the Maine Revised Statutes, Title 38, section 480-C, a permit is not required of the City of Saco for the following activities:

A. Maintenance of the portions of Camp Ellis Beach having armor stone, but only to the geographic extent they existed on January 1, 2014, to an elevation 3 feet above the adjacent roadways or surrounding upland topography. Armor stone may be replaced and rocks may be restacked as necessary to maintain that elevation. Extension to the north of the portions of Camp Ellis Beach having armor stone existing on January 1, 2014 is not authorized under this paragraph; and

B. Maintenance, replacement and installation of sand-filled geosynthetic or similar structures north of the portions of Camp Ellis Beach having armor stone, so long as the structures are within the footprint of existing roadways or infrastructure areas and not in natural frontal dune areas. If the Department of Environmental Protection grants prior written approval, the City of Saco may install the structures in areas adjacent to municipal infrastructure where the natural frontal dune area is completely eroded by one or more storm events and the structures are intended to protect and preserve that infrastructure.

Any measures taken pursuant to this subsection must to the maximum extent practicable avoid disturbance of and retain dune grass and other native vegetation. Any areas where disturbance of dune grass and other native vegetation cannot be avoided must, to the maximum extent practicable, be replaced or revegetated following completion of the measures.

Prior to the commencement of any activity exempted from the permitting requirements of the Maine Revised Statutes, Title 38, section 480-C by this subsection, the City of Saco shall provide the Department of Environmental Protection with written notice of the proposed activity.

2. The City of Saco may file an application with the Department of Environmental Protection for an

individual 7-year permit to undertake annual maintenance dredging and use of materials from the Saco River channel and harbor as part of Camp Ellis Beach and Ferry Beach nourishment measures. The Department of Environmental Protection shall issue a 7-year dredging permit authorizing annual maintenance dredging if it determines that the City of Saco's application is complete and meets all otherwise applicable criteria and standards. The City of Saco may seek renewal of the dredging permit for an additional 7-year period through a permit by rule as authorized in the Maine Revised Statutes, Title 38, section 480-E, subsection 8.

See title page for effective date.

CHAPTER 25

S.P. 693 - L.D. 1752

An Act To Preserve Certain Rights Granted to Maine Public Service Company before Its Merger with Bangor Hydro Electric Company

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

Sec. 1. Preservation of rights. In order to facilitate the implementation of the merger of Maine Public Service Company and Bangor Hydro Electric Company, which occurred on December 31, 2013, all of the rights, privileges, immunities and franchises granted by private and special law to Maine Public Service Company and all the duties and liabilities imposed by private and special law upon Maine Public Service Company are transferred to and assumed by Bangor Hydro Electric Company in the same manner and to the same extent as those rights, privileges, immunities, franchises, duties and liabilities applied to Maine Public Service Company.

See title page for effective date.

CHAPTER 26

H.P. 1190 - L.D. 1618

An Act To Enhance the Sustainability of the Corinna Water District

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

Sec. 1. P&SL 2001, c. 13, §1 is amended to read:

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraph B, that part of the Town of Corinna described as follows: Beginning at a point ~~where the west line of Lot 13 in Corinna intersects State Aid Highway #1 leading from Corinna village to St. Albans village; thence running southerly along the west line of Lot 13 to a point, on the same line extended 100 rods southerly from the north line of Range 2 in said Corinna; thence easterly on a line parallel to the north line of Range 2 to a point where said line intersects the center line of the road leading from Southard's Mills, so called, southeasterly to the White school house district; thence northerly in a straight line to the easterly end of the bridge crossing Alder Stream on State Aid Highway #1 leading from Corinna village to Exeter; thence northerly in a straight line to a point where the north line of Range 4 in Corinna intersects State Highway J leading from Corinna village to Dexter; thence westerly in a straight line to the point of beginning;~~ 44°55'28"N, 69°16'37"W, on St. Albans Road; then south southeasterly to a point 44°54'57"N, 69°16'28"W, on Nokomis Road; then southeasterly to a point 44°54'45"N, 69°15'52"W, on Newport Road; then northeasterly to a point 44°55'6"N, 69°15'1"W, on the western upland edge of Alder Stream; then northerly along the upland edge of Alder Stream to a point 44°55'31"N, 69°14'59"W, on Exeter Road; then west to a point 44°55'31"N, 69°15'40"W, on the east shore of the East Branch of the Sebasticook River; then southwesterly along the east shore of the East Branch of the Sebasticook River to a point 44°55'27"N, 69°15'43"W, then northwesterly across the East Branch of the Sebasticook River to a point 44°55'28"N, 69°15'47"W, along the western shore of the East Branch of the Sebasticook River; then west to the point of beginning; and its inhabitants constitute a standard water district under the name "Corinna Water District," referred to in this Act as the "district."

Sec. 2. P&SL 2001, c. 13, §4, as repealed and replaced by P&SL 2001, c. 65, §1, is amended to read:

Sec. 4. Trustees. The board of trustees of the district is composed of 3 trustees appointed by the municipal officers of the Town of Corinna. A trustee must be a resident of the ~~district~~ Town of Corinna.

See title page for effective date.

CHAPTER 27

H.P. 1283 - L.D. 1792

An Act To Protect Jobs in the Forest Product 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, through a series of private and special laws, the State has granted certain rights, privileges, immunities and franchises to Brookfield Renewable Energy Partners to construct, own and operate dams and hydroelectric and related facilities for the purpose of generating and transmitting electricity and to Great Northern Paper, LLC, and its predecessors in interest, including, but not limited to, the authority to build, own, operate and maintain paper production facilities; and

Whereas, existing provisions in private and special laws may be inhibiting Great Northern Paper, LLC, as the owner of the paper production facility in the Town of Millinocket or the paper production facility in the Town of East Millinocket from reaching a temporary load-shedding agreement with Brookfield Renewable Energy Partners for the sharing of revenues from the sale of electricity from the hydropower facilities when there is a temporary cessation or reduction of paper production; and

Whereas, Great Northern Paper, LLC, ceased paper production at the East Millinocket paper production facility in late January 2014 and intends to use the paper mill closure period to make necessary facility upgrades to improve efficiency and enhance the facility's long-term viability; and

Whereas, Great Northern Paper, LLC, intends to employ as many of the East Millinocket paper production facility's employees as possible to perform the necessary upgrades and improvements during the current closure period and to reopen the facility as soon as possible; and

Whereas, the purpose of this legislation is expressly to permit load-shedding agreements that would provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare; 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. P&SL 2001, c. 45, §2 is amended by adding at the end a new paragraph to read:

Nothing in this section prohibits temporary load-shedding agreements in accordance with section 2-B.

Sec. 2. P&SL 2001, c. 45, §2-B is enacted to read:

Sec. 2-B. Temporary load-shedding agreements. In order to ensure the continued viability of the paper production facility in Millinocket or the paper production facility in East Millinocket, the owner of the paper production facility in Millinocket or the paper production facility in East Millinocket and the owner of the Hydropower Facilities may enter into temporary load-shedding agreements in accordance with this section.

1. Temporary reduction or closure; sharing of revenues. A temporary load-shedding agreement may provide for temporary cessation of or reduction in paper production at a paper production facility for periods of less than 90 days, or in excess of 90 days to the limited extent permitted under subsection 3, in order to allow the sale of electricity from the Hydropower Facilities to another purchaser or entity or into the wholesale electric market and provide that the owner of the paper production facility shares in the revenue generated from those sales of electricity.

2. Purpose; terms. It is the purpose of the Legislature in expressly authorizing temporary load-shedding agreements to encourage mutually beneficial agreements between the parties that provide revenues to support the continued viability of the paper production facilities and preserve the work force employed at those facilities and thereby promote the public welfare. When developing any temporary load-shedding agreement, the parties shall consider terms that promote those purposes, which may include terms that rely on indicators of the continuing viability of the paper production facilities, including maintenance of the facility's labor force during and following the temporary cessation of or reduction in paper production.

3. Limited one-time exception. A temporary load-shedding agreement may include a cessation of paper production at the East Millinocket paper production facility for more than 90 days only if:

A. The cessation began on January 23, 2014;

B. The cessation ends and paper production resumes at the facility no later than June 30, 2014 with the number of employees agreed to by the unions representing the employees of the paper production facility and the owner of the paper production facility; and

C. The temporary load-shedding agreement involves the sharing of revenue from no more than 90 days of electricity sales during this temporary cessation of paper production.

If a temporary load-shedding agreement is entered into under this subsection and paper production resumes at the facility in accordance with paragraph B, the cessation described in this subsection is not a Paper Mill Closing for purposes of section 2 and all prohibitions, requirements and other provisions of section 2 that would otherwise apply with respect to that cessation do not apply.

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

Effective April 7, 2014.

CHAPTER 28

S.P. 753 - L.D. 1855

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

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

Whereas, under current law a municipality is authorized to issue general obligation securities to fund public schools and libraries; and

Whereas, at the annual town election held on November 8, 2011, the voters of the Town of Old Orchard Beach voted to approve Referendum Question No. 5, which authorized the issuance of general obligation securities of the Town of Old Orchard Beach in an amount not to exceed $2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library, and Referendum Questions No. 1 to No. 4, which concern modifications to the Charter of the Town of Old Orchard Beach; and

Whereas, an architect has been retained to prepare plans and a construction contract has been entered into to construct the proposed addition to the Edith Belle Libby Memorial Library; and

Whereas, the Town of Old Orchard Beach plans to issue up to $2,000,000 in general obligation securities to finance the addition to the Edith Belle Libby Memorial Library; and

Whereas, specimen ballots rather than warrants or notices of election were posted in public and conspicuous places in the Town of Old Orchard Beach prior to the referendum on November 8, 2011; and

Whereas, the posting of specimen ballots rather than warrants or notices of election prior to the November 8, 2011 referendum has created a legal technicality that could affect the marketability of the town's general obligation securities for the addition to the Edith Belle Libby Memorial Library and could jeopardize the approval of the other referendum questions of the November 8, 2011 election; and

Whereas, it is imperative that any ambiguity regarding the legitimacy of the referendum be resolved as quickly 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. Validation and authorization. Notwithstanding any other provision of law to the contrary, the Town of Old Orchard Beach referendum votes conducted on November 8, 2011 and any proceedings related to those referendum votes are validated and made effective. The Chair of the Town Council and Treasurer of the Town of Old Orchard Beach are authorized to enter into contracts and to issue bonds or notes in the name of the Town of Old Orchard Beach in an amount not to exceed $2,000,000 to construct and equip an addition to the Edith Belle Libby Memorial Library in the Town of Old Orchard Beach.

Sec. 2. Retroactivity. This Act applies retroactively to November 8, 2011 with respect to any proceedings relating to the contracts and bonds or notes to construct and equip the addition to the Edith Belle Libby Memorial Library and the other referendum questions approved at the referendum conducted on November 8, 2011 in the Town of Old Orchard Beach.

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

Effective April 26, 2014.

CHAPTER 29

H.P. 265 - L.D. 390

An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services

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 elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in a shift of services to more expensive settings; and

Whereas, the elimination of MaineCare coverage for ambulatory surgical center services in Public Law 2011, chapter 657 has resulted in access problems for MaineCare beneficiaries, particularly in the medical specialties of orthopedics, ophthalmology and gastroenterology; and

Whereas, an immediate restoration of MaineCare coverage for ambulatory surgical center services will address the access problems and will reduce costs in the MaineCare program; 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. Rulemaking. The Department of Health and Human Services shall adopt rules for the reimbursement of ambulatory surgical centers under the MaineCare program that are identical in substance to the rules that were in effect on January 1, 2012. Rules adopted pursuant to this section must take effect by July 1, 2014 and are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 30, 2014.

CHAPTER 30

S.P. 412 - L.D. 1175

An Act To Review the Laws Governing Retirement Benefits for Certain State Employees

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

Sec. 1. Production of analysis. By January 2, 2015, the Executive Director of the Maine Public Employees Retirement System, referred to in this Act as "the executive director," shall:

1. Determine the number of active members of the Maine Public Employees Retirement System who, after having earned creditable service in the regular retirement program of the Maine Public Employees Retirement System in a capacity included in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, have earned creditable service under the 1998 Special Plan;

2. Identify changes to the current law governing qualification for retirement benefits under the Maine Public Employees Retirement System that are needed to allow all the creditable service benefits of an active member identified pursuant to subsection 1 earned in a capacity included in Title 5, section 17851-A, subsection 1 to be calculated as if earned under the 1998 Special Plan, regardless of when the creditable service was earned; and

3. Determine the cost to the State of implementing the changes identified in subsection 2.

Sec. 2. Report. The executive director shall report the results of the analysis, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over retirement matters by January 15, 2015. The joint standing committee of the Legislature having jurisdiction over retirement matters may submit a bill related to the report to the First Regular Session of the 127th Legislature.

See title page for effective date.

CHAPTER 79

S.P. 12 - L.D. 20

Resolve, Directing the Department of Health and Human Services To Review the Need for and the Costs of Services That Enable Populations Who Are Elderly or Have Disabilities To Live Independently

Sec. 1. Review of need for services, costs and potential savings. Resolved: That by December 1, 2013 the Department of Health and Human Services shall begin a review and analysis of the need for services for instrumental activities of daily living among the State's populations who are elderly or who have disabilities, the costs of providing services and the potential for savings. For the purposes of this section, "instrumental activities of daily living" means essential, nonmedical tasks that enable the consumer to live independently in the community, including light housework, preparing meals, taking medications, shopping for groceries or clothes, using the telephone, managing money and other similar activities. The department shall evaluate:

1. The needs and costs for services for instrumental activities of daily living for persons receiving services under the state-funded homemaker services program and persons on the waiting list for those services;

2. The needs and costs for other services including Medicaid services and services at an institutional level of care for persons receiving services under the state-funded homemaker services program and persons on the waiting list for those services;

3. The possibility of achieving savings from obtaining a Medicaid waiver for instrumental activities of daily living;

4. The possibility of prioritizing the provision of services among applicants for homemaker services based on the needs of the applicants;

5. The possibility of prioritizing the provision of services among applicants for homemaker services based on the applicants' access to other supports; and

6. Projections for service needs and costs over the next 5 years.

In performing the review and analysis under this section, the department may work with the Muskie School of Public Service at the University of Southern Maine; and be it further

Sec. 2. Inquiry regarding Medicaid waiver or state plan amendment. Resolved: That by January 1, 2014 the Department of Health and Human Services shall submit an inquiry to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services regarding the feasibility of obtaining a Medicaid waiver or a state plan amendment to enable the State to provide coverage for instrumental activities of daily living, as defined in section 1, under the MaineCare program. The inquiry must provide to the Centers for Medicare and Medicaid Services information regarding the need for services for instrumental activities of daily living among persons currently receiving services under the state-funded homemaker services program and persons currently on the waiting list for those services and the potential for savings from providing services under the Medicaid program; and be it further

Sec. 3. Application for waiver or state plan amendment. Resolved: That if based on the review of costs and potential savings in section 1 and if, in response to the inquiry made under section 2, the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services indicates that it is feasible for the State to obtain a Medicaid waiver or state plan amendment to enable the State to provide coverage for instrumental activities of daily living, as defined in section 1, the Department of Health and Human Services shall apply by July 1, 2014 for the necessary waiver or submit the state plan amendment using the information gathered pursuant to the review of the need for services, the analysis of costs and potential savings and the projection of needs and costs undertaken pursuant to section 1.

See title page for effective date.

CHAPTER 80

S.P. 614 - L.D. 1575

Resolve, Regarding Memorial Plaques Honoring Vietnam Veterans near the Vietnam Veterans Memorial Bridge between Lewiston and Auburn

Sec. 1. Removal and donation of existing plaques. Resolved: That the Department of Transportation, within existing resources, shall remove plaques bearing the names of Vietnam veterans that were placed in Lewiston and Auburn on the approaches to the Vietnam Veterans Memorial Bridge pursuant to Resolve 1973, chapter 16 and donate those plaques to the respective cities in which the plaques are located; and be it further

Sec. 2. Placement of new plaques. Resolved: That the Department of Transportation, within existing resources, shall procure and install new plaques bearing the names of Vietnam veterans who made the ultimate sacrifice and including space for additional names. The plaques must be similar in size and style to the existing plaques and must be placed in locations similar to the locations of the existing plaques that are determined by the department not to present safety concerns for pedestrians or motorists; and be it further

Sec. 3. Maintenance and upkeep. Resolved: That the Department of Transportation is not responsible for maintenance and update of the plaques and the cities of Lewiston and Auburn may maintain and update the plaque installed in each city, respectively, pursuant to this resolve.

See title page for effective date.

CHAPTER 81

H.P. 1248 - L.D. 1742

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets

Sec. 1. Resolve 2013, c. 27, §2, amended. Resolved: That Resolve 2013, c. 27, §2 is amended to read:

Sec. 2. Reports. Resolved: That the Probate and Trust Law Advisory Commission shall submit ~~a report regarding the review under section 1~~ to the Joint Standing Committee on Judiciary an interim report regarding the review under section 1 no later than December 1, 2013 and submit a final report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2014. The ~~Joint Standing Committee on Judiciary~~ joint standing committee is authorized to report out a bill based on the final report to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature.

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to December 1, 2013.

See title page for effective date.

CHAPTER 82

H.P. 1247 - L.D. 1741

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code

Preamble. Whereas, the current Probate Code was enacted in 1980 based on the Uniform Probate Code in effect at that time; and

Whereas, since its original adoption in 1980, the Uniform Probate Code has been substantially revised by the Uniform Law Commission, including an update adopted in 1990, technical and substantive amendments adopted in 2008 and technical amendments adopted in 2010 and refined in 2011; and

Whereas, it is in the best interest of Maine citizens and residents to have up-to-date statutes consistent with those of other states and that address issues that arise in today's social and technological environment; and

Whereas, the Probate and Trust Law Advisory Commission is authorized to examine and evaluate the operation of the Probate Code and recommend changes; and

Whereas, the Probate and Trust Law Advisory Commission began its study of the Uniform Probate Code pursuant to Resolve 2013, chapter 5 and needs additional time to prepare legislation to carry out its recommendations; now, therefore, be it

Sec. 1. Resolve 2013, c. 5, §2, amended. Resolved: That Resolve 2013, c. 5, §2 is amended to read:

Sec. 2. Reports. Resolved: That the Probate and Trust Law Advisory Commission shall submit ~~a report regarding the review in section 1~~ to the Joint

Standing Committee on Judiciary an interim report regarding the review in section 1 no later than December 1, 2013 and submit a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2014, together with any necessary implementing legislation, for presentation to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature. The Probate and Trust Law Advisory Commission is authorized to submit a bill related to ~~its~~ the final report to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature.

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to December 1, 2013.

See title page for effective date.

CHAPTER 83

H.P. 1243 - L.D. 1737

Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals

Preamble. Whereas, Maine law may require clarification and updating with regard to issues relating to parental rights and responsibilities, ethics, inheritance and property rights when genetic, biological and factual parentage cannot be determined in traditional ways; and

Whereas, Maine courts are in need of legislative guidance respecting the determination of parentage in some cases; and

Whereas, the Legislature is desirous of protecting children in such nontraditional circumstances from unnecessary litigation, uncertainty and insecurity; and

Whereas, the Family Law Advisory Commission is authorized to review and make recommendations on family law issues generally under the Maine Revised Statutes, Title 19-A, chapter 5; and

Whereas, the Family Law Advisory Commission began its study of the Uniform Parentage Act pursuant to Resolve 2013, chapter 12 and needs additional time to prepare legislation to carry out its recommendations; now, therefore, be it

Sec. 1. Resolve 2013, c. 12, §2, amended. Resolved: That Resolve 2013, c. 12, §2 is amended to read:

Sec. 2. Reports. Resolved: That the Family Law Advisory Commission shall submit ~~a report~~ to the Joint Standing Committee on Judiciary an interim report no later than December 1, 2013 and submit a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2014, together with any necessary implementing legislation, for presentation to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature. The Family Law Advisory Commission is authorized to submit legislation related to ~~its~~ the final report to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature.

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to December 1, 2013.

See title page for effective date.

CHAPTER 84

H.P. 1155 - L.D. 1584

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective February 26, 2014.

CHAPTER 85

H.P. 1154 - L.D. 1583

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective February 26, 2014.

CHAPTER 86

H.P. 1139 - L.D. 1569

Resolve, Regarding Legislative Review of Portions of Chapter 51: Notice of Aerial Pesticide Application, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 51: Notice of Aerial Pesticide Application, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

See title page for effective date.

CHAPTER 87

H.P. 1138 - L.D. 1568

Resolve, Regarding Legislative Review of Portions of Chapter 20: Special Provisions, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 20: Special Provisions, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

See title page for effective date.

CHAPTER 88

H.P. 1137 - L.D. 1567

Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-Target Deposition, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

See title page for effective date.

CHAPTER 89

H.P. 517 - L.D. 766

Resolve, Directing the Bureau of Alcoholic Beverages and Lottery Operations To Adopt Rules To Define the Term "Brand" as It Applies to the Distribution of Malt Liquor and Wine

Sec. 1. Director of the Bureau of Alcoholic Beverages and Lottery Operations shall adopt rules to define the term "brand" as it applies to the distribution of malt liquor and wine. Resolved: That the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services shall adopt rules for submission during the First Regular Session of the 127th Legislature that define the term "brand" as used in the laws governing the distribution of malt liquor and wine by wholesale licensees licensed in accordance with the Maine Revised Statutes, Title 28-A, section 1401. The bureau may also adopt rules that define additional terms, including but not limited to "label," "family," "varietal" and "vintage." Rules adopted in accordance with this resolve are major substantive rules as described by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 90

H.P. 1224 - L.D. 1700

Resolve, Regarding Legislative Review of Chapter 13: Fees for Boxing Events and Authorized Participants, a Major Substantive Rule of the Combat Sports Authority of Maine

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 13: Fees for Boxing Events and Authorized Participants, a provisionally adopted major substantive rule of the Combat Sports Authority of Maine that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 12, 2014.

CHAPTER 91

H.P. 726 - L.D. 1031

Resolve, Directing the Department of Health and Human Services To Review the Use of Restraint and Seclusion at Mental Health Institutes

Sec. 1. Restraint and seclusion review. Resolved: That the Commissioner of Health and Human Services shall review the use of restraint and seclusion in the Dorothea Dix Psychiatric Center and Riverview Psychiatric Center and invite representatives of the 2 nonstate mental health institutions, Spring Harbor Hospital and Acadia Hospital, to provide information regarding the use of restraint and seclusion in those institutions in order to compare the use of restraint and seclusion in institutes and institutions. The commissioner shall also invite representatives of psychiatric units within acute care hospitals to participate in discussions on the use of restraint and seclusion. The commissioner shall conduct the review within existing resources; and be it further

Sec. 2. Department of Health and Human Services report. Resolved: That the Commissioner of Health and Human Services shall report the findings and recommendations of the review pursuant to section 1 to the Joint Standing Committee on Health and Human Services no later than November 1, 2014; and be it further

Sec. 3. Disability rights advocacy community participation. Resolved: That the Commissioner of Health and Human Services shall invite members of the disability rights advocacy community to discuss the findings of the report pursuant to section 2 and possible policy changes no later than November 15, 2014.

See title page for effective date.

CHAPTER 92

S.P. 672 - L.D. 1706

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2015.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2011 State Valuation. Parcel descriptions are as follows:

2011 MATURED TAX LIENS

TC R2 WELS, Aroostook County

Map AR002, Plan 1, Lot 1 038140037-2

Jarvis, Gale and Gregory Building on leased lot

TAX LIABILITY

2011	$63.30
2012	64.07
2013	64.98
2014 (estimated)	64.98
Estimated Total Taxes	$257.33
Interest	8.89
Costs	26.00
Deed	19.00
Total	$311.22

Recommendation: Sell to Jarvis, Gale and Gregory for $311.22. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $325.00.

Cross Lake TWP, Aroostook County

Map AR031, Plan 1, Lot 38 038990041-3

Bouchard, Emilien Building on 0.25 acre

TAX LIABILITY

2011	$151.87
2012	153.71
2013	155.10
2014 (estimated)	155.10
Estimated Total Taxes	$615.78
Interest	21.33
Costs	26.00
Deed	19.00
Total	$682.11

Recommendation: Sell to Bouchard, Emilien for $682.11. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $700.00.

Freeman TWP, Franklin County

Map FR025, Plan 1, Lot 21.4 078080162-1

Kirkwood, Cretelle 0.92 acre

TAX LIABILITY

2011	$68.40
2012	69.64
2013	85.22
2014 (estimated)	85.22
Estimated Total Taxes	$308.48
Interest	9.62
Costs	26.00
Deed	19.00
Total	$363.10

Recommendation: Sell to Kirkwood, Cretelle for $363.10. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $375.00.

Salem TWP, Franklin County

Map FR027, Plan 1, Lot 47.4 and Plan 5, Lots 3, 3.1, 12 and 13 078200213-2

Power, John H. III and Rachel W. Building on 63.1 acres

TAX LIABILITY

2011	$975.74
2012	989.40
2013	1,210.77
2014 (estimated)	1,210.77
Estimated Total Taxes	$4,386.68
Interest	137.08
Costs	26.00
Deed	19.00
Total	$4,568.76

Recommendation: Sell to Power, John H. III and Rachel W. for $4,568.76. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $4,575.00.

Fletchers Landing TWP, Hancock County

Map HA004, Plan 1, Lot 23 098040042-10

Jay Dee Realty Trust 0.97 acre

TAX LIABILITY

2011	$12.35
2012	12.35
2013	11.71
2014 (estimated)	11.71
Estimated Total Taxes	$48.12
Interest	1.73
Costs	26.00
Deed	19.00
Total	$94.85

Recommendation: Sell to Jay Dee Realty Trust for $94.85. If the trust does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $100.00.

Milton TWP, Oxford County

Map OX018, Plan 1, Lot 25 178120043-9

Jay Dee Realty Trust 1 acre

TAX LIABILITY

2011	$62.99
2012	67.45
2013	65.37
2014 (estimated)	65.37
Estimated Total Taxes	$261.18
Interest	8.97
Costs	26.00
Deed	19.00
Total	$315.15

Recommendation: Sell to Jay Dee Realty Trust for $315.15. If the trust does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $325.00.

Milton TWP, Oxford County

Map OX018, Plan 1, Lot 23 178120042-9

Jay Dee Realty Trust 20 acres

TAX LIABILITY

2011	$205.73
2012	220.31
2013	213.52
2014 (estimated)	213.52
Estimated Total Taxes	$853.08
Interest	29.31
Costs	26.00
Deed	19.00
Total	$927.39

Recommendation: Sell to Jay Dee Realty Trust for $927.39. If the trust does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $950.00.

Milton TWP, Oxford County

Map OX018, Plan 3, Lot 2 178120114-3

McKenna, Neil and Heather 0.65 acre

TAX LIABILITY

2011	$63.64
2012	68.15
2013	33.03
2014 (estimated)	33.03
Estimated Total Taxes	$197.85
Interest	9.07
Costs	26.00
Deed	19.00
Total	$251.92

Recommendation: Sell to McKenna, Neil and Heather for $251.92. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $275.00.

Argyle TWP, Penobscot County

Map PE035, Plan 4, Lot 12 198010001-3

Burns, Richard J. 0.5 acre

TAX LIABILITY

2011	$44.25
2012	45.33
2013	44.20
2014 (estimated)	44.20
Estimated Total Taxes	$177.98
Interest	6.23
Costs	26.00
Deed	19.00
Total	$229.21

Recommendation: Sell to Burns, Richard J. for $229.21. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $250.00.

Argyle TWP, Penobscot County

Map PE035, Plan 4, Lots 28 and 33 198010100-1

Dilts, Gladys B. 1.15 acres

TAX LIABILITY

2011	$45.29
2012	46.39
2013	45.24
2014 (estimated)	45.24
Estimated Total Taxes	$182.16
Interest	6.38
Costs	26.00
Deed	19.00
Total	$233.54

Recommendation: Sell to Dilts, Gladys B. for $233.54. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $250.00.

Argyle TWP, Penobscot County

Map PE035, Plan 1, Lot 24 198010135-1

Knorr, L. Carl et al. 15.82 acres

TAX LIABILITY

2011	$92.06
2012	94.29
2013	91.95
2014 (estimated)	91.95
Estimated Total Taxes	$370.25
Interest	12.97
Costs	26.00
Deed	19.00
Total	$428.22

Recommendation: Sell to Knorr, L. Carl et al. for $428.22. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $450.00.

Greenfield TWP, Penobscot County

Map PE039, Plan 8, Lot 41 192700293-1

Denty, Francis W. Jr. and Mary Badejo Building on 0.35 acre

TAX LIABILITY

2011	$146.87
2012	150.44
2013	109.51
2014 (estimated)	109.51
Estimated Total Taxes	$516.33

Interest	20.69
Costs	26.00
Deed	19.00
Total	$582.02

Recommendation: Sell to Denty, Francis W. Jr. and Mary Badejo for $582.02. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $600.00.

T2 R1 BKP WKR, Somerset County

Map SO001, Plan 1, Lots 100.61 and 100.7 258310179-2

Gagnon, Deborah, Per. Rep. Building on 2.29 acres

TAX LIABILITY

2009	$497.58
2010	476.71
2011	470.12
2012	474.51
2013	459.68
2014 (estimated)	459.68
Estimated Total Taxes	$2,838.28
Interest	167.39
Costs	26.00
Deed	19.00
Total	$3,050.67

Recommendation: Sell to Gagnon, Deborah, Per. Rep. for $3,050.67. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $3,075.00.

T2 R1 BKP WKR, Somerset County

Map SO001, Plan 2, Lot 25.21 258310231-3

Burns, Cheryl A. Building on 1.17 acres

TAX LIABILITY

2011	$208.78
2012	210.73
2013	204.14
2014 (estimated)	204.14
Estimated Total Taxes	$827.79
Interest	29.30
Costs	26.00
Deed	19.00
Total	$902.09

Recommendation: Sell to Burns, Cheryl A. for $902.09. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $925.00.

T1 R1 NBKP RS, Somerset County

Map SO033, Plan 7, Lot 41.1 258440479-2

Munster, Priscilla M. 1.55 acres

TAX LIABILITY

2011	$150.48
2012	151.89
2013	147.14
2014 (estimated)	147.14
Estimated Total Taxes	$596.65
Interest	21.12
Costs	26.00
Deed	19.00
Total	$662.77

Recommendation: Sell to Munster, Priscilla M. for $662.77. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $675.00.

T1 R1 NBKP RS, Somerset County

Map SO033, Plan 6, Lot 23 258440252-2

Munster, Priscilla M. Building on 0.23 acre

TAX LIABILITY

2011	$199.96
2012	201.83
2013	169.07
2014 (estimated)	169.07
Estimated Total Taxes	$739.93
Interest	28.06
Costs	26.00
Deed	19.00
Total	$812.99

Recommendation: Sell to Munster, Priscilla M. for $812.99. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $825.00.

T1 R1 NBKP RS, Somerset County

Map SO033, Plan 7, Lot 41.3 258440560-3

Munster, Priscilla M. Building on 1.15 acres

TAX LIABILITY

2011	$483.38
2012	487.90
2013	430.00
2014 (estimated)	430.00
Estimated Total Taxes	$1,831.28
Interest	67.83
Costs	26.00
Deed	19.00
Total	$1,944.11

Recommendation: Sell to Munster, Priscilla M. for $1,944.11. If she does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $1,950.00.

T29 MD BPP, Washington County

Map WA009, Plan 1, Lot 1.7 298020029-2

Bushey, Anthony J. 0.97 acre

TAX LIABILITY

2011	$99.89
2012	253.57
2013	250.79
2014 (estimated)	250.79
Estimated Total Taxes	$855.04
Interest	35.14
Costs	26.00
Deed	19.00
Total	$935.18

Recommendation: Sell to Bushey, Anthony J. for $935.18. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $950.00.

T10 R3 NBPP, Washington County

Map WA024, Plan 2, Lot 1 298050016-1

Craig, Sherwood H. 15.25 acres

TAX LIABILITY

2011	$297.11
2012	301.14
2013	297.84
2014 (estimated)	297.84
Estimated Total Taxes	$1,193.93
Interest	41.74
Costs	26.00

Deed	19.00
Total	$1,280.67

Recommendation: Sell to Craig, Sherwood H. for $1,280.67. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $1,300.00.

Brookton TWP, Washington County

Map WA028, Plan 2, Lot 12 298010095-1

Minton, Thomas V. 0.25 acre

TAX LIABILITY

2011	$15.02
2012	15.23
2013	15.06
2014 (estimated)	15.06
Estimated Total Taxes	$60.37
Interest	2.11
Costs	26.00
Deed	19.00
Total	$107.48

Recommendation: Sell to Minton, Thomas V. for $107.48. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $125.00.

Trescott TWP, Washington County

Map WA032, Plan 1, Lot 155.1 298110537-1

Paquette, Michael K. and Marilyn Building on 6.52 acres

TAX LIABILITY

2011	$402.83
2012	408.29
2013	421.65
2014 (estimated)	421.65
Estimated Total Taxes	$1,654.42
Interest	56.59
Costs	26.00
Deed	19.00
Total	$1,756.01

Recommendation: Sell to Paquette, Michael K. and Marilyn for $1,756.01. If they do not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $1,775.00.

Centerville TWP, Washington County

Map WA035, Plan 2, Lot 16 290800036-1

Bagley, Carson Building on 8 acres

TAX LIABILITY

2011	$95.09
2012	96.37
2013	80.91
2014 (estimated)	80.91
Estimated Total Taxes	$353.28
Interest	13.36
Costs	26.00
Deed	19.00
Total	$411.64

Recommendation: Sell to Bagley, Carson for $411.64. If he does not pay this amount within 60 days after the effective date of this resolve, sell to the highest bidder for not less than $425.00.

See title page for effective date.

CHAPTER 93
H.P. 1156 - L.D. 1585

Resolve, Regarding Legislative Review of Portions of Chapter 4: Maine Motor Carrier Safety Regulation, a Major Substantive Rule of the Department of Public Safety, Bureau of State Police

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 4: Maine Motor Carrier Safety Regulation, a provisionally adopted major substantive rule of the Department of Public Safety, Bureau of State Police that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 18, 2014.

CHAPTER 94
H.P. 1153 - L.D. 1582

Resolve, Regarding Legislative Review of Portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 18, 2014.

CHAPTER 95

H.P. 1271 - L.D. 1773

Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 106: Low Sulfur Fuel, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 22, 2014.

CHAPTER 96

H.P. 1268 - L.D. 1770

Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: Agricultural Development Grant Program, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 22, 2014.

CHAPTER 97

H.P. 1160 - L.D. 1589

Resolve, To Ensure Notification to the Public of the Location in Maine of Persons Convicted in Foreign Countries of Certain Crimes

Sec. 1. Convene task force. Resolved: That the Commissioner of Public Safety shall convene a task force to develop a procedure for notifying affected members of the public of the location in this State of a person who was convicted in a foreign country of a crime that, if committed in this State, would subject a person to inclusion on this State's sex offender registry. The task force must be composed of 3 members of the Maine Sheriffs' Association or their designees, 3 members of the Maine Chiefs of Police Association or their designees, the Attorney General or

a designee and the commissioner or a designee. The commissioner shall submit a report of the task force's findings to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by December 3, 2014.

See title page for effective date.

CHAPTER 98

H.P. 1178 - L.D. 1606

Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans

Sec. 1. Authority to convey state property. Resolved: That, notwithstanding any other provision of law, the State, by and through the Commissioner of Administrative and Financial Services, may:

1. Convey by sale any or a portion of the interests of the State in the state property described in section 2, with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies, except that the properties at 6 and 10 Arsenal Heights Drive described in section 2 may be sold only if the Commissioner of Health and Human Services has certified to the Commissioner of Administrative and Financial Services that the Department of Health and Human Services has no continued use for the properties for forensic psychiatric patients;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property described in section 2;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests; and

5. Release any interests in the state property described in section 2 that, in the commissioner's discretion, do not contribute to the value of the remaining state property; and be it further

Sec. 2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold pursuant to section 1 is:

A parcel or parcels of land and buildings, or any portion of the parcel or parcels of land and buildings, in the City of Augusta, formerly known as "the doctors' houses," located at 6 and 10 Arsenal Heights Drive and 11 and 17 Independence Drive on the east campus of the land comprising the site of what is now or was formerly known as the Augusta Mental Health Institute, and any associated land and parking areas determined to be necessary to be included in the conveyance by the Commissioner of Administrative and Financial Services, including, but not limited to, all or a portion of the properties described in deeds recorded in the Kennebec County Registry of Deeds as follows: Book 61, Page 172; Book 98, Page 345; Book 98, Page 346; Book 151, Page 380; Book 462, Page 361; and Book 2380, Page 189; and be it further

Sec. 3. Property to be sold "as is" to a nonprofit organization; master plan. Resolved: That the Commissioner of Administrative and Financial Services may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property described in section 2 must be sold "as is," with no representations or warranties, to a nonprofit organization that provides services and shelter to homeless veterans and has done so for at least the past 2 years and agrees to use the property exclusively for transitional housing for veterans. Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner. This resolve constitutes a change to the 2001 Capitol Planning Commission master plan; and be it further

Sec. 4. Exemptions. Resolved: That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property described in section 2 first be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding; and be it further

Sec. 5. Use as transitional housing for veterans once conveyed. Resolved: That the buyer of the state property described in section 2, if it fails to use the property as transitional housing for veterans as required by section 3, must convey ownership of the property to the State; and be it further

Sec. 6. Proceeds. Resolved: That any proceeds from the sale of the state property described in section 2 pursuant to this resolve must be deposited into the Department of Administrative and Financial Services, Bureau of General Services' capital repair and improvement account for capital improvements; and be it further

Sec. 7. Repeal. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 99

H.P. 1208 - L.D. 1685

Resolve, To Strengthen the Protection of Children from Abuse and Neglect

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 for the protection of children from abuse and neglect that the Department of Health and Human Services convene a working group to study the issue and make recommendations to strengthen the authority of the department and the Department of Education to respond to situations in which child abuse or neglect is alleged and to prevent further abuse of children; and

Whereas, the working group must begin its work before the 90-day period expires in order that the working group may complete its work and submit a report by November 5, 2014; 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

Sec. 1. Working group established. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a working group, referred to in this resolve as "the working group," to review current laws and the scope of departmental authority with respect to the abuse and neglect of children, to identify gaps in the safety net to protect children from abuse and neglect and to make recommendations to strengthen the protection of children from abuse and neglect; and be it further

Sec. 2. Working group membership. Resolved: That the department shall invite the participation on the working group of representatives of the Office of Child and Family Services and the department's division of licensing and regulatory services, the Department of Education, the Office of the Attorney General, the Disability Rights Center and the Maine Developmental Disabilities Council established in the Maine Revised Statutes, Title 34-B, section 17001, subsection 1. The working group is authorized to invite the participation of other persons with expertise in the field of child abuse and protection to assist the working group; and be it further

Sec. 3. Duties. Resolved: That the working group shall perform the following duties.

1. Review of laws. The working group shall review the State's laws on protection of children from abuse and neglect and identify:

A. The scope of authority of the department and the Department of Education to investigate and respond to allegations of child abuse and neglect;

B. The scope of remedial authority of the department and the Department of Education in the event that there is a finding of child abuse or neglect; and

C. Any gaps in the safety net to protect children from abuse and neglect.

2. Recommendations. The working group shall make recommendations, as determined by the working group to be appropriate, that identify:

A. The proper scope of authority for the department to investigate and take appropriate action regarding allegations of child abuse and neglect to protect children and prevent a perpetrator of abuse or neglect from obtaining gainful employment with children;

B. The proper scope of authority for the Department of Education to investigate and take appropriate action regarding allegations of child abuse and neglect to protect children and prevent a perpetrator of abuse or neglect from obtaining gainful employment with children; and

C. Opportunities for enhanced collaboration between the department, law enforcement entities and the Department of Education in the process of investigating allegations of child abuse and neglect and in preventing perpetrators of abuse and neglect from continuing to abuse or neglect children; and be it further

Sec. 4. Report. Resolved: That, no later than November 5, 2014, the department, on behalf of the working group, shall submit a report that includes its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services.

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

Effective April 2, 2014.

CHAPTER 100

S.P. 623 - L.D. 1632

Resolve, Directing the Commissioner of Defense, Veterans and Emergency Management To Request the Federal Government To Recognize Environmental Hazards at the Military Training Center in Gagetown, New Brunswick and the Resulting Health Risks and Disabilities Suffered by Certain Members of the Maine National Guard

Sec. 1. Request to United States Department of Veterans Affairs. Resolved: That the Commissioner of Defense, Veterans and Emergency Management shall request the United States Department of Veterans Affairs to recognize the environmental hazards present at the 5th Canadian Division Support Base in Gagetown, New Brunswick, Canada, and the resulting potential health risks and disabilities to veterans who, as members of the Maine National Guard, trained in partnership with Canadian military forces at the 5th Canadian Division Support Base in Gagetown; and be it further

Sec. 2. Report. Resolved: That, no later than January 10, 2015, the Commissioner of Defense, Veterans and Emergency Management, or the commissioner's designee, shall report to the joint standing committee of the Legislature having jurisdiction over veterans and legal affairs on the status of the request submitted to the United States Department of Veterans Affairs pursuant to section 1 and include a summary of any correspondence regarding these issues to and from the State's congressional delegation.

See title page for effective date.

CHAPTER 101

H.P. 1272 - L.D. 1774

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the Department 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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized only if the following change is made:

1. The rule must be amended in Part II, Section 3.1.B.1.f.2 to clarify that the 4 approved pedagogical courses that may be part of an alternative pathway for the endorsement of a secondary career and technical education teacher must cover collectively the following subject matter: curriculum and instruction; assessment; career and technical education shop safety and classroom and lab management; and literacy in career and technical education.

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

Effective April 3, 2014.

CHAPTER 102

H.P. 1274 - L.D. 1777

Resolve, To Amend the Resolve To Promote the Expansion of the Maine Maple Sugar Industry

Sec. 1. Resolve 2011, c. 132, §7, amended. Resolved: That Resolve 2011, c. 132, §7 is amended to read:

Sec. 7. Final report. Resolved: That, no later than ~~December 4, 2013~~ January 15, 2015, the commissioner shall submit a report that includes the findings and recommendations of the task force, including suggested legislation to implement the recommendations, for presentation to the joint standing committee of the Legislature having jurisdiction over agriculture matters; and be it further

; and be it further

Sec. 2. Resolve 2011, c. 132, §8, amended. Resolved: That Resolve 2011, c. 132, §8 is amended to read:

Sec. 8. Authority to submit legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over agriculture matters may submit legislation pertaining to the Maine maple sugar industry to the ~~Second~~ First Regular Session of the ~~126th~~ 127th Legislature.

; and be it further

Sec. 3. Retroactivity. Resolved: That this resolve applies retroactively to December 4, 2013.

See title page for effective date.

CHAPTER 103

H.P. 1285 - L.D. 1793

Resolve, Regarding Legislative Review of Chapter 12: Rules for Mixed Martial Arts, a Late-filed Major Substantive Rule of the Combat Sports Authority of Maine

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 12: Rules for Mixed Martial Arts, a provisionally adopted major substantive rule of the Combat Sports Authority of Maine that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective April 3, 2014.

CHAPTER 104

H.P. 1255 - L.D. 1748

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised

Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 8, 2014.

CHAPTER 105

H.P. 1167 - L.D. 1596

Resolve, Directing the Department of Health and Human Services To Amend MaineCare Rules as They Pertain to the Delivery of Covered Services via Telecommunications Technology

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

Whereas, reviewing the availability of different methods of communication technology and implementing new rules on providing covered MaineCare services through telecommunication technology will contribute to improved health outcomes and more efficient MaineCare services; and

Whereas, providing for this legislation to take effect upon approval will contribute to expanding access to, and lowering the costs of delivering, health care 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

Sec. 1. Working group. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a working group to review the MaineCare rules regarding the definition of "telehealth" and the technologies used for provider-patient interaction involving MaineCare patients.

The Commissioner of Health and Human Services shall invite the participation of the following on the working group:

1. A representative of the Home Care and Hospice Alliance of Maine;

2. A representative of the Maine Hospital Association;

3. A representative of MaineHealth;

4. An independent business owner of a health care telecommunication technology;

5. A representative of the behavioral health telecommunication technology community;

6. A representative of an organization that advocates for persons with developmental disabilities;

7. Members of the department with expertise in MaineCare and professional certification; and

8. Any other interested parties.

The working group shall focus on telephonic and video communications and determine when communications that are not visual may be appropriate and sufficient; and be it further

Sec. 2. Amend MaineCare rules. Resolved: That the department shall amend its rules no later than October 1, 2014 regarding telehealth after the review of existing rules pursuant to section 1. Rules adopted pursuant to this resolve are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective April 8, 2014.

CHAPTER 106

H.P. 1244 - L.D. 1738

Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes

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

Whereas, resources to respond to an individual who presents an emergency psychiatric situation at a hospital are currently inadequate; and

Whereas, hospitals currently face both practical and legal challenges in responding to individuals who arrive in emergency departments in need of psychiatric treatment when insufficient psychiatric beds are available; and

Whereas, the Legislature recognizes the necessity for remedies while protecting the rights of individuals and attempting to address their medical and psychiatric needs; and

Whereas, the best solution involves the participation of all those interested in the judicial process concerning detention for emergency responses, involuntary treatment and involuntary commitment; and

Whereas, the Chief Justice of the Supreme Judicial Court has offered to convene a working group to examine the immediate and long-term needs and develop short-term and long-term solutions to improve the judicial involuntary commitment and treatment process; and

Whereas, it is imperative that this resolve take effect immediately so that the working group can complete its work in time for the committee of jurisdiction to submit legislation to the First Regular Session of the 127th 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

Sec. 1. Working group convened. Resolved: That, in accordance with the offer extended by the Chief Justice of the Supreme Judicial Court in her letter to the Joint Standing Committee on Judiciary dated March 3, 2014, the Chief Justice or the Chief Justice's designee shall convene a working group to review the current situation for both individuals and hospitals when individuals present emergency psychiatric needs in hospital emergency departments and to develop recommendations for addressing immediate and long-term needs of individuals, hospitals, psychiatric hospitals and health care providers. Specifically, the working group shall address the following issues:

1. The timing and length of preliminary and follow-up holding and commitment periods and requirements for involuntary treatment during such periods;

2. Process improvements for holding and commitment period determinations;

3. The current lack of health care providers available to address compliance with due process requirements and any procedural changes recommended by the working group; and

4. Any additional recommendations for improvement in the judicial commitment and involuntary treatment process; and be it further

Sec. 2. Participants. Resolved: That the Chief Justice of the Supreme Judicial Court or the Chief Justice's designee may invite the participation of the following in the working group convened under section 1:

1. A representative of an organization representing hospitals with emergency departments and hospitals with psychiatric units;

2. A representative of the Department of Health and Human Services;

3. Attorneys who represent patients in the judicial commitment process;

4. Disability rights advocates;

5. Medical and mental health professionals;

6. Mental health advocates;

7. Family advocates;

8. The Attorney General; and

9. Other interested parties; and be it further

Sec. 3. Report. Resolved: That the working group convened under section 1 shall submit a report of its findings and recommendations, including any legislative recommendations, by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the 127th Legislature to implement matters relating to the report.

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

Effective April 15, 2014.

CHAPTER 107

S.P. 729 - L.D. 1819

Resolve, To Create the Task Force To End Student Hunger in Maine

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

Whereas, Maine has a moral obligation to care for its most vulnerable citizens; and

Whereas, Maine ranks first in New England in food insecurity; and

Whereas, in past years, Maine has underutilized up to $30,000,000 of federal funding that could have been used to provide meals to hungry students; and

Whereas, food insecurity has proven to have a negative impact on student health and learning; and

Whereas, the United States Department of Agriculture recently announced a nationwide expansion of its program known as the Community Eligibility Provision, which increases access to breakfast and lunch for all students in low-income areas; and

Whereas, the Task Force To End Student Hunger in Maine must be initiated before the 90-day period expires so that the study may be completed and a report submitted in time for submission to the next legislative session; 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

Sec. 1. Task force established. Resolved: That, notwithstanding Joint Rule 353, the Task Force To End Student Hunger in Maine, referred to in this resolve as "the task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 17 members as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Four members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. Six members of the public with expertise in the fields of school food service, child health, child development or child hunger or related fields, including 2 members whose children used or are using school food programs. Three members must be appointed by the President of the Senate and 3 members must be appointed by the Speaker of the House;

4. Two members of the public appointed by the Governor;

5. The Commissioner of Education or the commissioner's designee; and

6. The Commissioner of Health and Human Services or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the task force shall meet 5 times. The task force shall study issues associated with the creation of a public-private partnership to provide expertise to school administrative units throughout the State in adopting best practices and maximizing available federal funds for addressing student hunger by using:

1. The United States Department of Agriculture, Food and Nutrition Service, National School Lunch Program;

2. The United States Department of Agriculture, Food and Nutrition Service, Child and Adult Care Food Program, At-Risk Afterschool Meals;

3. The United States Department of Agriculture, Food and Nutrition Service, Summer Food Service Program; and

4. The 4 privately funded hunger coordinators positioned in the Healthy Maine Partnerships districts to encourage the use of school food programs.

The task force shall draft a 3- to 5-year plan outlining a ramp-up of school food programs throughout the State; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the task force; and be it further

Sec. 7. Report. Resolved: That, no later than December 9, 2014, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, as well as actions that can be taken immediately, for presentation to the First Regular Session of the 127th Legislature; and be it further

Sec. 8. Outside funding. Resolved: That the task force shall seek funding contributions to fully fund the cost of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds to authorize the expenditure of outside contributions for the costs of the Task Force To End Student Hunger in Maine.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	$770	$770
All Other	$1,230	$1,230
OTHER SPECIAL REVENUE FUNDS TOTAL	$2,000	$2,000

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

Effective April 16, 2014.

CHAPTER 108

H.P. 1240 - L.D. 1732

Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church

Sec. 1. Conveyance of building. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey the Chesuncook Community Church building in Chesuncook Township to the Greenville Union Evangelical Church.

See title page for effective date.

CHAPTER 109

S.P. 748 - L.D. 1849

Resolve, To Establish the Commission To Study College Affordability and College Completion

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 allow the commission established in this resolve sufficient time to complete its work; 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

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Study College Affordability and College Completion, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 13 members as follows:

1. The President of the Senate shall appoint:

A. Two members of the Senate who serve on the Joint Standing Committee on Education and Cultural Affairs, including one member of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;

B. One person representing a statewide association of independent higher education institutions; and

C. One person representing a statewide association of student financial aid directors;

2. The Speaker of the House shall appoint:

A. Three members of the House of Representatives who serve on the Joint Standing Committee on Education and Cultural Affairs, including 2 members of the party holding the highest and one member of the party holding the 2nd highest number of seats in the Legislature;

B. One person with expertise in higher education policy issues representing a nonprofit entity in the State that provides financial assistance to students or to high schools to assist students for college enrollment; and

C. One person with expertise in higher education policy issues representing a statewide education policy research institute; and

3. Four members of the publicly supported higher education systems in the State, including:

A. The Chancellor of the University of Maine System or the chancellor's designee;

B. The President of the Maine Community College System or the president's designee;

C. The President of the Maine Maritime Academy or the president's designee; and

D. The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine and make recommendations on the development of strategies to keep the cost of public postsecondary education in the State affordable and to increase the graduation rate of students enrolled in state-supported public institutions of higher education. The strategies and related cost issues to be reviewed include:

1. Oregon's "Pay Forward, Pay Back" pilot project's model of funding public postsecondary education, under which a student enrolled in a public institution of higher education, in lieu of paying tuition or fees, contracts to pay to the State a certain percentage of the student's annual income upon graduation for a specified number of years;

2. Increased funding to the State of Maine Grant Program established in the Maine Revised Statutes, Title 20-A, section 11612 that boosts the minimum grant from $1,000 to $1,500 for eligible Maine residents;

3. The initiatives proposed by the public and independent colleges and universities in the State as part of the March 2014 "Improving College Affordability and Completion in Maine" report submitted to the Joint Standing Committee on Education and Cultural Affairs;

4. The extent to which Maine's public institutions of higher education support the state reforms included in the October 2013 "The Game Changers" report prepared by Complete College America, which recommends implementing the following strategies to enable more college students to complete degree programs and certificate programs and graduate from college: Performance Funding; Corequisite Remediation; Full-Time is 15; Structured Schedules; and Guided Pathways to Success;

5. The mandatory fees charged to students beyond the price of tuition charges, including technology and laboratory fees;

6. The affordability of college textbooks, including consideration of the costs and benefits of open source textbooks, for college students in the State; and

7. Other strategies that a majority of the commission members agree to include in this review.

The commission shall review previous reports prepared and submitted to the Legislature on college affordability and the rate of college degree completion in the State, including the "Statewide Education and Workforce Development Strategic Plan" report submitted by the Education Coordination Committee to the Joint Select Committee on Maine's Workforce and Economic Future on January 30, 2014; and be it further

Sec. 6. Staffing assistance; information. Resolved: That the University of Maine System, the Maine Community College System and the Maine Maritime Academy shall provide staffing assistance to the commission. The Finance Authority of Maine shall provide the commission with access to any non-confidential aggregate information in its student financial assistance database for postsecondary education students in the State necessary to carry out the duties pursuant to section 5. The Office of Policy and Legal Analysis shall provide drafting assistance to the commission; and be it further

Sec. 7. Outside funding for commission activities. The commission may seek outside funds to provide staff support, consulting or other services or to fund the costs of carrying out the duties and requirements of the commission. Contributions to support the work of the commission may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the commission's activities. Such a certification must be made in the manner prescribed by the Legislative Council. All contributions are subject to approval by the Legislative Council. All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of the funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of the funds. The Executive Director of the Legislative Council shall administer any funds received by the commission; and be it further

Sec. 8. Report; recommendations. Resolved: That the commission shall submit a report containing its findings and recommendations pursuant to section 5, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education matters by December 9, 2014. The joint standing committee may

submit a bill related to this report to the First Regular Session of the 127th Legislature.

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

Effective April 29, 2014.

CHAPTER 110

H.P. 1174 - L.D. 1602

Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast

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 Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast is established to identify the actual and potential effects of coastal and ocean acidification on commercially valuable marine species, to identify the scientific data and knowledge gaps that hinder Maine's ability to craft policy and other responses to coastal and ocean acidification and prioritize the strategies for filling those gaps and to provide policies and tools to respond to the adverse effects of coastal and ocean acidification on commercially important fisheries and Maine's shellfish aquaculture industry; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time to be considered in the next legislative session; 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

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of the following members:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Eight members appointed by the Commissioner of Marine Resources, including:

A. Two representatives of an environmental or community group;

B. Three persons who fish commercially, including at least one aquaculturist; and

C. Three scientists who have studied coastal or ocean acidification; and

4. Three members as follows:

A. The Commissioner of Marine Resources or the commissioner's designee;

B. The Commissioner of Environmental Protection or the commissioner's designee; and

C. The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission within 45 days. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall meet a minimum of 4 times to review, study and analyze existing scientific literature and data on coastal and ocean acidification and how it has affected or potentially will affect commercially harvested and grown species along the coast of the State and shall address:

1. The factors contributing to coastal and ocean acidification;

2. How to mitigate coastal and ocean acidification;

3. Critical scientific data and knowledge gaps pertaining to coastal and ocean acidification as well as critical scientific data and knowledge gaps pertaining to the effects of coastal and ocean acidification on species that are commercially harvested and grown along Maine's coast. The commission shall include in its review of the relevant scientific literature and data the results of studies presented at conferences or workshops held in the New England or Northeast region that relate to coastal and ocean acidification, and the commission shall coordinate with the Northeast Coastal Acidification Network to prevent duplication of effort;

4. Steps to strengthen existing scientific monitoring, research and analysis regarding the causes of and trends in coastal and ocean acidification; and

5. Steps to take to provide recommendations to the Legislature and increase public awareness of coastal and ocean acidification; and be it further

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission; and be it further

Sec. 7. Outside funding. Resolved: That the commission shall seek funding contributions of $1,500 to fund the costs of the study in fiscal year 2014-15. All funding is subject to approval by the Legislative Council in accordance with its policies. If $1,500 to fund the study has not been received by July 1, 2014, no meetings are authorized and no expenses of any kind may be incurred or reimbursed in fiscal year 2014-15; and be it further

Sec. 8. Report. Resolved: That, no later than December 5, 2014, the commission shall submit a report of its findings and recommendations to date, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The joint standing committee is authorized to submit a bill to the First Regular Session of the 127th Legislature related to the subject matter of the report.

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

Effective April 30, 2014.

CHAPTER 111

H.P. 1343 - L.D. 1856

Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine

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

Whereas, development of a statewide gaming policy is critical in light of recent expansion of casino-style gaming in northern New England; and

Whereas, proposals for expanded gaming in Maine should be based on an objective analysis of what is feasible within the existing market; and

Whereas, a market analysis will provide the Legislature with valuable information as it considers future proposals for expanded gaming in Maine; and

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

Sec. 1. Department of Public Safety, Gambling Control Board to transfer funds. Resolved: That the executive director of the Gambling Control Board within the Department of Public Safety shall transfer $150,000 from the Gambling Control Board administrative expenses Other Special Revenue Funds account to the General Fund unappropriated surplus. The transfer made pursuant to this section must be made no later than October 1, 2014; and be it further

Sec. 2. Legislative Council to contract for market analysis regarding the potential for expanded gaming in the State. Resolved: That the Legislative Council, through the Executive Director of the Legislative Council, shall contract with a qualified consulting firm that has, within the last 12 months, provided consulting regarding legislative proposals for expanded gaming in New England, to conduct an analysis of the potential market for expanded casino-style gaming in the State. The executive director shall arrange for the analysis to be completed and a report submitted to the Joint Standing Committee on Veterans and Legal Affairs no later than September 1, 2014. The executive director shall ensure that the contract requires the consulting firm to provide an analysis that considers the following:

1. The current regional gaming market's capacity for additional casino-style gaming facilities in the State, considering all existing facilities where wager-

ing is currently conducted in the State and the potential or imminent establishment of casino facilities in Massachusetts and New Hampshire; and

2. If a market exists:

A. The best location for an additional casino-style gaming facility or facilities in the State;

B. The scope of a facility or facilities that will best serve the objective of promotion of economic development in a region where a facility may be located, with a focus on job creation and increased tourism;

C. Establishment of a tax rate or revenue distribution structure for a facility that ensures the facility's commercial viability balanced with maximizing revenue to the State or to funds the Legislature has prioritized for receipt of casino revenues;

D. Development of requirements for minimum capital investments and reinvestments;

E. Providing for an estimate of the impact of expanded gaming on existing casinos operating in the State; and

F. Establishment of a license fee for a facility that is representative of market value; and be it further

Sec. 3. Joint Standing Committee on Veterans and Legal Affairs authorized to meet; legislation. Resolved: That the Joint Standing Committee on Veterans and Legal Affairs is authorized to hold up to 4 meetings to consider the analysis and report described in section 2 and shall complete its work related to the report and develop any recommended legislation by December 3, 2014. The joint standing committee of the Legislature having jurisdiction over veterans and legal affairs is authorized to submit a bill, based on the report and any recommendations contained in the report, to the First Regular Session of the 127th Legislature; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides one-time funding for the purpose of entering into a contract with a firm experienced in providing consulting on casino-style gaming.

GENERAL FUND	2013-14	2014-15
All Other	$0	$150,000
GENERAL FUND TOTAL	$0	$150,000

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

Effective April 30, 2014.

CHAPTER 112
H.P. 838 - L.D. 1194

Resolve, Directing a Study of Social Media Privacy in School and in the Workplace

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 Legislature finds that the fast pace of technological development places increasing pressure on individuals' privacy, especially with regard to social media, e-mail and similar applications; and

Whereas, educational institutions often provide electronic devices, cloud computing services that process and store student data and access to technology to students to further the educational missions of the institutions; and

Whereas, educational institutions' responsibilities include protecting the privacy, safety and well-being of students and educational personnel, including stopping and preventing bullying; and

Whereas, employers often provide electronic devices and access to technology to their employees to further the employers' operations; and

Whereas, state and federal laws, rules, regulations and guidance require employers to monitor their employees' activities that may affect or be related to the employers' responsibilities; and

Whereas, the Legislature finds that an appropriate balance must be found between the needs of educational institutions and employers and the privacy interests of students and employees; and

Whereas, it is necessary that this legislation take effect immediately in order to allow sufficient time for the Joint Standing Committee on Judiciary to conduct its work; 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

Sec. 1. Study. Resolved: That the Joint Standing Committee on Judiciary of the 126th Legislature, referred to in this resolve as "the committee,"

shall study the issues involved in social media and personal e-mail privacy with regard to education and employment. The committee shall study:

1. Concerns of employees and applicants for employment about privacy rights associated with social media and personal e-mail accounts;

2. Concerns of employers, both public and private, about social media and personal e-mail accounts of employees and applicants for employment with regard to workplace needs, protection of proprietary information, proposed heightened requirements associated with specific types of employment and compliance with state and federal laws concerning workplace safety and regulation of business-related representations;

3. Concerns of students and prospective students about privacy rights associated with social media, cloud computing services that process and store student data and personal e-mail accounts;

4. Concerns of educational institutions, including public and private schools and postsecondary institutions, about social media, cloud computing services that process and store student data and personal e-mail accounts of students and prospective students with regard to electronic communications devices provided by the institution, compliance with applicable laws and regulatory requirements, including policies and practices addressing bullying and harassment, and in loco parentis responsibilities;

5. Concerns of parents and educators about the processing and storing of student data by online service providers to kindergarten to 12th grade educational institutions in order to build information profiles on students and target online advertisements to students;

6. Laws and experiences in other states concerning social media, cloud computing services that process and store student data and personal e-mail privacy;

7. The application of federal law and regulations concerning social media, cloud computing services that process and store student data and personal e-mail privacy; and

8. How subpoena powers of governmental entities apply to social media, cloud computing services that process and store student data and personal e-mail accounts; and be it further

Sec. 2. Meetings. Resolved: That the committee may meet up to 4 times for the purposes of the study; and be it further

Sec. 3. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the committee for the purposes of the study; and be it further

Sec. 4. Report. Resolved: That, no later than November 5, 2014, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 127th Legislature. The committee shall make recommendations concerning limitations on providing log-in information, requiring inclusion on contacts lists, changing privacy settings and otherwise accessing content of social media, cloud computing services that process and store student data and personal e-mail accounts of employees, applicants for employment, students and prospective students, as well as appropriate remedies for violations of restrictions; and be it further

Sec. 5. Funding. Resolved: That the committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed; and be it further

Sec. 6. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Provides an allocation to authorize the expenditure of contributions received to fund the costs of a study by the Joint Standing Committee on Judiciary.

OTHER SPECIAL REVENUE FUNDS	**2013-14**	**2014-15**
Personal Services	$0	$3,080
All Other	$0	$4,170
OTHER SPECIAL REVENUE FUNDS TOTAL	$0	$7,250

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

Effective May 1, 2014.

CHAPTER 113
H.P. 1254 - L.D. 1747

Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department 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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in section 7 in the part concerning the use of measures of student learning and growth that are considered to be a significant factor in determining the summative effectiveness rating of an educator by:

A. Deleting the provision requiring that, to be considered a significant factor, student learning and growth measures must constitute at least 20% of an educator's total score and a percentage lower than 20% may also be considered if the educator is prevented from being rated as effective if the educator's students do not demonstrate a satisfactory amount of growth in a performance evaluation and professional growth system adopted by a school administrative unit that uses a numerical approach to determine an educator's summative effectiveness rating;

B. Deleting the provision requiring that in a performance evaluation and professional growth system that uses a matrix approach to combining measures into a summative effectiveness rating, student learning and growth measures are a significant factor if they appear on a single axis of the matrix, and that axis is divided into not more than 5 segments; and

C. Inserting a provision requiring that the proportionate weight of the student learning and growth measures that are considered to be a significant factor in the determination of the summative effectiveness rating of an educator must be a local decision made by a school administrative unit in accordance with the provisions in section 12.

2. The rule must be amended in section 7 in the part concerning requirements related to the validity and reliability of permissible measures as follows:

A. Deleting the provision in the first sentence providing that student learning and growth measures must be valid and reliable;

B. Inserting a provision in the first sentence requiring that student learning and growth measures must meet the criteria established in that subsection;

C. Inserting a provision requiring that student learning and growth measures must be appropriately attributed to the teacher or principal whose evaluation is impacted by those measures;

D. Deleting the provision in section 7, paragraph E providing that the assessment must measure intended curriculum and measure only things that are subject to instructional effectiveness and deleting the sentence in paragraph E providing that the assessment is valid and reliable;

E. Inserting a provision providing that the criteria or instrument used to measure student growth must be able to measure growth in identified and intended learning outcomes; provide all students in the instructional cohort the opportunity to demonstrate growth in knowledge or skills; be able to inform instruction and inform others about the effectiveness of a teacher; and be administered consistently across similar grade spans, courses or instructional cohorts;

F. Clarifying the provision in section 7, paragraph F that provides the results are used in a way that takes into account differences in growth opportunity across the spectrum by inserting a provision requiring that the results must be used in a way that takes into account differences in growth opportunity across the spectrum; and

G. Deleting the provision in section 7, paragraph G providing that the data used in the evaluation is statistically reliable.

3. The rule must be amended in section 12 in the part concerning the requirement that school administrative units must collaborate with educators and other education stakeholders in developing a performance evaluation and professional growth system by:

A. Inserting a provision to clarify that a majority of the members of the initial group of stakeholders must be composed of at least a majority of teachers and to provide that, of the teachers appointed to the initial group of stakeholders, 2/3 must have the endorsement of the majority of teachers in the school administrative unit and 2/3 must have the endorsement of the majority of the school administrative unit's governing body;

B. Inserting a provision to provide that, for a school administrative unit that has established an initial group of stakeholders to develop the school administrative unit's performance evaluation and professional development system prior to the effective date of this rule chapter, the existing group of stakeholders, with the consent of a majority of teachers in the school administrative unit, may continue as currently constituted even if the group of stakeholders does not meet the specific composition established in accordance with the provision amended by paragraph A;

C. Inserting a provision to provide that the initial group of stakeholders must use a consensus decision-making process to develop the performance evaluation and professional growth system, including the proportionate weight of the student learning and growth measures as set forth in section 7;

D. Inserting a provision to provide that if the stakeholder group fails to reach consensus on the issue of the proportionate weight of the student learning and growth measures by June 1, 2015, the proportionate weight of student learning and growth measures in that school administrative unit must be 20% in a system that uses a numerical approach to combining measures into a summative effectiveness rating, or, in a system that uses a matrix approach to combining measures into a summative effectiveness rating, student learning and growth measures must appear on a single axis of the matrix and that axis must be divided into not more than 5 segments; and

E. Inserting provisions to provide that if the stakeholder group fails to reach consensus on any issue in addition to the proportionate weight of the student growth measures by June 1, 2015, the school administrative unit shall adopt one of the State Model PE/PG systems developed pursuant to section 16 of the rule. Upon request by the entire membership of the stakeholder group, the commissioner may provide additional time to the group to reach consensus. Upon the expiration of that additional time, the school administrative unit shall adopt one of the State Model PE/PG systems developed pursuant to section 16 of the rule.

4. The rule must be amended in section 15 in the part concerning requirements related to the piloting of performance evaluation and professional growth systems by:

A. Deleting the provision that provides that, in each case, all of the proposed student growth measures identified as concerns by local educators in a school administrative unit must be applied on a pilot basis; and

B. Inserting a provision that encourages school administrative units to utilize student growth measures during the pilot period.

5. The rule must be amended in section 16 in the part concerning technical assistance provided by the Department of Education to school administrative units by deleting the provision related to developing valid and reliable student learning and growth measures as part of that technical assistance.

6. The rule must be amended in section 16 by adding a reference to the State Model PE/PG systems and by inserting a provision requiring the Department of Education to develop at least one complete State Model PE/PG system for teachers and at least one complete State Model PE/PG system for principals; and be it further

Sec. 2. Development of model PE/PG systems. Resolved: That, by July 3, 2014, the Department of Education shall develop at least one complete State Model PE/PG system for teachers and at least one complete State Model PE/PG system for principals in accordance with section 16 of the rules adopted pursuant to this resolve.

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

Effective May 1, 2014.

CHAPTER 114

H.P. 1335 - L.D. 1850

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

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 allow the commission established in this resolve sufficient time to complete its work; 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

Sec. 1. Commission established. Resolved: That, notwithstanding Joint Rule 353, the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 14 members as follows:

1. Appointments by Senate President. Two members of the Senate, who serve on the Joint Standing Committee on Education and Cultural Affairs, appointed by the President of the Senate, including one member of the party holding the largest and one member of the party holding the 2nd largest number of seats in the Legislature;

2. Appointments by Speaker of the House. Three members of the House of Representatives, who serve on the Joint Standing Committee on Education and Cultural Affairs, appointed by the Speaker of the House, including 2 members of the party holding the largest and one member of the party holding the 2nd largest number of seats in the Legislature;

3. Commissioner of Education. The Commissioner of Education or the commissioner's designee;

4. State Board of Education. The Chair of the State Board of Education or the chair's designee; and

5. Public members. Seven members with extensive knowledge of public education and school finance policies in the State, including:

A. One person representing the Maine Education Association, appointed by the President of the Senate;

B. One person representing the Maine Principals' Association, appointed by the Speaker of the House;

C. One person representing the Maine School Boards Association, appointed by the President of the Senate;

D. One person representing the Maine School Superintendents Association, appointed by the Speaker of the House;

E. One person representing the Maine Administrators of Services for Children with Disabilities, appointed by the President of the Senate;

F. One person representing the Maine Association of School Business Officials, appointed by the Speaker of the House; and

G. One person representing Educare Central Maine, appointed by the Speaker of the House; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission, which must be no later than 30 days following the appointment of all members; and be it further

Sec. 5. Duties. Resolved: That the commission shall examine the reports and related work products presented to the Joint Standing Committee on Education and Cultural Affairs during the 126th Legislature as part of the independent review of the Essential Programs and Services Funding Act conducted pursuant to Resolve 2011, chapter 166 and shall develop a plan to strengthen the adequacy and equity of the following cost components included in the Essential Programs and Services Funding Act and other related education statutes.

1. Public preschool programs for children 4 years of age. As part of the review and analysis of public preschool programs for children 4 years of age, the commission shall:

A. Review the work products and any proposed rules developed by the Department of Education's work group to implement quality standards of practice for Maine public preschool programs, including an analysis of the standards proposed to address quality and consistency of public preschool programs and collaboration with other early childhood and preschool programs;

B. Conduct an analysis of the targeted funds for public preschool to grade 2 students that are allocated specifically for preschool students and conduct an analysis of the projected costs for providing public preschool programs for all eligible children 4 years of age in the State;

C. Review the current method for calculating the number of public preschool students enrolled in a school administrative unit's public preschool pro-

gram and conduct an analysis of the projected costs for changing the current method for calculating the number of public preschool students that counts each public preschool student as a 0.5 full-time equivalent student for the first year and a 1.0 full-time equivalent student beginning in the 2nd year to a new method that counts each public preschool student as a 1.0 full-time equivalent student for the first year and subsequent years; and

D. Collect and review information on the physical space and facility capacity of school administrative units and project the school facility costs necessary to implement public preschool programs for eligible children 4 years of age in the State.

2. Support for economically disadvantaged students; Title I funds. As part of the review and analysis of the cost components related to strengthening support for economically disadvantaged students, including the provision of funding under Title I of the federal Elementary and Secondary Education Act of 1965, 20 United States Code, Section 6301 et seq., referred to in this resolve as "Title I," and resources to provide extra help for struggling students, such as extended school days and summer school programs, the commission shall:

A. Collect school administrative unit spending data on the number of Title I teachers and education technicians in order to update the staffing ratios in the essential programs and services funding formula;

B. Conduct an analysis of the updated data collected on student-teacher and student-education technician staffing ratios in the essential programs and services funding formula in order to separate the groups of teachers into the following categories: classroom teachers, Title I teachers and teacher leaders or instructional coaches;

C. Develop a plan for adjusting the costs of the essential programs and services funding formula to account for the separate costs of classroom teachers, Title I teachers, education technicians and teacher leaders or instructional coaches;

D. Conduct research and analysis of the structures, programs, costs and achievement impacts of evidence-based practices in other states related to extended school day and summer school programs and also analyze examples of extended school day and summer school programs provided by school administrative units in the State;

E. Develop 2 or more models for funding and evaluating extended school day and summer school programs for inclusion in the essential programs and services funding formula; and

F. Project the financial impact of the adjustments under this subsection to the essential programs and services funding formula.

3. Professional development and collaborative time needed to implement proficiency-based learning. As part of the research and analysis of the cost components related to strengthening support for professional development, collaborative time to implement proficiency-based learning and spending data on teacher leaders or instructional coaches, including the following aspects of the cost components, the commission shall:

A. Collect school administrative unit spending data on professional development programs and collaborative time for teachers, as well as the school administrative unit spending data on teacher leaders or instructional coaches in order to update the staffing ratios in the essential programs and services funding formula;

B. Establish a dedicated funding mechanism and process, such as a supplemental professional development block grant program, that allows the Department of Education to provide funding to school administrative units that submit proposals to secure professional development funds;

C. Create a standards-based inventory of effective professional development programs and strategies from which school administrative units may select programs and strategies in order to receive supplemental professional development block grant funds; and

D. Develop an implementation plan for increasing the allocation of funds for professional development, collaborative time for teachers and teacher leaders or instructional coaches and include provisions in the implementation plan to monitor the use of these funds by school administrative units.

4. Regional cost adjustment for teacher salaries. As part of the research and analysis of the cost components related to the regional cost adjustment for teacher salaries, the commission shall:

A. Collect and update school administrative unit data included in the regional adjustment for teacher salaries pursuant to the Maine Revised Statutes, Title 20-A, section 15682;

B. Recalculate the regional adjustments using the most recent teacher salary data available and conduct analyses using the 35 labor market areas currently included in the essential programs and services funding formula and using the 31 labor market areas developed by the Department of Labor; and

C. Conduct research and analysis of the strategies used in other states to address teacher salary gaps in school districts.

5. Debt service for locally approved school construction projects in the required local share of school funding. As part of the research and analysis of the cost components related to debt service for locally approved school construction projects in the required state and local shares of school funding under the Essential Programs and Services Funding Act, the commission shall:

A. Review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15672, subsection 2-A related to determination of debt service costs that are included and excluded from the school construction projects that are recognized in the required state and local shares of school funding;

B. Review school administrative unit data related to energy and other costs related to minor capital costs, defined in the Maine Revised Statutes, Title 20-A, section 15672, subsection 20-A; and

C. Review the statutory provisions under the Maine Revised Statutes, Title 30-A, section 6006-F related to the School Revolving Renovation Fund.

6. Special education allocation for minimum subsidy receivers. The commission shall review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15689, subsections 1, 1-B and 11 that reduce the special education allocations for minimum subsidy receivers from 100% to 30% of special education costs, and the commission shall develop one or more models to align the special education allocations for minimum subsidy receivers with the progress of state funding levels necessary to progress towards meeting the statutory obligation to fund 55% of the total cost of education statewide.

7. State contributions to fund the cost of the unfunded actuarial liability for retired teachers. The commission shall review the statutory provisions under the Maine Revised Statutes, Title 20-A, section 15671, subsection 7, paragraph C that recognize the state contributions to fund the cost of the unfunded actuarial liability for retired teachers, and the commission shall make recommendations on whether the calculation of the state share percentage of the total cost of funding public education from kindergarten to grade 12 as required by the Essential Programs and Services Funding Act should continue to include the state contributions to fund the cost of the unfunded actuarial liability for retired teachers; and be it further

Sec. 6. Commission meetings authorized. Resolved: That the commission shall hold no more than 6 meetings to carry out its duties under this resolve.

1. During the first meeting of the commission, which must be convened no later than July 31, 2014, the commission shall review the duties established in section 5 with the Department of Education and the Education Research Institute staff assigned to staff the commission pursuant to section 9. The commission shall develop a work plan and timeline for the review of the required duties and related deliverables that the Department of Education and the Education Research Institute staff must prepare and present to the commission in accordance with the meetings scheduled in accordance with this section.

2. During a commission meeting scheduled during the month of October 2014, the commission shall review a progress report submitted by the Department of Education and the Education Research Institute staff of the required duties and related deliverables that were included in the work plan developed by the commission.

3. The commission shall schedule up to 4 meetings during the month of November 2014 and no later than December 9, 2014. During these meetings, the commission shall review the preliminary findings and recommendations prepared and submitted by the Department of Education and the Education Research Institute staff regarding the required duties and related deliverables that were included in the work plan developed by the commission. The Department of Education and the Education Research Institute shall submit their preliminary findings and recommendations to the commission no later than November 1, 2014; and be it further

Sec. 7. Contract to review essential programs and services components. Resolved: That, for fiscal year 2014-15, the Commissioner of Education shall contract with a statewide education research institute to review the cost components of the Essential Programs and Services Funding Act and related education statutes pursuant to section 5 of this resolve. The contract must be funded with funding allocated for the purposes of Title 20-A, section 15689-A, subsection 3. The commissioner may not contract with a statewide education research institute to review certain cost components of the Essential Programs and Services Funding Act in accordance with the schedule established in Title 20-A, section 15686-A; and be it further

Sec. 8. Contract for Education Research Institute. Resolved: That, if funds are required in addition to the funds provided pursuant to section 7 of this resolve for the compilation and analysis of education data necessary to fulfill the duties established pursuant to section 5 of this resolve, notwithstanding the Maine Revised Statutes, Title 20-A, section 15689-A, subsection 6, for fiscal year 2014-15, the Commissioner of Education and the Legislature may contract with the Education Research Institute in accordance

with Title 20-A, section 10 and use funds otherwise provided for a contract pursuant to Title 20-A, section 15689-A, subsection 6. The contract authorized in accordance with Title 20-A, section 15689-A, subsection 6 for fiscal year 2014-15 may not exceed the balance of funds remaining after funds are allocated for this purpose; and be it further

Sec. 9. Staffing assistance; information. Resolved: That the Department of Education and the Education Research Institute established pursuant to the Maine Revised Statutes, Title 20-A, section 10 shall provide staffing assistance to the commission. The Department of Education and the Education Research Institute shall provide the commission with access to previous reports on school funding in the State and access to database information necessary to carry out the duties pursuant to section 5 of this resolve. The Office of Policy and Legal Analysis shall provide drafting assistance to the commission; and be it further

Sec. 10. Report; recommendations. Resolved: That the Department of Education and the Education Research Institute staff assigned to provide staffing assistance to the commission pursuant to section 9 shall present a preliminary report, including the results of the review conducted pursuant to section 5 and the related deliverables included in the work plan established by the commission under section 6, to the commission no later than November 1, 2014. The Department of Education and the Education Research Institute staff assigned to provide staffing assistance to the commission shall work with the commission to prepare a final report, including findings and recommendations related to the results of the review required by this resolve, for submission to the Legislature. The commission shall submit a report containing its findings and recommendations pursuant to sections 5 and 6 of this resolve, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 9, 2014. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may submit a bill related to this report to the First Regular Session of the 127th Legislature.

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

Effective May 1, 2014.

CHAPTER 115

H.P. 1048 - L.D. 1463

Resolve, To Develop a Process for Tax Expenditure Review

Sec. 1. Office of Program Evaluation and Government Accountability to develop proposal for review of tax expenditures. Resolved: That the Office of Program Evaluation and Government Accountability, referred to in this resolve as "the office," shall develop a proposal for implementing a process for ongoing review of tax expenditures by the Legislature for the purpose of facilitating evaluation of the effectiveness of tax expenditures and providing a framework for recommendations to the Legislature and its committees. The proposal must include the following elements:

1. Classification of tax expenditures. The assignment of each tax expenditure to one of the following review categories:

A. Full evaluation review for tax expenditures that are intended to provide an incentive for specific behaviors, that provide a benefit to a specific group of beneficiaries or for which measurable goals can be established;

B. Expedited review for tax expenditures that are intended to implement broad tax policy goals that cannot be reasonably measured; and

C. No review for tax expenditures with an impact on state revenue of less than $50,000 or that otherwise do not warrant either a full evaluation or expedited review;

2. Schedule. A schedule for ongoing review of the tax expenditures in the categories identified under subsection 1, paragraphs A and B. To the extent practicable, the office shall attempt to group tax expenditures with similar goals during the same review cycle;

3. Evaluation parameters for full evaluations. Evaluation parameters for each tax expenditure identified under subsection 1, paragraph A, including:

A. The purposes, intent or goals of the tax expenditure;

B. The intended beneficiaries of the tax expenditure; and

C. The performance measures appropriate for measuring the extent to which the tax expenditure is accomplishing its purposes, intent or goals. Performance measures must be clear and relevant to the specific expenditure and the following evaluation objectives:

(1) The extent to which those actually benefiting from the tax expenditure are the intended beneficiaries;

(2) The fiscal impact of the tax expenditure, including past and estimated future impacts;

(3) The extent to which the design of the tax expenditure is effective in accomplishing its purposes, intent or goals and is consistent with best practices;

(4) The extent to which the tax expenditure is achieving its purposes, intent or goals identified under paragraph A;

(5) The extent to which the desired behavior might have occurred without the tax expenditure;

(6) The extent to which there are other tax expenditures, state spending or other government programs that have the same purposes, intent or goals as the tax expenditure and whether those additional programs are appropriately coordinated with the tax expenditure and are complementary or duplicative;

(7) Any opportunities to improve the effectiveness of the tax expenditure in meeting its purposes, intent or goals; and

(8) The extent to which the tax expenditure is a cost-effective use of resources compared to other options for using the same resources or addressing the same purposes, intent or goals.

When determining evaluation parameters, the office shall consider legislative intent and may consider subsequent developments in the State's economy and economic or tax strategies, goals and policies. The office shall seek and consider input from the joint standing committee of the Legislature having jurisdiction over taxation matters and the Government Oversight Committee and may seek input from stakeholders and experts in evaluation, economics, economic development or tax policy;

4. Identification of criteria for expedited review. A description of elements of an expedited review by the appropriate joint standing committee of the Legislature having jurisdiction over a tax expenditure identified under subsection 1, paragraph B with the objectives of identifying:

A. A description of each tax policy basis associated with a tax expenditure and the reasons the State adopted the tax policy;

B. The fiscal impact of each tax policy and each related tax expenditure, including past and estimated future impacts;

C. The extent to which each tax policy is consistent or inconsistent with other state goals;

D. The extent to which the reasons for the adoption of each tax policy still remain or whether the tax policy should be reconsidered;

E. The extent to which the design of each tax expenditure is effective to accomplish its tax policy purpose; and

F. Whether there are reasons to consider discontinuing or amending a specific tax expenditure;

5. Data and data sources. A description of the type of data, and potential sources of that data, that would be needed to accomplish full evaluations and expedited reviews consistent with the proposed objectives in subsections 3 and 4 for each tax expenditure identified under subsection 1, paragraphs A and B. The description must indicate if any needed information is designated by law as confidential and identify procedures for protection of the confidentiality of that information;

6. Stakeholder and public comment. Identification of options for including in the evaluation process an opportunity for comment by stakeholders and other members of the public;

7. Assessment of resources. An estimate of the staff and other resources that would need to be budgeted for the office to perform the full evaluations of the tax expenditures identified pursuant to subsection 1, paragraph A to meet the objectives set forth in subsection 3, paragraph C and to provide the information needed for expedited reviews of the tax expenditures identified pursuant to subsection 1, paragraph B to meet the objectives in subsection 4, in accordance with the schedule proposed in subsection 2; and

8. Revisions to statute. Revisions to statute that would be needed to implement a process and schedule for ongoing legislative review of tax expenditures and provide for effective evaluations.

The office may request information and assistance from the Department of Administrative and Financial Services, Maine Revenue Services, the Department of Economic and Community Development or other sources, as needed, to develop this proposal; and be it further

Sec. 2. Submission of proposal; legislation. Resolved: That the office shall submit the proposal developed under section 1 to the Government Oversight Committee and the joint standing committee of the Legislature having jurisdiction over taxation matters by March 1, 2015. The joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation related to the proposal to the First Regular Session of the 127th Legislature.

See title page for effective date.

(There were none.)

JOINT STUDY ORDER ESTABLISHING THE COMMISSION TO IMPROVE PROTECTIONS FOR INJURED WORKERS WHOSE EMPLOYERS HAVE WRONGFULLY NOT SECURED WORKERS' COMPENSATION INSURANCE

S.P. 759

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Commission To Improve Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance, referred to in this order as "the commission," is established.

1. Membership. The commission consists of the following members.

A. The President of the Senate shall appoint:

(1) Two members of the Senate;

(2) One representative of the American Federation of Labor and Congress of Industrial Organizations;

(3) One representative of the Maine State Chamber of Commerce;

(4) One representative of the National Federation of Independent Business; and

(5) One attorney who primarily represents injured workers.

B. The Speaker of the House of Representatives shall appoint:

(1) Three members of the House of Representatives;

(2) Two representatives of workers' compensation insurance carriers;

(3) One representative of the Workers' Compensation Coordinating Council of Maine; and

(4) One representative of the construction industry.

C. The President of the Senate and the Speaker of the House shall invite the participation of the executive director of the Workers' Compensation Board, or a designee.

Legislative members of the commission must be from each of the 2 parties holding the largest number of seats in the Legislature.

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

3. Appointments; convening of commission. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. Duties. The commission shall study the issue of improving protections for injured workers whose employers have wrongfully not secured workers' compensation payments, including the prevalence of the problem, and identify potential funding sources to address the problem.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

6. Report. No later than November 5, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Passed by the Senate May 1, 2014 and the House of Representatives May 1, 2014.

JOINT STUDY ORDER ESTABLISHING THE COMMISSION ON INDEPENDENT LIVING AND DISABILITY

H.P. 1361

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Commission on Independent Living and Disability, referred to in this order as "the commission," is established.

1. Membership. The commission consists of the following members, a majority of whom must be individuals with disabilities:

A. The President of the Senate shall appoint:

(1) Two members of the Senate;

(2) Two members of the public with experience or expertise in the challenges of independent living for individuals with disabilities in the State; and

(3) One representative of a program serving individuals with disabilities who are members of a federally recognized Indian tribe in the State;

B. The Speaker of the House of Representatives shall appoint:

(1) Two members of the House of Representatives;

(2) One member of the public with experience or expertise in the challenges of independent living for individuals with disabilities in the State;

(3) One representative of a business that is a model workplace for individuals with disabilities;

(4) One representative of a statewide association of providers of services for individuals with intellectual disabilities and autism; and

(5) One representative of a statewide association of adults with developmental disabilities and autism; and

C. The commission shall invite the participation of the Commissioner of Health and Human Services, or a designee; the executive director of the Disability Rights Center, or a designee; the executive director of Alpha One, or a designee; the chair of the Maine Statewide Independent Living Council, or a designee; and the Attorney General, or a designee.

2. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

3. Appointments; convening of commision. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

4. Duties. The commission shall evaluate the needs of Maine citizens with disabilities, review existing available resources and services and recommend priorities for cost-effective changes designed to promote independent living and community inclusion. Specifically, the commission shall examine the State's laws governing access to housing, transportation, public accommodation, education and employment. In developing its recommendations on measures to improve the lives of, and increase overall community participation by, Maine citizens with disabilities, the commission shall consider the expansion of access to:

A. Assistive technology;

B. Appropriate and accessible housing and community-based living opportunities;

C. Appropriate education and training opportunities to promote employment of individuals with disabilities; and

D. Cost-effective transportation.

5. Staff assistance. The Legislative Council shall provide necessary staffing services to the commission.

6. Report. No later than November 5, 2014, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters.

Passed by the House of Representatives May 1, 2014 and the Senate May 1, 2014.

CHAPTER 1

Sec. 1. 1 MRSA §150-J, as enacted by PL 2013, c. 143, §1, is reallocated to 1 MRSA §150-K.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 103 and 143, which enacted 2 substantively different provisions with the same section number.

Sec. 2. 1 MRSA §2702, sub-§1, as enacted by PL 2013, c. 110, §1, is corrected to read:

1. Identified for review. Identified, pursuant to Title 3, section 956, subsection 2, paragraph ~~O~~ Q, 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

EXPLANATION

This section corrects a cross-reference.

Sec. 3. 3 MRSA §956, sub-§2, ¶O, as enacted by PL 2013, c. 110, §4, is reallocated to 3 MRSA §956, sub-§2, ¶Q.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 110 and 307, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 4. 3 MRSA §956, sub-§2, ¶¶O and P, as enacted by PL 2013, c. 307, §7, are corrected 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~~.~~; and

EXPLANATION

This section makes technical corrections.

Sec. 5. 4 MRSA §807, sub-§3, ¶Q, as amended by PL 2013, c. 45, §2 and c. 134, §2, is corrected 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. 6. 4 MRSA §807, sub-§3, ¶R, as enacted by PL 2013, c. 45, §3, is corrected 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~~.~~; or

EXPLANATION

Sections 5 and 6 make technical corrections.

Sec. 7. 4 MRSA §807, sub-§3, ¶R, as enacted by PL 2013, c. 134, §3, is reallocated to 4 MRSA §807, sub-§3, ¶S.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapters 45 and 134, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 8. 5 MRSA §933, sub-§1, ¶Q, as enacted by PL 2013, c. 368, Pt. X, §3, is reallocated to 5 MRSA §933, sub-§1, ¶T.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapter 368, Part X and chapter 405, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 9. 5 MRSA §933, sub-§1, ¶¶R and S, as enacted by PL 2013, c. 405, Pt. A, §5, are corrected to read:

R. Director, Bureau of Agriculture, Food and Rural Resources; ~~and~~

S. Director, Bureau of Resource Information and Land Use Planning~~.~~; and

EXPLANATION

This section makes technical corrections.

Sec. 10. 5 MRSA §1742, sub-§6, as amended by PL 2001, c. 606, §1, is corrected to read:

6. Approve selection of architects and engineers and other professionals. To approve the selection of architects and engineers registered in Maine and other professionals in the planning, design and monitoring of construction of public improvements consistent with the policy of this State that proposals for professional, architectural and engineering services for public improvements be publicly announced, and that contracts for those services be negotiated by the contracting authority on the basis of evaluation of professional competency and qualifications required for the type of services contemplated at fair and reasonable prices.

The bureau shall adopt procedures for the procurement of any professional, architectural and engineering services for public improvements as defined in section 1741. The procedures must be adopted pursuant to Title 5, chapter 375 and be deemed a rule.

The procedure must contain a provision that, prior to initiating the process of selecting an architect or engineer or other professional for any project, the contracting authority shall advertise in a daily newspaper that serves the area in which the project is likely to be located. The advertisement must state, at a minimum, that the selection is to take place and describe the procedures that an engineer or architect or other professional may use to be considered as a candidate in the selection process.

Notwithstanding this subsection, the bureau may select a person or persons to perform professional, architectural or engineering services from the list described in this subsection without advertising or competitive selection if the cost of the services does not exceed $25,000. The bureau shall solicit names for placement on a list by placing a general advertisement for professional, architectural or engineering services in newspapers that taken together have general circulation throughout the State. The bureau may substitute advertisement in professional journals or other publications that it finds equally effective in reaching the intended audience. The bureau may require persons responding to the advertisement to complete a qualifying questionnaire designed to address experience and expertise in performing the type of work advertised. The bureau shall prepare a list of respondents that it determines qualified and update the list at least every 2 years.

If the bureau determines that a person is not qualified for placement on the list of providers of professional, architectural or engineering services, the person may appeal that decision in writing to the Commissioner of Administrative and Financial Services within 15 days of the bureau's decision. The commissioner shall complete the appeal process and issue a decision within 15 days of the filing of the appeal. The decision of the commissioner is final~~.~~;

EXPLANATION

This section makes a technical correction.

Sec. 11. 5 MRSA §1742, sub-§25, as amended by PL 2009, c. 1, Pt. CC, §1, is corrected to read:

25. Sites for child care programs. To review, in cooperation with the Office of Child Care Coordination in the Department of Health and Human Services, feasible sites for child care programs offered primarily as a service to state employees pursuant to Title 22, section 8307, subsection 2; ~~and~~

EXPLANATION

This section makes a technical correction.

Sec. 12. 5 MRSA §12004-I, sub-§49-C, as enacted by PL 2003, c. 280, §1, is corrected to read:

49-C.

Inland Fisheries and Wildlife	Landowners and Sportsmen Relations Advisory Board	Not Authorized	12 MRSA ~~§7038~~ §10157

EXPLANATION

This section corrects a cross-reference.

Sec. 13. 10 MRSA §1174, sub-§1, as enacted by PL 1975, c. 573, is corrected to read:

1. Damage to public. Manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action which is arbitrary, in bad faith or unconscionable and which causes damage to any of said parties or to the public~~.~~;

Sec. 14. 10 MRSA §1174, sub-§2, ¶¶A and B, as enacted by PL 1975, c. 573, are corrected to read:

A. To order or accept delivery of any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities which such motor vehicle dealer has not voluntarily ordered, or to order or accept de-

livery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicles as publicly advertised by the manufacturer thereof~~.~~; or

B. To order for any person any parts, accessories, equipment, machinery, tools, appliances or any commodity whatsoever~~.~~;

Sec. 15. 10 MRSA §1174, sub-§3, ¶E, as amended by PL 1979, c. 498, §1, is corrected to read:

E. To offer to sell or to sell any new motor vehicle at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price; provided, however, this paragraph shall not apply to sales to a motor vehicle dealer for resale to any unit of the United States Government; and provided, further, the provisions of this paragraph shall not apply to sales to a motor vehicle dealer of any motor vehicle ultimately sold, donated or used by said dealer in a driver education program; and provided further, that this paragraph shall not apply so long as a manufacturer, distributor, wholesaler or any agent thereof, offers to sell or sells new motor vehicles to all motor vehicle dealers at an equal price. This paragraph shall not apply to sales by a manufacturer, distributor or wholesaler to the United States Government or any agency thereof~~.~~;

Sec. 16. 10 MRSA §1174, sub-§3, ¶¶G and H, as enacted by PL 1975, c. 573, are corrected to read:

G. To offer to sell or to sell parts or accessories to any new motor vehicle dealer for use in ~~his~~ that dealer's own business for the purpose of replacing or repairing the same or a comparable part or accessory, at a lower actual price therefor than the actual price charged to any other new motor vehicle dealer for similar parts or accessories for use in ~~his~~ that dealer's own business; provided, however, in those cases where motor vehicle dealers operate and serve as wholesalers of parts and accessories to retail outlets, nothing contained in this chapter shall be construed to prevent a manufacturer, distributor, wholesaler or any agent thereof from selling to a motor vehicle dealer who operates and services as a wholesaler of parts and accessories, such parts and accessories as may be ordered by such motor vehicle dealer for resale to retail outlets, at a lower price than the actual price charged a motor vehicle dealer who does not operate or serve as a wholesaler of parts and accessories~~.~~;

H. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the capital structure of ~~his~~ that dealer's dealership or the means by or through which ~~he~~ that dealer finances the operation of ~~his~~ the dealership, provided the dealer at all times meets any reasonable capital standards agreed to between the dealership and the manufacturer, distributor or wholesaler, and provided such change by the dealer does not result in a change in the executive management control of the dealership~~.~~;

Sec. 17. 10 MRSA §1174, sub-§3, ¶J, as enacted by PL 1975, c. 573, is corrected to read:

J. To obtain money, goods, services, anything of value, or any other benefit from any other person with whom the motor vehicle dealer does business, on account of or in relation to the transactions between the dealer and said other person, unless such benefit is promptly accounted for and transmitted to the motor vehicle dealer~~.~~;

Sec. 18. 10 MRSA §1174, sub-§3, ¶L, as amended by PL 1981, c. 470, Pt. A, §23, is corrected to read:

L. To require a motor vehicle dealer to assent to a release assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this chapter; ~~or~~

Sec. 19. 10 MRSA §1174, sub-§3, ¶U, as enacted by PL 2009, c. 367, §6, is corrected to read:

U. To cancel, terminate, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer not less than 180 days prior to the effective date of such termination, cancellation, noncontinuance or nonrenewal that occurs in whole or in part as a result of any change in ownership, operation or control of all or any part of the business of the manufacturer, whether by sale or transfer of assets, corporate stock or other equity interest, assignment, merger, consolidation, combination, joint venture, redemption, operation of law or otherwise; or the termination, suspension or cessation of a part or all of the business operations of the manufacturer; or discontinuance of the sale of the product line or a change in distribution system by the manufacturer, whether through a change in distributors or the manufacturer's decision to cease conducting business through a distributor altogether.

In addition to any other payments or requirements in this chapter, if a termination, cancellation, noncontinuance or nonrenewal was premised in whole or in part upon any of the occurrences set forth in this paragraph, the manufacturer is liable to the licensed new motor vehicle dealer in an amount at least equivalent to the fair market value of the franchise arising from the termination, cancellation, noncontinuance or nonrenewal of the franchise.

(1) If liability is based on the fair market value of the franchise, which must include diminution in value of the facilities leased or owned by the dealer as a result of the loss of the franchise to operate in the facilities, the fair market value must be computed on the date in divisions (a) to (c) that yields the highest fair market value:

(a) The date the manufacturer announces the action that results in termination, cancellation, noncontinuance or nonrenewal;

(b) The date the action that results in termination, cancellation, noncontinuance or nonrenewal first becomes general knowledge; or

(c) The date 12 months prior to the date on which the notice of termination, cancellation, noncontinuance or nonrenewal is issued.

If the termination, cancellation, noncontinuance or nonrenewal is due to the manufacturer's change in distributors, the manufacturer may avoid paying fair market value to the licensed new motor vehicle dealer if the new distributor or the manufacturer offers the dealer a franchise agreement with terms acceptable to the dealer.

If an entity other than the original manufacturer of a line make becomes the manufacturer for the line make and intends to distribute motor vehicles of that line make in this State, that entity shall honor the franchise agreements of the original manufacturer and its licensed new motor vehicle dealers or offer those dealers of that line make, or of motor vehicles historically of that line make that are substantially similar in their design and specifications and are manufactured in the same facility or facilities, a new franchise agreement with substantially similar terms and conditions; ~~and~~

Sec. 20. 10 MRSA §1174, sub-§3-A, as enacted by PL 2009, c. 432, §2, is corrected to read:

3-A. Successor manufacturer. Successor manufacturer, for a period of 5 years from the date of acquisition of control by that successor manufacturer, to offer a franchise to any person for a line make of a predecessor manufacturer in any franchise market area in which the predecessor manufacturer previously cancelled, terminated, noncontinued, failed to renew or otherwise ended a franchise agreement with a franchisee who had a franchise facility in that franchise market area without first offering the franchise to the former franchisee at no cost, unless:

A. Within 30 days of the former franchisee's cancellation, termination, noncontinuance or nonrenewal, the predecessor manufacturer had consolidated the line make with another of its line makes for which the predecessor manufacturer had a franchisee with a then-existing franchise facility in that franchise market area;

B. The successor manufacturer has paid the former franchisee the fair market value of the former franchisee's motor vehicle dealership in accordance with this subsection; or

C. The successor manufacturer proves that the former franchisee is not competent to be a franchisee.

For purposes of this subsection, "franchise market area" means the area located within 15 miles of the territorial limits of the municipality in which the former franchisee's franchise facility was located.

For purposes of this subsection, the fair market value of a former franchisee's motor vehicle dealership must be calculated as of the date of the following that yields the highest fair market value: the date the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal; the date the action that resulted in cancellation, termination, noncontinuance or nonrenewal became final; or the date 12 months prior to the date that the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal~~.~~; and

EXPLANATION

Sections 13 to 20 make technical corrections and correct gender-specific language.

Sec. 21. 11 MRSA §9-1102, sub-§(7), ¶(b), as repealed and replaced by PL 2013, c. 317, Pt. A, §1, is corrected to read:

(b). With present intent to adopt or accept a record, to attach to or logically associate with the record ~~on~~ an electronic sound, symbol or process.

EXPLANATION

This section corrects a clerical error.

Sec. 22. 12 MRSA §6072, sub-§13, ¶G, as amended by PL 2013, c. 301, §1, is corrected 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. A change in authorization is not an adjudicatory 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~~.~~; and

EXPLANATION

This section makes a technical correction.

Sec. 23. 12 MRSA §6748, sub-§2, ¶B, as enacted by PL 2013, c. 282, §6, is corrected to read:

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 ~~wtih~~ 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.

EXPLANATION

This section corrects a clerical error.

Sec. 24. 12 MRSA §8428, sub-§10, as enacted by PL 1985, c. 664, §3, is corrected to read:

10. Report. The director shall, at the end of each calendar year, undertake a complete financial review of any management program activities undertaken that year and shall make a full report on the ~~activites~~ activities to the next session of the Legislature. The report shall include, but not be limited to, sources of funding, private, state or federal and total expenditures broken down in the following categories: Insecticides, aircraft, monitoring, research and other appropriate categories. Also to be included shall be a statement of any remaining balance by source, private, state or federal.

EXPLANATION

This section corrects a clerical error.

Sec. 25. 12 MRSA §8868, sub-§1-A, as enacted by PL 2011, c. 599, §7, is corrected to read:

1-A. Commission. "Commission" means the Maine Land Use ~~Regulation~~ Planning Commission established under section ~~683~~ 683-A.

EXPLANATION

This section corrects a reference to a commission and also corrects a cross-reference.

Sec. 26. 12 MRSA §11209, as amended by PL 2013, c. 215, §1, is corrected to read:

§11209. Discharge of firearm ~~or,~~ crossbow or bow and arrow 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, 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.

EXPLANATION

This section corrects a headnote to reflect the intent of the section.

Sec. 27. 16 MRSA c. 3, sub-c. 10, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA c. 3, sub-c. 11.

Sec. 28. 16 MRSA §641, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §647.

Sec. 29. 16 MRSA §642, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §648.

Sec. 30. 16 MRSA §643, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §649.

Sec. 31. 16 MRSA §644, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650.

Sec. 32. 16 MRSA §645, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650-A.

Sec. 33. 16 MRSA §646, as enacted by PL 2013, c. 409, §1, is reallocated to 16 MRSA §650-B.

EXPLANATION

Sections 27 to 33 correct a numbering problem created by Public Law 2013, chapters 402 and 409, which enacted 2 substantively different subchapters with the same subchapter number, by reallocating the subchapter and sections enacted by chapter 409.

Sec. 34. 20-A MRSA §6973, sub-§1, ¶G, as enacted by PL 2013, c. 318, §3, is corrected to read:

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.

EXPLANATION

This section corrects a clerical error.

Sec. 35. 21-A MRSA §1204-B, sub-§22, ¶B, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

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, 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.

Sec. 36. 21-A MRSA §1204-B, sub-§118, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

A. In Franklin County, the unorganized ~~territories~~ territory of Wyman Township;

Sec. 37. 21-A MRSA §1204-B, sub-§123, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

A. In Penobscot County, the following census units in the minor civil division of Orono: Tract 006100; ~~blocks~~ 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.

Sec. 38. 21-A MRSA §1204-B, sub-§144, ¶A, as enacted by PL 2013, c. 270, Pt. B, §2 and affected by §3, is corrected to read:

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~~ unit of the Penobscot River: Block 4293 of Tract 952900.

EXPLANATION

Sections 35 to 38 correct clerical errors.

Sec. 39. 22 MRSA §2423-A, sub-§2, ¶I, as enacted by PL 2013, c. 371, §3, is reallocated to 22 MRSA §2423-A, sub-§2, ¶J.

Sec. 40. 22 MRSA §2423-A, sub-§2, ¶I, as enacted by PL 2013, c. 393, §3, is reallocated to 22 MRSA §2423-A, sub-§2, ¶K.

EXPLANATION

Sections 39 and 40 correct a numbering problem created by Public Law 2013, chapters 371, 393 and 396, which enacted 3 substantively different provisions with the same paragraph letter, by reallocating the paragraphs enacted by Public Law 2013, chapters 371 and 393.

Sec. 41. 22 MRSA §2428, sub-§9, ¶E, as amended by PL 2013, c. 393, §4, is corrected to read:

E. A dispensary may acquire prepared marijuana only from a primary caregiver in accordance with section 2423-A, subsection 2, paragraph H or ~~I~~ K or through the cultivation of marijuana by that dispensary either at the location of the dispensary or at the one permitted additional location at which the dispensary cultivates marijuana for medical use by qualifying patients who have designated the dispensary to cultivate for them.

EXPLANATION

This section corrects a cross-reference.

Sec. 42. 26 MRSA §872, sub-§2-A, as amended by PL 2011, c. 620, §1, is corrected to read:

2-A. Notification. An employer filing for certification from the United States Department of Labor to hire a bond worker to operate logging equipment shall at the time of filing notify the Maine Department of Labor and provide, for the year in which the bond worker is employed, the number of bond workers requested; a list of each piece of logging equipment, including serial number, a bond worker will operate; receipts for payment for the logging equipment purchased in bona fide transactions; and documentation of payment of any tax assessed on the logging equipment pursuant to Title 36, chapter 105. An employer shall notify the Maine Department of Labor within 30 calendar days of the date on which a bond worker begins work in the State and shall specify the name of the bond worker and the anticipated locations where the bond worker will be conducting work and shall provide a copy of the United States Customs and Border ~~Protections~~ Protection's entry form for that worker. If the notification is not provided within 30 calendar days of the date on which a bond worker begins work, a fine of not less than $5,000 and not more than $25,000 must be assessed against that employer and collected by the Commissioner of Labor.

EXPLANATION

This section corrects a clerical error.

Sec. 43. 26 MRSA c. 39, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA c. 41.

Sec. 44. 26 MRSA §3301, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3401.

Sec. 45. 26 MRSA §3302, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3402.

Sec. 46. 26 MRSA §3303, as enacted by PL 2013, c. 335, Pt. A, §1, is reallocated to 26 MRSA §3403.

EXPLANATION

Sections 43 to 46 correct a numbering problem created by Public Law 2013, chapter 335 and chapter 368, Part FFFFF, which enacted 2 substantively different chapters with the same chapter number, by reallocating the chapter and sections enacted by chapter 335.

Sec. 47. 30-A MRSA §66-B, sub-§1, ¶C, as enacted by PL 2013, c. 270, Pt. C, §2, is corrected to read:

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.

EXPLANATION

This section corrects a clerical error.

Sec. 48. 30-A MRSA §66-B, sub-§2, ¶A, as enacted by PL 2013, c. 270, Pt. C, §2, is corrected to read:

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~~ unit 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.

EXPLANATION

This section corrects a clerical error.

Sec. 49. 32 MRSA §9853, sub-§3, as amended by PL 2007, c. 402, Pt. X, §1, is corrected to read:

3. 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.

EXPLANATION

This section corrects a headnote.

Sec. 50. 35-A MRSA §3452-A, as enacted by PL 2013, c. 325, §2, is corrected 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 ~~conterminus~~ 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 ~~conterminus~~ 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.

EXPLANATION

This section corrects clerical errors.

Sec. 51. 36 MRSA §651, sub-§1, as amended by PL 1981, c. 595, §4, is corrected to read:

1. Public property.

A. The property of the United States so far as the taxation of such property is prohibited under the Constitution and laws of the United States~~.~~;

B. The property of the State of Maine~~.~~;

B-1. Real estate owned by the Water Resources Board of the State of New Hampshire and used for the preservation of recreational facilities in this State~~.~~;

C. All property which by the Articles of Separation is exempt from taxation~~.~~;

D. The property of any public municipal corporation of this State appropriated to public uses, if located within the corporate limits and confines of such public municipal corporation~~.~~;

E. The pipes, fixtures, hydrants, conduits, gatehouses, pumping stations, reservoirs and dams, used only for reservoir purposes, of public municipal corporations engaged in supplying water, power or light, if located outside of the limits of such public municipal corporation~~.~~;

F. All airports and landing fields and the structures erected thereon or contained therein of public municipal corporations whether located within or without the limits of such public municipal corporations. Any structures or land contained within such airport not used for airport or aeronautical purposes shall not be entitled to this exemption. Any public municipal corporation which is required to pay taxes to another such corporation under this paragraph with respect to any airport or landing field shall be reimbursed by the county wherein the airport is situated~~.~~; and

G. The pipes, fixtures, conduits, buildings, pumping stations and other facilities of a public municipal corporation used for sewage disposal, if located outside the limits of such public municipal corporation.

EXPLANATION

This section makes technical corrections.

Sec. 52. 36 MRSA §5122, sub-§1, ¶HH, as enacted by PL 2013, c. 368, Pt. TT, §4, is corrected to read:

HH. For taxable years beginning in 2013:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section ~~5219-II~~ 5219-JJ for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section ~~5219-II~~ 5219-JJ.

EXPLANATION

This section corrects cross-references.

Sec. 53. 36 MRSA §5200-A, sub-§1, ¶AA, as enacted by PL 2013, c. 368, Pt. TT, §14, is corrected to read:

AA. For taxable years beginning in 2013:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section ~~5219-II~~ 5219-JJ for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section ~~5219-II~~ 5219-JJ.

EXPLANATION

This section corrects cross-references.

Sec. 54. 36 MRSA §5219-II, as enacted by PL 2013, c. 368, Pt. TT, §18, is reallocated to 36 MRSA §5219-JJ.

EXPLANATION

This section corrects a numbering problem created by Public Law 2013, chapter 368, Parts L and TT, which enacted 2 substantively different provisions with the same section number.

Sec. 55. 36 MRSA §6221, as enacted by PL 2013, c. 368, Pt. L, §2, is corrected to read:

§6221. Termination of Circuitbreaker Program

No benefits are allowed under this chapter for an application filed on or after August~~,~~ 1, 2013.

EXPLANATION

This section corrects a clerical error.

Sec. 56. 36 MRSA §6233, as enacted by PL 2013, c. 368, Pt. L, §3, is corrected to read:

§6233. Termination of program

No benefits are allowed under this chapter for an application filed on or after August~~,~~ 1, 2013.

EXPLANATION

This section corrects a clerical error.

Sec. 57. PL 2013, c. 256, §12 is corrected to read:

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.

EXPLANATION

This section corrects a clerical error.

Sec. 58. PL 2013, c. 335, Pt. B, §1, sub-§6 is corrected to read:

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~~ 41 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~~ 3402, subsection 1; "integrated community-based employment" has the same meaning as in Title 26, section ~~3302~~ 3402, subsection 4; and "state agency" has the same meaning as in Title 26, section ~~3302~~ 3402, subsection 5.

EXPLANATION

This section corrects cross-references.

Sec. 59. P&SL 2013, c. 15, §6, 2nd ¶ is corrected to read:

As soon as convenient after this Act becomes effective, the trustees shall meet and elect from among their members a president and clerk, adopt a corporate seal and elect a treasurer, who may or may not be a trustee, and any other officers and agents as needed, who with the treasurer serve at the pleasure of the trustees. The treasurer shall furnish a bond in the sum and with sureties approved by the trustees. The utilities district shall pay the cost of the bond. Members of the board of trustees may hold any office under the board, but may not receive any compensation, except as trustees, unless authorized by vote of the city council of the City of Presque Isle. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 7 and Title 38, section 1252, subsection 5, the compensation of the trustees is $500 per annum, unless otherwise provided by vote of the city council. Whenever a vacancy occurs in the office of president, clerk or treasurer it must be promptly filled by the trustees.

EXPLANATION

This section corrects a clerical error.

JOINT RESOLUTION HONORING SENATOR GEORGE J. MITCHELL ON THE OCCASION OF THE UNVEILING OF HIS OFFICIAL PORTRAIT IN THE STATE HOUSE

S.P. 690

WHEREAS, Resolve 2003, chapter 142 authorized the commissioning of an official portrait of the Honorable George J. Mitchell to hang in the State House alongside portraits of other notable and important citizens of Maine; and

WHEREAS, the portrait is in honor of a distinguished public servant from Maine and serves as a token of our respect and appreciation for his years of commitment to the people of Maine and the Nation; and

WHEREAS, Senator Mitchell, a Waterville native, received an undergraduate degree from Bowdoin College and a law degree from Georgetown University Law Center; and

WHEREAS, after serving in the United States Army Counter-Intelligence Corps, Senator Mitchell started his professional career as a trial attorney in the Antitrust Division of the United States Department of Justice in 1960 and in 1962 he joined the congressional staff of Senator Edmund S. Muskie; and

WHEREAS, Senator Mitchell entered private practice in Portland in 1965 and was then appointed Assistant Cumberland County Attorney in 1970, United States Attorney by President Jimmy Carter in 1977 and United States District Judge by President Jimmy Carter in 1979; and

WHEREAS, after being appointed to complete the unexpired term of Senator Edmund S. Muskie, who resigned to become Secretary of State, Senator Mitchell served in the United States Senate from 1980 to 1995 and as Senate Majority Leader from 1988 to 1995 with great distinction; and

WHEREAS, Senator Mitchell achieved a notable legislative record in his 15 years in the Senate, particularly in the areas of the environment and health care, sponsoring the Clean Water Act of 1987 and the Clean Air Act Amendments of 1990, and served with distinction on the Iran-Contra committee; and

WHEREAS, Senator Mitchell was held in the highest esteem by his Senate colleagues and congressional staff and was voted "the most respected member" of the Senate by a bipartisan group of senior congressional aides for 6 consecutive years; and

WHEREAS, upon leaving the Senate in 1995, Senator Mitchell served at President Bill Clinton's request as a Special Advisor to Northern Ireland and from 1996 to 2000 he served as the independent chairman of the Northern Ireland peace talks; and

WHEREAS, under his leadership the Good Friday Agreement, an historic accord ending decades of conflict, was agreed to by the governments of the Republic of Ireland and the United Kingdom and the political parties of Northern Ireland; and

WHEREAS, for his service in Northern Ireland, Senator Mitchell received numerous awards and honors, including the Presidential Medal of Freedom, the highest civilian honor given by the United States Government; the Liberty Medal; the Truman Institute Peace Prize; and the Felix Houphouet-Boigny Peace Prize; and

WHEREAS, in 2000 and 2001, at the request of President Bill Clinton, Israeli Prime Minister Ehud Barak and President of the Palestinian National Authority Yasser Arafat, Senator Mitchell served as chairman of an international fact-finding committee on violence in the Middle East; and

WHEREAS, the committee's recommendation, widely known as the Mitchell Report, was endorsed by the administration of President George W. Bush, the European Union and many other governments; and

WHEREAS, Senator Mitchell continued his public service, leading the investigation into the use of performance-enhancing drugs in major league baseball and serving as chairman of the special commission investigating allegations of impropriety in the bidding process for the Olympic Games and as the independent overseer of the American Red Cross Liberty Fund, which provided relief for September 11, 2001 attack victims and their families; and

WHEREAS, President Barack H. Obama selected Senator Mitchell as United States Special Envoy to the Middle East in 2009; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, on this occasion of the unveiling of the official portrait of Senator George J. Mitchell, celebrate his notable and exemplary public service career and his dedication to the State of Maine and the Nation and to the pursuit of peace and justice for everyone; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George J. Mitchell with our appreciation and respect.

Passed by the House and Senate in joint convention on January 28, 2014.

JOINT RESOLUTION HONORING WREATHS ACROSS AMERICA

H.P. 1296

WHEREAS, Wreaths Across America is a yearly national program that honors the graves of veterans buried in Arlington National Cemetery; and

WHEREAS, in 1992, the Worcester Wreath Company in Harrington had a surplus of wreaths at the end of that holiday season and owner Morrill Worcester, who had been indelibly impressed by the national cemetery during a boyhood visit, realized he had an opportunity to honor the values of our nation and the veterans who made the ultimate sacrifice for their country; and

WHEREAS, with the help of United States Senator Olympia Snowe, arrangements were made for the wreaths to be placed in Arlington National Cemetery in one of the older sections that had seen fewer visitors through the years; and

WHEREAS, as other individuals and groups stepped in to assist, more grave sites were decorated and the delivery of wreaths became an annual event to quietly honor our country's veterans; and

WHEREAS, in 2005, a photograph of gravestones decorated with wreaths from Maine and covered in snow attracted national attention to Wreaths Across America and requests came pouring in from across the nation to support Wreaths Across America; and

WHEREAS, as so many people in other states wanted to help and emulate the Arlington National Cemetery project at their national and state cemeteries, Mr. Worcester began sending 7 wreaths to every state, honoring the branches of the military and prisoners of war and personnel missing in action; and

WHEREAS, in 2006, with the help of the Civil Air Patrol and other civic organizations, simultaneous wreath-laying ceremonies were held at over 150 locations around the country, with the Patriot Guard Riders volunteering as the escort for the wreaths going to Arlington National Cemetery; and

WHEREAS, the annual Veterans Honor Parade, traveling the East Coast in early December from Harrington to Arlington National Cemetery, has become known as the world's largest veterans parade; and

WHEREAS, Wreaths Across America is now a nonprofit 501(c)(3) organization and throughout the year works to remind people of the importance of the program's mission, "Remember. Honor. Teach."; and

WHEREAS, in 2013, Wreaths Across America delivered more than 142,000 wreaths to Arlington National Cemetery and 900 other cemeteries and memorials across the country; and

WHEREAS, as the 150th Anniversary of the establishment of Arlington National Cemetery approaches in 2014, Wreaths Across America seeks to reach a point where every gravestone in Arlington National Cemetery is honored with a wreath; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, send our appreciation to Morrill Worcester and Wreaths Across America for their extraordinary commitment to honoring the memory of the brave men and women who served this nation so valiantly in the defense of freedom; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Morrill Worcester and to Wreaths Across America with our appreciation and respect.

Read and adopted by the House of Representatives March 11, 2014 and the Senate March 12, 2014.

STATE OF THE STATE ADDRESS
OF
GOVERNOR PAUL R. LEPAGE
FEBRUARY 4, 2014

Chief Justice Saufley, members of the 126th Legislature, distinguished guests, and my fellow citizens:

Tonight, I am here to update you, the people of Maine, about the condition of our great state.

First, I must recognize a few individuals. To my lovely wife, Ann, and children—please stand—I would not be here tonight without you. Ann, you have made Maine proud as our First Lady.

Staff Sergeant Douglas Connolly, the military herald this evening, thank you for your courageous service to our state and nation.

As we thank our men and women in uniform, we are reminded of those who are not with us. Bill Knight greeted thousands of troops returning from Iraq and Afghanistan at Bangor International Airport.

A World War II veteran, Bill was part of the Greatest Generation. He died on Christmas Day at age 91. He made greeting the troops his life's most important duty.

Another veteran who is not here tonight is someone many in this chamber know and respect. Michael Cianchette, who was my chief legal counsel, is now deployed to Afghanistan.

Mike is truly one of Maine's best and brightest, and we send him our best wishes for a safe return home. Mike's lovely wife, Michelle, is here with us tonight. Michelle, please stand.

Our administration is working hard so young Mainers like Mike and Michelle can continue to live and work in our state. We want our young families to enjoy a growing economy that allows them to prosper and succeed.

Mainers are a breed apart. Many of us value our individuality. We work hard. We take care of each other.

I love my state. I am proud to call myself a Mainer. I want every Mainer to succeed and prosper. But Maine is at a crossroads. We have huge challenges.

Higher taxes and bloated government have not improved our lives. Higher energy costs have not attracted major investments to Maine. More welfare has not led to prosperity. It has not broken the cycle of generational poverty.

We cannot return to the same failed policies of the past 40 years. We are better than that. We must be bold. We must have the courage to make the tough decisions.

We can do better. We will do better.

JOBS/ECONOMY

We must keep our young people in Maine. Recently, I asked some Bowdoin College students, "What can we do to keep you here?" One of them was Gregoire Faucher from Madawaska. He is eager to hear what the future of Maine holds for him. Comment ca va, Gregoire? Ca me fait plaisir de vous avoir ici ce soir.

Unfortunately, Gregoire hears more about job prospects in Boston or New York or even New Hampshire than right here in Maine. He wants to stay in Maine. But he may have to leave to find higher-paying jobs and better opportunities.

Greg and his classmates are the kind of young people we need to grow our state's economy. We must create a business climate that encourages investment that will employ Maine people.

Recruiting job creators to come to Maine is not easy. The global competition is fierce. Investment capital goes where it is welcomed and stays where it is appreciated.

As Winston Churchill said: "Some people regard private enterprise as a predatory tiger to be shot. Others look on it as a cow they can milk. Not enough people see it as a healthy horse, pulling a sturdy wagon."

Since we took office, we have made Maine more competitive. Maine's unemployment rate has fallen to 6.2%. It's the lowest since 2008. Almost 13,000 new private-sector jobs have been created since we took office.

- We reduced bureaucratic red tape.
- We cut the automatic increase to the gas tax.
- We eliminated almost $2 billion in pension debt.
- We right-sized government.
- We found efficiencies within state agencies.

My proudest achievement: paying $750 million in welfare debt to Maine's hospitals. It sent the message that, in Maine, we pay our bills.

Because of our efforts, good-paying jobs are being created all over the state.

- In Portland, the Eimskip shipping service.
- In Wilton, Barclaycards.
- In Brunswick, Tempus Jets.

• In Nashville Plantation, Irving Forest Products.

More jobs have been added at such world-class companies as:

• Maine Wood Concepts in New Vineyard.
• Molnlycke Health Care in Wiscasset.
• Hinckley Yachts in Trenton.

We are a state of entrepreneurial "doers." There are 40,000 small businesses in Maine. Our state has roughly 130,000 microbusinesses. They employ 170,000 people. They drive our economy. If they could each add one more job, that would transform our economy.

Nicole Snow of Sebec is a very successful micro-entrepreneur. She created Darn Good Yarn, and she does all of her business online. Nicole is growing her company into a million-dollar business—thanks to the Internet. Nicole, please stand.

Having spent my career in business, I know what grows an economy. But there is a major push by many in this chamber to maintain the status quo.

Liberal politicians are taking us down a dangerous path—a path that is unsustainable. They want a massive expansion of Maine's welfare state. Expanded welfare does not break the cycle of generational poverty. It breaks the budget.

In 1935, during the height of the Great Depression, FDR—the father of the New Deal—warned against welfare dependency. He said: "To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit … The federal government must and shall quit this business of relief."

Big, expensive welfare programs riddled with fraud and abuse threaten our future. Too many Mainers are dependent on government handouts.

Government dependency has not—and never will—create prosperity.

MEDICAID EXPANSION

Maine expanded welfare over a decade ago. Now MaineCare alone is consuming 25 percent of our General Fund dollars. The result?

We are taking money away from:

• Mental health services
• Nursing homes
• Job training
• Education
• Roads
• Law enforcement
• Natural resources

Maine's welfare expansion resulted in $750 million of hospital debt. We just paid it off. Some want to repeat that mistake.

Look at the facts. Welfare expansion will cost Mainers at least $800 million over the next decade. It will cost Maine taxpayers over $150 million in the next three years. Maine's current welfare system is failing:

• Our children
• Our elderly
• Our disabled
• Our mentally ill

Thousands of our most vulnerable citizens are on waitlists for services. They need your compassion.

Michael Levasseur of Carmel has autism and needs care 24/7. Michael is here tonight with his parents, Cynthia and Paul. Cynthia had to quit her job to care for her son, and they had to downsize their house to make ends meet.

With services, Michael could get a job coach, assisted-living accommodations and participate in a day program. Maine lawmakers must address these waiting lists. Michael deserves your compassion.

We must set priorities on who will get services with our limited resources. Money may grow on trees in Washington, D.C., but we cannot count on promises of federal windfalls to pay for our services.

Let's be clear. Maine will not get 100 percent federal funding for welfare expansion. Maine already expanded. That means the federal government would give us less money than other states that are expanding now.

Adding another hundred thousand people to our broken welfare system is insanity. It is unaffordable. It is fiscally irresponsible. Expanding welfare is a bad deal for working Mainers who have to foot the bill.

Liberals believe that giving free health care to able-bodied adults, while leaving our most vulnerable in the cold, is compassionate. I disagree.

We must show compassion for all Maine people. We must protect our hard-working families from the higher insurance premiums and higher taxes that will result from further expansion. Do not focus on the next election. You must focus on the next generation.

WELFARE REFORM

We owe the next generation a society that provides them with prosperity and opportunity, not welfare and entitlements.

I will not tolerate the abuse of welfare benefits. Maine's limited resources must be reserved for the truly needy. Maine EBT cards provide cash for Temporary Assistance for Needy Families. This cash is supposed to purchase household items for needy children.

Every dollar that goes to buy cigarettes, alcohol or lottery tickets is a dollar taken away from a needy child, family or others who need services.

My proposal will prohibit TANF funds from being used for alcohol, tobacco, gambling and other adult entertainment. We will limit the use of Maine EBT cards to Maine—not Hawaii, not Florida.

If you want to ask the taxpayers for money, you should make a good-faith effort to get a job first. We will require those seeking welfare, if able, to look for a job before applying for TANF benefits.

Maine taxpayers are being punished because our welfare program far exceeds the federal guidelines. Maine has been so lenient with its work exemptions, the federal government has fined us millions of dollars in penalties. We must eliminate exemptions that excuse TANF recipients from work.

There is no excuse for able-bodied adults to spend a lifetime on welfare at the expense of hard-working, struggling Mainers. That is not what I call compassion. As John F. Kennedy said in 1961: "Ask not what your country can do for you, ask what you can do for your country." These are words that still ring true today.

EDUCATION

I know generational poverty. But I escaped generational poverty, and lived the American Dream. Some caring Maine families took me in from the streets of Lewiston and gave me the guidance I needed to succeed.

I have said it many times. Education saved my life. Throwing money at poverty will not end poverty. Education and mentoring will end poverty.

Our bridge year programs are providing educational opportunities for Maine students. The Business Academy in Biddeford recently presented 33 students with a total of 126 college credits. We saved these students thousands of dollars in college tuition.

In Fort Kent, 17 students have completed their freshman year at college upon graduating high school.

This spring, students in Hermon will graduate high school with diplomas and technical proficiencies and trade licenses. Many lawmakers, the union and school superintendents have opposed our reforms at every step. But I vow to always put our students and our teachers first.

INFRASTRUCTURE

To strengthen Maine's economy, we must invest our resources to improve infrastructure, reduce taxes and lower energy costs for homeowners and businesses. Industry needs infrastructure to move goods and services at the speed of business.

Over the next three years, MaineDOT will invest over $2 billion in infrastructure improvements.

We will repair or replace 54 bridges and reconstruct hundreds of miles of state roads. We will improve our ports, rail, airports and transit infrastructure. The plan supports over 25,000 jobs in highway and bridge projects. Thousands more jobs will be supported by the plan's investments in ports, rail, ferries and buses. That's putting Maine to work.

ENERGY

But we still face barriers that make Maine less competitive. Heating and electricity costs remain a major obstacle.

Our homeowners spend well over $3,000 a year to heat their homes. That's nearly double the national average. Maine families know that this winter has been more challenging than most.

Distribution of natural gas expanded this year in Southern and Central Maine. Mainers are saving more than a thousand dollars a year by converting to natural gas.

More funding is now available to help Mainers convert to more affordable heating systems. These systems include wood pellets, advanced oil systems, natural gas systems, energy efficiency improvements, heat pumps—anything that will cut costs for Maine homes.

High electricity costs make it very difficult to attract business. My administration is working to expand pipeline capacity from Pennsylvania to take full advantage of the natural gas supplies in that state.

Also, our neighbors in Quebec have the best clean-energy resources on the planet. My administration is

fighting for access to this cost-effective and clean source of electricity along with the rest of New England.

Many lawmakers have chosen to support powerful special interest groups over the needs of Maine's ratepayers. Let's be clear. I do not favor one form of energy over another. I am on the side of those who want to lower the costs for working Maine families. Whose side are you on?

"OPEN FOR BUSINESS ZONES"

Tonight I am proposing a bold new idea to attract companies that will invest more than $50 million and create more than 1,500 jobs.

My proposal will offer valuable incentives for companies that choose to locate in certain areas. They are called "Open for Business Zones."

"Open for Business Zones" will offer discounted electricity rates; employment tax benefits; and provide access to capital.

Companies in these zones will get assistance to help recruit and train workers.

Employees in these zones will not be forced to join labor unions. They will not be forced to pay dues or fees to labor unions. This will allow Maine to compete with right-to-work states.

Companies in these zones must show preference to Maine workers, companies and bidders.

Our proposal combines the kinds of incentives that other states have used successfully to attract major investment. We must be able to compete with them. We must be bold.

We must show young people like Gregoire that we are serious about providing good-paying jobs and opportunities for him and his classmates.

TAX REFORM

States with the highest economic growth often have the lowest overall tax burdens.

We are working hard to combat Maine's reputation as a high-tax state. We passed the largest tax cut in Maine's history. Two-thirds of Maine taxpayers will get income tax relief. Liberals call it a "tax break for the rich." But 70,000 low-income Mainers will no longer pay income tax.

We cut taxes for the working poor. This is compassion. We put money in people's pockets. We told the business community we are serious about tax reform. I am proud of the progress we made. But we need to do more.

Our tax system is out of date. It is not competitive with other states. So let's ask Mainers in a statewide referendum if they want to lower taxes.

We must lower our income tax rates and eliminate the estate tax to bring Maine's tax system into the 21st century. This would make Maine more attractive for people to work and raise their families here. It would encourage retirees to stay in Maine.

This will protect our working-class families from bearing an unfair tax burden.

My proposal also includes a limit on the growth of state spending. This will provide much-needed relief to Maine's taxpayers.

Let's stop arguing about tax reform. Let's ask the people who really matter. Let's ask Maine's hardworking taxpayers. We will ask Mainers a simple question at a statewide referendum. We will ask if they want to lower taxes by at least $100 million and reduce state spending by at least $100 million.

We think Mainers want tax relief. Let's give them the option to decide.

ADDRESSING MAINE'S DRUG PROBLEM

Finally, we must confront a troubling epidemic. It is tearing at the social fabric of our communities. While some are spending all their time trying to expand welfare, we are losing the war on drugs.

Nine hundred twenty-seven drug-addicted babies were born last year in Maine. That's more than 7 percent of all births.

Each baby addicted to drugs creates a lifelong challenge for our health care system, schools and social services. The average cost for drug-addicted births in 2009 was $53,000. Welfare programs covered nearly 80 percent of those increased charges.

More important than cost are the effects to these innocent children. I am deeply concerned about the suffering and long-term consequences these newborns are subject to. It is unacceptable to me that a baby should be born affected by drugs.

We must show them our compassion.

There were 163 drug-induced deaths in Maine in 2012. The use of heroin is increasing. Four times as many people died from a heroin overdose in 2012 than in 2011.

Over 20 percent of the homicides in 2012 were related to illegal drugs. We must address the problem of drug addiction and drug trafficking. We must act now.

We need to fully fund the Maine Drug Enforcement Agency. Our police chiefs tell us local law enforcement officials need more resources to fight the drug problem in our state. Auburn Police Chief Phil Crowell is the president of the Maine Chiefs of Police Association. He is here tonight to show that the chiefs fully support our administration's war on Maine's drug problem. I am pleased the county sheriffs also enthusiastically support our initiative.

As Henry Ford said: "Coming together is a beginning; keeping together is progress; working together is success." The judicial, executive and legislative branches joined forces in an effort to eradicate domestic violence from our state. We need to come together once again to combat Maine's drug problem.

My proposal adds four new special drug prosecutors and four new judges to sit in enhanced drug courts in Presque Isle, Bangor, Lewiston and Portland.

Since local agencies do not have the manpower or resources they need to fight Maine's drug problem, we will add 14 MDEA agent positions.

We must hunt down dealers and get them off the streets. We must protect our citizens from drug-related crimes and violence. We must save our babies from lifelong suffering.

CONCLUSION

In closing, I welcome common-sense solutions from anyone who wants to put Maine on the right path. Success doesn't happen by doing nothing.

Bring me bold solutions. Put your politics aside. Fight for the future of Maine's children. We must show them the path to succeed.

God Bless Maine and God Bless America. Now, let's get to work.

STATE OF THE JUDICIARY ADDRESS
OF
CHIEF JUSTICE LEIGH INGALLS SAUFLEY
FEBRUARY 25, 2014

The Future Begins Today

Thank you, President Alfond. Good Morning, Speaker Eves, Honorable Members of the 126th Maine Legislature, and citizens of the great State of Maine. I am pleased to be joined here today by my colleagues from the Supreme Judicial Court and the Chiefs of the Trial Courts.

In the gallery are judges from Maine's Tribal and Probate Courts. It is, as always, an honor to have them with us as we make this presentation.

We are missing the Governor this morning, and I want you to know that he graciously offered to cancel his conflicting engagement, but I understand how difficult schedules are at this time of year, and I promised him an autographed copy of this presentation.

I am also joined by my parents, Jan and Dick Ingalls, who have always been stalwart supporters, along with my husband, Bill Saufley, who many of you know as my much better half. I am so fortunate to have had a lifetime of support from my family.

I am also aware of my good fortune to have this extraordinary job, and the opportunity to work with all of you and the Governor in a respectful and nonpartisan way to improve the delivery of justice in the State of Maine.

With your support, we have accomplished a great deal, including substantially improving public safety in our courts. Today, we face major challenges regarding technology, and I seek your support to address this pressing need.

Overview

My presentation today is in three parts:

1. First, an update on case filings, initiatives, and improvements;
2. Second, a roadmap for harnessing technology to create a fully functioning court management and eFiling system for Maine's people; and
3. Third, I will address the concerns that you and the Governor have raised regarding drug and alcohol addictions that are harming so many people in our beautiful State.

Updates

To put this update in context, here are the recent statistics regarding the Maine court system.

- **Budget.** The Judicial Branch General Fund budget for fiscal year 2013 totaled 56.6 million dollars, less than 2% of the General Fund budget. Total revenue collected by the Judicial Branch was just over 39 million dollars.
- **Filings.** Almost a quarter of a million new cases (238,198) were filed in 2013, including traffic infractions.
- **Criminal Filings.** Criminal filings, which had fallen slightly in recent years, held steady in Fiscal Year 2013 at 57,331 new criminal filings.
- **Foreclosures.** Mortgage Foreclosure filings, which have been slowing down across the country, did not slow down in Maine. New Foreclosure cases were almost identical in FY 2012 and FY 2013, at just short of 4,500 cases each year. (4,451 - '12, 4,447 - '13)
- **Domestic Violence.** Sadly, the number of Protection from Abuse cases did not decline substantially in 2013, nearly 6,000 new cases (6,251 - '12; 5,866 - '13) were filed.
    - Of the 24 new Murder charges that were filed in FY 2013, the Attorney General's Office reports that a third, that is, 8 of the charges, were domestic violence related.
    - Even sadder, the Attorney General's Office reports that several additional Murders will not be prosecuted because those deaths were part of a murder/suicide. In all, 12 Murders are reported to have been Domestic Violence related.
    - There is a bit of good news: this year with the support of the Department of Public Safety, we were able to harness technology to make a critical improvement. Orders for Protection from Abuse are now transmitted electroni-

cally to law enforcement officers in their cars and can be served quickly by officers locally or when the abuser is stopped for other reasons, anywhere in the State.

- **Courthouse Safety.** Courthouse safety has improved greatly throughout the State. With your assistance and the support of Governor LePage, we are now able to provide entry screening in our courthouses more than 60% of the time. This is up from 20% just a few years ago—a dramatic improvement, providing much safer courthouses in which Maine people seek justice. **Thank you.** We hope to reach our goal of 100% screening in the next biennium.
- **Generous Lawyers.** Maine lawyers continued to give generously of their time and dollars. In 2013, lawyers provided more than 2 million dollars' worth of free legal services to low income Mainers, and Maine judges and lawyers contributed *more than $500,000* to the Campaign for Justice, which provides legal services to elderly and impoverished Maine people who need help for family, housing, and health related legal problems.
- **Family Law.** In the area of Family Law, we have worked to improve Guardians ad Litem process, and we launched the Family Division Task Force, to undertake a thorough review of the way we provide justice in family matters. Eight public hearings have been held across the State, and we look forward to the recommendations of the Task Force later this summer.
- **Improved Criminal Case Processing.** The time to resolution of criminal cases has been substantially reduced in regions that have the Unified Criminal Dockets, which began in Cumberland and Penobscot Counties, with the help of the defense lawyers and the support of District Attorneys Stephanie Anderson and Chris Almy.
    - Unified Criminal Dockets are now in place in 7 of the 16 counties. The entire time from the filing of the charges to the final resolution of a criminal case averages less than 4 months in those counties.
    - This improved process provides a prompt response for victims of crime, eliminates unnecessary costs for local jails, reduces the length of jail stays for individuals awaiting trial, and benefits public safety by eliminating the delays that make prosecution difficult.
- **The Supreme Judicial Court**.
    - The Supreme Judicial Court sat in 3 High Schools in October: Nokomis, at the invitation of Representative Fredette; Orono, at the invitation of Senator Cain; and Cape Elizabeth, at the invitation of Representative Monaghan-Derrig. This fall we will be in the towns of Lincoln, Yarmouth, and Presque Isle.
    - In order to be more accessible to the entire state, we now sit for Oral Arguments twice a year in Bangor. We audio-stream all Arguments, and we maintain those Arguments on our website for several weeks.
    - Last fall, to assist the trial courts, which are always short-handed, all 7 of us on the Supreme Judicial Court sat in the District Courts throughout the State, providing more than a month's equivalent of judge time. It provided us with a stark reminder of the immediacy of the public's justice needs.
    - And this year, with your support, we held the first ever Law School for Legislators, where my colleagues, Justices Gorman and Mead, led a lively discussion about the way courts interpret the words you write in statutes. And you learned that, if you think that we have interpreted your words incorrectly, don't get mad—just get out the legislative drafting pen!

eFiling

That brings me to my second topic—the biggest resource need we face today—the need for improving

public service and public safety through new technology—in short, "eFiling."

I am grateful to Governor LePage for introducing LD 1789, *An Act to Modernize and Improve the Efficiency of Maine's Courts*, and I am grateful to so many of you, who, in a bipartisan fashion, have co-sponsored it. Representative Fredette and Senator Haskell, and all of the co-sponsors, we so much appreciate your support. Thank you.

Let me tell you why this is the most critical Judicial Branch proposal you will consider this year.

- The court's current database is almost 2 decades old.

- It does not store documents, nor was it designed for the electronic exchange of information. Most of it is programmed in COBOL.

- It has served us well, much longer than we ever expected, but it was never designed for, and it cannot support, eFiling.

- We currently handle court files the same way we did 100 years ago. We estimate that more than five million new pieces of paper are filed in Maine's courts each year; that is not an exaggeration. Five million *new* pieces of paper flow into the clerks' offices, files, filing cabinets, boxes, and storage.

- The sorting and storage of paper files has filled our courthouses and the State's Archives to capacity and beyond. Storage challenges create safety hazards and cost an increasing amount of taxpayers' dollars. There is no end in sight unless we move to digital files.

- But more important than the cost and inconvenience of these paper files is the loss in public access, the difficulty in obtaining reliable data, and the challenge to public safety that follows from an antiquated case management system.

- A new system will first and foremost improve public safety, allowing the necessary information exchange among courts, law enforcement, prosecutors, defense attorneys, state and federal agencies, and Corrections.

I know that I don't have to tell you, the Maine Legislature, that the public deserves electronic access to its government. I can go on-line from anywhere and find the pending bills, the sponsors and committee assignments, the status of those bills, both in the committee and on the floor, the language of proposed amendments, committee hearing dates, and all written testimony.

We seek nothing less for Maine people's access to justice. Case information, schedules, and public documents should be easily accessible. And the system must be carefully designed to assure that certain private information, such as social security numbers or victims' addresses, are well protected.

In the aggregate, reliable data should be available to assist in managing judicial resources. But today, when you ask us for court data to assist you in making public policy decisions, we have a very limited capacity to respond.

One example relates to Domestic Violence. You and the media have asked us to tell you how many Domestic Violence criminal assault charges actually result in convictions. It is a straightforward question. Unfortunately, it is one that we simply cannot answer without a squadron of volunteers to look at every paper file related to assault charges. And some case types, such as mental health proceedings, are not even in the database at all.

I am a firm believer in the adage that you manage what you measure. If we cannot measure some of the most important aspects of our justice system, our capacity to manage is substantially reduced.

Even more frustrating for the public is the lack of easily available information regarding individual cases. If you have a case pending in the Maine courts, you cannot get the schedule on-line, you cannot see the filings from a website, you cannot get electronic access to the judge's rulings.

If the judge has entered an order in your case, you or your lawyer must drive to the courthouse or wait for it to arrive in the mail. This antiquated system makes retaining legal assistance more expensive.

The public deserves better.

In the last Legislature, you asked us to create a plan to address this shortcoming. We have done so, with the help and support of the National Center for State Courts. We have learned from the courts that are ahead of us in this endeavor, and we are now designing the RFP for the new Case Management and eFiling System.

LD 1789 will authorize the funding to purchase that system. It requires no funding in this biennium, and it allows bonding of up to $15 million, which we will need to issue in the spring of 2015 to keep this project moving.

Without the Legislature's approval, *this year*, we cannot move forward with these plans. Without your approval this session, we will be another year or more behind in the progress toward dramatically improved public service and public safety.

And one final point on technology. Some of you have asked why we need public funding. Why can't we just ask the public to pay for this service?

My answer is this: for the very same reasons that people can access the Legislative Branch without financial barriers, they should be able to access the courts. Approximately 75% of the litigants in family related cases are self-represented. Many are poor or of very modest means. Many don't have credit cards.

Imagine logging in to the court's website to file for divorce or seek an order of protection from abuse and finding that you have to input your credit card number—the credit card you've never had, or you've lost because of overwhelming debt, or that your abusive partner has taken from you.

Access to justice should not depend on your financial capacity.

That doesn't mean that there will not be appropriate opportunities to defray the costs. But the initial investment requires public funding.

We need your support this session to make this happen.

Addiction

Finally, I want to take a moment to address the challenges Maine faces regarding the illegal drugs that have flooded into our State, causing serious human misery.

As you heard from Governor LePage in his State of the State Address, Maine, similar to many other States, is suffering the horrible effects of drug and alcohol addictions. Let me add to the numbers you have already heard:

- Children are suffering as their parents struggle with addictions. New child protection cases, which had dropped to an all-time low in fiscal year 2011 at 555, rose to 938 cases in fiscal year 2013. That's almost 1,000 families alleged in one year to need the intervention of the State in order to protect the children.

- In fiscal year 2013, among the 57,000 new criminal charges filed, over 1,700 were new drug trafficking related charges.

- The Attorney General's Office, which handles the most serious of the drug trafficking cases, reports that cases involving the trafficking of heroin rose sharply from 7.7% of the cases in 2012 to 20.41% in 2013.

As we address this challenge, we must remember that addictions are complex human problems, and they will require multi-faceted responses from government, treatment providers, and families.

Prevention must go hand in hand with intervention.

Taking the problem to its roots, the best inoculation against addiction is a healthy childhood, a solid education, and the opportunity for meaningful employment.

The Need for Judicial Resources

At the same time, we must take the necessary steps to stop the flood of heroin and other illegal poisons into Maine.

The criminal justice system is a critical aspect of the intervention efforts, and the courts are a key part of that system.

Maine does not have enough judges. Just a quick review of New England courts is instructive. Using the

information provided by the National Center for State Courts, and the courts' own websites, by any measure, Maine has many fewer judges than its New England counterparts, whether we compare judges per population or judges per square mile.

If we are to address the many challenges facing us, the new trial judges proposed by the Governor are sorely needed.

But simply throwing resources at the problem will not be effective.

We must focus on the practices that have been demonstrated to be effective in reducing drug trafficking and addressing addictions.

Today, I suggest a 3-part plan in the courts:

1. Improved Criminal Process

First, the State must be ready to act promptly when individuals engage in a cold and calculated effort to profit from the sale of illegal drugs in Maine. That requires courts, prosecutors, and defense attorneys to reach and resolve the cases promptly. An expansion of the Unified Criminal Docket into the remaining counties would speed resolution of criminal cases, and could be accomplished much more quickly with the additional judicial resources proposed.

2. Drug Courts

Second, we must be alert for opportunities to help those whose addictions or mental health challenges have led them into lives of chaos and criminal charges.

To do this, we must reinvigorate our Problem-Solving Courts, that is, the Adult Drug Treatment Courts, Co-Occurring Disorder Courts, Family Drug Treatment Courts, and Veterans Court.

Although the Drug Courts can provide only a small part of the solution, they can be quite effective when they are run with rigorous attention to personal responsibility and support for sobriety, including the certainty of consequences for new criminal behavior.

But the numbers of people helped by Drug Courts has been quite small. In Maine, thousands of new criminal complaints are filed every year in which it is alleged that addictions or mental health problems have played a part in the crime. National statistics tell us that 68% of the jail population and 53% of the prison population have substance abuse disorders. And last year, more than a thousand Maine families required government intervention to protect their children, many because of addictions.

In the context of those thousands of cases, all of the Drug Courts together involved only 225 people in 2013, of whom only 49 people graduated.

In recent years, the number of people in the Drug Courts has been declining, even though the number of Mainers struggling with addictions appears to be increasing. There are many reasons for this decline and, if we are going to continue to use the resources that are allocated through the Department of Health and Human Services to the treatment and case management programs of the Drug Courts, we must improve the focus on a structured and rigorous program and re-energize the collaboration among prosecutors, probation officers, defense attorneys, judges, and treatment providers.

With the support of the Trial Court Chiefs, I have charged Justice Roland Cole, the Chair of the Statewide Drug Court Steering Committee, with gathering all of the stakeholders together to re-energize our efforts to provide appropriate diversion sentencing and case management efforts that will offer the hope of health, reduced crime, and safer communities.

3. Early Risk Assessment

Third, national research is showing great promise for effective criminal justice intervention that begins with early, objective Risk Assessments.

- That research indicates that, without effective pre-trial risk assessments, high-risk offenders are too often released, while low-risk offenders wait in jail and become more dangerous.

- Early and reliable risk assessment can improve victim safety, reduce recidivism, and reduce costs to the system.

- Pre-trial risk assessments can assist in diverting low-risk offenders to other services and provide improved access to treatment, case management, and hope for those who are willing to take responsibility for their sobriety.

- Initial research in jurisdictions that have adopted the consistent use of pre-trial assessment tools indicates that the State spends less on pre-trial incarceration and, at the same time, public safety has been improved.

- The Legislature has already identified objective risk assessment tools as needed in areas of sexual assault and domestic violence. We should expand those efforts to pre-trial detention assessments.

The additional judges proposed by the Governor will make a big difference in our ability to carry out these goals.

We all know that a life filled with hope, dignity, and meaning is the real anti-drug vaccine.

If we work together, the criminal justice system can be a critical part of the solution. I promise that we will work with you, the Legislature, and with the Governor, to do what we can to make Maine a healthier place.

Conclusion

In conclusion, I ask for your continued support in improving our system of justice.

- First, support LD 1789, *An Act to Modernize and Improve the Efficiency of Maine's Courts.* Help us create an eFiling system.

- Second, support the proposals to add more judges to the Maine courts. Public safety, families, and businesses will all benefit.

- Third, support LD 1639, which will provide very modest improvements in merit and longevity pay for our hard-working, committed State employees.

- And finally, I encourage you to spend a day in a courthouse, and I thank those of you who have already done so. Come learn what your constituents will experience when domestic violence, a divorce, a car accident, or a family member charged with a crime brings them into our system of justice.

I thank you for your service to the great State of Maine, and for your time and attention today. I look forward to working with you to continue the improvements in the delivery of justice in the State of Maine.

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the First Special Session and the Second Regular Session of the 126th Legislature and the Revisor's Report 2013, Chapter 1.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
1	150-J			RAL	RR 1		1
1	150-K			RAL	RR 1		1
1	227			NEW	PL 463		1
1	402	3	R	AMD	PL 518		1
1	402	3	S	AMD	PL 518		2
1	402	3	T	NEW	PL 518		3
1	2702	1		COR	RR 1		2
2	6	2		AMD	PL 491		1
2	9	3	C	AMD	PL 541		1
3	956	2	N	RPR	PL 588	A	1
3	956	2	O	RAL	RR 1		3
3	956	2	O	COR	RR 1		4
3	956	2	P	COR	RR 1		4
3	956	2	Q	RAL	RR 1		3
3	959	1		AMD	PL 505		1
3	959	1	C	AMD	PL 588	E	1
3	959	1	C	AFF	PL 588	E	2
3	963			AMD	PL 505		2
4	4	2-A		AMD	PL 563		1
4	17-A			AMD	PL 502	V	1
4	191			RP	PL 533		1
4	192			AMD	PL 533		2
4	193			AMD	PL 533		3
4	194			RP	PL 533		4
4	196			AMD	PL 533		5
4	197		2nd	AMD	PL 533		6
4	807	3	Q	COR	RR 1		5
4	807	3	R	RAL	RR 1		7
4	807	3	R	COR	RR 1		6
4	807	3	S	RAL	RR 1		7
4	1057	3-A		AMD	PL 598		1
4	1610-G			NEW	PL 571		1
4	1701	13		AMD	PL 563		2
5	90-B	4		AMD	PL 478		1
5	90-B	5		AMD	PL 478		1
5	90-B	6		AMD	PL 478		1
5	200-J			AFF	PL 585		4
5	200-J			NEW	PL 585		1
5	933	1	O	RP	PL 588	A	2
5	933	1	P	RPR	PL 588	A	3
5	933	1	Q	RAL	RR 1		8
5	933	1	R	COR	RR 1		9
5	933	1	S	COR	RR 1		9
5	933	1	T	RAL	RR 1		8
5	935	1	D	RP	PL 588	A	4
5	936	1		RPR	PL 491		2
5	943			AMD	PL 467		1
5	1532	7		AFF	PL 544		6, 7
5	1591	4	A	AMD	PL 598		2
5	1742	6		COR	RR 1		10
5	1742	25		COR	RR 1		11
5	1833	1		AMD	PL 447		1
5	1833	2		RP	PL 447		2
5	3360	3	G	AMD	PL 537		1
5	3360	3	H	AMD	PL 537		2
5	3360	3	J	NEW	PL 537		3
5	3360-I		1st	AMD	PL 537		4
5	3360-I		1st	AMD	PL 607		1
5	4573	5		AMD	PL 576		1
5	4573	6	B	AMD	PL 576		2
5	4573	7		NEW	PL 576		3
5	12004-G	10-E		NEW	PL 593		1
5	12004-G	23		RP	PL 533		7
5	12004-I	5-C		NEW	PL 569		1
5	12004-I	18-C		RP	PL 533		8
5	12004-I	29-D		AMD	PL 588	A	5
5	12004-I	47-H		RP	PL 533		9
5	12004-I	49-C		COR	RR 1		12
5	12004-I	74-E		RP	PL 533		10
5	12004-I	74-F		RP	PL 588	A	6
5	12006	3	H	AMD	PL 533		11
5	12006	3	I	AMD	PL 533		12
5	12006	3	J	NEW	PL 533		13
5	13063-R			NEW	PL 443		1
5	13063-R			AFF	PL 443		4
5	13070-J	1	D	AMD	PL 588	A	7
5	13120-K	2		AMD	PL 465		1
5	17152		1st	AMD	PL 602	A	1
5	17859	1-A		NEW	PL 486	A	1
5	17859	2	A	AMD	PL 486	A	2
5	18251	3	B	AMD	PL 555		1
5	18312			NEW	PL 602	B	1
5	18407	7	E	AMD	PL 588	E	3
5	18451-A	2		AMD	PL 588	E	4
5	18453	2		AMD	PL 602	B	2
5	18453	3		AMD	PL 602	B	3
5	18453	4		AMD	PL 602	B	4
5	18453	5		AMD	PL 602	B	5
7	171			NEW	PL 548		1
7	172			NEW	PL 548		1
7	173			NEW	PL 548		1
7	174			NEW	PL 548		1
7	175			NEW	PL 548		1
7	176			NEW	PL 548		1
7	951-A		1st	AMD	PL 475		1
7	956		1st	AMD	PL 475		2
7	3950		1st	AMD	PL 595	U	1

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
8	1			RP	PL 595	U	2
8	2			RP	PL 595	U	2
8	272-B		1st	AMD	PL 490		1
8	272-C			NEW	PL 490		2
8	275-A	1		AMD	PL 490		3
8	276-B			NEW	PL 490		4
8	441			RP	PL 595	U	3
8	442			RP	PL 595	U	3
8	443			RP	PL 595	U	3
8	444			RP	PL 595	U	3
8	445			RP	PL 595	U	3
8	446-A			RP	PL 595	U	3
8	447			RP	PL 595	U	3
8	448			RP	PL 595	U	3
8	449			RP	PL 595	U	3
8	450			RP	PL 595	U	3
8	501			RP	PL 595	U	4
8	502			RP	PL 595	U	4
8	658			AMD	PL 595	U	5
8	701			AMD	PL 595	U	6
9	5002			AMD	PL 539		1
9	5003	1		AMD	PL 539		2
9	5003	8		AMD	PL 539		3
9	5003	9		RP	PL 539		4
9	5004	3	G	AMD	PL 539		5
9	5004	3	P	RP	PL 539		6
9	5005-B	1	B	AMD	PL 539		7
9	5005-B	1	F	AMD	PL 539		8
9	5005-B	2		AMD	PL 539		9
9	5005-B	3		AMD	PL 539		9
9	5006	1	A	AMD	PL 539		10
9	5006	1	D	AMD	PL 539		11
9	5006	3		RP	PL 539		12
9	5008-A			AMD	PL 539		13
9	5008-B			AMD	PL 539		14
9	5009			AMD	PL 539		15
9-A	2-302	1		RPR	PL 466		1
9-A	2-302	2		AMD	PL 466		2
9-A	2-302	4		AMD	PL 466		3
9-A	2-302	5-A		AMD	PL 466		4
9-A	2-302	7		RP	PL 466		5
9-A	2-304			AMD	PL 466		6
9-A	3-310	1		AMD	PL 464		1
9-A	3-316			AMD	PL 464		2
9-A	5-118			NEW	PL 480		1
9-A	8-503			AMD	PL 464		3
9-A	8-504	1		AMD	PL 464		4
9-A	8-504	2		AMD	PL 464		4
9-A	8-505	2		AMD	PL 464		5
9-A	8-506	1	D	AMD	PL 464		6
9-A	8-506	1	F	AMD	PL 464		7
9-A	8-506	1	H	AMD	PL 464		8
9-A	8-506	1	I	AMD	PL 464		8
9-A	8-506	1	J	AMD	PL 464		8
9-A	8-506	1	K	AMD	PL 464		8
9-A	8-506	1	L	AMD	PL 464		8
9-A	8-506	1	M	AMD	PL 464		8
9-A	8-506	2		AMD	PL 464		9
9-A	8-507			AMD	PL 464		10
9-A	8-510	2	A	AMD	PL 588	C	1
9-A	9-311-A			AMD	PL 464		11
9-A	10-102	1	B	AMD	PL 588	C	2
9-A	10-201			RPR	PL 466		7
9-A	10-307			AMD	PL 464		12
9-A	11-119	4	C	AMD	PL 588	C	3
9-A	11-119	5	O	AMD	PL 588	C	4
9-A	13-106	1		AMD	PL 466		8
9-A	13-107			AMD	PL 466		9
9-A	13-109	1		AMD	PL 466		10
9-A	13-109	5	A	AMD	PL 466		11
9-A	13-109	6		RP	PL 466		12
9-A	13-109	9		RP	PL 466		13
9-A	13-110	2		AMD	PL 466		14
9-B	161	2	L	AMD	PL 588	C	5
10	963-A	50-A		NEW	PL 438		1
10	1026-M	2		AFF	PL 605		9
10	1026-M	2		AMD	PL 605		1
10	1026-M	3	A	AFF	PL 605		9
10	1026-M	3	A	AMD	PL 605		2
10	1026-M	3	C	AFF	PL 605		9
10	1026-M	3	C	AMD	PL 605		2
10	1026-M	5		AFF	PL 605		9
10	1026-M	5		AMD	PL 605		3
10	1026-M	6	A	AFF	PL 605		9
10	1026-M	6	A	AMD	PL 605		4
10	1026-M	6	B	AFF	PL 605		9
10	1026-M	6	B	AMD	PL 605		5
10	1026-M	6	C	AFF	PL 605		9
10	1026-M	6	C	AMD	PL 605		6
10	1026-M	7	A	AFF	PL 605		9
10	1026-M	7	A	AMD	PL 605		7
10	1026-M	8		AFF	PL 605		9
10	1026-M	8		AMD	PL 605		8
10	1100-T	1-A		AMD	PL 438		2
10	1100-T	2		AMD	PL 438		3
10	1100-T	2-C	B	AMD	PL 438		4
10	1100-T	2-C	D	AMD	PL 438		4
10	1100-T	2-C	E	AMD	PL 438		4
10	1100-T	4		AMD	PL 438		5
10	1171	3-A		NEW	PL 534		1
10	1174	1		COR	RR 1		13
10	1174	2	A	COR	RR 1		14
10	1174	2	B	COR	RR 1		14
10	1174	3	A	AMD	PL 534		2
10	1174	3	E	COR	RR 1		15
10	1174	3	F-1	AMD	PL 534		3
10	1174	3	G	COR	RR 1		16
10	1174	3	H	COR	RR 1		16
10	1174	3	J	COR	RR 1		17
10	1174	3	L	COR	RR 1		18
10	1174	3	N	AMD	PL 534		4
10	1174	3	T	AMD	PL 534		5
10	1174	3	U	COR	RR 1		19
10	1174	3	V	NEW	PL 534		6

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
10	1174	3	W	NEW	PL 534		6
10	1174	3-A		COR	RR 1		20
10	1176		last	NEW	PL 534		7
10	1176-A			AMD	PL 534		8
10	2451			RP	PL 595	U	7
10	2452			RP	PL 595	U	7
10	2453			RP	PL 595	U	7
10	2455			RP	PL 595	U	7
10	9721	1-A		AMD	PL 588	D	1
10	9724	2		AMD	PL 588	D	2
11	9-1102	7	b	COR	RR 1		21
12	1817	7		AMD	PL 588	A	8
12	6022	19		NEW	PL 468		1
12	6072	10	D	AMD	PL 512		1
12	6072	13	G	AMD	PL 509		1
12	6072	13	G	COR	RR 1		22
12	6072	18		NEW	PL 509		2
12	6072-A	1		AMD	PL 509		3
12	6072-A	8		AMD	PL 509		4
12	6072-A	17-A	D	AMD	PL 512		2
12	6072-A	24		NEW	PL 509		5
12	6072-C	2		AMD	PL 509		6
12	6072-C	7-A		NEW	PL 509		7
12	6072-C	10		NEW	PL 509		8
12	6173-B			NEW	PL 512		3
12	6207	2	A	AMD	PL 468		2
12	6207	3	C	AMD	PL 468		3
12	6207	4		RPR	PL 468		4
12	6207	5		AMD	PL 468		5
12	6207	9		AMD	PL 468		6
12	6207	12		NEW	PL 468		7
12	6210			AMD	PL 485		1
12	6210			NEW	PL 468		8
12	6301	2	U	AMD	PL 492		1
12	6301	2	V	AMD	PL 492		2
12	6301	2	W	NEW	PL 492		3
12	6302-A	3	E	RPR	PL 588	E	5
12	6302-A	3	E-1	RPR	PL 485		2
12	6302-B			NEW	PL 485		3
12	6305			AMD	PL 468		9
12	6374	3		AMD	PL 468		10
12	6401			AMD	PL 468		11
12	6404-L			NEW	PL 468		12
12	6404-M			NEW	PL 485		4
12	6407			AMD	PL 492		4
12	6412			AMD	PL 468		13
12	6431	7		AMD	PL 468		14
12	6431-E	3	B-1	NEW	PL 468		15
12	6431-G	2	B	AMD	PL 468		16
12	6431-G	2	C	AMD	PL 468		16
12	6431-G	2	D	NEW	PL 468		17
12	6432	5		AMD	PL 468		18
12	6436	5		AMD	PL 468		19
12	6436	6		AMD	PL 468		20
12	6438-A	2		AMD	PL 468		21
12	6445-A	1	A	AMD	PL 468		22
12	6455	5-A	B	AMD	PL 492		5
12	6455	5-A	C	AMD	PL 492		5
12	6455	5-A	D	AMD	PL 492		5
12	6505-A	1		AMD	PL 485		5
12	6505-A	1		AMD	PL 468		23
12	6505-A	1-A		NEW	PL 468		24
12	6505-A	1-B		NEW	PL 468		24
12	6505-A	1-C		AMD	PL 485		6
12	6505-A	1-C		NEW	PL 468		24
12	6505-A	1-D		NEW	PL 468		24
12	6505-A	1-E		NEW	PL 468		24
12	6505-A	3-A		NEW	PL 485		7
12	6505-A	4		AMD	PL 468		25
12	6535	2	A	AMD	PL 492		6
12	6535	2	B	AMD	PL 492		6
12	6575-A	1		AMD	PL 468		26
12	6575-B	8		NEW	PL 468		27
12	6575-D			AMD	PL 468		28
12	6575-H			AMD	PL 485		8
12	6575-H	1	B	AMD	PL 468		29
12	6575-I			RP	PL 468		30
12	6575-K			NEW	PL 485		9
12	6601	2-A		AMD	PL 509		9
12	6671	10-A	A	AMD	PL 468		31
12	6671	10-A	B	AMD	PL 468		31
12	6671	10-B		NEW	PL 517		1
12	6671	10-C		NEW	PL 517		1
12	6702	4		AMD	PL 492		7
12	6703	3		AMD	PL 492		8
12	6748	2	B	COR	RR 1		23
12	6807			AMD	PL 558		1
12	6808	4		AMD	PL 492		9
12	6808	6		AMD	PL 492		10
12	6808	7		AMD	PL 492		11
12	6810	1		AMD	PL 588	A	9
12	6851	2		AMD	PL 492		12
12	6851-B	5		AMD	PL 468		32
12	6852	1		AFF	PL 468		46
12	6852	1		AMD	PL 468		33
12	6852	2		AFF	PL 468		46
12	6852	2		AMD	PL 468		34
12	6852	2-A		AMD	PL 492		13
12	6853			AMD	PL 492		14
12	6861-A	6	C	AMD	PL 468		35
12	6863		1st	AMD	PL 509		10
12	6864	1-A		AMD	PL 492		15
12	6864	3		AMD	PL 468		36
12	6864	7-A		NEW	PL 468		37
12	6864	8		RPR	PL 468		38
12	6864	8-A		NEW	PL 468		39
12	6864	10		AMD	PL 468		40
12	6864	13		NEW	PL 468		41
12	6952-A	4		AMD	PL 468		42
12	8003	3	Q	AMD	PL 542		1
12	8428	10		COR	RR 1		24
12	8868	1-A		COR	RR 1		25
12	8868	2-B		AMD	PL 542		2
12	8869	3-A		AMD	PL 542		3
12	8869	3-B		NEW	PL 542		4
12	8869	7-A		AMD	PL 542		5

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
12	8869	13		AMD	PL 542		6
12	8879	1		AMD	PL 542		7
12	8884	1-A		RP	PL 513		1
12	8884	3		RPR	PL 513		2
12	8904			AMD	PL 462		1
12	9004	4	C	AMD	PL 588	A	10
12	10105	15		AMD	PL 588	A	11
12	10206	3	C	AMD	PL 580		1
12	10257	1		AMD	PL 580		2
12	10502	2	B	AMD	PL 538		1
12	10801	6	B	RP	PL 538		2
12	10902	3		AMD	PL 538		3
12	10902	4	B	AMD	PL 538		4
12	10902	6	F	AMD	PL 538		5
12	10902	6	H	AMD	PL 538		6
12	10902	6	I	AMD	PL 538		7
12	10902	6	J	NEW	PL 538		8
12	10902	8	D	AMD	PL 538		9
12	10902	8	E	AMD	PL 538		10
12	10902	8	F	NEW	PL 538		11
12	10903			AMD	PL 538		12
12	10903-A			NEW	PL 538		13
12	10953	1		AMD	PL 538		14
12	10953	1-A		RP	PL 538		15
12	10953	1-B		NEW	PL 538		16
12	11105	1		AMD	PL 538		17
12	11106	2		RPR	PL 588	A	12
12	11106-A	3		RPR	PL 588	A	13
12	11107	1		AMD	PL 588	A	14
12	11108-A			RP	PL 538		18
12	11108-B			AMD	PL 538		19
12	11108-C			NEW	PL 538		20
12	11109	3	A	AMD	PL 538		21
12	11109	3	F	RPR	PL 538		22
12	11152	7		AMD	PL 538		23
12	11154	14		NEW	PL 538		24
12	11208			AMD	PL 538		25
12	11209			AMD	PL 538		26
12	11209			COR	RR 1		26
12	11214	1	G	AMD	PL 538		27
12	11403	2		AMD	PL 538		28
12	11852			RP	PL 588	A	15
12	11857	3		RP	PL 538		29
12	12051	1		RPR	PL 588	A	16
12	12201	1-B		NEW	PL 538		30
12	12201	3		AMD	PL 538		31
12	12201	7		AMD	PL 538		32
12	12201	9		RPR	PL 538		33
12	12204	1		AMD	PL 538		34
12	12204	2		AMD	PL 538		34
12	12204	3		AMD	PL 538		34
12	12204	4		AMD	PL 538		34
12	12456	2	A	RPR	PL 588	A	17
12	12457	1	A	AMD	PL 499		1
12	12461	1		RPR	PL 538		35
12	12461	2		AMD	PL 538		36
12	12461	3		AMD	PL 538		36
12	12461	6	B	AMD	PL 538		37
12	12461	7		NEW	PL 538		38
12	12461	8		NEW	PL 538		38
12	12462			RP	PL 538		39
12	12501	5		RPR	PL 538		40
12	12501	6	D	RPR	PL 538		41
12	13058	3		RPR	PL 580		3
12	13104	16		AFF	PL 588	E	7
12	13104	16		NEW	PL 588	E	6
13	1101			AMD	PL 524		1
13	1101-A	4		NEW	PL 524		2
13	1101-B	2		AMD	PL 524		3
14	3144			AMD	PL 566		1
14	4422	9		AMD	PL 510		1
14	6321		4th	AMD	PL 555		2
14	6321-A	7	A	AMD	PL 521	F	1
14	6321-A	13		AMD	PL 521	F	2
14	6323	1		AMD	PL 521	C	1
14	6326			AFF	PL 521	B	2
14	6326			NEW	PL 521	B	1
14	8701			NEW	PL 543		1
14	8702			NEW	PL 543		1
15	101-D	5		AMD	PL 434		1
15	101-D	5		AFF	PL 434		15
15	224	1		AMD	PL 566		2
15	224-A			AMD	PL 566		3
15	393	1		AMD	PL 519		1
15	1023	4	D	AMD	PL 519		2
15	1092	4		AMD	PL 519		3
15	1094-B			NEW	PL 478		2
15	1319			AMD	PL 566		4
15	1320	1		AMD	PL 566		5
15	3003	17		RP	PL 588	A	18
15	3318-B	2		AMD	PL 519		4
15	5821	3-A		RPR	PL 588	A	19
16	53-A	1	C	NEW	PL 588	E	8
16	53-A	1	D	NEW	PL 588	E	8
16	53-A	3		NEW	PL 588	E	9
16	53-B	1	A	AMD	PL 478		3
16	53-B	1	A-2	NEW	PL 478		4
16	53-B	1	A-3	NEW	PL 478		5
16	53-B	1-A		NEW	PL 478		6
16	53-B	1-A		AMD	PL 588	E	10
16	614			RP	PL 588	A	20
16	641			RAL	RR 1		28
16	642			RAL	RR 1		29
16	642			AMD	PL 519		5
16	643			RAL	RR 1		30
16	644			RAL	RR 1		31
16	645			RAL	RR 1		32
16	646			RAL	RR 1		33
16	647			RAL	RR 1		28
16	648			RAL	RR 1		29
16	648			AMD	PL 519		6
16	649			RAL	RR 1		30
16	649	2		AMD	PL 588	A	21
16	649	3		AMD	PL 588	A	21

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
16	650			RAL	RR 1		31
16	650-A			RAL	RR 1		32
16	650-B			RAL	RR 1		33
16	703	2	E	AMD	PL 507		1
16	703	2	F	AMD	PL 507		2
16	705	3		AMD	PL 507		3
16	804		1st	AMD	PL 507		4
16	805	3	B	AMD	PL 507		5
16	806	1		AMD	PL 507		6
16	806	2		AMD	PL 507		7
16	807			AMD	PL 507		8
16	809			AMD	PL 507		9
17	1039	1	D	AMD	PL 588	A	22
17-A	431	9-A		NEW	PL 519		7
17-A	853-A	4		NEW	PL 537		5
17-A	1348-A	4		AMD	PL 519		8
19-A	2402			AMD	PL 595	P	1
19-A	4002	4		AMD	PL 478		7
20-A	6			RP	PL 506		1
20-A	254	7		RP	PL 506		2
20-A	254	8		RP	PL 506		3
20-A	254	9		RP	PL 506		3
20-A	254	10		RP	PL 506		4
20-A	256	7		RP	PL 506		5
20-A	257	4		RP	PL 439		1
20-A	257-A			NEW	PL 439		2
20-A	405	3	T	AMD	PL 581		1
20-A	902			RP	PL 506		6
20-A	903			RP	PL 506		6
20-A	1001	8		AMD	PL 581		2
20-A	1466	9		AMD	PL 461		1
20-A	1466	9-A		AMD	PL 461		2
20-A	1466	9-B		RP	PL 461		3
20-A	1466	10	B	AMD	PL 461		4
20-A	1466	10-A		NEW	PL 461		5
20-A	1466	13		AMD	PL 461		6
20-A	1466	13-A		RP	PL 461		7
20-A	2415	2		AMD	PL 601		1
20-A	4001	7		AMD	PL 506		7
20-A	4012			NEW	PL 450		1
20-A	4271			NEW	PL 581		3
20-A	4501			AMD	PL 581		4
20-A	4502	4-A		AMD	PL 506		8
20-A	4502	9		AMD	PL 581		5
20-A	4709	3		RP	PL 506		9
20-A	4722	3		AMD	PL 439		3
20-A	4722-A	3	C	RP	PL 439		4
20-A	4801	1	E	RP	PL 506		10
20-A	5031	1	C	AMD	PL 439		5
20-A	5161	1-A		NEW	PL 439		6
20-A	5161	2		RPR	PL 439		7
20-A	5161	2-A		NEW	PL 439		8
20-A	5161	3-A		NEW	PL 439		9
20-A	5161	5-A		NEW	PL 439		10
20-A	5161	6		RPR	PL 439		11
20-A	5161	9		RP	PL 439		12
20-A	5161	10		NEW	PL 439		13
20-A	5162			RP	PL 439		14
20-A	5163			NEW	PL 439		15
20-A	5164			NEW	PL 439		15
20-A	5205	6		AMD	PL 561		1
20-A	5205	6	A	AMD	PL 456		1
20-A	5205	6	B	AMD	PL 456		2
20-A	5205	6	F	AMD	PL 456		3
20-A	5802-A			RP	PL 506		11
20-A	5806	2		RPR	PL 497		1
20-A	5807			RP	PL 506		12
20-A	6001-B	1		AMD	PL 439		16
20-A	6103	1		AMD	PL 507		10
20-A	6103	3-B		RP	PL 506		13
20-A	6209-A			RP	PL 506		14
20-A	6305			NEW	PL 526		1
20-A	6602	1	C	AMD	PL 445		1
20-A	6973	1	G	COR	RR 1		34
20-A	7403			AMD	PL 552		1
20-A	7405	4		NEW	PL 552		2
20-A	7405-A			NEW	PL 552		3
20-A	8457	4		AMD	PL 583		1
20-A	8607-A	10		NEW	PL 460		1
20-A	10010			RPR	PL 488		1
20-A	12541	2		RP	PL 525		1
20-A	12541	2-A		RP	PL 525		2
20-A	12541	4-A		RPR	PL 525		3
20-A	12541	7		RP	PL 525		4
20-A	12541	8		NEW	PL 525		5
20-A	12541	9		NEW	PL 525		6
20-A	12542	1		AMD	PL 525		7
20-A	12542	2-A		RP	PL 525		8
20-A	12542	3		RP	PL 525		9
20-A	12542	3-A		RP	PL 525		10
20-A	12542	4-A	C	AMD	PL 525		11
20-A	12542	4-A	D	RP	PL 525		12
20-A	12542	5		AMD	PL 525		13
20-A	12901			NEW	PL 593		2
20-A	13405			RP	PL 506		15
20-A	15671	5-A		AMD	PL 581		6
20-A	15671	7	B	AMD	PL 595	C	1
20-A	15671	7	C	AMD	PL 595	C	2
20-A	15671-A	2	B	AMD	PL 595	C	3
20-A	15674	3		NEW	PL 581		7
20-A	15675	3	A	AMD	PL 581		8
20-A	15681	1	C	AMD	PL 581		9
20-A	15681	2-A	A	RP	PL 506		16
20-A	15681-A	4		AMD	PL 595	C	4
20-A	15688-A	1		AMD	PL 595	C	5
20-A	15688-A	4		NEW	PL 581		10
20-A	15689-A	23		AMD	PL 595	C	6
20-A	15689-F	3		AMD	PL 581		11
20-A	15905	6		AMD	PL 506		17
20-A	15918			RPR	PL 506		18
20-A	19102	2		AMD	PL 533		14
20-A	19102	4		AMD	PL 533		15
20-A	19103	2		AMD	PL 533		16
20-A	19105	1		AMD	PL 533		17

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
20-A	19108	2		RP	PL 533		18
20-A	19109			RP	PL 533		19
20-A	19110			RP	PL 533		20
21-A	23	4		AMD	PL 457		1
21-A	144	3		RPR	PL 457		2
21-A	753-B	6	A	AMD	PL 457		3
21-A	760-B	2		AMD	PL 457		4
21-A	906	3		RP	PL 457		5
21-A	1003	3-A		AMD	PL 470		1
21-A	1014	1		AMD	PL 494		1
21-A	1014	6	B	AMD	PL 494		2
21-A	1014	6	C	AMD	PL 494		2
21-A	1014	6	D	NEW	PL 494		3
21-A	1014	6	E	NEW	PL 494		3
21-A	1052-A	1	A	AMD	PL 588	A	23
21-A	1203-B	12	A	AMD	PL 457		6
21-A	1203-B	31	A	AMD	PL 457		7
21-A	1204-B	9	A	AMD	PL 457		8
21-A	1204-B	22	B	COR	RR 1		35
21-A	1204-B	36	A	AMD	PL 457		9
21-A	1204-B	62	A	AMD	PL 457		10
21-A	1204-B	64	A	AMD	PL 457		11
21-A	1204-B	66	A	AMD	PL 457		12
21-A	1204-B	92	A	AMD	PL 457		13
21-A	1204-B	118	A	COR	RR 1		36
21-A	1204-B	123	A	COR	RR 1		37
21-A	1204-B	144	A	COR	RR 1		38
22	1447			NEW	PL 548		2
22	1607			AMD	PL 595	U	8
22	1706			AMD	PL 462		2
22	1708	3		AMD	PL 594		1
22	1711-C	6	F-3	AFF	PL 528		12
22	1711-C	6	F-3	NEW	PL 528		1
22	1714-A	9		NEW	PL 594		2
22	1718			AMD	PL 560		1
22	1718-A			RP	PL 515		1
22	1718-B			NEW	PL 515		2
22	1718-C			NEW	PL 560		2
22	1812-K	2		AMD	PL 588	A	24
22	2175	1		AMD	PL 533		21
22	2175	2		AMD	PL 533		21
22	2175	3		AMD	PL 533		21
22	2175	4-A		NEW	PL 533		22
22	2175	5		RP	PL 533		23
22	2353			NEW	PL 579		1
22	2422	1-B		NEW	PL 516		1
22	2422	3-A		NEW	PL 503		1
22	2422	4-C		NEW	PL 516		2
22	2422	9		AMD	PL 516		3
22	2422	14		AMD	PL 516		4
22	2422	16		AMD	PL 516		5
22	2423-A	2	C	AMD	PL 516		6
22	2423-A	2	G	AMD	PL 516		7
22	2423-A	2	H	RPR	PL 588	A	25
22	2423-A	2	I	RAL	RR 1		39, 40
22	2423-A	2	I	AMD	PL 588	A	26
22	2423-A	2	J	RAL	RR 1		39
22	2423-A	2	J	AMD	PL 498		1
22	2423-A	2	J	AMD	PL 588	D	3
22	2423-A	2	K	RAL	RR 1		40
22	2423-A	3	B	AMD	PL 501		1
22	2423-A	4-A		NEW	PL 520		1
22	2423-B			AMD	PL 516		8
22	2423-D			AMD	PL 516		9
22	2425	1	D	AMD	PL 516		10
22	2425	2	A	AMD	PL 516		11
22	2425	6	B	AMD	PL 516		12
22	2425	8		AMD	PL 516		13
22	2425	8	L	AFF	PL 595	J	4
22	2425	8	L	AMD	PL 595	J	1
22	2425	10	E	AMD	PL 516		14
22	2428	1-A	E	AMD	PL 503		2
22	2428	6	G	AMD	PL 503		3
22	2428	6	I	AMD	PL 501		2
22	2428	6	J	AMD	PL 516		15
22	2428	6	L	NEW	PL 503		4
22	2428	9	B	AMD	PL 503		5
22	2428	9	E	COR	RR 1		41
22	2428	9	E	AMD	PL 503		6
22	2428	9	G	AMD	PL 498		2
22	2430-A			RPR	PL 516		16
22	2517-C	1		AMD	PL 567		1
22	2591			NEW	PL 436		1
22	2591			AFF	PL 436		2
22	2592			NEW	PL 436		1
22	2592			AFF	PL 436		2
22	2593			NEW	PL 436		1
22	2593			AFF	PL 436		2
22	2594			NEW	PL 436		1
22	2594			AFF	PL 436		2
22	2595			NEW	PL 436		1
22	2595			AFF	PL 436		2
22	2596			NEW	PL 436		1
22	2596			AFF	PL 436		2
22	3174-JJ			AMD	PL 441		1
22	3174-WW			NEW	PL 444		1
22	3174-XX			AFF	PL 575		10
22	3174-XX			NEW	PL 575		1
22	3175-D	2		AFF	PL 582		5
22	3175-D	2		NEW	PL 582		1
22	3737	3		AMD	PL 559		1
22	3763	1		AMD	PL 588	D	4
22	4010-C			NEW	PL 577		1
22	4301	7		AMD	PL 551		1
22	7249	5		RP	PL 587		1
22	7861	2		AMD	PL 582		2
22	7861	3		AMD	PL 582		2
22	7861	4		NEW	PL 582		3
22	8702	1-B		AFF	PL 528		12
22	8702	1-B		NEW	PL 528		2
22	8702	2-A		AFF	PL 528		12
22	8702	2-A		NEW	PL 528		3
22	8702	4-B		AFF	PL 528		12
22	8702	4-B		NEW	PL 528		4
22	8702	8-C		AFF	PL 528		12
22	8702	8-C		NEW	PL 528		5

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
22	8704	7		AMD	PL 560		3
22	8705-A		1st	AFF	PL 528		12
22	8705-A		1st	AMD	PL 528		6
22	8705-A	3		AFF	PL 528		12
22	8705-A	3		AMD	PL 528		7
22	8707			AFF	PL 528		12
22	8707			RP	PL 528		8
22	8708	7		AMD	PL 528		9
22	8714			AFF	PL 528		12
22	8714			NEW	PL 528		10
22	8715			AFF	PL 528		12
22	8715			NEW	PL 528		10
22	8716			AFF	PL 528		12
22	8716			NEW	PL 528		10
22	8717			AFF	PL 528		12
22	8717			NEW	PL 528		10
23	1201			RP	PL 549		1
23	1851			AMD	PL 523		1
23	1852			RP	PL 523		2
23	1902	3		AMD	PL 529		1
23	1902	4		AMD	PL 529		1
23	1902	5		NEW	PL 529		2
23	1903	1-C		RP	PL 529		3
23	1903	8		AMD	PL 529		4
23	1903	10-B		AMD	PL 529		5
23	1903	10-C		NEW	PL 529		6
23	1912-B			AMD	PL 549		2
23	1912-B		last	RP	PL 529		7
23	1912-C			NEW	PL 549		3
23	1913-A			AMD	PL 529		8
23	1914			AMD	PL 529		9
23	1925			AMD	PL 529		10
23	1967	1		RPR	PL 549		4
23	1968	2-C		NEW	PL 586	F	1
23	1969	1	A	AMD	PL 586	F	2
23	3360-A	3	E	AMD	PL 557		1
23	3360-A	10-A	B	AMD	PL 557		2
24	2317-B	19		AMD	PL 575		2
24	2317-B	20		AMD	PL 575		3
24	2317-B	21		AFF	PL 575		10
24	2317-B	21		NEW	PL 575		4
24-A	2169-A	3		AMD	PL 588	C	6
24-A	2169-B	1	D	AMD	PL 588	C	7
24-A	2169-B	1	E	AMD	PL 588	C	7
24-A	2169-B	2		AMD	PL 588	C	8
24-A	2169-B	4	A	AMD	PL 588	C	9
24-A	2169-B	5		AMD	PL 588	C	10
24-A	2204	6		AMD	PL 588	C	11
24-A	2204	7		AMD	PL 588	C	11
24-A	2204	19		AMD	PL 588	C	11
24-A	2211	1	A	AMD	PL 588	D	5
24-A	2212	1	A	AMD	PL 588	D	6
24-A	2765-A			AFF	PL 575		10
24-A	2765-A			NEW	PL 575		5
24-A	2768	2		AFF	PL 597		4
24-A	2768	2		AMD	PL 597		1
24-A	2813	6		AMD	PL 462		3
24-A	2847-T	2		AFF	PL 597		4
24-A	2847-T	2		AMD	PL 597		2
24-A	2847-U			AFF	PL 575		10
24-A	2847-U			NEW	PL 575		6
24-A	2848	1-B	A	AMD	PL 588	A	27
24-A	2908	7		AMD	PL 588	C	12
24-A	2923			AMD	PL 588	C	13
24-A	3007	7		AMD	PL 588	C	14
24-A	3056			AMD	PL 588	C	15
24-A	4134	4		AMD	PL 588	A	28
24-A	4204	2-A	B	AMD	PL 588	A	29
24-A	4259	2		AFF	PL 597		4
24-A	4259	2		AMD	PL 597		3
24-A	4303	19		NEW	PL 535		1
24-A	4303-B			NEW	PL 535		2
24-A	4317-B			AFF	PL 449		2
24-A	4317-B			NEW	PL 449		1
24-A	4320-I			AFF	PL 603		2
24-A	4320-I			NEW	PL 603		1
24-A	6706	6		AMD	PL 588	A	30
25	1505-A			AFF	PL 585		4
25	1505-A			RP	PL 585		2
25	1542-A	1	H	AMD	PL 546		1
25	1542-A	1	I	AMD	PL 546		2
25	1542-A	1	J	NEW	PL 546		3
25	1542-A	3	J	NEW	PL 546		4
25	1542-A	4		AMD	PL 546		5
25	2399		2nd	AMD	PL 546		6
25	2399		2nd	AFF	PL 546		17
25	2801-A	4		AMD	PL 588	A	31
25	2801-A	7	C	AMD	PL 588	A	32
25	2801-B	1	A	RPR	PL 588	A	33
26	43			AMD	PL 473		1
26	44			AMD	PL 473		2
26	45			AMD	PL 473		3
26	61	2		AMD	PL 467		2
26	561			RP	PL 473		4
26	561-A			NEW	PL 473		5
26	569			RPR	PL 473		6
26	570			AMD	PL 473		7
26	809	1	A-1	NEW	PL 477		1
26	809	1	C	RP	PL 477		2
26	809	2		AMD	PL 477		3
26	809	3		AMD	PL 477		4
26	809	5		AMD	PL 477		5
26	809	6		AMD	PL 477		6
26	872	2-A		COR	RR 1		42
26	876			NEW	PL 576		4
26	877			NEW	PL 576		4
26	878			NEW	PL 576		4
26	965	2	C	AMD	PL 553		1
26	1083	2		AMD	PL 467		3
26	1192	6		AMD	PL 474		1
26	1192	6-C		AMD	PL 474		2
26	1198	1	I	RP	PL 448		1
26	1198	1	M	AMD	PL 448		2

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
26	1198	2		AMD	PL 448		3
26	1198	12		RP	PL 448		4
26	1401-A	2		AMD	PL 467		4
26	1401-B	1	B	RPR	PL 467		5
26	2006	5-B		AMD	PL 467		6
26	2006	7		RPR	PL 467		7
26	2033	2		AMD	PL 502	O	1
26	3301			RAL	RR 1		44
26	3302			RAL	RR 1		45
26	3303			RAL	RR 1		46
26	3401			RAL	RR 1		44
26	3402			RAL	RR 1		45
26	3403			RAL	RR 1		46
27	83	5		AMD	PL 595	M	1
28-A	1-A			NEW	PL 476	A	1
28-A	2	11-C		AMD	PL 476	A	2
28-A	3-A			RP	PL 476	A	3
28-A	3-B			NEW	PL 476	A	4
28-A	4	1	A	AMD	PL 476	A	5
28-A	11	4		AMD	PL 476	A	6
28-A	83			RP	PL 476	A	7
28-A	83-A			RP	PL 476	A	8
28-A	83-B			NEW	PL 476	A	9
28-A	83-C			NEW	PL 476	A	9
28-A	84	1		AFF	PL 588	A	35
28-A	84	1		RPR	PL 588	A	34
28-A	84	1-A		NEW	PL 476	A	10
28-A	84	5		AMD	PL 588	B	1
28-A	85	2		RPR	PL 476	A	11
28-A	86			AMD	PL 588	B	2
28-A	87		1st	AMD	PL 588	B	3
28-A	352			RP	PL 476	A	12
28-A	352-A			NEW	PL 476	A	13
28-A	353			AFF	PL 476	A	36
28-A	353			AMD	PL 476	A	14
28-A	353-A			AFF	PL 476	B	6
28-A	353-A			NEW	PL 476	B	1
28-A	354			AMD	PL 476	A	15
28-A	355			RP	PL 476	A	16
28-A	453-C	1		AFF	PL 476	B	6
28-A	453-C	1		RPR	PL 476	B	2
28-A	460	3		AMD	PL 476	A	17
28-A	605		1st	AMD	PL 446		1
28-A	606	1		AFF	PL 476	A	36
28-A	606	1		AMD	PL 476	A	18
28-A	606	1-A	A	AMD	PL 476	A	19
28-A	606	1-C		AMD	PL 476	A	20
28-A	606	1-D		AFF	PL 476	B	6
28-A	606	1-D		NEW	PL 476	B	3
28-A	606	4		RP	PL 476	A	21
28-A	606	8		AFF	PL 476	B	6
28-A	606	8		RPR	PL 476	B	4
28-A	608			NEW	PL 446		2
28-A	708		1st	AMD	PL 514		2
28-A	708		1st	AFF	PL 514		3
28-A	708	6		AMD	PL 514		1
28-A	708	6		AFF	PL 514		3
28-A	709	1		AMD	PL 504		1
28-A	709	2	E	AMD	PL 531		1
28-A	711			RP	PL 504		2
28-A	754			AMD	PL 588	B	4
28-A	803	1		AMD	PL 476	A	22
28-A	803	2	A	AMD	PL 476	A	23
28-A	803	6		AMD	PL 476	A	24
28-A	1012	6		AMD	PL 476	A	25
28-A	1052-B			RP	PL 531		2
28-A	1052-C			RP	PL 531		3
28-A	1052-D			NEW	PL 531		4
28-A	1201	3-A		AMD	PL 476	A	26
28-A	1205	3		AMD	PL 476	A	27
28-A	1207	3		AMD	PL 476	A	28
28-A	1361	2		AMD	PL 531		5
28-A	1401	1		AMD	PL 476	A	29
28-A	1401	9		NEW	PL 476	A	30
28-A	1403-A	11		AMD	PL 476	A	31
28-A	1501			AMD	PL 588	B	5
28-A	1505		last	AMD	PL 476	A	32
28-A	2073	3		AMD	PL 476	A	33
28-A	2076	1		AMD	PL 476	A	34
28-A	2077	3		AMD	PL 476	A	35
28-A	2221-A	5		AMD	PL 588	A	36
28-A	2229	2		AFF	PL 476	B	6
28-A	2229	2		AMD	PL 476	B	5
29-A	101	11		AMD	PL 496		1
29-A	101	85		AMD	PL 482		1
29-A	406	1		RP	PL 496		2
29-A	406	2		RP	PL 496		2
29-A	455	2		AMD	PL 496		3
29-A	456-C	1		AMD	PL 496		4
29-A	510	1	B	AMD	PL 496		5
29-A	510	2	A	AMD	PL 496		6
29-A	510	3	B	AMD	PL 496		7
29-A	510	4		AMD	PL 496		8
29-A	515-B	3		AMD	PL 496		9
29-A	521	5		RPR	PL 496		10
29-A	523	4		AMD	PL 496		11
29-A	523	7		AMD	PL 586	I	1
29-A	523	8		NEW	PL 586	I	2
29-A	551	6		RP	PL 530		1
29-A	556		1st	AMD	PL 530		2
29-A	558			RP	PL 530		3
29-A	558-A			NEW	PL 530		4
29-A	558-B			NEW	PL 530		4
29-A	956	3		RP	PL 496		12
29-A	1256		1st	AMD	PL 606		1
29-A	1256	1		AMD	PL 606		2
29-A	1256	2		AMD	PL 606		3
29-A	1256	2-A		NEW	PL 606		4
29-A	1256	3	B	AMD	PL 606		5
29-A	1304		last	RP	PL 493		2
29-A	1304	1	H	AMD	PL 496		13
29-A	1304	1-A		NEW	PL 493		1
29-A	1312	1		AMD	PL 588	A	37
29-A	1851	5		AMD	PL 496		14
29-A	1851	6		AMD	PL 496		14

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
29-A	1851	7		NEW	PL 496		15
29-A	2054	2	C	AMD	PL 462		4
29-A	2063	7		AMD	PL 482		2
29-A	2063-B	3		AMD	PL 482		3
29-A	2079			AMD	PL 588	A	38
29-A	2082	7		AMD	PL 482		4
29-A	2301	1-C		NEW	PL 484		1
29-A	2310			RPR	PL 484		2
29-A	2326		1st	AMD	PL 482		5
29-A	2354		1st	AMD	PL 565		1
29-A	2354-D			NEW	PL 565		2
29-A	2359			AMD	PL 588	A	39
29-A	2401	3		AMD	PL 459		1
29-A	2402		1st	AMD	PL 604		1
29-A	2411	1-A	D	AMD	PL 604		2
29-A	2411	4		AMD	PL 459		2
29-A	2412-A	5		AMD	PL 604		3
29-A	2431	2		AMD	PL 459		3
29-A	2432	4		AMD	PL 459		4
29-A	2451	3		AMD	PL 459		5
29-A	2451	3		AMD	PL 604		4
29-A	2452	1		AMD	PL 484		3
29-A	2459-A			NEW	PL 479		1
29-A	2472	2-B		AMD	PL 496		16
29-A	2486	1-A		AMD	PL 459		6
29-A	2521	1		AMD	PL 459		7
29-A	2521	2		AMD	PL 459		8
29-A	2522	1		AMD	PL 459		9
29-A	2523	1		AMD	PL 459		10
29-A	2524			AMD	PL 459		11
29-A	2528			AMD	PL 459		12
29-A	2601	1		AMD	PL 482		6
29-A	2601	8		AMD	PL 482		7
29-A	2605	1		AMD	PL 482		8
30-A	66-B	1		AMD	PL 457		14
30-A	66-B	1	C	COR	RR 1		47
30-A	66-B	2	A	COR	RR 1		48
30-A	66-B	3	D	AMD	PL 457		15
30-A	66-B	7	C	AMD	PL 457		16
30-A	451	2		RP	PL 462		5
30-A	451	4-A		NEW	PL 462		6
30-A	451	5		AMD	PL 462		7
30-A	453			AMD	PL 462		8
30-A	701	2-A		AMD	PL 598		3
30-A	710	1		AMD	PL 598		4
30-A	710	1-A		NEW	PL 598		5
30-A	710	2		AMD	PL 598		6
30-A	757	1		AMD	PL 481		1
30-A	757	2		RPR	PL 481		2
30-A	1101			AMD	PL 462		9
30-A	1606	2		AMD	PL 519		9
30-A	2356	3		AMD	PL 555		3
30-A	3781			AMD	PL 595	U	9
30-A	3981			NEW	PL 595	U	10
30-A	5061	5		AMD	PL 555		4
32	1094-AA			NEW	PL 575		7
32	1094-BB			NEW	PL 575		7
32	1094-CC			NEW	PL 575		7
32	1094-DD			NEW	PL 575		7
32	1094-EE			NEW	PL 575		7
32	1094-FF			NEW	PL 575		7
32	1094-GG			NEW	PL 575		7
32	1094-HH			NEW	PL 575		7
32	1094-II			NEW	PL 575		7
32	1094-JJ			NEW	PL 575		7
32	1094-KK			NEW	PL 575		7
32	1352-A	2	D	AMD	PL 588	A	40
32	2102	2	A	AFF	PL 540		2
32	2102	2	A	AMD	PL 540		1
32	4700-G	9		AMD	PL 588	A	41
32	5514	3	C	AFF	PL 527		9
32	5514	3	C	AMD	PL 527		1
32	5515	3		AFF	PL 527		9
32	5515	3		RPR	PL 527		2
32	5515	4		AFF	PL 527		9
32	5515	4		AMD	PL 527		3
32	5515	5		AFF	PL 527		9
32	5515	5		AMD	PL 527		3
32	5515	5-A		AFF	PL 527		9
32	5515	5-A		NEW	PL 527		4
32	5515	6		AFF	PL 527		9
32	5515	6		AMD	PL 527		5
32	5516	1		AFF	PL 527		9
32	5516	1		RP	PL 527		6
32	5516	2		AFF	PL 527		9
32	5516	2		AMD	PL 527		7
32	9853	3		COR	RR 1		49
32	11002	6		AMD	PL 521	E	1
32	11002	8-A		NEW	PL 521	E	2
32	11002	8-B		NEW	PL 521	E	2
32	11013	1	C	AMD	PL 588	C	16
32	11013	2	P	AMD	PL 588	C	17
32	11013	4		AMD	PL 588	C	18
32	11017	1		AMD	PL 521	E	3
32	11017	2		AMD	PL 521	E	3
32	11017	4		NEW	PL 521	E	4
32	14021	7		AFF	PL 547		19
32	14021	7		NEW	PL 547		1
32	14024	2		AFF	PL 547		19
32	14024	2		RP	PL 547		2
32	14024	3		AFF	PL 547		19
32	14024	3		AMD	PL 547		3
32	14027	1		AFF	PL 547		19
32	14027	1		AMD	PL 547		4
32	14034	2	A	RPR	PL 588	A	42
32	14035	2		AFF	PL 547		19
32	14035	2		AMD	PL 547		5
32	14035	3		AFF	PL 547		19
32	14035	3		RP	PL 547		6
32	14035-A			AFF	PL 547		19
32	14035-A			NEW	PL 547		7
32	14036	2		AFF	PL 547		19
32	14036	2		AMD	PL 547		8
32	14036	3		AFF	PL 547		19
32	14036	3		RP	PL 547		9
32	14036-A			AFF	PL 547		19

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
32	14036-A			NEW	PL 547		10
32	14037	2		AFF	PL 547		19
32	14037	2		AMD	PL 547		11
32	14037	3		AFF	PL 547		19
32	14037	3		RP	PL 547		12
32	14037-A			AFF	PL 547		19
32	14037-A			NEW	PL 547		13
32	14038	2		AFF	PL 547		19
32	14038	2		AMD	PL 547		14
32	14038	3		AFF	PL 547		19
32	14038	3		RP	PL 547		15
32	14038	4		AFF	PL 547		19
32	14038	4		AMD	PL 547		16
32	14038	6		AFF	PL 547		19
32	14038	6		RP	PL 547		17
32	14039			AFF	PL 547		19
32	14039			NEW	PL 547		18
32	15102	1	E	AMD	PL 595	U	11
32	16304	6-A		NEW	PL 452		1
32	18211	4		AMD	PL 588	A	43
33	593-A	1	B	AMD	PL 555		5
34-A	1001	11-B		NEW	PL 434		2
34-A	1001	12-A		NEW	PL 434		3
34-A	1209-A			RP	PL 533		24
34-A	1216	1		RPR	PL 588	A	44
34-A	1403	2		AMD	PL 491		3
34-A	1403	3		AMD	PL 491		4
34-A	1404	1		AMD	PL 598		7
34-A	1801	1		RPR	PL 598		8
34-A	1801	2	B	AMD	PL 598		9
34-A	1801	2	C	AMD	PL 598		9
34-A	1801	2	D	NEW	PL 598		10
34-A	1801	2	E	NEW	PL 598		10
34-A	1801	2	F	NEW	PL 598		10
34-A	1801	2	G	NEW	PL 598		10
34-A	1801	2	H	NEW	PL 598		10
34-A	1801	2	I	NEW	PL 598		10
34-A	1801	2	J	NEW	PL 598		10
34-A	1801	2	K	NEW	PL 598		10
34-A	1802	1		AMD	PL 598		11
34-A	1803	1		AMD	PL 598		12
34-A	1803	1-A		NEW	PL 598		13
34-A	1803	2	B	AMD	PL 598		14
34-A	1803	2	C	AMD	PL 598		14
34-A	1803	2	D	NEW	PL 598		15
34-A	1803	2	E	NEW	PL 598		15
34-A	1803	3-A		NEW	PL 598		16
34-A	1803	5	B	RP	PL 533		25
34-A	1803	5	D	AMD	PL 598		17
34-A	1803	5	E	AMD	PL 598		18
34-A	1803	5	F	AMD	PL 598		19
34-A	1803	5	G	NEW	PL 598		20
34-A	1803	7		AMD	PL 598		21
34-A	1803	8		AMD	PL 598		22
34-A	1803-A	3		AMD	PL 598		23
34-A	1803-A	4		NEW	PL 598		24
34-A	1805			AMD	PL 598		25
34-A	1806	7		AMD	PL 598		26
34-A	1808			NEW	PL 598		27
34-A	1809			NEW	PL 598		27
34-A	1810			NEW	PL 598		27
34-A	1811			NEW	PL 598		27
34-A	1812			NEW	PL 598		27
34-A	1813			NEW	PL 598		27
34-A	1814			NEW	PL 598		27
34-A	1815			NEW	PL 598		27
34-A	3001	1		AMD	PL 491		5
34-A	3049			NEW	PL 434		4
34-A	3069-A			NEW	PL 434		5
34-A	3069-B			NEW	PL 434		6
34-A	3402			AMD	PL 508		1
34-A	3403			AMD	PL 508		2
34-A	3405	1		AMD	PL 508		3
34-A	3407	1		AMD	PL 508		4
34-A	3407	2	B	AMD	PL 508		5
34-A	3407	4		AMD	PL 508		6
34-A	4201			NEW	PL 508		7
34-A	4202			NEW	PL 508		7
34-A	4203			NEW	PL 508		7
34-A	4204			NEW	PL 508		7
34-A	5402	2	B	AMD	PL 491		6
34-A	5402	3	A-1	NEW	PL 491		7
34-A	5802		1st	AMD	PL 508		8
34-A	5802	2		AMD	PL 508		9
34-A	5804			RP	PL 508		10
34-A	5805			RP	PL 508		11
34-A	5808			AMD	PL 508		12
34-A	5809			AMD	PL 508		13
34-A	5810			AMD	PL 508		14
34-B	1207	1	B	AMD	PL 434		7
34-B	1207	1	B-3	NEW	PL 434		8
34-B	5605	13		AMD	PL 500		1
35-A	108-B			NEW	PL 554		1
35-A	116	1	B	RPR	PL 600		1
35-A	3210-C	8		AMD	PL 454		1
35-A	3210-F			NEW	PL 454		2
35-A	3214	2-A		NEW	PL 556		1
35-A	3452-A			COR	RR 1		50
35-A	3471			NEW	PL 562		1
35-A	3472			NEW	PL 562		1
35-A	3473			NEW	PL 562		1
35-A	3474			NEW	PL 562		1
35-A	3603	2	C	RP	PL 454		3
35-A	3604	8		RPR	PL 454		4
35-A	4516-A	1		AMD	PL 495		1
35-A	4516-A	2		AMD	PL 495		1
35-A	4705-A	1		AMD	PL 495		2
35-A	4705-A	2		AMD	PL 495		2
35-A	6105	2		AMD	PL 573		1
35-A	6105	3		AMD	PL 573		1
35-A	6105	4		AMD	PL 573		2
35-A	6107	3		AMD	PL 573		3
35-A	6114			NEW	PL 573		4
35-A	7104	3		AMD	PL 600		2

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
35-A	10110	2	L	NEW	PL 556		2
36	111	1-A		AFF	PL 472		2
36	111	1-A		AMD	PL 472		1
36	191	3-B		AFF	PL 595	J	4
36	191	3-B		NEW	PL 595	J	2
36	194-B			NEW	PL 546		7
36	208-A	1		AFF	PL 544		6, 7
36	208-A	2		AFF	PL 544		6, 7
36	208-A	3		AFF	PL 544		6, 7
36	208-A	4		AFF	PL 544		6, 7
36	208-A	5		AFF	PL 544		6, 7
36	558-A	2		AMD	PL 588	C	19
36	651	1		COR	RR 1		51
36	653	1	C	AMD	PL 471		1
36	653	1	D-1	AMD	PL 471		2
36	653	1	G	AMD	PL 546		8
36	693	1		AFF	PL 544		7
36	693	1		AMD	PL 544		1
36	693	4		AFF	PL 544		7
36	693	4		RP	PL 544		2
36	694	1		AFF	PL 544		7
36	694	1		AMD	PL 544		3
36	694	2	B	AFF	PL 544		7
36	694	2	B	AMD	PL 544		4
36	706			AFF	PL 544		7
36	706			AMD	PL 544		5
36	943-B			AMD	PL 588	C	20
36	946-A			RP	PL 521	D	1
36	946-B			NEW	PL 521	D	2
36	1483	16		AMD	PL 532		1
36	1752	17		AMD	PL 546		9
36	1754-B	1-A		AMD	PL 546		10
36	1754-B	2-C		AMD	PL 588	A	45
36	1760	14-A		AFF	PL 564		3
36	1760	14-A		NEW	PL 564		1
36	1760	95		NEW	PL 442		1
36	1760	95		AFF	PL 442		2
36	1811		1st	RPR	PL 588	E	11
36	4102	6	C	AMD	PL 546		11
36	4109	1		AMD	PL 546		12
36	4641-B	4-B	C	AMD	PL 502	T	1
36	4641-B	4-B	D	AMD	PL 595	V	1
36	4641-B	6		AMD	PL 521	A	1
36	4641-B	7		NEW	PL 521	A	2
36	4641-C	2		RPR	PL 521	A	3
36	5122	1	HH	COR	RR 1		52
36	5122	2	FF	AMD	PL 525		14
36	5122	2	LL	AFF	PL 588	A	47
36	5122	2	LL	RPR	PL 588	A	46
36	5122	2	M-1	AMD	PL 546		13
36	5122	2	X	AMD	PL 546		14
36	5125	4		AFF	PL 595	T	2
36	5125	4		AMD	PL 595	T	1
36	5125	5		NEW	PL 590		1
36	5200-A	1	AA	COR	RR 1		53
36	5216-B	2		AMD	PL 438		6
36	5217-D			AMD	PL 525		15
36	5219-L	1		AFF	PL 502	J	3
36	5219-L	1		AMD	PL 502	J	1
36	5219-L	3		AFF	PL 502	J	3
36	5219-L	3		AMD	PL 502	J	2
36	5219-W	1		AFF	PL 502	K	2
36	5219-W	1		AMD	PL 502	K	1
36	5219-W	1		AFF	PL 595	K	2
36	5219-W	1		AMD	PL 595	K	1
36	5219-BB	4		AFF	PL 550		2
36	5219-BB	4		RPR	PL 550		1
36	5219-II		1st	AMD	PL 551		2
36	5219-II			RAL	RR 1		54
36	5219-JJ			RAL	RR 1		54
36	5219-KK			NEW	PL 599		1
36	5219-KK			NEW	PL 551		3
36	5251			AMD	PL 546		15
36	5403			RPR	PL 551		4
36	6221			COR	RR 1		55
36	6231			RP	PL 455		1
36	6232	2		RP	PL 455		2
36	6233			COR	RR 1		56
36	6233			AFF	PL 455		4
36	6233			RP	PL 455		3
36	6901	2		AMD	PL 546		16
37-B	3	1	D	AMD	PL 569		2
37-B	3	1	D	AMD	PL 469		1
37-B	154			AMD	PL 469		2
37-B	264	1		AMD	PL 469		3
37-B	264	2		AMD	PL 469		4
37-B	353			AMD	PL 469		5
37-B	399	1		AMD	PL 469		6
37-B	505	2	F	AMD	PL 569		3
37-B	508			AMD	PL 569		4
37-B	512-A			NEW	PL 569		5
37-B	514	2		AMD	PL 569		6
37-B	793	1		AMD	PL 462		10
37-B	802	1	C	AMD	PL 462		11
37-B	802	1	D	AMD	PL 462		11
37-B	802	1	E	NEW	PL 462		12
38	436-A	12		AMD	PL 489		1
38	439-A	4-B		AMD	PL 588	A	48
38	451-A	1-A		AMD	PL 523		3
38	480-B	5-C		NEW	PL 536		1
38	480-E-3			AMD	PL 570		1
38	480-Q	5-A	G	AMD	PL 536		2
38	547	3		AMD	PL 462		13
38	579		1st	RPR	PL 588	A	49
38	585-N			AMD	PL 453		1
38	638			NEW	PL 545		1
38	1031			NEW	PL 555		6
38	1032			NEW	PL 555		6
38	1033			NEW	PL 555		6
38	1034			NEW	PL 555		6
38	1035			NEW	PL 555		6
38	1036			NEW	PL 555		6
38	1037			NEW	PL 555		6
38	1038			NEW	PL 555		6
38	1039			NEW	PL 555		6

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
38	1040			NEW	PL 555		6								
38	1041			NEW	PL 555		6								
38	1042			NEW	PL 555		6								
38	1043			NEW	PL 555		6								
38	1044			NEW	PL 555		6								
38	1045			NEW	PL 555		6								
38	1046			NEW	PL 555		6								
38	1047			NEW	PL 555		6								
38	1048			NEW	PL 555		6								
38	1049			NEW	PL 555		6								
38	1050			NEW	PL 555		6								
38	1051			NEW	PL 555		6								
38	1052			NEW	PL 555		6								
38	1053			NEW	PL 555		6								
38	1054			NEW	PL 555		6								
38	1055			NEW	PL 555		6								
38	1251			RP	PL 555		7								
38	1252			RP	PL 555		7								
38	1253			RP	PL 555		7								
38	1254			RP	PL 555		7								
38	1255			RP	PL 555		7								
38	1256			RP	PL 555		7								
38	1257			RP	PL 555		7								
38	1258			RP	PL 555		7								
38	1310-N	1		AMD	PL 458		1								
38	1863			AMD	PL 580		4								
38	2144	5	A	AMD	PL 483		1								
38	2144	5	E	AMD	PL 483		2								
38	2144	7		AMD	PL 483		3								

TABLE II

Public Laws not allocated to the Maine Revised Statutes of 1964 affected by the laws of the First Special Session and the Second Regular Session of the 126th Legislature and the Revisor's Report 2013, Chapter 1.

YEAR	CHAP	SEC	AFFECTED BY	(TYPE)	YEAR	CHAP	SEC
2009	645	F1/3, 6	AMD	PL	2013	595	E1
2009	645	F1/3, 6	AFF	PL	2013	595	E4
2011	380	T22	AMD	PL	2013	578	1
2013	133	37	RP	PL	2013	588	A50
2013	256	12	COR	RR	2013	1	57
2013	335	B1/6	COR	RR	2013	1	58
2013	354	E1	RP	PL	2013	502	M1
2013	354	E2	AMD	PL	2013	502	M2
2013	354	E3	AMD	PL	2013	502	M3
2013	354	N3	AMD	PL	2013	586	F3
2013	368	E1	RP	PL	2013	502	M4
2013	368	E2	AMD	PL	2013	502	M5
2013	368	E3	AMD	PL	2013	502	M6
2013	368	F1	AMD	PL	2013	502	F1
2013	368	F4	AMD	PL	2013	502	F2
2013	368	O11	RP	PL	2013	544	6
2013	368	O11	AFF	PL	2013	544	7
2013	368	S8	RP	PL	2013	451	1
2013	368	S9	AMD	PL	2013	451	2
2013	368	S9	RP	PL	2013	595	X1
2013	368	YY1	AMD	PL	2013	538	42
2013	368	YY1	AMD	PL	2013	595	I1
2013	368	YY1	AFF	PL	2013	595	I2
2013	368	QQQ1	AMD	PL	2013	502	O2
2013	368	PPPP2	AMD	PL	2013	595	O1
2013	425	4	AMD	PL	2013	595	E2
2013	437	1	RP	PL	2013	538	43
2013	451	2	RP	PL	2013	487	A1
2013	451	5	RP	PL	2013	487	A2
2013	502	A1	AMD	PL	2013	595	Y1
2013	502	G2	AMD	PL	2013	595	N1
2013	502	H3	NEW	PL	2013	595	E3
2013	572	5	AMD	PL	2013	608	1
2013	572	9	AMD	PL	2013	608	2

TABLE III

Public Laws exempted in revisions prior to 1964 affected by the laws of the First Special Session and the Second Regular Session of the 126th Legislature and the Revisor's Report 2013, Chapter 1.

(THERE WERE NONE.)

SUBJECT INDEX

to the Laws of the First Special Session

and the Second Regular Session of the 126th Legislature

CHAPTER

ABANDONMENT
SEE ALSO PROPERTY
FORECLOSURES
EXPEDITED PROCESS....PUBLIC 521
MOTOR VEHICLES
FAILURE TO PAY STORAGE FEES....PUBLIC 496
PROPERTY MANAGEMENT PROVIDERS
RECORDS, INVENTORY REQUIRED....PUBLIC 521
PROPERTY PUBLIC SALES
SCHEDULE, ADJOURNMENTS....PUBLIC 521

ABUSE & NEGLECT
CHILDREN
WORKING GROUP, REVIEW PROTECTIONS....RESOLVE 99

ACCESS TO INFORMATION
FOOD
GENETIC INFORMATION DISCLOSURE....PUBLIC 436
SOCIAL MEDIA ACCOUNTS
SCHOOL/WORKPLACE STUDY....RESOLVE 112

ACTIONS
CIVIL RECOVERY
COMMERCIAL FISHING BOATS EXEMPTION....PUBLIC 510
EQUITABLE RELIEF
BAD FAITH PATENT INFRINGEMENT CLAIMS....PUBLIC 543

ADDRESSES
SEE GOVERNOR (LEPAGE)
SEE SUPREME JUDICIAL COURT – CHIEF JUSTICE (SAUFLEY)

ADJUTANT GENERAL
SEE ALSO DEFENSE, VETERANS & EMER MANAGE DEPT
COMM W/FEDERAL VETS AFFAIRS DEPT
ENVIRONMENTAL HAZARDS, GAGETOWN....PUBLIC 569

ADMINISTRATIVE & FINANCIAL SERV DEPT
ALLOTMENT CURTAILMENTS
EDUCATION PROGRAMS EXEMPT (F)....PUBLIC 502
AMHI PARCELS
SALE FOR VETS TRANSITIONAL HOUSING....RESOLVE 98
COMPENSATION/BENEFIT PLAN PROG
FUNDS LAPSE TO GENERAL FUND (PART I)....PUBLIC 502
DOCTORS HOUSES, AUGUSTA
SALE FOR VETS TRANSITIONAL HOUSING....RESOLVE 98
RETIRED TEACHERS
RESTORATION TO SERVICE WRK GRP....PUBLIC 486
SALARY PLAN PROGRAM
LAPSE FUNDS TO UNALLOCATED SURPLUS (H)....PUBLIC 586

ADULT EDUCATION
CAREER & ACADEMIC COUNSELING
COSTS REIMBURSEMENT INCREASED....PUBLIC 460

AGRICULTURAL PRODUCTS
GENETIC INFORMATION
DISCLOSURE....PUBLIC 436

AGRICULTURE
POTATO PLANTING STANDARDS
FINES INCREASED....PUBLIC 475
POULTRY PRODUCERS
INSPECTION-EXEMPT CATEGORIES....PUBLIC 567

AGRICULTURE, CONS & FORESTRY DEPT
AERIAL PESTICIDE APPLICATION
RULE REVIEW BY LEGISLATURE....RESOLVE 86
AG DEVELOPMENT GRANT PROGRAM
RULE REVIEW BY LEGISLATURE....RESOLVE 96

CHAPTER

AGRICULTURE, CONS & FORESTRY DEPT (Cont.)
MOSQUITO-BORNE DISEASES
MANAGEMENT ACTIVITIES....PUBLIC 548
OUTDOOR PESTICIDE APPLICATION
RULE REVIEW BY LEGISLATURE....RESOLVE 88
POWERS & DUTIES
ACCESS TO POTATO FIELDS....PUBLIC 475
SPECIAL PROVISIONS
RULE REVIEW BY LEGISLATURE....RESOLVE 87
TITLE CONVEYANCE AUTHORIZED
CHESUNCOOK COMM CHURCH BLDG....RESOLVE 108

AIRCRAFT
IMPROVEMENTS
BOND ISSUE....PUBLIC 429

AIRPORTS
IMPROVEMENTS
BOND ISSUE....PUBLIC 429

ALCOHOLIC BEV & LOTTERY OP BUREAU
ALCOHOLIC BEVERAGES LAWS
ADMINISTRATION CLARIFIED....PUBLIC 476
LIQUOR & WINE DISTRIBUTION
BRAND & OTHER TERMS DEFINED....RESOLVE 89
LIQUOR ENFORCEMENT
ADDITIONAL POSITIONS FUNDED (PART L)....PUBLIC 595

ALCOHOLIC BEVERAGES
ADMINISTRATION OF LAWS
TECHNICAL CHANGES....PUBLIC 476
ADVERTISING
ALCOHOL CONTENT ALLOWED....PUBLIC 504
AGENCY LIQUOR STORES
DISCOUNT PRICE....PUBLIC 476
APPROVAL HOLDERS CERTIFICATES
LIMITED AVAILABLE FOR MALT LIQUOR....PUBLIC 531
CIVIC CENTERS & AUDITORIUM SALES
MAY SHARE SPORTING EVENT REVENUE....PUBLIC 446
COMMERCIAL TRANSPORT
APPLICATION....PUBLIC 476
FORTIFIED WINE
DISTRIBUTION....PUBLIC 476
LIQUOR PRODUCTS
BRAND & OTHER TERMS DEFINED....RESOLVE 89
MAIL-IN REBATES
AUTHORIZED....PUBLIC 514
NEW LAWS & RULES
COPIES NOT PROVIDED TO LICENSEES....PUBLIC 476
SPECIAL TASTE-TESTING EVENTS
LICENSING REVISED....PUBLIC 531
PROCEDURES & RESTRICTIONS....PUBLIC 531

ANDROSCOGGIN COUNTY
COMMISSIONERS
ELECTION SCHEDULE REVISED....PUBLIC 457
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED....PUBLIC 453

ANSON & MADISON WATER DISTRICT
CHARTER CHANGES
BOARD OF TRUSTEES VACANCIES....P & S 21

ANTLERLESS DEER
SEE HUNTING

CHAPTER

APPROPRIATIONS
BUDGET STABILIZATION FUND
FY 13-14 TRANSFERS REPEALED ..... PUBLIC 487
COMP SKILLS SCHOL FUND TRANSFERS
SUPPLEMENTAL FY 2014 (PART O) ..... PUBLIC 502
COMPETITIVE SKILLS SCHOLARSHIP FUND
SUPPLEMENTAL FY 2014 (PART A) ..... PUBLIC 502
DIRIGO HEALTH FUND
SUPPLEMENTAL FY 14-15 (PART B) ..... PUBLIC 595
DIRIGO HEALTH FUND TRANSFERS
SUPPLEMENTAL FY 14-15 (PART D) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART D) ..... PUBLIC 502
FEDERAL BLOCK GRANT FUND
SUPPLEMENTAL FY 2014 (PART A) ..... PUBLIC 502
FEDERAL FUND
SUPPLEMENTAL FY 14-15 (PART A) ..... PUBLIC 586
SUPPLEMENTAL FY 14-15 (PART B, Q, W) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART A, B, R) ..... PUBLIC 502
FINANCIAL & PERSONNEL SERV FUND
SUPPLEMENTAL FY 2014 (PART B) ..... PUBLIC 502
FLEET SERVICES FUND
SUPPLEMENTAL FY 14-15 (PART A) ..... PUBLIC 586
GENERAL FUND
SUPPLEMENTAL FY 14-15 (PART A, B, Q, W) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART A, B, F, H, M, R) .. PUBLIC 502
UNAPP SURPLUS 4TH PRIORITY TRANSFER (X) ..... PUBLIC 595
GENERAL FUND REVENUE
SUPPLEMENTAL FY 14-15 (F, J, K, M, T, V, Z) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART J, K, S, T, V) ..... PUBLIC 502
GENERAL FUND TRANSFERS
SUPP FY 2014 (PART C, D, E, G, I, L, N, O, P) ..... PUBLIC 502
SUPP FY 2014 (PART Q, R, U, W, X) ..... PUBLIC 502
SUPPLEMENTAL FY 14-15 (PART D, N, O, Z) ..... PUBLIC 595
HEALTHY MAINE FUND TRANSFERS
SUPPLEMENTAL FY 2014 (PART C) ..... PUBLIC 502
HIGHWAY FUND
SUPPLEMENTAL FY 14-15 (PART A, D, E, G) ..... PUBLIC 586
HIGHWAY FUND TRANSFERS
SUPPLEMENTAL FY 14-15 (PART H) ..... PUBLIC 586
INFORMATION SERVICES FUND
SUPPLEMENTAL FY 14-15 (PART A) ..... PUBLIC 595
MARINE PORTS FUND
SUPPLEMENTAL FY 14-15 (PART A) ..... PUBLIC 586
RECLASSIFICATIONS & RANGE CHANGES
SUPPLEMENTAL FY 2014 (PART B) ..... PUBLIC 502
SPECIAL REVENUE FUNDS
SUPPLEMENTAL FY 14-15 (PART A) ..... PUBLIC 586
SUPPLEMENTAL FY 14-15 (PART A, B, L, T) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART A, B) ..... PUBLIC 502
SPECIAL REVENUE FUNDS REVENUE
SUPPLEMENTAL FY 14-15 (PART F) ..... PUBLIC 586
SUPPLEMENTAL FY 14-15 (PART J, K, M, T, V) ..... PUBLIC 595
SUPPLEMENTAL FY 2014 (PART A, J, K, T) ..... PUBLIC 502
SPECIAL REVENUE FUNDS TRANSFERS
SUPP FY 2014 (PART D, E, G, N, Q, U, W) ..... PUBLIC 502
SUPPLEMENTAL FY 14-15 (PART N, O) ..... PUBLIC 595

AQUACULTURE
LEASES
PRODUCT MAY BE SOLD AT RETAIL ..... PUBLIC 509
SPECIES RESTRICTIONS, VIOLATIONS ..... PUBLIC 509
STATISTICAL LANDINGS INFORMATION ..... PUBLIC 512
LIMITED-PURPOSE LICENSES
RESEARCH, PRODUCT PROTECT, REPORTS ..... PUBLIC 509

ARCHITECTURAL PAINT
SEE PAINT

AROOSTOOK COUNTY
CROSS LAKE TWP
CONVEY INTEREST OF STATE ..... RESOLVE 92

CHAPTER

AROOSTOOK COUNTY (Cont.)
TC R2 WELS
CONVEY INTEREST OF STATE ..... RESOLVE 92

ATHLETICS
ALCOHOLIC BEVERAGE SALES
EVENT REVENUE SHARING ..... PUBLIC 446

ATTORNEY GENERAL DEPT
ALL OTHER FUNDS BALANCES
CARRY FORWARD (PART AA) ..... PUBLIC 502
COLD CASE HOMICIDE UNIT
ESTABLISHED ..... PUBLIC 585
PATENT INFRINGEMENT
BAD FAITH ACTIONABLE ..... PUBLIC 543
POSITION SALARIES
ADJUSTED (PART G) ..... PUBLIC 595
RISPERDAL/INVEGA SETTLEMENT
TRANSFER TO GENERAL FUND (S) ..... PUBLIC 502
SALARY PLAN PROGRAM
TRANSFERS LIMITED FY 14-15 (PART G) ..... PUBLIC 595
VETERANS TREATMENT COURTS
ASST DA POSITION FUNDED ..... PUBLIC 584

AUTISTIC PERSONS
SEE CHILDREN
SEE DISABLED PERSONS

BAIL & RECOGNIZANCE
POST-CONVICTION BAIL
LIMITATIONS ..... PUBLIC 519
PRECONVICTION BAIL
DEFERRED DISPOSITION ..... PUBLIC 519

BANGOR HYDRO ELECTRIC COMPANY
MERGER W/ PUBLIC SERVICE COMPANY
PRESERVATION OF RIGHTS ..... P & S 25

BAYVILLE VILLAGE CORPORATION
CHARTER CHANGES
TERRITORY REVISED ..... P & S 19

BEAR
SEE HUNTING
SEE TRAPPING

BEER
SEE ALCOHOLIC BEVERAGES

BOARDS & COMMISSIONS
INACTIVE
BLAINE HOUSE COMM REPEAL EXCEPTION ..... PUBLIC 533
REPEALED ..... PUBLIC 533

BOILERS
REGULATIONS
SCHOOLS/MUNICIPALITIES EXEMPT (PART U) ..... PUBLIC 595

BOLDUC CORRECTIONAL FACILITY
SEE CORRECTIONAL FACILITIES

BOND ISSUES
BIOMEDICAL RESEARCH
JOB GROWTH & INFRASTRUCTURE ..... PUBLIC 574
COMMUNITY COLLEGE SYSTEM
FACILITIES CONSTRUCTION, REPAIR ..... PUBLIC 431
COOPERATIVE EXTENSION SERVICE
ANIMAL/PLANT DISEASE & INSECT FACILITY ..... PUBLIC 572
ANIMAL/PLANT DISEASE & INSECT FAC CLAR .... PUBLIC 608
ECONOMIC DEVELOPMENT
LOBSTER PROCESSING CAPACITY ..... RESOLVE 92
MARINE BUSINESSES, AWARD PROGRAM ..... PUBLIC 592
HIGHWAYS, BRIDGES, PORTS, RAIL, AIR
RECONSTRUCTION & REHABILITATION ..... PUBLIC 429
JOB CREATION
BIOMEDICAL RESEARCH, BIOTECHNOLOGY ..... PUBLIC 568
MAINE MARITIME ACADEMY
SCIENCE FACILITY ..... PUBLIC 433
NATIONAL GUARD ARMORIES
MAINTENANCE, LAND PURCHASE ..... PUBLIC 432

CHAPTER

BOND ISSUES (Cont.)
OLD ORCHARD BEACH
2011 REFERENDUM VALIDATED ..... P & S 28
SMALL BUSINESSES
JOB CREATION, DOWNTOWNS, BUSINESS ..... PUBLIC 596
UNIVERSITY OF MAINE SYSTEM
CAPITAL IMPROVEMENTS IN STEM, NURSING ..... PUBLIC 430
WATER RESOURCES
DRINKING WATER, WETLANDS ..... PUBLIC 589
BONDS
PRIVATE ACTIVITY BONDS
CEILINGS, CY 2014 & 2015 ..... P & S 20
BRADLEY
LEONARDS MILLS DAM
FISHING FROM FISHWAY PROHIBITED ..... PUBLIC 499
BRIDGES
IMPROVEMENTS
BOND ISSUE ..... PUBLIC 429
PISCATAQUA RIVER BRIDGE
REPAIR FUNDING (PART F) ..... PUBLIC 586
SARAH MILDRED LONG BRIDGE
REPLACEMENT FUNDING (PART F) ..... PUBLIC 586
VIETNAM VETERANS MEMORIAL BRIDGE
PLAQUE REPLACEMENT & UPKEEP ..... RESOLVE 80
BUDGET BILLS
MUNICIPAL REV SHARING TRANSFERS
2014-15 REDUCTION REPEALED ..... PUBLIC 451
UNAPPROPRIATED SURPLUS TRANSFER
TO BUDGET STABILIZATION FUND ..... PUBLIC 451
BUDGET BUREAU
VACANT POSITIONS
REVIEW & SAVINGS IDENTIFICATION (PART Z) ..... PUBLIC 595
BUSES
DEFINITION
CONSISTENT WITH FEDERAL LAW ..... PUBLIC 496
SCHOOL BUSES
MULTIFUNCTION ACTIVITY BUSES ..... PUBLIC 484
BUSINESS EQUIPMENT TAX EXEMPT PROGRAM
SEE PROPERTY TAX
SEE TAXATION
CALLAHAN MINE SITE
SEE TRANSPORTATION DEPT
CAMPING AREAS
SPORTING CAMPS
MOOSE PERMITS FOR CAMP USE ..... PUBLIC 437
CANCER
CHEMOTHERAPY
ORAL MEDS, INSURANCE COVERAGE ..... PUBLIC 449
CAREER & TECHNICAL ED REGIONS
COOPERATIVE BOARD MEETINGS
COMPENSATION REVISED ..... PUBLIC 583
CARMEL
SOUADABSCOOK STREAM DAM
FISHING FROM FISHWAY PROHIBITED ..... PUBLIC 499
CASINOS
SEE GAMES OF CHANCE
CEMETERIES
ANCIENT BURIAL GROUNDS
VETERANS AND OTHER GRAVES ..... PUBLIC 524
MAINTENANCE & REPAIR
VETERANS, ANCIENT & PUBLIC GROUNDS ..... PUBLIC 524
PUBLIC BURYING GROUNDS
VETERANS GRAVES ..... PUBLIC 524
CHANGEABLE SIGNS
SEE OUTDOOR ADVERTISING
CHARITABLE SOLICITATIONS ACT
SEE POPULAR NAMES OF LAWS

CHAPTER

CHARITIES
CHARITABLE ORGANIZATIONS
DEFINITION CLARIFIED ..... PUBLIC 539
EXEMPTIONS, PAPERWORK REPEALED ..... PUBLIC 539
LICENSURE, DETERMINATION LETTER ..... PUBLIC 539
PROF FUND-RAISING COUNSEL
NOT REGULATED ..... PUBLIC 539
PROFESSIONAL SOLICITORS
REGULATION, BONDING, REPORTS ..... PUBLIC 539
CHESUNCOOK TOWNSHIP
AUTHORITY TO CONVEY TITLE BY DACF
CHESUNCOOK COMM CHURCH BLDG ..... RESOLVE 108
CHILD ABUSE
LAWS & PROTECTIONS
DHHS WORKING GROUP TO REVIEW ..... RESOLVE 99
CHILD CARE
DHHS QUALITY RATING SYSTEM
ESTABLISHED ..... PUBLIC 559
CHILDREN
ABUSE & NEGLECT
WORKING GROUP, REVIEW PROTECTIONS ..... RESOLVE 99
CHILD CARE SERVICES
QUALITY RATING SYSTEM ESTABLISHED ..... PUBLIC 559
CHILDREN WITH AUTISM
HEALTH INS COVERAGE, 10 YRS & YOUNGER ..... PUBLIC 597
EPINEPHRINE AUTOINJECTORS
USE IN SCHOOLS ..... PUBLIC 526
FOSTER CARE
POSTSECONDARY ED GRANT PROGRAM ..... PUBLIC 577
PUBLIC PRESCHOOL PROGRAMS
STAKEHOLDER GROUP, REPORT ..... PUBLIC 581
VOLUNTARY, FUNDING ..... PUBLIC 581
STUDENT HUNGER
TASK FORCE ESTABLISHED ..... RESOLVE 107
SUPPORT ORDER, PENOBSCOT NATION
DRIVERS LICENSE SUSPENSION ..... PUBLIC 479
CLAMS
SEE MARINE RESOURCES
COLLEGE AFFORD/COMPLETION COMMISSION
MEMBERSHIP
ESTABLISHED ..... RESOLVE 109
POWERS & DUTIES
ESTABLISHED ..... RESOLVE 109
COLLEGES & UNIVERSITIES
AFFORDABILITY & COMPLETION
STUDY COMMISSION ..... RESOLVE 109
FOSTER CHILDREN
TRANSITION GRANT PROGRAM ..... PUBLIC 577
VETERANS EDUCATIONAL BENEFITS
DEPENDENTS, TUITION WAIVERS ..... PUBLIC 569
COMBAT SPORTS AUTHORITY
BOXING EVENT FEES & PARTICIPANTS
RULE REVIEW BY LEGISLATURE ..... RESOLVE 90
MIXED MARTIAL ARTS
RULE REVIEW BY LEGISLATURE ..... RESOLVE 103
COMMUNITY COLLEGE SYSTEM
FACILITIES CONSTRUCTION, REPAIR
BOND ISSUE ..... PUBLIC 431
REPORTS TO LEGISLATURE
RECOMMENDATIONS FOR REPEAL (R) ..... PUBLIC 595
TUITION
IN-STATE FOR ALL VETERANS ..... PUBLIC 488
COMPUTERS
COMPUTER CRIMES
CRIMINAL JUSTICE AGENCY DEFINED ..... PUBLIC 519
CONSTRUCTION
DIG SAFE
EXCAVATION RESTRICTIONS ..... PUBLIC 557

CHAPTER

CONSTRUCTION – DIG SAFE (Cont.)
EXCAVATOR NOTIFICATIONS....PUBLIC 557
CONSUMER CREDIT
LICENSED LENDERS
QUARTERLY REPORTS....PUBLIC 546
LOAN BROKERS
LICENSING FOR MORTGAGE LOANS....PUBLIC 466
LOANS
UNLICENSED LOAN TRANSACTIONS....PUBLIC 480
MORTGAGE LENDERS
EDUCATION REQUIREMENTS....PUBLIC 466
SUPERVISED LENDERS
BRANCH OFFICES, SURETY BOND....PUBLIC 466
LICENSING FOR MORTGAGE LOANS....PUBLIC 466
CONSUMER CREDIT CODE
SEE POPULAR NAMES OF LAWS
CONSUMER CREDIT PROTECTION BUREAU
LICENSED LENDERS
QUARTERLY REPORTS....PUBLIC 466
PROPERTY MANAGEMENT PROVIDERS
REGULATION, ABANDONED PROPERTY....PUBLIC 521
CORINNA WATER DISTRICT
CHARTER CHANGES
BOUNDARIES REDEFINED.... P & S 26
TRUSTEES RESIDENCY.... P & S 26
CORRECTIONAL FACILITIES
BOLDUC CORRECTIONAL FACILITY
ESTABLISHED....PUBLIC 508
CORRECTIONAL CENTER
SUPERINTENDENT NOW WARDEN....PUBLIC 508
MENTAL HEALTH SERVICES
TRANSFER, PLACEMENT, MEDS, REPORT....PUBLIC 434
CORRECTIONS BOARD
SEE ALSO JAILS
CAPITAL INVESTMENT PLAN
CREATED, FUND ESTABLISHED....PUBLIC 598
COUNTY JAILS
BUDGET APPROVALS, GROWTH FACTOR....PUBLIC 598
INMATE TRANSFER, TECHNOLOGY....PUBLIC 598
PERFORMANCE & FINANCE OVERSIGHT....PUBLIC 598
UNIFIED SYSTEM, GOALS....PUBLIC 598
IMPROPER CONTACT AFTER ARREST
UNIFORM NOTIFICATION POLICY....PUBLIC 478
INVESTMENT FUND
CHANGE: OPERATIONAL SUPPORT FUND....PUBLIC 598
MEMBERSHIP
DECREASED....PUBLIC 598
POWERS & DUTIES
GRANTS, CONTRACTS FOR GOODS....PUBLIC 598
CORRECTIONS DEPT
CAPITAL IMPROVEMENTS ACCOUNT
TRANSFER TO UNAPPROP SURPLUS (R)....PUBLIC 502
COMMISSIONER APPOINTMENTS
AUTHORITY EXPANDED....PUBLIC 491
DEPUTY COMMISSIONER
POSITION CREATED....PUBLIC 491
MENTAL HEALTH SERVICES
TRANSFER, PLACEMENT, MEDS, REPORT....PUBLIC 434
STATE PRISON
MENTAL HEALTH UNIT FUNDED....PUBLIC 591
WORK RELEASE PROGRAMS
TERM EXPANDED (PART Z)....PUBLIC 595
COUNTIES
PRIORITY 3 SALT & SAND SHEDS
FUNDING NOTIFICATION PROCESS....PUBLIC 523
GROUNDWATER CLASS EXEMPTIONS....PUBLIC 523
COURTS
CASE, DATA & FILING SYSTEM
FUNDED....PUBLIC 571

CHAPTER

CRABS
SEE MARINE RESOURCES
CRAYFISH
SEE MARINE RESOURCES
CRIMES & OFFENSES
SEE ALSO SEX OFFENSES
SEE ALSO TRAFFIC REGULATIONS
CIVIL VIOLATIONS
CLARIFIED FOR TRAFFIC OFFENSES....PUBLIC 482
COMPUTER CRIMES
CRIMINAL JUSTICE AGENCY DEFINED....PUBLIC 519
DOMESTIC VIOLENCE CRIMES
IMPROPER CONTACT, PRECONVICTION BAIL....PUBLIC 478
ELVER FISHING QUOTAS
CLASS D CRIME TO VIOLATE....PUBLIC 485
ELVER FISHING VIOLATIONS
CIVIL VIOLATION REPEALED....PUBLIC 468
HUMAN TRAFFICKING
DEFENSE FOR PROSTITUTION....PUBLIC 537
OPERATING UNDER INFLUENCE
PRIOR CONVICTION TIME PERIOD CALC....PUBLIC 604
SUSPENSION & INTERLOCK IGNITION DEVICE....PUBLIC 459
PATRONIZING PROSTITUTION
FINES TO VICTIMS COMPENSATION FUND....PUBLIC 607
SEXUAL ASSAULTS
IMPROPER CONTACT, PRECONVICTION BAIL....PUBLIC 478
UNSOLVED MURDER CASES
COLD CASE HOMICIDE UNIT ESTABLISHED....PUBLIC 585
CRIMINAL HISTORY REC INFO ACT
SEE POPULAR NAMES OF LAWS
CRIMINAL JUSTICE ACADEMY
OPERATION COSTS
FUNDING CONTINUED....PUBLIC 591
CRIMINAL LAW ADVISORY COMMISSION
RECOMMENDATIONS
IMPLEMENTED....PUBLIC 519
CRIMINAL PROCEDURE
EXTRADITION ACCOUNT
EXPANDED FOR PROSECUTION EXPENSES....PUBLIC 566
CULTCHLESS AMERICAN OYSTERS
SEE MARINE RESOURCES
CUMBERLAND COUNTY
COMMISSIONERS
DISTRICTS, TECHNICAL CHANGES....PUBLIC 457
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED....PUBLIC 453
DAMS
FEDERAL APPLICATION/RELICENSING
DEP REPORT TO LEGISLATURE....PUBLIC 545
DEATH
INHERITANCE
DIGITAL ASSETS, REPORT DATE EXTENDED....RESOLVE 81
DEER
SEE HUNTING
DEFENSE, VETERANS & EMER MANAGE DEPT
ADJUTANT GENERAL
FEDERAL COST-SHARING DUTIES....PUBLIC 469
EMERGENCY MANAGEMENT
TERMINOLOGY REVISED....PUBLIC 462
EMERGENCY RESPONSE COMM FUND
DISBURSEMENTS FOR HAZ MAT INCIDENTS....PUBLIC 462
PLAQUE TO HONOR VETERANS
CONTRIBUTIONS SOLICITED....PUBLIC 569
REQUEST TO FEDERAL VETS AFFAIRS DEP
ENVIRONMENTAL HAZARDS, GAGETOWN....RESOLVE 100
DENTAL CARE
DENTAL HYGIENE THERAPISTS
LICENSING, PRACTICE SCOPE, COVERAGE....PUBLIC 575

CHAPTER

DENTAL EXAMINERS BOARD
DENTAL HYGIENE THERAPISTS
RULEMAKING, EDUCATION REQS....PUBLIC 575
DEVELOPMENTAL DISABILITIES
CHILDREN WITH AUTISM
HEALTH INS COVERAGE, 10 YRS & YOUNGER....PUBLIC 597
DIG SAFE LAWS
SEE CONSTRUCTION
SEE PUBLIC UTILITIES COMMISSION
SEE UNDERGROUND UTILITY FACILITIES
SEE UTILITIES
DIRIGO HEALTH
DIRIGO HEALTH FUND
TRANSFER TO GENERAL FUND (PART D) ....PUBLIC 595
DISABLED PERSONS
ACTIVITIES OF DAILY LIVING
DHHS NEEDS REVIEW ....RESOLVE 79
INTELLECTUAL DISABILITIES
MAINECARE ADD-ON REIMBURSEMENT (S) ....PUBLIC 595
INTELLECTUALLY DISABLED OR AUTISTIC
BEHAVIORAL HEALTH TREATMENTS....PUBLIC 500
MOTOR VEHICLES
ADAPTIVE EQUIPMENT SALES TAX EXEMPT....PUBLIC 442
RESTRAINT/SECLUSION
DHHS REVIEW & REPORT ....RESOLVE 91
DISEASES
MOSQUITO-BORNE DISEASES
DACF MANAGEMENT ACTIVITIES ....PUBLIC 548
DHHS LEAD AGENCY FOR MONITORING....PUBLIC 548
MANAGEMENT FUND ESTABLISHED....PUBLIC 548
MUNICIPAL MANAGEMENT DISTRICTS....PUBLIC 548
PUBLIC HEALTH THREAT ....PUBLIC 548
DISTRICT COURT
JUDGES
COST-OF-LIVING RAISES....PUBLIC 563
DOMESTIC ABUSE
ADDRESS CONFIDENTIALITY PROGRAM
INFORMATION DISCLOSURE ....PUBLIC 478
ARREST
IMPROPER CONTACT, PRECONVICTION BAIL....PUBLIC 478
VICTIMS & ADVOCATES
ADVOCATE INCLUDES TRIBAL PROGRAMS....PUBLIC 478
INFO SHARING, VICTIM PROTECTION ....PUBLIC 478
RISK ASSESSMENT INFORMATION SHARING ....PUBLIC 478
DRIVER EDUCATION
LEARNERS PERMIT APPLICATION & FEES
ADMINISTERED ONLY BY SEC OF STATE ....PUBLIC 493
DRIVERS LICENSES
LEARNERS PERMIT APPLICATION & FEES
ADMINISTERED ONLY BY SEC OF STATE ....PUBLIC 493
PERSONS UNDER 21 YEARS
PRACTICE HOURS CLARIFIED ....PUBLIC 496
SPECIAL RESTRICTED LICENSES
AGE 15, AUTHORIZED FOR MEDICAL NEED ....PUBLIC 606
SUSPEND FOR SUPPORT NONPAYMENT
PENOBSCOT NATION SUPPORT ORDERS ....PUBLIC 479
DRUGS
ANTICANCER ORAL MEDICATIONS
HEALTH INSURANCE COVERAGE ....PUBLIC 449
NALOXONE HYDROCHLORIDE
LAW ENFORCEMENT, FIREFIGHTERS ....PUBLIC 579
PRESCRIPTION, ADMINISTRATION ....PUBLIC 579
OPIOIDS ABUSE
NALOXONE HYDROCHLORIDE ....PUBLIC 579
PRESCRIPTION MONITORING PROGRAM
ONLINE SYSTEMS UPDATED....PUBLIC 587
PARTICIPATION REQUIREMENTS REPEALED....PUBLIC 587

CHAPTER

ECONOMIC & COMMUNITY DEV DEPT
BIOMEDICAL RESEARCH
BOND ISSUE....PUBLIC 574
CODE ENFORCEMENT OFFICERS
TRAINING/CERTIFICATION FUNDED, REPORT....PUBLIC 591
JOB CREATION THRU ED OPPORTUNITY
PROGRAM MARKETING & REPORT....PUBLIC 443
MARINE BUSINESSES
AWARD PROGRAM, BOND ISSUE, REPORT ....PUBLIC 592
WORKFORCE OPPORTUNITIES
PILOT PROGRAM ESTABLISHED ....PUBLIC 443
ECONOMIC DEVELOPMENT
BIOMEDICAL RESEARCH
BOND ISSUE....PUBLIC 574
DOWNTOWN CENTER
FUNDING ....PUBLIC 440
DOWNTOWN REVITALIZATION
BOND ISSUE....PUBLIC 596
JOB CREATION
BIOTECHNOLOGY BOND ISSUE....PUBLIC 568
MARINE BUSINESSES
BOND ISSUE, AWARD PROGRAM....PUBLIC 592
PINE TREE DEVELOPMENT ZONE PROGRAM
TAX CREDIT RESTORED (PART K)....PUBLIC 595
REGIONAL REVOLVING LOAN PROGRAM
FINANCING TERMS & LOAN CAPS REVISED....PUBLIC 605
PURPOSES & ELIGIBILITY REVISED ....PUBLIC 605
EDDINGTON
DAVIS POND DAM
FISHING FROM FISHWAY PROHIBITED....PUBLIC 499
EDUCATION DEPT
EDUCATION DISRUPTION
DEPT OF EDUCATION DIPLOMA ....PUBLIC 439
EDUCATION IN UNORGANIZED TERRITORY
LAPSES TO UNAPPROPRIATED SURPLUS (P) ....PUBLIC 502
EDUCATION PERSONNEL
RULE REVIEW BY LEGISLATURE....RESOLVE 101
EPINEPHRINE AUTOINJECTORS
USE IN SCHOOLS, IMPLEMENTATION....PUBLIC 526
ESSENTIAL PROGRAMS & SERVICES
COST COMPONENT REVIEW CONTRACT....RESOLVE 114
TRANSFER TO GENERAL FUND (PART E) ....PUBLIC 502
GENERAL PURPOSE AID
BALANCE FORWARD TO GENERAL FUND ....PUBLIC 487
HIGHER ED & EMPLOYMENT WEBSITE
DESIGN W/ LABOR DEPT ....PUBLIC 593
HIV PREVENTION EDUCATION PROGRAM
FUNDED ....PUBLIC 591
JOB CREATION THRU ED OPPORTUNITY
PROGRAM TAX CREDIT REVISED....PUBLIC 525
NUCLEAR USAGE CLEARINGHOUSE
REQUIREMENT REPEALED....PUBLIC 506
PERFORMANCE EVAL & GROWTH SYSTEMS
MODEL SYSTEM, TEACHERS/PRINCIPALS....RESOLVE 113
RULE REVIEW BY LEGISLATURE....RESOLVE 113
POWERS & DUTIES
OBSOLETE PROVISIONS REPEALED ....PUBLIC 506
REPORTING REQUIREMENTS AMENDED....PUBLIC 506
PUBLIC PRESCHOOL PROGRAMS
STAKEHOLDER GROUP, REPORT....PUBLIC 581
VOLUNTARY, FUNDING ....PUBLIC 581
SCHOOL VOLUNTEER PROGRAM
STAFF, OFFICE SPACE NOT REQUIRED ....PUBLIC 506
STUDENT TRANSFERS
SUPERINTENDENT AUTHORITY ....PUBLIC 456
EDUCATION & EMPLOYMENT OUTCOMES TASK FORCE
MEMBERSHIP
ESTABLISHED....PUBLIC 593

CHAPTER

EDUCATION & EMPLOYMENT OUTCOMES TASK FORCE (Cont.)
POWERS & DUTIES
ESTABLISHED....PUBLIC 593
EDUCATIONAL CENTER FOR DEAF
CENTER & SATELLITE PROGRAMS
COST RESPONSIBILITY....PUBLIC 552
EDUCATIONAL LOAN AUTHORITY
STATE CEILING 2014 & 2015
PRIVATE ACTIVITY BOND ALLOCATIONS.... P & S 20
EFFICIENCY MAINE TRUST
ELECTRICITY COSTS
ARREARAGE MANAGEMENT PROGRAM....PUBLIC 556
ELDERLY
ACTIVITIES OF DAILY LIVING
DHHS NEEDS REVIEW....RESOLVE 79
ELECTIONS
ABSENTEE BALLOTS
PROCESS BEFORE ELECTION DAY....PUBLIC 457
ABSENTEE VOTERS
REGISTRATION STATUS NOT ON LIST....PUBLIC 457
BALLOTS
RECORDS KEPT BY MUNICIPALITIES....PUBLIC 457
POLITICAL COMMUNICATIONS
DISCLOSURE REQUIREMENTS....PUBLIC 494
POLITICAL RADIO ADVERTISING
DISCLOSURE REQUIREMENTS....PUBLIC 494
REFERENDUM BALLOTS
COLOR REQUIREMENT REMOVED....PUBLIC 457
ELECTRIC UTILITIES
ARREARAGE MANAGEMENT PROGRAMS
IMPLEMENTATION FOR LOW-INCOME RES....PUBLIC 556
RECOVERY OF COSTS....PUBLIC 556
COMMUNITY-BASED RENEWABLE ENERGY
PILOT PROGRAM MEGAWATT CAP....PUBLIC 454
LONG-TERM ENERGY CONTRACTS
COSTS & BENEFITS ALLOCATION....PUBLIC 454
ELECTRICITY
GREAT NORTHERN PAPER, INC
REVENUE FROM BROOKFIELD REN ENG PART.... P & S 27
ELVER FISHING
SEE FISHING
EMERGENCY MEDICAL SERVICES
AMBULANCE SERVICES
REIMBURSEMENT RATES FOR MAINECARE....PUBLIC 441
EMPLOYEE HEALTH & BENEFITS DIVISION
WORKERS COMP MANAGEMENT FUND
NOTICE OF PREMIUM CHARGES ANNUALLY....PUBLIC 447
EMPLOYEE HEALTH COMMISSION
HEALTH INSURANCE PLAN
DESIGN, PROGRAM FUNDED (PART H)....PUBLIC 502
FUNDS TRANSFER PROVISION (PART E)....PUBLIC 595
EMPLOYMENT PRACTICES
SOCIAL MEDIA ACCOUNTS
PRIVACY STUDY & REPORT....RESOLVE 112
VETERANS PREFERENCE
ALLOWED FOR PRIVATE EMPLOYERS....PUBLIC 576
VISUAL MEDIA PRODUCTION REIMB
WAGE WITHHOLDING PROVISIONS....PUBLIC 546
WORKFORCE OPPORTUNITIES PROGRAM
REIMBURSEMENT OPTIONS....PUBLIC 443
EMPLOYMENT SECURITY
EMPLOYMENT SERVICES PROGRAMS
REED ACT FUNDS....PUBLIC 511
UNEMPLOYMENT COMPENSATION
REED ACT FUNDS....PUBLIC 511
TRAINING APPROVAL AUTHORITY....PUBLIC 474
WORK-SHARING BENEFITS
PROGRAM REVISED....PUBLIC 448

CHAPTER

END STUDENT HUNGER TASK FORCE
MEMBERSHIP
ESTABLISHED....RESOLVE 107
POWERS & DUTIES
ESTABLISHED....RESOLVE 107
ENERGY CONSERVATION
SOLAR ENERGY
GENERATION GOALS & PUBLIC POLICY....PUBLIC 562
ENERGY OFFICE
STATE ENERGY PLAN
NATURAL GAS EXPANSION ADDED....PUBLIC 541
ENVIRONMENTAL PROTECTION
COASTAL & OCEAN ACIDIFICATION
STUDY COMMISSION....RESOLVE 110
GOLD PROSPECTING
MOTORIZED, PROHIBITIONS....PUBLIC 536
PUBLIC IMPROVEMENT PROJECTS
BOND ISSUE....PUBLIC 589
SHORELAND ZONING
CERTAIN WELLS/WATER SYSTEMS EXCLUDED....PUBLIC 489
ENVIRONMENTAL PROTECTION DEPT
ARCHITECTURAL PAINT
STEWARDSHIP PROG IMPLEMENTATION DATE....PUBLIC 483
DAM APPLICATION/LICENSING
REPORT TO LEGISLATURE....PUBLIC 545
FUND LAPSES & TRANSFERS
UNAPPROPRIATED SURPLUS (PART N)....PUBLIC 502
INVASIVE AQUATIC PLANTS FUND
FUNDING INCREASED, ERADICATION REQ....PUBLIC 580
LAKESMART PROGRAM
FUNDING....PUBLIC 591
LOW SULFUR FUEL
RULE REVIEW BY LEGISLATURE....RESOLVE 95
SINGLE GASOLINE STATEWIDE
FEASIBILITY STUDY & REPORT....PUBLIC 453
TIMBER HARVESTING PERMITTING
AUTHORITY TRANS TO FORESTRY BUR....PUBLIC 570
ERRORS BILL
SEE POPULAR NAMES OF LAWS
EXCAVATIONS
SEE CONSTRUCTION
EXCISE TAXES
MOTOR VEHICLES
MILITARY EXEMPTION EXPANDED....PUBLIC 532
FAMILY LAW ADVISORY COMMISSION
UNIFORM PARENTAGE ACT STUDY
REPORT DATE EXTENDED....RESOLVE 83
FAMILY PLANNING SERVICES
SEE HEALTH CARE SERVICES
FINANCE AUTHORITY
LOAN INSURANCE RESERVE FUND
TRANSFER TO GENERAL FUND (PART F)....PUBLIC 595
QUALITY CHILD CARE ED SCHOLARSHIPS
BALANCE TRANSFER (PART Z)....PUBLIC 595
REGIONAL REVOLVING LOAN PROGRAM
FINANCING TERMS & LOAN CAPS REVISED....PUBLIC 605
PURPOSES & ELIGIBILITY REVISED....PUBLIC 605
SMALL BUSINESS LOANS
BOND ISSUE....PUBLIC 596
STATE CEILING 2014 & 2015
PRIVATE ACTIVITY BOND ALLOCATIONS.... P & S 20
FIREARMS
SEE WEAPONS
FIREFIGHTERS
MUNICIPAL FIREFIGHTERS
NO EMPLOYER ACTION FOR ABSENCE....PUBLIC 477
FISH
BROOK TROUT & ATLANTIC SALMON
MOTORIZED GOLD PROSPECTING ANALYSIS....PUBLIC 536

CHAPTER

FISHING
COMMERCIAL FISHING VESSELS
ATTACHMENT EXEMPTION MODIFIED ..... PUBLIC 510
DAVIS POND DAM
PROHIBITED FROM FISHWAY ..... PUBLIC 499
ELVER FISHING
LICENSES, TRANSACTION CARDS ..... PUBLIC 468
PERMITTED TIMEFRAME, SEASON ..... PUBLIC 468
PURCHASING, REPORTS, RECORDS ..... PUBLIC 468
ST CROIX RIVER, NO FYKE NETS ..... PUBLIC 468
UNLAWFUL, PENALTY ASSESSMENT ..... PUBLIC 468
WEIGHT QUOTAS, TRIBAL QUOTAS ..... PUBLIC 485
JUNIOR LICENSES
NONRESIDENT PROVISIONS ..... PUBLIC 538
LEONARDS MILLS DAM
PROHIBITED FROM FISHWAY ..... PUBLIC 499
LOBSTERS
FISHING EXEMPTIONS BY COMMISSIONER ..... PUBLIC 468
ILLEGAL POSSESSION, FINE NOT SUSPENDED ..... PUBLIC 468
PUSHAW LAKE DAM
PROHIBITED FROM FISHWAY ..... PUBLIC 499
SOUADABSCOOK STREAM DAM
PROHIBITED FROM FISHWAY ..... PUBLIC 499
WEBBER POND DAM
PROHIBITED FROM FISHWAY ..... PUBLIC 499
FOOD
GENETIC INFORMATION
DISCLOSURE ..... PUBLIC 436
MAPLE SUGAR
INDUSTRY TASK FORCE EXTENDED ..... RESOLVE 102
POULTRY PRODUCERS
INSPECTION-EXEMPT CATEGORIES ..... PUBLIC 567
SUMMER FOOD SERVICE PROG
50% STUDENTS RECEIVE FREE LUNCH ..... PUBLIC 445
WILD MUSHROOMS
MCDC ADVISORY ROLE TO DHHS ..... PUBLIC 533
FORENSIC MENTAL HLTH SERV OV COMM
MEMBERSHIP
ESTABLISHED ..... PUBLIC 434
POWERS & DUTIES
ESTABLISHED ..... PUBLIC 434
FORESTERS
LICENSURE
PROVISIONS REVISED ..... PUBLIC 527
FORESTRY
OUTCOME-BASED
ASSESSMENT, TECHNICAL PANEL ..... PUBLIC 542
CLEAR-CUTTING REQS EXEMPTION ..... PUBLIC 542
OUTCOME-BASED EXPERIMENTAL AREAS
NOW OUTCOME-BASED FORESTRY AREAS ..... PUBLIC 542
WOOD PROCESSORS
CONFIDENTIAL INFORMATION SPECIFIED ..... PUBLIC 513
FORESTRY BUREAU
OUTCOME-BASED FORESTRY
AREA DESIGNATION, AGREEMENTS ..... PUBLIC 542
REPORTS TO LEGISLATURE ..... PUBLIC 542
STATE OF FORESTS REPORT
OUTCOME-BASED FORESTRY PROJECTS ..... PUBLIC 542
TIMBER HARVESTING
PERMITTING AUTHORITY ..... PUBLIC 570
FOSTER CARE
POSTSECONDARY EDUCATION
TRANSITION GRANT PROGRAM ..... PUBLIC 577
FRANKLIN COUNTY
FREEMAN TWP
CONVEY INTEREST OF STATE ..... RESOLVE 92
SALEM TWP
CONVEY INTEREST OF STATE ..... RESOLVE 92

CHAPTER

FREEDOM OF ACCESS
SEE ACCESS TO INFORMATION
GAMBLING CONTROL BOARD
SPECIAL REVENUE FUNDS
TRANSFER TO GENERAL FUND ..... PUBLIC 591
GAMES OF CHANCE
CASINO EXPANSION IN STATE
STUDY & REPORT TO LEGISLATURE ..... RESOLVE 111
GASOLINE
REFORMULATED GASOLINE
SALES IMPLEMENTATION DATE DELAYED ..... PUBLIC 453
SINGLE GASOLINE STATEWIDE
FEASIBILITY STUDY & REPORT ..... PUBLIC 453
GOVERNMENTAL ETHICS COMMISSION
INVESTIGATIVE RECORDS
CONFIDENTIALITY PROVISIONS ..... PUBLIC 470
GOVERNOR
CABINET APPOINTEES
SALARY ADJUSTMENTS (PART G) ..... PUBLIC 595
GOVERNOR (LEPAGE)
ADDRESSES
STATE OF THE STATE ..... PAGE 1645
GOVERNOR BAXTER SCHOOL FOR THE DEAF
CENTER & SATELLITE PROGRAMS
COST RESPONSIBILITY ..... PUBLIC 552
GOVERNORS ENERGY OFFICE
SEE ENERGY OFFICE
GREAT NORTHERN PAPER, INC
HYDROPOWER REVENUE SHARING
TEMPORARY REDUCTION/CLOSURE ..... P & S 27
LOAD-SHEDDING AGREEMENTS
TEMPORARY AUTHORIZED ..... P & S 27
REVENUE FROM BROOKFIELD
RENEWABLE ENERGY PARTNERS ..... P & S 27
GROUSE
SEE HUNTING
HANCOCK COUNTY
FLETCHERS LANDING TWP
CONVEY INTEREST OF STATE ..... RESOLVE 92
HARNESS RACING
SEE HORSE RACING
HEAD START
SEE CHILDREN
HEALTH & HUMAN SERVICES DEPT
CHILD ABUSE OR NEGLECT
WORKING GROUP, REVIEW PROTECTIONS ..... RESOLVE 99
CHILD CARE
QUALITY RATING SYSTEM ESTABLISHED ..... PUBLIC 559
CHILD SUPPORT ENFORCEMENT
DEPT EXPENSES CAP INCREASED (PART P) ..... PUBLIC 595
DIRIGO HEALTH FUND
TRANSFER TO GENERAL FUND (PART D) ..... PUBLIC 502
TRANSFER TO SPECIAL REVENUE FUNDS (C) ..... PUBLIC 502
ELDERLY & DISABLED PERSONS
ACTIVITIES OF DAILY LIVING REVIEW ..... RESOLVE 79
EPINEPHRINE AUTOINJECTORS
GUIDELINES FOR SCHOOL USE DEVELOPED ..... PUBLIC 526
FOSTER CARE/ADOPTION PROG
FUNDS LAPSED TO UNAPP SURPLUS (X) ..... PUBLIC 502
FOSTER CHILDREN
POSTSECONDARY ED GRANT PROGRAM ..... PUBLIC 577
HEALTHY MAINE FUND
TRANSFER TO GENERAL FUND (PART C) ..... PUBLIC 502
HOME & COMMUNITY BENEFITS
RULE REVIEW BY LEGISLATURE ..... RESOLVE 84
HOSPITAL SUPPLEMENTAL POOL
EMERGENCY RULEMAKING (Y) ..... PUBLIC 502
INTELLECTUAL DISABILITIES & AUTISM
BEHAVIORAL HEALTH TREATMENTS ..... PUBLIC 500

CHAPTER

HEALTH & HUMAN SERVICES DEPT (Cont.)
- MAINECARE
  - PROGRAM INTEGRITY EVAL/SAVINGS (W) ..... PUBLIC 595
- MAINECARE COVERAGE
  - AMBULATORY SURGICAL CENTER SERVICES ..... P & S 29
- MAINECARE PAYMENTS TO PROVIDERS
  - SCHEDULE MODIFIED (PART Q) ..... PUBLIC 595
- MAINECARE REIMBURSEMENTS
  - AMBULANCE SERVICES ..... PUBLIC 441
  - MEDICAL ADD-ON (PART S) ..... PUBLIC 595
- MAINECARE TECH & TELEHEALTH
  - WORKING GROUP ESTABLISHED ..... RESOLVE 105
- MEDICAL MARIJUANA
  - COMPLAINTS INVESTIGATION PROCEDURE ..... PUBLIC 516
  - USE OF STATE FUNDS (PART Y) ..... PUBLIC 595
- MEDICAL USE OF MARIJUANA FUND
  - TRANSFER TO GENERAL FUND (W) ..... PUBLIC 502
- MENTAL HEALTH INSTITUTIONS
  - RESTRAINT/SECLUSION REVIEW, REPORT ..... RESOLVE 91
- MOSQUITO-BORNE DISEASES
  - LEAD AGENCY FOR MONITORING ..... PUBLIC 548
- NURSING FAC, PRIV NONMED INST
  - COST-OF-CARE OVERPAYMENTS ..... PUBLIC 594
- PERSONS IN DEPT CUSTODY
  - BRAIN INJURY ASSESSMENT PLAN ..... PUBLIC 434
- PRESCRIPTION MONITORING PROG
  - UPDATE ONLINE SYSTEMS ..... PUBLIC 587
- PRIMARY CARE PROFESSIONALS
  - UNDERSERVED AREAS, CREDIT PROGRAM ..... PUBLIC 599
- PRIVATE NON-MEDICAL INST SERVICES
  - RULE REVIEW BY LEGISLATURE ..... RESOLVE 104
- RIVERVIEW PSYCHIATRIC CENTER
  - REPORT TO LEGISLATURE ..... PUBLIC 434
- SUPPORT SERVICES FOR ADULTS
  - RULE REVIEW BY LEGISLATURE ..... RESOLVE 85
- TOBACCO CESSATION TREATMENT
  - FEDERAL REIMBURSEMENT PURSUED ..... PUBLIC 444
- WAIVER SERVICES FOR CHILDREN
  - RULE REVIEW BY LEGISLATURE ..... RESOLVE 94

HEALTH CARE FACILITIES
- AMBULATORY SURGICAL FACILITIES
  - COST INFORMATION, 3RD-PARTY ENTITIES ..... PUBLIC 560
- COST ESTIMATE FOR SERVICES
  - PROVIDED UPON REQUEST ..... PUBLIC 560
- HEALTH INFORMATION RELEASE
  - HIV, MENTAL HEALTH, SUBSTANCE ABUSE ..... PUBLIC 528
  - RESTRICTIONS & RULES ..... PUBLIC 528
- NURSING FACILITIES
  - DHHS OVERPAYMENTS COLLECTION ..... PUBLIC 594
- PRICES FOR PROCEDURES
  - DISSEMINATION REQUIREMENTS ..... PUBLIC 515
- PRIVATE NONMEDICAL INSTITUTIONS
  - DHHS OVERPAYMENTS COLLECTION ..... PUBLIC 594

HEALTH CARE PROVIDERS
- MEDICAL REGIMENS
  - AUTHORITY OF NURSES CLARIFIED ..... PUBLIC 540

HEALTH CARE SERVICES
- ELDERLY & DISABLED PERSONS
  - ACTIVITIES OF DAILY LIVING REVIEW ..... RESOLVE 79
- INDEPENDENT LIVING & DISABILITY COMM
  - JOINT STUDY ORDER ..... PAGE 1631
- LONG-TERM CARE
  - COMMISSION TO STUDY REESTABLISHED ..... PUBLIC 594
- PRICES
  - DISSEMINATION REQUIREMENTS ..... PUBLIC 515
- TRANSPARENCY & COSTS COMMISSION
  - IMPLEMENT RECOMMENDATIONS ..... PUBLIC 560

CHAPTER

HEALTH DATA ORGANIZATION
- ACCOUNT BALANCES
  - TRANSFER AUTHORIZED (PART H) ..... PUBLIC 595
- ANNUAL REPORT
  - PROVIDED TO LEGISLATURE ..... PUBLIC 560
- CONSUMER INFORMATION ACCESS
  - EFFORTS INCLUDED IN REPORT ..... PUBLIC 560
- HEALTH INFORMATION RELEASE
  - BREACH & COMPLAINTS PROVISIONS ..... PUBLIC 528
  - RESTRICTIONS & RULES ..... PUBLIC 528
- PUBLIC AWARENESS
  - INFO PROVIDED BY FACILITIES ..... PUBLIC 560
- SERVICES COST ESTIMATES
  - AVAILABLE ON WEBSITE ..... PUBLIC 515

HEALTH INSURANCE
- CARRIERS
  - PROVIDER NETWORK DISCLOSURE REQS ..... PUBLIC 535
  - PROVIDER PARTICIPATION DISCLOSURES ..... PUBLIC 535
- COVERAGE
  - AUTISM SPECTRUM, UNDER 11 YRS ..... PUBLIC 597
  - DENTAL HYGIENE THERAPY ..... PUBLIC 575
  - HUMAN LEUKOCYTE ANTIGEN TESTING ..... PUBLIC 603
  - ORAL CANCER THERAPY MEDICATIONS ..... PUBLIC 449
- RETIREE HEALTH INSURANCE
  - FUNDING REDUCED ..... PUBLIC 487

HEALTHY MAINE FUND
- TRANSFER OF FUNDS
  - GENERAL FUND (PART C) ..... PUBLIC 502

HISTORIC PRESERVATION
- TAX CREDIT
  - INCLUDES PARTIAL REHABILITATION ..... PUBLIC 550

HORSE RACING
- HARNESS RACING
  - ASSOCIATION, PURSE SUPP FUNDS ..... PUBLIC 490
  - CLOSED COMM TRACK REPLACEMENTS ..... PUBLIC 490
  - PURSE TRUST ACCOUNT ESTABLISHED ..... PUBLIC 490

HOSPICE
- MEDICAL MARIJUANA
  - NONSMOKE VARIETIES PERMITTED ..... PUBLIC 520

HOSPITALS
- SERVICE CHARGES
  - INFO TO PATIENTS, 3RD-PARTY ENTITIES ..... PUBLIC 560

HOUSING
- AFFORDABLE HOUSING
  - NATL HOUSING TRUST FUND EXPENDITURES ..... P & S 23
- HOUSING OPPORTUNITIES FOR ME FUND
  - REAL EST TRANSFER TAX SHARE (PART V) ..... PUBLIC 595

HOUSING AUTHORITY
- NATIONAL HOUSING TRUST FUND
  - MAY RECEIVE & ALLOCATE FUNDS ..... P & S 23
- STATE CEILING 2014 & 2015
  - PRIVATE ACTIVITY BOND ALLOCATIONS ..... P & S 20

HUDSON
- PUSHAW LAKE DAM
  - FISHING FROM FISHWAY PROHIBITED ..... PUBLIC 499

HUNTING
- ANTLERLESS DEER PERMITS
  - PERMIT FOR DISABLED HUNTERS ..... PUBLIC 538
- BOW & ARROW
  - RESTRICTION NEAR BUILDING REMOVED ..... PUBLIC 538
  - UNLAWFUL SHOOTING ..... PUBLIC 538
- CROSSBOWS
  - PERSONS 70 & OVER ..... PUBLIC 538
- GROUSE
  - LABEL REQUIREMENTS REPEALED ..... PUBLIC 538
- JUNIOR & APPRENTICE LICENSES
  - PROVISIONS CLARIFIED ..... PUBLIC 538

CHAPTER

HUNTING (Cont.)
JUNIOR LICENSES
SUBJECT TO LOTTERY REQUIREMENTS ..... PUBLIC 538
LICENSE REVOCATION
SEIZE EQUIPMENT W/O LIBEL PROCEEDINGS ..... PUBLIC 538
MOOSE
PERMITS FOR USE BY OUTFITTERS ..... PUBLIC 437
MOOSE LOTTERY
HUNTING OUTFITTER DEFINED ..... PUBLIC 538
INCOME TAX
SEE ALSO TAXATION
CREDITS
HISTORIC PRESERV, PARTIAL PROJECTS ..... PUBLIC 550
PINE TREE DEV ZONE REDUCED (PART K) ..... PUBLIC 502
PRIMARY CARE PROFS, UNDERSERVED AREA ..... PUBLIC 599
SEED CAPITAL REVISED ..... PUBLIC 438
SUPER CREDIT CARRYOVER, MAXIMUM (J) ..... PUBLIC 502
SUPER CREDIT FOR R&D REPEALED (J) ..... PUBLIC 502
DEDUCTIONS
NONPROFIT DONATION NOT PART OF CAP ..... PUBLIC 590
INCOME MODIFICATIONS
ADD-BACK BONUS DEPREC RECAPTURE ..... PUBLIC 546
ITEMIZED DEDUCTIONS
MEDICAL/DENTAL NOT LIMITED (PART T) ..... PUBLIC 595
JOB CREATION ED OPPORTUNITY CREDIT
ELIGIBILITY & ADMINISTRATION ..... PUBLIC 525
REFERENCES UPDATED
FEDERAL CONFORMITY ..... PUBLIC 472
STATE & FEDERAL RETIREMENT INCOME
MILITARY RETIREMENT BENEFITS ..... PUBLIC 546
INDIGENT LEGAL SERVICES COMM
PERSONAL SERVICES BALANCE
TRANSFER TO ALL OTHER FUNDS (Z) ..... PUBLIC 502
INLAND FISHERIES & WILDLIFE DEPT
APPRENTICE HUNTING LICENSE
EXEMPT FROM SAFETY COURSE ..... PUBLIC 538
BROOK TROUT & ATLANTIC SALMON
MOTORIZED GOLD PROSPECTING ANALYSIS ..... PUBLIC 536
DISTURBING TRAPS
TIME FRAME, LICENSE INELIGIBILITY ..... PUBLIC 538
GRAY HEADQUARTERS FACILITY
FUNDED (PART I) ..... PUBLIC 595
NEW FACILITY AUTHORIZED ..... PUBLIC 538
HERITAGE FISH WATERS LIST
CHANGES, REPORT TO LEGISLATURE, RULE ..... PUBLIC 538
JUNIOR & APPRENTICE LICENSES
PROVISIONS CLARIFIED ..... PUBLIC 538
JUNIOR FISHING LICENSES
NONRESIDENT PROVISIONS ..... PUBLIC 538
LAKE & RIVER PROTECTION FUND
FUNDING FROM STICKERS REDUCED ..... PUBLIC 580
TRANSFER FROM GENERAL FUND ..... PUBLIC 580
LICENSE REVOCATIONS
ANTLERLESS DEER IN MGMT AREAS ..... PUBLIC 538
HUNTING/FISHING WHILE SUSPENDED ..... PUBLIC 538
OUTDOOR ETHICS COURSE EXEMPTION ..... PUBLIC 538
LICENSE SUSPENSIONS
FEE TO REINSTATE ..... PUBLIC 538
LICENSES & REGISTRATIONS
AGENT DELINQUENCY FEE ELIMINATED ..... PUBLIC 538
MOOSE PERMITS
OUTFITTERS, CRITERIA ..... PUBLIC 437
INTELLECTUAL DISABILITIES
SEE DISABLED PERSONS
INTELLIGENCE & INVEST REC INFO ACT
SEE POPULAR NAMES OF LAWS
INTERSTATE HIGHWAYS
SEE ROADS

CHAPTER

INVESTMENTS
SEED CAPITAL TAX CREDIT PROGRAM
EXTENDED & REVISED ..... PUBLIC 438
INVOLUNTARY COMMITMENT
SEE MENTALLY ILL PERSONS
JAILS
COUNTY JAILS
BD OF CORRECTIONS OVERSIGHT ..... PUBLIC 598
BOARDING REVENUES, JAIL DEBT ..... PUBLIC 598
BUDGET APPROVALS, GROWTH FACTOR ..... PUBLIC 598
INMATE HOUSING, DISPUTE W/ BOARD ..... PUBLIC 598
JOB CREATION THRU ED OPPORTUNITY PROGRAM
SEE EDUCATION DEPT
JOB TRAINING
EDUCATION & EMPLOYMENT OUTCOMES
TASK FORCE ESTABLISHED ..... PUBLIC 593
TRAINING APPROVAL AUTHORITY
TRANSFERRED TO BUR OF UNEMP COMP ..... PUBLIC 474
WORKFORCE OPPORTUNITIES
PILOT PROGRAM ESTABLISHED ..... PUBLIC 443
JOINT RESOLUTIONS & MEMORIALS ..... PAGE 1643
JUDICIAL COMPENSATION COMMISSION
JUSTICES
COST-OF-LIVING INCREASES ..... PUBLIC 563
JUDICIAL DEPT
COURTS ACCOUNT
PERSONAL SERVICES TRANSFER (BB) ..... PUBLIC 502
FORECLOSURE MEDIATION ACCOUNT
TRANSFER TO GENERAL FUND (U) ..... PUBLIC 502
RECORD SEARCHES
FEE ESTABLISHED (PART V) ..... PUBLIC 502
JUVENILE CODE
COMPETENCY
TECHNICAL CORRECTION ..... PUBLIC 519
KENNEBEC COUNTY
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED ..... PUBLIC 453
KNOX COUNTY
BUDGET COMMITTEE
REDISTRICTING ..... PUBLIC 481
COMMISSIONERS
DISTRICTS, TECHNICAL CHANGES ..... PUBLIC 457
REDISTRICTING PLAN DEADLINE ..... PUBLIC 481
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED ..... PUBLIC 453
LABELING
GENETIC INFORMATION
DISCLOSURE ..... PUBLIC 436
LABOR DEPT
ADMINISTRATIVE LAWS
TECHNICAL CORRECTIONS ..... PUBLIC 467
APPOINTMENTS
POSITIONS CLARIFIED ..... PUBLIC 467
COMPETITIVE SKILLS SCHOLARSHIP PROG
CAP ON ADMIN & COUNSELING COSTS (O) ..... PUBLIC 502
CASELOAD REPORT TO LEGISLATURE (O) ..... PUBLIC 502
TRANS TO GENERAL FUND INCREASED (O) ..... PUBLIC 502
EDUCATIONAL OUTCOME DATABASE
DISSEMINATION & USE ..... PUBLIC 593
HIGHER ED & EMPLOYMENT WEBSITE
DESIGN W/ EDUCATION DEPT ..... PUBLIC 593
MAJOR POLICY-INFLUENCING POSITIONS
TITLES UPDATED ..... PUBLIC 467
SAFETY EDUCATION & TRAINING FUND
FUNDING CLARIFIED ..... PUBLIC 467
WAGNER-PEYSER FUNDS
DISPOSITION ..... PUBLIC 467

CHAPTER

LABOR DEPT (Cont.)
WORK-SHARING PROGRAM
REVISED TO CONFORM WITH FEDERAL....PUBLIC 448
WORKFORCE OPPORTUNITIES
PILOT PROGRAM ESTABLISHED....PUBLIC 443
LABOR DISPUTES
MEDIATION PANEL
COMPENSATION ADJUSTED....PUBLIC 553
LABOR RELATIONS BOARD
MEDIATOR COMPENSATION
REPORT TO LEGISLATURE....PUBLIC 553
LABOR STANDARDS BUREAU
WORKPLACE SAFETY ENFORCEMENT
CONFORM TO FEDERAL LAW....PUBLIC 473
LAKES
INVASIVE AQUATIC PLANTS FUND
FUNDING SOURCE....PUBLIC 580
LAKE & RIVER PROTECTION FUND
FUNDING SOURCE....PUBLIC 580
LEARNING TECH FUND ADV BOARD
POWERS & DUTIES
REPEALED....PUBLIC 533
LEGISLATURE
HOUSE OF REPRESENTATIVES
DISTRICTS, TECHNICAL CHANGES....PUBLIC 457
LAPSED BALANCES
UNAPPROPRIATED SURPLUS (PART L)....PUBLIC 502
REVIEW OF SUBSTANTIVE RULES
ADULT SUPPORT SERVICES, DHHS....RESOLVE 85
AERIAL PESTICIDE APPLICATION, DACF....RESOLVE 86
AG DEV GRANT PROG, DACF....RESOLVE 96
BOXING EVENTS, COMBAT SPORTS AUTH....RESOLVE 90
EDUCATION PERSONNEL, ED DEPT....RESOLVE 101
HOME & COMMUNITY BENEFITS, DHHS....RESOLVE 84
LOW SULFUR FUEL, DEP....RESOLVE 95
MIXED MAR ARTS, COMBAT SPORTS AUTH....RESOLVE 103
MOTOR CARRIER SAFETY REG, DPS....RESOLVE 93
OUTDOOR PESTICIDE APPLICATION, DACF....RESOLVE 88
PERF EVAL & GROWTH SYS, ED DEPT....RESOLVE 113
PRIVATE NON-MEDICAL INST SERV, DHHS....RESOLVE 104
SPECIAL PROVISIONS, DACF....RESOLVE 87
WAIVER SERVICES FOR CHILDREN, DHHS....RESOLVE 94
REVISOR OF STATUTES
REVISORS REPORT 2013 CHAPTER 1....PAGE 1633
STATE SENATE
DISTRICTS, TECHNICAL CHANGES....PUBLIC 457
LEPAGE, PAUL R.
SEE GOVERNOR (LEPAGE)
LINCOLN COUNTY
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED....PUBLIC 453
LIQUOR
SEE ALCOHOLIC BEVERAGES
LOANS
UNLICENSED LOAN TRANSACTIONS
PROHIBITED....PUBLIC 480
LOBSTERS
SEE MARINE RESOURCES
LONG-TERM CARE FACILITIES STUDY COM
MEMBERSHIP
REESTABLISHED....PUBLIC 594
POWERS & DUTIES
REESTABLISHED....PUBLIC 594
RECOMMENDATIONS
IMPLEMENTED....PUBLIC 594
LOW-INCOME PERSONS
ELECTRICITY COSTS
ARREARAGE MANAGEMENT PROGRAM....PUBLIC 556

CHAPTER

LOW-INCOME PERSONS (Cont.)
UNEMPLOYED PERSONS
TRAINING APPROVAL AUTHORITY....PUBLIC 474
MAINE DEVELOPMENT FOUNDATION
DOWNTOWN CENTER
FUNDING....PUBLIC 440
MAINECARE
SEE MEDICAID
MALT LIQUOR
SEE ALCOHOLIC BEVERAGES
MAPLE SUGAR
SEE FOOD
MAPLE SUGAR INDUSTRY TASK FORCE
POWERS & DUTIES
REPORT DEADLINE EXTENDED....RESOLVE 102
WORK TIMELINE EXTENDED....RESOLVE 102
MARIJUANA
MEDICAL MARIJUANA
CERTIFIED NURSE PRACTITIONERS....PUBLIC 516
COMPLIANCE, CONFIDENTIALITY PROVS....PUBLIC 516
CULTIVATION FACILITY ACCESS....PUBLIC 501
DISPENSARY SALES TO OTHER DISPENSARIES....PUBLIC 503
PATIENT CERTIFICATION....PUBLIC 516
PESTICIDE USE....PUBLIC 498
PREPARED MARIJUANA DEFINED....PUBLIC 516
REGISTRATION INFO CONFIDENTIALITY (J)....PUBLIC 595
TINCTURES INC W/GOODS & FOODS....PUBLIC 516
USE IN HOSPICE, NURSING FACILITIES....PUBLIC 520
USE OF STATE FUNDS (PART Y)....PUBLIC 595
MEDICAL USE FUND
TRANSFER TO GENERAL FUND....PUBLIC 599
MARINE RESOURCES
CERTAIN RESEARCH RECORDS
NOT SUBJECT TO FOIA DISCLOSURE....PUBLIC 518
CULTCHLESS AMERICAN OYSTERS
NO GROWERS LICENSE FOR AQUACULTURE....PUBLIC 509
ELVER DEALERS
LICENSING DEADLINE....PUBLIC 492
MUST POST PAYMENT PRICE....PUBLIC 485
GREEN CRABS
COMM LICENSE YEAR & FEE....PUBLIC 492
WHO MAY TAKE/SELL WITHOUT LICENSE....PUBLIC 492
LICENSES
CERTAIN FINES LOWERED....PUBLIC 468
LOBSTER & CRAB LICENSES
NONRESIDENT SURCHARGE LOWERED....PUBLIC 492
MARINE PATROL OFFICERS
ITEMS SEIZED, JUDICIAL PROCESS & DISP....PUBLIC 468
PREDATOR CONTROL PROJECTS
HARVEST PROHIBITED, GREEN CRABS EXMPT....PUBLIC 517
RESEARCH, AQUACULTURE, EDUCATION
CONFIDENTIAL BUSINESS INFORMATION....PUBLIC 512
RETAIL SEAFOOD LICENSES
REQUIRED, PURCHASING FROM HARVESTER....PUBLIC 468
ROCKWEED HARVEST
WORKING GROUP, MANAGEMENT PLAN....PUBLIC 558
SCALLOPS
DIVING TENDERS MAY SELL....PUBLIC 492
PERSONAL USE EXEMPTION INCREASED....PUBLIC 492
SCIENCE, MNGMNT & ENFORCE FUND
ESTABLISHED....PUBLIC 468
SEAWEED HARVESTING
RULES NOW MAJOR SUBSTANTIVE....PUBLIC 558
SHELLFISH CONSERVATION PROGRAMS
DISTURB GEAR, CIVIL VIOLATION....PUBLIC 517
SOFT SHELL CLAMS/MARINE WORMS
PREDATOR CONTROL PILOT PROJECT....PUBLIC 517

CHAPTER

MARINE RESOURCES DEPT
BROOK TROUT & ATLANTIC SALMON
MOTORIZED GOLD PROSPECTING ANALYSIS ..... PUBLIC 536
CERTAIN RESEARCH RECORDS
NOT SUBJECT TO FOIA DISCLOSURE ..... PUBLIC 518
ENHANCED RETAIL CERTIFICATES
VEHICLE MAY NOT BE ESTABLISHMENT ..... PUBLIC 492
LICENSE SUSPENSIONS
CONVICTION/ADJUD DURING APPEAL ..... PUBLIC 492
LICENSED BUSINESSES
CONFIDENTIAL INFORMATION ..... PUBLIC 512
LICENSES
SUSPENSION & REVOCATION ..... PUBLIC 468
MARINE BUSINESSES
AWARD PROGRAM, BOND ISSUE ..... PUBLIC 592
POWERS & DUTIES
INTERSTATE WILDLIFE VIOLATOR COMPACT ..... PUBLIC 468
ROCKWEED HARVEST
WORKING GROUP, MANAGEMENT PLAN ..... PUBLIC 558
SOFT SHELL CLAMS/MARINE WORMS
GREEN CRAB MITIGATION STRATEGY DEV ..... PUBLIC 517
PREDATOR CONTROL PILOT PROJECT ..... PUBLIC 517

MARINE WORMS
SEE MARINE RESOURCES

MARITIME ACADEMY
REPORTS TO LEGISLATURE
RECOMMENDATIONS FOR REPEAL (R) ..... PUBLIC 595
SCIENCE FACILITY
BOND ISSUE ..... PUBLIC 433
TUITION
IN-STATE FOR ALL VETERANS ..... PUBLIC 488

MEDICAID
MAINECARE
ACTIVITIES OF DAILY LIVING STUDY/WAIVER ..... RESOLVE 79
AMBULANCE SERVICE REIMBURSEMENT RATE ..... PUBLIC 441
AMBULATORY SURGICAL CENTER SERVICES ..... P & S 29
CYCLE & PROVIDER PAYMENTS REDUCED (R) ..... PUBLIC 502
DENTAL HYGIENE THERAPY REIMB ..... PUBLIC 575
NURSING FACILITIES REIMBURSEMENT ..... PUBLIC 594
PAYMENTS TO PROVIDERS MODIFIED (Q) ..... PUBLIC 595
PROGRAM INTEGRITY EVAL/SAVINGS (W) ..... PUBLIC 595
REIMBURSEMENT FOR ADD-ON (PART S) ..... PUBLIC 595
TELEHEALTH WORKING GROUP EST ..... RESOLVE 105
TOBACCO CESSATION TREATMENT ..... PUBLIC 444

MEMORIALS & JOINT RESOLUTIONS ..... PAGE 1643

MENTAL HEALTH FACILITIES
RESTRAINT & SECLUSION USE
DHHS REVIEW & REPORT ..... RESOLVE 91

MENTAL HEALTH SERVICES
CORRECTIONS FACILITIES
TRANSFER, PLACEMENT, MEDS, REPORT ..... PUBLIC 434

MENTALLY ILL PERSONS
INVOLUNTARY COMMITMENT
WORKING GROUP ESTABLISHED ..... RESOLVE 106
INVOLUNTARY TREATMENT
WORKING GROUP ESTABLISHED ..... RESOLVE 106
RESTRAINT/SECLUSION
DHHS REVIEW & REPORT ..... RESOLVE 91

MILITARY BUREAU
CAPITAL REPAIR ACCOUNT
CHG: CAP REPAIR, MAINT, CONST & ACQ ..... PUBLIC 469
CAPITAL REPAIR PROJECTS
SPENDING & LEGISLATIVE APPROVAL ..... PUBLIC 469

MILITARY FORCES
NATIONAL GUARD
ENVIRONMENTAL HAZARDS, GAGETOWN ..... RESOLVE 100
NATIONAL GUARD ARMORIES
MAINTENANCE/LAND PURCH, BOND ISSUE ..... PUBLIC 432

CHAPTER

MINING
GOLD PROSPECTING
MOTORIZED, PROHIBITIONS ..... PUBLIC 536

MOOSE
SEE HUNTING

MORTGAGES
FORECLOSURES
MEDIATOR STANDARDS, REPORTS ..... PUBLIC 521
UNCONTESTED, PROPERTY ABANDONED ..... PUBLIC 521

MOTOR CARRIERS
REGISTRATION
PENALTY PROVISIONS REVISED ..... PUBLIC 530
SIZE & WEIGHT
EXEMPTIONS ESTABLISHED ..... PUBLIC 565

MOTOR VEHICLES
ADAPTIVE EQUIPMENT FOR DISABLED
SALES TAX EXEMPT ..... PUBLIC 442
COMMERCIAL
SIZE/WEIGHT EXEMPTIONS ESTABLISHED ..... PUBLIC 565
DEALERS
MANUFACTURER AUDITS ..... PUBLIC 534
SALES NOTICES TO SOS OFFICE REPEALED ..... PUBLIC 496
WARRANTIES, REPAIRS, SUPPLY, DATA ..... PUBLIC 534
DISABILITY PLATES & PLACARDS
ISSUED FOR 6 YEARS ..... PUBLIC 496
EXCISE TAX
MILITARY EXEMPTION EXPANDED ..... PUBLIC 532
ILLEGALLY PARKED VEHICLES
STICKER PLACEMENT, TRAFFIC INFRACTION ..... PUBLIC 482
NUMBER PLATES
VANITY PLATES STANDARDIZED ..... PUBLIC 496
REGISTRATION
EXEMPTION FOR FARM/WOODLOT ..... PUBLIC 496
OWNERSHIP TRANSFER, CERTIFICATE ..... PUBLIC 496
TRUCKS
SIZE/WEIGHT EXEMPTIONS ESTABLISHED ..... PUBLIC 565

MUNICIPAL BOND BANK
STATE CEILING 2014 & 2015
PRIVATE ACTIVITY BOND ALLOCATIONS ..... P & S 20

MUNICIPALITIES
CEMETERIES, ANCIENT & PUBLIC
VETERANS/OTHER GRAVES MAINT & REPAIR ..... PUBLIC 524
DOG LICENSES
MAY ASSESS FEES TO COVER COSTS (U) ..... PUBLIC 595
ELECTIONS
BALLOTS & RECORDKEEPING ..... PUBLIC 457
FIREFIGHTERS
NO EMPLOYER ACTION FOR ABSENCE ..... PUBLIC 477
MARINE PREDATOR CONTROL PROJECTS
GREEN CRAB REMOVAL AUTHORIZED ..... PUBLIC 517
MOSQUITO MANAGEMENT
MANAGEMENT DISTRICTS AUTHORIZED ..... PUBLIC 548
PRIORITY 3 SALT & SAND SHEDS
FUNDING NOTIFICATION PROCESS ..... PUBLIC 523
GROUNDWATER CLASS EXEMPTIONS ..... PUBLIC 523
RECREATIONAL BUSINESS ACTIVITIES
LICENSING IF BY ORDINANCE (PART U) ..... PUBLIC 595
SHELLFISH CONSERVATION
SOFT SHELL CLAM/MARINE WORM PILOT ..... PUBLIC 517
WEIGHTS & MEASURES
INSPECTOR NOT REQUIRED (PART U) ..... PUBLIC 595

MUSEUMS
ARMED FORCES MUSEUM
STATE MILITARY HISTORY MUSEUM ..... PUBLIC 463

MUSHROOMS
SEE FOOD

NATIVE AMERICANS
PENOBSCOT NATION SUPPORT ORDERS
DRIVERS LICENSE SUSPENSION ..... PUBLIC 479

CHAPTER

NATIVE AMERICANS (Cont.)
WABANAKI TRIBE
VETERANS PLATE DECAL (PART I)....PUBLIC 586
NATURAL GAS
EXPANSION OF SERVICE
ADDED TO STATE ENERGY PLAN....PUBLIC 541
NATURAL GAS UTILITIES
ADMINISTRATIVE PENALTIES
INCREASED....PUBLIC 495
NUCLEAR POWER
INFORMATION CLEARINGHOUSE
REQUIREMENT REPEALED....PUBLIC 506
NURSES
AUTHORITY
EXECUTE MEDICAL REGIMEN....PUBLIC 540
NURSING HOMES
MAINECARE DEPRECIATION
RECAPTURE METHODOLOGY....PUBLIC 582
MEDICAL MARIJUANA
NONSMOKE VARIETIES PERMITTED....PUBLIC 520
OCCUPATIONAL SAFETY
ENFORCEMENT BY LABOR STRDS BUR
CONFORM TO FEDERAL LAW....PUBLIC 473
OCEAN ACIDIFICATION COMMISSION
MEMBERSHIP
ESTABLISHED....RESOLVE 110
POWERS & DUTIES
ESTABLISHED....RESOLVE 110
OLD ORCHARD BEACH
REFERENDUM NOVEMBER 2011
RESULTS VALIDATED.... P & S 28
OPERATING UNDER INFLUENCE
BLOOD-ALCOHOL TESTS
LIABILITY FOR TESTERS....PUBLIC 459
BREATH/DRUG TESTING
REFERENCES UPDATED....PUBLIC 459
MULTIFUNCTION SCHOOL ACTIV BUS
OPERATOR ENDORSEMENT REVOKED....PUBLIC 484
PENALTIES
SUSPENSION & INTERLOCK IGNITION DEVICE....PUBLIC 459
PRIOR CONVICTIONS
CALCULATION TIME PERIOD....PUBLIC 604
OPIOIDS
SEE DRUGS
ORAL HEALTH ADVISORY COMMITTEE
GRANT PROCESS
SCHEDULE CHANGED (PART E)....PUBLIC 595
OUTDOOR ADVERTISING
CHANGEABLE SIGNS
PROVISIONS REVISED....PUBLIC 529
ON-PREMISES SIGNS
LICENSING & PLACEMENT PROVISIONS....PUBLIC 529
OXFORD COUNTY
MILTON TWP
CONVEY INTEREST OF STATE....RESOLVE 92
OYSTERS
SEE MARINE RESOURCES
PAINT
ARCHITECTURAL PAINT
STEWARDSHIP PROG IMPLEMENTATION DATE....PUBLIC 483
PARKS & LANDS BUREAU
TITLE CONVEYANCE AUTHORIZED
CHESUNCOOK COMM CHURCH BLDG....RESOLVE 108
PENOBSCOT COUNTY
ARGYLE TWP
CONVEY INTEREST OF STATE....RESOLVE 92
GREENVILLE TWP
CONVEY INTEREST OF STATE....RESOLVE 92

CHAPTER

PESTICIDES
AERIAL APPLICATIONS
RULE REVIEW BY LEGISLATURE....RESOLVE 86
OUTDOOR APPLICATIONS
POWERED EQUIPMENT, RULE REVIEW....RESOLVE 88
PESTICIDES CONTROL BOARD
MEDICAL MARIJUANA CULTIVATION
PESTICIDE USE....PUBLIC 498
POLICY & MANAGEMENT OFFICE
SAVINGS IDENTIFICATION
FY13-14 APPROPRIATIONS ADJUSTMENTS (F)....PUBLIC 502
POPULAR NAMES OF LAWS
CHARITABLE SOLICITATIONS ACT
APPLIES ONLY TO PROF SOLICITORS....PUBLIC 539
CONSUMER CREDIT CODE
FEDERAL CITATIONS UPDATED....PUBLIC 464
UNLICENSED LOAN TRANSACTIONS....PUBLIC 480
CRIMINAL HISTORY REC INFO ACT
TECHNICAL CHANGES....PUBLIC 507
ERRORS BILL
STATUTES CORRECTED....PUBLIC 588
INTELLIGENCE & INVEST REC INFO ACT
TECHNICAL CHANGES....PUBLIC 507
SOLAR ENERGY ACT
CREATED....PUBLIC 562
UNFAIR TRADE PRACTICES ACT
UNLICENSED LOAN TRANSACTIONS....PUBLIC 480
PORTS
IMPROVEMENTS
BOND ISSUE....PUBLIC 429
POTATOES
PLANTING STANDARDS
FINES INCREASED....PUBLIC 475
POULTRY
POULTRY PRODUCERS
INSPECTION-EXEMPT CATEGORIES....PUBLIC 567
PROBATE & TRUST LAW ADVISORY COMM
DIGITAL ASSETS REPORT
DATE EXTENDED....RESOLVE 81
UNIFORM PROBATE CODE REPORT
DATE EXTENDED....RESOLVE 82
PROFESSIONAL & FINANCIAL REG DEPT
BALANCE TRANSFERS
REDUCED (PART N)....PUBLIC 595
FIRE INVESTIGATION & PREV TAX
5-YEAR ALLOCATION....PUBLIC 546
SPECIAL REVENUE FUNDS
ID & TRANSFER TO GENERAL FUND (PART G)....PUBLIC 502
PROGRAM EVAL & GOVT ACCOUNT OFFICE
TAX EXPENDITURE REVIEW
PROCESS DEVELOPMENT....RESOLVE 115
PROPERTY
SEE ALSO ABANDONMENT
ABANDONED VEHICLES
FAILURE TO PAY STORAGE FEES....PUBLIC 496
AUGUSTA MENTAL HEALTH INSTITUTE
SALE FOR VETS TRANSITIONAL HOUSING....RESOLVE 98
AUTHORITY TO CONVEY TITLE BY DACF
CHESUNCOOK COMM CHURCH BLDG....RESOLVE 108
DOCTORS HOUSES, AUGUSTA
SALE FOR VETS TRANSITIONAL HOUSING....RESOLVE 98
PROPERTY TAX
EXEMPTIONS
HOUSING, VETS OF IRAQ & AFGHANISTAN....PUBLIC 471
FAIRNESS CREDIT
ELIGIBILITY & FORMULA AMENDED....PUBLIC 551
LIEN FORECLOSURES
CHALLENGE PERIOD SHORTENED....PUBLIC 521

CHAPTER

PROPERTY TAX (Cont.)
MUNICIPAL TAX RELIEF PROGRAMS
REINSTATED ..... PUBLIC 455
RELIEF
BETE INFORMATION CONFIDENTIALITY ..... PUBLIC 544
BETE REVISED ..... PUBLIC 544
VETERANS EXEMPTION
APPLICATION REVIEW BY ASSESSOR ..... PUBLIC 546
PROPERTY TAX FAIRNESS CREDIT
SEE PROPERTY TAX
PUBLIC ADVOCATE
UTILITIES ASSESSMENT
INCLUDED UTILITIES CLARIFIED ..... PUBLIC 600
PUBLIC EMPLOYEES RETIREMENT SYSTEM
1998 SPECIAL PLAN
ANALYSIS & REPORT TO LEGISLATURE ..... P & S 30
COST-OF-LIVING ADJUSTMENTS
2014 BASE INCREASED ..... PUBLIC 578
POLICY DEVELOPMENT
TASK FORCE ESTABLISHED ..... PUBLIC 602
PROGRAM ASSETS
MAY BE COMBINED ..... PUBLIC 602
SPECIAL PLANS
EMERGENCY MEDICAL SERVICES PERSONS ..... PUBLIC 602
TEACHERS
RESTORATION TO SERVICE REVISED ..... PUBLIC 486
PUBLIC SAFETY DEPT
COLD CASE HOMICIDE UNIT
ESTABLISHED WITH ATTORNEY GENERAL DEPT ..... PUBLIC 585
MOTOR CARRIER SAFETY REGULATIONS
RULE REVIEW BY LEGISLATURE ..... RESOLVE 93
SEX OFFENDER REGISTRATION
FOREIGN OFFENSES, TASK FORCE ..... RESOLVE 97
PUBLIC SERVICE COMPANY
MERGER W/ BANGOR HYDRO ELECTRIC
PRESERVATION OF RIGHTS ..... P & S 25
PUBLIC UTILITIES COMMISSION
ARREARAGE MANAGEMENT PROGRAM
DEVELOPMENT & IMPLEMENTATION ..... PUBLIC 556
COMMISSIONERS
ALTERNATE COMMISSIONERS AUTHORIZED ..... PUBLIC 554
COMMUNITY-BASED RENEWABLE ENERGY
PILOT PROGRAM MEGAWATT CAP ..... PUBLIC 454
CONSUMER-OWNED WATER UTILITIES
REQUIREMENTS EXEMPTIONS ..... PUBLIC 573
DIG SAFE LAWS
RULE REVIEW & REPORT ..... PUBLIC 557
LONG-TERM ENERGY CONTRACTS
COSTS & BENEFITS ALLOCATION ..... PUBLIC 454
SOLAR ENERGY
MEASURES TO SUPPORT ..... PUBLIC 562
TELEPHONE SERVICE
OPTIONS TO DECREASE COSTS, REPORT ..... PUBLIC 600
UNIVERSAL SERVICE FUND
DISBURSEMENT RESTRICTION ..... PUBLIC 600
UTILITIES ASSESSMENT
INCLUDED UTILITIES CLARIFIED ..... PUBLIC 600
RADIO
POLITICAL ADVERTISEMENTS
REQUIRED DISCLOSURES ..... PUBLIC 494
RAILROADS
IMPROVEMENTS
BOND ISSUE ..... PUBLIC 429
REAL ESTATE
PROPERTY TAXES
UNPAID, CHALLENGE PERIOD SHORTENED ..... PUBLIC 521
TRANSFER TAX
AMT TO HOUSING OPP FUND DECREASED (T) ..... PUBLIC 502

CHAPTER

REAL ESTATE APPRAISERS
REQUIREMENTS FOR LICENSURE
REVISED, FINGERPRINTS ..... PUBLIC 547
SUPERVISORY APPRAISERS
QUALIFICATIONS & DUTIES ESTABLISHED ..... PUBLIC 547
REAL ESTATE TRANSFER TAX
FORECLOSURE SALES
PAYMENT, RIGHTS ASSIGNMENTS ..... PUBLIC 521
REVENUE DISTRIBUTION
INCREASED TO GENERAL FUND (PART V) ..... PUBLIC 595
RECORDS
CRIMINAL HISTORY
PROVIDED TO EDUCATION DEPT ..... PUBLIC 507
INTELLIGENCE & INVESTIGATIVE RECS
ENTITIES PROVIDING CARE TO CHILDREN ..... PUBLIC 507
PROVIDED TO INSURERS ..... PUBLIC 507
RECYCLING
ARCHITECTURAL PAINT
STEWARDSHIP PROG IMPLEMENTATION DATE ..... PUBLIC 483
REFERENDUM
BOND ISSUES
ANIMAL/PLANT DISEASE & INSECT FACILITY ..... PUBLIC 572
ANIMAL/PLANT DISEASE & INSECT FAC CLAR ..... PUBLIC 608
ARMORY PROP MAINT, LAND PURCH ..... PUBLIC 432
BIOMEDICAL RESEARCH ..... PUBLIC 574
BIOMEDICAL RESEARCH, BIOTECH JOBS ..... PUBLIC 568
CAPITAL IMPROVEMENTS, U OF ME SYS ..... PUBLIC 430
CLEAN WATER, WASTEWATER, WETLANDS ..... PUBLIC 589
COMMUNITY COLLEGE SYS FACILITIES ..... PUBLIC 431
JOB CREATION, DOWNTOWNS, BUSINESS ..... PUBLIC 596
MARINE BUSINESSES, AWARD PROGRAM ..... PUBLIC 592
SCIENCE FACILITY AT MARITIME ACADEMY ..... PUBLIC 433
TRANSPORTATION & TRANSIT ISSUES ..... PUBLIC 429
OLD ORCHARD BEACH
2011 RESULT VALIDATED ..... P & S 28
RESIDENTIAL CARE FACILITIES
MAINECARE DEPRECIATION
RECAPTURE METHODOLOGY ..... PUBLIC 582
REVENUE SERVICES BUREAU
GENERAL FUND BALANCES
LAPSE TO UNAPPROP SURPLUS (PART O) ..... PUBLIC 595
MEDICAL MARIJUANA
REGISTRATION INFO CONFIDENTIALITY (J) ..... PUBLIC 595
OTHER SPECIAL REVENUE FUNDS
TRANSFER TO GENERAL FUND (PART O) ..... PUBLIC 595
STAFF
NEW, FINGERPRINTING & RECORD CHECKS ..... PUBLIC 546
TAX EXAMINERS
POSITIONS FUNDED ..... PUBLIC 591
REVISORS REPORT
2013, CHAPTER 1 ..... PAGE 1633
RIVERVIEW PSYCHIATRIC CENTER
LOWER SACO UNIT RECERTIFICATION
DHHS REPORT TO LEGISLATURE ..... PUBLIC 434
RECOVERY/REHAB MODEL
DHHS REPORT TO LEGISLATURE ..... PUBLIC 434
ROADS
HIGHWAY FUND
SUPPLEMENTAL FY14, FY15 (PART A, D, E, G) ..... PUBLIC 586
IMPROVEMENTS
BOND ISSUE ..... PUBLIC 429
INTERSTATE HIGHWAY SYSTEM
GUIDE SIGN SYSTEM ..... PUBLIC 549
PRIORITY 3 SALT & SAND SHEDS
FUNDING NOTIFICATION PROCESS ..... PUBLIC 523
GROUNDWATER CLASS EXEMPTIONS ..... PUBLIC 523
TURNPIKE
3RD-PARTY SAFETY PATROL ..... PUBLIC 549
DESTINATION SIGN SYSTEM REPEALED ..... PUBLIC 549

CHAPTER

ROADS (Cont.)
TURNPIKE SIGNS
ADMINISTERED BY TURNPIKE AUTHORITY ..... PUBLIC 529
ROCKWEED
SEE MARINE RESOURCES
RULE REVIEW
AGRICULTURE, CONS & FORESTRY DEPT
AERIAL PESTICIDE APPLICATION ..... RESOLVE 86
AG DEVELOPMENT GRANT PROGRAM ..... RESOLVE 96
OUTDOOR PESTICIDE APPLICATION ..... RESOLVE 88
SPECIAL PROVISIONS ..... RESOLVE 87
COMBAT SPORTS AUTHORITY
BOXING EVENTS & PARTICIPANTS ..... RESOLVE 90
MIXED MARTIAL ARTS ..... RESOLVE 103
EDUCATION DEPT
EDUCATION PERSONNEL ..... RESOLVE 101
PERFORMANCE EVAL & GROWTH SYSTEMS .... RESOLVE 113
ENVIRONMENTAL PROTECTION DEPT
LOW SULFUR FUEL ..... RESOLVE 95
HEALTH & HUMAN SERVICES DEPT
HOME & COMMUNITY BENEFITS FOR ADULTS .... RESOLVE 84
PRIVATE NON-MEDICAL INST SERV ..... RESOLVE 104
SUPPORT SERVICES FOR ADULTS ..... RESOLVE 85
WAIVER SERVICES FOR CHILDREN ..... RESOLVE 94
PUBLIC SAFETY DEPT
MOTOR CARRIER SAFETY REGULATION ..... RESOLVE 93
RURAL DEVELOPMENT AUTHORITY
ANNUAL AUDIT
MAY SUBMIT W/ CONTRACTING AGENCY ..... PUBLIC 465
SACO
COASTLINE & SAND DUNES
MAY REPAIR EROSION ..... P & S 24
SACO RIVER CHANNEL
DREDGING AUTHORIZED ..... P & S 24
SAGADAHOC COUNTY
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED ..... PUBLIC 453
SALES
FRANCHISES
MOTOR VEHICLE DEALERS, PROCEDURES ..... PUBLIC 534
GOING-OUT-OF-BUSINESS SALES
LICENSE IF REQ BY MUNICIPAL ORD (U) ..... PUBLIC 595
SALES & USE TAXES
EXEMPTIONS
ADAPTIVE EQUIPMENT FOR VEHICLES ..... PUBLIC 442
CERTAIN PRINTED MATERIALS ..... PUBLIC 564
SELLER REGISTRATION
REQUIREMENTS CLARIFIED ..... PUBLIC 546
TANGIBLE PERSONAL PROPERTY
INCLUDES ELECTRONIC TRANSFER ..... PUBLIC 546
SAUFLEY, LEIGH INGALLS
SEE SUPREME JUDICIAL COURT – CHIEF JUSTICE (SAUFLEY)
SCHOOLS
SEE ALSO ADULT EDUCATION
50% STUDENTS RECEIVE FREE LUNCH
SUMMER FOOD SERVICE PROGRAM ..... PUBLIC 445
ADMINISTRATION
GENDER EQUITY REQUIREMENTS REPEALED ..... PUBLIC 506
CAPITAL IMPROVEMENTS
DOE & BGS TECH ASSIST REQ REPEALED ..... PUBLIC 506
CHARTER SCHOOLS
EXTRACURRICULAR PARTICIPATION IN SAU ..... PUBLIC 601
DEAF & HARD-OF-HEARING STUDENTS
CENTER & SATELLITE SCHOOL PROGRAMS ..... PUBLIC 552
SAU RESPONSIBILITY ..... PUBLIC 552
EDUCATION DISRUPTION
DEPT OF EDUCATION DIPLOMA ..... PUBLIC 439
RESPONSIBILITIES AFTER TRANSFERS ..... PUBLIC 439

CHAPTER

SCHOOLS (Cont.)
EPINEPHRINE AUTOINJECTORS
USE, GUIDELINES ..... PUBLIC 526
ESSENTIAL PROGRAMS & SERVICES
FUNDING FORMULA COMM ESTABLISHED ..... RESOLVE 114
MUNICIPAL WITHDRAWAL FROM RSU
REQUIRED VOTE, RESTRICTION ..... PUBLIC 461
PRIVATE SCHOOLS
SAU TUITION INCREASE FOR 2013-2014 ..... PUBLIC 497
PUBLIC EDUCATION COSTS K-12
ESTABLISHED FOR FY 14-15 (PART C) ..... PUBLIC 595
PUBLIC PRESCHOOL PROGRAMS
STAKEHOLDER GROUP, REPORT ..... PUBLIC 581
VOLUNTARY, FUNDING ..... PUBLIC 581
SCHOOL BOARDS
MILITARY & PUB SAFETY UNIFORM POLICIES ..... PUBLIC 450
SCHOOL BUSES
MULTIFUNCTION ACTIVITY BUSES ..... PUBLIC 484
SOCIAL MEDIA ACCOUNTS
PRIVACY STUDY & REPORT ..... RESOLVE 112
STUDENT HUNGER
TASK FORCE ESTABLISHED ..... RESOLVE 107
STUDENT TRANSFERS
GRADE LEVEL OF RECEIVING SCHOOL ..... PUBLIC 561
SUPERINTENDENT AUTHORITY ..... PUBLIC 456
TRANSPORTATION
MULTIFUNCTION ACTIVITY BUSES ..... PUBLIC 484
SEAWEED
SEE MARINE RESOURCES
SECRETARY OF STATE DEPT
DRIVERS LICENSE SUSPENSION
PENOBSCOT NATION SUPPORT ORDERS ..... PUBLIC 479
DRIVERS LICENSES
AGE 15 RESTRICTED AUTH, MEDICAL NEED ..... PUBLIC 606
MOTOR VEHICLES PROGRAM
BALANCE CARRYING PROVISION (PART B) ..... PUBLIC 586
RECORD ACCESS
HARDWARE/SOFTWARE PURCHASE (CC) ..... PUBLIC 502
SPECIAL VETERANS NUMBER PLATES
WABANAKI DECALS (PART I) ..... PUBLIC 586
SECURITIES
SMALL BUSINESS TRANSACTIONS
SHORT-FORM REGISTRATION ..... PUBLIC 452
SENTENCES
PRORATION
INMATES IN SHERIFF CUSTODY ..... PUBLIC 519
SENTENCING & CORRECTIONS PRAC CNCL
POWERS & DUTIES
REPEALED ..... PUBLIC 533
SEWER DISTRICTS
CHARTERS
MODEL LANGUAGE ..... PUBLIC 555
SEX OFFENSES
ARREST
IMPROPER CONTACT, PRECONVICTION BAIL ..... PUBLIC 478
ASSAULT VICTIMS & ADVOCATES
ADVOCATE INCLUDES TRIBAL PROGRAMS ..... PUBLIC 478
INFO SHARING, VICTIM PROTECTION ..... PUBLIC 478
ENGAGING A PROSTITUTE
FINES TO VICTIMS COMPENSATION FUND ..... PUBLIC 607
PROSTITUTION
HUMAN TRAFFICKING AS DEFENSE ..... PUBLIC 537
SEX OFFENDER REGISTRY
FOREIGN OFFENSES, TASK FORCE ..... RESOLVE 97
SEXUAL ASSAULT VICTIMS
ADDRESS CONFIDENTIALITY PROGRAM ..... PUBLIC 478
RISK ASSESSMENT INFORMATION SHARING ..... PUBLIC 478
SHELLFISH
SEE MARINE RESOURCES

CHAPTER

SIGNS
SEE OUTDOOR ADVERTISING
SMALL BUSINESS
SECURITIES TRANSACTIONS
SHORT-FORM REGISTRATION....PUBLIC 452
SMOKING
TOBACCO CESSATION TREATMENT
FEDERAL REIMBURSEMENT PURSUED....PUBLIC 444
SOIL & WATER CONSERVATION DISTRICTS
FUNDING
FY 14 & 15....PUBLIC 435
SOLAR ENERGY
SEE ENERGY CONSERVATION
SOLAR ENERGY ACT
SEE POPULAR NAMES OF LAWS
SOLID WASTES
FACILITY LICENSES
PRACTICES CONSISTENT W/ STATE....PUBLIC 458
SOMERSET COUNTY
T1 R1 NBKP RS
CONVEY INTEREST OF STATE....RESOLVE 92
T2 R1 BKP WKR
CONVEY INTEREST OF STATE....RESOLVE 92
SPORTS
SEE ATHLETICS
STATE AGENCIES
GOVERNMENT EVALUATION ACT
EVALUATION DATES AMENDED....PUBLIC 505
REPORT TO LEGISLATURE....PUBLIC 505
REPORTS TO LEGISLATURE
RECOMMENDATIONS FOR REPEAL (R)....PUBLIC 595
STATE CONTROLLER OFFICE
TRANSFER FROM BUDGET STABIL FUND
TO GENERAL FUND....PUBLIC 451
TRANSFER FROM TAX RELIEF FUND
TO GENERAL FUND....PUBLIC 451
UNAPPROPRIATED SURPLUS TRANSFER
TO BUDGET STABILIZATION FUND....PUBLIC 451
STATE COURT LIBRARY COMMITTEE
POWERS & DUTIES
REPEALED....PUBLIC 533
STATE MUSEUM
ADMISSION FEES
DEDICATED ACCOUNT ESTABLISHED (M)....PUBLIC 595
STATE PERSONNEL
COLLECTIVE BARGAINING AGREEMENTS
CLARIFICATION OF FUNDING (PART E)....PUBLIC 595
EMPLOYEE/RETIREE INSURANCE
FUNDING TRANSFERS (PART D, E)....PUBLIC 586
MERIT INCREASES, LONGEVITY PMTS
FUNDED FY 14-15 (PART G)....PUBLIC 586
RESTORED FY 14-15 (PART M)....PUBLIC 502
RETIRED
2014 COST-OF-LIVING BASE INCREASED....PUBLIC 578
STATE TAX ASSESSOR
WITHHOLDING INFO STATEMENTS
ALTERNATIVE DUE DATE ALLOWED....PUBLIC 546
STATE-LOCAL INTERGOV WORK GROUP
MEMBERSHIP
ESTABLISHED (PART U)....PUBLIC 595
POWERS & DUTIES
ESTABLISHED (PART U)....PUBLIC 595
STATUTES
ERRORS & INCONSISTENCIES
CORRECTED....PUBLIC 588
REVISORS REPORT 2013
CHAPTER 1....PAGE 1633

CHAPTER

STRENGTHEN FUNDING FORMULA COMM
MEMBERSHIP
ESTABLISHED....RESOLVE 114
POWERS & DUTIES
ESTABLISHED....RESOLVE 114
STUDENT FINANCIAL AID
WORKFORCE OPPORTUNITIES PROGRAM
REIMBURSEMENT OPTIONS....PUBLIC 443
STUDIES
CASINO GAMING EXPANSION
MARKET ANALYSIS, FEASIBILITY....RESOLVE 111
COLLEGE AFFORD & COMPLETION
COMMISSION ESTABLISHED, REPORT....RESOLVE 109
DISPOSITION OF DIGITAL ASSETS
REPORT DATE EXTENDED....RESOLVE 81
EDUCATIONAL OUTCOME DATABASE
OPERATION & USE RECOMMENDATIONS....PUBLIC 593
ENVIRONMENTAL PROTECTION
COASTAL/OCEAN ACIDIFICATION....RESOLVE 110
GASOLINE
FEASIBILITY OF SOLE USE STATEWIDE....PUBLIC 453
INVOLUNTARY COMMITMENT/TREATMENT
SUPREME JUD COURT WRK GROUP....RESOLVE 106
MAINECARE PROGRAM
TELEHEALTH WORKING GROUP EST....RESOLVE 105
RETIRED TEACHERS
RESTORATION TO SERVICE....PUBLIC 486
SOCIAL MEDIA
SCHOOL/WORKPLACE PRIVACY....RESOLVE 112
UNIFORM PARENTAGE ACT
REPORT DATE EXTENDED....RESOLVE 83
UNIFORM PROBATE CODE
REPORT DATE EXTENDED....RESOLVE 82
SUBSTANCE ABUSE SERVICES COMMISSION
PRESCRIPTION MONITORING PROGRAM
RECOMMENDATIONS IMPLEMENTED....PUBLIC 587
SUPERIOR COURT
JUSTICES
COST-OF-LIVING RAISES....PUBLIC 563
SUPREME JUDICIAL COURT
CASE, DATA & FILING SYSTEM
REPORT TO LEGISLATURE....PUBLIC 571
CHIEF JUSTICE (SAUFLEY)
STATE OF THE JUDICIARY ADDRESS....PAGE 1651
INVOLUNTARY COMMITMENT/TREATMENT
WORKING GROUP ESTABLISHED....RESOLVE 106
JUSTICES
COST-OF-LIVING RAISES....PUBLIC 563
TAX EXPENDITURE REVIEW TASK FORCE
REPORT
IMPLEMENTED....PUBLIC 451
TAXATION
BETE PROGRAM
INFORMATION CONFIDENTIALITY....PUBLIC 544
REVISED....PUBLIC 544
EMPLOYMENT TAX INCREMENT FINANCING
WORKFORCE OPP PROGRAM ELIGIBLE....PUBLIC 443
FIRE INVESTIGATION & PREVENTION
ALLOCATION RATES....PUBLIC 546
LAWS
TECHNICAL CHANGES....PUBLIC 546
TAX EXPENDITURES
REVIEW BY OPEGA....RESOLVE 115
VISUAL MEDIA PRODUCTION REIMB
WAGE WITHHOLDING PROVISIONS....PUBLIC 546
WITHHOLDINGS
INFORMATION STATEMENT DUE DATE....PUBLIC 546

CHAPTER

TEACHERS
RETIRED
2014 COST-OF-LIVING BASE INCREASED....PUBLIC 578
RESTORATION TO SERVICE REVISED....PUBLIC 486
RESTORATION TO SERVICE WRK GRP....PUBLIC 486
TECHNOLOGY INSTITUTE
ACTION PLAN IMPLEMENTATION
BIOMEDICAL RESEARCH, BIOTECH JOBS....PUBLIC 568
MARINE BUSINESSES
AWARD PROGRAM, BOND ISSUE....PUBLIC 592
TELEPHONES
BASIC SERVICES
OPTIONS TO DECREASE COSTS, REPORT....PUBLIC 600
TIMBER HARVESTING
PERMITTING AUTHORITY
CONSOLIDATED UNDER FORESTRY BUREAU....PUBLIC 570
TOURISM
INTERSTATE HIGHWAY SYSTEM
GUIDE SIGNS SYSTEM DEVELOPED....PUBLIC 549
TRAFFIC REGULATIONS
BICYCLES
TRAFFIC INFRACTIONS....PUBLIC 482
CIVIL VIOLATIONS
CLARIFIED....PUBLIC 482
ILLEGALLY PARKED VEHICLES
STICKER PLACEMENT, TRAFFIC INFRACTION....PUBLIC 482
ROLLER SKIS
TRAFFIC INFRACTIONS....PUBLIC 482
TOY VEHICLES
TRAFFIC INFRACTIONS....PUBLIC 482
TRANSPORTATION
HIGHWAYS, BRIDGES, PORTS, RAIL, AIR
IMPROVEMENT, BOND ISSUE....PUBLIC 429
TRANSPORTATION DEPT
CALLAHAN MINE SITE RESTORATION PROG
TRANS TO UNAPPROPRIATED SURPLUS (Q)....PUBLIC 502
COMMERCIAL VEHICLES
SIZE/WEIGHT EXEMPTIONS, RULES....PUBLIC 565
FLEET SERVICES FUND
SUPPLEMENTAL FY14, FY15 (PART A)....PUBLIC 586
HIGHWAY & BRIDGE LIGHT CAP PROG
NM CHG: HIGHWAY LIGHT CAP PROG (C)....PUBLIC 586
INTERSTATE 95 IN KITTERY
SALE TO TURNPIKE AUTHORITY (PART F)....PUBLIC 586
MARINE PORTS FUND
SUPPLEMENTAL FY14, FY15 (PART A)....PUBLIC 586
MULTIMODAL-FREIGHT PROG
CHG: MULTIMODAL-FREIGHT RAIL PROG (C)....PUBLIC 586
ON-PREMISES SIGNS
LICENSING PROCEDURES....PUBLIC 529
PRIORITY 3 SALT & SAND SHEDS
FUNDING NOTIFICATION PROCESS....PUBLIC 523
PRIORITY 3/5 SALT & SAND SHEDS
FUNDING REPORT TO LEGISLATURE....PUBLIC 523
SUSPENSE RECEIVABLE - TRANS PROG
NM CHG: RECEIVABLES PROGRAM (C)....PUBLIC 586
TRAVELER INFORMATION SERVICES
RULE-MAKING AUTHORITY....PUBLIC 529
VIETNAM VETERANS MEMORIAL BRIDGE
PLAQUE REPLACEMENT & UPKEEP....RESOLVE 80
TRAPPING
JUNIOR LICENSES
PROVISIONS CLARIFIED....PUBLIC 538
TREASURER OF STATE
STATE CEILING 2014 & 2015
PRIVATE ACTIVITY BOND ALLOCATIONS....P & S 20
TRUCKS
SEE MOTOR VEHICLES

CHAPTER

TURNPIKE
SEE ROADS
TURNPIKE AUTHORITY
ALLOCATIONS
CALENDAR YEAR 2015....P & S 22
INTERSTATE 95 IN KITTERY
PURCHASE FROM DOT (PART F)....PUBLIC 586
SIGNS ON TURNPIKE
ADMINISTRATION....PUBLIC 529
UNDERGROUND UTILITY FACILITIES
DIG SAFE LAWS
PUC REVIEW & REPORT....PUBLIC 557
UNEMPLOYED PERSONS
SEE LOW-INCOME PERSONS
UNEMPLOYMENT COMPENSATION
SEE EMPLOYMENT SECURITY
UNEMPLOYMENT COMPENSATION BUREAU
TRAINING APPROVAL AUTHORITY
ESTABLISHED....PUBLIC 474
UNEMPLOYMENT INSURANCE COMMISSION
TRAINING APPROVAL AUTHORITY
TRANSFERRED TO BUR OF UNEMP COMP....PUBLIC 474
UNFAIR TRADE PRACTICES
PATENT INFRINGEMENT
BAD FAITH, CIVIL ACTION AUTHORIZED....PUBLIC 543
UNFAIR TRADE PRACTICES ACT
SEE POPULAR NAMES OF LAWS
UNIFORM LAWS
PARENTAGE ACT, FLAC STUDY
REPORT DATE EXTENDED....RESOLVE 83
PROBATE CODE REPORT
DATE EXTENDED....RESOLVE 82
UNIVERSITY OF MAINE SYSTEM
CAPITAL IMPROVEMENTS
STEM, NURSING, BOND ISSUE....PUBLIC 430
REPORTS TO LEGISLATURE
RECOMMENDATIONS FOR REPEAL (R)....PUBLIC 595
TUITION
IN-STATE FOR ALL VETERANS....PUBLIC 488
UNIVERSITY OF ME COOPERATIVE EXT
ANIMAL/PLANT DISEASE & INSECT FAC
BOND ISSUE....PUBLIC 572
BOND ISSUE CLARIFIED....PUBLIC 608
UNORGANIZED TERRITORY
CONVEY INTEREST OF STATE
AUTHORIZED FOR 22 PARCELS....RESOLVE 92
MUNICIPAL COST COMPONENTS
ESTABLISHED FY 2014-15....PUBLIC 522
UTILITIES
DIG SAFE
EXCAVATION RESTRICTIONS....PUBLIC 557
EXCAVATOR NOTIFICATIONS....PUBLIC 557
VASSALBORO
WEBBER POND DAM
FISHING FROM FISHWAY PROHIBITED....PUBLIC 499
VETERANS
ANCIENT/PUBLIC BURIAL GROUNDS
MAINTENANCE & REPAIR BY TOWNS....PUBLIC 524
COORD ASSISTANCE FUND
FUND DISTRIBUTION....PUBLIC 569
DEPENDENTS
POSTSECONDARY TUITION WAIVERS....PUBLIC 569
EMPLOYMENT
PREFERENCE ALLOWED....PUBLIC 576
HONORABLE SERVICE PLAQUE
CONTRIBUTIONS SOLICITED BY DEPT....PUBLIC 569
NATIONAL GUARD
ENVIRONMENTAL HAZARDS, GAGETOWN....PUBLIC 569

CHAPTER

VETERANS (Cont.)
PROPERTY TAX EXEMPTION
APPLICATION REVIEW BY ASSESSOR ..... PUBLIC 546
REQUEST TO FEDERAL VETS AFFAIRS DEP
ENVIRONMENTAL HAZARDS, GAGETOWN ..... RESOLVE 100
RETIREMENT PENSION
MODIFYING FED ADJUSTED GROSS INCOME..... PUBLIC 546
SERVICE OFFICERS
FEMALE VETERANS ISSUES SPECIALIST ..... PUBLIC 569
TREATMENT COURTS
ASST DA POSITION FUNDED..... PUBLIC 584
TUITION ASSISTANCE
IN-STATE TUITION FOR ALL VETERANS ..... PUBLIC 488
VETERANS MEMORIAL CEMETERY CARE BD
MEMBERSHIP
ESTABLISHED..... PUBLIC 569
VETERANS SERVICES BUREAU
SERVICE OFFICERS
FEMALE VETERANS ISSUES SPECIALIST ..... PUBLIC 569
VICTIMS OF CRIME
VICTIMS COMPENSATION FUND
HUMAN TRAFFICKING/PROSTITUTION ..... PUBLIC 537
RECEIVES FINES FOR ENGAGING PROSTITUTE..... PUBLIC 607
VISUAL MEDIA PRODUCTION REIMBURSEMENT
SEE TAXATION
WARRANTS
ELECTRONIC DEVICE CONTENT
JUSTICE OF THE PEACE MAY ISSUE ..... PUBLIC 519
WARREN
BOLDUC CORRECTIONAL FACILITY
ESTABLISHED..... PUBLIC 508
WASHINGTON COUNTY
BROOKTON TWP
CONVEY INTEREST OF STATE..... RESOLVE 92
CENTERVILLE TWP
CONVEY INTEREST OF STATE..... RESOLVE 92
T10 R3 NBPP
CONVEY INTEREST OF STATE..... RESOLVE 92
T29 MD BPP
CONVEY INTEREST OF STATE..... RESOLVE 92
TRESCOTT TWP
CONVEY INTEREST OF STATE..... RESOLVE 92
WASTE DISPOSAL
LICENSES & PERMITS
PRACTICES CONSISTENT W/ STATE ..... PUBLIC 458
WATER QUALITY
DRINKING WATER
SOURCE PROTECTION, BOND ISSUE..... PUBLIC 589
WATER UTILITIES
CONSUMER-OWNED
REQUIREMENTS EXEMPTIONS BY PUC ..... PUBLIC 573
WATERCRAFT
COMMERCIAL FISHING BOATS
ATTACHMENT EXEMPTION MODIFIED ..... PUBLIC 510
WEAPONS
FIREARMS
PERSONS UNDER DEFERRED DISPOSITION..... PUBLIC 519
UNLAWFUL SHOOTING
BOW & ARROW ADDED..... PUBLIC 538
WEIGHTS & MEASURES
INSPECTORS
LOCAL NOT REQUIRED (PART U)..... PUBLIC 595
WETLANDS
RESTORATION
BOND ISSUE..... PUBLIC 589
WILD MUSHROOM HARVEST ADV COMM
POWERS & DUTIES
REPEALED ..... PUBLIC 533

CHAPTER

WILD MUSHROOMS
SEE FOOD
WINE
SEE ALCOHOLIC BEVERAGES
WOOD
WOOD PROCESSORS
CONFIDENTIAL INFORMATION SPECIFIED ..... PUBLIC 513
WORKERS COMPENSATION
IMPROVE PROT FOR INJURED WORKERS COMM
JOINT STUDY ORDER..... PAGE 1631
MANAGEMENT FUND
NOTICE OF PREMIUM CHARGES ANNUALLY ..... PUBLIC 447
SAFETY EDUCATION & TRAINING FUND
FUNDING CLARIFIED..... PUBLIC 467
WORKFORCE INVESTMENT BOARD
STANDING COMMITTEES
DISABILITY RENAMED ..... PUBLIC 467
FUNDING ..... PUBLIC 467
PROGRAM POLICY COMM MEMBERSHIP..... PUBLIC 467
YORK COUNTY
REFORMULATED GASOLINE
SALES IMPLEMENTATION DELAYED..... PUBLIC 453
ZONING
SHORELAND ZONING
CERTAIN WELLS/WATER SYSTEMS EXCLUDED..... PUBLIC 489