

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
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Augusta, Maine
2016

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PREFACE

The 2015 edition of Laws of the State of Maine is the official publication of the session laws of the State of Maine enacted by the 127th 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 2 contains the public laws, private and special laws and resolves enacted at the Second Regular Session of the 127th Legislature, followed by the 2015 Revisor's Report, chapter 1, Initiated Bill 2015, chapter 1 and a selection of significant addresses, joint resolutions and memorials.

Volume 1 was published at the conclusion of the First Regular Session of the 127th Legislature and contains 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 this volume, 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 When an entire unit is repealed, the text that is repealed is not shown struck through, but its repeal is indicated by express language.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 127th Legislature is July 29, 2016. 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
July 2016

LEGISLATIVE STATISTICS

SECOND REGULAR SESSION 127th Legislature

Convened	January 6, 2016
Adjourned	April 29, 2016
Days in Session	
Senate	43
House of Representatives	42
Legislative Documents	248
Public Laws	136
Private and Special Laws	7
Resolves	36
Constitutional Resolutions	0
Competing Measure Resolutions	0
Initiated Bills	5
Vetoes	59
Overridden	38
Sustained	20
Emergency Acts and Resolves	58
Effective Date	July 29, 2016 (unless otherwise indicated)

(Note: 176 bills were carried over to the Second Regular Session of the 127th Legislature.)

PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
2015

CHAPTER 378
S.P. 599 - L.D. 1537

**An Act To Combat Drug
Addiction through
Enforcement, Prevention,
Treatment and Recovery**

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

Whereas, opiate abuse and heroin use have been steadily increasing in Maine and are reaching epidemic proportions; and

Whereas, a comprehensive approach that embraces initiatives focused on law enforcement, prevention, treatment and recovery is immediately necessary; 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. Report. The Commissioner of Public Safety shall appear periodically before 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 matters to report on the implementation of this Part.

Sec. A-2. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part and any unencumbered funds transferred pursuant to financial order 03451F16 may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. A-3. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part and any unencumbered funds transferred pursuant to fi-

ancial order 03451F16 remaining at the end of fiscal year 2015-16 may not lapse but must be carried forward to be used for the same purposes.

Sec. A-4. Transfer; Gambling Control Board; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$1,230,000 in unexpended funds from the Gambling Control Board administrative expenses, Other Special Revenue Funds account in the Department of Public Safety to the General Fund unappropriated surplus on or before the close of fiscal year 2016-17.

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

**PUBLIC SAFETY, DEPARTMENT OF
Drug Enforcement Agency 0388**

Initiative: Provides ongoing funding for 10 investigative agents.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,230,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$1,230,000

PART B

Sec. B-1. Law enforcement and county jail initiatives regarding treatment, recovery and support services. The Commissioner of Public Safety, after receiving advice from the Maine Sheriffs' Association and the Maine Chiefs of Police Association, shall administer grants to local law enforcement agencies and county jails located in geographically diverse communities throughout the State to fund projects designed solely to facilitate pathways to community-based treatment, recovery and support services. Grant applications must include statements of purpose and measurable goals for the projects and use for the funds. Grant recipients shall report to the Commissioner of Public Safety annually on the anniversary date of the grant award regarding the status of the projects, a description of how the funds were spent, the results of the projects and use of the funds and any recommendations for modification of the projects, including any available information concerning their effectiveness in reducing drug use and recidivism. The Commissioner of Public Safety shall provide a report summarizing the results of the grant program and providing recommendations as to its con-

tinuation or modification and any need for additional funding by January 15, 2017 and January 15, 2018 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 judiciary matters.

Sec. B-2. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. B-3. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part remaining at the end of fiscal year 2015-16 may not lapse but must be carried forward to be used for the same purposes.

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

PUBLIC SAFETY, DEPARTMENT OF Administration - Public Safety 0088

Initiative: Provides funds for grants to local law enforcement entities and county jails for the establishment of projects designed to facilitate pathways to treatment, recovery and support services through law enforcement initiatives.

GENERAL FUND	2015-16	2016-17
All Other	\$50,000	\$50,000
GENERAL FUND TOTAL	\$50,000	\$50,000

PART C

Sec. C-1. Detoxification center. The Department of Health and Human Services shall provide funding to a substance abuse treatment entity to develop and operate a detoxification center with at least 10 beds that provides a social detoxification program in an organized residential nonmedical setting delivered by appropriately trained staff that provide safe 24-hour monitoring, observation and support in a supervised environment for a client to achieve initial recovery from the effects of alcohol or another drug.

1. The substance abuse treatment entity must:
 - A. Be located in a northern or eastern area of the State with high rates of opioid use and accessible to related services and supports;
 - B. Specialize in treating substance abuse and mental health disorders; and

C. Have an established history of providing substance abuse treatment and running residential programs in the region.

2. At least 40% of the occupancy in the detoxification center established under this section must be made available to individuals who do not have MaineCare coverage or health insurance coverage for detoxification treatment.

3. No later than June 30, 2016 the department shall begin distributing the funds appropriated in section 5.

Sec. C-2. Report. The Commissioner of Health and Human Services shall appear periodically before the joint standing committee of the Legislature having jurisdiction over health and human services matters to report on the implementation of this Part.

Sec. C-3. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. C-4. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purposes.

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

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)

Office of Substance Abuse and Mental Health Services 0679

Initiative: Provides one-time funding for the development of a detoxification center in a northern or eastern area of the State in accordance with this Part.

GENERAL FUND	2015-16	2016-17
All Other	\$200,000	\$0
GENERAL FUND TOTAL	\$200,000	\$0

Office of Substance Abuse and Mental Health Services 0679

Initiative: Provides ongoing funding for the operation of a detoxification center in a northern or eastern area of the State in accordance with this Part.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$700,000

GENERAL FUND TOTAL	\$0	\$700,000
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$200,000	\$700,000
DEPARTMENT TOTAL - ALL FUNDS	\$200,000	\$700,000

PART D

Sec. D-1. Peer support recovery centers; education and coordination of services. The Department of Health and Human Services shall provide funds in an expedited manner, beginning within 60 days after the effective date of this Part, in the amount of \$700,000 to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to, on a statewide basis:

1. Establish in underserved areas of the State and expand peer support recovery centers designed to assist individuals with substance abuse issues to avoid relapse;
2. Coordinate the efforts of law enforcement, treatment and recovery programs and link individuals in recovery to career resources;
3. Facilitate the delivery of effective prevention and education programming in schools and communities; and
4. Maintain a directory of substance abuse providers and prevention and recovery services that is publicly available.

Sec. D-2. Report. The Commissioner of Health and Human Services shall appear periodically before the joint standing committee of the Legislature having jurisdiction over health and human services matters to report on the implementation of this Part.

Sec. D-3. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. D-4. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part remaining at the end of each fiscal year may not lapse

but must be carried forward to be used for the same purposes.

Sec. D-5. Request for proposals. Except as provided in section 1, the Department of Health and Human Services shall provide grant funds using the competitive request for proposal bidding process set forth in the Maine Revised Statutes, Title 5, chapter 155. The department shall issue a request for proposals no later than January 1, 2017 to award annual grant funds beginning no later than July 1, 2017.

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

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS)
Office of Substance Abuse and Mental Health Services 0679**

Initiative: Provides expedited funding for the 2015-16 and 2016-17 fiscal years and then annual ongoing funding for fiscal years beginning 2017-18 through a competitive request for proposal process to an organization with expertise and experience in substance abuse prevention, treatment and peer recovery services to provide services on a statewide basis that include the establishment and expansion of peer support recovery centers, the coordination and provision of substance abuse treatment and recovery programs, prevention and education in schools and communities and the maintenance of a publicly available directory of resources.

GENERAL FUND	2015-16	2016-17
All Other	\$200,000	\$500,000
GENERAL FUND TOTAL	\$200,000	\$500,000

PART E

Sec. E-1. Funds may not be transferred. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, funding provided in this Part may not be transferred to any other appropriation or subdivision of an appropriation made by the Legislature.

Sec. E-2. Funds may not lapse. Notwithstanding the Maine Revised Statutes, Title 5, section 1589 or any other provision of law, any unencumbered balance of appropriations contained in this Part remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purposes.

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

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

**Office of Substance Abuse and Mental Health
Services 0679**

Initiative: Provides funding to increase substance abuse residential treatment for the uninsured.

GENERAL FUND	2015-16	2016-17
All Other	\$200,000	\$400,000
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GENERAL FUND TOTAL	\$200,000	\$400,000

**Office of Substance Abuse and Mental Health
Services 0679**

Initiative: Provides funding to increase substance abuse outpatient services for the uninsured, including individual, group and intensive outpatient treatment.

GENERAL FUND	2015-16	2016-17
All Other	\$75,000	\$125,000
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GENERAL FUND TOTAL	\$75,000	\$125,000

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

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$275,000	\$525,000
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DEPARTMENT TOTAL - ALL FUNDS	\$275,000	\$525,000

PART F

Sec. F-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer to the unappropriated surplus of the General Fund \$725,000 no later than June 30, 2016 and \$1,775,000 no later than June 30, 2017 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

PART G

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

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Transfers funds from Personal Services to All Other to provide funding to support increased

criminal dockets, including an increase in criminal jury trials.

GENERAL FUND	2015-16	2016-17
Personal Services	(\$240,000)	\$0
All Other	\$240,000	\$0
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GENERAL FUND TOTAL	\$0	\$0

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

Effective January 19, 2016.

**CHAPTER 379
H.P. 1013 - L.D. 1490**

**An Act Regarding the Maine
Arts Commission**

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

Sec. 1. 27 MRSA §405, as amended by PL 2013, c. 181, §1, is further amended to read:

§405. Hearings; contracts

The Maine Arts Commission is authorized and empowered to hold public and private hearings; to enter into contracts, within the limit of funds available, with individuals or organizations; and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish and administer an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the commission's mission; to make and sign any agreements; and to do and perform any acts that are necessary to carry out the purposes of this chapter. ~~Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds.~~ As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or

agency of the State such assistance and data as necessary to carry out its powers and duties.

See title page for effective date.

CHAPTER 380

H.P. 1016 - L.D. 1493

An Act To Provide a Private Support Organization for the Maine Arts Commission

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

Sec. 1. 27 MRSA §410-A is enacted to read:

§410-A. Private support organization

1. Designation of private support organization. The Director of the Maine Arts Commission shall designate a nonprofit organization as the private support organization for the Maine Arts Commission. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the Maine Arts Commission and its programs.

2. Member on board of directors. The Director of the Maine Arts Commission, or the director's designee, shall serve as a member of the private support organization's board of directors.

3. Plan of work. The Director of the Maine Arts Commission shall negotiate an annual memorandum of understanding between the Maine Arts Commission and the private support organization that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

4. Use of property. The Director of the Maine Arts Commission may permit the appropriate use of fixed property, equipment and facilities of the Maine Arts Commission by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

See title page for effective date.

CHAPTER 381

H.P. 1020 - L.D. 1497

An Act To Align the Child and Family Services and Child Protection Act with the Federal Preventing Sex Trafficking and Strengthening Families 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, federal law requires Maine to enact changes to state law in compliance with the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183; and

Whereas, Maine's Child and Family Services and Child Protection Act is out of compliance with Public Law 113-183; and

Whereas, it is necessary for Maine to have authority to provide child welfare services for the protection of children and families prior to 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. 22 MRSA §4008, sub-§3, ¶K, as amended by PL 2013, c. 293, §2, is further amended to read:

K. A relative or other person whom the department is investigating for possible custody or placement of the child; ~~and~~

Sec. 2. 22 MRSA §4008, sub-§3, ¶L, as enacted by PL 2013, c. 293, §3, is amended to read:

L. To a licensing board of a mandated reporter, in the case of a mandated reporter under section 4011-A, subsection 1 who appears from the record or relevant circumstances to have failed to make a required report. Any information disclosed by the department personally identifying a licensee's client or patient remains confidential and may be used only in a proceeding as provided by Title 5, section 9057, subsection 6-; ~~and~~

Sec. 3. 22 MRSA §4008, sub-§3, ¶M is enacted to read:

M. Law enforcement authorities for entry into the National Crime Information Center database of

the Federal Bureau of Investigation and to a national information clearinghouse for missing and exploited children operated pursuant to 42 United States Code, Section 5773(b). Information disclosed pursuant to this paragraph is limited to information on missing or abducted children or youth that is required to be disclosed pursuant to 42 United States Code, Section 671(a)(35)(B).

Sec. 4. 22 MRSA §4036-B, sub-§3-A, as enacted by PL 2011, c. 402, §4, is amended to read:

3-A. Notification to relatives. Except as required by family or domestic violence safety precautions, the department shall exercise due diligence to identify and provide notice ~~to all known grandparents and other adult relatives,~~ within 30 days after the removal of a child from the custody of a parent or custodian, to the following relatives: all grandparents; all parents of a sibling of the child who have legal custody of the sibling; and other adult relatives of the child, including any other adult relatives suggested by the parents. For the purposes of this subsection, "sibling" includes an individual who would have been considered a sibling of the child but for a termination or other disruption of parental rights, such as the death of a parent. Failure to comply with this provision does not affect service on a parent or custodian.

Sec. 5. 22 MRSA §4038-B, sub-§4, ¶C, as enacted by PL 2005, c. 372, §6, is amended to read:

C. In the case of a child who is ~~16~~ 14 years of age or older, the permanency plan must determine the services needed to assist the child to make the transition from foster care to independent living.

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

Effective March 1, 2016.

CHAPTER 382

H.P. 1029 - L.D. 1506

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation Concerning Pension Income

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 before the 90-day period expires to ensure the proper filing and processing of income tax returns for 2015; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income 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 §5122, sub-§2, ¶M-1, as amended by PL 2015, c. 328, §3, is further amended to read:

M-1. For tax years beginning on or after January 1, 2014 but before January 1, 2016, 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 ~~or~~ 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. "Employee retirement plan" does not include a military retirement plan or survivor benefits under such a plan.

(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. 2. 36 MRSA §5122, sub-§2, ¶M-2, as enacted by PL 2015, c. 267, Pt. DD, §10, is amended to read:

M-2. For tax years beginning on or after January 1, 2016:

(1) For each individual who is a primary recipient of retirement plan benefits, the reduction is the sum of:

(a) ~~Excluding military retirement plan benefits, 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. The amount claimed under this division must be 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; and:~~

(i) The aggregate of retirement plan benefits under employee retirement plans or individual retirement accounts included in the individual's federal adjusted gross income; and

(ii) 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; and

(b) An amount equal to the aggregate of retirement benefits under military retirement plans included in the individual's federal adjusted gross income; and

(2) For purposes of this paragraph, the following terms have the following meanings.

(a) "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.

(b) "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.

(c) "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.

(d) "Pension deduction amount" means \$10,000 ~~for tax years beginning in 2014.~~

(e) "Primary recipient" means the individual upon whose earnings or contributions the retirement plan benefits are based or the surviving spouse of that individual.

(f) "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. 3. 36 MRSA §5122, sub-§2, ¶BB, as amended by PL 2015, c. 300, Pt. A, §40, is further amended to read:

BB. The amount of pension benefits to the extent included in federal adjusted gross income under a military retirement plan as defined in paragraph M ~~¶~~ M-1 or M-2 that exceed the amount of military retirement plan pension benefits deducted under paragraph M ~~¶~~ M-1 or M-2 and that are received by a person who practices as a licensed dentist in this State for an average of at least 20 hours per week during the tax year and who accepts patients who receive benefits under the MaineCare program administered under Title 22, chapter 855;

Sec. 4. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph M-1 applies retroactively to June 30, 2015.

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

Effective March 1, 2016.

CHAPTER 383

S.P. 567 - L.D. 1469

An Act To Promote Private Fund-raising for 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 §7413 is enacted to read:

§7413. Private support organization

1. Designation of private support organization. The executive director shall designate a nonprofit organization as the private support organization for the school. The designated organization must be incorporated as a nonprofit corporation under the laws of the State, and its sole purpose, as reflected in its bylaws, must be to organize and foster support for the school and the school's programs.

2. Nonvoting member on board of directors. The executive director, or the executive director's designee, shall serve as a nonvoting ex officio member of the private support organization's board of directors.

3. Plan of work. The executive director shall negotiate an annual memorandum of understanding between the school and the private support organiza-

tion that outlines a plan of work identifying priority projects of mutual benefit and cooperation.

4. Use of property. The executive director may permit the appropriate use of fixed property, equipment and facilities of the school by the private support organization. Such use must be directly in keeping with the purpose of the private support organization as set out in subsection 1 and must comply with all appropriate state policies and procedures.

See title page for effective date.

CHAPTER 384

H.P. 690 - L.D. 995

An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System

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

Sec. 1. 5 MRSA §17103, sub-§6, as amended by PL 2009, c. 322, §2, is further amended to read:

6. Rights, credits and privileges; decisions. The board shall in all cases make the final and determining administrative decision in all matters affecting the rights, credits and privileges of all members of all programs of the retirement system whether in participating local districts or in the state service. The board has no jurisdiction to hear a matter or make an administrative decision regarding a claim of an employee of a local plan for which membership is optional pursuant to section 18252, if that claim applies to a time when the employee was not a member of the retirement system.

Whenever the board finds that, because of an error or omission on the part of the employer of a member or retired member, a member or retired member is required to make a payment or payments to the retirement system, the board may waive payment of all or part of the amount due from the member or retired member. In these instances of recovery of overpayments from members of the retirement system, the retirement system is governed by section 17054, subsection 3.

Sec. 2. 5 MRSA §18251, sub-§§6 and 7 are enacted to read:

6. Limitations on claims for participation. If an employee claims that the employee was not offered participation in the program at the commencement of or during the course of employment with the participating local district, that claim must be commenced

within 6 years of the date upon which the employee was first eligible for participation in the program.

7. Participation in other retirement plans. If an employee requests and is allowed retroactive participation in the program, and during the time for which these retroactive retirement benefits are sought the participating local district offered and the employee participated in another retirement plan, all contributions made to the alternative plan by the employer and all earnings made on employer and employee contributions must be paid to the retirement system, up to the amount that the employer is required by the retirement system to pay to fund retroactive benefits under the program. In the event the funds available in the employee's alternative retirement plan account are not sufficient to fund the employer's required contributions to the retirement system, the employer shall pay any remaining employer contributions required by the retirement system to fund retroactive benefits under the program.

Sec. 3. 5 MRSA §18804, sub-§§5 and 6 are enacted to read:

5. Limitations on claims for participation. If an employee claims that the employee was not offered membership at the commencement of or during the course of employment with the local district, that claim must be commenced within 6 years of the date upon which the employee was first eligible for membership.

6. Participation in other retirement plans. If an employee requests and is allowed retroactive membership, and during the time for which these retroactive retirement benefits are sought the local district offered and the employee participated in another retirement plan, all contributions made to the alternative plan by the employer and all earnings made on employer and employee contributions must be paid to the retirement system, up to the amount that the employer is required by the retirement system to pay to fund retroactive benefits under the plan. In the event the funds available in the employee's alternative retirement plan account are not sufficient to fund the employer's required contributions to the retirement system, the employer shall pay any remaining employer contributions required by the retirement system to fund retroactive benefits under the plan.

See title page for effective date.

**CHAPTER 385
H.P. 704 - L.D. 1021**

**An Act To Amend the Laws
Pertaining to the Maine
Public Employees Retirement
System**

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 intent of the Legislature in Public Law 2015, chapter 267, the so-called biennial budget, was to include language permitting members of the Maine Public Employees Retirement System who were subject to a merit pay and longevity pay freeze in fiscal year 2011-12 and fiscal year 2012-13 to include those lost wages in their retirement benefit calculations by paying the necessary member contributions; and

Whereas, the language included in Public Law 2015, chapter 267 as enacted inadvertently omitted fiscal year 2011-12; and

Whereas, this legislation includes language to correct the error and allow those members affected to receive their full benefit in a more timely manner; and

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

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

Sec. 1. 2 MRSA §1-A, sub-§1, ¶D, as enacted by PL 1985, c. 801, §§1 and 7, is amended to read:

D. Whatever adjustments are made under Title 5, ~~sections section 17806 and 18407 shall~~ must be applied to payments made under this section.

Sec. 2. 5 MRSA §17001, sub-§4, ¶A, as amended by PL 2009, c. 630, §1, is further amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff or other time off without pay as a result of a Governor's Executive Order, time off without pay or loss of pay pursuant to the agreements of February 15, 1991, October 23, 1991 and June 11, 1993 between the Executive Department and the

American Federation of State, County and Municipal Employees, Council 93, time off without pay pursuant to the agreement of June 11, 1993 between the Executive Department and the Maine State Employees Association, days off without pay as authorized by legislative action or days off without pay resulting from any executive order declaring or continuing a state of emergency relating to the lack of an enacted budget document for fiscal years ending June 30, 1992 and June 30, 1993, or, if a member elects to make the payments as set forth in section 17704-B, as a result of days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay as authorized by legislative action, by the State Court Administrator or from executive order for the fiscal year beginning July 1, 2002, July 1, 2009 or July 1, 2010, July 1, 2011 or July 1, 2012, or a combination thereof, or, if a member is subject to days off without pay, not to exceed 10 days in each fiscal year ending June 30, 1992 and June 30, 1993, as a result of actions taken by local school administrative units to offset school subsidy reductions, or, if a member is subject to days off without pay during the fiscal year beginning July 1, 2009 or July 1, 2010, as a result of actions taken by a local school administrative unit and the member elects to make the payments as set forth in section 17704-B or, notwithstanding section 18202, as a result of actions of a participating local district to offset reductions in municipal revenue sharing or a combination thereof, for the fiscal years ending June 30, 1992 and June 30, 1993, or, if a member is subject to days off without pay during the fiscal year beginning July 1, 2009 or July 1, 2010, as a result of actions of a participating local district and the member elects to make the payments as set forth in section 18305-C, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay or provided days off without pay; or

Sec. 3. 5 MRSA §17102, sub-§7, as amended by PL 2007, c. 240, Pt. U, §5, is repealed and the following enacted in its place:

7. Expenses. All administrative costs and expenses attributable to the administrative operating budget of the retirement system must be charged against the assets of the applicable fund.

Sec. 4. 5 MRSA §17103, sub-§11, ¶C, as amended by PL 1993, c. 410, Pt. L, §19, is repealed.

Sec. 5. 5 MRSA §17103, sub-§14, as enacted by PL 1993, c. 410, Pt. L, §22, is repealed.

Sec. 6. 5 MRSA §17152, sub-§2, as corrected by RR 2013, c. 2, §6, is amended to read:

2. Retirement Allowance Fund. The Retirement Allowance Fund; ~~and~~

Sec. 7. 5 MRSA §17152, sub-§3, as corrected by RR 2013, c. 2, §6, is repealed.

Sec. 8. 5 MRSA c. 421, sub-c. 4, art. 4, as amended, is repealed.

Sec. 9. 5 MRSA §17704-B, as amended by PL 2015, c. 267, Pt. CCCC, §1, is further amended to read:

§17704-B. Back contributions for certain days off without pay

1. Election. If the retirement system determines at the time a member retires that the member's benefit would be increased as a result of the inclusion of compensation that would have been paid for days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay in fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, as provided in section 17001, subsection 4, paragraph A, the retirement system shall advise the member of that result and shall allow the member to elect to have that compensation included in the calculation of the member's benefit and to make payments set forth in subsection 2.

2. Payment. The amount that a member who makes the election permitted in subsection 1 must pay is the amount equal to the employee contribution that member would have made on compensation that would have been paid to that member on the days off without pay or for days worked for which the level of pay is reduced as the result of the freezing of merit pay and longevity pay during fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, as provided in section 17001, subsection 4, paragraph A, plus interest at a rate, to be set by the board, not to exceed regular interest by 5 or more percentage points. Interest must be computed beginning at the end of the year when those contributions or pick-up contributions would have been made to the date of payment. If the member elects to make the payment, the retirement system shall withhold the required amount from the member's first retirement benefit check.

3. Benefit calculation. If the member fails to make the election within 31 days of the notification provided under subsection 1, the retirement system shall calculate the member's retirement benefit without inclusion of the days off without pay and without inclusion of the compensation that otherwise would have been paid if the freezing of merit pay and longevity pay had not occurred during fiscal year 2002-03, 2009-10, 2010-11, 2011-12 or 2012-13, or a combination thereof, as provided in section 17001, subsection 4, paragraph A.

Sec. 10. 5 MRSA §18253, sub-§1, ¶D, as amended by PL 1995, c. 363, §1 and PL 2007, c. 58, §3, is further amended to read:

D. For the purposes of this subsection, an employee of the Maine Public Employees Retirement System who is a member on January 1, 1994 is considered to be reemployed with a new employer. If an employee returns to state service during the period that begins on July 1, 1995 and ends 180 days after the date upon which the initial collective bargaining agreement between the Maine Public Employees Retirement System and the collective bargaining agent that represents the employees of the system becomes effective, all funds transferred to the account of the Maine Public Employees Retirement System as the new employer on behalf of the employee from the State's account must be returned to the State's account. For the purpose of service, breaks in service and benefit accruals, the employee must be treated as if the employee had remained in state service throughout the period in question. For purposes of this paragraph, "becomes effective" means that the collective bargaining agreement has been signed and ratified by both parties ~~and approved by the Legislature as provided by section 17103, subsection 14.~~

Sec. 11. 5 MRSA §18806, sub-§1, as amended by PL 2007, c. 491, §253, is further amended to read:

1. Districts with employees covered by the Social Security Act. A participating local district with employees covered by the United States Social Security Act may provide service retirement benefits for employees not covered by a special plan that equal 1% of the member's average final compensation multiplied by the number of years of membership service. ~~Members~~ The board shall establish by rule the rate at which members covered by this benefit shall contribute to the Participating Local District Retirement Program at the rate of 3% of earnable compensation.

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

Effective March 6, 2016.

**CHAPTER 386
S.P. 562 - L.D. 1461**

**An Act To Allow All
Manufacturers Licensed by the
Bureau of Alcoholic
Beverages and Lottery
Operations To Provide
Samples of Products to Retail
Licensees**

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

Sec. 1. 28-A MRSA §1402-A, first ¶, as amended by PL 2011, c. 629, §25, is further amended to read:

A person licensed as a ~~small brewery, small winery~~ manufacturer of malt liquor or wine under section 1355-A or licensed as a wholesaler may give a retail licensee samples of products under the following conditions:

See title page for effective date.

**CHAPTER 387
S.P. 564 - L.D. 1466**

**An Act Regarding Sales
Representatives Employed by
Licensed Wholesalers**

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

Sec. 1. 28-A MRSA §1401, sub-§7, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

7. Warehouses and sales representatives. A wholesale licensee shall maintain a warehouse or warehouses within the State and employ one or more sales representatives, licensed under chapter 59, for the purpose of soliciting orders. For the purposes of this subsection, "sales representative" means an employee of a wholesale licensee whose primary duty is soliciting orders from or making sales to retail licensees.

Sec. 2. 28-A MRSA §1502, first ¶, as amended by PL 1997, c. 373, §135, is further amended to read:

~~The sales~~ Sales representatives, including those described in section 1401, subsection 7, shall apply to the bureau for a license disclosing the person, firm or corporation represented.

See title page for effective date.

CHAPTER 388
S.P. 633 - L.D. 1583

**An Act To Provide for Tax
Conformity and Funding
Methods**

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 income tax returns for 2015; 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:

PART A

Sec. A-1. 36 MRSA §111, sub-§1-A, as amended by PL 2015, c. 1, §1 and affected by §15, 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 December 31, ~~2014~~ 2015.

Sec. A-2. 36 MRSA §5122, sub-§1, ¶Q, as enacted by PL 2003, c. 20, Pt. II, §2, is repealed.

Sec. A-3. 36 MRSA §5122, sub-§1, ¶II, as corrected by RR 2015, c. 1, §41, is amended to read:

II. For taxable years beginning in 2014:

(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-MM 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-MM; ~~and~~

Sec. A-4. 36 MRSA §5122, sub-§1, ¶JJ, as enacted by PL 2015, c. 267, Pt. DD, §8, is amended to read:

JJ. For tax years beginning on or after January 1, 2016, an amount equal to the taxpayer base multiplied by the following fraction:

(1) For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$70,000, except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$70,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection 3;

(2) For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$105,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$105,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection 3; or

(3) For individuals filing married joint returns or surviving spouses, the numerator is the taxpayer's Maine adjusted gross income less \$140,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$140,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection 3.

For purposes of this paragraph, "taxpayer base" means either the taxpayer's applicable standard deduction amount for the taxable year determined under section 5124-B or, if itemized deductions are claimed, the taxpayer's itemized deductions claimed for the taxable year determined under section 5125; ~~and~~

Sec. A-5. 36 MRSA §5122, sub-§1, ¶KK is enacted to read:

KK. For taxable years beginning on or after January 1, 2015:

(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 tax-

able year for which a credit is claimed under section 5219-NN 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-NN.

Sec. A-6. 36 MRSA §5122, sub-§2, ¶MM, as amended by PL 2015, c. 1, §6, is further amended to read:

MM. For taxable years beginning on or after January 1, 2014, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2013 for which an addition was required under subsection 1, paragraph HH, subparagraph (2) for the taxable year beginning in 2013.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph HH, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph HH, subparagraph (2) for the same property; ~~and~~

Sec. A-7. 36 MRSA §5122, sub-§2, ¶NN, as enacted by PL 2015, c. 1, §7, is amended to read:

NN. For taxable years beginning on or after January 1, 2015, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2014 for which an addition was required under subsection 1, paragraph II, subparagraph (2) for the taxable year beginning in 2014.

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

subsection 1, paragraph II, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph II, subparagraph (2) for the same property; ~~and~~

Sec. A-8. 36 MRSA §5122, sub-§2, ¶OO is enacted to read:

OO. For taxable years beginning on or after January 1, 2016, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year for which an addition was required under subsection 1, paragraph KK, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph KK, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph KK, subparagraph (2) for the same property.

Sec. A-9. 36 MRSA §5200-A, sub-§1, ¶AA, as amended by PL 2015, c. 1, §9, is further amended 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-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-JJ; ~~and~~

Sec. A-10. 36 MRSA §5200-A, sub-§1, ¶BB, as enacted by PL 2015, c. 1, §10, is amended to read:

BB. For taxable years beginning in 2014:

(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-MM 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-MM; and

Sec. A-11. 36 MRSA §5200-A, sub-§1, ¶CC is enacted to read:

CC. For taxable years beginning on or after January 1, 2015:

(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-NN 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-NN.

Sec. A-12. 36 MRSA §5200-A, sub-§2, ¶Y, as amended by PL 2015, c. 1, §12, is further amended to read:

Y. For taxable years beginning on or after January 1, 2014, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2013 for which an addition was required under subsection 1, paragraph AA, subparagraph (2) for the taxable year beginning in 2013.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the ad-

dition modification under subsection 1, paragraph AA, subparagraph (2) for the same property; and

Sec. A-13. 36 MRSA §5200-A, sub-§2, ¶Z, as enacted by PL 2015, c. 1, §13, is amended to read:

Z. For taxable years beginning on or after January 1, 2015, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2014 for which an addition was required under subsection 1, paragraph BB, subparagraph (2) for the taxable year beginning in 2014.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph BB, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph BB, subparagraph (2) for the same property; and

Sec. A-14. 36 MRSA §5200-A, sub-§2, ¶AA is enacted to read:

AA. For taxable years beginning on or after January 1, 2016, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year for which an addition was required under subsection 1, paragraph CC, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC, subparagraph (2) for the same property.

Sec. A-15. 36 MRSA §5219-NN is enacted to read:

§5219-NN. Maine capital investment credit for 2015 and after

1. Credit allowed. A taxpayer that claims a depreciation deduction under the Code, Section 168(k) for property placed in service in the State during a taxable year that begins on or after January 1, 2015 is allowed a credit as follows:

A. A taxable corporation is allowed a credit against the taxes imposed by this Part in an amount equal to 9% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5200-A, subsection 1, paragraph CC, subparagraph (1) with respect to that property, except for excluded property under subsection 2; or

B. An individual is allowed a credit against the taxes imposed by this Part in an amount equal to:

(1) For taxable years beginning in 2015, 8% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph KK, subparagraph (1) with respect to that property, except for excluded property under subsection 2; and

(2) For taxable years beginning on or after January 1, 2016, 7% of the amount of the net increase in the depreciation deduction reported as an addition to income for the taxable year under section 5122, subsection 1, paragraph KK, subparagraph (1) with respect to that property, except for excluded property under subsection 2.

2. Certain property excluded. The following property is not eligible for the credit under this section:

A. Property owned by a public utility as defined by Title 35-A, section 102, subsection 13;

B. Property owned by a person that provides radio paging services as defined by Title 35-A, section 102, subsection 15;

C. Property owned by a person that provides mobile telecommunications services as defined by Title 35-A, section 102, subsection 9-A;

D. Property owned by a cable television company as defined by Title 30-A, section 2001, subsection 2;

E. Property owned by a person that provides satellite-based direct television broadcast services;

F. Property owned by a person that provides multichannel, multipoint television distribution services; and

G. Property that is not in service in the State for the entire 12-month period following the date it is placed in service in the State.

3. Limitations; carry-forward. The credit allowed under subsection 1 may not reduce the tax otherwise due under this Part to less than zero. Any unused portion of the credit may be carried forward to the following year or years for a period not to exceed 20 years.

4. Recapture. The credit allowed under this section must be fully recaptured to the extent claimed by the taxpayer if the property forming the basis of the credit is not used in the State for the entire 12-month period following the date it is placed in service in the State. The credit must be recaptured by filing an amended return in accordance with section 5227-A for the tax year in which that property was used to calculate the credit under this section. The amended return must reflect the credit disallowed and the income modifications required by section 5122, subsection 1, paragraph KK and section 5200-A, subsection 1, paragraph CC with respect to that property.

Sec. A-16. Application. That section of this Part that amends the Maine Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on or after January 1, 2015 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, 2015. That section of this Part that repeals the Maine Revised Statutes, Title 36, section 5122, subsection 1, paragraph Q applies to tax years beginning on or after January 1, 2016.

PART B

Sec. B-1. Transfer from tax relief fund.

The State Controller shall transfer \$9,535,933 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, 2016.

PART C

Sec. C-1. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Veterans Tax Reimbursement 0407

Initiative: Adjusts funding based on projected needs.

GENERAL FUND	2015-16	2016-17
All Other	(\$15,000)	\$0
GENERAL FUND TOTAL	(\$15,000)	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$15,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$15,000)	\$0

TREASURER OF STATE, OFFICE OF Debt Service - Treasury 0021

Initiative: Reduces funding for debt service costs.

GENERAL FUND	2015-16	2016-17
All Other	(\$6,113,120)	\$0
GENERAL FUND TOTAL	(\$6,113,120)	\$0

TREASURER OF STATE, OFFICE OF

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$6,113,120)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$6,113,120)	\$0

SECTION TOTALS	2015-16	2016-17
GENERAL FUND	(\$6,128,120)	\$0
SECTION TOTAL - ALL FUNDS	(\$6,128,120)	\$0

PART D

Sec. D-1. Transfers from available fiscal year 2015-16 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 2015-16, the State Controller shall transfer \$194,312 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, 2016, the Commissioner of Environmental Protection shall determine from which accounts the funds must be transferred so that the sum equals \$194,312 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 E

Sec. E-1. Personal Services savings; transfer to General Fund revenue. Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller shall transfer the first \$6,750,000 of unexpended Personal Services appropriations that would otherwise lapse to the General Fund Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2015-16.

Sec. E-2. General Fund Salary Plan; transfer to General Fund revenue. Notwithstanding any other provision of law, the State Controller shall transfer up to \$6,750,000 from the General Fund Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2015-16 in the event that the total savings in section 1 of this Part are not achieved.

PART F

Sec. F-1. Personal Services savings; transfer to General Fund revenue. Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller shall transfer the first \$6,750,000 of unexpended Personal Services appropriations that would otherwise lapse to the General Fund Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2016-17.

Sec. F-2. General Fund Salary Plan; transfer to General Fund revenue. Notwithstanding any other provision of law, the State Controller shall transfer up to \$6,750,000 from the General Fund Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2016-17 in the event that the total savings in section 1 of this Part are not achieved.

PART G

Sec. G-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 \$767,507 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, 2016.

Sec. G-2. 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 \$711,355 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, 2017.

PART H

Sec. H-1. PL 2015, c. 267, Part T is repealed.

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

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Fund for Efficient Delivery of Local and Regional Services - Administration Z047

Initiative: Reduces funding by \$750,000 in each year of the 2016-2017 biennium.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	(\$750,000)	(\$750,000)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$750,000)	(\$750,000)

PART I

Sec. I-1. PL 2015, c. 267, Part PP is repealed.

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

EDUCATION, DEPARTMENT OF

Fund for the Efficient Delivery of Educational Services Z005

Initiative: Eliminates one-time funding for consolidation of school administrative units.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	(\$750,000)	(\$750,000)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$750,000)	(\$750,000)

PART J

Sec. J-1. Transfer; Dirigo Health Fund; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$300,000 by June 30, 2016 from the Dirigo Health Fund to the General Fund unappropriated surplus.

PART K

Sec. K-1. Transfer from Audit Recovery, Other Special Revenue Funds. The State Controller shall transfer \$151,331 from the Other Special Revenue Funds audit recovery account established in the Maine Revised Statutes, Title 5, section 1622 to the unappropriated surplus of the General Fund no later June 30, 2016.

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

Effective March 10, 2016.

CHAPTER 389

H.P. 1117 - L.D. 1641

An Act To Establish a Commission To Reform Public Education Funding and Improve Student Performance in Maine and Make Supplemental Appropriations and Allocations for the Expenditures of the Department of Education and To Change Certain Provisions of the Law Necessary to the Proper Operations of Government for the Fiscal Year Ending June 30, 2017

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, costs for providing public education have increased at an alarming rate despite declining student populations and without significant improvement in student outcomes, requiring immediate attention to address the underlying condition and its consequences; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

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

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

PART A

Sec. A-1. Commissioner of Education to convene commission. The Commissioner of Education or the commissioner's designee, referred to in this Part as "the commissioner," shall convene, no later than May 1, 2016, a commission to reform public education funding and improve student performance in the State.

1. Members. The commissioner shall invite to serve as members of the commission:

- A. The Governor or the Governor's designee;
- B. A representative of the Department of Education, appointed by the Governor, who shall serve as chair of the commission;
- C. Notwithstanding Joint Rule 353, the following 4 members of the Legislature:
 - (1) The member of the Legislature who is serving as the Senate Majority Leader or that leader's designee, who must be a member on the Legislative Council;
 - (2) The member of the Legislature who is serving as the Senate Minority Leader or that leader's designee, who must be a member on the Legislative Council;
 - (3) The member of the Legislature who is serving as the House Majority Leader or that leader's designee, who must be a member on the Legislative Council; and
 - (4) The member of the Legislature who is serving as the House Minority Leader or that leader's designee, who must be a member on the Legislative Council;
- D. A person who is serving on the State Board of Education, designated by the chair of the State Board of Education;
- E. A person who was named Maine Teacher of the Year on or after January 1, 2006, designated by the Maine Education Association;
- F. A person who is serving on the Maine Charter School Commission established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 10-D, designated by the chair of the Maine Charter School Commission;
- G. A person who is a teacher or administrator at one of the State's career and technical education centers, designated by Maine Administrators of Career and Technical Education;

H. A person designated by the Maine School Management Association;

I. The Chancellor of the University of Maine System or the chancellor's designee;

J. The President of the Maine Community College System or the president's designee; and

K. Two members of the public, appointed by the Governor, at least one of whom has prior work experience in a municipal management role.

2. Vacancies; quorum. In the event of a vacancy on the commission, the commissioner shall select a replacement member in the same manner as the original selection set forth in subsection 1. A quorum consists of a majority of the nonvacant seats on the commission.

3. Meetings; duties. The commission shall meet at least 6 times each year in 2016 and in 2017. In order to identify solutions to lower the cost of public education and improve student performance, the commission shall collect and analyze data from all public secondary and postsecondary education units in the State that receive state funding. In conducting its review and analysis, the commission may:

- A. Evaluate the success and shortcomings of the current funding formula for kindergarten to grade 12 education and propose changes to improve the funding formula;
- B. Identify the causes of increased per-pupil education costs and develop proposals to help local school districts contain increasing costs;
- C. Examine the State's special education spending, including its impact on school administrative units, and develop proposals to ensure the State's special education spending addresses the State's needs;
- D. Identify trends and disparities across the State in student performance in kindergarten to grade 12 and develop recommendations for improvement;
- E. Identify best practices for integrating technology into teaching and learning and develop proposals for statewide implementation of the best practices;
- F. Review the existing laws governing the process of school administrative unit consolidation and withdrawal and identify improvements that will help lower costs and improve outcomes for school administrative units;
- G. Evaluate teacher compensation throughout the State for adequacy and competitiveness and propose changes, as necessary;
- H. Identify state and federal mandates for school administrative units that result in increased cost to

local property tax payers and propose options for how these mandates might be addressed;

I. Assist school board and municipal leaders in identifying opportunities to leverage state or regional resources in order to reduce local costs;

J. Review the use of federal funds by school administrative units and identify challenges associated with requirements of those funding sources;

K. Examine the preparedness of students in the State to matriculate to the University of Maine System and the Maine Community College System and develop proposals to enhance the ability of public education from kindergarten to higher education to prepare students in the State for the modern workforce;

L. Evaluate the adequacy and effectiveness of state funding provided to the Maine Community College System and the University of Maine System, the financial needs of each system and each system's tuition rates in order to develop a long-term strategy for the financial sustainability of each system;

M. Identify opportunities to partner with the private sector and private philanthropic organizations to identify opportunities to access additional resources to reduce the cost of public education and improve student performance in the State; and

N. Identify and evaluate additional issues that the commission determines might reduce the cost of education and improve student performance.

4. Staff assistance; funding. The Department of Education shall provide necessary staffing services to the commission. Funding for the commission must be provided from existing resources of the Department of Education.

5. Report; legislation. By January 10, 2017 and January 10, 2018, the commissioner shall submit to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters a report of the commission that includes findings and recommendations for action to reform public education funding and improve student performance in the State. Notwithstanding Joint Rule 353, upon submission of each report of the commission, the commissioner is authorized to submit to the Legislature a bill to implement the commission's recommendations.

6. Expiration of commission. The commission is authorized until July 31, 2018.

PART B

Sec. B-1. Transfer from General Fund unappropriated surplus; general purpose aid for local schools; fiscal year 2016-17. Notwithstanding any other provision of law, the State Controller shall transfer \$15,000,000 from the General Fund un-

appropriated surplus to the General Purpose Aid for Local Schools program, General Fund account within the Department of Education no later than June 30, 2017. The State Budget Officer, upon approval of the Governor, shall allot the funds in this Part to the General Purpose Aid for Local Schools program, General Fund account within the Department of Education by financial order in fiscal year 2016-17. This transfer is not considered an adjustment to appropriations.

PART C

Sec. C-1. 20-A MRSA §13007, sub-§2, ¶D, as enacted by PL 2011, c. 702, §1, is amended to read:

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education.

Sec. C-2. 20-A MRSA §15671, sub-§1-A, as amended by PL 2015, c. 267, Pt. C, §4, is further amended to read:

1-A. State funding for kindergarten to grade 12 public education. Beginning in fiscal year ~~2016-17~~ 2017-18 and in each fiscal year thereafter until the state share percentage of the total cost of funding public education from kindergarten to grade 12 reaches 55% pursuant to subsection 7, paragraph B, the State shall increase the state share percentage of the funding for the cost of essential programs and services by at least one percentage point per year over the percentage of the previous year and the department, in allocating funds, shall make this increase in funding a priority. For those fiscal years that the funding appropriated or allocated for the cost of essential programs and services is not sufficient to increase the state share percentage of the total cost of funding public education from kindergarten to grade 12 by at least one percentage point, no new programs or initiatives may be established for kindergarten to grade 12 public education within the department that would divert funds that would otherwise be distributed as general purpose aid for local schools pursuant to subsection 5.

Sec. C-3. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2015, c. 267, Pt. C, §6, 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%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.10%.

Sec. C-4. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2015, c. 267, Pt. C, §7, 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, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17 ~~and succeeding years~~, the target is ~~55%~~ 50.79%.
- (7) For fiscal year 2017-18 and succeeding years, the target is 55%.

Sec. C-5. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2015, c. 267, Pt. C, §8, 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 neces-

sary to result in a 52.71% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a 45% 51.90% statewide total local share in fiscal year 2016-17 ~~and after~~.

(10) For the 2017 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 2017-18 and after.

Sec. C-6. 20-A MRSA §15686-A, sub-§3, as enacted by PL 2005, c. 519, Pt. AAAA, §12, is amended to read:

3. Components to be reviewed beginning in fiscal years 2008-09 and 2016-17. Beginning in fiscal year 2008-09, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services professional development, student assessment, technology, leadership support, cocurricular and extra-curricular activities ~~and~~ supplies and equipment ~~and~~ beginning in fiscal year 2016-17, charter school components under this chapter and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended changes for legislative action.

Sec. C-7. 20-A MRSA §15689, sub-§1, ¶B, as amended by PL 2013, c. 368, Pt. C, §13, is further amended to read:

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

- (1) In fiscal year 2005-06, 84%;
- (2) In fiscal year 2006-07, 84%;
- (3) In fiscal year 2007-08, 84%;
- (4) In fiscal year 2008-09, 45%;
- (5) In fiscal year 2009-10, 40% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

(6) In fiscal year 2010-11, 35% including funds provided under Title XIV of the State Fiscal Stabilization Fund of the American Recovery and Reinvestment Act of 2009;

- (7) In fiscal year 2011-12, 30%;
- (8) In fiscal year 2012-13, 30%;
- (9) In fiscal year 2013-14, 35%; ~~and~~
- (10) In fiscal year 2014-15 ~~and succeeding years~~, 30%;
- (11) In fiscal year 2015-16, 30%;
- (12) In fiscal year 2016-17, 30%;
- (13) In fiscal year 2017-18, 35%;
- (14) In fiscal year 2018-19, 40%;
- (15) In fiscal year 2019-20, 45%; and
- (16) In fiscal year 2020-21 and succeeding years, 50%.

Sec. C-8. 20-A MRSA §15689-C, sub-§1, as amended by PL 2009, c. 275, §1, is further amended to read:

1. Annual recommendation. Prior to ~~December 15th~~ January 20th of each fiscal year, the commissioner, with 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 levels that the commissioner recommends for the purposes of this chapter. Beginning with the recommendations due in 2009, the commissioner's annual recommendations must be in the form and manner described in subsection 4.

Sec. C-9. 20-A MRSA §15690, sub-§1, ¶C, as amended by PL 2007, c. 539, Pt. C, §15, is further amended to read:

C. The state share of the total cost of funding public education from kindergarten to grade 12 as described in section 15688, excluding state-funded debt service for each school administrative unit, is limited to the same proportion as the local school administrative unit raises of its required contribution to the total cost of education as described in section 15688, excluding state-funded debt service costs. ~~For school administrative units that annually demonstrate savings by purchasing supplies using an electronic bidding forum, the commissioner may suspend all or a portion of any adjustment to the unit's state contribution pursuant to this paragraph.~~

Sec. C-10. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2015, c. 267, Pt. C, §15, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service

costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Major Capital	Integrated, Consolidated Secondary and Postsecondary Project
	Maximum Debt Service Limit	Maximum Debt Service Limit
1990	\$ 48,000,000	
1991	\$ 57,000,000	
1992	\$ 65,000,000	
1993	\$ 67,000,000	
1994	\$ 67,000,000	
1995	\$ 67,000,000	
1996	\$ 67,000,000	
1997	\$ 67,000,000	
1998	\$ 67,000,000	
1999	\$ 69,000,000	
2000	\$ 72,000,000	
2001	\$ 74,000,000	
2002	\$ 74,000,000	
2003	\$ 80,000,000	
2004	\$ 80,000,000	
2005	\$ 84,000,000	
2006	\$ 90,000,000	
2007	\$ 96,000,000	
2008	\$100,000,000	
2009	\$104,000,000	
2010	\$108,000,000	
2011	\$126,000,000	
2012	\$116,000,000	
2013	\$116,000,000	
2014	\$126,000,000	\$10,000,000
2015	\$126,000,000	\$10,000,000
2016	\$126,000,000	\$10,000,000
2017	\$126,000,000	\$10,000,000
<u>2018</u>	<u>\$126,000,000</u>	<u>\$10,000,000</u>
<u>2019</u>	<u>\$126,000,000</u>	<u>\$10,000,000</u>

	2016-17 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	\$1,882,494,984
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$88,428,148
Enhancing Student Performance and Opportunity	\$4,397,105
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$67,138,019
Total Normal Cost of Teacher Retirement	\$38,357,583
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 2016-17 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$2,080,815,839
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2016-17 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement	\$156,985,489
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$42,200,635
Total cost of funding public education from kindergarten to grade 12	\$2,280,001,963

Sec. C-11. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2016-17 is 8.30.

Sec. C-12. 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 2016-17 is as follows:

Sec. C-13. 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, 2016 and ending June 30, 2017 is calculated as follows:

	2016-17 LOCAL	2016-17 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	\$1,079,854,324	\$1,000,961,515
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2016-17 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$156,985,489
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,157,947,004

Sec. C-14. Authorization of payments. 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-15. Limit of State's obligation. 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, 2016 and ending June 30, 2017.

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

Effective March 10, 2016.

CHAPTER 390
S.P. 607 - L.D. 1551

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation

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

Whereas, certain tax laws need to be updated before the 90-day period expires to ensure the timely preparation and publication of tax administration guidance to taxpayers for tax periods beginning in 2015 and 2016; and

Whereas, legislative action is immediately necessary to ensure timely and efficient administration of the state income and sales 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. 5 MRSA §1518-A, sub-§1-A, as amended by PL 2011, c. 692, §1, is amended to read:

1-A. Implementation. By September 1, 2014 2016 and annually thereafter, ~~if the State Controller determines that the benefits required under the Circuitbreaker Program under Title 36, chapter 907 have been fully funded,~~ the State Controller shall inform the State Tax Assessor of the amount available in the fund for the purposes of subsection 1.

A. By November 1st annually, the State Tax Assessor shall calculate the amount by which the income tax rates under Title 36, section 5111, subsections ~~1-C, 2-C and 3-C~~ 1-F, 2-F and 3-F may be reduced during the subsequent tax year using the amount available from the fund. Bracket rate

reductions must be a minimum of 0.2 percentage points in the first year in which reductions are made and a minimum of 0.1 percentage points in subsequent years. If sufficient funds are not available to pay for the minimum reduction, a rate reduction may not be made until the amount in the fund is sufficient to pay for the reduction. When the amount is sufficient to pay for the reduction, the reduction must first be applied equally to each bracket under Title 36, section 5111, subsections ~~1-C, 2-C and 3-C~~ 1-F, 2-F and 3-F until the lower bracket reaches 4%. Funds available from the fund in subsequent years must be applied to reduce the higher bracket rates until there is a single bracket with a rate of 4%, after which future tax relief may be identified.

B. The State Tax Assessor shall provide public notice of new bracket rates calculated under this subsection by November 15th annually.

C. New bracket rates calculated under this subsection apply beginning with tax years that begin on or after January 1st of the calendar year following the determinations made under this subsection.

Sec. 2. 36 MRSA §683, sub-§§3 and 4, as amended by PL 2015, c. 267, Pt. J, §2, are further amended to read:

3. Effect on state valuation. ~~Fifty percent For property tax years beginning before April 1, 2017, 50% of the just value of all the homestead exemptions under subsection 1 and, for additional exemptions under subsection 1 B, 50% of the just value of the exemptions for property tax years beginning April 1, 2016 and 75% this subchapter must be included in the annual determination of state valuation under sections 208 and 305. For property tax years beginning on or after April 1, 2017, 62.5% of the just value of all the homestead exemptions for subsequent property tax years under this subchapter must be included in the annual determination of state valuation under sections 208 and 305.~~

4. Property tax rate. ~~Fifty percent For property tax years beginning before April 1, 2017, 50% of the just value of all the homestead exemptions under subsection 1 and, for additional exemptions under subsection 1 B, 50% of the just value of the exemptions for property tax years beginning on April 1, 2016 and 75% this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. For property tax years beginning on or after April 1, 2017, 62.5% of the just value of all the homestead exemptions for subsequent property tax years under this subchapter must be included in the total municipal valuation used to determine the municipal tax rate. The municipal tax rate as finally determined may be applied to only the taxable portion of each homestead qualified for that tax year.~~

Sec. 3. 36 MRSA §685, sub-§2, ¶A, as enacted by PL 2015, c. 267, Pt. J, §4, is amended to read:

~~A. Fifty percent For property tax years beginning before April 1, 2017, 50% of the taxes lost by reason of the exemptions under section 683, subsections 1 and 1-B; and~~

Sec. 4. 36 MRSA §685, sub-§2, ¶B, as enacted by PL 2015, c. 267, Pt. J, §4, is repealed and the following enacted in its place:

B. For property tax years beginning on or after April 1, 2017, 62.5% of the taxes lost by reason of the exemptions under section 683, subsections 1 and 1-B.

Sec. 5. 36 MRSA §1752, sub-§11, ¶B, as repealed and replaced by PL 2013, c. 156, §1, is amended to read:

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;
- (4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;
- (6) The sale, to a person engaged in the business of providing cable or satellite television services or satellite radio services, of associated equipment for rental or lease to subscribers in conjunction with a sale of ~~extended~~ cable or ~~extended~~ satellite television services or satellite radio services;
- (7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

(8) The sale of loaner vehicles to a new vehicle dealer licensed as such pursuant to Title 29-A, section 953;

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract sold on or after September 20, 2007 that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

(10) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of tangible personal property for resale in the form of tangible personal property, except resale as a casual sale;

(11) The sale, to a retailer that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C, of a taxable service for resale, except resale as a casual sale;

(12) The sale, to a retailer that is not required to register under section 1754-B, of tangible personal property for resale outside the State in the form of tangible personal property, except resale as a casual sale;

(13) The sale, to a retailer that is not required to register under section 1754-B, of a taxable service for resale outside the State, except resale as a casual sale;

(14) The sale of repair parts used in the performance of repair services on telecommunications equipment as defined in section 2551, subsection 19 pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the telecommunications equipment for a specific duration;

(15) The sale of positive airway pressure equipment and supplies for rental for personal use to a person engaged in the business of renting positive airway pressure equipment;

(16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental; or

(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration.

Sec. 6. 36 MRSA §2524, sub-§5 is enacted to read:

5. Application. Except for the unused credit carried over pursuant to subsection 3, a tax credit is not allowed under this section for tax years beginning on or after January 1, 2016.

Sec. 7. 36 MRSA §2525-A, sub-§4 is enacted to read:

4. Application. Except for the unused credit carried over pursuant to subsection 3, a tax credit is not allowed under this section for tax years beginning on or after January 1, 2016.

Sec. 8. 36 MRSA §5122, sub-§2, ¶M-2, as enacted by PL 2015, c. 267, Pt. DD, §10, is amended to read:

M-2. For tax years beginning on or after January 1, 2016:

(1) For each individual who is a primary recipient of retirement plan benefits, the reduction is the sum of:

(a) ~~Excluding military retirement plan benefits, 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. The amount claimed under this division must be 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; and;~~

(i) The aggregate of retirement plan benefits under employee retirement plans or individual retirement accounts included in the individual's federal adjusted gross income; and

(ii) 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; and

(b) An amount equal to the aggregate of retirement benefits under military retirement plans included in the individual's federal adjusted gross income; and

(2) For purposes of this paragraph, the following terms have the following meanings.

(a) "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.

(b) "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.

(c) "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.

(d) "Pension deduction amount" means \$10,000 ~~for tax years beginning in 2014.~~

(e) "Primary recipient" means the individual upon whose earnings or contributions the retirement plan benefits are based or the surviving spouse of that individual.

(f) "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. 9. 36 MRSA §5125, sub-§4, as amended by PL 2013, c. 595, Pt. T, §1 and affected by §2, is further amended to read:

4. Limitation. The total itemized deductions from Maine adjusted gross income claimed on a return may not exceed ~~\$27,500~~ \$28,350, except the limitation does not apply to medical and dental expenses included in an individual's itemized deductions from federal adjusted gross income.

Sec. 10. 36 MRSA §5402, sub-§1, as amended by PL 2013, c. 368, Pt. Q, §9, is further amended to read:

1. Chained Consumer Price Index. "Chained Consumer Price Index" means the average over a 12-month period of the most recently published Chained Consumer Price Index, not seasonally adjusted, published monthly by the Bureau of Labor Statistics, United States Department of Labor designated as the "Chained Consumer Price Index for All Urban Consumers-United States City Average;" as of the date the assessor determines the cost-of-living adjustment pursuant to section 5403.

Sec. 11. Application. That section of this Act that amends the Maine Revised Statutes, Title 36, section 5125, subsection 4 applies to tax years beginning on or after January 1, 2015.

Sec. 12. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 36, section 5402, subsection 1 applies retroactively to June 30, 2015.

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

Effective March 10, 2016.

CHAPTER 391

H.P. 1025 - L.D. 1502

**An Act To Provide Flexibility
in the Administration of the
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, this legislation changes the length of the elver fishing season and eliminates certain limitations on elver fishing; and

Whereas, to provide clarity to the Department of Marine Resources and holders of elver fishing licenses prior to the start of the elver fishing season, which will begin in March, 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. 12 MRSA §6171, sub-§3, ¶¶B and C, as enacted by PL 2015, c. 80, §1, are amended to read:

B. An unusually large concentration of fishermen might deplete the supply of any marine organism;
~~or~~

C. Immediate action is necessary to comply with changes to federal or interstate fisheries management plans; ~~or~~

Sec. 2. 12 MRSA §6171, sub-§3, ¶D is enacted to read:

D. Immediate action is necessary pursuant to section 6302-B, subsection 4 to prohibit elver fishing.

Sec. 3. 12 MRSA §6302-A, sub-§3, ¶E, as repealed and replaced by PL 2013, c. 588, Pt. E, §5, is amended to read:

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. 4. 12 MRSA §6302-A, sub-§3, ¶E-1, as repealed and replaced by PL 2013, c. 485, §2, is amended to read:

E-1. The Passamaquoddy Tribe may issue to members of the tribe commercial licenses for the taking of elvers ~~subject to the following limitations: with one piece of gear:~~

- ~~(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. 5. 12 MRSA §6302-A, sub-§3, ¶G, as enacted by PL 2013, c. 8, §1, is repealed and the following enacted in its place:

G. The Houlton Band of Maliseet Indians or its agent may not issue to members of the band more than 16 commercial licenses for the taking of elvers in any calendar year except that the com-

missioner shall by rule allow the Houlton Band of Maliseet Indians or its agent to issue additional commercial licenses for the taking of elvers to members of the band if the commissioner determines that elver resources are sufficient to permit the issuance of new licenses.

Sec. 6. 12 MRSA §6302-B, sub-§2, as enacted by PL 2013, c. 485, §3, is repealed and the following enacted in its place:

2. Individual allocations. The following provisions govern the allocation of the quotas established under subsection 1 to members of each of the federally recognized Indian tribes.

A. The commissioner may enter into an agreement with a federally recognized Indian tribe in the State that does not provide for individual allocations of the quota established under subsection 1 to members of that tribe, nation or band. If the commissioner enters into an agreement pursuant to this paragraph, the following provisions apply.

- (1) An elver transaction card under section 6305 must be issued to each person to whom the tribe, nation or band issues a license under section 6302-A, subsection 3.
- (2) The holder of a license issued under section 6302-A, subsection 3 must meet the reporting requirements established by rule pursuant to section 6173.
- (3) The quota established under subsection 1 applies to all elvers taken under licenses issued by the tribe, nation or band under section 6302-A, subsection 3.
- (4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A.

B. This paragraph governs the allocation of the quotas established in subsection 1 to members of a federally recognized Indian tribe in the State when the commissioner has not entered into an agreement with members of the tribe, nation or band under paragraph A that applies to members of that tribe, nation or band.

- (1) If there is no agreement under paragraph A between the commissioner and the Passamaquoddy Tribe, 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.

(2) If there is no agreement under paragraph A between the commissioner and the Penobscot Nation, 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.

(3) If there is no agreement under paragraph A between the commissioner and the Houlton Band of Maliseet Indians, 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.

(4) If there is no agreement under paragraph A between the commissioner and the Aroostook Band of Micmacs, 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 an elver transaction card 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.

Sec. 7. 12 MRSA §6302-B, sub-§4 is enacted to read:

4. Emergency prohibition. The commissioner may adopt emergency rules to prohibit the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs or the Houlton Band of Maliseet Indians from fishing for elvers under a license issued under this Title if the commissioner finds that the tribe, nation or band has authorized fishing for elvers in a way that the commissioner determines will cause the tribe, nation or band to exceed the annual allocation set forth in subsection 1.

Sec. 8. 12 MRSA §6505-A, sub-§5, as amended by PL 1999, c. 534, §3, is further amended to read:

5. Gear. Except as prohibited by section 6575-B, subsection 2-B, a person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets that the license holder may use pursuant to this section and, section 6505-B and section 6575-B.

Sec. 9. 12 MRSA §6575, sub-§1, as amended by PL 1999, c. 7, §7, is further amended to read:

1. Open season. It is unlawful for a person to fish for or take elvers within the waters of the State except during the open season from noon on March 22nd to noon on ~~May 31st~~ June 7th.

Sec. 10. 12 MRSA §6575, sub-§1-A is enacted to read:

1-A. Federally recognized Indian tribes; violation. It is unlawful for a person to fish for or take elvers in violation of rules adopted by the commissioner under section 6302-B, subsection 4.

Sec. 11. 12 MRSA §6575-A, as amended by PL 2013, c. 468, §26, is repealed.

Sec. 12. 12 MRSA §6575-B, sub-§2-B, as amended by PL 2005, c. 533, §3, is further amended to read:

2-B. Type and amount of gear. It is unlawful for a person to immerse elver fishing gear other than the types and amounts ~~authorized pursuant to this subsection~~ listed on the person's license pursuant to section 6505-A, subsection 5. A person may not immerse an amount of elver fishing gear that exceeds the amount of elver fishing gear listed on the person's license for the previous elver fishing season. A person may elect which types of gear are listed on the person's license prior to the issuance of the license for that elver fishing season. The commissioner 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.

~~A. A person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph C may not immerse elver fishing gear other than the types and amounts of gear the person was authorized to immerse during the previous elver fishing season, except that a person may surrender the authority to use an elver fyke net in order to use an elver dip net.~~

Sec. 13. 12 MRSA §6575-B, sub-§8, as enacted by PL 2013, c. 468, §27, is repealed.

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

Effective March 16, 2016.

CHAPTER 392

H.P. 1004 - L.D. 1463

An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Direct the Board of Trustees of the Maine Public Employees Retirement System To Explore the Feasibility of Offering Long-term Disability Insurance Coverage

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

Sec. 1. 5 MRSA §17925, as amended by PL 1995, c. 643, §§9 and 10, is further amended to read:

§17925. Application

~~In order to receive a benefit under this article:~~

1. Written application. ~~The~~ In order to receive a benefit under this article, a person must apply in

writing to the executive director in the format specified by the executive director.

A. The executive director shall obtain medical consultation on each applicant for disability in accordance with related rules established by the board, which must include provisions indicating when a case must be reviewed by a medical board and when alternative means of medical consultation are acceptable. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter ~~H-A~~ 2-A. Whether provided by the medical board or by an alternative means, medical consultation obtained by the executive director must be objective and be provided by a physician or physicians qualified to review the case by specialty or experience and to whom the applicant is not known.

2. Workers' compensation. If the incapacity upon which the application is based is a result of an injury or accident received in the line of duty, the application must include proof that the member has made application for benefits under the workers' compensation laws.

3. Social security. If the employment for which creditable service with the employer is allowed was also covered under the United States Social Security Act, the application must include proof that the member has made application for benefits under this Act; ~~and.~~

4. Approval. The written application ~~shall~~ must be approved by the executive director upon finding that the member has met the requirements of section 17924.

5. Reapplication. ~~A member who has had a disability retirement benefit application denied may file a new application based on the same medical conditions only if that member has had a bona fide return to service with an employer whose employees are covered by this article or chapter 425, subchapter 5, article 3-A. If the executive director finds that the member has met the requirements of section 17924, the new application must be approved notwithstanding the earlier denial.~~

Sec. 2. 5 MRSA §18525, sub-§5 is enacted to read:

5. Reapplication. ~~A member who has had a disability retirement benefit application denied may file a new application based on the same medical conditions only if that member has had a bona fide return to service with an employer whose employees are covered by this article or chapter 423, subchapter 5, article 3-A. If the executive director finds that the member has met the requirements of section 18524, the new application must be approved notwithstanding the earlier denial.~~

Sec. 3. Study. The Maine Public Employees Retirement System shall conduct a study on the feasibility of procuring and offering long-term disability insurance, including the means by which the Maine Public Employees Retirement System would procure and offer the insurance, the anticipated administrative burdens and expenses associated with offering the insurance and any other factors determined relevant by the Maine Public Employees Retirement System. The Maine Public Employees Retirement System shall report the results of its study under this section together with any recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over retirement matters no later than January 4, 2017. The joint standing committee may report out a bill based on the report to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 393

S.P. 568 - L.D. 1470

**An Act To Amend Maine's
Death Certificate Disclosure
Law**

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

Sec. 1. 22 MRSA §2706, sub-§5, as amended by PL 2011, c. 58, §1, is further amended to read:

5. Records disclosed. Certified or noncertified copies of vital records of a person must be made available at any reasonable time upon that person's request or the request of that person's spouse, registered domestic partner, descendant, parent or guardian, grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, personal representative or that person's duly designated attorney or agent or attorney for an agent designated by that person or by a court having jurisdiction over that person whether the request be made in person, by mail, by telephone or otherwise, if the state registrar is satisfied as to the identity of the requester and, if an attorney or agent, if the state registrar is satisfied as to the attorney's or agent's authority to act as that person's agent or attorney. If the agent or attorney has been appointed by a court of competent jurisdiction, or the attorney's or agent's appearance for the person is entered therein, the state registrar shall upon request so ascertain by telephone call to the register, clerk or recorder of the court, and this must be deemed sufficient justification to compel compliance with the request for the record. Certified or noncertified copies of the death certificate of a minor's parent must be made available at any reasonable time upon the request of that minor's living parent, as defined in Title 19-A,

section 1832, subsection 13, if the requester's parental rights with respect to that minor have not been terminated and the state registrar is satisfied as to the identity of the requester. The state registrar shall, as soon as possible, designate persons in the Office of Data, Research and Vital Statistics who may act in the state registrar's absence or, in case of the state registrar's disqualification, to carry out the intent of this subsection. A record of birth, death, fetal death, marriage, divorce or domestic partner registration may be disclosed as necessary for the department to carry out its responsibilities.

See title page for effective date.

CHAPTER 394

S.P. 386 - L.D. 1114

**An Act Regarding Sexual
Exploitation of Children**

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

Sec. 1. 17-A MRSA §282, sub-§1, as amended by PL 2007, c. 476, §§4 and 5, is further amended to read:

1. A person is guilty of sexual exploitation of a minor if:

A. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades; or uses ~~or compels~~ another person, not that person's spouse, who ~~is in fact a minor~~ has not in fact attained 16 years of age, to engage in sexually explicit conduct, except that it is not a violation of this paragraph if the other person is 14 or 15 years of age and the person is less than 5 years older than the other person. Violation of this paragraph is a Class B crime;

A-1. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly compels or induces by any threat another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct. Violation of this paragraph is a Class B crime;

B. The person violates paragraph A or A-1 and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime;

C. The person violates paragraph A or A-1 and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime;

D. Being a parent, legal guardian or other person having care or custody of another person who ~~is in fact a minor~~ has not in fact attained 16 years of age, that person knowingly or intentionally permits that ~~minor person who has not in fact attained 16 years of age~~ to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed. Violation of this paragraph is a Class B crime;

E. The person violates paragraph D and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime; or

F. The person violates paragraph D and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.

Sec. 2. 17-A MRSA §282, sub-§2, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. A court shall impose upon a person convicted under subsection 1, paragraph A, A-1 or D a sentencing alternative involving a term of imprisonment of at least 5 years.

Sec. 3. 17-A MRSA §283, sub-§1, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any ~~minor person who has not in fact attained 16 years of age~~ who the person knows or has reason to know is a ~~minor person under 16 years of age~~ engaging in sexually explicit conduct, except that it is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §284, sub-§1, ¶A, as amended by PL 2011, c. 50, §1, is further amended to read:

A. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

It is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted.

Violation of this paragraph is a Class D crime;

Sec. 5. 17-A MRSA §511-A, sub-§1, ¶A, as enacted by PL 2015, c. 339, §1, is repealed.

See title page for effective date.

CHAPTER 395

H.P. 1005 - L.D. 1464

An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification

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

Sec. 1. 20-A MRSA §6103, first ¶, as amended by PL 1999, c. 791, §1, is further amended to read:

Beginning July 1, 2000, approval, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring approval, certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

Sec. 2. 20-A MRSA §6103, 2nd ¶, as amended by PL 1999, c. 791, §2, is repealed.

Sec. 3. 20-A MRSA §6103, sub-§3-A, as amended by PL 2015, c. 267, Pt. SSS, §1, is further amended to read:

3-A. Fees. The Commissioner of Public Safety shall assess a fee of ~~\$55 set annually by the Commissioner of Education~~ for each initial criminal history record check and ~~\$24 a fee set annually by the Commissioner of Education~~ for each renewal criminal history record check required by this section.

Sec. 4. 20-A MRSA §13007, sub-§1, as amended by PL 2005, c. 457, Pt. FF, §1, is repealed and the following enacted in its place:

1. Fees. The commissioner shall establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates. The commissioner shall, by rule, establish the following fees and the procedures required to assess them:

A. Fees for the initial certification process for those teachers, education specialists and administrators found eligible and those found ineligible;

B. Renewal fees for each active and inactive teacher, education specialist and administrator;

C. A fee for each additional evaluation of teacher endorsements beyond the initial endorsement;

D. A fee for duplicate certificates; and

E. A fee for administrative portfolios.

The department shall annually post the fees established by the commissioner for the initial issuance of and the renewal of teacher, education specialist and administrator certificates on its publicly accessible website. The commissioner shall adopt rules to carry out this subsection. Rules adopted under this subsection to establish and assess fees for the initial issuance of and the renewal of teacher, education specialist and administrator certificates are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 5. 20-A MRSA §13007, sub-§2, ¶D, as enacted by PL 2011, c. 702, §1, is amended to read:

D. Report and pay no more than \$150,000 in fiscal year 2012-13, no more than \$240,000 in fiscal year 2013-14 and no more than \$335,000 in fiscal year 2014-15 and each fiscal year thereafter from fees collected pursuant to subsection 1 to the Treasurer of State to be credited to the National Board Certification Salary Supplement Fund, Other Special Revenue Funds account within the Department of Education.

Sec. 6. 20-A MRSA §13011, sub-§9, as amended by PL 2003, c. 445, §1, is further amended to read:

9. Targeted need area certificate; exception. The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher

shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter 2-A. Any amendment to the rules adopted pursuant to this subsection that revises the qualifications for a targeted need area certificate does not apply to a person who was issued a targeted need area certificate prior to or during the school year preceding the adoption of revisions to the original rules as long as the holder of the targeted need area certificate ~~annually~~ completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

Sec. 7. 20-A MRSA §13011, sub-§10, as amended by PL 2011, c. 635, Pt. B, §3, is further amended to read:

10. Conditional certificate; transitional endorsement; exception. A conditional certificate is a certificate for teachers and educational specialists who have not met all of the requirements for a provisional or professional certificate. A school administrative unit may employ a conditionally certified teacher or educational specialist who is in the process of becoming professionally certified notwithstanding the availability of provisionally or professionally certified teachers or educational specialists. Any amendment to the rules adopted pursuant to this chapter that revises the qualifications for a conditional certificate or transitional endorsement does not apply to a person who was issued a conditional certificate or transitional endorsement prior to or during the school year preceding the adoption of revisions to the rules as long as the holder of the conditional certificate or transitional endorsement ~~annually~~ completes within 3 years the required course work and testing as determined by the department for the school year preceding the adoption of revised rules.

Sec. 8. 20-A MRSA §13023, sub-§6, as enacted by PL 2005, c. 457, Pt. FF, §2, is amended to read:

6. Fees. The commissioner shall assess fees for authorization under this section. The fee for each initial educational technician authorization and for renewal of an educational technician authorization ~~is \$25~~ must be set annually by the commissioner.

Sec. 9. Department of Education and State Board of Education review of educational certification rules. The Department of Education in conjunction with the State Board of Education shall review all department rules regarding certification of educational personnel and shall submit by January 7, 2017 a report regarding the review to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs. The joint standing committee may report out legislation related to the

report to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 396

S.P. 574 - L.D. 1476

An Act To Improve the Law Concerning Carbon Monoxide Detectors

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 in order to minimize confusion and expense for building owners and educational 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. 25 MRSA §2468, sub-§2, ¶A, as amended by PL 2015, c. 375, §2 and affected by §5, is further amended to read:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; a children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101; or a hotel, motel, inn or bed and breakfast licensed as an eating and lodging place or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

- (1) Both the electrical service in the building and a battery; ~~or~~
- (2) A nonreplaceable 10-year battery; or
- (3) A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel;

Sec. 2. 25 MRSA §2468, sub-§11, as enacted by PL 2015, c. 375, §3 and affected by §5, is amended to read:

11. Educational facilities. An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

- A. Both the electrical service in the building and a battery; ~~or~~
- B. A nonreplaceable 10-year battery; ~~or~~
- C. A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel.

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

Effective March 16, 2016.

CHAPTER 397

S.P. 586 - L.D. 1524

An Act To Update the Laws Governing the Maine Veterans' Homes

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

Sec. 1. 22 MRSA §1812-D, as enacted by PL 1987, c. 830, §1 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 2. 22 MRSA §1867, as repealed and replaced by PL 1993, c. 205, §1, is amended to read:

§1867. Distance restriction on placement of Medicaid recipients

The department may make Medicaid reimbursement for a nursing facility contingent on a maximum distance between a patient's home and the nursing facility if the maximum distance is not more than 60 miles; except that the distance restriction may not be applied to a ~~the~~ Maine Veterans' Home Homes.

Sec. 3. 37-B MRSA §509, sub-§2, ¶G, as amended by PL 2015, c. 175, §3, is further amended to read:

G. The ~~administrator~~ chief executive officer of the Maine Veterans' ~~Home Homes~~ when in the conduct of official duties; or

Sec. 4. 37-B MRSA §601, as repealed and replaced by PL 2009, c. 652, Pt. A, §59, is amended to read:

§601. Homes established; purpose

There must be public homes for veterans in Maine known as "Maine Veterans' Homes." ~~In addition to the existing 120 bed home located in Augusta, a 120-bed home located in Scarborough, a home not to exceed 40 beds located in Caribou, a home located in Bangor not to exceed 120 beds, of which 40 beds are dedicated to patients with dementia, and a home located in South Paris not to exceed 90 beds, of which 30 beds are dedicated to patients with dementia, may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. In addition, a home located in Machias not to exceed 60 beds may be constructed if federal Veterans' Administration funds or funds from any other state, federal or private source are available to meet part of the costs of the facility for construction or operation, except that the Machias home may not begin operation prior to July 1, 1995 and the construction and funding of the Machias home may not in any way jeopardize the construction, funding or financial viability of any other home.~~ Homes" for the purpose of providing long-term care, support and related services to eligible veterans and family members of veterans. The Maine Veterans' Homes also are authorized to provide nonnursing facility care and services to Maine veterans if approved by appropriate state and federal authorities. ~~The Board of Trustees of the Maine Veterans' Homes shall plan and develop the Machias home and any non-nursing facility care and services using any funds available for that purpose, except for the Augusta facility's funded depreciation account.~~ The Maine Veterans' Homes are authorized to construct community-based outpatient clinics for Maine veterans in cooperation with the United States Department of Veterans Affairs and may construct and operate veterans hospice facilities, veterans housing facilities and other facilities authorized by the Board of Trustees of the Maine Veterans' Homes, using available funds. Any funds loaned to the Maine Veterans' Homes for operating purposes from the funded depreciation accounts of the Maine Veterans' Homes must be reimbursed from any funds received by the Maine Veterans' Homes and available for that purpose. The primary purpose of the Maine Veterans' Homes is to provide support and care for honorably discharged veterans who served on active duty in the United States Armed Forces or who served in the Reserves of the United States Armed Forces on active duty for other than training purposes.

Sec. 5. 37-B MRSA §602, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

The Maine Veterans' Home Homes is a body corporate. In addition to other powers granted by this chapter, the Maine Veterans' Home Homes may:

Sec. 6. 37-B MRSA §602, sub-§2, as enacted by PL 1983, c. 460, §3, is amended to read:

2. Acquire property. Acquire, in the name of the home homes, real or personal property or any interest therein, including rights or easements, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise;

Sec. 7. 37-B MRSA §602, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

5. Receive bequests and donations. Receive, on behalf of the State, bequests and donations that may be made to improve the general comfort and welfare of the members of the home homes or for the betterment of the home homes;

Sec. 8. 37-B MRSA §602, sub-§6, as amended by PL 1991, c. 702, §2, is further amended to read:

6. Borrow funds. Borrow funds, not in excess of ~~\$15,000,000~~ \$50,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations of the veterans' home homes for prudent and reasonable capital, operational and maintenance purposes. The home homes may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the home homes that are available for pledge and that may be lawfully pledged or by mortgage of part, or all, of any property owned by the home homes. The home homes may do all lawful things necessary and incidental to those powers. The home homes may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The home homes may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection ~~shall do not be deemed to~~ constitute debts of the State, nor a pledge of the credit of the State, but ~~shall be~~ are payable solely from the funds of the home homes; and

Sec. 9. 37-B MRSA §602-A, as enacted by PL 1987, c. 830, §2 and amended by PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 10. 37-B MRSA §603, as amended by PL 2001, c. 676, §1, is further amended to read:

§603. Board of trustees

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of 11 members, one of whom must be the Director of the Bureau of Maine Veterans' Services, ex officio, who serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged ~~war~~ veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining

members must be appointed at large and serve staggered 3-year terms. The membership must be distributed across the State so that approximately 1/3 reside in the southern part of the State, approximately 1/3 in the central part and approximately 1/3 in the northern part. In the event of a vacancy, a successor must be appointed to complete a member's unexpired term. Each trustee continues to hold office until a successor is appointed and qualified.

Sec. 11. 37-B MRSA §604, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

5. Appointment of chief executive officer. The board shall appoint ~~an administrator~~ a chief executive officer in accordance with section 606.

Sec. 12. 37-B MRSA §604, sub-§§6 and 7, as enacted by PL 1983, c. 460, §3, are amended to read:

6. Other funds. The board may apply for and receive any grants-in-aid for which the State or the ~~home homes~~ may be eligible.

7. Rules. The board shall adopt rules necessary to administer the ~~home homes~~, to establish just charges for the maintenance of members and to oversee the operation of the ~~home homes~~. In adopting rules, the board shall seek comments and information from ~~home staff of the homes~~, members, members' families and other relevant sources, but the Maine Administrative Procedure Act provisions regarding rulemaking, Title 5, chapter 375, ~~subchapter H subchapters 2 and 2-A~~, shall do not apply.

Sec. 13. 37-B MRSA §606, as amended by PL 1997, c. 147, §1, is further amended to read:

§606. Chief executive officer

The ~~administrator~~ chief executive officer must be an honorably discharged veteran who shall administer the ~~home homes~~ in accordance with the rules, guidelines and general policies established by the board. The ~~administrator~~ chief executive officer serves an indefinite term, but may be removed for cause by the board. The ~~administrator's~~ chief executive officer's salary is set by the board. The ~~administrator~~ chief executive officer shall hire the necessary employees to operate the ~~home homes~~ and, whenever possible, give preference in hiring to ~~war~~ veterans. These employees are not deemed employees of the State.

Sec. 14. 37-B MRSA §607, as amended by PL 1997, c. 395, Pt. P, §2, is further amended to read:

§607. Admission

Veterans desiring admission to the ~~home homes~~ must apply on forms prescribed by the ~~administrator~~ chief executive officer. The ~~administrator~~ chief executive officer shall grant admission only to veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents

of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, ~~provided that~~ as long as suitable facilities are available. Parents of armed services members who are killed in action or die as a consequence of wounds received in battle are also eligible, as ~~so-called~~ so-called "gold star" parents, for admission. Admission must be granted when provisions of the rules governing private payment, Medicare and Medicaid eligibility to entitled persons are met.

Sec. 15. 37-B MRSA §608, as enacted by PL 1983, c. 460, §3, is repealed.

Sec. 16. 37-B MRSA §610, first ¶, as amended by PL 1997, c. 395, Pt. P, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

All funds received by the Maine Veterans' ~~Home Homes~~, including federal Veterans' Administration stipend funds, must be held in a permanent fund to be used as required by the ~~administrator~~ chief executive officer for the support and maintenance of the homes. A percentage of these funds approved by the board of trustees must be placed in reserve for capital improvement expenditures. The board of trustees shall operate the homes, when constructed, as self-liquidating projects until all the bonds issued as provided by this chapter are retired. ~~Any funds received in excess of that necessary for the support and maintenance of the homes, the capital reserve fund and funds necessary for retirement of any outstanding bonds or indebtedness as those payments become due at the end of each fiscal year must be transferred to the Treasurer of State where they are to be applied as credits to the General Fund.~~ The Department of Health and Human Services may not modify its principles of reimbursement for long-term care facilities to specifically exclude reimbursement for the depreciation of the assets created with federal or state grants.

Sec. 17. 37-B MRSA §610-B, as amended by PL 1999, c. 288, §2 and PL 2003, c. 689, Pt. B, §6, is repealed.

Sec. 18. 37-B MRSA §611, as enacted by PL 1983, c. 460, §3, is amended to read:

§611. Reports

The board shall ~~make submit~~ submit an annual report to the Governor and the joint standing committee of the Legislature having jurisdiction over veterans affairs. This report shall ~~must~~ must contain ~~an accounting for all money received and expended~~ a copy of audited financial statements, statistics on members who resided in the ~~home homes~~ during the year, recommendations to the Governor and Legislature and such other matters as the board deems pertinent. ~~The administrator, subject to approval of the board, shall compile a biennial budget on the forms and at the time required of other state agencies.~~

Sec. 19. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 37-B, chapter 11, in the chapter headnote, the words "Maine veterans' home" are amended to read "Maine veterans' homes" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 398
H.P. 1076 - L.D. 1585**

An Act To Improve Services for Persons Who Are Deaf or Hard of Hearing by Updating the Laws Governing Qualifications for Certain Members of the Telecommunications Relay Services Advisory Council

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

Sec. 1. 35-A MRSA §8704, sub-§1, ¶E, as amended by PL 2013, c. 40, §1, is further amended to read:

E. Eight members appointed by the Governor as follows:

- (1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;
- (2) One member from a statewide association for the deaf;
- (3) One member from a ~~center on deafness~~ disability rights organization in this State;
- (4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State;
- (5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);
- (6) Two members from the general public who use telecommunications devices for the deaf ~~as a primary means of that operate in connection with~~ telecommunications relay services as their primary means of telecommunications; and
- (7) One member representing ~~an Internet telecommunications relay service provider a~~ company that provides service to customers

~~in this State telecommunications relay services through the Internet, wireless telecommunications or cable telecommunications.~~

See title page for effective date.

**CHAPTER 399
H.P. 1027 - L.D. 1504**

An Act To Establish November 1st as Veterans in the Arts and Humanities Day

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

Sec. 1. 1 MRSA §150-M is enacted to read:

§150-M. Veterans in the Arts and Humanities Day

Each political subdivision and school administrative unit is encouraged to celebrate Veterans in the Arts and Humanities Day on November 1st of each year. The celebration may include recognition of the contributions of veterans of the United States Armed Forces and their military service past and present, promotion of the significant contributions veterans have made to the arts and humanities and public awareness of the talent of those veterans now working in a variety of artistic fields. The celebration may also include public proclamations, appropriate parades and ceremonies and the introduction of curricula in school systems recognizing the efforts of veterans and their contributions to our way of life, including the arts and humanities. The Governor may annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

See title page for effective date.

**CHAPTER 400
H.P. 1049 - L.D. 1538**

An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission

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

Sec. 1. 10 MRSA §12, as enacted by PL 2007, c. 266, §4, is amended to read:

§12. Quorum

For purposes of holding a meeting, a quorum is ~~11~~ 9 members. A quorum must be present to start a meet-

ing but not to continue or adjourn a meeting. For purposes of voting, a quorum is 97 voting members.

See title page for effective date.

CHAPTER 401

H.P. 422 - L.D. 609

An Act To Allow a Nonresident Landowner Who Owns 25 or More Acres of Land To Hunt on Residents-only Deer Hunting Day

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

Sec. 1. 12 MRSA §11401, sub-§1, ¶E is enacted to read:

E. Notwithstanding paragraph B, subparagraph 3, a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, holds a valid hunting license and is not otherwise prohibited by law may hunt deer on the Saturday preceding the first day of open season on deer.

This paragraph is repealed on September 15, 2018.

See title page for effective date.

CHAPTER 402

S.P. 406 - L.D. 1137

An Act To Promote Workforce Development

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

Whereas, due to Maine's aging population, the State faces a workforce shortage as an increasing number of workers are retiring and fewer people are available to replace them; and

Whereas, more workers need to be trained to meet the needs of Maine businesses with a skilled labor force; and

Whereas, the Competitive Skills Scholarship Program is one of the Department of Labor's job training programs specifically created to train workers for jobs in high-demand, high-wage careers with a dedicated source of funding; and

Whereas, the Department of Labor is limited in the amount of funding it can use to train eligible work-

ers because of an annual cap on administration costs and the immediate removal of that cap would allow the department to provide more training to individuals within the current calendar 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. 26 MRSA §2033, sub-§2, as amended by PL 2013, c. 502, Pt. O, §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 administration 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 2014-15, the commissioner may not expend, on an annualized basis, more than \$550,000 of the annual revenue to the fund for administrative costs and for career counseling.~~

Sec. 2. 26 MRSA §2033, sub-§10, as enacted by PL 2007, c. 352, Pt. A, §3, is amended to read:

10. Monitoring, evaluation and annual report. The department shall implement a comprehensive evaluation strategy that evaluates the fund, using both quantitative and qualitative data and including an analysis of the return on investment in the fund. The evaluation must consider, at a minimum, the following factors: the value of total compensation, including, but not limited to, health insurance and other benefits to those participating in training; the impact of the program on the Unemployment Compensation Fund; the impact on productivity and performance for employers; and the impact on meeting the demand for skilled workers in industries in this State. The evaluation must measure the impact of the program over time, includ-

ing a longitudinal analysis that captures productivity and other outcomes related to the program. The department must 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. The report also must include the formula or limit established by the commissioner pursuant to subsection 2 to limit the proportion of program funds expended on career counseling and administration and the amount of funds expended for these purposes.

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

LABOR, DEPARTMENT OF

Employment Services Activity 0852

Initiative: Allocates funds for 2 limited-period CareerCenter Consultant positions to support efforts to provide job training for qualified individuals under the Competitive Skills Scholarship Program.

COMPETITIVE SKILLS SCHOLARSHIP FUND	2015-16	2016-17
Personal Services	\$60,495	\$120,990
All Other	\$13,833	\$28,072
COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL	\$74,328	\$149,062

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

Effective March 20, 2016.

CHAPTER 403

S.P. 641 - L.D. 1592

An Act To Amend the Maine Traveler Information Services Laws

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

Sec. 1. 23 MRSA §1903, sub-§2, as repealed and replaced by PL 1981, c. 318, §1, is amended to read:

2. Erect. "Erect" means to construct, build, raise, assemble, place, display, affix, attach, create, paint, draw or in any other way bring into being or establish.

Sec. 2. 23 MRSA §1903, sub-§15-A is enacted to read:

15-A. Temporary sign. "Temporary sign" means a sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time.

Sec. 3. 23 MRSA §1910, as amended by PL 2011, c. 344, §29, is further amended to read:

§1910. Types and arrangements of signs

Subject to this chapter, the commissioner shall regulate the size, shape, color, lighting, manner of display and lettering of official business directional signs. A symbol may be specified for each type of eligible service ~~of~~ or facility for inclusion upon official business directional signs.

Sec. 4. 23 MRSA §1913-A, as amended by PL 2013, c. 529, §8, is further amended to read:

§1913-A. Categorical signs

1. 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 as long as they conform to applicable provisions of this ~~subsection~~ Title and rules adopted pursuant to this ~~chapter~~ Title:

A. Signs bearing noncommercial messages 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 that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention includes, but is not limited to, signs 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 that are determined by the commissioner to be circumventing the intent of this chapter. Circumvention includes, but is not limited to, signs 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, 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;~~

~~I. Adopt-A-Highway Program signs allowed under section 1117; and~~

~~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.~~

L. Temporary signs placed within the public right-of-way for a maximum of 6 weeks per calendar year. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time period the sign will be maintained within the public right-of-way.

~~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 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 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.~~

2-A. Signs outside the public right-of-way.

Except as provided in section 1914, a sign may be erected and maintained outside the public right-of-way as long as it does not exceed 50 square feet in size.

~~4. Zones. The commissioner may adopt rules permitting signs, including signs bearing commercial messages, in any zone or area of the State, together with 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. 5. 23 MRSA §1917-A, as enacted by PL 1989, c. 315, is repealed.~~

~~Sec. 6. 23 MRSA §1917-B is enacted to read:~~

§1917-B. Unlawful removal of temporary signs

A person who takes, defaces or disturbs a sign placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L commits a civil violation for which a fine of up to \$250 may be adjudged. This section does not apply to a person authorized to remove signs placed within the public right-of-way in accordance with section 1913-A, subsection 1, paragraph L.

See title page for effective date.

CHAPTER 404
S.P. 605 - L.D. 1545

**An Act To Amend the Maine
Guaranteed Access
Reinsurance Association Act**

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

Sec. 1. 24-A MRSA §3953, sub-§1, as amended by PL 2013, c. 273, §1, is further amended to read:

1. Guaranteed access reinsurance mechanism established. The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. Except as provided in section 3962, operations of the association are suspended and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section 3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State ~~through the date the federal program ceases operations in this State until December 31, 2017.~~

Sec. 2. 24-A MRSA §3962, first ¶, as enacted by PL 2013, c. 273, §4, is amended to read:

This section governs the suspension of operations of the association during the period ~~in which the transitional reinsurance program pursuant to Section 1341 of the federal Affordable Care Act operates in this State~~ of suspension set forth in section 3953, subsection 1 and the authority of the association to conduct certain activities.

Sec. 3. 24-A MRSA §3962, sub-§3, as enacted by PL 2013, c. 273, §4, is repealed.

Sec. 4. PL 2013, c. 273, §5 is repealed.

Sec. 5. Review of the Maine Guaranteed Access Reinsurance Association. The Superintendent of Insurance shall review the Maine Guaranteed Access Reinsurance Association as established by the Maine Revised Statutes, Title 24-A, chapter 54-A and the differences between the association and the transitional reinsurance program operating in the State between January 1, 2014 and December 31, 2016 pursuant to the federal Patient Protection and Affordable Care Act and federal regulations adopted pursuant to

that Act. Before February 15, 2017, the superintendent shall make a recommendation to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters as to whether the Maine Guaranteed Access Reinsurance Association should resume operations following its suspension pursuant to Title 24-A, section 3953, subsection 1 pursuant to a revised plan of operation or should terminate its operations and dissolve and whether any changes should be made to the statutes governing the association in connection with its continued operation or dissolution. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters may submit a bill relating to the Maine Guaranteed Access Reinsurance Association to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 405
H.P. 1000 - L.D. 1459

**An Act To Clarify the Use of
Student Data from the
Statewide Assessment Test**

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

Sec. 1. 20-A MRSA §13705, first ¶, as amended by PL 2015, c. 18, §1, is further amended to read:

The requirements of this chapter apply to all school administrative units beginning in the ~~2016-2017~~ 2017-2018 school year. In the 2014-2015 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the 2015-2016 school year, each unit shall operate as a pilot project the system developed in the ~~prior~~ 2014-2015 school year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. In the 2016-2017 school year, each unit shall operate as a pilot project the system developed in the 2014-2015 school year by applying it to all of the schools and applicable staff in the unit. At the end of the 2016-2017 school year, units may modify the system approved in the 2015-2016 school year. The modified system must meet the standards of this chapter. Nothing in this section prohibits a unit from fully implementing the system earlier than the ~~2016-2017~~ 2017-2018 school year.

Sec. 2. Delay using measurements of student learning and growth in the performance evaluation and professional growth system. Prior to the 2017-2018 school year, the Commissioner of Education may not require a school administrative unit to implement the measurements of student learning and growth as part of the performance evaluation and professional growth system established pursuant to the Maine Revised Statutes, Title 20-A, chapter 508.

Sec. 3. Delay using statewide assessment data of student academic achievement in school performance grading system. Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 222 or any other provision of law, prior to the 2017-2018 school year, neither the Department of Education nor any other state agency may use statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools in the State that is similar to or different from the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

Nothing in this section may be construed to prevent or inhibit the Department of Education from providing an annual report of the results of the state assessment program required by the Maine Revised Statutes, Title 20-A, section 6204 to meet the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70 and the federal Every Student Succeeds Act of 2015, 20 United States Code, Chapter 70.

See title page for effective date.

CHAPTER 406

H.P. 1050 - L.D. 1539

An Act To Expand the Early Processing of Absentee Ballots

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 changes to improve the administration of absentee voting; and

Whereas, required planning necessary for administration of absentee voting for the next general election must begin well before the 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 preserva-

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

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

Sec. 1. 21-A MRSA §760-B, as amended by PL 2013, c. 457, §4, is further amended to read:

§760-B. Procedures when clerk processes absentee ballots prior to election day

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots ~~on the beginning on the 3rd day~~ immediately prior to election day, except that processing on a Sunday is not permitted. The clerk shall use the following procedure when processing the absentee ballots during this time.

1. Time for processing. In a municipality that has opted to process absentee ballots on ~~the day immediately~~ one or more of the days prior to election day authorized by this section, the municipal clerk or the clerk's designees may process absentee ballots at the times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if an inspection is requested pursuant to subsection 3, processing may not begin until after the inspection period has concluded.

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~~ days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 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 60th day before election day, the municipality may not process absentee ballots prior to election day.

3. Inspection of absentee envelopes before processing. A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on ~~the each day immediately~~ that the clerk will process absentee ballots as specified on the notice of election prior to election day. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of election for processing the absentee ballots. The clerk may imme-

diately proceed to process the ballots after the one-hour inspection time has elapsed.

4. Processing and other procedures. The clerk shall use the procedure described in this section when processing the absentee ballots during the designated times. Procedures for handling full ballot boxes, poll-watching and challenging ballots are conducted in the same manner as election day or as close as practicable.

5. Counting and results prohibited before the polls close. The absentee ballots may not be counted, voter intent may not be determined and election results may not be obtained or released until after the polls have closed on election day, and all election day ballots have been cast and all absentee ballots have been processed. A municipality that uses a high-speed ballot tabulator and receives results at the completion of the ballot scanning may not view the results until after the polls close on election day.

6. Security of processed ballots and tabulating equipment. At the conclusion of absentee ballot processing on ~~the any day immediately~~ prior to election day, the clerk shall ensure that the early processed absentee ballots are locked and sealed in the ballot box, automatic tabulating equipment ballot box or tamper-proof containers provided by the Secretary of State and secured in a vault or other locked secure location, until the voting resumes on election day or until the ballots are counted after the polls close. The Secretary of State shall publish uniform guidelines for securing ballots and other materials under this subsection.

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

Effective March 24, 2016.

**CHAPTER 407
S.P. 215 - L.D. 622**

**An Act To Require Training of
Mandated Reporters under the
Child Abuse Laws**

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

Sec. 1. 22 MRSA §4011-A, sub-§9 is enacted to read:

9. Training requirement. A person required to make a report under subsection 1 shall complete at least once every 4 years mandated reporter training approved by the department.

See title page for effective date.

**CHAPTER 408
H.P. 1033 - L.D. 1510**

**An Act To Improve the
Disclosure of Financial
Activities by Political Action
Committees and Ballot
Question Committees**

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

Sec. 1. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 2011, c. 389, §32, is further amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign;

(4) Any ~~organization person~~, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and

(5) Any ~~organization person~~, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

Sec. 2. 21-A MRSA §1052-A, sub-§1, ¶A, as amended by PL 2013, c. 588, Pt. A, §23, is further amended to read:

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that receives contributions or makes 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 receives contributions or makes expenditures in the aggregate in excess of \$5,000 for the purpose of influencing the nomination or election of any candidate to political office shall register with the commission within 7 days of exceeding the applicable amount.

Sec. 3. 21-A MRSA §1056-B, as amended by PL 2011, c. 389, §§38 to 42 and affected by §62, is further amended to read:

§1056-B. Ballot question committees

A person not defined as a political action committee ~~who~~ that receives contributions or makes expenditures, other than by contribution to a political action committee or a ballot question committee, aggregating in excess of \$5,000 for the purpose of initiating or influencing a campaign as defined by section 1052, subsection 1, shall register as a ballot question committee and file reports with the commission in accordance with this section. For the purposes of this section, "campaign" does not include activities to influence the nomination or election of a candidate. ~~Within 7 days of receiving contributions or making expenditures that exceed \$5,000, the person shall register with the commission as a ballot question committee.~~ For the purposes of this section, expenditures include paid staff time spent for the purpose of initiating or influencing a campaign. ~~The commission must prescribe forms for the registration, and the forms must include specification of a treasurer for the committee, any other principal officers and all individuals who are the primary fund raisers and decision makers for the committee.~~

1. Filing requirements. A report required by this section must be filed with the commission according to the reporting schedule in section 1059. After completing all financial activity, the committee shall terminate its campaign finance reporting in the same manner provided in section 1061. The committee shall file each report required by this section through an electronic filing system developed by the commission unless granted a waiver under section 1059, subsection 5.

1-A. Ballot question committee registration. A person subject to this section who receives contributions or makes expenditures that exceed \$5,000 shall register with the commission as a ballot question committee within 7 days of receiving those contributions or making those expenditures. A ballot question committee shall have a treasurer and a principal officer. The same individual may not serve in both positions unless the person establishing the ballot question committee is an individual. The ballot question committee when registering shall identify all other individuals who are the primary decision makers and fund-raisers, the person establishing the ballot question committee and the campaign the ballot question committee intends to initiate or influence. The ballot question committee shall amend the registration within 10 days of a change in the information required in this subsection. The commission shall prescribe forms for the registration, which must include the information required by this subsection and any additional information reasonably required for the commission to monitor the activities of the ballot question committee.

2. Content. A report required by this section must contain an itemized account with the date,

amount and purpose of each expenditure made to and contribution for the purpose of initiating or influencing a campaign; an itemized account of contributions received from a single source aggregating in excess of \$100 \$50 in any election; the date of each contribution; the date and purpose of each expenditure; the name and address of each contributor, payee or creditor; and the occupation and principal place of business, if any, for any person who has made contributions exceeding \$100 \$50 in the aggregate. The filer is required to report only those contributions made to the filer for the purpose of initiating or influencing a campaign and only those expenditures made for those purposes. The definitions of "contribution" and "expenditure" in section 1052, subsections 3 and 4, respectively, apply to persons required to file ballot question reports.

2-A. Contributions. For the purposes of this section, "contribution" includes, but is not limited to:

- A. Funds that the contributor specified were given in connection with a campaign;
- B. Funds provided in response to a solicitation that would lead the contributor to believe that the funds would be used specifically for the purpose of initiating or influencing a campaign;
- C. Funds that can reasonably be determined to have been provided by the contributor for the purpose of initiating or influencing a campaign when viewed in the context of the contribution and the recipient's activities regarding a campaign; and
- D. Funds or transfers from the general treasury of an organization filing a ballot question report.

3. Forms. A report required by this section must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form.

4. Records. A person filing a report required by this section shall keep records as required by this subsection for 4 years following the election to which the records pertain.

A. The filer shall keep a detailed account of all contributions made to the filer for the purpose of initiating or influencing a campaign and all expenditures made for those purposes.

B. The filer shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50.

5. Liability for penalties. The commission may hold the treasurer and principal officer of a ballot question committee and any for-profit, nonprofit or other organization that established the ballot question committee jointly and severally liable with the ballot question committee for any fines assessed against the

ballot question committee for a violation of this chapter.

Sec. 4. 21-A MRSA §1057, sub-§1, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. The identity ~~and address~~ of each candidate, campaign or committee;

Sec. 5. 21-A MRSA §1057, sub-§2, as amended by PL 2013, c. 334, §25, is further amended to read:

2. Receipts. The treasurer of a political action committee shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50 to initiate or influence a campaign.

Sec. 6. 21-A MRSA §1060, sub-§7, as amended by PL 2011, c. 389, §48, is further amended to read:

7. Other expenditures. Operational expenses and other expenditures that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of influencing a ~~ballot question or the nomination or election of a candidate to political office~~ campaign.

See title page for effective date.

CHAPTER 409

H.P. 1067 - L.D. 1575

An Act To Make Technical Amendments to the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3101, sub-§4, ¶D, as repealed and replaced by PL 1997, c. 645, §3, is amended to read:

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over ~~to Superior Court~~ for prosecution as an adult:

(1) Seriousness of the crime: the nature and seriousness of the offense with greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or intentional manner;

(2) Characteristics of the juvenile: the record and previous history of the juvenile; the age

of the juvenile; the juvenile's emotional attitude and pattern of living;

(3) Public safety: whether the protection of the community requires commitment of the juvenile for a period longer than the greatest commitment authorized; whether the protection of the community requires commitment of the juvenile to a facility that is more secure than any dispositional alternative under section 3314; and

(4) Dispositional alternatives: whether future criminal conduct by the juvenile will be deterred by the dispositional alternatives available; whether the dispositional alternatives would diminish the gravity of the offense.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E, as amended by PL 1997, c. 645, §4, is further amended to read:

E. The Juvenile Court shall bind a juvenile over ~~to the Superior Court~~ for prosecution as an adult if it finds:

(1) That there is probable cause to believe that a juvenile crime has been committed that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult and that the juvenile to be bound over committed it; and

(2) After a consideration of the seriousness of the crime, the characteristics of the juvenile, the public safety and the dispositional alternatives in paragraph D, that:

(a) If the State has the burden of proof, the State has established by a preponderance of the evidence that it is appropriate to prosecute the juvenile as if the juvenile were an adult; or

(b) If the juvenile has the burden of proof, the juvenile has failed to establish by a preponderance of the evidence that it is not appropriate to prosecute the juvenile as if the juvenile were an adult.

Sec. 3. 15 MRSA §3101, sub-§4, ¶E-2, as amended by PL 2013, c. 28, §2, is further amended to read:

E-2. If the Juvenile Court binds a juvenile over ~~to Superior Court~~ for prosecution as an adult and has directed the detention of the juvenile, if the juvenile attains 18 years of age and is being detained, the juvenile must be detained in an adult section of a jail.

Sec. 4. 15 MRSA §3101, sub-§4, ¶F, as amended by PL 1979, c. 681, §38, is further amended to read:

F. The Juvenile Court shall bind over a child by entering an order finding probable cause, waiving jurisdiction and certifying the case for proceedings before the grand jury. The Juvenile Court shall enter written findings supporting its order finding probable cause and waiving jurisdiction. Proceedings concerning a juvenile who has been bound over to the Superior Court shall for prosecution as an adult must be conducted in the same manner and with the same powers and duties as if the juvenile were an adult.

Sec. 5. 15 MRSA §3103, sub-§1, ¶E, as amended by PL 2003, c. 414, Pt. B, §29 and affected by c. 614, §9, is further amended to read:

E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection ~~1~~ 1-A, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223;

Sec. 6. 15 MRSA §3105-A, sub-§6, as enacted by PL 1987, c. 222, §2, is amended to read:

6. Lesser included juvenile crime; effect. The defense established by this section does not bar a conviction ~~an adjudication~~ of a juvenile crime included in the juvenile crime charged, notwithstanding that the period of limitation has expired for the included juvenile crime, if, as to the juvenile crime charged, the period of limitation has not expired or there is no such period, and there is evidence ~~which~~ that sustains an adjudication for the juvenile crime charged.

Sec. 7. 15 MRSA §3311-D, as enacted by PL 2011, c. 384, §4, is amended to read:

§3311-D. Limited review by appeal

A juvenile is precluded from seeking to attack the legality of a deferred disposition, including a final disposition, except that a juvenile who has been determined by a court to have inexcusably failed to comply with a court-imposed deferment requirement and thereafter has had imposed a dispositional alternative authorized for the juvenile crime may appeal to the ~~Superior~~ Supreme Judicial Court, but not as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

Sec. 8. 15 MRSA §3318-A, sub-§10, as enacted by PL 2011, c. 282, §4, is amended to read:

10. Competency to proceed after bind over. Notwithstanding a finding by the Juvenile Court that the juvenile is competent to proceed in a juvenile proceeding, if the juvenile is subsequently bound over for prosecution ~~in the Superior Court or a court with a unified criminal docket~~ as an adult pursuant to section

3101, subsection 4, the issue of the juvenile's competency may be revisited.

See title page for effective date.

CHAPTER 410

H.P. 1010 - L.D. 1487

An Act To Amend the Laws on Protection from Abuse, Protection from Harassment and Unauthorized Dissemination of Certain Private Images

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 2015, chapter 339 enacted laws regarding the new crime of unauthorized dissemination of certain private images, to address activity known informally as revenge pornography, effective October 15, 2015; and

Whereas, Public Law 2015, chapter 339 included coordination with some but not all related sections of the laws on protection from abuse; and

Whereas, Public Law 2015, chapter 339 did not include provisions to seal in court records unauthorized private images and written information describing and directly pertaining to the images; and

Whereas, full coordination with the related sections of the protection from abuse laws and enactment of provisions to seal certain images and information in court records are immediately necessary for the effective implementation of Public Law 2015, chapter 339;

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. 17-A MRSA §511-A, sub-§5 is enacted to read:

5. Access to and dissemination of certain private images as described in subsection 1 and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

PART B

Sec. B-1. 19-A MRSA §4002, sub-§1, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; ~~or~~

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. B-2. 19-A MRSA §4002, sub-§1, ¶G is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. B-3. 19-A MRSA §4006, sub-§5, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Taking, converting or damaging property in which the plaintiff may have a legal interest; ~~or~~

F. Having any direct or indirect contact with the plaintiff; ~~or~~

Sec. B-4. 19-A MRSA §4006, sub-§5, ¶G is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. B-5. 19-A MRSA §4007, sub-§1, ¶M, as amended by PL 2005, c. 510, §11, is further amended to read:

M. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~or~~

Sec. B-6. 19-A MRSA §4007, sub-§1, ¶N, as enacted by PL 2005, c. 510, §12, is amended to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household; ~~or~~

Sec. B-7. 19-A MRSA §4007, sub-§1, ¶¶O and P are enacted to read:

O. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

Sec. B-8. 19-A MRSA §4008-A is enacted to read:

§4008-A. Access to certain private images and written information

Access to and dissemination of certain private images as described in Title 17-A, section 511-A and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

PART C

Sec. C-1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 511-A, 556, 802, 805 or 806.

Sec. C-2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. C-3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; ~~or~~

Sec. C-4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

Sec. C-5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

- E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~
- F. Entering any other orders determined necessary or appropriate in the discretion of the court;:

Sec. C-6. 5 MRSA §4655, sub-§1, ¶¶G and H are enacted to read:

- G. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or
- H. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

Sec. C-7. 5 MRSA §4661 is enacted to read:

§4661. Access to certain private images and written information

Access to and dissemination of certain private images as described in Title 17-A, section 511-A and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.

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

Effective March 29, 2016.

CHAPTER 411

S.P. 588 - L.D. 1526

An Act Regarding the Disclosure of Intelligence and Investigative Record Information

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

Sec. 1. 16 MRSA §806, sub-§3, as enacted by PL 2013, c. 267, Pt. A, §3, is repealed.

Sec. 2. 16 MRSA §806, sub-§4 is enacted to read:

4. A counselor or advocate. A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, or an advocate, as defined in section 53-B, subsection 1, paragraph A. A person to whom intelligence and investigative record information is disclosed pursuant to this subsection:

- A. May use the information only for planning for the safety of the victim of a sexual assault or domestic or family violence incident to which the information relates;
- B. May not further disseminate the information;
- C. Shall ensure that physical copies of the information are securely stored and remain confidential;
- D. Shall destroy all physical copies of the information within 30 days after their receipt;
- E. Shall permit criminal justice agencies providing such information to perform reasonable and appropriate audits to ensure that all physical copies of information obtained pursuant to this subsection are maintained in accordance with this subsection; and
- F. Shall indemnify and hold harmless criminal justice agencies providing information pursuant to this subsection with respect to any litigation that may result from the provision of the information to the person.

See title page for effective date.

CHAPTER 412

H.P. 1056 - L.D. 1549

An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund

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

Sec. 1. 10 MRSA §372, sub-§1, as amended by PL 2005, c. 191, §1, is further amended to read:

1. Creation of fund. There is established the Kim Wallace Adaptive Equipment Loan Program Fund, which must be used to provide funding for loans to qualified borrowers within the State in order to acquire adaptive equipment designed to assist the borrower in becoming independent and for other purposes as allowed under section 376. The fund must be deposited with; ~~and maintained and administered~~ by the Finance Authority of Maine or other state agency and contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by

the board to be applied to the fund and funds received in repayment of loans. This fund is a nonlapsing revolving fund. All money in the fund must be continuously applied to carry out the purposes of this chapter.

Sec. 2. 10 MRSA §374, as amended by PL 2005, c. 191, §§2 to 4, is further amended to read:

§374. Duties of board

The board ~~shall have~~ has the following powers and duties.

1. Receipt of money and property. The board may accept and receive gifts, grants, bequests or devises from any source, including funds from the Federal Government or any of its political subdivisions.

2. Contracts. The board may, with the approval of the Governor, enter into any necessary contracts and agreements with appropriate ~~state or community-based groups dealing with disabled persons~~ entities.

3. Administer loan program. The board shall administer the Kim Wallace Adaptive Equipment Loan Program Fund established by this chapter and may contract with ~~the Finance Authority of Maine and state or community based groups dealing with disabled persons~~ appropriate entities for such assistance in administering the program as the board may require. The board may employ persons, including private legal counsel and financial experts, on either a temporary or permanent basis, in order to carry out any of its powers and duties. Employees of the board are not subject to Title 5, chapter 71 and Title 5, chapter 372, subchapter 2.

4. Rules. The board may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter ~~H-A~~ 2-A. The rules must ensure that:

A. Individuals and business entities are eligible for loans; and

B. A preference is given for loans to qualifying individual borrowers seeking loans to acquire adaptive equipment for personal, family or household purposes; and

~~D. Loan applications may be approved or denied by the board only at a regular or special meeting except as follows:~~

~~(1) Approval of applications for loans may be delegated by the board to a subcommittee of the board containing at least 5 members if an applicant would suffer undue hardship by waiting for the next regular meeting; or~~

~~(2) Approval of applications for loans may be delegated to outside contractors with criteria and terms as provided by the board and approved no less than annually.~~

~~All approved loans must be ratified by the board at the board's next regular or special meeting. All loans recommended for denial by the delegated authority must be acted upon by the board at the board's next regular or special meeting.~~

5. Loan awards. Loan applications may be approved or denied by the board or by an entity with which the board has contracted to provide financial services pursuant to subsection 2, referred to in this subsection as "the financial services provider," and appeals from denials may be made to the board in accordance with this subsection.

A. The board or the financial services provider shall approve all loan applications that meet the following criteria:

(1) The application is consistent with the underwriting guidelines proposed by the financial services provider and approved at least annually by the board; and

(2) The loan will be used for a purpose established in section 376.

B. The financial services provider shall submit a report to the board at least monthly identifying the number of loan applications received and the number of applications approved and denied during the period covered by the report as well as the number of applications for which no decision has yet been rendered.

C. A loan applicant may appeal a denial by the financial services provider to the board by submitting a written notice to the financial services provider within 30 days of the date of the denial. The financial services provider shall notify the board of the appeal and provide the board with copies of the application at the next regularly scheduled board meeting. The board shall grant the appeal if it finds that the financial services provider inappropriately applied the criteria in paragraph A.

Sec. 3. 10 MRSA §376, first ¶, as amended by PL 2003, c. 99, §2, is further amended to read:

The board or an entity with which the board has contracted to provide financial services pursuant to section 374, subsection 2 may award loans to qualifying borrowers for the following purposes:

Sec. 4. 10 MRSA §377, first ¶, as enacted by PL 2003, c. 99, §3, is amended to read:

The board or an entity with which the board has contracted to provide financial services pursuant to section 374, subsection 2 may award loans for the purpose of assisting persons with disabilities to purchase used vehicles necessary to obtain or retain employ-

ment or employment training, subject to the following limitations.

See title page for effective date.

CHAPTER 413

H.P. 1063 - L.D. 1567

An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway

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 expiration of the 90-day period in order to allow for the construction of multi-use trails within the right-of-way limits of controlled access highways to be built in the summer of 2016; 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 §13106-A, sub-§3, ¶A, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended to read:

A. A person may operate a snowmobile upon a controlled access highway or within the right-of-way limits of a controlled access highway in accordance with this paragraph.

- (1) A person on a properly registered snowmobile may cross controlled access highways by use of bridges over or roads under those highways, or by use of roads crossing controlled access highways at grade.
- (2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways.
- (3) A person on a properly registered snowmobile may operate the snowmobile within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of a snowmobile trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of snowmobile trails. Funds for the construction of a snowmobile trail under this paragraph may not be provided from the Highway Fund.

Sec. 2. 12 MRSA §13157-A, sub-§3, ¶A, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended to read:

A. A person may not operate an ATV upon a controlled access highway or within the right-of-way limits of a controlled access highway, except that:

- (1) A person on a properly registered ATV may cross controlled access highways by use of bridges over or roads under those highways or by use of roads crossing controlled access highways at grade; and
- (2) The Commissioner of Transportation may issue special permits for designated crossings of controlled access highways; ~~and~~
- (3) A person on a properly registered ATV may operate the ATV within the right-of-way limits of a controlled access highway on a trail segment approved by the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable.

At the request of the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Transportation or the board of directors of the Maine Turnpike Authority, as applicable, may permit construction of an ATV trail within the right-of-way limits of a controlled access highway under the jurisdiction of the Department of Transportation or the Maine Turnpike Authority being constructed on or after January 1, 2016 when there is an ability to provide for the continuity of a state-owned or state-controlled network of ATV trails. Funds for the construction of an ATV trail under this paragraph may not be provided from the Highway Fund.

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

Effective March 29, 2016.

**CHAPTER 414
H.P. 1088 - L.D. 1598**

**An Act To Amend Procedures
for the Licensing of Architects
and Foresters**

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

Whereas, current law does not allow applicants for licensure as architects in Maine to apply for a license before completing 3 years of practical experience; and

Whereas, most other states have less stringent licensure requirements for architects; and

Whereas, current law discourages potential applicants for licensure as architects from becoming licensed in Maine; and

Whereas, Maine is currently losing well-qualified candidates for licensure to states with less stringent licensure requirements and this issue should be addressed 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. 32 MRSA §220, sub-§1, ¶B, as amended by PL 2007, c. 402, Pt. F, §11, is further amended to read:

B. Qualifications An architect must meet the qualifications established in this paragraph.

(1) To Except as otherwise provided in this chapter, to be qualified for admission to the examination a license to practice architecture in this State an applicant must submit evidence to the board that the applicant has passed an examination administered by a national council of architectural registration boards or an equivalent examination specified by board rule and:

(a) The applicant has completed a course of study in a school or college of architecture approved by the board, with graduation evidenced by a diploma setting forth a satisfactory degree, and 3 years of practical experience under the supervision of an experienced architect or architects engaged in the practice of

architecture as a profession as prescribed by the board by rule; or

(b) The applicant has training or practical experience, or a combination of both, that in the opinion of the board is fully equivalent to that required in division (a).

(2) An applicant for licensure as an architect in this State who has a current and valid license from another jurisdiction and a certificate from ~~the National Council of Architectural Registration Boards or its successor a~~ national council of architectural registration boards or other organization approved by the board may offer to render architectural services in this State prior to licensure by the board if the applicant first notifies the board in writing that the applicant will be present in this State to offer to render architectural services. The applicant may not render architectural services until duly licensed by the board.

Sec. 2. 32 MRSA §5515, sub-§6, as amended by PL 2013, c. 527, §5 and affected by §9, 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.

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

Effective March 29, 2016.

**CHAPTER 415
S.P. 578 - L.D. 1480**

**An Act To Create and Sustain
High-quality Maine Jobs**

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

Sec. 1. 10 MRSA §1026-U is enacted to read:

§1026-U. Maine Capital Investment Program

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

A. "Business development project" means a project that involves the construction, development, rehabilitation, modernization or acquisition of a building, a structure, a system, machinery, equipment or a facility that has a projected cost of at least \$50,000,000 or is projected to result in the creation or retention of a least 250 full-time employment positions that pay at least 125% of the annual average weekly wage under Title 26, section 1043, subsection 1-A.

B. "Fund" means the Maine Capital Investment Fund established in subsection 4.

C. "Program" means the Maine Capital Investment Program authorized pursuant to subsection 2.

2. Program authorized. The authority may create and oversee the Maine Capital Investment Program to increase the availability of capital to eligible business development projects as provided under this section.

3. Authority assets; obligation. This section may not be construed to place the assets of the authority at risk. This section may not be construed to create an obligation of the State or of any political subdivision of the State.

4. Maine Capital Investment Fund. The Maine Capital Investment Fund is established as a nonlapsing revolving loan and equity fund administered by the authority to support the capital needs of business development projects under the program. The fund is capitalized by sums that are appropriated or allocated by the Legislature or transferred to the fund from time to time by the State Controller, interest earned from the investment of fund balances, state bond issues, state employee pension funds, institutional endowments and other funds from any public or private source received for use for any of the purposes for which the fund has been established. The authority may charge the fund reasonable fees for the cost of implementing and administering the program and any loans or bonds authorized by this section.

5. Criteria to qualify for financial support. The authority shall provide financial support to an applicant to support a business development project under the program based in part but not solely on the following criteria:

A. The creditworthiness of the applicant, including factors such as the applicant's historical financial performance, management ability, plan to market the applicant's product or service and whether the applicant meets or exceeds industry

average financial performance ratios commonly accepted in determining creditworthiness in the applicant's industry;

B. The sufficiency of collateral pledged by the applicant;

C. The sufficiency of projected revenues from the business development project or other sources to repay the financial support received under and meet the requirements of subsection 6 for the term of the obligation;

D. The extent to which financial support from the authority enhances the employment and wage benefits projected to be created by the business development project;

E. The duration of the employment and wage benefits projected to be created by the business development project; and

F. Demonstration that the financial support from the authority is necessary due to the reduced cost and increased flexibility of the financial support and not due to the applicant's inability to obtain financing from another source.

6. Financial support. The authority may provide the following financial support to an applicant determined to be qualified under subsection 5:

A. A direct loan of up to \$50,000,000 from the fund for a single business development project, which must be matched by an amount that is equal to at least 25% of the loan amount and that is obtained from a source other than the fund; or

B. Up to \$100,000,000 in bond funding from bonds issued pursuant to subsection 7 for a single business development project and up to \$200,000,000 in bond funding to the same applicant for multiple business development projects.

The authority may require other terms or conditions of financial support under this subsection as the authority determines necessary and reasonable.

7. Bonding authorization. The authority may provide by resolution for the issuance of bonds in accordance with subsection 6, paragraph B for the purpose of funding business development projects. Bonds issued pursuant to this subsection do not constitute a general obligation of the authority, and the authority may not pledge an obligation under section 1053 or otherwise seek an appropriation for repayment. Bonds issued under this subsection do not constitute a debt of the State or any agency or political subdivision of the State and are payable solely from the revenues of the business development project for which the bonds are issued. Neither the faith nor credit nor taxing power of the State or any political subdivision of the State may be pledged to payment of the bonds issued under this subsection. Notwithstanding any other provision of

law, any bonds issued pursuant to this subsection are fully negotiable. If any member of the authority whose signature appears on the bond or coupons ceases to be a member of the authority before the delivery of those bonds, that signature is valid and sufficient for all purposes as if that member of the authority had remained a member of the authority until delivery.

8. Requirements of recipient. A recipient of financial support under subsection 6 shall provide the following.

A. In addition to repayment of the financial support received under subsection 6 pursuant to the terms set by the authority, within 5 years after the completion of the business development project the recipient shall pay to the fund an amount equal to 10% of the amount of the financial support received under subsection 6 pursuant to terms determined by the authority.

B. The recipient shall report to the authority 5 years after completion of the business development project. The report must include a description of the business development project and the number of jobs created or retained. The report must identify the entity or entities using the business development project and, for each entity, indicate the extent to which the entity is owned or managed by minorities or women, the percentage of the entity's operations located within and outside the State, the entity's payroll and the property taxes paid by the entity.

9. Report. The authority shall report annually, on or before January 1st, to the joint standing committee of the Legislature having jurisdiction over economic development matters. The report must include a description of each business development project under the program, the amount, type and terms of financial support the business development project received and the information reported to the authority pursuant to subsection 8. The report must contain an accounting of the fund, bonds issued pursuant to subsection 7 and any loans or bonds that are in default. The accounting must include, at a minimum, identification of amounts received from each public or private source, identification of amounts returned to each public or private source and an accounting of the authority's implementation and administration expenses incurred and charged to the fund.

The committee may request that the joint legislative committee established to oversee program evaluation and government accountability matters direct the Office of Program Evaluation and Government Accountability to review the program as provided in Title 3, section 991.

10. Rules. The authority may adopt rules as necessary 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. 2. Contingent effective date. This Act takes effect only upon the receipt by the Finance Authority of Maine for the Maine Capital Investment Fund under the Maine Revised Statutes, Title 10, section 1026-U of an appropriation or allocation by the Legislature or funds from another funding source in the amount of at least \$50,000,000. The Finance Authority of Maine shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes when the funds are received pursuant to this section.

See title page for effective date, unless otherwise indicated.

CHAPTER 416

H.P. 1083 - L.D. 1593

**An Act To Make Hunting,
Fishing and Trapping the Basis
of Managing Inland Fisheries
and Wildlife Resources**

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

Sec. 1. 12 MRSA §10051, first ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

The Department of Inland Fisheries and Wildlife is established to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources; and to use regulated hunting, fishing and trapping as the basis for the management of these resources whenever feasible.

See title page for effective date.

CHAPTER 417

S.P. 515 - L.D. 1389

**An Act To Conform Maine
Law to Federal Law Regarding
Closings and Mass Layoffs and
To Strengthen Employee
Severance Pay Protections**

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

Sec. 1. 26 MRSA §625-B, as amended by PL 2009, c. 305, §§1 to 4 and affected by §5, is further amended to read:

§625-B. Severance pay due to closing, substantial shutdown or relocation of a covered establishment

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

A. "Covered establishment" means any industrial or commercial facility or part thereof ~~which that~~ employs or has employed at any time in the preceding 12-month period 100 or more persons.

A-1. "Closing" means the permanent shutdown of industrial or commercial operations at a covered establishment. A closing may occur due to relocation, termination or consolidation of the employer's business.

B. "Director" means the Director of the Bureau of Labor Standards.

B-1. "Eligible employee" means any employee who:

(1) Has been continuously employed at the covered establishment at the time of the closing or mass layoff for at least 3 years, including any period when the employee was on a leave of absence;

(2) Has not been terminated for cause; and

(3) Has not accepted employment at another or relocated establishment operated by the employer or remains employed at the covered establishment.

"Eligible employee" includes an employee who has voluntarily quit employment at a covered establishment to take a new job within a 30-day period prior to the date set by the employer for a closing or mass layoff in an initial notice provided by the employer under state or federal law.

C. "Employer" means any person who directly or indirectly owns and operates a covered establishment. For purposes of this definition, a parent corporation is considered the indirect owner and operator of any covered establishment that is directly owned and operated by its corporate subsidiary.

C-1. "Gross earnings" includes all pay for regular hours, shift differentials, premiums, overtime, floating holidays, holidays, funeral leave, jury duty pay, sick pay and vacation pay earned within the last 12 months prior to the closing or mass layoff. "Gross earnings" does not include payments made under a 3rd-party benefit program, such as disability payments.

C-2. "Mass layoff" means a reduction in workforce, not the result of a closing, that results in an employment loss at a covered establishment for at least 6 months of at least:

(1) Thirty-three percent of the employees and at least 50 employees; or

(2) Five hundred employees.

D. "Person" means any individual, group of individuals, partnership, corporation, association or any other entity.

E. "Physical calamity" means any calamity such as fire, flood or other natural disaster.

F. "Relocation" means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a new location, within or without the State of Maine, 100 or more miles distant from its original location.

~~G. "Termination" means the substantial cessation of industrial or commercial operations in a covered establishment.~~

H. "Week's pay" means an amount equal to the employee's gross earnings during the 12 months previous to the date of ~~termination or relocation closing or mass layoff~~ as established by the director ~~or the date of the termination or layoff of the employee, should it occur earlier~~, divided by the number of weeks in which the employee ~~worked~~ received gross earnings during that 12-month period.

2. Severance pay. Any employer who ~~relocates or terminates~~ closes or engages in a mass layoff at a covered establishment ~~shall be is~~ is liable to ~~his~~ eligible employees of the covered establishment for severance pay at the rate of one week's pay for each year, and partial pay for any partial year, from the last full month of employment by the employee in that establishment. The severance pay to eligible employees ~~shall be is~~ in addition to any final wage payment to the employee and ~~shall~~ must be paid within one regular pay period after the employee's last full day of work, notwithstanding any other provisions of law.

3. Mitigation of severance pay liability. There is no liability under this section for severance pay to an eligible employee if:

A. ~~Relocation or termination~~ Closing of or a mass layoff at a covered establishment is necessitated by a physical calamity or the final order of a federal, state or local government agency;

B. The employee is covered by, and has actually been paid under the terms of, an express contract providing for severance pay that is ~~equal to or in~~ an amount that is greater than the severance pay required by this section. An employer must demonstrate, to the satisfaction of the director, that the

~~severance pay provided under the terms of an express contract provides a greater benefit to the employee than provided in this section; or~~

~~C. That employee accepts employment at the new location;~~

~~D. That The employee has been employed by the employer for less than 3 years; or,~~

~~E. A covered establishment files for protection under 11 United States Code, Chapter 11 unless the filing is later converted to a filing under 11 United States Code, Chapter 7.~~

3-A. Bankruptcy proceedings. A covered establishment is not exempt from liability for severance pay under this section solely because it files a voluntary petition for bankruptcy protection under the provisions of Chapter 7 or Chapter 11 of the United States Bankruptcy Code, 11 United States Code, Section 101, et seq., or because an involuntary petition is commenced against it pursuant to 11 United States Code, Section 303.

4. Suits by, or on behalf of, employees. Any employer who violates the provisions of this section ~~shall be~~ is liable to the employee or employees affected in the amount of their unpaid severance pay. Action to recover the liability may be maintained against any employer in any state or federal court of competent jurisdiction by any one or more employees for and on behalf of ~~himself that employee or themselves those employees~~ and any other employees similarly situated. Any labor organization may also maintain an action on behalf of its members. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.

5. Suits by the director. The director is authorized to supervise the payment of the unpaid severance pay owing to any employee under this section. The director may bring an action in any court of competent jurisdiction to recover the amount of any unpaid severance pay. The right provided by subsection 4 to bring an action by or on behalf of any employee, and of any employee to become a party plaintiff to any ~~such pending action brought and maintained under subsection 4, shall terminate~~ terminates upon the filing of a complaint by the director in an action under this subsection, unless the action is dismissed without prejudice by the director. Any sums recovered by the director on behalf of an employee pursuant to this subsection ~~shall must~~ be held in a special deposit account and ~~shall must~~ be paid, on order of the director, directly to the employee affected. Any sums thus recovered not paid to an employee because of inability to do so within a period of 3 years ~~shall must~~ be paid over to the State of Maine.

6. Notice of director. Any person proposing to relocate or ~~terminate~~ close a covered establishment shall notify the director in writing not less than 60 days prior to the relocation or closing. A person initiating a mass layoff at a covered establishment shall notify the director as far in advance as practicable, and no later than within 7 days of the layoff, and shall report to the director the expected duration of the layoff and whether it is of indefinite or definite duration. The director shall, from time to time, but no less frequently than every 30 days, require the employer to report such facts as the director considers relevant to determine whether the mass layoff constitutes a closing under this section or whether there is a substantial reason to believe the affected employees will be recalled. A notification or report provided to the director pursuant to this subsection must contain all relevant information in the possession of the employer regarding a potential recall, if applicable.

6-A. Notice to employees and municipality. A person proposing to ~~terminate or to relocate~~ close a covered establishment ~~outside the State~~ shall notify employees and the municipal officers of the municipality where the ~~plant~~ covered establishment is located in writing not less than 60 days prior to the ~~termination or relocation~~ closing, unless this notice requirement is waived by the director. A person that violates this provision commits a civil violation for which a fine of not more than \$500 may be adjudged, except that a fine may not be adjudged if the ~~relocation closing~~ is necessitated by a physical calamity or the final order of a federal, state or local government agency, or if the failure to give notice is due to unforeseen circumstances. A fine imposed pursuant to this subsection may not be collected by the Department of Labor to the extent such collection prevents the violator from making all payments required under subsection 2.

7. Powers of director. In any investigation or proceeding under this section, the director ~~shall have~~ has, in addition to all other powers granted by law, the authority to examine books and records of any employer affected by this section as set out in section 665, subsection 1.

8. Rules. The Department of Labor shall adopt rules to implement this section. Rules adopted pursuant to this subsection are ~~major substantive routine~~ technical rules as defined in Title 5, chapter 375, subchapter ~~II-A 2-A~~. ~~Initial rules must be provisionally adopted and submitted to the Legislature not later than January 15, 2003.~~

9. Penalties. A person that violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 per violation may be adjudged. Each employee affected constitutes a separate violation. Any such fine may not be collected by the Department of Labor to the extent such collection prevents the viola-

tor from making all payments required under subsection 2.

10. Mass layoff. Whenever an employer lays off 100 or more employees at a covered establishment, the employer within 7 days of such a layoff shall report to the director the expected duration of the layoff and whether it is of indefinite or definite duration. The director shall, from time to time, but no less frequently than every 30 days, require the employer to report such facts as the director considers relevant to a determination as to whether the layoff constitutes a termination or relocation under this section or whether there is a substantial reason to believe the affected employees will be recalled within a reasonable time.

See title page for effective date.

CHAPTER 418

H.P. 138 - L.D. 180

An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments

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

Sec. 1. 22 MRSA c. 602-A is enacted to read:

CHAPTER 602-A

ACCESS TO INVESTIGATIONAL TREATMENTS FOR TERMINALLY ILL PATIENTS

§2671. Definitions

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

1. Eligible patient. "Eligible patient" means a person who has:

A. Received a diagnosis of a terminal illness for which no standard treatment is effective and the diagnosis has been attested by the person's treating physician;

B. Considered all treatment options approved by the United States Food and Drug Administration;

C. Not been accepted into a clinical trial within one week of completion of the clinical trial application process;

D. Received a recommendation from the person's treating physician for an investigational drug, biological product or device;

E. Given written, informed consent for the use of the investigational drug, biological product or device under paragraph D or, if the person is a minor

or lacks the mental capacity to provide informed consent, whose parent or legal guardian has given written, informed consent on the person's behalf; and

F. Received documentation from the person's treating physician that the person meets all of the conditions in this subsection.

2. Investigational drug, biological product or device. "Investigational drug, biological product or device" means a drug, biological product or device that has successfully completed Phase I of a United States Food and Drug Administration-approved clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in such a clinical trial.

3. Terminal illness. "Terminal illness" means a disease or condition that, without life-sustaining measures, will soon result in death or in a state of permanent unconsciousness from which recovery is unlikely.

4. Treating physician. "Treating physician" means a physician who has primary responsibility for the care of a patient and treatment of that patient's terminal illness.

5. Written, informed consent. "Written, informed consent" means a written document signed by a patient or, if the patient is a minor or lacks the mental capacity to provide informed consent, a parent or legal guardian of the patient. The document must be attested by the patient's treating physician and a witness and include the following information:

A. An explanation of the United States Food and Drug Administration-approved treatments for the disease or condition from which the patient suffers;

B. A statement that the patient concurs with the patient's treating physician that all United States Food and Drug Administration-approved and standard treatments for the disease or condition from which the patient suffers are unlikely to prolong the patient's life;

C. Clear identification of the specific investigational drug, biological product or device that the patient is seeking to use; and

D. A description of the best and worst potential outcomes of using the investigational drug, biological product or device identified under paragraph C with a description of the most likely outcome. The description must include the possibility that new, unanticipated, different or worse symptoms might result and that death could be hastened by the proposed treatment. The description must be based on the treating physician's knowledge of the proposed treatment in conjunc-

tion with the treating physician's knowledge of the patient's overall medical condition.

§2672. Availability of investigational drug, biological product or device by manufacturer

A manufacturer of an investigational drug, biological product or device may make available the investigational drug, biological product or device to an eligible patient.

1. Compensation. A manufacturer may provide an investigational drug, biological product or device to an eligible patient with or without receiving compensation.

2. Costs. A manufacturer may require an eligible patient to pay the costs of manufacturing the dosage of an investigational drug, a biological product or a device dispensed to that eligible patient.

§2673. Action against health care practitioner or health care provider license prohibited

A licensing board may not revoke, refuse to renew or suspend the license of or take any action against a health care practitioner as defined in Title 24, section 2502, subsection 1-A based solely on the health care practitioner's recommendations to an eligible patient regarding access to or treatment with an investigational drug, biological product or device, as long as the recommendations are consistent with medical standards of care.

The licensing agency may not revoke, refuse to renew or suspend the license of or take any action against a health care provider as defined in Title 24, section 2502, subsection 2 based solely on the health care provider's involvement in the care of an eligible patient using an investigational drug, biological product or device.

§2674. Officials, employees and agents of the State

1. Violation. An official, employee or agent of the State may not block or attempt to block an eligible patient's access to an investigational drug, biological product or device.

2. Medical standards of care. This section does not prohibit an official, employee or agent of the State from providing counseling, advice or a recommendation consistent with medical standards of care.

§2675. No cause of action created

This chapter does not create a private cause of action against a manufacturer of an investigational drug, biological product or device or against any other person or entity involved in the care of an eligible patient using the investigational drug, biological product or device for any harm done to the eligible patient resulting from the investigational drug, biological product or device if the manufacturer or other person or entity is

complying in good faith with the provisions of this chapter and has exercised reasonable care.

§2676. Clinical trial coverage

This chapter does not affect the mandatory health care coverage for participation in clinical trials pursuant to Title 24-A, section 4310.

§2677. Optional participation of health care practitioners and providers

This chapter does not require a health care practitioner who is licensed in the State or a health care provider that is licensed in the State to provide any service related to an investigational drug, biological product or device.

See title page for effective date.

CHAPTER 419

H.P. 1041 - L.D. 1516

An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers

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 enforcement of Maine's laws by county sheriffs requires additional personnel that are available through deputizing municipal law enforcement officers; and

Whereas, this legislation needs to take effect immediately in order to ensure that Maine's county sheriffs are adequately staffed to perform their law enforcement duties; 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 §2674, as amended by PL 2013, c. 261, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding section 501 and except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request a county sheriff to appoint as a deputy sheriff a municipal law enforcement officer who has satisfied the training requirements of Title 25,

sections 2804-C and 2804-E. The authorization of the municipal officers must be accompanied by an agreement between the requesting municipality and the respective county that specifies the purpose and time period for which the authorization is granted and which governmental entity is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to law enforcement officers of the municipality in the course of exercising their authority as deputy sheriffs. A municipal law enforcement officer appointed pursuant to this paragraph has the same authority as a deputy sheriff within the respective county, except as to the service of civil process, and has the same privileges and immunities as when acting within the officer's own jurisdiction.

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

Effective March 31, 2016.

CHAPTER 420

H.P. 1042 - L.D. 1517

An Act To Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees

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

Whereas, beginning in July 2017, under the federal Affordable Care Act, certain school administrative units with fewer than 50 employees will no longer be eligible to purchase insurance benefits through their current policy providers; and

Whereas, without this legislation, certain employment contracts that include these benefits will have to be renegotiated and alternative organizational structures will be out of compliance with their governing interlocal agreements and state law; and

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

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

Sec. 1. 20-A MRSA §1001, sub-§14, ¶E, as reallocated by RR 2011, c. 1, §25, is amended to read:

E. In order to facilitate the competitive bidding process in procuring health insurance for a school administrative unit's employees under this subsection, a school administrative unit may request from the insurer providing health insurance coverage to its employees and retirees loss information concerning all of that school administrative unit's employees and retirees and their dependents covered under the school administrative unit's policy or contract pursuant to Title 24-A, section 2803-A. The school boards of the alternative organizational structure's member school administrative units may authorize the governing body of the alternative organizational structure to contract for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications. If an alternative organizational structure contracts for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications, the governing body of the alternative organizational structure shall provide notice to the insurer of the alternative organizational structure's election to contract for a single health insurance policy at least 6 months before the effective date of the policy. The alternative organizational structure may not revoke a single health insurance policy under this paragraph for a period of 5 years after the effective date of the policy and shall provide notice of revocation at least 6 months before the effective date of the revocation.

Sec. 2. 24-A MRSA §2803-A, sub-§2, as corrected by RR 2011, c. 1, §39, is amended to read:

2. Disclosure of basic loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder, to a former policyholder or to a school administrative unit pursuant to Title 20-A, section 1001, subsection 14, paragraph E within 21 business days of the date of the request. This subsection does not apply to a former policyholder whose coverage terminated more than 18 months prior to the date of a request. For the purposes of this subsection, "school administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

Sec. 3. 24-A MRSA §2804, sub-§1, as repealed and replaced by PL 1981, c. 147, §2, is amended to read:

1. The employees eligible for insurance under the policy ~~shall~~ **must** be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" includes

the employees of one or more subsidiary corporations and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of the affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" includes the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term "employees" includes retired employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" includes elected or appointed officials. If authorized by the school boards of the alternative organizational structure's member school administrative units pursuant to Title 20-A, section 1001, an alternative organizational structure established pursuant to Title 20-A, section 1461-B may contract for group health insurance that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications.

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

Effective March 31, 2016.

CHAPTER 421

S.P. 591 - L.D. 1529

An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides

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

Whereas, maintaining the safety of amusement rides operated in this State is crucial to public safety and the economic viability of events that use amusement rides; and

Whereas, annual inspections of amusement rides by the Office of the State Fire Marshal is key to ensuring their structural integrity; and

Whereas, the Legislature needs to enact properly structured inspection fees to ensure the Office of the State Fire Marshal can continue to conduct amusement ride inspections in a timely and cost-efficient manner; and

Whereas, amusement rides will begin operating in the summer, which is prior to 90 days after ad-

journalment of the Second 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 enacted by the People of the State of Maine as follows:

Sec. 1. 8 MRSA §471, sub-§1, as enacted by PL 2015, c. 148, §1, is amended to read:

1. Amusement ride. "Amusement ride" means a device or combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. "Amusement ride" does not include ~~nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator;~~

A. An inflatable bounce house or similar inflatable structure; or

B. Nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator.

Sec. 2. 8 MRSA §472, sub-§6, as enacted by PL 2015, c. 148, §1, is amended to read:

6. Application and inspection required. A person may not operate an amusement ride prior to filing an application with the Office of the State Fire Marshal and before the amusement ride passes inspection as required in this section. ~~An application must be accompanied by payment of an application fee in an amount set by rule adopted by the commissioner not to exceed \$100 per amusement ride.~~ An application must include the following:

A. The name of the person or corporation operating the amusement ride;

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the amusement ride is to operate; and

C. A certificate of public liability insurance from an insurer approved by the commissioner in accordance with subsection 2.

Sec. 3. 8 MRSA §473, as enacted by PL 2015, c. 148, §1, is amended to read:

§473. Amusement ride inspection fee

The amusement ride inspection fee is ~~\$75~~ \$100 per ~~inspector per hour with a minimum charge of \$75~~ amusement ride identified in an inspection application submitted to the Office of the State Fire Marshal pursuant to section 472, subsection 6. The applicant must pay the \$100 inspection fee for each amusement ride identified in the application, even if an amusement ride identified in the application is not available for inspection at the time the Office of the State Fire Marshal conducts its inspection. The applicant must pay an additional \$100 per amusement ride each time an amusement ride inspector must return to inspect a ride that was identified in the application but was not available for inspection during the prior inspection.

Sec. 4. 8 MRSA §475, sub-§§3 and 4, as amended by PL 2015, c. 148, §1, are amended to read:

3. Inspection fee. An amusement device may be inspected as determined necessary to protect the public safety by the commissioner. The amusement device inspection fee is ~~\$75~~ \$100 per ~~inspector per hour with a minimum charge of \$75~~ amusement device. If an amusement device is not available for inspection by the Office of the State Fire Marshal at the time agreed upon by the amusement ride inspector and the owner or operator of the device, the owner or operator of the amusement device must still pay the \$100 inspection fee for the amusement device and an additional \$100 per amusement device each time an amusement ride inspector must return to inspect a device that was not available for inspection during the prior inspection.

4. Amusement device defined. For purposes of this section, "amusement device" means a device by which a person is carried or conveyed or is allowed to move on, around or over a fixed course within a defined area intended to thrill, excite or amuse, including, but not limited to, bungee jumping and water slides, regardless of whether a fee to use the device is charged. "Amusement device" does not include ~~an amusement ride, vehicle or device the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001, or any coin-operated amusement device on a nonmoving base that is designed to accommodate one child;~~

- A. An amusement ride;
- B. An inflatable bounce house or similar inflatable structure;
- C. A vehicle or device the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001; or
- D. A coin-operated amusement device on a non-moving base that is designed to accommodate one child.

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

Effective March 31, 2016.

CHAPTER 422

S.P. 625 - L.D. 1574

An Act To Protect Maine Voters from Intimidating Video Recording at the Polls

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

Sec. 1. 21-A MRSA §681, sub-§4, as amended by PL 2007, c. 455, §35, is further amended to read:

4. Outside the guardrail enclosure. If sufficient space exists, party workers and others, in addition to the pollwatchers allowed pursuant to section 627, may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. If a person attempts to influence voters or interfere with their free passage, the warden shall have the person removed from the voting place. A person video recording in the voting place must remain outside the guardrail and may not conduct video recording closer than 15 feet from a voter being recorded, including when a voter is where a person is collecting voters' signatures. A person who video records a voter in violation of this subsection may be removed from the voting place by the municipal clerk at the recommendation of the warden as provided in section 662, subsection 2.

See title page for effective date.

CHAPTER 423

S.P. 663 - L.D. 1636

An Act To Amend the Laws Relating to Endangered and Threatened Species

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 Department of Inland Fisheries and Wildlife's ability to effectively manage endangered and threatened species in conjunction with human activity is key to the protection and recovery of a listed species; and

Whereas, this legislation provides the Department of Inland Fisheries and Wildlife with tools necessary to properly manage listed endangered and threatened species; and

Whereas, it is critical that this legislation take effect immediately to ensure the Department of Inland Fisheries and Wildlife can properly manage 3 recently listed bat species in conjunction with timber harvesting and other human activities; 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 §12808, as amended by PL 2005, c. 477, §23, is further amended to read:

§12808. Unauthorized activities regarding endangered or threatened species

For the purposes of this section and section 12808-A, "to take," "take" and "taking" mean the act or omission that results in the death of any endangered or threatened species.

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in ~~subsections 2 and 3~~ section 12808-A, a person may not negligently:

- A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class E crime;
- B. Hunt, take, trap or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class E crime;
- C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class E crime; or
- D. Feed, set bait for or harass any endangered or threatened species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class E crime.

1-A. Prohibited acts regarding endangered or threatened species; intentional. Except as provided

in ~~subsections 2 and 3~~ section 12808-A, a person may not intentionally:

- A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class D crime;
- B. Hunt, take, trap or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class D crime;
- C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime; or
- D. Feed, set bait for or harass any endangered or threatened species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime.

~~**2. Exceptions for certain purposes.** Notwithstanding subsections 1 and 1-A or section 10650 as it applies to rules adopted in accordance with this subchapter, the commissioner may:~~

- ~~A. Under such terms and conditions as the commissioner may prescribe, permit any act prohibited by this section or by rule for educational or scientific purposes or to enhance the propagation or survival of an endangered or threatened species; and~~
- ~~B. Under such terms and conditions as the commissioner may prescribe, permit any endangered or threatened species that enters the State and is being transported to a point outside the State to be so entered and transported without restriction in accordance with the terms of any federal or state permit.~~

~~**3. Exceptions; incidental take plan.** Notwithstanding subsection 1, the commissioner may:~~

- ~~A. Permit the taking of any endangered species or threatened species if:

 - ~~(1) Such taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity;~~
 - ~~(2) The taking will not impair the recovery of any endangered species or threatened species; and~~
 - ~~(3) The person develops and implements an incidental take plan approved by the commissioner to take an endangered species or~~~~

~~threatened species pursuant to paragraph B; and~~

~~B. Allow a plan that minimizes the incidental taking of an endangered species or threatened species that specifies the following:~~

- ~~(1) A description of the specific activities sought to be authorized by the incidental take permit and an analysis of potential alternatives;~~
- ~~(2) The individual and cumulative effects that may reasonably be anticipated to result from the proposed actions covered by the plan;~~
- ~~(3) The recovery measures the applicant will implement to prevent, minimize and mitigate the individual and cumulative effects and any provisions that are necessary to prevent, minimize and mitigate circumstances that are likely to impair the recovery of any endangered or threatened species covered by the plan;~~
- ~~(4) The procedures for monitoring the effectiveness of the recovery measures in the plan;~~
- ~~(5) The anticipated costs of implementing the plan and the availability of necessary funding for the applicant to implement the plan; and~~
- ~~(6) Other modifications to the plan or other additional measures, if any, that the department may require and such other matters as the department determines to be necessary for the recovery of species consistent with this section.~~

~~The department shall seek input from knowledgeable individuals or groups on each incidental take plan for endangered or threatened species.~~

~~If any person fails to abide by the terms of any permit authorizing the incidental taking of an endangered or threatened species, the permit must be immediately suspended or revoked.~~

Sec. 2. 12 MRSA §12808-A is enacted to read:

§12808-A. Authorized activities regarding endangered or threatened species

Notwithstanding section 12808 and notwithstanding section 10650 as it applies to rules adopted in accordance with this subchapter, the commissioner may authorize certain activities regarding endangered or threatened species in accordance with the following.

1. Education, research, conservation and transportation. Under such terms and conditions as the commissioner prescribes, the commissioner may:

A. Authorize an act prohibited by section 12808 or by rule for educational or scientific purposes or to enhance the recovery or survival of an endangered or threatened species; and

B. Authorize a person to transport without restriction but in accordance with the terms of any federal or state permit an endangered or threatened species into, within or out of the State.

2. Specific activity; incidental take plan. Under such terms and conditions as the commissioner prescribes, the commissioner may authorize a person to take an endangered or threatened species pursuant to an incidental take plan if:

A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity;

B. The taking will not impair the recovery of any endangered or threatened species; and

C. The person develops and implements an incidental take plan in accordance with subsection 5 and that plan is approved by the commissioner. The commissioner may modify or waive the requirement under this paragraph if the commissioner determines the criteria in subsection 5 are substantially addressed in another permit, license or agreement.

The commissioner shall seek input from knowledgeable individuals or groups on each proposed incidental take plan developed under this subsection.

If the person violates any of the terms or conditions of an authorization granted pursuant to this subsection, the authorization must be immediately suspended or revoked and the person is subject to the prohibitions and penalties in section 12808 for that violation.

3. Widespread activity; incidental take plan. Under such terms and conditions as the commissioner prescribes, the commissioner may authorize the taking of an endangered or threatened species pursuant to a widespread activity incidental take plan developed by the commissioner in accordance with subsection 5 if:

A. The taking is incidental to, and not the purpose of, carrying out an otherwise lawful activity;

B. The taking will not impair the recovery of any endangered or threatened species; and

C. The commissioner determines that the activity is widespread, is conducted by a reasonably identifiable group of participants and poses a manageable risk of taking an endangered or threatened species.

The commissioner shall hold at least one public hearing and seek input from knowledgeable individuals or groups on each proposed incidental take plan developed under this subsection.

If a person violates any of the terms or conditions of an authorization granted pursuant to this subsection, the authorization must be immediately suspended or revoked for that person and that person is subject to the prohibitions and penalties in section 12808 for that violation.

4. Broad activity exemption. The commissioner may adopt rules to provide an exemption, under such terms and conditions as the commissioner determines necessary, for a specific activity otherwise prohibited by section 12808, if the commissioner determines the exemption:

- A. Addresses a specific activity that is widespread in its occurrence but may not have a reasonably identifiable group of participants;
- B. Poses little or no risk of taking an endangered or threatened species; and
- C. Will not individually or cumulatively impair the recovery of any endangered or threatened species.

The commissioner shall hold at least one public hearing and seek input from knowledgeable individuals or groups on each proposed rule to provide a broad activity exemption.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Incidental take plan criteria. The commissioner may approve or adopt an incidental take plan developed pursuant to subsection 2 or 3 that minimizes the incidental taking of an endangered or threatened species and that provides the following:

- A. A description of the specific activities sought to be authorized by the incidental take plan and an analysis of potential alternatives;
- B. The individual and cumulative effects that may reasonably be anticipated to result from the proposed actions covered by the incidental take plan;
- C. The recovery measures the applicant will implement to prevent, minimize and mitigate the individual and cumulative effects and any provisions that are necessary to prevent, minimize and mitigate circumstances that are likely to impair the recovery of any endangered or threatened species covered by the incidental take plan;
- D. The procedures for monitoring the effectiveness of the recovery measures in the incidental take plan;
- E. The anticipated costs of implementing the incidental take plan and the availability of necessary funding for the applicant to implement the plan; and

F. Other modifications to the incidental take plan or additional measures, if any, that the commissioner may require and such other matters as the commissioner determines to be necessary for the recovery of species consistent with this section.

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

Effective April 1, 2016.

CHAPTER 424

H.P. 1095 - L.D. 1607

An Act To Implement the Recommendations of the Maine Affordable Housing Working Group

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

Sec. 1. 30-A MRSA §4753, sub-§3 is enacted to read:

3. Universal application and waiting list. The Maine State Housing Authority and municipal housing authorities shall establish a single, streamlined application for tenant-based rental assistance under the United States Housing Act of 1937, Public Law 412, Section 8 by which families may apply for housing assistance in any geographic area of the State and shall also establish a statewide, centralized waiting list for that tenant-based rental assistance. The Maine State Housing Authority and municipal housing authorities shall establish a method for individuals or families to submit applications and to update applications for rental assistance by electronic means.

The Maine State Housing Authority and the Department of Health and Human Services shall ensure that an application or an addendum to an application submitted pursuant to this subsection may also be used by individuals and families who choose to apply for the Bridging Rental Assistance Program established in Title 34-B, section 3011 and a federal shelter plus care program authorized by the federal McKinney-Vento Homeless Assistance Act, Public Law 100-77 (1987) as amended by the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, Public Law 111-22, Division B (2009).

Sec. 2. Examination of options to increase access to affordable housing for families with incomes at or below 30% of the area median income. To the extent funds become available, the Maine State Housing Authority shall examine strategies to increase access to affordable housing for persons with incomes at or below 30% of the area median income, including, but not limited to, increasing the

accessibility of new housing units built with support from the federal low-income housing tax credit program for households with incomes at or below 30% of the area median income.

The Maine State Housing Authority shall provide a preliminary report by February 1, 2017 and a final report by January 15, 2019 on its progress in increasing access to affordable housing pursuant to this section to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

Sec. 3. Rental assistance pilot program.

The Maine State Housing Authority shall work with municipal housing authorities to identify unused vouchers under the United States Department of Housing and Urban Development's Housing Choice Voucher Program and use these vouchers to establish a rental assistance pilot program. The Maine State Housing Authority shall design and implement the program based on best practices and evidence-based research to provide a comprehensive approach to prevent homelessness and promote housing stability, family well-being and self-sufficiency for families at risk of homelessness.

The Maine State Housing Authority shall collect and maintain data sufficient to evaluate the extent to which the pilot program achieves success in meeting its goals and provide a preliminary report by February 1, 2017 and a final report by January 15, 2019 to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters.

See title page for effective date.

CHAPTER 425

H.P. 1122 - L.D. 1651

An Act To Exempt Certain Natural Gas Consumers from an Assessment and To Extend a Moratorium on Assessments for Other Large-volume Consumers of Natural Gas

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

Sec. 1. 35-A MRSA §10111, sub-§2, as amended by PL 2013, c. 369, Pt. A, §25, is further amended to read:

2. Funding level. The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and

reliable for those consumers who are eligible to receive funds from the natural gas conservation fund. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

The assessments charged to gas utilities under this section are just and reasonable costs for rate-making purposes and must be reflected in the rates of gas utilities.

All funds collected pursuant to this section are collected under the authority and for the purposes of this section and are deemed to be held in trust for the purposes of benefiting natural gas consumers served by the gas utilities assessed under this subsection. In the event funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the commission shall ensure that the value of those funds is returned to consumers.

Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §10111, sub-§2-A is enacted to read:

2-A. Exemption. A wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater is not eligible to participate in any natural gas conservation program under this section. The commission may not allow a gas utility to collect an assessment under this section through its rates from a wholesale electricity-generating facility that has a nameplate capacity of 3 megawatts or greater.

Sec. 3. Moratorium on assessments by gas utilities on large-volume consumers. Notwithstanding the Maine Revised Statutes, Title 35-A, section 10111, until 90 days after the adjournment of the First Regular Session of the 128th Legislature:

1. Large-volume consumers of a gas utility are not eligible to participate in any Efficiency Maine Trust natural gas conservation programs;

2. The Public Utilities Commission may not allow a gas utility to collect an assessment under Title 35-A, section 10111 through its rates from large-volume consumers and may not make a final decision regarding the appropriateness of or size of such collections from large-volume consumers; and

3. The Public Utilities Commission may not order or authorize a gas utility assessed under Title 35-A, section 10111 to exempt any consumers other than large-volume consumers and those consumers exempted under Title 35-A, section 10111, subsection 2-A from the collection of that assessment through its rates.

Prior to 90 days after the adjournment of the First Regular Session of the 128th Legislature, any assessment by the Public Utilities Commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A or under this section.

For the purposes of this section, "large-volume consumer" means a consumer of a gas utility that uses 1,000,000 centum cubic feet or more of natural gas per year.

See title page for effective date.

CHAPTER 426

H.P. 1097 - L.D. 1609

**An Act To Designate the Maine
Lobster as the State
Crustacean**

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

Sec. 1. 1 MRSA §229 is enacted to read:

§229. State crustacean

The Maine lobster (*Homarus americanus*) is the official state crustacean.

See title page for effective date.

CHAPTER 427

S.P. 575 - L.D. 1477

**An Act To Protect Victims of
Sexual Assault**

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

Sec. 1. 19-A MRSA §1658, as enacted by PL 1997, c. 363, §1, is repealed and the following enacted in its place:

**§1658. Termination of parental rights and
responsibilities in cases involving sexual
assault**

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.

1. Petitioner. The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

2. Petition. The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the parent and alleges:

A. That the parent was convicted of a crime involving sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction, that resulted in the conception of the child; or

B. That the child was conceived as a result of an act of sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction.

3. Termination. Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.

4. Exception. The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B that resulted in the conception of the child if:

A. The parent or guardian of the other parent filed the petition;

B. The other parent informs the court that the sexual act was consensual; and

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault.

Sec. 2. 22 MRSA §4055, sub-§1-B is enacted to read:

1-B. Conception by sexual assault as grounds for termination. The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.

See title page for effective date.

CHAPTER 428
H.P. 1026 - L.D. 1503

**An Act To Amend Lobster and
Crab Fishing License 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 amends the laws governing lobster and crab fishing licenses; and

Whereas, this legislation needs to take effect before the upcoming fishing season starts; 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 §6421, sub-§5-A, as amended by PL 2007, c. 219, §1, is repealed and the following enacted in its place:

5-A. Student lobster and crab fishing license eligibility. A student lobster and crab fishing license may be issued to a person who, at the time of application, is 8 years of age or older and under 23 years of age and who is:

A. Attending a public day school in accordance with the attendance requirement of Title 20-A, section 5001-A, subsection 1;

B. Meeting the requirements of an alternative to attendance at a public day school in accordance with Title 20-A, section 5001-A, subsection 3; or

C. Enrolled in and meeting the requirements of a half-time course of study at a postsecondary institution accredited by a state-recognized accrediting agency or body.

A person may not be considered to have ceased to be a student during any interim between school years if the interim does not exceed 6 months and if it is shown that the person has a bona fide intention of continuing to pursue a half-time course of study during the semester or other enrollment period immediately following the interim period. For purposes of this subsection, "half-time course of study" means at least 50% of the usual course load for the program in which the person is enrolled.

The commissioner may revoke a student lobster and crab fishing license of an individual who has ceased to meet the requirements of this subsection.

Sec. 2. 12 MRSA §6422, sub-§5 is enacted to read:

5. Prohibition. Rules adopted under this section may not require a person who has registered to enter an established island limited-entry zone program as described under section 6449 to apprentice in the zone in which the island limited-entry zone program is located.

Sec. 3. 12 MRSA §6447, sub-§9 is enacted to read:

9. Notice. When a meeting of a lobster management policy council includes as an agenda item a proposal that, if adopted, would affect the ability of a person who does not hold a lobster and crab fishing license to participate in the lobster and crab fishing industry, including but not limited to a proposal regarding exit ratios under section 6448, the agenda must be posted publicly at least 7 days in advance of the meeting.

Sec. 4. 12 MRSA §6448, sub-§2, ¶A-1, as enacted by PL 2013, c. 239, §2, is amended to read:

A-1. A lobster management policy council may recommend to the commissioner whether the exit ratio adopted for a lobster management zone should be applied to the number of licenses that are not renewed or to the number of trap tags associated with the licenses that are not renewed. A lobster management policy council may recommend that an exit ratio applied to the number of trap tags associated with licenses that are not renewed that meets the requirements of paragraph C be applied retroactively to a licensing year in which the exit ratio in that zone was based upon the number of trap tags retired. The lobster management policy council is not required to submit the recommendation to referendum.

Sec. 5. 12 MRSA §6448, sub-§2, ¶C, as amended by PL 2013, c. 239, §2, is further amended to read:

C. In accordance with subsection 7-A, the commissioner shall adopt rules that establish an exit ratio between either:

(1) The number of trap tags retired by individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of trap tags issued to new zone entrants authorized under subsection 7-A; or

(2) The number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar

year, and the number of new zone entrants authorized under subsection 7-A.

The number of trap tags retired under subparagraph (1) must be considered to be the total of the greatest number of trap tags purchased in any prior year under each license that is not renewed, up to the current zone maximum.

An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council.

Sec. 6. 12 MRSA §6448, sub-§6, as amended by PL 1999, c. 693, §2, is repealed and the following enacted in its place:

6. Waiting lists. The commissioner shall maintain and make available waiting lists as follows:

A. A waiting list of persons who did not hold a lobster and crab fishing license in the previous licensing year who have requested to declare a limited-entry zone as their declared lobster zone. The list must be arranged in chronological order in accordance with subsection 5; and

B. A waiting list of persons who held a lobster and crab fishing license in the previous licensing year who have requested to declare a limited-entry zone as their declared lobster zone. The commissioner shall adopt rules to administer entry of persons on the list established under this paragraph into limited-entry zones.

The commissioner shall create a waiting list for a zone at the time the commissioner closes the zone pursuant to subsection 2, paragraph D.

Sec. 7. 12 MRSA §6448, sub-§6-A is enacted to read:

6-A. Periodic verification of waiting list. The commissioner shall verify at least once every 3 years that each person who is listed on a waiting list established under subsection 6 wishes to remain on the waiting list. To verify that a person wishes to remain on a waiting list, the commissioner must attempt to contact the person by regular mail, telephone or e-mail. If a person does not respond within 60 days of the initial attempt to contact, a notice must be sent by certified mail informing the person that a response is required within 30 days from the date of mailing. The commissioner shall remove a person from a waiting list who does not respond to the notice sent by certified mail within 30 days after the date of mailing. The commissioner may place a person who has been removed from a waiting list pursuant to this subsection back on a waiting list in the position where the person would otherwise have been when the person shows that the reason for not responding was that the person was on active duty with the Armed Forces of the United States or the National Guard.

Sec. 8. 12 MRSA §6448, sub-§7-A, as enacted by PL 2013, c. 239, §5, is amended to read:

7-A. Authorization of new zone entrants. The commissioner shall determine by ~~February~~ April 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner may adopt rules consistent with subsection 2, paragraph B to implement this subsection. Upon adoption of rules, the exit ratio must be used to establish the number of new zone entrants in accordance with subsection 2, paragraph C by:

A. Dividing the number of trap tags that may be issued to new zone entrants by the zone trap limit under section 6431-A. The number of new zone entrants must be rounded down to the nearest whole number and the remaining trap tags carried over to the following year's allocation; or

B. Applying the exit ratio to the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year.

The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so. If a person who holds a current Class I, Class II or Class III lobster and crab fishing license is authorized as a new zone entrant and declares the zone as that person's declared lobster zone, the commissioner shall change the zone identified on that person's license to the limited-entry zone for which the person is authorized.

Sec. 9. 12 MRSA §6448, sub-§8, ¶¶A-2 and A-3 are enacted to read:

A-2. A person under 20 years of age may declare any zone as that person's declared lobster zone if the person:

(1) Successfully completed the requirements of the apprentice program under section 6422;

(2) Submitted documentation of completion of the apprentice program to the department before attaining 20 years of age;

(3) Received a high school diploma or a high school equivalency diploma; and

(4) Has met all apprentice program rules that may have been adopted in that zone.

A-3. A person under 23 years of age may declare any zone as that person's declared lobster zone if the person:

(1) Has logged time fishing in the apprentice program in accordance with section 6422 before attaining 18 years of age;

(2) Successfully completed the requirements of the apprentice program under section 6422;

(3) Submitted documentation of completion of the apprentice program to the department before attaining 23 years of age;

(4) Is enrolled in and meeting the requirements of a half-time course of study as defined in section 6421, subsection 5-A at a postsecondary institution accredited by a state-recognized accrediting agency or body;

(5) Has met all apprentice program rules that may have been adopted in that zone; and

(6) Has been eligible for a student lobster and crab fishing license since before that person attained 18 years of age and has been eligible for that license in each licensing year thereafter.

Sec. 10. 12 MRSA §6449, sub-§1, as amended by PL 2013, c. 239, §8, is further amended to read:

1. Proposal to the commissioner. Notwithstanding section 6448, subsection 7-A, a year-round island community may petition the commissioner for the establishment of an island limited-entry zone program if a minimum of 5 island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license or 10% of the island residents that are holders of a Class I, Class II or Class III lobster and crab fishing license, whichever is greater, signs the petition submitted to the commissioner. If 2/3 a majority of the Class I, Class II or Class III lobster and crab fishing license holders that are residents on the island voting in a referendum held pursuant to section 6447, subsection 6 support the establishment of an island limited-entry zone program, the commissioner may adopt rules to establish such a program, including a waiting list. Before establishing or amending the number of licenses available to island residents, the commissioner shall determine the number of licenses preferred by 2/3 a majority of the Class I, Class II or

Class III lobster and crab fishing license holders resident on the island. The commissioner may accept the preferences proposed by 2/3 a majority of the license holders as reasonable and adopt those preferences or reject the preferences as unreasonable. The commissioner shall consult with the lobster management policy council for the lobster management zone in which the island is located before making the decision.

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

Effective April 5, 2016.

**CHAPTER 429
H.P. 1086 - L.D. 1596**

**An Act To Revise the Laws
Regarding Dental Practices**

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

Sec. 1. 5 MRSA §12004-A, sub-§10, as amended by PL 1999, c. 687, Pt. B, §1, is repealed and the following enacted in its place:

10.

<u>Board of Dental Practice</u>	<u>Legislative per diem board and subcommittee members</u>	<u>32 MRSA §18321</u>
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Sec. 2. 13 MRSA §732, sub-§4, as amended by PL 2007, c. 620, Pt. D, §1, is further amended to read:

4. Dentists, denturists and independent practice dental hygienists. For the purposes of this chapter, a denturist or independent practice dental hygienist licensed under Title 32, chapter ~~46~~ 143 may organize with a dentist who is licensed under Title 32, chapter ~~46~~ 143 and may become a shareholder of a dental practice incorporated under the corporation laws. At no time may one or more denturists or independent practice dental hygienists in sum have an equal or greater ownership interest in a dental practice than the dentist or dentists have in that practice.

Sec. 3. 13 MRSA §732, sub-§5, as enacted by PL 2007, c. 210, §1, is further amended to read:

5. Legal guardian or personal representative of deceased or incapacitated dentist. For the purposes of this chapter, the legal guardian or personal representative of a dentist licensed under Title 32, chapter ~~46~~ 143 may contract with another dentist to continue the operations of the practice of the deceased or incapacitated dentist for a period of up to 24 months

after the death or incapacitation of the dentist or until the practice is sold, whichever occurs first. For purposes of this subsection, "personal representative" has the same meaning as in Title 18-A, section 1-201, subsection 30.

Sec. 4. 22 MRSA §3174-RR, sub-§1, as reallocated by RR 2011, c. 1, §32, is amended to read:

1. Reimbursement. By October 1, 2012, the department shall provide for the reimbursement under the MaineCare program of independent practice dental hygienists practicing as authorized under Title 32, section ~~4094-I~~ 18375 for the following procedures:

- A. Prophylaxis performed on a person who is 21 years of age or younger;
- B. Topical application of fluoride performed on a person who is 21 years of age or younger;
- C. Provision of oral hygiene instructions;
- D. The application of sealants;
- E. Temporary fillings; and
- F. X-rays.

Reimbursement must be provided to independent practice dental hygienists directly or to a federally qualified health center pursuant to section 3174-V when an independent practice dental hygienist is employed as a core provider at the center.

Sec. 5. 22 MRSA §3174-XX, sub-§1, as enacted by PL 2013, c. 575, §1 and affected by §10, is amended to read:

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~~ section 18377 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.

Sec. 6. 22 MRSA §3480-A, first ¶, as enacted by PL 2003, c. 653, §16, is amended to read:

The confidential quality of communications under section 1711-C, Title 24-A, section 4224 and Title 32, sections ~~4092-A~~ and 7005 and 18393 is abrogated to the extent allowable under federal law in relation to required reporting or cooperating with the department in an investigation or other protective activity under this chapter. Information released to the department pursuant to this section must be kept confidential and may not be disclosed by the department except as provided in section 3474.

Sec. 7. 22 MRSA §4015, first ¶, as amended by PL 2001, c. 696, §22, is further amended to read:

The husband-wife and physician and psychotherapist-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 16, section 53-B; Title 20-A, sections 4008 and 6001, to the extent allowed by applicable federal law; Title 24-A, section 4224; Title 32, sections ~~4092-A~~ and 7005 and 18393; and Title 34-B, section 1207, are abrogated in relation to required reporting, cooperating with the department or a guardian ad litem in an investigation or other child protective activity or giving evidence in a child protection proceeding. Information released to the department pursuant to this section must be kept confidential and may not be disclosed by the department except as provided in section 4008.

Sec. 8. 24 MRSA §2505, 2nd ¶, as amended by PL 2013, c. 355, §2, is further amended to read:

Except for specific protocols developed by a board pursuant to Title 32, section ~~4073~~, 2596-A ~~or~~, 3298 or 18323, a physician or physician assistant, dentist or committee is not responsible for reporting misuse of alcohol, drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol, drugs or other substances discovered by the physician, physician assistant, dentist or committee as a result of participation or membership in a professional review committee or with respect to any information acquired concerning misuse of alcohol, drugs or other substances or professional incompetence or malpractice as a result of physical or mental infirmity or by the misuse of alcohol, drugs or other substances, as long as that information is reported to the professional review committee. This section does not prohibit an impaired physician, physician assistant or dentist from seeking alternative forms of treatment.

Sec. 9. 24 MRSA §2904, sub-§3, ¶A, as repealed and replaced by PL 2003, c. 438, §2, is amended to read:

A. "Dentist" means a person who practices dentistry according to the provisions of Title 32, section ~~4084~~ 18371.

Sec. 10. 24-A MRSA §2437, first ¶, as enacted by PL 1975, c. 345, §2, is amended to read:

Whenever the terms "physician" or "doctor" are used in any policy of health or accident insurance issued in this State, these terms ~~shall~~ include within their meaning those persons licensed under and in accordance with the laws relating to the practice of dentistry, Title 32, chapter ~~16~~ 143, in respect to any care, services, procedures or benefits covered by that policy of insurance ~~which~~ that those persons are licensed to perform, any provisions in any such policy of insurance to the contrary notwithstanding.

Sec. 11. 24-A MRSA §2765, sub-§1, as enacted by PL 2009, c. 307, §2 and affected by §6, is amended to read:

1. Services provided by independent practice dental hygienist. An insurer that issues individual dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by an independent practice dental hygienist licensed under Title 32, chapter ~~46, subchapter 3-B~~ 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the independent practice dental hygienist.

Sec. 12. 24-A MRSA §2765-A, sub-§1, as enacted by PL 2013, c. 575, §5 and affected by §10, is amended to read:

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 ~~46, subchapter 3-C~~ 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

Sec. 13. 24-A MRSA §2847-Q, sub-§1, as enacted by PL 2009, c. 307, §3 and affected by §6, is amended to read:

1. Services provided by independent practice dental hygienist. An insurer that issues group dental insurance or health insurance that includes coverage for dental services shall provide coverage for dental services performed by an independent practice dental hygienist licensed under Title 32, chapter ~~46, subchapter 3-B~~ 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the independent practice dental hygienist.

Sec. 14. 24-A MRSA §2847-U, sub-§1, as enacted by PL 2013, c. 575, §6 and affected by §10, is amended to read:

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 ~~46, subchapter 3-C~~ 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the dental hygiene therapist.

Sec. 15. 24-A MRSA §4257, sub-§1, as enacted by PL 2009, c. 307, §4 and affected by §6, is amended to read:

1. Services provided by independent practice dental hygienist. All individual and group health

maintenance organization contracts that include coverage for dental services shall provide coverage for dental services performed by an independent practice dental hygienist licensed under Title 32, chapter ~~46, subchapter 3-B~~ 143 when those services are covered services under the contract and when they are within the lawful scope of practice of the independent practice dental hygienist.

Sec. 16. 29-A MRSA §2405, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Privileged or confidential communications. The physician-patient privileges under the Maine Rules of Evidence and the confidential quality of communication under Title 24-A, section 4224 and Title 32, section ~~4092-A~~ 18393 are abrogated in relation to required reporting or other proceeding.

Sec. 17. 32 MRSA c. 16, as amended, is repealed.

Sec. 18. 32 MRSA §9852, sub-§2, as enacted by PL 1983, c. 524, is amended to read:

2. Dental radiographer. "Dental radiographer" means a person, other than a licensed practitioner, whose duties include radiography of the maxilla, mandible and adjacent structures for diagnostic purposes and who is licensed under chapter ~~46~~ 143.

Sec. 19. 32 MRSA §9854, sub-§3, ¶A, as enacted by PL 1983, c. 524, is amended to read:

A. A dentist, dental hygienist or dental radiographer licensed under chapter ~~46, subchapter IV~~ 143;

Sec. 20. 32 MRSA §9854, sub-§3, ¶B, as enacted by PL 1983, c. 524, is repealed.

Sec. 21. 32 MRSA c. 143 is enacted to read:

CHAPTER 143

DENTAL PROFESSIONS

SUBCHAPTER 1

GENERAL PROVISIONS

§18301. Short title

This chapter may be known and cited as "the Dental Practice Act."

§18302. Definitions

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

1. Board. "Board" means the Board of Dental Practice established in Title 5, section 12004-A, subsection 10.

2. Charitable dentist license. "Charitable dentist license" means the authority granted to an individ-

ual to provide free dental care as requested by a charitable or social organization within the State when resident dental services are not available.

3. Clinical dentist educator license. "Clinical dentist educator license" means the authority granted to an individual who is licensed as a dentist in another state or jurisdiction to participate in clinical education for individuals licensed under this chapter.

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

5. Dental auxiliary. "Dental auxiliary" means a dental radiographer, expanded function dental assistant, dental hygienist, independent practice dental hygienist, public health dental hygienist, dental hygiene therapist or denturist.

6. Dental hygiene. "Dental hygiene" means the delivery of preventative, educational and clinical services supporting total health for the control of oral disease and the promotion of oral health provided by a dental hygienist in accordance with this chapter.

7. Dental hygiene therapist. "Dental hygiene therapist" means a person who holds a valid license as a dental hygienist issued by the board and is authorized to practice dental hygiene therapy under this chapter.

8. Dental hygiene therapy. "Dental hygiene therapy" means the delivery of dental hygiene services, including performance of certain dental procedures in accordance with this chapter.

9. Dental hygienist. "Dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board.

10. Dental radiographer. "Dental radiographer" means a person who holds a valid license as a dental radiographer issued by the board.

11. Dental radiography. "Dental radiography" means the use of ionizing radiation on the maxilla, mandible and adjacent structures of human beings for diagnostic purposes while under the general supervision of a dentist in accordance with this chapter.

12. Dentist. "Dentist" means a person who holds a valid dentist license issued by the board.

13. Dentistry. "Dentistry" means the scope of practice for a dentist as described in section 18371.

14. Denture. "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the human mouth to replace any missing natural teeth.

15. Denturism. "Denturism" means the process of taking denture impressions and bite registrations for the purpose of making, producing, reproducing, constructing, finishing, supplying, altering or repairing of

a denture to be fitted to an edentulous or partially edentulous arch or arches and the fitting of a denture to an edentulous or partially edentulous arch or arches, including the making, producing, reproducing, constructing, finishing, supplying, altering and repairing of dentures, without performing alteration to natural or reconstructed tooth structure, in accordance with this chapter.

16. Denturist. "Denturist" means a person who holds a valid denturist license issued by the board.

17. Department. "Department" means the Department of Professional and Financial Regulation.

18. Direct supervision. "Direct supervision" means the supervision required by the board by rule of those tasks and procedures requiring the physical presence of the supervisor in the practice setting at the time such tasks or procedures are being performed. In order to provide direct supervision of patient treatment, the supervisor must at least diagnose the condition to be treated, authorize the treatment procedure prior to implementation and examine the condition after treatment and prior to the patient's discharge.

19. Expanded function dental assistant. "Expanded function dental assistant" means a person who holds a valid expanded function dental assistant license issued by the board.

20. Expanded function dental assisting. "Expanded function dental assisting" means performing certain dental procedures under the supervision of a dentist in accordance with this chapter.

21. Faculty. "Faculty" means, when used in conjunction with a license issued under this chapter, the authority granted to an individual who is authorized to practice only within the school setting, including any satellite locations approved by the board, and who teaches dentistry, dental hygiene or denturism as part of a clinical and didactic program.

22. General supervision. "General supervision" means the supervision required by the board by rule of those tasks and procedures when the physical presence of the supervisor is not required in the practice setting while procedures are being performed.

23. Independent practice dental hygienist. "Independent practice dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice independent dental hygiene.

24. License. "License" means a license or permit issued by the board granting authority to an individual authorized under this chapter to perform certain services.

25. Limited dentist. "Limited dentist" means a dentist who has retired from the regular practice of dentistry and who holds a valid license issued by the

board to practice only in a nonprofit clinic without compensation for work performed at the clinic. Services provided by a limited dentist must be in accordance with this chapter.

26. Local anesthesia. "Local anesthesia" means a drug, element or other material that results in a state of insensibility of a circumscribed area or the loss of sensation in some definite, localized area without inhibition of conscious processes.

27. Nitrous oxide analgesia. "Nitrous oxide analgesia" means a gas containing nitrous oxide used to induce a controlled state of relative analgesia with the goal of controlling anxiety.

28. Practice setting. "Practice setting" means the physical location where services authorized under this chapter are provided to the public.

29. Provisional dental hygiene therapist. "Provisional dental hygiene therapist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice dental hygiene therapy under the supervision of a dentist in accordance with this chapter.

30. Public health dental hygiene. "Public health dental hygiene" means the delivery of certain dental hygiene services under a written supervision agreement with a dentist for the purpose of providing services in a public health setting in accordance with this chapter.

31. Public health dental hygienist. "Public health dental hygienist" means a person who holds a valid license as a dental hygienist issued by the board and who is authorized to practice public health dental hygiene in accordance with this chapter.

32. Public health setting. "Public health setting" means a place where the practice of public health dental hygiene occurs, and includes, but is not limited to, public and private schools, medical facilities, nursing homes, residential care facilities, mobile units, nonprofit organizations and community health centers.

33. Resident dentist license. "Resident dentist license" means the authority granted to an individual who is a graduate of an approved dental school or college, who is not licensed to practice dentistry in this State and is authorized to practice under the direct or general supervision and direction of a dentist in a board-approved setting in accordance with this chapter.

34. Reversible intraoral procedures. "Reversible intraoral procedures" means placing and removing rubber dams and matrices; placing and contouring amalgam, composite and other restorative materials; applying sealants; supragingival polishing; and other reversible procedures.

§18303. Individual license

Only an individual may be licensed under this chapter and only a licensed individual may provide services for which a license is required under this chapter.

§18304. License required

1. Unlicensed practice. Except as provided in section 18305 and section 18371, subsections 3 and 6, a person may not practice or profess to be authorized to practice the activities described in this chapter without a license or during any period when that person's license has expired or has been suspended or revoked.

2. Unlawful practice. A person may not:

A. Practice dentistry under a false or assumed name;

B. Practice dentistry under the name of a corporation, company, association, parlor or trade name;

C. While manager, proprietor, operator or conductor of a place for performing dental operations, employ a person who is not a lawful practitioner of dentistry in this State to perform dental practices as described in section 18371;

D. While manager, proprietor, operator or conductor of a place for performing dental operations, permit a person to practice dentistry under a false name;

E. Assume a title or append a prefix or letters following that person's name that falsely represent the person as having a degree from a dental college;

F. Impersonate another at an examination held by the board;

G. Knowingly make a false application or false representation in connection with an examination held by the board; or

H. Employ a person as a dental hygienist, independent practice dental hygienist, denturist or dental radiographer who is not licensed to practice.

3. Penalties. A person who violates this section commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Injunction. The Attorney General may bring an action in Superior Court pursuant to Title 10, section 8003-C, subsection 5 to enjoin a person from violating this chapter.

§18305. Persons and practices not affected; exemptions

1. Persons and practices not affected. Nothing in this chapter may be construed to limit, enlarge or

affect the practice of persons licensed to practice medicine, osteopathy or dentistry in this State. Nothing in this chapter may be construed to prohibit a duly qualified dental surgeon or dental hygienist from performing work or services performed by a denturist licensed under this chapter to the extent those persons are authorized to perform the same services under other state law.

2. Exemptions. The requirement of a license under this chapter does not apply to:

A. A resident physician or a student enrolled in and attending a school or college of medicine or osteopathy;

B. A licensed physician or surgeon who practices under the laws of this State, unless that person practices dentistry as a specialty;

C. A qualified anesthetist or nurse anesthetist who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of either a licensed dentist who holds a valid sedation or general anesthesia permit or a licensed physician who provides an anesthetic for a dental operation; a certified registered nurse under the direct supervision of a licensed dentist or physician who removes sutures, dresses wounds or applies dressings and bandages; and a certified registered nurse under the direct supervision of a licensed dentist or physician who injects drugs subcutaneously or intravenously;

D. A person serving in the United States Armed Forces or the United States Department of Health and Human Services, Public Health Service or employed by the United States Department of Veterans Affairs or other federal agency while performing official duties, if the duties are limited to that service or employment;

E. A graduate dentist or dental surgeon in the United States Army, Navy or Air Force; the United States Department of Health and Human Services, Public Health Service; the United States Coast Guard; or United States Department of Veterans Affairs who practices dentistry in the discharge of official duties;

F. A person having a current license to perform radiologic technology pursuant to section 9854 and who is practicing dental radiography under the general supervision of a dentist or physician;

G. A dentist licensed in another state or country at meetings of the Maine Dental Association or its affiliates or other like dental organizations approved by the board, while appearing as a clinician;

H. Any person, association, corporation or other entity who fills a prescription from a dentist for the construction, reproduction or repair of pros-

thetic dentures, bridges, plates or appliances to be used or worn as substitutes for natural teeth;

I. A dental laboratory technician constructing, altering, repairing or duplicating a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance with a prescription as set forth in section 18371, subsection 6;

J. A student enrolled in a board-approved dental program, dental hygiene program, dental therapy program, expanded function dental assisting program or a denturism program practicing under the direct or general supervision of that student's instructors;

K. A student participating in a board-approved externship program who is registered and practicing under direct or general supervision as set forth in section 18348, subsection 1; and

L. An individual licensed under this chapter who is registered and practicing under the direct supervision of a dentist as set forth in section 18348, subsection 2 or 3 for the purpose of obtaining clinical experience needed for meeting the requirements to administer sedation, local anesthesia or general anesthesia.

§18306. Fraudulent sale or alteration of diplomas or licenses

1. Fraudulent or altered diploma or license; bribery. A person may not:

A. Sell or offer to sell a diploma conferring a dental degree or license granted pursuant to the laws of this State;

B. Procure a license or diploma with intent that it be used as evidence of the right to practice dentistry by a person other than the one upon whom the diploma or license was conferred;

C. With fraudulent intent alter a diploma or license to practice dentistry;

D. Use or attempt to use an altered diploma or license; or

E. Attempt to bribe a member of the board by the offer or use of money or other pecuniary reward or by other undue influence.

2. Penalty. A person who violates this section commits a Class E crime. Except as otherwise specifically provided, violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

§18307. Review committee immunity

A dentist who is a member of a peer review committee of a state or local association or society composed of doctors of dentistry, a staff member of such an association or society assisting a peer review com-

mittee and a witness or consultant appearing before or presenting information to the peer review committee are immune from civil liability for, without malice, undertaking or failing to undertake any act within the scope of the function of the committee.

SUBCHAPTER 2

BOARD OF DENTAL PRACTICE

§18321. Board creation; declaration of policy; compensation

1. Board creation; declaration of policy. The Board of Dental Practice, as established in Title 5, section 12004-A, subsection 10, is created within this subchapter, its sole purpose being to protect the public health and welfare. The board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the professions regulated by the board by testing, licensing, regulating and disciplining practitioners of those regulated professions.

2. Compensation. Members of the board, the Subcommittee on Denturists under section 18326 and the Subcommittee on Dental Hygienists under section 18327 are entitled to compensation according to the provisions of Title 5, chapter 379.

§18322. Board membership

1. Membership; terms; removal. The board consists of 9 members appointed by the Governor as follows:

A. Five dentists. Each dentist member must hold a valid dental license under this chapter and must have been in the actual practice of dentistry in this State for at least 10 years immediately preceding appointment. A dentist is not eligible to serve as a member of the board while employing a dental hygienist or a denturist who is a member of the board;

B. Two dental hygienists. Each dental hygienist member must hold a valid dental hygiene license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. A dental hygienist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board;

C. One denturist. The denturist member must hold a valid denturist license under this chapter and must have practiced in the State for at least 6 years immediately preceding appointment. A denturist is not eligible to serve as a member of the board while employed by a dentist who is a member of the board; and

D. One public member. The public member must be a person who has no financial interest in the dental profession and has never been licensed,

certified or given a permit in this or any other state for the dental profession.

The Governor may accept nominations from professional associations and from other organizations and individuals. A member of the board must be a legal resident of the State. A person who has been convicted of a violation of the provisions of this Act or any prior dental practice act, or who has been convicted of a crime punishable by more than one year's imprisonment, is not eligible for appointment to the board. Appointments of members must comply with Title 10, section 8009.

2. Terms. Terms of the members of the board are for 5 years. A person who has served 10 years or more on a dental examining board in this State is not eligible for appointment to the board. A member may be removed by the Governor for cause.

3. Quorum; chair; vice-chair. Notwithstanding any provision of law to the contrary, a majority of the members serving on the board constitutes a quorum. The board shall elect its chair and vice-chair annually.

§18323. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter:

1. Hearings and procedures. The power to hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board and the authority to subpoena witnesses, books, records and documents in hearings before the board;

2. Complaints. The duty to investigate complaints in a timely fashion on its own motion and those lodged with the board or its representatives regarding the violation of a provision of this chapter or of rules adopted by the board;

3. Fees. The authority to adopt by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$550;

4. Budget. The duty to submit to the commissioner its budgetary requirements in the same manner as is provided in Title 5, section 1665. The commissioner shall in turn transmit these requirements to the Department of Administrative and Financial Services, Bureau of the Budget without revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this chapter;

5. Adequacy of budget, fees and staffing. The duty to ensure that the budget submitted by the board

to the commissioner pursuant to subsection 4 is sufficient, if approved, to provide for adequate legal and investigative personnel on the board's staff and that of the Attorney General to ensure that complaints pursuant to this chapter can be resolved in a timely fashion;

6. Executive director; duties. The power to appoint an executive director who serves at the pleasure of the board and who shall assist the board in carrying out its duties and responsibilities under this chapter. The executive director is responsible for the management of the board's affairs, including the authority to employ and prescribe the duties of personnel within the guidelines, policies and rules established by the board;

7. Authority to delegate. The power to delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule;

8. Protocols for professional review committee. The authority to establish protocols for the operation of a professional review committee as defined in Title 24, section 2502, subsection 4-A. The protocols must include the committee reporting information the board considers appropriate regarding reports received, contracts or investigations made and the disposition of each report, as long as the committee is not required to disclose any personally identifiable information. The protocols may not prohibit an impaired licensee under this chapter from seeking alternative forms of treatment; and

9. Authority to order a mental or physical examination. The authority to direct a licensee, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination whenever the board determines the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that prevents the licensee from practicing competently and with safety to patients. A licensee examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of an examining individual. The board may petition the District Court for immediate suspension of a license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection.

§18324. Rules

The board shall adopt rules that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, license renewal and license reinstatement as well as practice setting standards that apply to individuals licensed under this chapter relating to record-keeping, infection control, supervision and administer-

ing sedation and anesthesia. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§18325. Disciplinary action; judicial review

1. Disciplinary action. The board may suspend, revoke, refuse to issue or renew a license pursuant to Title 5, section 10004. The following are grounds for an action to refuse to issue, modify, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

A. The practice of fraud, deceit or misrepresentation in obtaining a license or authority from the board or in connection with services within the scope of the license or authority;

B. Misuse of alcohol, drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients;

C. A professional diagnosis of a mental or physical condition that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients;

D. Incompetence in the practice for which the licensee is licensed or authorized by the board. A licensee is considered incompetent in the practice if the licensee has:

(1) Engaged in conduct that evidences a lack of ability or fitness to perform the duties owed by the licensee to a client or patient or the general public; or

(2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed;

E. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed or authorized by the board;

F. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or authorized by the board, or conviction of a crime for which incarceration for one year or more may be imposed;

G. Engaging in false, misleading or deceptive advertising;

H. Aiding or abetting unlicensed practice by a person who is not licensed or authorized as required under this chapter;

I. Failure to provide supervision as required under this chapter or a rule adopted by the board;

J. Engaging in any activity requiring a license or authority under this chapter or rule adopted by the board that is beyond the scope of acts authorized by the license or authority held;

K. Continuing to act in a capacity requiring a license or authority under this chapter or a rule adopted by the board after expiration, suspension or revocation of that license or authority;

L. Noncompliance with an order of or consent agreement executed by the board;

M. Failure to produce any requested documents in the licensee's possession or under the licensee's control relevant to a pending complaint, proceeding or matter under investigation by the board;

N. Any violation of a requirement imposed pursuant to section 18352; and

O. A violation of this chapter or a rule adopted by the board.

2. Judicial review. Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation pursuant to Title 10, section 8003, subsection 5 of a license or authority issued by the board may be imposed only after a hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

§18326. Subcommittee on Denturists

The Subcommittee on Denturists, referred to in this section as "the subcommittee," is established as follows.

1. Membership. The subcommittee consists of 5 members as follows:

A. The dentist who is a member of the board;

B. Two denturists, appointed by the Governor, who are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and

C. Two dentists who are members of the board, appointed by the chair of the board.

2. Terms. Each of the 3 members of the subcommittee who also are members of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of a member of the subcommittee who is not a member of the board is 5 years.

3. Duties. The subcommittee shall:

A. Perform an initial review of all complaints involving denturists. Upon completion of its review

of a complaint, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the complaint. The board shall adopt the subcommittee's recommended disposition of a complaint unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition; and

B. Perform an initial review of all applications for licensure as a dentist and all submissions relating to continuing education of denturists. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or non-renewal of a dentist license. The board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition.

4. Quorum; chair; secretary. Notwithstanding any provision of law to the contrary, a majority of the members serving on the subcommittee constitutes a quorum. The subcommittee shall annually elect its chair and secretary.

§18327. Subcommittee on Dental Hygienists

The Subcommittee on Dental Hygienists, referred to in this section as "the subcommittee," is established.

1. Membership. The subcommittee consists of 5 members as follows:

A. A dental hygienist who is a member of the board;

B. Two dental hygienists, appointed by the Governor, who are legal residents of the State and have practiced in the State for at least 6 years immediately preceding appointment; and

C. Two dentists who are members of the board, appointed by the chair of the board.

2. Terms. Each of the 3 members of the subcommittee who also are members of the board shall serve on the subcommittee for the duration of that member's term on the board. The term of a member of the subcommittee who is not a member of the board is 5 years.

3. Duties. The subcommittee shall:

A. Perform an initial review of all complaints involving dental hygienists and dental hygienists with additional authority pursuant to section 18345, subsection 2. Upon completion of its review of a complaint, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the complaint. The

board shall adopt the subcommittee's recommended disposition of a complaint unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition; and

B. Perform an initial review of all applications for licensure as a dental hygienist or a dental hygienist with additional authority pursuant to section 18345, subsection 2 and all submissions relating to continuing education of dental hygienists. Upon completion of its review of an application or submission, the secretary of the subcommittee shall report to the board the subcommittee's recommended disposition of the application or submission, including issuance, renewal, denial or nonrenewal of a dental hygienist license. The board shall adopt the subcommittee's recommended disposition of an application or submission unless no fewer than 2/3 of the board members who are present and voting vote to reject that recommended disposition.

4. Quorum; chair; secretary. Notwithstanding any provision of law to the contrary, a majority of the members serving on the subcommittee constitutes a quorum. The subcommittee shall annually elect its chair and secretary.

SUBCHAPTER 3

LICENSING QUALIFICATIONS

§18341. Application; fees; general qualifications

1. Application. An applicant seeking an initial or a renewed license must submit an application with the fee established under section 18323 and any other materials required by the board.

2. Age. An applicant must be 18 years of age or older.

3. Time limit. An applicant has 90 days after being notified of the materials needed to complete the application to submit those materials to the board. Failure to complete the application within that 90-day period may result in a denial of the application.

§18342. Dentist

1. Dentist license. Except as provided in section 18347, an applicant for licensure as a dentist must comply with the provisions of section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited as required by board rule; and

B. Verification of passing all examinations required by the board.

2. Faculty dentist license. An applicant for a faculty dentist license must comply with section 18341 and must provide:

A. Verification of an active dental license in good standing issued under the laws of another state or a Canadian province; and

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach:

(1) Dentistry, dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students.

3. Limited dentist license. An applicant for a limited dentist license must comply with section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited as required by board rule;

B. Verification that the applicant has been licensed as a dentist in good standing issued under the laws of this State or has an active dental license in good standing issued under the laws of another state or a Canadian province;

C. Verification of passing all examinations required by board rule; and

D. Verification that the applicant will be practicing dentistry in a nonprofit dental clinic without compensation for work performed at the clinic.

4. Clinical dentist educator license. An applicant for a clinical dentist educator license must comply with section 18341 and must provide:

A. Verification of an active dental license in good standing issued under the laws of another state or a Canadian province; and

B. An outline of the clinical education program to be offered to practitioners in this State.

5. Charitable dentist license. An applicant for a charitable dentist license must comply with section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited as required by board rule;

B. Verification that the applicant has been licensed as a dentist in good standing under the laws of this State or has an active dental license in good standing issued under the laws of another state or a Canadian province;

C. Verification of passing all examinations required by board rule; and

D. Verification that the purpose of the license is to offer free dental care in conjunction with a charitable or social organization.

6. Resident dentist license. An applicant for a resident dentist license must comply with section 18341 and must provide:

A. Verification of a doctoral degree in dentistry from a dental school accredited as required by board rule;

B. Verification of passing all examinations required by board rule;

C. Verification that the applicant will be practicing dentistry in a board-approved practice setting within the State; and

D. A statement from the sponsoring dentist that demonstrates that the level of supervision and control of the services to be performed by the applicant are adequate and that the performance of these services are within the applicant's dental knowledge and skill.

§18343. Dental radiographer

1. Dental radiographer license. Except as provided in section 18347, an applicant for a dental radiographer license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board; and

B. Verification of passing an examination in dental radiologic technique and safety required by board rule.

§18344. Expanded function dental assistant

1. Expanded function dental assistant license. Except as provided in section 18347, an applicant for an expanded function dental assistant license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board;

B. Verification of one of the following:

(1) A current certificate as a certified dental assistant from a board-approved certificate program;

(2) An active dental hygiene license in good standing issued under the laws of this State; or

(3) An active dental hygiene license in good standing issued under the laws of another state or a Canadian province; and

C. Verification of having successfully completed training in a school or program required by board rule; and

D. Verification of passing all examinations required by board rule.

§18345. Dental hygienist

1. Dental hygienist license. Except as provided in section 18347, an applicant for a dental hygienist license must comply with section 18341 and must provide:

A. Verification of having successfully passed all examinations required by board rule and one of the following:

(1) Verification of an associate degree or higher in dental hygiene from a school accredited by the American Dental Association Commission on Dental Accreditation, or its successor organization; or

(2) Verification of having completed at least 1/2 of the prescribed course of study in an accredited dental college as a dental student.

2. Additional authority. A dental hygienist licensed under this section or section 18347 who applies for additional authority must comply with section 18341 and must provide:

A. For independent practice dental hygienist authority:

(1) If the applicant has a bachelor's degree or higher in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, verification of 2,000 work hours of clinical practice during the 4 years preceding the application; or

(2) If the applicant has an associate degree in dental hygiene from a dental hygiene program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization, verification of 5,000 work hours of clinical practice during the 6 years preceding the application.

For purposes of meeting the clinical practice requirements of this paragraph, the applicant's hours in a private dental practice or nonprofit setting under the supervision of a dentist may be included as well as the applicant's hours as a public

health dental hygienist or, prior to the effective date of this Act, as a dental hygienist with public health supervision status:

B. For public health dental hygienist authority:

(1) A copy of the written agreement between the applicant and a supervising dentist that outlines the roles and responsibilities of the parties, which must include, but is not limited to, the level of supervision provided by the dentist, the practice settings, the standing orders and the coordination and collaboration that each party must undertake if additional patient care is needed; and

(2) Verification that the services will be offered in a public health setting;

C. For dental hygiene therapist authority:

(1) Verification of having successfully completed a dental hygiene therapy 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;

(d) Is consistent with existing dental hygiene therapy programs in other states approved by the board; and

(e) Meets the requirements for dental hygiene therapy education programs adopted by board rule;

(2) Verification of a bachelor's degree or higher in dental hygiene, dental hygiene therapy or dental therapy from a school accredited by the American Dental Association Commission on Dental Accreditation or a successor organization;

(3) Verification of passing a clinical examination and all other examinations required by board rule. The clinical examination must be a comprehensive, competency-based clinical examination approved by the board and administered independently of an institution providing dental hygiene therapy education;

(4) Verification of having engaged in 2,000 hours of supervised clinical practice under the supervision of a dentist and in conformity with rules adopted by the board, during which supervised clinical practice the applicant is authorized to practice pursuant to paragraph F.

For purposes of meeting the clinical requirements of this subparagraph, an applicant's hours of supervised clinical experience while enrolled in the dental hygiene therapy program under subparagraph (1) may be included as well as hours completed under the supervision of a dentist licensed in another state or a Canadian province, provided that the applicant was operating lawfully under the laws and rules of that state or province; and

(5) A copy of the written practice agreement and standing orders required by section 18377, subsection 3;

D. For local anesthesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule;

E. For nitrous oxide analgesia authority:

(1) Verification of having successfully completed a course of study required by board rule; and

(2) Verification of passing all examinations required by board rule; and

F. For provisional dental hygiene therapist authority:

(1) Verification of meeting the requirements of paragraph C, subparagraphs (1) to (3); and

(2) A copy of the written agreement between the applicant and a dentist who will provide levels of supervision consistent with the scope of practice outlined in section 18377 and in conformity with rules adopted by the board.

During the period of provisional authority the applicant may be compensated for services performed as a dental hygiene therapist. The period of provisional authority may not exceed 3 years.

3. Faculty dental hygiene license. An applicant for a faculty dental hygienist license must comply with section 18341 and must provide:

A. Verification of an active dental hygiene license in good standing issued under the laws of another state or a Canadian province; and

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school and that the applicant will teach;

(1) Dental hygiene or denturism in this State as part of a clinical and didactic program for professional education for dental students and dental residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board;

(2) Dental hygiene in this State as part of a clinical and didactic program for professional education for dental hygiene students and dental hygiene residents accredited by the American Dental Association Commission on Dental Accreditation or a successor organization approved by the board; or

(3) Denturism in this State as part of a board-approved clinical and didactic program for professional education for denturism students.

§18346. Denturist

1. Denturist license. Except as provided in section 18347, an applicant for a denturist license must comply with section 18341 and must provide:

A. Verification of a high school diploma or its equivalent as determined by the board;

B. Verification of a diploma from a board-approved denturism postsecondary institution; and

C. Verification of passing all examinations required by board rule. The content of one examination must have a clinical component and a written component concerning, but not limited to, dental materials, denture technology, United States Department of Health and Human Services, Centers for Disease Control and Prevention guidelines, basic anatomy and basic pathology.

2. Faculty denturist license. An applicant for a faculty denturist license must comply with section 18341 and must provide:

A. Verification of an active denturist license in good standing issued under the laws of another state or a Canadian province; and

B. Credentials, satisfactory to the board, including a letter from the employing school of dentistry, dental hygiene or denturism indicating that the applicant satisfies the credentialing standards of the school.

§18347. Endorsement; applicants authorized to practice in another jurisdiction

The board is authorized, at its discretion, to waive the examination requirements and issue a license or grant an authority to an applicant who is licensed under the laws of another state or a Canadian province who furnishes proof, satisfactory to the board, that the requirements for licensure under this chapter have

been met. Applicants must comply with the provisions set forth in section 18341.

1. Applicants licensed in another jurisdiction.

An applicant for licensure or seeking authority under this chapter who is licensed under the laws of another jurisdiction is governed by this subsection.

A. An applicant who is licensed in good standing at the time of application to the board under the laws of another state or a Canadian province may qualify for licensure by submitting evidence to the board that the applicant has held a substantially equivalent, valid license for at least 3 consecutive years immediately preceding the application to the board at the level of licensure applied for in this State.

B. An applicant who does not meet the requirements of paragraph A but is licensed in good standing at the time of application to the board under the laws of another state or a Canadian province may qualify for licensure by submitting evidence satisfactory to the board that the applicant's qualifications for licensure are substantially similar to the requirements in this chapter for the relevant license.

§18348. Registration requirements

1. Dentist externship registration. A dentist may register under that dentist's license a student for the purpose of providing clinical supervision outside of the academic setting. A registration under this section expires one year from the date the registration is granted. An applicant must comply with section 18341 and must provide:

A. Verification that the student has an academic affiliation and good academic standing as a dental student in a school approved by the board;

B. Verification from the dental school that the student has completed satisfactory training and is ready to perform limited dental services outside of the school setting under the supervision of a dentist; and

C. A statement from the supervising dentist that outlines the level of supervision that the dentist will provide and that attests that the performance of these services by the student will add to the student's knowledge and skill in dentistry.

2. Sedation and general anesthesia registration. A dentist who holds a permit to administer sedation pursuant to section 18379 may register another dentist under that dentist's license for the purpose of providing clinical supervision in administering sedation or general anesthesia under direct supervision. A registration under this subsection expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the prac-

tice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency.

3. Local anesthesia/nitrous oxide analgesia registration. A dentist may register a dentist or dental hygienist under that dentist's license for the purpose of providing clinical supervision in administering local anesthesia or nitrous oxide analgesia under direct supervision. A registration under this section expires one year from the date the registration is granted. Applicants must comply with section 18341 and must submit a letter from the supervising dentist describing the practice settings in which supervision will occur as well as attesting that these arrangements are commensurate with the registrant's education, training and competency.

4. Denturist externship registration. A denturist or dentist may register under that dentist's or denturist's license a student for the purpose of providing clinical supervision outside of the academic setting. A registration under this section expires one year from the date the registration is granted, but may be renewed for an additional year. An applicant must comply with section 18341 and must provide:

A. Verification that the student has an academic affiliation and good academic standing as a denturist student in a denturist program approved by the board;

B. Verification from the denturist program that the student has completed satisfactory training and is ready to perform limited denturist services outside of the school setting under the supervision of a denturist or a dentist; and

C. A letter from the supervising denturist or dentist that describes the level of supervision that the dentist will provide and that attests that the performance of these services by the student will add to the student's knowledge and skill in denturism.

§18349. License renewal; reinstatement

1. Renewal. Licenses under this chapter expire at such times as the commissioner may designate. In the absence of any reason or condition that might warrant the refusal of granting a license, the board shall issue a renewal license to each applicant who meets the requirements of sections 18341 and 18350.

2. Late renewals. Licenses may be renewed up to 90 days after the date of expiration if the applicant meets the requirements of subsection 1 and pays a late fee established by the board pursuant to section 18323, subsection 3.

3. Reinstatement. A person who submits an application for reinstatement more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter, except

that the board may, giving due consideration to the protection of the public, waive examination if that renewal application is received, together with the penalty fee established by the board pursuant to section 18323, subsection 3, within 2 years from the date of the license expiration.

§18350. Continuing education

As a condition of renewal of a license to practice, an applicant must have a current cardiopulmonary resuscitation certification and complete continuing education during the licensing cycle prior to application for renewal. The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section.

§18351. Inactive status

A licensee who wants to retain licensure while not practicing may apply for an inactive status license. The fee for inactive status licensure is set under section 18323, subsection 3. During inactive status, the licensee must renew the license and pay the renewal fee set under section 18323, subsection 3, but is not required to meet the continuing education requirements under section 18350. The board shall adopt rules by which an inactive status license may be reinstated.

An individual who practices under a clinical dentist educator license, a charitable dentist license or a resident dentist license or as a provisional dental hygiene therapist may not apply for inactive status.

§18352. Duty to require certain information from applicants and licensees

1. Report in writing. A licensee and an applicant for licensure shall report in writing to the board no later than 10 days after any of the following changes or events:

A. Change of name or address;

B. Criminal conviction;

C. Revocation, suspension or other disciplinary action taken in this State or any other jurisdiction against any occupational or professional license held by the licensee or applicant; or

D. Any material change in the conditions or qualifications set forth in the original application for licensure submitted to the board.

SUBCHAPTER 4

SCOPE OF PRACTICE; SUPERVISION; PRACTICE REQUIREMENTS

§18371. Dentist

1. Scope of practice. A dentist, charitable dentist, clinical dentist educator, faculty dentist, limited dentist or resident dentist may:

A. Perform a dental operation or oral surgery or dental service of any kind, gratuitously or for a salary, fee, money or other compensation paid, or to be paid, directly or indirectly to the person or to any other person or agency who is a proprietor of a place where dental operations, oral surgery or dental services are performed;

B. Take impressions of a human tooth, teeth or jaws and perform a phase of an operation incident to the replacement of a part of a tooth;

C. Supply artificial substitutes for the natural teeth and furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or any other structure to be worn in the human mouth;

D. Place dental appliances or structures in the human mouth and adjust or attempt or profess to adjust the same;

E. Furnish, supply, construct, reproduce or repair or profess to the public to furnish, supply, construct, reproduce or repair a prosthetic denture, bridge, appliance or other structure to be worn in the human mouth;

F. Diagnose or profess to diagnose, prescribe for and treat or profess to prescribe for and treat disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structure;

G. Extract or attempt to extract human teeth;

H. Correct or attempt to correct malformations of teeth and jaws;

I. Repair or fill cavities in the human teeth;

J. Diagnose malposed teeth and make and adjust appliances or artificial casts for treatment of the malposed teeth in the human mouth with or without instruction;

K. Use an x-ray machine for the purpose of taking dental x-rays and interpret or read or profess to interpret or read dental x-rays;

L. Use the words dentist, dental surgeon or oral surgeon and the letters D.D.S. or D.M.D. and any other words, letters, title or descriptive matter that represents that person as being able to diagnose, treat, prescribe or operate for a disease, pain, deformity, deficiency, injury or physical condition of the human teeth or jaws or adjacent structures and state, profess or permit to be stated or professed by any means or method whatsoever that the person can perform or will attempt to perform dental operations or render a diagnosis connected with dental operations;

M. Prescribe drugs or medicine and administer local anesthesia, analgesia including nitrous oxide

and oxygen inhalation and, with the appropriate permit issued by the board, administer sedation and general anesthesia necessary for proper dental treatment; and

N. Take case histories and perform physical examinations to the extent the activities are necessary in the exercise of due care in conjunction with the provision of dental treatment or the administration of anesthesia. A dentist is not permitted to perform physical examinations within a hospital licensed by the Department of Health and Human Services unless this activity is permitted by the hospital.

2. Limitations. Individuals practicing dentistry as described in this section who possess one of the following licenses shall adhere to the restrictions in this subsection.

A. An individual with a charitable dentist license may provide dental services only in conjunction with the charitable or social organization for which the license was issued by the board and may not accept remuneration for those services. Authority to practice as a charitable dentist may not exceed one year.

B. An individual with a clinical dentist educator license may provide dental services only as part of the clinical education program under which the license was issued by the board. Authority to practice as a clinical dentist educator may not exceed 7 days in any calendar year.

C. An individual with a faculty dentist license may provide dental services only as part of the education program for which the license was issued by the board.

D. An individual with a limited dentist license may provide dental services only in the nonprofit dental clinic for which the license was issued by the board and may not accept remuneration for those services.

E. An individual with a resident dentist license may provide dental services only under the supervision of the sponsoring dentist and in accordance with the level of supervision and control for which the license was issued by the board.

3. Delegation authorized. A dentist may delegate to an unlicensed person the activities listed in this subsection. A dentist who delegates activities as described is legally liable for the activities of that unlicensed person and the unlicensed person in this relationship is considered the dentist's agent.

A. A dentist may delegate the following activities to an unlicensed person as long as these activities are conducted under the general supervision of the delegating dentist:

(1) Changing or replacing dry socket packets after diagnosis and treatment planned by a dentist;

(2) For instruction purposes, demonstrating to a patient how the patient should place and remove removable prostheses, appliances or retainers;

(3) For the purpose of eliminating pain or discomfort, removing loose, broken or irritating orthodontic appliances;

(4) Giving oral health instructions;

(5) Irrigating and aspirating the oral cavity;

(6) Performing dietary analyses for dental disease control;

(7) Placing and recementing with temporary cement an existing crown that has fallen out as long as the dental assistant promptly notifies the dentist this procedure was performed so that appropriate follow-up can occur;

(8) Placing and removing periodontal dressing;

(9) Pouring and trimming dental models;

(10) Removing sutures and scheduling a follow-up appointment with the dentist within 7 to 10 days of suture removal;

(11) Retracting lips, cheek, tongue and other tissue parts;

(12) Taking and pouring impressions for study casts;

(13) Taking and recording the vital signs of blood pressure, pulse and temperature;

(14) Taking dental plaque smears for microscopic inspection and patient education; and

(15) Taking intraoral photographs.

B. If the unlicensed person has successfully passed a certification examination administered by a national dental assisting board, the dentist may delegate to that unlicensed person the following additional activities, as long as these activities are conducted under the general supervision of the dentist:

(1) Placing temporary fillings on an emergency basis as long as the patient is informed of the temporary nature of the fillings; and

(2) Removing excess cement from the supragingival surfaces of teeth.

C. A dentist may delegate to an unlicensed person the following intraoral activities, which must be conducted under the direct supervision of the delegating dentist:

(1) Applying cavity varnish;

(2) Applying liquids, pastes and gel topical anesthetics;

(3) Assisting a dentist who provides orthodontic services in preparation of teeth for attaching, bonding and cementing fixed appliances in a manner appropriate and according to manufacturer's directions;

(4) Delivering, but not condensing or packing, amalgam or composite restoration material;

(5) Fabricating temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;

(6) Irrigating and drying root canals;

(7) Isolating the operative field;

(8) Performing cold vitality testing with confirmation by the dentist;

(9) Performing electronic vitality scanning with confirmation by the dentist;

(10) Performing preliminary selection and fitting of orthodontic bands, with final placement and cementing in the patient's mouth by the dentist;

(11) Placing and cementing temporary crowns with temporary cement;

(12) Placing and removing matrix bands, rubber dams and wedges;

(13) Placing elastics and instructing in their use;

(14) Placing, holding or removing celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;

(15) Placing or removing temporary separating devices;

(16) Placing wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;

(17) Preparing tooth sites and surfaces with a rubber cup and pumice for banding or bonding of orthodontic brackets. This procedure may not be intended or interpreted as an oral prophylaxis, which is a procedure specifically reserved to be performed by dental hygienists or dentists. This procedure also may not be intended or interpreted as a preparation for restorative material. A dentist or dental hy-

gienist shall check and approve the procedure;

(18) Reapplying, on an emergency basis only, orthodontic brackets;

(19) Recording readings with a digital caries detector and reporting them to the dentist for interpretation and evaluation;

(20) Removing composite material using slow-speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;

(21) Removing excess cement from the supragingival surfaces of teeth;

(22) Removing gingival retraction cord;

(23) Removing orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;

(24) Selecting and trying in stainless steel or other preformed crowns for insertion by the dentist;

(25) Taking impressions for opposing models and retainers;

(26) Taking impressions for single-arch athletic mouth guards, bleaching trays, custom trays and fluoride trays; and

(27) Taking intraoral measurements and making preliminary selection of arch wires and intraoral and extraoral appliances, including head gear.

4. Delegation not authorized. A dentist may not delegate any dental activity not listed in subsections 3 or 6 to an unlicensed person.

5. Supervision of dental hygiene therapists. A dentist, referred to in this section as the "supervising dentist," who employs a dental hygiene therapist shall comply with this subsection.

A. 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.

B. The supervising dentist is responsible for all authorized services and procedures performed by the dental hygiene therapist pursuant to a written practice agreement executed by the dentist pursuant to section 18377.

C. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental hygiene therapist.

D. A supervising dentist who signs a written practice agreement shall file a copy of the agreement with the board, keep a copy for the dentist's own records and make a copy available to patients of the dental hygiene therapist upon request.

6. Prescription for laboratory services. A dentist who uses the services of a person not licensed to practice dentistry in this State to construct, alter, repair or duplicate a denture, plate, partial plate, bridge, splint, orthodontic or prosthetic appliance shall first furnish the unlicensed person with a written prescription, which must contain:

A. The name and address of the unlicensed person;

B. The patient's name or number. In the event the number is used, the name of the patient must be written upon the duplicate copy of the prescription retained by the dentist;

C. The date on which the prescription was written;

D. A description of the work to be done, with diagrams if necessary;

E. A specification of the type and quality of materials to be used; and

F. The signature of the dentist and the number of the dentist's state license.

The dentist shall retain for 2 years a duplicate copy of all prescriptions issued pursuant to this subsection for inspection by the board.

§18372. Dental radiographer

1. Scope of practice. A licensed dental radiographer may practice dental radiography under the general supervision of a dentist.

§18373. Expanded function dental assistant

1. Scope of practice; direct supervision. An expanded function dental assistant may perform the following reversible intraoral procedures authorized under the direct supervision of a dentist:

A. Apply cavity liners and bases as long as the dentist:

(1) Has ordered the cavity liner or base;

(2) Has checked the cavity liner or base prior to the placement of the restoration; and

(3) Has checked the final restoration prior to patient dismissal;

B. Apply pit and fissure sealants after an evaluation of the teeth by the dentist at the time of sealant placement;

C. Apply supragingival desensitizing agents to an exposed root surface or dentinal surface of teeth;

D. Apply topical fluorides recognized for the prevention of dental caries;

E. Cement provisional or temporary crowns and bridges and remove excess cement;

F. Perform tooth vitality tests;

G. Place and contour amalgam, composite and other restorative materials prior to the final setting or curing of the material;

H. Place and remove periodontal dressing;

I. Place and remove retraction cord;

J. Record readings with a digital caries detector and report them to the dentist for interpretation and evaluation;

K. Size, place and cement or bond orthodontic bands and brackets with final inspection by the dentist;

L. Supragingival polishing. A dentist or a dental hygienist must first determine that the teeth to be polished are free of calculus or other extraneous material prior to polishing. Dentists may permit an expanded function dental assistant to use only a slow-speed rotary instrument and rubber cup. Dentists may allow an expanded function dental assistant to use high-speed, power-driven handpieces or instruments to contour or finish newly placed composite materials;

M. Take and pour impressions for bleaching trays, athletic mouth guards, provisional or temporary crowns, bridges, custom trays and fluoride trays;

N. Apply cavity varnish;

O. Apply liquids, pastes and gel topical anesthetics;

P. Assist a dentist who provides orthodontic services in preparation of teeth for attaching, bonding and cementing fixed appliances in a manner appropriate and according to the manufacturer's directions;

Q. Fabricate temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;

R. Irrigate and dry root canals;

S. Isolate the operative field;

T. Perform cold vitality testing with confirmation by the dentist;

U. Perform electronic vitality scanning with confirmation by the dentist;

V. Place and remove matrix bands, rubber dams and wedges;

W. Place elastics and instruct in their use;

X. Place, hold or remove celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;

Y. Place or remove temporary separating devices;

Z. Place wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;

AA. Prepare tooth sites and surfaces with a rubber cup and pumice for banding or bonding of orthodontic brackets. This procedure may not be intended or interpreted as an oral prophylaxis, which is a procedure specifically reserved to be performed by dental hygienists or dentists. This procedure also may not be intended or interpreted as a preparation for restorative material. A dentist or dental hygienist shall check and approve the procedure;

BB. Reapply, on an emergency basis only, orthodontic brackets;

CC. Remove composite material using slow-speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;

DD. Remove orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;

EE. Select and try in stainless steel or other preformed crowns for insertion by the dentist;

FF. Take impressions for opposing models and retainers; and

GG. Take intraoral measurements and make preliminary selection of arch wires and intraoral and extraoral appliances, including head gear.

2. Scope of practice; general supervision. An expanded function dental assistant may perform the following procedures under the general supervision of a dentist:

A. Place temporary fillings on an emergency basis as long as the patient is informed of the temporary nature of the fillings;

B. Remove excess cement from the supragingival surfaces of teeth;

C. Change or replace dry socket packets after diagnosis and treatment planned by a dentist;

D. For instruction purposes, demonstrate to a patient how the patient should place and remove removable prostheses, appliances or retainers;

E. For the purpose of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;

F. Give oral health instructions;

G. Irrigate and aspirate the oral cavity;

H. Perform dietary analyses for dental disease control;

I. Place and recement with temporary cement an existing crown that has fallen out as long the dental assistant promptly notifies the dentist this procedure was performed so that appropriate follow-up can occur;

J. Place and remove periodontal dressing;

K. Pour and trim dental models;

L. Remove sutures and schedule a follow-up appointment with the dentist within 7 to 10 days of suture removal;

M. Retract lips, cheek, tongue and other tissue parts;

N. Take and pour impressions for study casts;

O. Take and record the vital signs of blood pressure, pulse and temperature;

P. Take dental plaque smears for microscopic inspection and patient education; and

Q. Take intraoral photographs.

3. Procedures not authorized. An expanded function dental assistant may not engage in the following activities:

A. Complete or limited examination, diagnosis or treatment planning;

B. Surgical or cutting procedures of hard or soft tissue;

C. Prescribing drugs, medicaments or work authorizations;

D. Pulp capping, pulpotomy or other endodontic procedures;

E. Placement and intraoral adjustments of fixed or removable prosthetic appliances; or

F. Administration of local anesthesia, parenteral or inhalation sedation or general anesthesia.

§18374. Dental hygienist

1. Scope of practice; direct supervision. A dental hygienist and faculty dental hygienist may perform the following procedures under the direct supervision of a dentist:

A. Administer local anesthesia or nitrous oxide analgesia, as long as the dental hygienist or faculty dental hygienist has authority to administer

the relevant medication pursuant to section 18345, subsection 2, paragraph D or E;

B. Irrigate and dry root canals;

C. Record readings with a digital caries detector and report them to the dentist for interpretation and evaluation;

D. Remove socket dressings;

E. Take cytological smears as requested by the dentist; and

F. Take impressions for nightguards and occlusal splints as long as the dentist takes all measurements and bite registrations.

2. Scope of practice; general supervision. A dental hygienist and faculty dental hygienist may perform the following procedures under the general supervision of a dentist:

A. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse;

B. Apply cavity varnish;

C. Apply desensitizing agents to teeth;

D. Apply fluoride to control caries;

E. Apply liquids, pastes or gel topical anesthetics;

F. Apply sealants, as long as a licensed dentist first makes the determination and diagnosis as to the surfaces on which the sealants are applied;

G. Cement pontics and facings outside the mouth;

H. Change or replace dry socket packets after diagnosis and treatment planned by a dentist;

I. Deliver, but not condense or pack, amalgam or composite restoration material;

J. Expose and process radiographs;

K. Fabricate temporary crowns and bridges, limiting handpiece rotary instrumentation used in the fabrication to extraoral use only, as long as the dentist checks the occlusion and fit prior to releasing the patient;

L. For instruction purposes, demonstrate to a patient how the patient should place and remove removable prostheses, appliances or retainers;

M. For the purpose of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;

N. Give oral health instruction;

O. Interview patients and record complete medical and dental histories;

P. Irrigate and aspirate the oral cavity;

Q. Isolate operative fields;

R. Obtain bacterial sampling when treatment is planned by the dentist;

S. Perform all procedures necessary for a complete prophylaxis, including root planing;

T. Perform cold vitality testing with confirmation by the dentist;

U. Perform complete periodontal and dental restorative charting;

V. Perform dietary analyses for dental disease control;

W. Perform electronic vitality scanning with confirmation by the dentist;

X. Perform oral inspections, recording all conditions that should be called to the attention of the dentist;

Y. Perform postoperative irrigation of surgical sites;

Z. Perform preliminary selection and fitting of orthodontic bands, as long as final placement and cementing in the patient's mouth are done by the dentist;

AA. Place and recement temporary crowns with temporary cement;

BB. Place and recement with temporary cement an existing crown that has fallen out;

CC. Place and remove gingival retraction cord without vasoconstrictor;

DD. Place and remove matrix bands, periodontal dressing, rubber dams and wedges;

EE. Place elastics or instruct in their use;

FF. Place, hold or remove celluloid and other plastic strips prior to or subsequent to the placement of a filling by the dentist;

GG. Place localized delivery of chemotherapeutic agents when treatment is planned by the dentist;

HH. Place or remove temporary separating devices;

I. Place wires, pins and elastic ligatures to tie in orthodontic arch wires that have been fitted and approved by the dentist at the time of insertion;

JJ. Place temporary restorations as an emergency procedure, as long as the patient is informed of the temporary nature of the restoration;

KK. Pour and trim dental models;

LL. Prepare tooth sites and surfaces with a rubber cup and pumice for banding or bonding of ortho-

odontic brackets. This procedure may not be interpreted as a preparation for restorative material;

MM. Reapply, on an emergency basis only, orthodontic brackets;

NN. Remove composite material using slow-speed instrumentation for debonding brackets, as long as the dentist conducts a final check prior to release of the patient;

OO. Remove excess cement from the supragingival surfaces of teeth;

PP. Remove orthodontic arch wires and tension devices and any loose bands or bonds, but only as directed by the dentist;

QQ. Remove sutures;

RR. Retract lips, cheek, tongue and other tissue parts;

SS. Select and try in stainless steel or other pre-formed crowns for insertion by the dentist;

TT. Smooth and polish amalgam restorations;

UU. Take and record the vital signs of blood pressure, pulse and temperature;

VV. Take and pour impressions for study casts, athletic mouth guards, custom trays, bleaching trays, fluoride trays, opposing models, retainers and stents;

WW. Take dental plaque smears for microscopic inspection and patient education;

XX. Take intraoral measurements and make preliminary selection of arch wires and intraoral and extraoral appliances, including head gear; and

YY. Take intraoral photographs.

3. Limitation. An individual with a faculty dental hygienist license may provide the services described in this section only as part of the education program for which the license was issued by the board.

§18375. Independent practice dental hygienist

1. Scope of practice. An independent practice dental hygienist may perform only the following duties without supervision by a dentist:

A. Interview patients and record complete medical and dental histories;

B. Take and record the vital signs of blood pressure, pulse and temperature;

C. Perform oral inspections, recording all conditions that should be called to the attention of a dentist;

D. Perform complete periodontal and dental restorative charting;

E. Perform all procedures necessary for a complete prophylaxis, including root planing;

F. Apply fluoride to control caries;

G. Apply desensitizing agents to teeth;

H. Apply topical anesthetics;

I. Apply sealants;

J. Smooth and polish amalgam restorations, limited to slow-speed application only;

K. Cement pontics and facings outside of the mouth;

L. Take impressions for athletic mouth guards and custom fluoride trays;

M. Place and remove rubber dams;

N. Place temporary restorations in compliance with the protocol adopted by the board;

O. Apply topical antimicrobials, including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The independent practice dental hygienist shall follow current manufacturer's instructions in the use of these medications;

P. Expose and process radiographs, including but not limited to vertical and horizontal bitewing films, periapical films, panoramic images and full-mouth series, under protocols developed by the board as long as the independent practice dental hygienist has a written agreement with a licensed dentist that provides that the dentist is available to interpret all dental radiographs within 21 days from the date the radiograph is taken and that the dentist will sign a radiographic review and findings form; and

Q. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse. For the purposes of this paragraph, "topical" includes superficial and intraoral application.

2. Practice standards. An independent practice dental hygienist has the duties and responsibilities set out in this subsection with respect to each patient seen in an independent capacity.

A. Prior to an initial patient visit, an independent practice dental hygienist shall obtain from the patient or the parent or guardian of a minor patient written acknowledgment of the patient's or parent's or guardian's understanding that the independent practice dental hygienist is not a dentist and that the service to be rendered does not constitute restorative care or treatment.

B. An independent practice dental hygienist shall provide to a patient or the parent or guardian of a minor patient a written plan for referral to a dentist for any necessary dental care. The referral plan must identify all conditions that should be called to the attention of the dentist.

§18376. Public health dental hygienist

1. Scope of practice. A public health dental hygienist may perform the following procedures in a public health setting under a supervision agreement with a dentist that outlines the roles and responsibilities of the collaboration:

A. Prescribe, dispense or administer anticavity toothpastes or topical gels with 1.1% or less sodium fluoride and oral rinses with 0.05%, 0.2%, 0.44% or 0.5% sodium fluoride, as well as chlorhexidine gluconate oral rinse;

B. Apply cavity varnish;

C. Apply desensitizing agents to teeth;

D. Apply fluoride to control caries;

E. Apply liquids, pastes or gel topical anesthetics;

F. Apply sealants;

G. Apply topical antimicrobials, including fluoride but excluding antibiotics, for the purposes of bacterial reduction, caries control and desensitization in the oral cavity. The public health dental hygienist shall follow current manufacturer's instructions in the use of these medications. For the purposes of this paragraph, "topical" includes superficial and intramuscular application;

H. Cement pontics and facings outside the mouth;

I. Expose and process radiographs upon written standing prescription orders from a dentist who is available to interpret all dental radiographs within 21 days and who will complete and sign a radiographic review and findings form;

J. For instruction purposes, demonstrate to a patient how the patient should place and remove removable prostheses, appliances or retainers;

K. For the purposes of eliminating pain or discomfort, remove loose, broken or irritating orthodontic appliances;

L. Give oral health instruction;

M. Interview patients and record complete medical and dental histories;

N. Irrigate and aspirate the oral cavity;

O. Isolate operative fields;

P. Perform all procedures necessary for a complete prophylaxis, including root planing;

Q. Perform complete periodontal and dental restorative charting;

R. Perform dietary analyses for dental disease control;

S. Perform temporary filling procedures without a dentist present under protocols adopted by board rule;

T. Perform oral inspections, recording all conditions that should be called to the attention of the dentist;

U. Perform pulp tests pursuant to the direction of a dentist;

V. Place and remove gingival retraction cord without vasoconstrictor;

W. Place and remove matrix bands for purposes of fabricating or placing temporary restorations;

X. Place and remove rubber dams;

Y. Place and remove wedges for purposes of fabricating or placing temporary restorations;

Z. Place temporary restorations in compliance with the protocol adopted by board rule;

AA. Remove excess cement from the supragingival surfaces of teeth;

BB. Retract lips, cheek, tongue and other tissue parts;

CC. Smooth and polish restorations, limited to slow-speed application only;

DD. Take and record the vital signs of blood pressure, pulse and temperature;

EE. Take dental plaque smears for microscopic inspection and patient education;

FF. Take impressions for and deliver athletic mouth guards and custom fluoride trays; and

GG. Take intraoral photographs.

§18377. Dental hygiene therapist

1. Scope of practice. A dental hygiene therapist may perform the following procedures in limited practice settings, if authorized by a written practice agreement with a dentist licensed in this State pursuant to subsection 3.

A. To the extent permitted in a written practice agreement, a dental hygiene therapist may provide the care and services listed in this paragraph only under the direct supervision of the supervising dentist:

(1) Perform oral health assessments, pulpal disease assessments for primary and young teeth, simple cavity preparations and restorations and simple extractions;

(2) Prepare and place stainless steel crowns and aesthetic anterior crowns for primary incisors and prepare, place and remove space maintainers;

(3) Provide referrals;

(4) Administer local anesthesia and nitrous oxide analgesia;

(5) Perform preventive services;

(6) Conduct urgent management of dental trauma, perform suturing, extract primary teeth and perform nonsurgical extractions of periodontally diseased permanent teeth if authorized in advance by the supervising dentist;

(7) Provide, dispense and administer anti-inflammatories, nonprescription analgesics, antimicrobials, antibiotics and anticaries materials;

(8) Administer radiographs; and

(9) Perform other related services and functions authorized by the supervising dentist and for which the dental hygiene therapist is trained.

B. To the extent permitted in a written practice agreement, a dental hygiene therapist may provide the care and services listed in section 18374, subsections 1 and 2 under the general supervision of the supervising dentist.

2. Supervision responsibilities. A dental hygiene therapist may be delegated a dentist's responsibility to supervise up to 2 dental hygienists and 3 unlicensed persons in any one practice setting through a written practice agreement pursuant to subsection 3.

3. Practice requirements. A dental hygiene therapist must comply with the following practice limitations.

A. A dental hygiene therapist may provide services only in 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.

B. A dental hygiene therapist may practice only under the direct supervision of a dentist through a written practice agreement signed by both parties. A written practice agreement is a signed document that outlines the functions that the dental hygiene therapist is authorized to perform, which may not exceed the scopes of practice specified in subsections 1 and 2. A dental hygiene therapist may practice only under the standing order of the supervising dentist, may provide only care that follows written protocols and may provide only services that the dental hygiene therapist is authorized to provide by the written practice agreement.

C. A written practice agreement between a supervising dentist and a dental hygiene therapist must include the following elements:

(1) 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;

(2) Any age-specific and procedure-specific practice protocols, including case selection criteria, assessment guidelines and imaging frequency;

(3) Procedures to be used with patients treated by the dental hygiene therapist for obtaining informed consent and for creating and maintaining dental records;

(4) A plan for review of patient records by the supervising dentist and the dental hygiene therapist;

(5) A plan for managing medical emergencies in each practice setting in which the dental hygiene therapist provides care;

(6) A quality assurance plan for monitoring care, including patient care review, referral follow-up and a quality assurance chart review;

(7) Protocols for administering and dispensing medications, including the specific circumstances under which medications may be administered and dispensed;

(8) Criteria for providing care to patients with specific medical conditions or complex medical histories, including requirements for consultation prior to initiating care; and

(9) Specific written protocols, including a plan for providing clinical resources and re-

errals, governing situations in which the patient requires treatment that exceeds the scope of practice or capabilities of the dental hygiene therapist.

D. Revisions to a written practice agreement must be documented in a new written practice agreement signed by the supervising dentist and the dental hygiene therapist.

E. A dental hygiene therapist shall file a copy of a written practice agreement with the board, keep a copy for the dental hygiene therapist's own records and make a copy available to patients of the dental hygiene therapist upon request.

F. A dental hygiene therapist shall refer patients in accordance with a written practice agreement to another qualified dental or health care professional to receive needed services that exceed the scope of practice of the dental hygiene therapist.

G. A dental hygiene therapist who provides services or procedures beyond those authorized in a written agreement engages in unprofessional conduct and is subject to discipline pursuant to section 18325.

4. Dental coverage and reimbursement. Notwithstanding 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 chapter.

§18378. Denturist

1. Scope of practice. A denturist and faculty denturist may:

A. Take denture impressions and bite registrations for the purpose of or with a view to the making, producing, reproducing, construction, finishing, supplying, altering or repairing a denture to be fitted to an edentulous or partially edentulous arch or arches;

B. Fit a denture to an edentulous or partially edentulous arch or arches, including by making, producing, reproducing, constructing, finishing, supplying, altering or repairing dentures without performing alteration to natural or reconstructed tooth structure. A denturist may perform clinical procedures related to the fabrication of a removable tooth-borne partial denture, including cast frameworks;

C. Perform procedures incidental to the procedures specified in paragraphs A and B, as specified by board rule; and

D. Make, place, construct, alter, reproduce or repair nonorthodontic removable sports mouth guards and provide teeth whitening services, including by fabricating whitening trays, providing whitening solutions determined to be safe for public use and providing any required follow-up care and instructions for use of the trays and solutions at home.

2. Limitation. An individual with a faculty dentist license may provide the services described in this section only as part of the education program for which the license was issued by the board.

§18379. Sedation and general anesthesia permits

The board shall adopt by rule the qualifications a dentist must have to obtain a permit from the board authorizing the administration of sedation and general anesthesia. The board shall also adopt the guidelines for such administration, including but not limited to practice setting requirements.

SUBCHAPTER 5

PRACTICE STANDARDS

§18391. Amalgam brochures; posters

1. Brochure; poster. The Director of the Bureau of Health within the Department of Health and Human Services shall develop a brochure that explains the potential advantages and disadvantages to oral health, overall human health and the environment of using mercury or mercury amalgam in dental procedures. The brochure must describe what alternatives are available to mercury amalgam in various dental procedures and what potential advantages and disadvantages are posed by the use of those alternatives. The brochure may also include other information that contributes to the patient's ability to make an informed decision when choosing between the use of mercury amalgam or an alternative material in a dental procedure, including, but not limited to, information on the durability, cost, aesthetic quality or other characteristics of the mercury amalgam and alternative materials. The director shall also develop a poster that informs patients of the availability of the brochure.

The Director of the Bureau of Health shall, in consultation with the Department of Environmental Protection, adopt the brochure and the poster described in this subsection through major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Display. A dentist who uses mercury or a mercury amalgam in any dental procedure shall display the poster adopted by the Department of Health and Human Services, Bureau of Health under this section in the public waiting area of the practice setting and shall provide each patient a copy of the brochure adopted by the bureau under this section. The Department of Health and Human Services shall also post on its publicly accessible website a copy of the brochure

that is suitable for downloading and printing by dentists, patients and other interested parties.

§18392. Removable dental prosthesis; owner identification

1. Identification required. Every complete upper and lower denture and removable dental prosthesis fabricated by a dentist or denturist, or fabricated pursuant to the dentist's or denturist's work order or under the dentist's or denturist's direction or supervision, must be marked with the name and social security number of the patient for whom the prosthesis is intended. The markings must be made during fabrication and must be permanent, legible and cosmetically acceptable. The exact location of the markings and the methods used to apply or implant the markings must be determined by the dentist or dental laboratory fabricating the prosthesis. If, in the professional judgment of the dentist or dental laboratory, this identification is not practical, identification must be provided as follows:

A. The social security number of the patient may be omitted if the name of the patient is shown;

B. The initials of the patient may be shown alone, if use of the name of the patient is impracticable; or

C. The identification marks may be omitted in their entirety if none of the forms of identification specified in paragraphs A and B are practicable or clinically safe.

2. Applicability. A removable dental prosthesis in existence prior to September 23, 1983 that was not marked in accordance with subsection 1 at the time of its fabrication must be marked in accordance with subsection 1 at the time of a subsequent rebasing.

3. Violation. Failure of a dentist or denturist to comply with this section constitutes grounds for discipline pursuant to section 18325, as long as the dentist or denturist is charged with the violation within 2 years of initial insertion of the dental prosthetic device.

§18393. Confidentiality

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

A. "Confidential communication" means a communication not intended to be disclosed to 3rd persons other than those present to further the interest of the patient in the consultation, examination or interview or persons who are participating in the diagnosis and treatment under the direction of the dentist, including members of the patient's family.

B. "Patient" means a person who consults or is examined or interviewed by a dentist or dental auxiliary.

2. General rule of privilege. A patient has a privilege to refuse to disclose and to prevent another person from disclosing confidential communications made for the purpose of diagnosis or treatment of the patient's physical, mental or emotional conditions, including alcohol or drug addiction, among the patient, the patient's dentist and persons who are participating in the diagnosis or treatment under the direction of the dentist, including members of the patient's family.

3. Who may claim the privilege. The privilege under subsection 2 may be claimed by the patient, by the patient's guardian or conservator or by the personal representative of a deceased patient. The dentist or dental auxiliary at the time of the communication is presumed to have authority to claim the privilege, but only on behalf of the patient.

4. Exceptions. Notwithstanding any other provision of law, the following are exceptions to the privilege under subsection 2.

A. If the court orders an examination of the physical, mental or emotional condition of a patient, whether a party or a witness, communications made in the course of the examination are not privileged under this section with respect to the particular purpose for which the examination is ordered unless the court orders otherwise.

B. There is not any privilege under this section as to communications relevant to an issue of the physical, mental or emotional condition of a patient in a proceeding in which the condition of the patient is an element of the claim or defense of the patient or of a party claiming through or under the patient or because of the patient's condition or claiming as a beneficiary of the patient through a contract to which the patient is or was a party or, after the patient's death, in a proceeding in which a party puts the condition in issue.

C. There is not any privilege under this section as to information regarding a patient that is sought by the Chief Medical Examiner or the Chief Medical Examiner's designee in a medical examiner case, as defined by Title 22, section 3025, in which the Chief Medical Examiner or the Chief Medical Examiner's designee has reason to believe that information relating to dental treatment may assist in determining the identity of a deceased person.

D. There is not any privilege under this section as to disclosure of information concerning a patient when that disclosure is required by law, and nothing in this section may modify or affect the provisions of Title 22, sections 4011-A to 4015 and Title 29-A, section 2405.

Sec. 22. 36 MRSA §5219-DD, sub-§1, ¶A, as enacted by PL 2009, c. 141, §2, is amended to read:

A. "Eligible dentist" means a person licensed as a dentist under Title 32, chapter ~~16~~, ~~subchapter 3~~ 143 who, after January 1, 2009:

- (1) First begins practicing dentistry in the State by joining an existing dental practice in an underserved area or establishing a new dental practice or purchasing an existing dental practice in an underserved area;
- (2) Agrees to practice full time for at least 5 years in an underserved area; and
- (3) Is certified under subsection 3 to be eligible by the oral health program.

Sec. 23. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine board of dental examiners" appear or reference is made to those words, they are amended to read and mean "board of dental practice" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 24. Transition provisions. The following provisions apply to the transition of the former Board of Dental Examiners to the Board of Dental Practice.

1. The Board of Dental Practice is the successor in every way to the powers, duties and functions of the former Maine Board of Dental Examiners.

2. Members of the Board of Dental Examiners, the Subcommittee on Dental Hygienists and the Subcommittee on Denturists serving immediately prior to the effective date of this Act continue to serve on the Board of Dental Practice, the Subcommittee on Dental Hygienists and the Subcommittee on Denturists for the remainder of the members' terms.

3. All licenses and permits issued by the Maine Board of Dental Examiners and in effect on the effective date of this Act remain in effect and are considered licenses issued by the Board of Dental Practice under the Maine Revised Statutes, Title 32, chapter 143 until the date of expiration specified in the license or permit.

4. Except to the extent that they conflict with the language of this Act, all rules adopted by the Maine Board of Dental Examiners and in effect on the effective date of this Act remain in effect. All rules adopted by the Department of Health and Human Services pursuant to Title 32, section 1094-C and in effect on the effective date of this Act remain in effect and are considered rules adopted pursuant to Title 32, section 18391.

5. Except to the extent that they conflict with the language of this Act, all procedures adopted by the

Maine Board of Dental Examiners or any of its administrative units or officers in effect on the effective date of this Act remain in effect.

6. All contracts, agreements and compacts in effect immediately prior to the effective date of this Act with regard to the Maine Board of Dental Examiners continue in effect.

7. Any positions authorized and allocated subject to the personnel laws to the former Maine Board of Dental Examiners are transferred to the Board of Dental Practice and continue to be authorized.

8. All records, property and equipment previously belonging to or allocated for the use of the former Maine Board of Dental Examiners become, on the effective date of this Act, the property of the Board of Dental Practice.

9. All forms, licenses, letterheads and similar items bearing the name of or referring to the Maine Board of Dental Examiners may be used by the Board of Dental Practice until existing supplies of those items are exhausted.

Sec. 25. Board of Dental Practice to study the dental practice laws and recommend changes. The Board of Dental Practice, in consultation with interested parties, shall conduct a study of the Maine Revised Statutes, Title 32, chapter 143 and any rules adopted by the board and recommend changes to the scopes of practice of dental practitioners, practice settings and delivery models and any other dental practice issues. The board shall report its recommendations to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters on or before March 1, 2017. The joint standing committee may report out a bill to the Second Regular Session of the 128th Legislature related to the board's report.

See title page for effective date.

CHAPTER 430

S.P. 565 - L.D. 1467

An Act Regarding Maine 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, legislative action is immediately necessary to ensure continued and efficient administration of the state liquor contract; 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 §84, sub-§4, as amended by PL 2013, c. 368, Pt. V, §61, is further amended to read:

4. Confer with commissioner. Confer regularly as necessary or desirable and not less than once a month with the Commissioner of Administrative and Financial Services on the operation and administration of the bureau and make available for inspection by the Commissioner of Administrative and Financial Services, upon request, all books, records, files and other information and documents of the bureau; ~~and~~

Sec. 2. 28-A MRSA §84, sub-§5, as amended by PL 2013, c. 588, Pt. B, §1, is further 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 an annual report that includes a complete statement of the revenues and expenses for the bureau to the Governor and the Legislature, together with recommendations for changes in this Title; ~~and~~

Sec. 3. 28-A MRSA §84, sub-§6 is enacted to read:

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require that neither the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent.

Sec. 4. 28-A MRSA §453-C, sub-§4 is enacted to read:

4. Reporting of spirits sales to on-premises licensees. Beginning October 15, 2016, a licensed reselling agent shall report on a monthly basis all spirits

sales made to establishments licensed to sell spirits for on-premises consumption.

A. A report under this subsection must be made to a trade association contracted by the bureau to collect spirits sales data from reselling agents as described in section 84, subsection 6.

B. The bureau shall ensure that reports under this subsection may be made by electronic transmission through a secure website established by the bureau. A reselling agent that is not reasonably able to use the website may submit a report under this subsection on paper or by using other methods approved by the bureau.

C. The bureau may provide a stipend or reimbursement to reselling agents licensed and actively selling spirits to on-premises licensees as of July 1, 2016 to mitigate the costs of compliance with this subsection.

D. The bureau may adopt rules regarding mitigating the costs incurred by reselling agents in complying with this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 5. 28-A MRSA §606, sub-§2, as amended by PL 2011, c. 380, Pt. PPPP, §1 and PL 2013, c. 368, Pt. V, §61, is repealed.

Sec. 6. 28-A MRSA §755, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§755. Records confidential

All Except for on-premises spirits sales data required to be reported by reselling agents in accordance with section 453-C, subsection 4, all business and financial records of licensees are confidential.

Sec. 7. Bureau to adopt rules. No later than October 1, 2016, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall adopt rules to mitigate the costs incurred by reselling agents in complying with the reporting requirements of the Maine Revised Statutes, Title 28-A, section 453-C, subsection 4.

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

Effective April 5, 2016.

CHAPTER 431

H.P. 1108 - L.D. 1632

**An Act To Make Certain
Statutory Changes in Light of
the New Maine Rules of
Unified Criminal Procedure**

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

Sec. 1. 1 MRSA §71, sub-§12, as amended by PL 1983, c. 606, is further amended to read:

12. Statutory time periods. The statutory time period for the performance or occurrence of any act, event or default ~~which that~~ is a prerequisite to or is otherwise involved in or related to the commencement, prosecution or defense of any civil or criminal action or other judicial proceeding or any action or proceeding of the Public Utilities Commission ~~shall be~~ is governed by and computed under Rule 6(a) of the Maine Rules of Civil Procedure as amended from time to time, when the nature of such action or proceeding is civil, and under Rule 45(a) of the Maine Rules of Unified Criminal Procedure, as amended from time to time, when the nature of such action or proceeding is criminal.

Sec. 2. 14 MRSA §3142, sub-§3, as amended by PL 2003, c. 193, §3, is further amended to read:

3. Purge of contempt. The court shall provide an opportunity for the defendant to purge the contempt by complying with the court's order to pay or ~~to~~ with an amended order to pay. The provisions of the Maine Rules of Civil Procedure, Rule 66 and the Maine Rules of Unified Criminal Procedure, Rule 42 do not apply to proceedings initiated under this section.

Sec. 3. 15 MRSA §1, sub-§2, as amended by PL 2015, c. 100, §1, is repealed.

Sec. 4. 15 MRSA §101-D, sub-§2, as enacted by PL 2009, c. 268, §3, is amended to read:

2. Insanity; abnormal condition of the mind. The court may for cause shown order that the defendant be evaluated with reference to insanity or abnormal condition of the mind as provided in this subsection.

A. Upon motion by the defendant or by the State, a court having jurisdiction in any criminal case may for cause shown order that the defendant be examined by the State Forensic Service for evaluation of the defendant's mental state at the time of the crime with reference to criminal responsibility under Title 17-A, section 39 and abnormal condition of the mind under Title 17-A, section 38.

(1) When ordered to evaluate a defendant under this paragraph, the State Forensic Ser-

vice shall promptly examine the defendant and the circumstances of the crime and provide a report of its evaluation to the court. If, based upon its examination, the State Forensic Service concludes that further examination is necessary to fully evaluate the defendant's mental state at the time of the crime, the report must so state and must set forth recommendations as to the nature and scope of any further examination.

(2) The court shall forward any report filed by the State Forensic Service to the defendant or the defendant's attorney and, unless the defendant had objected to the order for examination or unless the attorney for the State has agreed that the report need not be forwarded to the State except as set forth in subparagraph (3), to the attorney for the State.

(3) If the court orders an examination under this paragraph over the objection of the defendant, any report filed by the State Forensic Service may not be shared with the attorney for the State, unless with reference to criminal responsibility the defendant enters a plea of not criminally responsible by reason of insanity or with reference to an abnormal condition of mind the defendant provides notice to the attorney for the State of the intention to introduce testimony as to the defendant's abnormal condition of mind pursuant to the Maine Rules of Unified Criminal Procedure, Rule 16A(a).

B. If the defendant enters a plea of not criminally responsible by reason of insanity, the court shall order evaluation under paragraph A.

C. If the defendant is incarcerated, the examination ordered pursuant to paragraph A must take place within 45 days of the court's order and the report of that examination must be filed within 60 days of the court's order. If further examination is ordered pursuant to paragraph D, the report of that examination must be filed within 90 days of the court's order. If the State Forensic Service requires an extension of the deadlines set forth above, it shall communicate its request and the reasons for that request to the court and to counsel for the parties. The court shall accommodate a party's request to be heard on the issue of whether an extension should be granted and may grant any extension of time that is reasonable under the circumstances. The examination may take place at the correctional facility where the defendant is incarcerated if the State Forensic Service determines that the correctional facility can provide an appropriate setting for the examination. If the State Forensic Service determines otherwise, the examination must be conducted at a time and place desig-

nated by the State Forensic Service. For examinations that take place outside the correctional facility, the correctional facility shall provide transportation and security for the examination.

D. If the report submitted pursuant to paragraph A recommends further evaluation of the defendant or upon motion by the defendant or by the State for good cause shown, the court may order further evaluation of the defendant by the State Forensic Service. An order for further evaluation may designate the specialty of the person to perform the evaluation. The court shall forward any further report filed by the State Forensic Service to the defendant or the defendant's attorney and, unless the defendant had objected to the order for examination, to the attorney for the State.

The court may order an examination under this paragraph over the objection of the defendant, but any report filed by the State Forensic Service must be impounded and may not be shared with the attorney for the State, unless with reference to criminal responsibility the defendant enters a plea of not criminally responsible by reason of insanity or with reference to an abnormal condition of mind the defendant provides notice to the attorney for the State of the intention to introduce testimony as to the defendant's abnormal condition of mind pursuant to the Maine Rules of Unified Criminal Procedure, Rule 16A(a).

Sec. 5. 15 MRSA §224-A, sub-§2, as amended by PL 2013, c. 566, §3, is further amended to read:

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 Unified 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 \$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.

Sec. 6. 15 MRSA §454, as amended by PL 2007, c. 539, Pt. JJ, §6, is further amended to read:

§454. Murder or felony murder; filing copies of proceedings; expenses

Whenever any person is convicted of murder or felony murder, by jury verdict, court finding or court acceptance of a plea of guilty or nolo contendere, a copy, as applicable, of the Maine Rules of Criminal Procedure, Rule 11, if applicable, transcript of the plea hearing, trial testimony and charge of the presiding justice, jury instructions, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be filed with the clerk of the court where that trial is held, and the expense for the transcript must be paid by the State. A copy, as applicable, of the Maine Rules of Criminal Procedure, Rule 11, if applicable, transcript of the plea hearing, trial testimony and charge of the presiding justice, jury instructions, certified by the Official Court Reporter who created a transcript of the reporter's stenographic notes or the transcriber who created a transcript from the electronically recorded record, must be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent.

Sec. 7. 15 MRSA §652, sub-§6, as enacted by PL 2011, c. 214, §2 and affected by §6, is amended to read:

6. Search warrants. Warrants issued pursuant to section 55 and the Maine Rules of Unified Criminal Procedure, ~~Rule~~ Rules 41, 41B, 41C and 111 and administrative inspection warrants issued pursuant to the Maine Rules of Civil Procedure, Rule 80E.

Sec. 8. 15 MRSA §812, sub-§1, as enacted by PL 1981, c. 685, is amended to read:

1. Legislative intent and findings. The Legislature finds that there is citizen dissatisfaction with plea bargaining ~~which~~ that has resulted in some criticism of the criminal justice process. The Legislature further finds that part of the dissatisfaction is caused because victims of crimes and law enforcement officers who respond to those crimes have no subsequent contact with the cases as they proceed through the courts for judicial disposition. Victims and law enforcement officers are many times not informed by prosecutors of plea agreements ~~which~~ that are to be submitted to the court for approval or rejection under existing Maine Rules of Unified Criminal Procedure. It is the intent of this section to alleviate these expressions of citizen dissatisfaction and to promote greater understanding by prosecutors of citizens' valid concerns. This is most likely to be accomplished by citizens and law enforcement officers being informed of the results of plea negotiations before they are submitted to the courts. This notification will in no way affect the authority of the ~~judge~~ court to accept, reject or modify the terms of the plea agreement.

Sec. 9. 15 MRSA §1003, sub-§5-A, as amended by PL 2003, c. 15, §1, is further amended to read:

5-A. Failure to appear. "Failure to appear" includes a failure to appear at the time or place required by a release order and the failure to surrender into custody at the time and place required by a release order or by the Maine Rules of Unified Criminal Procedure, Rule 32(a) and Rule ~~38(e)~~ 38(d).

Sec. 10. 15 MRSA §1003, sub-§11 is enacted to read:

11. Unified Criminal Docket. "Unified Criminal Docket" means the unified criminal docket established by the Supreme Judicial Court.

Sec. 11. 15 MRSA §1004, as amended by PL 2011, c. 336, §1, is further amended to read:

§1004. Applicability and exclusions

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections 1205 to ~~1207~~ 1208, supervised release revocation proceedings under Title 17-A, section 1233 or administrative release revocation proceedings under Title 17-A, sections 1349 to 1349-F, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person arrested for a juvenile crime as defined in section 3103 or a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.

Sec. 12. 15 MRSA §1028, as amended by PL 2003, c. 66, §1, is further amended to read:

§1028. De novo determination of bail under section 1026

1. By defendant in custody. Any defendant who is in custody as a result of a decision of ~~a Judge of the District Court~~ or a bail commissioner acting under section 1026 may file a petition the Superior Court with the Unified Criminal Docket for a de novo determination of bail. ~~The District Court Judge or bail commissioner making the decision shall advise the defendant of the right to obtain a de novo determination in the Superior Court.~~

A. If the defendant chooses to have a de novo determination of bail, the defendant must be furnished with a petition and, upon execution of the petition and without the issuance of any writ or other process, the sheriff of the county in which the decision was made shall provide for the transportation of the defendant together with the petition and all papers relevant to the petition or copies of the petition or papers to the ~~Superior Court~~ court.

If no ~~Justice of the Superior Court~~ justice or judge will be available within 48 hours, excluding Saturdays, Sundays and holidays, arrangements must be made for a de novo determination of bail in the nearest county in which a ~~Justice of the Superior Court~~ justice or judge is then sitting. The defendant's custodian shall provide transportation to the ~~Superior Court~~ court as required by this chapter without the issuance of any writ or other process.

If there is no ~~Justice of the Superior Court~~ justice or judge available, the defendant must be retained in custody until the petition can be considered.

B. The petition and such other papers as may accompany it must be delivered to the clerk of the ~~Superior Court~~ Unified Criminal Docket to which the defendant is transported and upon receipt the clerk shall notify the attorney for the State. The ~~Superior Court Justice~~ court shall review the petition de novo and set bail in any manner authorized by section 1026.

C. Upon receipt of a pro se petition or upon oral or written request of the attorney for the defendant, the clerk shall set a time for hearing and provide oral or written notice to the attorney for the State. The hearing must be scheduled for a time not less than 24 hours nor more than 48 hours after the clerk notifies the attorney for the State.

2. By defendant not in custody. Any defendant who is not in custody but who is aggrieved by a decision of a ~~Judge of the District Court~~ or a bail commissioner acting under section 1026 as to the amount or conditions of bail set may file a petition the Superior Court with the Unified Criminal Docket for a de novo determination of bail. The Superior Court Justice A justice or judge shall review the petition de novo and set bail in any manner authorized by section 1026. The petition must be considered as scheduled by the clerk.

3. No further relief. The de novo determination by ~~the Superior Court~~ a justice or judge under this section is final and no further relief is available.

Sec. 13. 15 MRSA §1028-A is enacted to read:

§1028-A. De novo determination of bail set by a justice or judge acting under section 1026

1. By defendant. Any defendant charged with a crime bailable as of right who is aggrieved by a decision of the court made at arraignment or initial appearance as to the amount or conditions of bail set may file a petition with the Unified Criminal Docket for a de novo determination of bail by another justice or judge in accordance with the procedures set forth in Rule 46(d) of the Maine Rules of Unified Criminal Procedure. The court making the initial decision shall advise the defendant of the right to obtain a de novo determination of bail.

2. No further relief. The de novo determination by a justice or judge under this section is final and no further relief is available.

Sec. 14. 15 MRSA §1029, sub-§1, as enacted by PL 1987, c. 758, §20, is repealed and the following enacted in its place:

1. Petition for review. Any defendant in custody following a Harnish bail proceeding under section 1027 may petition a single Justice of the Supreme Judicial Court for review under this section and the additional procedures set forth in the Maine Rules of Unified Criminal Procedure, Rule 46(e)(1).

Sec. 15. 15 MRSA §1030, last ¶, as amended by PL 1995, c. 356, §7, is further amended to read:

An attorney for the State or a law enforcement officer familiar with the charges must be present in District Court at all proceedings governed by the Maine Rules of Unified Criminal Procedure, Rule 5, at which bail is being set.

Sec. 16. 15 MRSA §1094, 2nd ¶, as enacted by PL 1991, c. 393, §4, is amended to read:

If the obligation of the defendant or any surety has been reduced to judgment pursuant to the Maine Rules of Unified Criminal Procedure, Rule 46, the following provisions apply to the enforcement of the obligation.

Sec. 17. 15 MRSA §1097, sub-§3, as amended by PL 1999, c. 731, Pt. ZZZ, §13 and affected by §42, is further amended to read:

3. Appeal. A defendant in custody as a result of an order issued under this section ~~by the District Court may appeal to the Superior Court and a defendant in custody as a result of an order issued under this section by the Superior Court~~ may appeal to a single Justice of the Supreme Judicial Court. The appeal must be in accordance with the procedures set forth in ~~section 1028, as far as applicable, except that the~~ Maine Rules of Unified Criminal Procedure, Rule 46(e)(2). The review is limited to a review of the record to determine whether the order was rationally supported by the evidence. The determination by the ~~court or~~ single justice is final and no further relief is available.

Sec. 18. 15 MRSA §1097, sub-§4, as enacted by PL 1995, c. 356, §19, is amended to read:

4. Limitations on bail. When a ~~District Court judge court~~ has, after revocation on a complaint, ordered the defendant held without bail, the defendant is not entitled to have bail set when the same or more serious charges are brought by indictment or, if waived, by information or complaint, for the same underlying conduct. If the defendant has not previously appealed the District Court bail revocation, the Superior Court may, upon request of the defendant, entertain the appeal at the defendant's arraignment. If different and lesser charges are later brought by the State for the same underlying conduct, the new lesser charges may constitute a change of circumstances pursuant to section 1026, subsection 3, paragraph C.

Sec. 19. 15 MRSA §1121, sub-§2, as enacted by PL 2011, c. 39, §1, is amended to read:

2. Custody of sexually explicit material. Sexually explicit material subject to a criminal investigation or proceeding must remain in the care, custody and control of the attorney for the State or the court. ~~Notwithstanding provisions of the Maine Rules of Criminal Procedure, Rule 16 to the contrary, in~~ In any criminal proceeding the attorney for the State may not release to the defendant a copy, photograph, duplicate or any other reproduction of any sexually explicit material, as long as the attorney for the State makes the sexually explicit material reasonably available to the defendant.

Sec. 20. 15 MRSA §2115-A, sub-§2-A, as repealed and replaced by PL 1999, c. 731, Pt. ZZZ, §19 and affected by §42, is repealed.

Sec. 21. 15 MRSA §2115-A, sub-§2-B, as amended by PL 1999, c. 731, Pt. ZZZ, §20 and affected by §42, is further amended to read:

2-B. Appeal from the denial of a Rule 35 motion. If a motion for correction or reduction of a sentence brought by the attorney for the State under Rule 35 of the Maine Rules of Unified Criminal Procedure is denied in whole or in part, an appeal may be taken by the State from the adverse order ~~of the trial court~~ to the Supreme Judicial Court sitting as the Law Court.

Sec. 22. 15 MRSA §2115-A, sub-§4, as amended by PL 2001, c. 17, §4, is further amended to read:

4. Time. The time for taking and the manner and any conditions for the taking of an appeal pursuant to subsection 1, ~~2, 2-A~~ or 2-B are as the Supreme Judicial Court provides by rule, and an appeal taken pursuant to subsection 1 must also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection must be diligently prosecuted.

Sec. 23. 15 MRSA §2115-A, sub-§5, as amended by PL 1995, c. 47, §3, is further amended to read:

5. Approval of Attorney General. In any appeal taken pursuant to subsection 1, ~~2, 2-A~~ or 2-B, the written approval of the Attorney General is required; ~~provided except~~ that if the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be granted, the written approval may be filed at a later date.

Sec. 24. 15 MRSA §2138, sub-§1, as enacted by PL 2001, c. 469, §1, is amended to read:

1. Filing motion. A person authorized in section 2137 who chooses to move for DNA analysis shall file the motion in the underlying criminal proceeding. The motion must be assigned to the trial judge or justice who imposed the sentence unless that judge or justice is unavailable, in which case the appropriate chief judge or chief justice shall assign the motion to another judge or justice. Filing and service must be made in accordance with Rule 49 of the Maine Rules of Unified Criminal Procedure.

Sec. 25. 15 MRSA §2138, sub-§10, as repealed and replaced by PL 2005, c. 659, §5 and affected by §6, is amended to read:

10. Standard for granting new trial; court's findings; new trial granted or denied. If the results of the DNA testing under this section show that the person is not the source of the evidence, the person authorized in section 2137 must show by clear and convincing evidence that:

A. Only the perpetrator of the crime or crimes for which the person was convicted could be the source of the evidence, and that the DNA test results, when considered with all the other evidence in the case, old and new, admitted in the hearing conducted under this section on behalf of the person show that the person is actually innocent. If the court finds that the person authorized in section 2137 has met the evidentiary burden of this paragraph, the court shall grant a new trial;

B. Only the perpetrator of the crime or crimes for which the person was convicted could be the source of the evidence, and that the DNA test results, when considered with all the other evidence in the case, old and new, admitted in the hearing conducted under this section on behalf of the person would make it probable that a different verdict would result upon a new trial; or

C. All of the prerequisites for obtaining a new trial based on newly discovered evidence are met as follows:

(1) The DNA test results, when considered with all the other evidence in the case, old

and new, admitted in the hearing conducted under this section on behalf of the person would make it probable that a different verdict would result upon a new trial;

(2) The proffered DNA test results have been discovered by the person since the trial;

(3) The proffered DNA test results could not have been obtained by the person prior to trial by the exercise of due diligence;

(4) The DNA test results and other evidence admitted at the hearing conducted under this section on behalf of the person are material to the issue as to who is responsible for the crime for which the person was convicted; and

(5) The DNA test results and other evidence admitted at the hearing conducted under this section on behalf of the person are not merely cumulative or impeaching, unless it is clear that such impeachment would have resulted in a different verdict.

The court shall state its findings of fact on the record or make written findings of fact supporting its decision to grant or deny the person authorized in section 2137 a new trial under this section. If the court finds that the person authorized in section 2137 has met the evidentiary burden of paragraph A, the court shall grant a new trial.

For purposes of this subsection, "all the other evidence in the case, old and new," means the evidence admitted at trial; evidence admitted in any hearing on a motion for new trial pursuant to Rule 33 of the Maine Rules of Unified Criminal Procedure; evidence admitted at any collateral proceeding, state or federal; evidence admitted at the hearing conducted under this section relevant to the DNA testing and analysis conducted on the sample; and evidence relevant to the identity of the source of the DNA sample.

Sec. 26. 15 MRSA §2151, sub-§2, as amended by PL 1999, c. 731, Pt. ZZZ, §23 and affected by §42, is further amended to read:

2. Plea agreements. In any case in which the particular disposition involving imprisonment was imposed as a result of a court accepting a recommendation of the type specified in the Maine Rules of Unified Criminal Procedure, Rule 11A, subsection (a)(2) or (a)(4); or

Sec. 27. 15 MRSA §3102, as amended by PL 1989, c. 741, §1, is further amended to read:

§3102. Venue

Proceedings in cases brought under the provisions of section 3101 must be commenced in accordance with Rule 21 of the Maine Rules of Unified Criminal Procedure.

Sec. 28. 15 MRSA §3202, as amended by PL 2005, c. 328, §8, is further amended to read:

§3202. Arrest warrants for juveniles

An arrest warrant for a juvenile must be issued in the manner provided by Rule 4 of the Maine Rules of Unified Criminal Procedure, except that affidavits alone must be presented and a petition is not necessary. Following arrest, the juvenile is subject to the procedures specified in sections 3203-A and 3301.

Sec. 29. 15 MRSA §3302, as amended by PL 1989, c. 741, §11, is further amended to read:

§3302. Petition, form and contents

The form and content of a petition in any proceeding brought under chapter 503 must be substantially the same as the form and content of a complaint under Rule 3, of the Maine Rules of Unified Criminal Procedure.

Sec. 30. 15 MRSA §3305, first ¶, as amended by PL 2013, c. 234, §9, is further amended to read:

A juvenile must personally appear, and the juvenile or the juvenile's counsel may enter an answer asserting the absence of criminal responsibility by reason of insanity or denying, admitting or not contesting the allegations of the petition, in accordance with Rules 11 and 11A, of the Maine Rules of Unified Criminal Procedure, except that, if the case has been continued for investigation and for a bind-over hearing pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer to the petition other than a denial or assertion of the absence of criminal responsibility by reason of insanity until the court has conducted a bind-over hearing and has decided to retain jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has withdrawn the request to have the juvenile tried as an adult. An answer may be both a denial and an assertion of the absence of criminal responsibility by reason of insanity. If the juvenile or the juvenile's counsel declines to enter an answer, the court shall enter an answer of denial.

Sec. 31. 15 MRSA §3309, as amended by PL 1989, c. 741, §16, is further amended to read:

§3309. Procedure

To the extent not inconsistent with or inapplicable to Part 6, procedure in juvenile proceedings must be in accordance with the Maine Rules of Unified Criminal Procedure. The Supreme Judicial Court may promulgate rules for juvenile proceedings as provided under Title 4, section 8.

Sec. 32. 15 MRSA §3311-C, sub-§4, as enacted by PL 2011, c. 384, §3, is amended to read:

4. Rights of juvenile at hearing. The juvenile at a hearing under this section or section 3311-B must be afforded the opportunity to confront and cross-examine witnesses against the juvenile, to present evidence on the juvenile's own behalf and to be represented by counsel. If the juvenile who was granted deferred disposition pursuant to section 3311-B cannot afford counsel, the court shall appoint counsel for the juvenile. Assignment of counsel and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 33. 15 MRSA §5826, sub-§2, as amended by PL 1999, c. 408, §3, is further amended to read:

2. Commencement of criminal forfeiture action. Property subject to forfeiture may be proceeded against by indictment of the grand jury or by complaint in the District Court in any related criminal proceeding in which a person with an interest in the property has been simultaneously charged with a violation of Title 17-A, chapter 45. At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that property is subject to criminal forfeiture. Discovery in the criminal action must be as provided for by the Maine Rules of Unified Criminal Procedure.

Sec. 34. 16 MRSA §53-C, sub-§3, ¶E, as enacted by PL 1999, c. 369, §1, is amended to read:

E. Evidence of an exculpatory nature must be disclosed to the criminal defendants pursuant to the Maine Rules of Unified Criminal Procedure, Rule 16.

Sec. 35. 17-A MRSA §101, sub-§1, as amended by PL 1997, c. 185, §1, is further amended to read:

1. The State is not required to negate any facts expressly designated as a "defense," or any exception, exclusion or authorization that is set out in the statute defining the crime by proof at trial, unless the existence of the defense, exception, exclusion or authorization is in issue as a result of evidence admitted at the trial that is sufficient to raise a reasonable doubt on the issue, in which case the State must disprove its existence beyond a reasonable doubt. This subsection does not require a trial judge court to instruct on an issue that has been waived by the defendant. The subject of waiver is addressed by the Maine Rules of Unified Criminal Procedure.

Sec. 36. 17-A MRSA §960, sub-§2, as enacted by PL 2001, c. 461, §2, is amended to read:

2. Property subject to forfeiture that is not yet the subject of a final order pursuant to section 959 may be proceeded against by indictment or superseding indictment of a grand jury in any related criminal pro-

ceeding in which one or more persons with an interest in the property have been simultaneously indicted for one or more violations of this chapter. At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that that property is subject to criminal forfeiture. Upon commencement of a criminal forfeiture by indictment or information of any property that may be the subject of any pending civil action commenced pursuant to section 959, the civil action must be immediately stayed and subrogated to the criminal forfeiture action. Discovery in the criminal action must be as provided by the Maine Rules of Unified Criminal Procedure.

Sec. 37. 17-A MRSA §1172, sub-§1, ¶B-1, as enacted by PL 1997, c. 615, §1, is amended to read:

B-1. The proposed dismissal or filing of an indictment, information or complaint pursuant to the Maine Rules of Unified Criminal Procedure, Rule 48, before that action is taken;

Sec. 38. 17-A MRSA §1173, as enacted by PL 1995, c. 680, §5, is amended to read:

§1173. Plea agreement procedure

When a plea agreement is submitted to the court pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11A (b), the attorney for the State shall disclose to the court any and all attempts made to notify each victim of the plea agreement and any objection to the plea agreement by a victim. A victim who is present in court at the submission of the plea may address the court at that time.

Sec. 39. 17-A MRSA §1176, sub-§4, as enacted by PL 2007, c. 475, §13, is amended to read:

4. Limited disclosure pursuant to discovery. ~~Notwithstanding the provisions of the Maine Rules of Criminal Procedure, Rule 16, an An~~ attorney for the State may withhold the current address or location of a victim from a defendant, or the attorney or authorized agent of the defendant, if the attorney for the State has a good faith belief that such disclosure may compromise the safety of the victim.

Sec. 40. 17-A MRSA §1206, sub-§4, as amended by PL 1993, c. 234, §1, is further amended to read:

4. If a hearing is held, the person on probation must be afforded the opportunity to confront and cross-examine witnesses against the person, to present evidence on that person's own behalf and to be represented by counsel. If the person on probation can not afford counsel, the court shall appoint counsel for the person. Assignment of counsel, to the extent not covered in this subsection, and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 41. 17-A MRSA §1207, as amended by PL 2003, c. 17, §5, is repealed and the following enacted in its place:

§1207. Review

1. Discretionary appeal to the Law Court. Review of a revocation of probation pursuant to section 1206 must be by appeal to the Law Court. A person whose probation is revoked may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

2. Assignment and withdrawal of counsel. Assignment and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 42. 17-A MRSA §1253, sub-§13, as enacted by PL 2003, c. 711, Pt. A, §18, is amended to read:

13. If a court imposes a sentencing alternative pursuant to section 1152 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court may not consider the potential impact of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 and 10 except in the context of a plea agreement in which both parties are recommending to the court a particular disposition under the Maine Rules of Unified Criminal Procedure, Rule 11-A.

Sec. 43. 17-A MRSA §1348-B, sub-§4, as enacted by PL 2003, c. 711, Pt. A, §19, is amended to read:

4. The person at a hearing under this section or section 1348-A must be afforded the opportunity to confront and cross-examine witnesses against the person, to present evidence on that person's own behalf and to be represented by counsel. If the person who was granted deferred disposition pursuant to section 1348-A can not afford counsel, the court shall appoint counsel for the person. Assignment of counsel and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 44. 22 MRSA §3022, sub-§13, ¶B, as enacted by PL 2001, c. 221, §5, is amended to read:

B. A person may inspect and obtain a copy of communications identified in subsection 8, paragraphs C and D, except work product as defined in Rule ~~16(b)(3)~~ 16(a)(3) of the Maine Rules of Unified Criminal Procedure, as long as the communications would otherwise be open to inspection and release if in the possession or custody of the Department of the Attorney General or the office of a district attorney.

Sec. 45. 25 MRSA §1542-A, sub-§1, ¶D, as enacted by PL 1987, c. 512, §3, is amended to read:

D. Named in a Maine Rules of Unified Criminal Procedure 16A order ~~which~~ that directs that such person's fingerprints be taken;

See title page for effective date.

CHAPTER 432

H.P. 1102 - L.D. 1623

**An Act To Establish
Municipal Cost Components
for Unorganized Territory
Services To Be Rendered in
Fiscal Year 2016-17**

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

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

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

Sec. 1. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2016-17 is as follows:

Audit - Fiscal Administration	\$251,277
Education	12,288,717
Forest Fire Protection	150,000
Human Services - General Assistance	65,000
Property Tax Assessment - Operations	935,000

Maine Land Use Planning Commission - Operations 544,194

Miscellaneous Revenues 10,000
Transfer from Unassigned Fund Balance 1,750,000

TOTAL STATE AGENCIES \$14,234,188

TOTAL GENERAL REVENUE DEDUCTIONS \$1,903,945

County Reimbursements for Services:

Aroostook \$1,251,259
Franklin 998,235
Hancock 236,660
Kennebec 10,669
Oxford 1,257,130
Penobscot 1,067,291
Piscataquis 962,139
Somerset 1,679,712
Washington 978,140

Educational Revenue -
Land Reserved Trust \$70,000
Tuition/Travel 110,768
United States Forest Service - Payment in Lieu of Taxes 15,000
Special - Teacher Retirement 223,281

TOTAL COUNTY SERVICES \$8,441,235

TOTAL EDUCATION REVENUE DEDUCTIONS \$419,049

COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND

TOTAL DEDUCTIONS \$2,322,994

Tax Increment Financing Payments \$2,027,000

TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY \$22,379,429

TOTAL REQUIREMENTS \$24,702,423

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

Effective April 6, 2016.

COMPUTATION OF ASSESSMENT

Total Requirements \$24,702,423

Less Revenue Deductions:

General Revenue -
State Revenue Sharing \$50,000
Homestead Reimbursement 93,945

**CHAPTER 433
H.P. 1023 - L.D. 1500**

An Act To Protect and Promote Access to Sport Shooting Ranges

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

Sec. 1. 17 MRSA §2806, sub-§§1 and 2, as enacted by PL 1995, c. 231, §1, are amended to read:

1. Acquisition of property near existing range. Except as provided in this subsection, a person may not maintain a nuisance action, including for noise, against a shooting range located in the vicinity of that person's property if the shooting range was established as of the date the person acquired the property. If there is a substantial change in use of the range after the person acquires the property, the person may maintain a nuisance action if the action is brought within 3 years from the beginning of the substantial change.

2. Establishment of shooting range near existing property. A person who owns property in the vicinity of a shooting range that was established after the person acquired the property may maintain a nuisance action, including for noise, against that shooting range only if the action is brought within 5 years after establishment of the range or 3 years after a substantial change in use of the range.

Sec. 2. 17 MRSA §2806, sub-§4, as enacted by PL 1995, c. 231, §1, is amended to read:

4. Application. This section does not limit nuisance actions against shooting ranges established on or after the effective date of this section September 1, 2016.

Sec. 3. 30-A MRSA §3011, sub-§§2 and 3, as enacted by PL 1995, c. 231, §2, are amended to read:

2. Limitation. A municipal noise control or other ordinance may not require or be applied so as to require a sport shooting range to limit or eliminate shooting activities that have occurred on a regular basis at the range prior to the enactment date of the ordinance, as long as the range conforms to generally accepted gun safety and shooting range operation practices or is constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range.

3. Expansion of activity. Nothing in this section limits the ability of a municipality to regulate noise produced by the expansion of activity at a the location and construction of a new sport shooting range or a substantial change in use of an existing range on or after September 1, 2016.

Sec. 4. 30-A MRSA §3011, sub-§4 is enacted to read:

4. Maintenance and improvements. A municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or otherwise making improvements to the sport shooting range and its buildings, structures and grounds with regard to:

- A. Enhancing public safety and shot containment;
- B. Providing access for persons with disabilities and providing rest room facilities;

C. Otherwise maintaining or improving the habitability of buildings and grounds, if such maintenance or improvements are otherwise in compliance with the municipality's generally applicable building codes and zoning ordinances; and

D. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God, if such repairs or rebuilding is otherwise in compliance with the municipality's generally applicable building codes and is completed within 2 years of the loss or damage.

See title page for effective date.

CHAPTER 434

H.P. 1031 - L.D. 1508

An Act Regarding the Distribution and Off-site Storage of Spirits by Licensed Reselling Agents

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

Sec. 1. 28-A MRSA §453-C, sub-§3, as enacted by PL 2003, c. 639, §1, is amended to read:

3. Off-site facility license. A licensed reselling agent may obtain a license to maintain an off-site facility for the storage and distribution of spirits as provided in this subsection.

A. The off-site ~~storage~~ facility may be used ~~only~~ for the storage of spirits intended for sale to an on-premises licensee or to fulfill and distribute orders to an on-premises licensee. The sales of spirits to an on-premises licensee ~~must~~ may be transacted at the licensed retail agency store or at the licensed off-site facility.

B. The off-site ~~storage~~ facility must be equipped with a security system providing 24-hour response.

C. A licensed reselling agent may have only one off-site ~~storage~~ facility, which may not be located further than ~~30~~ 5 miles from the licensed retail agency store.

D. The fee for an off-site ~~storage~~ facility license is \$100 annually.

See title page for effective date.

**CHAPTER 435
S.P. 676 - L.D. 1655**

**An Act To Increase the
Number of Science,
Technology, Engineering and
Mathematics Professionals in
the State**

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

Sec. 1. 20-A MRSA c. 439 is enacted to read:

CHAPTER 439

**MAINE SCIENCE, TECHNOLOGY,
ENGINEERING AND MATHEMATICS LOAN
PROGRAM**

§12921. Definitions

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

1. Authority. "Authority" means the Finance Authority of Maine.

2. Fund. "Fund" means the Maine Science, Technology, Engineering and Mathematics Loan Fund established in section 12923.

3. Program. "Program" means the Maine Science, Technology, Engineering and Mathematics Loan Program established in section 12922.

4. STEM student. "STEM student" means an undergraduate or graduate student who is a resident of the State and is engaged in the study of science, computer science, technology, engineering or mathematics at an accredited institution of higher education eligible to receive federal assistance under a federal student assistance program authorized under the federal Higher Education Act of 1965, Title IV and has been selected by the authority pursuant to section 12922 to receive a loan. "STEM student" also means a high school senior committed to the study of science, computer science, technology, engineering or mathematics at an accredited institution of higher education eligible to receive federal assistance under a federal student assistance program authorized under the federal Higher Education Act of 1965, Title IV and has been selected by the authority pursuant to section 12922 to receive a loan.

§12922. Maine Science, Technology, Engineering and Mathematics Loan Program

The Maine Science, Technology, Engineering and Mathematics Loan Program is established to increase the number of students in this State pursuing undergraduate and graduate degrees in the fields of science, computer science, technology, engineering and

mathematics. The authority shall provide loans in amounts up to \$7,500 per year for a maximum of 5 years to selected STEM students. As used in this section, "employed in the field of science, computer science, technology, engineering or mathematics" includes a person employed as an educator in any of those fields.

1. Annual interest rate of 0%. A STEM student may receive a loan bearing an annual interest rate of 0% if the student upon graduation:

A. Remains in or returns to the State to live and work; and

B. Is employed in the field of science, computer science, technology, engineering or mathematics.

2. Annual interest rate of 5%. A STEM student may receive a loan bearing an annual interest rate of 5% if the student upon graduation:

A. Remains in or returns to the State to live and work; and

B. Is not employed in the field of science, computer science, technology, engineering or mathematics.

3. Annual interest rate of 8%. A STEM student may receive a loan bearing an annual interest rate of 8% if the student does not remain in or return to the State to live and work upon graduation.

§12923. Maine Science, Technology, Engineering and Mathematics Loan Fund

1. Fund established. The Maine Science, Technology, Engineering and Mathematics Loan Fund is created as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this chapter.

2. Funds. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests and donations, in addition to money appropriated or allocated by the Legislature to the fund and any federal funds received by the State for the benefit of students in this State who have outstanding education loans. Money received by the authority on behalf of the fund must be used for the purposes of this chapter. Interest income may be used for the designated purpose or to pay administrative costs incurred by the authority as determined appropriate by the authority. Any unexpended balance in the fund carries forward for continued use under this chapter.

§12924. Loan agreement; repayment

A STEM student applying for a loan under section 12922 shall enter into an agreement with the authority that includes the following provisions.

1. Principal; interest. Upon completion of post-secondary education, the STEM student shall repay the entire principal of the loan plus simple interest. Interest does not begin to accrue until 6 months following

completion of the loan recipient's education, with-
drawal from school or discontinuance in school.

2. Term of loan. Loans must be repaid over a term no longer than 10 years, except that the authority may extend a loan recipient's term as necessary to ensure repayment of the loan.

Repayment must commence within 6 months following completion of the loan recipient's education, with-
drawal from school or discontinuance in school.

§12925. Default

If a recipient of a loan under the program agrees to live and work in the State or be employed in the field of science, computer science, technology, engineering or mathematics and that recipient does not remain living and working in the State or does not remain employed in such a field, the interest rate on the loan held by that recipient is subject to change in accordance with the interest rates set forth in section 12922. A recipient who fails to pay the loan is liable to the authority for an amount equal to the sum of the total amount paid by or on behalf of the authority to or on behalf of the recipient under the agreement under section 12924 plus interest at a rate determined by the authority. Exceptions may be made by the authority for good cause.

§12926. Deferments

The authority may grant deferments on the repayment of a loan under the program for causes established by rule. Interest at a rate to be determined by rule of the authority may be assessed during a deferment. The student's total debt to the authority, including principal and interest, must be repaid. The authority shall make determinations of deferment on a case-by-case basis. The decision of the authority regarding deferment is final.

§12927. Administration; rules

The authority shall administer the program and the fund. The authority shall adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. The Finance Authority of Maine shall submit a report to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs that includes information and data demonstrating how effective the loan program established under the Maine Revised Statutes, Title 20-A, chapter 439 is at encouraging and providing incentives to students to work in science, computer science, technology, engineering or mathematics fields in the State, including possibilities for achieving greater retention of students in those fields. The authority shall submit its report to the joint standing

committee by January 15th of the 5th year after the loan program begins awarding loans.

See title page for effective date.

CHAPTER 436

S.P. 666 - L.D. 1639

An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force

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

Sec. 1. 15 MRSA §1023, sub-§4, ¶D, as amended by PL 2013, c. 519, §2, is further 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. 2. 15 MRSA §1023, sub-§4, ¶E, as enacted by PL 2011, c. 341, §2, is amended to read:

E. Set preconviction bail using a condition of release not included in every order for pretrial release without specifying a court date within 8 weeks of the date of the bail order-;

Sec. 3. 15 MRSA §1023, sub-§4, ¶¶F and G are enacted to read:

F. Set preconviction bail for crimes involving allegations of domestic violence without specifying a court date within 5 weeks of the date of the bail order; or

G. Notwithstanding section 1026, subsection 3, paragraph A, subparagraph (9-A), impose a condition of preconviction bail that a defendant submit to random search with respect to a prohibition on the possession, use or excessive use of alcohol or illegal drugs.

Sec. 4. 15 MRSA §1026, sub-§3, ¶A, as amended by PL 2013, c. 227, §1, is further amended to read:

A. If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2-A will not reasonably ensure the appearance of the defendant at the time and place required, will not reasonably ensure that the defendant will refrain from any new criminal conduct, will not reasonably ensure the integrity of the judicial process or will not reasonably ensure the safety of others in the community, the judicial officer shall order the pretrial release of the defendant subject to the least restric-

tive further condition or combination of conditions that the judicial officer determines will reasonably ensure the appearance of the defendant at the time and place required, will reasonably ensure that the defendant will refrain from any new criminal conduct, will reasonably ensure the integrity of the judicial process and will reasonably ensure the safety of others in the community. These conditions may include that the defendant:

- (1) Remain in the custody of a designated person or organization agreeing to supervise the defendant, including a public official, public agency or publicly funded organization, if the designated person or organization is able to reasonably ensure the appearance of the defendant at the time and place required, that the defendant will refrain from any new criminal conduct, the integrity of the judicial process and the safety of others in the community. When it is feasible to do so, the judicial officer shall impose the responsibility upon the defendant to produce the designated person or organization. The judicial officer may interview the designated person or organization to ensure satisfaction of both the willingness and ability required. The designated person or organization shall agree to notify immediately the judicial officer of any violation of release by the defendant;
- (2) Maintain employment or, if unemployed, actively seek employment;
- (3) Maintain or commence an educational program;
- (4) Abide by specified restrictions on personal associations, place of abode or travel;
- (5) Avoid all contact with a victim of the alleged crime, a potential witness regarding the alleged crime or with any other family or household members of the victim or the defendant or to contact those individuals only at certain times or under certain conditions;
- (6) Report on a regular basis to a designated law enforcement agency or other governmental agency;
- (7) Comply with a specified curfew;
- (8) Refrain from possessing a firearm or other dangerous weapon;
- (9) Refrain from the possession, use or excessive use of alcohol and from any use of illegal drugs. A condition under this subparagraph may be imposed only upon the presentation to the judicial officer of specific facts demonstrating the need for such condition;

(9-A) Submit to:

(a) A random search for possession or use prohibited by a condition imposed under subparagraph (8) or (9); or

(b) A search upon articulable suspicion for possession or use prohibited by a condition imposed under subparagraph (8) or (9);

(10) Undergo, as an outpatient, available medical or psychiatric treatment, or enter and remain, as a voluntary patient, in a specified institution when required for that purpose;

(10-A) Enter and remain in a long-term residential facility for the treatment of substance abuse;

(11) Execute an agreement to forfeit, in the event of noncompliance, such designated property, including money, as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community and post with an appropriate court such evidence of ownership of the property or such percentage of the money as the judicial officer specifies;

(12) Execute a bail bond with sureties in such amount as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community;

(13) Return to custody for specified hours following release for employment, schooling or other limited purposes;

(14) Report on a regular basis to the defendant's attorney;

(15) Notify the court of any changes of address or employment;

(16) Provide to the court the name, address and telephone number of a designated person or organization that will know the defendant's whereabouts at all times;

(17) Inform any law enforcement officer of the defendant's condition of release if the defendant is subsequently arrested or summoned for new criminal conduct;

(18) Satisfy any other condition that is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the in-

tegrity of the judicial process and to ensure the safety of others in the community; and

(19) Participate in an electronic monitoring program, if available.

Sec. 5. 15 MRSA §1051, sub-§2-A is enacted to read:

2-A. Violation of probation; standards. This subsection governs bail with respect to a motion to revoke probation.

A. A judge or justice may deny or grant bail.

B. In determining whether to admit the defendant to bail and, if so, the kind and amount of bail, the judge or justice shall consider the nature and circumstances of the crime for which the defendant was sentenced to probation, the nature and circumstances of the alleged violation and any record of prior violations of probation as well as the factors relevant to the setting of preconviction bail listed in section 1026.

Sec. 6. 15 MRSA §1073, 3rd ¶, as amended by PL 1997, c. 543, §18, is further amended to read:

The judge or justice may absolve the person of responsibility to pay all or part of the bond or may order the return of cash bail, except that a person may not be absolved of the responsibility to pay all or part of the bond, or receive any cash deposited as bail, if, prior to terminating the agreement, the defendant has failed to appear as required or, ~~if the precondition in section 1073-A has been satisfied,~~ the defendant has failed to comply with each condition of release. Nothing in this section may be construed to relieve or release a person of the responsibility for the appearance of the defendant, notwithstanding the termination of the agreement, until the defendant is in the custody of the sheriff of the county in which the case is pending, new or substitute sureties have appeared, new cash bail has been deposited or the defendant has otherwise been admitted to bail.

Sec. 7. 15 MRSA §1073-A, as enacted by PL 1997, c. 543, §19, is repealed.

Sec. 8. 17-A MRSA §1205-C, sub-§§4 and 5, as enacted by PL 1999, c. 246, §3, are amended to read:

4. At the initial appearance, the court shall advise the probationer of the contents of the motion, the right to a hearing on the motion, the right to be represented by counsel at a hearing and the right to appointed counsel. If the probationer can not afford counsel, the court shall appoint counsel for the probationer. The court shall call upon the probationer to admit or deny the alleged violation. If the probationer refuses to admit or deny, a denial must be entered. In the case of a denial, the court shall set the motion for hearing and may commit the ~~person~~ probationer, with or without

bail, pending hearing. If the probationer is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.

5. In deciding whether to set bail under this section and in setting the kind and amount of that bail, the court must be guided by the standards of post-conviction bail in Title 15, section 1051, ~~subsections 2 and 3~~ subsection 2-A. Appeal is governed by Title 15, section 1051, subsections 5 and 6. Bail set under this section is also governed by the sureties and other forms of bail provisions in Title 15, chapter 105-A, subchapter ~~IV~~ 4 and the enforcement provisions in Title 15, chapter 105-A, subchapter ~~V~~ 5, articles 1 and 3, including the appeal provisions in Title 15, section 1099-A, subsection 2.

Sec. 9. 17-A MRSA §1302, sub-§3 is enacted to read:

3. Notwithstanding any other provision of law, the court may suspend all or a portion of a minimum fine under section 1301, subsection 6 or under section 207, subsection 3 or under Title 29-A, section 2412-A, subsection 3, and the court may impose a fine other than the mandatory fine if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the offender and the offender's family and dependents;

B. Reliable evidence of special needs of the offender or the offender's family and dependents;

C. Reliable evidence of the offender's income and future earning capacity and the offender's assets and financial resources from whatever source;

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and

E. The impact of imposition of the mandatory fine on the offender's reasonable ability to pay restitution under chapter 54.

Sec. 10. 17-A MRSA §1304, sub-§3, ¶A, as amended by PL 2011, c. 568, §1, is further amended to read:

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may:

(1) Commit the offender to the custody of the sheriff until all or a specified part of the fine is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed 6 months. An offender committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the offender is in custody at the rate specified in the court's order, which may not be less than \$25 or more than \$100 of unpaid fine for each day of confinement. The offender is also given credit for each day that the offender is detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any fine remaining after receiving credit for confinement and detention. A default on the remaining fine is also governed by this section; or

(2) If the unexcused default relates to a fine imposed for a Class C, Class D or Class E crime, as authorized by chapter 53, order the offender to perform community service work, as authorized in chapter 54-C, until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and the offender must receive a credit against the unpaid fine ~~of no less than \$25 for every 8 hours of community service work completed, which may not exceed one hundred 8 hour days at a rate equal to the current hourly minimum wage.~~ An offender ordered to perform community service work pursuant to this subparagraph is given credit toward the payment of the fine for each 8-hour day of community service work performed at the rate specified in the court's order. The offender is also given credit toward the payment of the fine for each day that the offender is detained as a result of an arrest warrant issued pursuant to this section at a rate specified in the court's order that is up to \$100 of unpaid fine per day of confinement. An offender is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed. A default on the remaining fine is also governed by this section.

Sec. 11. 34-A MRSA §1210-D, sub-§2, ¶C, as enacted by PL 2015, c. 335, §23, is amended to read:

C. Before distributing to a county that county's entire distribution under this section, the department shall require that county to submit appropriate documentation verifying that the county expended 30% of its prior distribution for the pur-

pose of community corrections as required by this section.

Sec. 12. 34-A MRSA §1210-D, sub-§2-A is enacted to read:

2-A. Pretrial release or conditional release programs. Using community corrections funds distributed under this section, each county shall provide a program, directly or through contract with an organization, to supervise defendants subject to a pretrial release condition imposed pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (1) and such requirements as may be established by rule or order of the Supreme Judicial Court.

See title page for effective date.

CHAPTER 437

S.P. 669 - L.D. 1642

An Act Regarding Stolen Valor

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

Sec. 1. 17-A MRSA §354, sub-§2, ¶A, as amended by PL 2015, c. 21, §1, is further amended to read:

A. Creates or reinforces an impression that is false and that the person does not believe to be true, including false ~~claims~~ impressions that the person is a veteran or a member of the Armed Forces of the United States or a state military force and false impressions as to identity, law, value, knowledge, opinion, intention or other state of mind; except that an intention not to perform a promise, or knowledge that a promise will not be performed, may not be inferred from the fact alone that the promise was not performed;

Sec. 2. 17-A MRSA §1306 is enacted to read:

§1306. Deposit of certain fines in Maine Military Family Relief Fund

Notwithstanding any provision of law to the contrary, if a person is convicted under section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force, any fine imposed on that person by the court must be deposited in the Maine Military Family Relief Fund established in Title 37-B, section 158.

Sec. 3. 37-B MRSA §158, as amended by PL 2013, c. 424, Pt. A, §29, is further amended to read:

§158. Maine Military Family Relief Fund

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a

nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. 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 438

H.P. 1128 - L.D. 1658

**An Act To Reform the
Veteran Preference in State
Hiring and Retention**

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

Sec. 1. 5 MRSA §7054, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

Sec. 2. 5 MRSA §7054-B is enacted to read:

§7054-B. Veteran preference

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

A. "Gold star spouse" means a widow or widower of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

B. "Veteran" means a person who has served on active duty in the United States Armed Forces including the Reserves of the United States Armed Forces and the National Guard and received a discharge other than dishonorable.

2. Interview. In filling any position in the classified service, the employing agency shall offer an in-

terview to any veteran or gold star spouse who meets the minimum qualifications established for the position.

3. Retention preference. In any reduction in personnel in the state service, employees who are veterans or gold star spouses must be retained in preference to all other competing employees in the same classification with equal seniority, status and performance reviews.

Sec. 3. 5 MRSA §7055, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed.

See title page for effective date.

CHAPTER 439

H.P. 1087 - L.D. 1597

**An Act To Provide
Supplemental Appropriations
and Deappropriations for the
Judicial Department for the
Fiscal Years Ending June 30,
2016 and June 30, 2017**

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, this legislation provides adjustments to appropriations from the General Fund for certain expenditures of the judicial branch for the fiscal years ending June 30, 2016 and June 30, 2017; 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 §1556, sub-§2, ¶I is enacted to read:

I. The hourly rate of compensation for the guardian ad litem may not be less than the rate of compensation established by the Maine Commission on Indigent Legal Services pursuant to section 1804, subsection 3, paragraph F. Nothing in this paragraph prohibits the court from establishing maximum fees and other reasonable requirements relating to guardian ad litem billing and compensation.

Sec. 2. Appropriations and allocations.
The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the child protective guardian ad litem hourly rate increase from \$50 per hour to \$60 per hour effective July 1, 2016 to be consistent with the rate paid to attorneys appointed to represent parents.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$443,000
GENERAL FUND TOTAL	\$0	\$443,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in hours from a 37.5-hour workweek to a 40-hour workweek for the administrative bargaining unit, remaining employees in the professional and supervisory bargaining units and confidential nonmanagement employees effective the first pay period following July 1, 2016.

GENERAL FUND	2015-16	2016-17
Personal Services	\$0	\$770,000
GENERAL FUND TOTAL	\$0	\$770,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the increase in the executive branch network charges based on current users.

GENERAL FUND	2015-16	2016-17
All Other	\$93,776	\$93,776
GENERAL FUND TOTAL	\$93,776	\$93,776

Courts - Supreme, Superior and District 0063

Initiative: Deappropriates one-time funds no longer needed for courthouse feasibility studies.

GENERAL FUND	2015-16	2016-17
All Other	(\$215,000)	\$0
GENERAL FUND TOTAL	(\$215,000)	\$0

Judicial - Debt Service Z097

Initiative: Reduces funding by recognizing one-time savings in debt service costs in fiscal year 2015-16 and fiscal year 2016-17.

GENERAL FUND	2015-16	2016-17
All Other	(\$400,000)	(\$1,300,000)
GENERAL FUND TOTAL	(\$400,000)	(\$1,300,000)
JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$521,224)	\$6,776
DEPARTMENT TOTAL - ALL FUNDS	(\$521,224)	\$6,776

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 4, section 1556, subsection 2, paragraph I takes effect July 1, 2016.

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

Effective April 7, 2016, unless otherwise indicated.

CHAPTER 440
H.P. 1152 - L.D. 1687

An Act To Assist Small Distilleries

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

Sec. 1. 28-A MRSA §1355-A, sub-§5, ¶G, as enacted by PL 2013, c. 359, §1, is amended to read:

G. Notwithstanding paragraph D, a holder of a small distillery license ~~that produces less than 25,000 gallons of spirits annually and is licensed under paragraph B, subparagraph (3) to operate a retail location for off-premises consumption may pay the alcohol bureau the difference between the distillery's price charged to the alcohol bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at retail from its off-premises location. The alcohol bureau shall establish a procedure to allow a distillery to purchase spirits produced by the distillery for sale at a retail location as described in this paragraph. A small distillery is not required to transport spirits that will be sold for off-premises consumption under paragraph B, subparagraph (3) to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by~~

the small distillery for off-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for off-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

Sec. 2. 28-A MRSA §1355-A, sub-§5, ¶H is enacted to read:

H. Notwithstanding paragraph D, a holder of a small distillery license licensed under paragraph E to operate a location licensed under chapter 43 for on-premises consumption may pay the bureau the difference between the distillery's price charged to the bureau and the discounted list price charged by the bureau when a distillery purchases its own spirits to be sold at its on-premises location. A small distillery is not required to transport spirits that will be sold for on-premises consumption under paragraph E to a warehouse operated by the bureau or by a wholesaler contracted by the bureau under section 90 for distribution to the location where the small distillery is authorized to sell spirits produced by the small distillery for on-premises consumption. A holder of a small distillery license shall record the quantity of spirits sold for on-premises consumption that were not transported to a warehouse as described in this paragraph and submit monthly reports of this information, along with the full amount of state liquor tax due as prescribed by chapter 65, to the bureau in a manner prescribed by the bureau.

See title page for effective date.

CHAPTER 441

H.P. 1148 - L.D. 1678

An Act To Change the Definition of "Hard Cider" for Consistency with Federal Law

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

Sec. 1. 28-A MRSA §2, sub-§12-A, as amended by PL 2009, c. 652, Pt. A, §41, is further amended to read:

12-A. Hard cider. "Hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and not more than ~~7%~~ 8.5% alcohol by volume.

Sec. 2. Effective date. This Act takes effect January 1, 2017.

Effective January 1, 2017.

CHAPTER 442

S.P. 682 - L.D. 1668

An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System

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

Sec. 1. 5 MRSA §7036, sub-§5, as amended by PL 1999, c. 668, §10, is further amended to read:

5. Be responsible for development and implementation of system of registers of eligibles. Be responsible for the development and use of registers of eligibles and the updating of these registers.

~~The~~ After meeting and consulting with collective bargaining representatives of affected employees, the director shall implement the procedures authorized by this subsection with the goal to establish an efficient hiring process that meets the satisfaction of the agencies that the office serves;

Sec. 2. 5 MRSA §7051, sub-§6, ¶B, as amended by PL 2007, c. 466, Pt. A, §15, is further amended to read:

B. The director shall establish a policy to protect persons in temporary positions from remaining in a temporary position for an unreasonable period of time, ~~not to exceed one year that may not exceed one year except that an extension may be granted to an individual by the director when unusual circumstances warrant that extension.~~

Sec. 3. 5 MRSA §7062, sub-§§1 and 3, as enacted by PL 1985, c. 785, Pt. B, §38, are amended to read:

1. Placement of names on register. In establishing registers of eligible persons pursuant to this section, the names of all persons attaining the minimum final earned ratings established by the director ~~shall~~ must be placed on the register ~~in order of their ratings.~~

3. Removal from list prohibited under certain circumstances. ~~No~~ A person may not be removed from a register of eligibles for:

- A. Specifying the conditions under which the applicant will accept employment in a classification;
- B. Specifying a department, bureau or division in which the applicant will accept employment in a classification; or

C. Specifying a department, bureau or division in which the applicant will not accept employment in a classification;

~~D. Failure to respond in less than 3 months' time to a written inquiry of the director or some other appointing authority relative to availability for appointment, except as provided by section 7034, subsection 5, with respect to the annual update of registers of eligibility. In this case, the register may be closed in the event that the person does not respond expeditiously, but the person's name shall not be removed from the register except in accordance with this paragraph; or~~

~~E. Failure to be appointed to a position following certification regardless of the number of certifications an applicant has received.~~

See title page for effective date.

CHAPTER 443

S.P. 593 - L.D. 1531

An Act To Protect Victims of Human Trafficking

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

Sec. 1. 5 MRSA §4651, sub-§2, ¶C, as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, ~~sections~~ section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 ~~or~~ 806, 852 or 853.

Sec. 2. 5 MRSA §4654, sub-§4, ¶F, as amended by PL 1995, c. 650, §6, is further amended to read:

- F. Repeatedly and without reasonable cause:
- (1) Following the plaintiff; or
 - (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

Sec. 3. 5 MRSA §4654, sub-§4, ¶G, as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; ~~or~~

Sec. 4. 5 MRSA §4654, sub-§4, ¶H is enacted to read:

H. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 5. 5 MRSA §4655, sub-§1, ¶¶E and F, as amended by PL 1993, c. 475, §2, are further amended to read:

- E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~
- F. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~and~~

Sec. 6. 5 MRSA §4655, sub-§1, ¶G is enacted to read:

G. Prohibiting the defendant from destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 7. 5 MRSA §4659, sub-§1, as amended by PL 1993, c. 469, §2, is further amended to read:

1. Crime committed. Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a court-approved consent agreement, when the defendant has prior actual notice of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F ~~G~~. Violation of these paragraphs must be treated as contempt and punished in accordance with law.

Sec. 8. 17-A MRSA §1201, sub-§1, ¶A-1, as amended by PL 2013, c. 194, §11, is further amended to read:

A-1. The conviction is for a Class D or Class E crime other than:

- (1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;
- (2) A Class D crime that the State pleads and proves was committed against a family or household member or a dating partner under chapter 9 or 13 or section 554, 555 or 758. As used in this subparagraph, "family or

household member" has the same meaning as in Title 19-A, section 4002, subsection 4; "dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A;

(2-A) A Class D crime under Title 5, section 4659, subsection 1, Title 15, section 321, subsection 6 or Title 19-A, section 4011, subsection 1;

(3) A Class D or Class E crime in chapter 11 or 12;

(4) A Class D crime under section 210-A;

(4-A) A Class E crime under section 552;

(5) A Class D or Class E crime under section 556, section 853, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(6) A Class D crime in chapter 45 relating to a schedule W drug;

(7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B;

(8) A Class D crime under Title 17, section 1031; or

(10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence.

Sec. 9. 19-A MRSA §4002, sub-§1, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; ~~or~~

F. Repeatedly and without reasonable cause:

(1) Following the plaintiff; or

(2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

Sec. 10. 19-A MRSA §4002, sub-§1, ¶G is enacted to read:

G. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively.

Sec. 11. 19-A MRSA §4005, sub-§1, as amended by PL 2015, c. 339, §2, is further amended to read:

1. Filing. An adult who has been abused by a family or household member or a dating partner may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

Sec. 12. 19-A MRSA §4006, sub-§5, ¶¶E and F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Taking, converting or damaging property in which the plaintiff may have a legal interest; ~~or~~

F. Having any direct or indirect contact with the plaintiff; or

Sec. 13. 19-A MRSA §4006, sub-§5, ¶G is enacted to read:

G. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

Sec. 14. 19-A MRSA §4007, sub-§1, ¶M, as amended by PL 2005, c. 510, §11, is further amended to read:

M. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~or~~

Sec. 15. 19-A MRSA §4007, sub-§1, ¶N, as enacted by PL 2005, c. 510, §12, is amended to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household; or

Sec. 16. 19-A MRSA §4007, sub-§1, ¶O is enacted to read:

O. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship.

Sec. 17. 19-A MRSA §4011, sub-§2, as amended by PL 2011, c. 178, §1, is further amended to read:

2. Exception. When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraph F or F-1 or section 4007, subsection 1, paragraphs H to ~~N~~ Q, the violation must be treated as contempt and punished in accordance with law.

See title page for effective date.

**CHAPTER 444
H.P. 1043 - L.D. 1518**

An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care

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

Sec. 1. 22 MRSA §1501, sub-§§1-A and 4 are enacted to read:

1-A. Health care. "Health care" means any care, treatment, service or procedure to maintain, diagnose or otherwise affect an individual's physical or mental condition.

4. Surrogate. "Surrogate" means:

A. An adult who is not a parent or legal guardian but who is related to a minor by blood, marriage or adoption and with whom the minor resides and from whom the minor receives the ongoing care and support expected of a parent. "Surrogate" does not include a person to whom a parent has delegated parental authority to consent to the minor's medical treatment through a power of attorney or other written instrument; or

B. If an adult relative described in paragraph A does not exist, an adult to whom a parent or legal guardian has not delegated parental authority through a power of attorney or other written instrument with whom the minor resides and from whom the minor receives the ongoing care and support expected of a parent.

Sec. 2. 22 MRSA §1503-A is enacted to read:

§1503-A. Authority for consent by a surrogate

1. Consent by a surrogate; notice of need for health care. A surrogate may give consent for health care for a minor except that a surrogate may not withhold or withdraw life-sustaining treatment or deny surgery, procedures or other interventions that are life-saving and medically necessary. The existence of a surrogate does not affect the ability of a minor to give consent as otherwise provided by law. Before the surrogate may give consent, the surrogate must make a reasonable good faith attempt to inform the minor's parents or legal guardian of the minor's need for health care and the parents' right to make those decisions. If parental notification is not required by other provisions of law, the surrogate is not required to inform or attempt to inform the minor's parents or legal guardian.

2. Notice of health care received. Unless parental notification is not required by other provisions of

law, a surrogate giving consent pursuant to subsection 1 shall make a reasonable good faith attempt to inform the minor's parents or legal guardian of the health care that the minor received. A health care practitioner or health care provider who provides health care pursuant to this section shall inform the minor's surrogate of this obligation. The sending of correspondence by regular mail, e-mail, texting, posting to a personal website or other written means of communication to the last known address or contacting by telephone using the last known telephone number of the minor's parents or legal guardian, whichever means the surrogate believes to be the most effective way to ensure actual notification, is deemed a reasonable good faith attempt to provide notice for purposes of this subsection.

3. Penalties. The following penalties apply to violations of this section.

A. A surrogate who makes decisions for a minor knowing that the decisions are prohibited by subsection 1 commits a Class E crime.

B. A person who knowingly acts as a surrogate for a minor without meeting the definition of "surrogate" in section 1501, subsection 4 commits a Class E crime.

C. A surrogate who fails to attempt to give notice as required in subsection 1 or 2 commits a Class E crime.

Sec. 3. 22 MRSA §1504, as enacted by PL 1995, c. 694, Pt. C, §8 and affected by Pt. E, §2, is repealed and the following enacted in its place:

§1504. Good faith reliance on consent

1. Reliance on minor's consent. A health care practitioner or health care provider who takes reasonable steps to ascertain that a minor is authorized to consent to health care as authorized in section 1503 and who subsequently renders health care in reliance on that consent is not liable for failing to have secured consent of the minor's parents or legal guardian prior to providing health care to the minor.

2. Reliance on surrogate's consent. Recovery is not allowed against any health care practitioner or health care provider upon the grounds that the health care was rendered without informed consent if consent is given by the minor's surrogate pursuant to section 1503-A and the health care practitioner or provider acts with good faith reliance on that consent.

Sec. 4. 22 MRSA §1507, as enacted by PL 1999, c. 90, §1, is amended to read:

§1507. Consent for sexual assault forensic examination

Notwithstanding the limitations set forth in section 1503 or the existence of a surrogate described in section 1503-A, a minor may consent to health ser-

vices associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault.

See title page for effective date.

CHAPTER 445

H.P. 600 - L.D. 881

An Act To Allow the Public Utilities Commission To Contract for Liquefied Natural Gas Storage and Distribution

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

Sec. 1. 35-A MRSA §1902, sub-§2, as enacted by PL 2013, c. 369, Pt. B, §1, is amended to read:

2. Energy cost reduction contract. "Energy cost reduction contract" ~~or "contract"~~ means a contract executed in accordance with this chapter to procure capacity on a natural gas transmission pipeline, including, when applicable, compression capacity.

Sec. 2. 35-A MRSA §1902, sub-§§3-A, 3-B and 3-C are enacted to read:

3-A. Liquefied natural gas storage capacity. "Liquefied natural gas storage capacity" means storage capacity for liquefied natural gas installed in the State on or after January 1, 2016 that will benefit the State's energy consumers during times of regional supply constraint due to capacity limitations of interstate or intrastate pipelines or local distribution systems.

3-B. Physical energy storage capacity. "Physical energy storage capacity" means liquefied natural gas storage capacity.

3-C. Physical energy storage contract. "Physical energy storage contract" means a contract executed in accordance with this chapter for physical energy storage capacity.

Sec. 3. 35-A MRSA §1903, sub-§§1 and 2, as enacted by PL 2013, c. 369, Pt. B, §1, are amended to read:

1. Electricity prices. It is in the public interest to decrease prices of electricity and natural gas for consumers in this State; ~~and~~

2. Natural gas expansion. The expansion of natural gas transmission capacity into this State and other states in the ISO-NE region could result in lower natural gas prices and, by extension, lower electricity prices for consumers in this State; ~~and~~

Sec. 4. 35-A MRSA §1903, sub-§3 is enacted to read:

3. Storage. Liquefied natural gas storage located in this State, under certain circumstances, may offer the potential to decrease energy costs by providing a hedge against gas price volatility caused by gas supply constraints, which in turn may lower natural gas prices and, by extension, lower electricity prices for consumers in this State.

Sec. 5. 35-A MRSA §1904, as amended by PL 2015, c. 329, Pt. E, §1, is further amended to read:

§1904. Energy cost reduction contracts; physical energy storage contracts

The commission in consultation with the Public Advocate and the Governor's Energy Office may execute an energy cost reduction contract or a physical energy storage contract, or both, in accordance with this section. In no event may the commission execute energy cost reduction contracts for the transmission of greater than a cumulative total of 200,000,000 cubic feet of natural gas per day or for a total amount that exceeds \$75,000,000 annually. In no event may the commission execute physical energy storage contracts for a total amount that exceeds \$25,000,000 annually, and in no event may the total amount of all contracts entered into under this section exceed \$75,000,000 annually.

1. Prior to executing an energy cost reduction contract. Before executing an energy cost reduction contract, the commission shall:

A. Pursue, in appropriate regional and federal forums, market and rule changes that will reduce the basis differential for gas coming into New England and increase the efficiency with which gas brought into New England and Maine is transmitted, distributed and used. If the commission concludes that those market or rule changes will, within the same time frame, achieve substantially the same cost reduction effects for Maine electricity and gas customers as the execution of an energy cost reduction contract, the commission may not execute an energy cost reduction contract;

B. Explore all reasonable opportunities for private participation in securing additional gas pipeline capacity that would achieve the objectives in subsection 2. If the commission concludes that private transactions, within the same time frame, achieve substantially the same cost reduction effects for Maine electricity and gas customers as the execution of an energy cost reduction contract, the commission may not execute an energy cost reduction contract; and

C. In consultation with the Public Advocate and the Governor's Energy Office, hire a consultant with expertise in natural gas markets to make rec-

ommendations regarding the execution of an energy cost reduction contract. The commission shall consider those recommendations as part of an adjudicatory proceeding under subsection 2.

1-A. Prior to executing a physical energy storage contract. Before executing a physical energy storage contract, the commission shall:

A. Pursue, in appropriate regional and federal forums, market and rule changes that will reduce the reliability risk faced by off-system natural gas users or on-system consumers and will provide a physical hedge to higher priced on-peak, winter period natural gas supplies. If the commission concludes that those market or rule changes will, within the same time frame, achieve substantially the same cost reduction effects for the State's electricity and gas customers as the execution of a physical energy storage contract, the commission may not execute a physical energy storage contract; and

B. Explore all reasonable opportunities for private participation that would achieve the objectives in subsection 2-A. If the commission concludes that private transactions, within the same time frame, achieve substantially the same cost reduction effects for the State's electricity and gas customers as the execution of a physical energy storage contract, the commission may not execute a physical energy storage contract.

2. Commission determination of benefits for an energy cost reduction contract. After satisfying the requirements of subsection 1, the commission may execute or direct one or more transmission and distribution utilities, gas utilities or natural gas pipeline utilities to execute an energy cost reduction contract if the commission has determined, in an adjudicatory proceeding, that the agreement is commercially reasonable and in the public interest and that the contract is reasonably likely to:

A. Materially enhance natural gas transmission capacity into the State or into the ISO-NE region and that additional capacity will be economically beneficial to ~~electric~~ electricity consumers, natural gas consumers or both in the State and that the overall costs of the energy cost reduction contract are outweighed by its benefits to ~~electric~~ electricity consumers, natural gas consumers or both in the State; and

B. Enhance electrical and natural gas reliability in the State.

2-A. Commission determination of benefits for a physical energy storage contract. After satisfying the requirements of subsection 1-A, the commission may execute or direct one or more transmission and distribution utilities, gas utilities or natural gas pipeline utilities to execute a physical energy storage con-

tract if the commission has determined, in an adjudicatory proceeding, that the physical energy storage contract is commercially reasonable and in the public interest and that the contract is reasonably likely to:

A. Materially enhance liquefied natural gas storage capacity in the State or the ISO-NE region and ensure that additional physical energy storage capacity will be economically beneficial to electricity consumers, natural gas consumers or both in the State and that the overall costs of the contract are outweighed by its benefits to electricity consumers, natural gas consumers or both in the State;

B. Provide the opportunity for access to lower cost natural gas at times of regional peak demand for natural gas supplies or in the event of upstream natural gas infrastructure disruption; and

C. Enhance electrical and natural gas reliability in the State.

3. Parties to an energy cost reduction contract or a physical energy storage contract. The commission may execute, or direct to be executed, an energy cost reduction contract or a physical energy storage contract, or both, that ~~contains~~ contain the following provisions.

A. The commission may direct one or more transmission and distribution utilities, gas utilities or natural gas pipeline utilities to be a counterparty to an energy cost reduction contract or a physical energy storage contract, or both. In determining whether and to what extent to direct a utility to be a counterparty to ~~a contract~~ one or more contracts under this subsection, the commission shall consider the anticipated reduction in the price of gas or electricity or a reduction in the on-peak winter period price of gas or electricity, as applicable, accruing to the customers of the utility as a result of ~~the contract~~ one or more contracts as determined by the commission in an adjudicatory proceeding.

Any economic loss, including but not limited to any effects on the cost of capital resulting from an energy cost reduction contract or a physical energy storage contract for a transmission and distribution utility, a gas utility or a natural gas pipeline utility, is deemed to be prudent and the commission shall allow full recovery through the utility's rates.

B. If the commission concludes that an energy cost reduction contract or a physical energy storage contract can be achieved with the participation of other entities, the commission may contract jointly with other entities, including other state agencies and instrumentalities, governments in other states and nations, utilities and generators.

C. The commission may execute an energy cost reduction contract or a physical energy storage contract as a principal and counterparty.

4. Approval by the Governor. The commission may not execute or direct the execution of an energy cost reduction contract or a physical energy storage contract unless the Governor has in writing approved the execution of the energy cost reduction contract or a physical energy storage contract.

Sec. 6. 35-A MRSA §§1905 to 1907, as enacted by PL 2013, c. 369, Pt. B, §1, are amended to read:

§1905. Funding of an energy cost reduction contract or a physical energy storage contract

~~An energy cost reduction contract~~ Contracts under this chapter may be funded in accordance with this section.

1. Assessments on ratepayers. The commission may direct one or more transmission and distribution utilities, gas utilities or natural gas pipeline utilities to collect an assessment from ratepayers for the following purposes:

A. To finance the participation of a transmission and distribution utility, a gas utility or a natural gas pipeline utility in an energy cost reduction contract or a physical energy storage contract; and

B. To pay the costs of energy cost reduction contract or physical energy storage contract evaluation and administration under section 1906, subsection 2.

All assessments must be just and reasonable as determined by the commission and must be identified as an energy cost reduction contract charge or a physical energy storage contract charge on a ratepayer's utility bill. When determining just and reasonable assessments, the commission shall consider the anticipated reduction in the price of gas or electricity, as applicable, accruing to different categories of ratepayers as a result of the contract.

2. Assessments on utilities. If the commission is the principal and counterparty on ~~the an energy cost reduction contract~~ or a physical energy storage contract, the commission may:

A. Assess one or more transmission and distribution utilities, gas utilities and natural gas pipeline utilities in proportion to the anticipated reduction in the price of gas or electricity, as applicable, accruing as a result of ~~the an energy cost reduction contract~~ or a physical energy storage contract to the customers of the utility for any and all net costs to the commission of the commission's performance of the contract as determined by the commission in an adjudicatory proceeding. The

cost to the utility of the assessment may be recovered by the utility in rates in the same manner as any other prudently incurred cost.

3. Volumetric fee. The commission may establish and direct the payment to the trust fund of a volumetric fee on the use of gas by a consumer of natural gas obtained from a source other than a gas utility or a natural gas pipeline utility of this State in proportion to the anticipated reduction in the price of gas accruing to that consumer as a result of ~~the~~ an energy cost reduction contract or a physical energy storage contract as determined by the commission in an adjudicatory proceeding.

§1906. Contract resale and administration

The following provisions govern the resale and evaluation and administration of an energy cost reduction contract or a physical energy storage contract.

1. Resale of natural gas pipeline capacity. The commission may negotiate and enter into contracts for the resale of all or a portion of the reserved natural gas transmission pipeline capacity acquired through an energy cost reduction contract. All of the revenue received as a result of the resale must be deposited into the trust fund.

1-A. Resale of physical energy storage capacity. The commission may negotiate and enter into contracts for the resale of all or a portion of the physical energy storage capacity acquired through a physical energy storage contract. All of the revenue received as a result of the resale must be deposited into the trust fund.

2. Contract evaluation and administration. The commission is responsible for assessing, analyzing, negotiating, implementing and monitoring compliance with energy cost reduction contracts and physical energy storage contracts. The commission may use funds for this purpose from the trust fund or may collect funds for this purpose through just and reasonable assessments placed on a transmission and distribution utility, a gas utility or a natural gas pipeline utility pursuant to section 1905, subsection 1, paragraph B.

Nothing in this section precludes a transmission and distribution utility, gas utility or natural gas pipeline utility from taking or having an interest in any facility subject to an energy cost reduction contract or a physical energy storage contract.

§1907. Revenues from energy cost reduction contracts and physical energy storage contracts

Revenues received from the resale of natural gas pipeline capacity acquired through an energy cost reduction contract or physical energy storage capacity acquired through a physical energy storage contract must be used in accordance with this section.

1. Establishment of Energy Cost Reduction Trust Fund. The Energy Cost Reduction Trust Fund is established as a nonlapsing fund administered by the commission for the purposes of this chapter. The commission is authorized to receive and shall deposit in the trust fund and expend in accordance with this section revenues received from an energy cost reduction contract and revenues received from the resale of natural gas pipeline capacity acquired through an energy cost reduction contract. The commission is authorized to receive and shall deposit in the trust fund and expend in accordance with this section revenues received from a physical energy storage contract and revenues received from the resale of physical energy storage capacity acquired through a physical energy storage contract.

The funds in the trust fund are held in trust for the purpose of reducing the energy costs of consumers in the State and may not be used for any other purpose, except as described in subsection 2.

2. Distribution of funds. The commission shall distribute funds in the trust fund in the following order of priority:

A. As a first priority, to the costs of monitoring and administering a contract pursuant to section 1906, subsection 2; and

B. As a 2nd priority, to utilities and other entities to reduce energy costs for electricity and natural gas ratepayers and consumers subject to a volumetric fee under section 1905, subsection 3. The commission may distribute funds to benefit ratepayers of one or more transmission and distribution utilities, gas utilities or natural gas pipeline utilities or consumers subject to a volumetric fee under section 1905, subsection 3 in a manner that the commission finds is equitable, just and reasonable.

Sec. 7. 35-A MRSA §§1911 and 1912, as enacted by PL 2013, c. 369, Pt. B, §1, are amended to read:

§1911. Reports

The commission shall include in its annual report under section 120, subsection 3 a description of its efforts to pursue, in appropriate regional and federal forums, market and rule changes that will reduce the basis differential for natural gas coming into New England and data and analysis regarding leak emissions of greenhouse gases from liquefied natural gas storage that has been contracted for through a physical energy storage contract.

§1912. Limitation

The commission may not execute ~~an energy cost reduction contract~~ under this chapter a physical energy storage contract after June 1, 2017 or an energy cost reduction contract after December 31, 2018. The

commission may continue to administer existing physical energy storage contracts and enter into agreements regarding the resale of physical energy storage capacity purchased through a physical energy storage contract after June 1, 2017. The commission may continue to administer existing energy cost reduction contracts and enter into agreements regarding the resale of natural gas pipeline capacity purchased through an energy cost reduction contract after December 31, 2018.

Sec. 8. Limitation on effectiveness and contracting authority. Prior to September 1, 2016, the Public Utilities Commission may not initiate a proceeding for a physical energy storage contract on its own initiative or on the petition of any person, unless the commission has issued an order in the adjudicatory proceeding initiated under the Maine Revised Statutes, Title 35-A, chapter 19, pending as of February 1, 2016, for consideration of approval for one or more energy cost reduction contracts that includes a determination of the contract amounts to be purchased. The enactment of this Act may not be construed to reflect any legislative findings about the meaning of Public Law 2013, chapter 369, Part B, section 1, nor to have any substantive or procedural effect on the commission proceeding for consideration of approval for one or more energy cost reduction contracts pending as of February 1, 2016.

See title page for effective date.

CHAPTER 446

H.P. 1061 - L.D. 1558

An Act To Enable Low-income and Other Customers Greater Access To Efficient Electric Heat Pumps through Unique Financing and Third-party Installation and Maintenance

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

Sec. 1. 35-A MRSA §3105 is enacted to read:

§3105. Heat pump program

Notwithstanding any other provision of law, a transmission and distribution utility may develop and implement, upon approval of the commission, a program within its service territory to enable customers to access the benefits of efficient electric heat pumps as set forth in this section and may advertise the availability of its program to its customers. The program may serve any customer but must target low-income customers, senior citizens, customers who are unable to finance the purchase of a heat pump, customers who

reside in rental dwellings and small businesses. For purposes of this section, "efficient electric heat pump" means an electric heat pump that is consistent with eligibility criteria of the Efficiency Maine Trust, as established in section 10103, or criteria established by the commission by rule if the Efficiency Maine Trust does not establish such criteria. Rules adopted by the commission pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1. Approval; activities of the utility. A transmission and distribution utility that elects to offer a program pursuant to this section must submit a proposed program to the commission for approval. The commission shall examine the proposed program and, if it finds the proposed program is reasonably designed and consistent with the provisions and program elements of this section, shall approve the program. Notwithstanding any provision of law limiting the amount of investment or revenue a utility may make or receive in a business venture separate from the delivery of electricity, all activities of a transmission and distribution utility under an approved program must be considered an unregulated business venture of the utility in accordance with section 713. The prudent costs associated with the program are recoverable only from customers participating in a program through just and reasonable rates and charges approved by the commission.

2. Program elements. A transmission and distribution utility may, subject to approval under subsection 1, elect to offer a program consistent with the program elements set forth under paragraph A or B, or both. Based on the best available information at the outset of the program, the overall energy costs to customers under a program must be expected to decrease as a result of participation in the program, as measured by the overall energy costs to customers over the lifespan of the efficient electric heat pumps, regardless of the source of energy, and the costs associated with participation in the program.

A. A transmission and distribution utility may offer incentives to customers participating in the program to acquire efficient electric heat pumps from 3rd-party sellers or installers to be used to reduce the total installation cost of such heat pumps.

B. A transmission and distribution utility may provide an efficient electric heat pump to a customer within its service territory who requests a heat pump and who elects not to purchase and install a heat pump due to income or other reasons. The utility may own the heat pump provided to a customer participating in the program and may charge the customer for the costs associated with providing and maintaining the heat pump. Any

such program must meet the following requirements:

(1) If the participating customer is delinquent in payments under the program, the utility may undertake reasonable debt collection activities as approved by the commission and otherwise consistent with applicable law, but in no event may the customer's primary electric service be disconnected as a result of the customer's delinquency under the program nor may electric service to a heat pump serving as the only heating source for the customer be disconnected during the winter;

(2) The utility must allow participating customers to select a qualified 3rd-party heat pump seller and installer and must use qualified 3rd-party installers to maintain and repair the heat pumps provided to customers. To be qualified, an installer must be listed as a registered vendor by the Efficiency Maine Trust, as established in section 10103, for purposes of heat pump installations or determined qualified by the commission by rule if the Efficiency Maine Trust does not maintain a registry of vendors;

(3) The utility must provide participating customers with the option, through a plain language notice, to later buy the heat pump provided at reasonable terms approved by the commission;

(4) At any time, a participating customer may elect to have the customer's heat pump removed at no cost or penalty; and

(5) Before a customer elects to participate in the program, the customer must be provided a plain language notice comparing the costs of the program with the costs of directly purchasing a heat pump, including any applicable rebates or incentives available for purchasing such equipment.

3. Utility to provide information. A transmission and distribution utility that implements a program under this section shall, upon request from the commission, provide sufficient information to demonstrate that the program is meeting the requirements of this section. In addition, the utility shall provide a triennial report to the commission outlining the degree to which the program is meeting the needs of customers, including the needs of customers required to be targeted under this section.

Nothing in this section is intended to limit the authority of the commission to establish electric distribution rates for customers participating in a program under this section.

Sec. 2. PL 2011, c. 637, §11, as amended by PL 2013, c. 369, Pt. G, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 447

S.P. 582 - L.D. 1484

An Act Regarding 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, this legislation makes necessary changes to improve the administration of primary and general elections; and

Whereas, changes related to the administration of the primary election would not take effect until after the election unless enacted as emergency legislation; and

Whereas, in order to treat primary and general election candidates the same, these changes must be in effect for both elections in the same election 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. 21-A MRSA §101, sub-§1, ¶A, as enacted by PL 2009, c. 538, §4, is amended to read:

A. Hold or be a candidate for any federal, state or county office;

Sec. 2. 21-A MRSA §101, sub-§10, as enacted by PL 2007, c. 455, §3, is amended to read:

10. Ineligible to serve. When a registrar or a member of the registrar's immediate family becomes a candidate for federal, state, local or county office in the electoral division in which the registrar is appointed, the registrar may not serve as registrar during the period beginning when the candidate files a petition to be a candidate or is nominated to be a replacement candidate until the time of election. The registrar shall instead appoint a deputy ~~to whom the municipality shall pay all associated costs who must be compensated by the municipality~~ for the duration of the deputy's temporary employment in that capacity.

Sec. 3. 21-A MRSA §122, sub-§7, as amended by PL 2005, c. 453, §19, is further amended to read:

7. Record of names. The names of voters who register by appearing in person before the registrar during the business days before election day under subsection 6 must be recorded as provided in either paragraph A or B:

A. The registrar shall, after finding an applicant qualified, issue a certificate requiring the voter's name and other required information to be written on the ~~original or any supplemental~~ incoming voting list at the voting place on election day. The certificate must be attached to, or included with, the incoming voting list and sealed as provided in section 698. Only one certificate may be recorded for any voter at an election; or

B. The registrar shall, after finding the applicant qualified, enter the voter's name and other information from the voter registration application into the central voter registration system and add it to the incoming voting list ~~or a supplemental incoming voting list~~. Before the polls are opened, the registrar shall deliver the incoming voting list ~~and any supplemental incoming voting list or lists~~ to the clerk. The inclusion of a person's name on ~~these lists~~ the incoming voting list will entitle the applicant to vote on election day. ~~All references in this Title to the use of the incoming voting list before, during and after election day are considered to include the supplemental incoming voting list or lists as provided in this paragraph.~~

Sec. 4. 21-A MRSA §152, sub-§1, ¶A, as amended by PL 2007, c. 455, §7, is repealed and the following enacted in its place:

A. The legal name of the voter, in one of the following combinations:

- (1) First name and last name;
- (2) First initial, middle name and last name;
or
- (3) First name, middle name or middle initial and last name;

Sec. 5. 21-A MRSA §152, sub-§1, ¶F, as enacted by PL 1985, c. 161, §6, is amended to read:

F. Most recent prior residence where registered to vote, including the municipality, county and state, and the name under which previously registered, if changed, legal address and mailing address;

Sec. 6. 21-A MRSA §181, sub-§1, ¶B, as amended by PL 2003, c. 407, §14 and c. 689, Pt. B, §6, is repealed and the following enacted in its place:

B. Outside agencies, or their successors, which include the following:

- (1) All state agencies that provide public assistance, including the Department of Health and Human Services and the offices within the department that provide assistance under the Temporary Assistance for Needy Families program under Title 22, chapter 1053-B, the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966, the federal Medicaid program and the statewide food supplement program under Title 22, section 3104;
- (2) The uniformed service recruitment offices;
- (3) The public high schools;
- (4) The offices of municipal clerks and registrars;
- (5) The Department of Labor, Bureau of Rehabilitation Services; and
- (6) All state agencies that provide state-funded programs primarily engaged in providing services to persons with disabilities.

Sec. 7. 21-A MRSA §196-A, sub-§1, ¶B, as amended by PL 2013, c. 330, §1, is further amended to read:

B. A political party, or an individual or organization engaged in so-called "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign, or an individual who has been elected or appointed to and is currently serving in a municipal, county, state or federal office, may purchase a list or report of certain voter information from the central voter registration system by making a request to the Secretary of State or to a registrar if the information requested concerns voters in that municipality. The Secretary of State or the registrar shall make available the following voter record information, subject to the fees set forth in subsection 2: the voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or township voters. Any person obtaining, either directly or indirectly, information from the central voter registration system under this paragraph may not sell, distribute or use the data for any purpose that is not directly related to activities of a political party, "get out the vote" efforts directly related to a campaign or other activities directly related to a campaign. This paragraph does not prohibit political parties, party committees, candidate committees, political action committees or any other organizations that

have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, "get out the vote" efforts or a campaign. For purposes of this paragraph, "campaign" has the same meaning as in section 1052, subsection 1.

Sec. 8. 21-A MRSA §331, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Nomination by primary election. A party's nomination of a candidate ~~for any federal, state or county office shall~~ must be made by primary election, as provided in this Article. When there is an office for which no candidate has qualified either by filing a petition and consent under sections 335 and 336 or as a write-in candidate in accordance with section 722-A, the Secretary of State is not required to list the office on the primary ballot. The Secretary of State is not required to print a primary ballot if there are no offices for which a candidate has qualified.

Sec. 9. 21-A MRSA §363, sub-§3, as amended by PL 2011, c. 239, §3, is further amended to read:

3. Acceptance filed. A person chosen under this section must file a written acceptance containing a statement that the person meets the qualifications of the office sought and declaring the person's residence and party enrollment with the Secretary of State. The Secretary of State shall provide a form ~~on which the statement is made by the candidate for the candidate's acceptance~~ that must include a list of the statutory and constitutional requirements of the office sought by the candidate. The form also must include a place for the registrar of the candidate's municipality of residence to certify the candidate's registration and enrollment status.

Sec. 10. 21-A MRSA §367, as amended by PL 1995, c. 459, §31, is further amended to read:

§367. Candidate withdrawal

A candidate who wishes to withdraw from an elective race shall notify the Secretary of State in writing of the candidate's intent to withdraw. This notice must be signed by the candidate. If the reason for the withdrawal is catastrophic illness, condition or injury, the procedures set forth in section 374-A, subsection 1, paragraph B must be complied with if the candidate is to be replaced.

Sec. 11. 21-A MRSA §371, as amended by PL 2011, c. 342, §11, is further amended to read:

§371. Candidates for nomination; vacancy

If a candidate for nomination dies, withdraws at least 60 70 days before the primary or becomes disqualified after having filed the candidate's primary petition, so that a party has fewer candidates than there

are offices to be filled, the vacancy may be filled by a political committee pursuant to section 363. The Secretary of State shall declare the vacancy pursuant to section 362-A. Less than 60 70 days before the primary election, a candidate may withdraw from the primary by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal, the Secretary of State shall instruct the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

Sec. 12. 21-A MRSA §374-A, sub-§1, ¶B, as enacted by PL 1989, c. 341, §2, is amended to read:

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, ~~provided as long as~~ the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request, ~~which that~~ describes the illness, condition or injury and is signed by ~~at least 2~~ a licensed physicians physician; or

Sec. 13. 21-A MRSA §374-A, sub-§3, as amended by PL 2011, c. 342, §13, is further amended to read:

3. Deadline for withdrawal. A candidate for an office on the general election ballot must withdraw at least 60 70 days before the general election in order for the candidate's name to be removed from the ballot. Less than 60 70 days before the general election, a candidate may withdraw from the election by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal, the Secretary of State shall instruct the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

Sec. 14. 21-A MRSA §375, sub-§2, as amended by PL 1999, c. 426, §15, is further amended to read:

2. Candidate for Vice President; death; withdrawal; disqualification. If a candidate for Vice President who has been nominated by petition under section 354, subsection 1, paragraph B, dies, withdraws at least ~~60~~ 70 days before the election or becomes disqualified, the vacancy may be filled by a new vice-presidential candidate, if the following conditions are met:

- A. Written resignation is filed with the Secretary of State by the previous vice-presidential candidate, if the mental and physical condition of the candidate allows;
- B. Written consent is filed with the Secretary of State by the new vice-presidential candidate;
- C. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by the presidential candidate; and
- D. Written acceptance of the new vice-presidential candidate is filed with the Secretary of State by each of the presidential electors.

Sec. 15. 21-A MRSA §376, sub-§1, as amended by PL 1997, c. 436, §55, is further amended to read:

1. Federal or gubernatorial office. If a candidate or nominee for a federal or gubernatorial office withdraws less than ~~60~~ 70 days before any election, the Secretary of State is not required to produce new ballots.

Sec. 16. 21-A MRSA §626, sub-§1, as amended by PL 2011, c. 342, §18, is further amended to read:

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. ~~The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.~~

Sec. 17. 21-A MRSA §626-A is enacted to read:

§626-A. Voting place report

The municipal clerk shall file a voting place report at least 60 days before each election conducted under this Title, on a form designed by the Secretary of State, with information about each voting place, including, but not limited to, the location of each voting place, the poll opening time and the number of voting booths that will be used.

Sec. 18. 21-A MRSA §671, sub-§2, as amended by PL 2003, c. 584, §9, is repealed and the following enacted in its place:

2. Name checked and ballot issued. The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name, and if there is more than one party or district ballot style used at that voting place, the election clerk must state in a loud, clear voice the party or district ballot style that the voter must be given. The election clerk in charge of the ballots shall give the voter one ballot of each kind to which the voter is entitled, and if there is more than one party or district ballot style used at that voting place, the election clerk must repeat the party or district ballot style being given to the voter. The voter must be given a ballot when the voter's name is checked on the incoming voting list and may not be referred to another location to obtain the ballot. A voter who will vote using the accessible voting system may not be given an official ballot, but may be given a sample ballot to use as a voting aid.

Sec. 19. 21-A MRSA §671, sub-§3, as amended by PL 2009, c. 253, §26, is repealed.

Sec. 20. 21-A MRSA §671, sub-§4, as amended by PL 1997, c. 436, §95, is further amended to read:

4. Retires to voting booth. After receiving the ballot or ballots, the voter shall retire to a voting booth and mark the ballot or ballots without delay and leave the voting booth. No ballot, marked or unmarked, may be left in the voting booth by the voter. If the voter is using the accessible voting system, an election official shall escort the voter to the voting station, instruct the voter on the proper use of the accessible voting system, provide the voter with access to all ballots to which the voter is entitled and permit the voter to cast the voter's ballot using the accessible voting system.

Sec. 21. 21-A MRSA §671, sub-§5, as amended by PL 2001, c. 310, §35, is further amended to read:

5. Ballot deposited. When the voter leaves the voting booth, the voter shall proceed to the ballot box. The clerk shall require the voter to deposit in the ballot box all ballots, marked or unmarked, issued to the voter under subsection ~~3~~ 2, and the voter shall then leave the area enclosed by the guardrail. The voter may not leave the guardrail enclosure until the voter has deposited all ballots that were issued to the voter. The voter may permit a family member or an assistant under section 672 to deposit the ballots for the voter.

Sec. 22. 21-A MRSA §682, sub-§3, as amended by PL 2009, c. 253, §27, is further amended to read:

3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

Sec. 23. 21-A MRSA §698, sub-§3, as amended by PL 2007, c. 515, §6, is further amended to read:

3. Incoming voting lists packed separately. The warden and one election clerk from each of the major parties shall sign the incoming voting list certification as soon as the names of all persons who have voted, including persons who have voted by absentee ballot, have been checked off. The election clerks shall place the incoming voting list in a separate package outside the containers of used and unused ballots and seal the package with the signed incoming voting list certification. The incoming voting list includes any certificates entitling voters to be placed on the incoming voting list ~~and any supplemental incoming voting list, where applicable,~~ pursuant to section 122, subsection 7. The municipal clerk shall keep these incoming voting lists sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the incoming voting list and keep it in the clerk's office as a public record for the time required pursuant to section 23.

Sec. 24. 21-A MRSA §712, as amended by PL 1993, c. 473, §27 and affected by §46, is further amended to read:

§712. Return not delivered

If an election return is not delivered to the Secretary of State ~~within 3 business days by 5 p.m. on the 3rd business day~~ after an election, the Secretary of State ~~shall~~ may send a ~~messenger~~ courier to the municipality concerned, and the clerk shall give that ~~messenger~~ courier a certified copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service.

Sec. 25. 21-A MRSA §721, as amended by PL 2009, c. 253, §35, is further amended to read:

§721. Reports of registration and enrollment

Within ~~40~~ 15 business days after any statewide election, the registrar shall update all information in the central voter registration system for all voters in the municipality to reflect any voter registration activity after the incoming voting list was printed for that election and up until the close of the polls on election day. The registrar shall also enter any designations of challenged ballots in the applicable voter records in the central voter registration system. The registrar shall notify the Secretary of State as soon as these tasks are complete.

After the registrar has completed the update of the central voter registration system, as required by this section, and no later than ~~20~~ 45 business days after the election, unless a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election. The clerk shall notify the Secretary of State as soon as this task is completed.

In a municipality in which a recount has been requested pursuant to section 737-A, the clerk shall update the central voter registration system by entering voter participation history for that election within ~~10~~ 20 business days after receiving the incoming voting list that has been returned by the Secretary of State after the recount. The clerk shall notify the Secretary of State as soon as this task is completed.

Sec. 26. 21-A MRSA §722-A, as amended by PL 2009, c. 253, §37, is further amended to read:

§722-A. Determination of declared write-in candidate

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the ~~45th~~ 60th day prior to the election. The candidate must meet all the other qualifications for that office.

Sec. 27. 21-A MRSA §737-A, first ¶, as amended by PL 2007, c. 515, §8, is further amended to read:

Once a recount is requested, the Secretary of State shall notify the State Police, who shall take physical

control of all ballots and related materials involved in the recount as soon as possible, except that for a statewide office or statewide referendum or an office or referendum that encompasses more than one county, the Secretary of State, in agreement with the parties involved in the recount, may direct the State Police to retrieve ballots from certain voting jurisdictions so that the recount may be conducted in stages until the requesting candidate or the lead applicant for a referendum recount concedes or until all the ballots are recounted.

Sec. 28. 21-A MRSA §737-A, 4th ¶, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

If, after the official tabulation is submitted to the Governor, the apparent winner is determined the losing candidate, that candidate may request ~~another~~ a recount within 3 business days after the date the Governor receives the tabulation.

Sec. 29. 21-A MRSA §737-A, sub-§1, ¶¶A and B, as amended by PL 2003, c. 447, §25, are further amended to read:

A. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is ~~2%~~ 1.5% or less of the total votes cast for that office, a deposit is not required.

B. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than ~~2%~~ 1.5% and less than or equal to 4% of the total votes cast for that office, the deposit is \$500.

Sec. 30. 21-A MRSA §777-A, as amended by PL 2011, c. 534, §21, is further amended to read:

§777-A. Registration and enrollment

Notwithstanding the registration deadline in section 121-A, uniformed service voters or overseas voters may register or enroll at any time prior to 5 p.m. on election day by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State.

Sec. 31. 21-A MRSA §781-A, as amended by PL 2011, c. 534, §22, is further amended to read:

§781-A. Absentee ballot application; procedure on receipt

Notwithstanding the absentee ballot application deadline in section 753-B, subsection 2, paragraph D, upon receipt of an application or written request for an absentee ballot prior to 5 p.m. on election day from a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary of State shall immediately issue an absentee ballot and return envelope by the author-

ized means designated by the voter in the application. If the ballot is to be transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The Secretary of State shall provide a return envelope that moves free of postage under federal law.

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

Effective April 10, 2016.

CHAPTER 448

H.P. 1069 - L.D. 1576

An Act To Amend Certain Education 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 changes made by this legislation could affect budget meetings of school administrative units and town budgets; and

Whereas, it is necessary that this legislation take effect prior to the expiration of the 90-day period to allow towns to benefit from the legislation during the next annual budget 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. 20-A MRSA §254, sub-§19 is enacted to read:

19. Designation of school to enroll certain students. The commissioner may designate a school administrative unit as the receiving school administrative unit for a student who resides in a school administrative unit that neither maintains a school nor contracts for school privileges pursuant to chapter 115 and is unable to find a school administrative unit willing to enroll the student in one of its schools, upon a written request from the superintendent of the school administrative unit where the student resides setting forth the student's circumstances giving rise to the request.

A. If the commissioner makes a designation under this subsection, the school administrative unit where the student resides shall pay tuition for that

student to the receiving school administrative unit as calculated in accordance with this subsection and chapter 219.

B. If a student subject to a designation under this subsection is receiving special education services, the receiving school administrative unit designated by the commissioner under this subsection is responsible for providing a free, appropriate public education to the student, subject to the provisions of this subsection. The receiving school administrative unit shall invite the school administrative unit where the student resides to participate in individualized education program team meetings for the student, but the authorized representative of the receiving school administrative unit shall make the decision on any issue on which consensus is not reached. The school administrative unit where the student resides shall, in addition to tuition payable pursuant to chapter 219, pay to the receiving school administrative unit:

- (1) Special education tuition;
- (2) Any costs not included in the computation of special education tuition directly related to the student's special education program; and
- (3) Any costs associated with due process proceedings in connection with the student's special education program.

C. Once the commissioner makes a designation under this subsection, the student must be enrolled in the receiving school administrative unit. If dissatisfied with the commissioner's decision, the superintendent of the school administrative unit where the student resides or the superintendent of the receiving school administrative unit may, within 10 calendar days of the commissioner's decision, request that the state board review the designation. The state board shall review the commissioner's determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the designation. The state board shall make a decision within 45 calendar days of receiving the request and shall provide to the commissioner, the superintendents and the parent of the student a written decision describing the basis of the state board's determination. The state board's decision is final and binding.

Sec. 2. 20-A MRSA §1001, sub-§8, as amended by PL 2013, c. 581, §2, 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 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 attend each school, classify them and transfer them from school to school where more than one school is maintained at the same time. If a school administrative unit neither maintains a school nor contracts for school privileges pursuant to chapter 115 and a student who resides in the school administrative unit is unable to enroll in another school administrative unit, the school board shall direct the superintendent of the school administrative unit where the student resides to make a written request to the commissioner to designate a place of enrollment for the student, pursuant to section 254, subsection 19.

Sec. 3. 20-A MRSA §2404, sub-§2, ¶¶C and D, as enacted by PL 2011, c. 414, §5, are amended to read:

C. Except as provided in paragraphs H ~~and~~ I and K, if capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process. A list maintained to fill potential vacancies may be carried over to the succeeding year.

D. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 5% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation, except that if 5% of a school administrative unit's noncharter public school students per grade level is less than one, a public charter school may enroll one student of the school administrative unit per grade level in each of the first 3 years.

Sec. 4. 20-A MRSA §2404, sub-§2, ¶G, as enacted by PL 2011, c. 414, §5, is amended to read:

~~Any~~ A public charter school authorized by a local school board or by a collaborative among local school boards and any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within a school administrative unit whose school board authorizes that public charter school or within the former attendance area of that non-charter public school.

Sec. 5. 20-A MRSA §2405, sub-§4, as amended by PL 2015, c. 54, §1, is further amended to read:

4. Reporting and evaluation. An authorizer shall submit to the commissioner and the Legislature an annual report within ~~60~~ 90 days of the end of each school fiscal year summarizing:

A. The authorizer's strategic vision for chartering and progress toward achieving that vision;

B. The performance of all operating public charter schools overseen by the authorizer, according to the performance measures and expectations specified in the charter contracts;

C. The status of the authorizer's public charter school portfolio of approved charter applications, identifying all public charter schools within that portfolio as:

- (1) Approved, but not yet open;
- (2) Operating;
- (3) Renewed;
- (4) Transferred;
- (5) Terminated;
- (6) Closed; or
- (7) Never opened;

D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and

E. The total amount of funds collected from each public charter school the authorizer authorized pursuant to subsection 5, paragraph B and the costs incurred by the authorizer to oversee each public charter school.

Sec. 6. 20-A MRSA §2406, sub-§2, ¶F, as amended by PL 2011, c. 570, §9, is further amended to read:

F. A request for proposals must require applications to provide or describe thoroughly, at a minimum, all of the following essential elements of the proposed public charter school plan:

- (1) The proposed public charter school's vision, including:
 - (a) An executive summary;
 - (b) The mission and vision of the proposed public charter school, including identification of the targeted student population and the community the school hopes to serve; and
 - (c) Evidence of need and community support for the proposed public charter school, including information on discussions with the school administrative unit where the public charter school will be located concerning recruitment and op-

erations of the public charter school and possible collaboration with nearby school administrative units;

(2) The proposed public charter school's governance plan, including:

(a) Background information on proposed board members and any assurances or certifications required by the authorizer;

(b) Proposed governing bylaws;

(c) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff and any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(d) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team and any other entities shown on the organization chart;

(e) Identification of the proposed founding governing board members and, if identified, the proposed school leader or leaders; and

(f) Background information on the school's leadership and management team, if identified;

(3) The proposed public charter school's plan of organization, including:

(a) The location or geographic area of the school and the proposed catchment area of the school, which may not be designed to exclude areas with high rates of poverty, English language learners, at-risk students or students with disabilities;

(b) The grades to be served each year for the full term of the charter;

(c) Minimum, planned and maximum enrollment per grade per year for the term of the charter;

(d) The school's proposed calendar and sample daily schedule;

(e) Plans and timelines for student recruitment and enrollment, including lottery procedures;

(f) Explanations of any partnerships or contractual relationships central to the school's operations or mission;

(g) The school's proposals for providing transportation, food service and other

- significant operational or ancillary services;
 - (h) A facilities plan, including backup or contingency plans if appropriate;
 - (i) A detailed school start-up plan, identifying tasks, timelines and responsible individuals; and
 - (j) A closure protocol, outlining orderly plans and timelines for transitioning students and student records ~~to new schools~~ as described in section 2411, subsection 8, paragraph C and for appropriately disposing of school funds, property and assets in the event of school closure;
- (4) The proposed public charter school's finances, including:
- (a) A description of the school's financial plan and policies, including financial controls and audit requirements;
 - (b) Start-up and 3-year budgets with clearly stated assumptions;
 - (c) Start-up and first-year cash-flow projections with clearly stated assumptions;
 - (d) Evidence of anticipated fund-raising contributions, if claimed in the application; and
 - (e) A description of the insurance coverage the school proposes to obtain;
- (5) The proposed public charter school's student policy, including:
- (a) The school's plans for identifying and successfully serving students with the wide range of learning needs and styles typically found in noncharter public schools of the sending area;
 - (b) The school's plans for compliance with applicable laws, rules and regulations; and
 - (c) The school's student discipline plans and policies, including those for special education students;
- (6) The proposed public charter school's academic program, including:
- (a) A description of the academic program aligned with the statewide system of learning results under section 6209;
 - (b) A description of the school's instructional design, including the type of learning environment, such as classroom-based or independent study, class size

and structure, curriculum overview, teaching methods and research basis;

- (c) The school's plan for using internal and external assessments to measure and report student progress on the measures and metrics of the performance framework developed by the authorizer in accordance with section 2409; and
 - (d) A description of cocurricular or extracurricular programs and how they will be funded and delivered; and
- (7) The proposed public charter school's staff policy, including:
- (a) A staffing chart for the school's first year and a staffing plan for the term of the charter;
 - (b) Plans for recruiting and developing school leadership and staff;
 - (c) The school's leadership and teacher employment policies, including performance evaluation plans; and
 - (d) Opportunities and expectations for parent involvement.

Sec. 7. 20-A MRSA §2411, sub-§8, as enacted by PL 2011, c. 414, §5, is amended to read:

8. School closure and dissolution. If a public charter school closes for any reason:

A. The authorizer shall oversee and work with the closing public charter school to ensure timely notification to parents, orderly transition of students and student records ~~to new schools~~ and proper disposition of school funds, property and assets in accordance with the requirements of this chapter; ~~and~~

B. The assets of the public charter school must be distributed first to satisfy outstanding payroll obligations for employees of the public charter school and then to creditors of the public charter school. Any remaining funds must be paid to the Treasurer of State to the credit of the General Fund. If the assets of the public charter school are insufficient to pay all parties to whom the public charter school owes compensation, the prioritization of the distribution of assets may be determined by decree of a court of law; and

C. Education records for students transitioning to new schools must be transferred as required in section 6001-B. Education records for a person who for any reason, including graduation, will not be attending a public school in the State after closure of the public charter school must be transferred to the last school administrative unit of residence on record at the public charter school

for that student and must be maintained by that school administrative unit in the same manner as education records of other resident students.

Sec. 8. 20-A MRSA §2412, sub-§5, ¶L is enacted to read:

L. Public charter schools are subject to the educator effectiveness requirements in chapter 508 applicable to noncharter public schools in the State.

Sec. 9. 20-A MRSA §5001-A, sub-§2, ¶E, as enacted by PL 2009, c. 330, §3, is amended to read:

E. A person enrolled in an online learning program or course, unless the person is enrolled in a virtual public charter school as defined in section 2401, subsection 11.

Sec. 10. 20-A MRSA §5205, sub-§6, ¶G is enacted to read:

G. Notwithstanding paragraph D, if the commissioner or state board approves a transfer under this subsection and the student subject to the transfer is receiving special education services, the state subsidy of special education costs for the transferred student may not be reduced as a result of the transfer.

Sec. 11. 20-A MRSA §7204, sub-§§5 and 6, as amended by PL 2005, c. 662, Pt. A, §25, are further amended to read:

5. Due process. Shall:

A. Adopt or amend rules to assure and protect the rights of due process for children with disabilities; and

B. Inform and train each school administrative unit on the rights of children with disabilities to due process under state laws and rules and federal law and regulations; ~~and~~

6. Technical assistance. May, on the request of a school administrative unit, provide technical assistance in the formulation of a plan or subsequent report required of all administrative units. Assistance may not be designed to transfer the responsibility for or actual development of the plan or report; ~~and~~

Sec. 12. 20-A MRSA §7204, sub-§7 is enacted to read:

7. Out-of-state placement of a state ward. May, when a child with a disability who is a state ward is placed in an out-of-state residential treatment center by the Department of Health and Human Services, designate the Department of Education as having responsibility for oversight of the child's individualized education program to ensure that the child receives a free, appropriate public education.

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

Effective April 10, 2016.

CHAPTER 449

S.P. 446 - L.D. 1241

An Act To Increase Government Efficiency

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

Sec. 1. 4 MRSA §1602, sub-§3, as amended by PL 1997, c. 523, §2, is further amended to read:

3. Officers; quorum. The authority shall elect from its membership a chair and a vice-chair. In addition, the authority may have a secretary and a treasurer, who may be members or nonmembers of the authority. Three members of the authority constitute a quorum and the vote of 3 members is necessary for any action taken by the authority. A vacancy in the membership of the authority does not impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

The authority may meet by telephonic, video, electronic or other similar means of communication with less than a quorum assembled physically at the location of a public proceeding identified in the notice required by Title 1, section 406 only if:

A. Each member can hear all other members, speak to all other members and, to the extent reasonably practicable, see all other members by videoconferencing or other similar means of communication during the public proceeding, and members of the public attending the public proceeding at the location identified in the notice required by Title 1, section 406 are able to hear and, to the extent reasonably practicable, see all members participating from other locations by videoconferencing or other similar means of communication;

B. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication identifies all persons present at the location from which the member is participating;

C. A member who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only when the member's attendance is not reasonably practical. The reason that the member's attendance is not reasonably

practical must be stated in the minutes of the meeting; and

D. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate an action taken by the authority at the public proceeding.

Sec. 2. 22 MRSA §2054, sub-§4, as enacted by PL 1971, c. 303, §1, is amended to read:

4. Powers of authority. The powers of the authority ~~shall be~~ are vested in the ~~its~~ members thereof ~~in office from time to time~~, and 5 members of the authority shall constitute a quorum at any meeting of the authority. ~~No~~ A vacancy in the membership of the authority ~~shall~~ does not impair the right of ~~such members~~ a quorum to exercise all the rights and perform all the duties of the authority. ~~Any~~ An action taken by the authority under this chapter may be authorized by resolution approved by a majority of the members present at any regular or special meeting, which resolution ~~shall take~~ takes effect immediately, or ~~an action taken by the authority may be authorized~~ by a resolution circularized or sent to each member of the authority, which ~~shall take~~ resolution takes effect at such time as a majority of the members ~~shall~~ have signed an assent to such resolution. Resolutions of the authority need not be published or posted. The authority may delegate by resolution to one or more of its members or its executive director such powers and duties as it ~~may deem~~ considers proper.

The authority may meet by telephonic, video, electronic or other similar means of communication with less than a quorum assembled physically at the location of a public proceeding identified in the notice required by Title 1, section 406 only if:

A. Each member can hear all other members, speak to all other members and, to the extent reasonably practicable, see all other members by videoconferencing or other similar means of communication during the public proceeding, and members of the public attending the public proceeding at the location identified in the notice required by Title 1, section 406 are able to hear and, to the extent reasonably practicable, see all members participating from other locations by videoconferencing or other similar means of communication;

B. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication identifies all persons present at the location from which the member is participating;

C. A member who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only when the member's attendance is not reasonably practical. The reason that the member's attendance is not reasonably practical must be stated in the minutes of the meeting; and

D. Each member who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. Documents or other materials made available at the public proceeding may be transmitted to the member not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate an action taken by the authority at the public proceeding.

Sec. 3. 30-A MRSA §4723, sub-§2, ¶B, as amended by PL 2011, c. 560, §1, is further amended to read:

B. The Maine State Housing Authority, as authorized by Title 5, chapter 379, must have 10 commissioners, 8 of whom must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over economic development and to confirmation by the Legislature. The 9th commissioner is the Treasurer of State who serves as an ex officio voting member. The Treasurer of State may designate the Deputy Treasurer of State to serve in place of the Treasurer of State. The 10th commissioner is the director of the Maine State Housing Authority who serves as an ex officio nonvoting member. At least 3 gubernatorial appointments must include a representative of bankers, a representative of elderly people and a resident of housing that is subsidized or assisted by programs of the United States Department of Housing and Urban Development or of the Maine State Housing Authority. In appointing the resident, the Governor shall give priority consideration to nominations that may be made by tenant associations established in the State. Of the 5 remaining gubernatorial appointments, the Governor shall give priority to a representative involved in the housing

business and a representative of people with disabilities. The powers of the Maine State Housing Authority are vested in the commissioners. The commissioners may delegate such powers and duties to the director of the Maine State Housing Authority as they determine appropriate.

The Governor shall appoint the chair of the commissioners from among the 8 gubernatorial appointments. The chair serves as a nonvoting member, except that the chair may vote only when the chair's vote will affect the result. The commissioners shall elect a vice-chair of the commissioners from among their number.

Following reasonable notice to each commissioner, 5 commissioners of the Maine State Housing Authority constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless otherwise specified in law or required by its bylaws.

The Maine State Housing Authority may meet by telephonic, video, electronic or other similar means of communication with less than a quorum assembled physically at the location of a public proceeding identified in the notice required by Title 1, section 406 only if:

(1) Each commissioner can hear all other commissioners, speak to all other commissioners and, to the extent reasonably practicable, see all other commissioners by videoconferencing or other similar means of communication during the public proceeding, and members of the public attending the public proceeding at the location identified in the notice required by Title 1, section 406 are able to hear and, to the extent reasonably practicable, see all commissioners participating from other locations by videoconferencing or other similar means of communication;

(2) Each commissioner who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication identifies all persons present at the location from which the commissioner is participating;

(3) A commissioner who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only when the commissioner's attendance is not reasonably practical. The reason that the commissioner's attendance is not reasonably

practical must be stated in the minutes of the meeting; and

(4) Each commissioner who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. Documents or other materials made available at the public proceeding may be transmitted to the commissioner not physically present during the public proceeding if the transmission technology is available. Failure to comply with this subparagraph does not invalidate an action taken by the Maine State Housing Authority at the public proceeding.

Sec. 4. 30-A MRSA §5951, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Officers of board; exercise of powers. The board of commissioners shall elect one of its members as ~~chairman, chair~~ and one as ~~vice chairman vice-chair~~ and shall appoint an executive director who ~~shall~~ also ~~serve~~ serves as both secretary and treasurer. The powers of the bank are vested in the commissioners of the bank in office from time to time. Three commissioners of the bank ~~constitutes~~ constitute a quorum at any meeting of the commissioners. Action may be taken and motions and resolutions adopted by the bank at any meeting by the affirmative vote of at least 3 commissioners of the bank. A vacancy in the office of commissioner of the bank does not impair the right of a quorum of the commissioners to exercise all the powers and perform all the duties of the bank.

The board of commissioners may meet by telephonic, video, electronic or other similar means of communication with less than a quorum assembled physically at the location of a public proceeding identified in the notice required by Title 1, section 406 only if:

A. Each commissioner can hear all other commissioners, speak to all other commissioners and, to the extent reasonably practicable, see all other commissioners by videoconferencing or other similar means of communication during the public proceeding, and members of the public attending the public proceeding at the location identified in the notice required by Title 1, section 406 are able to hear and, to the extent reasonably practicable, see all commissioners participating from other locations by videoconferencing or other similar means of communication;

B. Each commissioner who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication identifies all persons present at the location from which the commissioner is participating;

C. A commissioner who participates while not physically present at the location of the public proceeding identified in the notice required by Title 1, section 406 does so only when the commissioner's attendance is not reasonably practical. The reason that the commissioner's attendance is not reasonably practical must be stated in the minutes of the meeting; and

D. Each commissioner who is not physically present at the location of the public proceeding and who is participating through telephonic, video, electronic or other similar means of communication has received prior to the public proceeding all documents and materials discussed at the public proceeding, with substantially the same content as those presented at the public proceeding. Documents or other materials made available at the public proceeding may be transmitted to the commissioner not physically present during the public proceeding if the transmission technology is available. Failure to comply with this paragraph does not invalidate an action taken by the bank at the public proceeding.

See title page for effective date.

CHAPTER 450
H.P. 788 - L.D. 1150

An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers

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

Sec. 1. 24-A MRSA §4317, sub-§12 is enacted to read:

12. Maximum allowable cost. This subsection governs the maximum allowable cost for a prescription drug as determined by a pharmacy benefits manager.

A. As used in this subsection, "maximum allowable cost" means the maximum amount that a pharmacy benefits manager pays toward the cost of a prescription drug.

B. A pharmacy benefits manager may set a maximum allowable cost for a prescription drug,

or allow a prescription drug to continue on a maximum allowable cost list, only if that prescription drug:

(1) Is rated as "A" or "B" in the most recent version of the United States Food and Drug Administration's "Approved Drug Products with Therapeutic Equivalence Evaluations," also known as "the Orange Book," or an equivalent rating from a successor publication, or is rated as "NR" or "NA" or a similar rating by a nationally recognized pricing reference; and

(2) Is not obsolete and is generally available for purchase in this State from a national or regional wholesale distributor by pharmacies having a contract with the pharmacy benefits manager.

C. A pharmacy benefits manager shall establish a process for removing a prescription drug from a maximum allowable cost list or modifying a maximum allowable cost for a prescription drug in a timely manner to remain consistent with changes to such costs and the availability of the drug in the national marketplace.

D. With regard to a pharmacy with which the pharmacy benefits manager has entered into a contract, a pharmacy benefits manager shall:

(1) Upon request, disclose the sources used to establish the maximum allowable costs used by the pharmacy benefits manager;

(2) Provide a process for a pharmacy to readily obtain the maximum allowable reimbursement available to that pharmacy under a maximum allowable cost list; and

(3) At least once every 7 business days, review and update maximum allowable cost list information to reflect any modification of the maximum allowable reimbursement available to a pharmacy under a maximum allowable cost list used by the pharmacy benefits manager.

E. A pharmacy benefits manager shall provide a reasonable administrative appeal procedure, including a right to appeal that is limited to 14 days following the initial claim, to allow pharmacies with which the pharmacy benefits manager has a contract to challenge maximum allowable costs for a specified drug.

F. The pharmacy benefits manager shall respond to, investigate and resolve an appeal under paragraph E within 14 days after the receipt of the appeal. The pharmacy benefits manager shall respond to an appeal as follows:

(1) If the appeal is upheld, the pharmacy benefits manager shall make the appropriate adjustment in the maximum allowable cost and permit the challenging pharmacy or pharmacist to reverse and rebill the claim in question; or

(2) If the appeal is denied, the pharmacy benefits manager shall provide the challenging pharmacy or pharmacist the national drug code from national or regional wholesalers of a comparable prescription drug that may be purchased at or below the maximum allowable cost.

G. The requirements of this subsection apply to contracts between a pharmacy and a pharmacy benefits manager executed or renewed on or after September 1, 2016.

See title page for effective date.

CHAPTER 451

S.P. 646 - L.D. 1605

**An Act To Extend the Time for
Commencing an Action
Relating to Death Caused by
Homicide**

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 2009, c. 180, §1, is further amended to read:

(b). Every wrongful death action must be brought by and in the name of the personal representative of the deceased person. The amount recovered in every wrongful death action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, of the children if no surviving spouse, one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death and in addition shall give such damages that will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses. In addition, the jury may give damages not exceeding \$500,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same

facts as those constituting the underlying claim, to the persons for whose benefit the action is brought. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

Sec. 2. Application. This Act applies to wrongful death actions under the Maine Revised Statutes, Title 18-A, section 2-804, subsection (b) that, as of the effective date of this Act, have not yet been barred by the statute of limitations in force immediately prior to the effective date of this Act.

See title page for effective date.

CHAPTER 452

H.P. 652 - L.D. 949

**An Act To Enact the
Recommendations of the
Commission on Independent
Living and Disability**

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

Sec. 1. 5 MRSA §19505, sub-§3, as enacted by PL 1989, c. 837, §1, is amended to read:

3. Pursuit of remedies. The agency may pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities. The agency has standing to file a civil action for alleged violations of chapter 337, subchapter 5 in Superior Court. Notwithstanding section 4622, subsection 1, the agency may be awarded reasonable attorney's fees and costs as provided in section 4614.

Sec. 2. 26 MRSA §1412-I is enacted to read:

§1412-I. Strategic planning report

1. Annual report. In addition to its existing duties, the Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f (1999) and administered by the Bureau of Rehabilitation Services, shall, beginning January 15, 2017, provide an annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint stand-

ing committee of the Legislature having jurisdiction over labor and economic development matters on the State's strategic planning efforts related to the ability of persons with disabilities to live independently, including but not limited to:

A. Efforts to increase opportunities for persons with disabilities to live independently within the community;

B. The effectiveness and coordination of programs and services designed to support independent living efforts;

C. Efforts to improve vocational rehabilitation outcomes and efficiency in the development of individualized plans of employment with individuals eligible to receive rehabilitation services;

D. Efforts to improve transition planning for students with disabilities by adding independent living assessments and strategies to prepare for post-secondary education;

E. Efforts to ensure that new public buildings and public accommodations are accessible by persons with disabilities and to encourage the adoption of building codes that meet the most recent federal Americans with Disabilities Act of 1990 accessibility guidelines;

F. Efforts to increase awareness of all available housing that is accessible and usable by persons with disabilities; and

G. Any recommendations for improvement in the delivery of services to persons with disabilities.

Sec. 3. Statewide Independent Living Council to convene a working group; develop statewide transportation voucher program.

The Statewide Independent Living Council, established pursuant to 29 United States Code, Sections 796 to 796f and administered by the Department of Labor, Bureau of Rehabilitation Services, shall convene a working group to develop a proposal for a statewide transportation voucher program for persons with disabilities. Members of the working group must include representatives from the Department of Transportation, the Department of Health and Human Services, the Department of Labor and a statewide agency administering centers for independent living. The working group shall examine the flexibility of federal funding and matching funds sources, consult with the University of Montana Research and Training Center on Disability in Rural Communities for assistance in developing the proposal and submit its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters, 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 labor, commerce,

research and economic development matters no later than December 15, 2016. The joint standing committee of the Legislature having jurisdiction over health and human services matters may report out a bill regarding this subject matter to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 453

S.P. 624 - L.D. 1573

An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers

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

Sec. 1. 22 MRSA §329, sub-§1, as enacted by PL 2001, c. 664, §2, is amended to read:

1. Transfer of ownership; acquisition by lease, donation, transfer; acquisition of control. Any transfer of ownership or acquisition under lease or comparable arrangement or through donation or any acquisition of control of a health care facility under lease, management agreement or comparable arrangement or through donation that would have required review if the transfer or acquisition had been by purchase, except in emergencies when that acquisition of control is at the direction of the department or except if the transfer of ownership or acquisition of control involves only entities or health care facilities that are direct or indirect subsidiaries of the same parent corporation, is between a parent corporation and its direct or indirect subsidiaries or is between entities or health care facilities all under direct or indirect ownership of or ultimate control by the same parent corporation immediately prior to the transfer or acquisition;

See title page for effective date.

CHAPTER 454

H.P. 1062 - L.D. 1559

An Act To Encourage Roller Derby

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

Sec. 1. 8 MRSA §606, sub-§2, as enacted by PL 1991, c. 124, is amended to read:

2. Control. Each skater shall maintain control of the skater's speed and course at all times when skating

and be alert and observant as to ~~avoid other skaters, spectators and objects.~~ A the inherent dangers described in section 607. Except when the skater is taking part in an organized team sport during practice, scrimmage, games, clinics or an officially sanctioned skating or roller derby event, a skater attempting to overtake other skaters shall do so in a manner that avoids collision with objects and other skaters in that skater's field of vision.

See title page for effective date.

CHAPTER 455
S.P. 620 - L.D. 1572

**An Act To Ensure
Nondiscrimination against Gun
Owners in Certain
Federally Subsidized Housing**

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

Sec. 1. 14 MRSA §6030-F is enacted to read:

§6030-F. Firearms in public housing

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

A. "Firearm" has the same meaning as in Title 12, section 10001, subsection 21.

B. "Rental agreement" means an agreement, written or oral, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

C. "Subsidized apartment" means a rental unit for which the landlord receives rental assistance payments under a rental assistance agreement administered by the United States Department of Agriculture under the multifamily housing rental assistance program under Title V of the federal Housing Act of 1949 or receives housing assistance payments under a housing assistance payment contract administered by the United States Department of Housing and Urban Development under the housing choice voucher program, the new construction program, the substantial rehabilitation program or the moderate rehabilitation program under Section 8 of the United States Housing Act of 1937. "Subsidized apartment" does not include owner-occupied housing accommodations of 4 units or fewer.

2. Prohibition or restriction on firearms prohibited. A rental agreement for a subsidized apartment may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy, to

a prohibition or restriction on the lawful ownership, use or possession of a firearm, a firearm component or ammunition within the tenant's specific rental unit. A landlord may impose reasonable restrictions related to the possession, use or transport of a firearm, a firearm component or ammunition within common areas as long as those restrictions do not circumvent the purpose of this subsection. A tenant shall exercise reasonable care in the storage of a firearm, a firearm component or ammunition.

3. Damages; attorney's fees. If a landlord brings an action to enforce a provision or rule prohibited under subsection 2, a tenant, tenant's household member or guest may recover actual damages sustained by that tenant, tenant's household member or guest and reasonable attorney's fees.

4. Immunity. Except in cases of willful, reckless or gross negligence, a landlord is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component or ammunition that the landlord is required to allow on the property under this section.

5. Exception. This section does not apply to any prohibition or restriction that is required by federal or state law, rule or regulation.

See title page for effective date.

CHAPTER 456
S.P. 594 - L.D. 1532

**An Act To Clarify Financial
Responsibility in Gestational
Carrier Agreements**

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 Parentage Act goes into effect July 1, 2016, and clarification of the financial responsibility in gestational carrier agreements should be made when the Maine Parentage Act takes effect; and

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

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

Sec. 1. 19-A MRSA §1932, sub-§4, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is amended to read:

4. Reasonable expenses. ~~A~~ Except as provided in section 1939, a gestational carrier agreement may provide for payment of reasonable expenses, which, if paid to a prospective gestational carrier, must be negotiated in good faith between the parties.

Sec. 2. 19-A MRSA §1939 is enacted to read:

§1939. Liability for payment of gestational carrier health care costs

1. Liability for health care costs. The intended parent or parents are liable for the health care costs of the gestational carrier that are not paid by her health insurance. As used in this section, "health care costs" means the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

2. Agreement. A gestational carrier agreement must explicitly detail how the health care costs of the gestational carrier are paid. The breach of a gestational carrier agreement by a party to the agreement does not relieve the intended parent or parents of the liability for health care costs imposed by subsection 1.

3. Effect on insurance coverage. This section is not intended to supplant any health insurance coverage that is otherwise available to the gestational carrier or an intended parent for the coverage of health care costs. This section does not change the health insurance coverage of the gestational carrier or the responsibility of the insurance company to pay benefits under a policy that covers a gestational carrier.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.

Effective July 1, 2016.

CHAPTER 457

H.P. 1092 - L.D. 1601

An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals

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

Sec. 1. 5 MRSA §4553, sub-§1-H is enacted to read:

1-H. Assistance animal. "Assistance animal" means, for the purposes of subchapter 4:

A. An animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician assistant, nurse practitioner or licensed social worker; or

B. An animal individually trained to do work or perform tasks for the benefit of an individual with a physical or mental disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard of hearing to intruders or sounds, providing reasonable protection or rescue work, pulling a wheelchair or retrieving dropped items.

Sec. 2. 5 MRSA §4553, sub-§9-E, ¶A, as enacted by PL 2011, c. 369, §2, is repealed.

Sec. 3. 5 MRSA §4582-A, sub-§3, as amended by PL 2011, c. 613, §13 and affected by §29, is further amended to read:

3. Assistance animals. For any owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a housing accommodation or any of their agents to refuse to permit the use of a ~~service~~ an assistance animal or otherwise discriminate against an individual with a physical or mental disability who uses a ~~service~~ an assistance animal at the housing accommodation unless it is shown by defense that the ~~service~~ assistance animal poses a direct threat to the health or safety of others or the use of the ~~service~~ assistance animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the housing accommodation by others. The use of a ~~service~~ an assistance animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such a ~~service~~ an assistance animal.

Sec. 4. 5 MRSA §4592, sub-§8, as enacted by PL 2007, c. 664, §7, is amended to read:

8. Service animals. For any public accommodation or any person who is the owner, lessor, lessee, proprietor, operator, manager, superintendent, agent or employee of any place of public accommodation to refuse to permit the use of a service animal or otherwise discriminate against an individual with a physical or mental disability who uses a service animal at the public accommodation unless it is shown by defense that the service animal poses a direct threat to the health or safety of others or the use of the service animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the public accommodation by others. The use of a service animal may not be conditioned on the payment of a fee or security deposit, although the individual with a physical or mental disability is liable for any damage done to the premises or facilities by such a service animal. This subsection does not apply to an assistance animal as defined in section 4553, subsection 1-H unless the assistance animal also qualifies as a service animal.

Sec. 5. 7 MRSA §3907, sub-§24-A, as amended by PL 2011, c. 369, §3, is further amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~ or "assistance animal" set forth in Title 5, section 4553, subsection 1-H.

Sec. 6. 7 MRSA §3961-A, as amended by PL 2011, c. 369, §4, is further amended to read:

§3961-A. Attack on service animal or assistance animal

A person who owns or keeps a dog that attacks, injures or kills a service animal or assistance animal while the service animal or assistance animal is in discharge of its duties commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged.

When a person is adjudicated of a violation of this section, the court shall order the person to make restitution to the owner of the service animal or assistance animal for any veterinary bills and necessary retraining costs or replacement costs of the service animal or assistance animal if it is disabled or killed.

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~. For the purposes of this section, "assistance animal" has the same meaning as set forth in Title 5, section 4553, subsection 1-H.

Sec. 7. 17 MRSA §1011, sub-§24-A, as amended by PL 2011, c. 369, §5, is further amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection 9-E, ~~paragraph A or B~~ or "assistance animal" set forth in Title 5, section 4553, subsection 1-H.

Sec. 8. 17 MRSA §1312, sub-§7, as amended by PL 2011, c. 369, §6, is further amended to read:

7. Service dog; definition. As used in this section, "service dog" means a dog that meets the definition of "service animal" in Title 5, section 4553, subsection 9-E, ~~paragraph B~~.

Sec. 9. 17 MRSA §1314-A, as amended by PL 2011, c. 369, §8, is repealed and the following enacted in its place:

§1314-A. Misrepresentation as service animal or assistance animal

A person who knowingly misrepresents as a service animal any animal that does not meet the definition of "service animal," as defined in Title 5, section 4553, subsection 9-E, commits a civil violation. A person who knowingly misrepresents as an assistance

animal any animal that does not meet the definition of "assistance animal," as defined in Title 5, section 4553, subsection 1-H, commits a civil violation. Misrepresentation as a service animal or an assistance animal includes, but is not limited to:

1. False documents. Knowingly creating documents that falsely represent that an animal is a service animal or an assistance animal;

2. Providing false documents. Knowingly providing to another person documents falsely stating that an animal is a service animal or an assistance animal;

3. Harness, collar, vest or sign. Knowingly fitting an animal, when the animal is not a service animal, with a harness, collar, vest or sign of the type commonly used by a person with a disability to indicate an animal is a service animal; or

4. Falsely representing animal as service animal. Knowingly representing that an animal is a service animal, when the animal has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.

For a civil violation under this section a fine of not more than \$1,000 for each occurrence may be adjudged.

See title page for effective date.

CHAPTER 458

H.P. 1091 - L.D. 1600

An Act Regarding Consent to Land Transfers to the Federal Government

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

Sec. 1. 1 MRSA §15 is amended to read:

§15. Consent of Legislature to acquisition of land by United States for public buildings; record of conveyances

In accordance with the Constitution of the United States, Article 1, Section VIII, Clause 17, and Acts of Congress in such cases provided, the consent of the Legislature is given to the acquisition by the United States, or under its authority, by purchase, condemnation or otherwise, of any land in this State required for the erection of lighthouses or for sites for custom-houses, courthouses, post offices, arsenals or other public buildings, or for any other purposes of the government, except for the designation of property as a national monument pursuant to 54 United States Code, Section 320301 (2015). Deeds and conveyances or title papers for the same ~~shall~~ must be recorded upon the land records of the county or registry district in

which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tracts and legal divisions of any public lands belonging to the United States set apart by the general government for either of the purposes before mentioned, by an order, patent or other official paper so describing such land.

See title page for effective date.

CHAPTER 459

H.P. 528 - L.D. 775

**An Act To Streamline
Judicial Review of Certain
Land Use Decisions**

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

Sec. 1. 30-A MRSA c. 190 is enacted to read:

CHAPTER 190

**JUDICIAL REVIEW OF SIGNIFICANT
MUNICIPAL LAND USE DECISION**

§4481. Definitions

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

1. Significant municipal land use decision.
"Significant municipal land use decision" means final action on an application for a land use development project that is either:

A. Submitted to the municipal reviewing authority, as defined by section 4301, subsection 12, under a municipal site plan ordinance or other municipal ordinance adopted under chapter 187, subchapter 3, or pursuant to authority under Title 38, section 488, subsection 19 or section 489-A, but only if the land use development project consists of:

(1) One or more buildings that occupy a total ground area in excess of 10,000 square feet or contain a total floor area in excess of 40,000 square feet; or

(2) A total ground area in excess of 3 acres occupied by buildings, parking lots, roads, paved areas, wharves and other areas to be stripped or graded and not revegetated; or

B. Submitted as a project consisting of 10 or more lots subject to the municipal reviewing authority, as defined by section 4301, subsection 12, under an ordinance adopted under chapter 187, subchapter 4 or pursuant to authority under Title 38, section 488, subsection 19 or section 489-A.

§4482. Review of significant municipal land use decision

This section governs the process of filing complaints in Superior Court to challenge a significant municipal land use decision or the failure to make such a decision.

1. Review of significant municipal land use decision. A complaint may be filed either in the general docket of the Superior Court for the county in which the municipality is located or directly in a docket designated by the Supreme Judicial Court for business matters. Any complaint filed in the general docket of the Superior Court for the county in which the municipality is located must be transferred upon request of any party to the proceeding to a docket designated by the Supreme Judicial Court for business matters.

2. Filing of record. The defendant municipality shall file a complete record for review, as described in the Maine Rules of Civil Procedure, Rule 80B, as agreed upon by the parties within 35 days of the commencement of the action, unless the court enlarges the time for cause. The plaintiff shall reimburse the municipality for the cost of producing the record.

§4483. Appeal of significant municipal land use decision to Law Court

Any party to a review proceeding under this chapter may obtain review of a final judgment by appeal to the Supreme Judicial Court, sitting as the Law Court. The appeal must be taken as in other civil cases, except that upon the request of any party, and in the interests of justice, the Supreme Judicial Court may expedite the briefing schedule.

See title page for effective date.

CHAPTER 460

H.P. 609 - L.D. 890

**An Act To Ensure a
Continuing Home Court for
Cases Involving Children**

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

Sec. 1. 4 MRSA §152, sub-§5-A is enacted to read:

5-A. Actions involving minors under Title 18-A. Exclusive jurisdiction of actions for guardianship, adoption, change of name or other matters involving custody or other parental rights brought under Title 18-A if proceedings involving custody or other parental rights with respect to a minor child, including but not limited to adoption, divorce, parental rights and responsibilities, grandparents' rights, protective custody, change of name, guardianship, paternity, ter-

mination of parental rights and protection from abuse or harassment, are pending in the District Court.

A. The District Court presiding over any matter involving custody or other parental rights with respect to a minor child shall require all parties to disclose whether they have knowledge of:

(1) Any interim or final order then in effect concerning custody or other parental rights with respect to the minor child;

(2) Any proceeding involving custody or other parental rights with respect to the minor child currently filed or pending before any court of this State or another state, including before a probate court in this State; or

(3) Any other related action currently filed or pending before any court of this State or another state, including before a probate court in this State.

B. If the District Court presiding over any matter involving custody or other parental rights with respect to a minor child becomes aware that a proceeding for guardianship, adoption or change of name or another matter involving custody or other parental rights with respect to the minor child is pending in a probate court in this State, the District Court shall notify the Probate Court and take appropriate action to facilitate a transfer of the matter from the Probate Court;

Sec. 2. 4 MRSA §157, sub-§1, ¶A, as amended by PL 2015, c. 377, §1, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~38~~ 39 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

Sec. 3. 4 MRSA §251 is amended to read:

§251. General jurisdiction

Each judge may take the probate of wills and grant letters testamentary or of administration on the

estates of all deceased persons who, at the time of their death, where inhabitants or residents of ~~his~~ the judge's county or who, not being residents of the State, died leaving estate to be administered in ~~his~~ the judge's county, or whose estate is afterwards found therein; and has jurisdiction of all matters relating to the settlement of such estates. ~~He~~ A judge may grant leave to adopt children, change the names of persons, appoint guardians for minors and others according to law; and has jurisdiction as to persons under guardianship, and as to whatever else is conferred ~~on him~~ by law, except in cases in which the District Court has jurisdiction over a child pursuant to section 152, subsection 5-A.

Sec. 4. 4 MRSA §251-A is enacted to read:

§251-A. Other proceedings involving parental rights; transfer to District Court

1. Disclosure of orders and proceedings. The judge of probate presiding over any matter involving guardianship, adoption or change of name or another matter involving custody or other parental rights with respect to a minor child shall require all parties to disclose whether they have knowledge of:

A. Any interim or final order then in effect concerning custody or other parental rights with respect to the minor child;

B. Any proceeding involving custody or other parental rights with respect to the minor child currently filed or pending before any court of this State or another state, including the District Court; or

C. Any other related action currently filed or pending before any court of this State or another state, including the District Court.

2. Transfer to District Court. If in a matter before the Probate Court concerning a minor child a judge of probate becomes aware that a proceeding involving custody or other parental rights with respect to the minor child is pending in the District Court, the judge shall notify the District Court and take appropriate action to facilitate a transfer of the matter to the District Court.

Sec. 5. 18-A MRSA §1-701, sub-§(a), as enacted by PL 2001, c. 163, §1, is amended to read:

(a). If a person desires to have that person's name changed, the person may petition the judge of probate in the county where the person resides. If the person is a minor, the person's legal custodian may petition in the person's behalf. If there is a proceeding involving custody or other parental rights with respect to the minor pending in the District Court, the petition must be filed in the District Court.

Sec. 6. 18-A MRSA §5-102, sub-§(a), as enacted by PL 1979, c. 540, §1, is amended to read:

(a). ~~The~~ Subject to Title 4, section 152, subsection 5-A, the court has exclusive jurisdiction over guardianship proceedings and has jurisdiction over protective proceedings to the extent provided in section 5-402.

Sec. 7. 18-A MRSA §9-103, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

§9-103. Jurisdiction

(a). ~~The~~ Subject to Title 4, section 152, subsection 5-A, the Probate Court has exclusive jurisdiction over the following:

- (1). Petitions for adoption;
- (2). Consents and reviews of withholdings of consent by persons other than a parent;
- (3). Surrenders and releases;
- (4). Termination of parental rights proceedings brought pursuant to section 9-204;
- (5). Proceedings to determine the rights of putative fathers of children whose adoptions or surrenders and releases are pending before the Probate Court; and
- (6). Reviews conducted pursuant to section 9-205.

(b). The District Court has jurisdiction to conduct hearings pursuant to section 9-205. The District Court has jurisdiction over any matter described in subsection (a) if the proceeding concerns a child over whom the District Court has exclusive jurisdiction pursuant to Title 4, section 152, subsection 5-A.

Sec. 8. 18-A MRSA §9-204, sub-§(a), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(a). A petition for termination of parental rights may be brought in Probate Court in which an adoption petition is properly filed as part of that adoption petition except when ~~a child protection proceeding is pending or is subject to review by~~ the District Court has exclusive jurisdiction over the child pursuant to Title 4, section 152, subsection 5-A.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Mental Health Services - Children 0136

Initiative: Deappropriates funding from the Department of Health and Human Services, Mental Health Services - Children account to offset the additional court costs of having all pending matters concerning a

child and family unit addressed by a single District Court Judge.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$412,750)
GENERAL FUND TOTAL	\$0	(\$412,750)

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	(\$412,750)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$412,750)

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funds for one Judge position, one Deputy Marshal position and one Assistant Clerk position due to an anticipated increase in the number of district court cases involving children.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$297,950
All Other	\$0	\$114,800
GENERAL FUND TOTAL	\$0	\$412,750

JUDICIAL DEPARTMENT DEPARTMENT TOTALS

GENERAL FUND	2015-16	2016-17
GENERAL FUND	\$0	\$412,750
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$412,750

SECTION TOTALS

GENERAL FUND	2015-16	2016-17
GENERAL FUND	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

**CHAPTER 461
H.P. 207 - L.D. 313**

**An Act To Create a
Sustainable Solution to the
Handling, Management and
Disposal of Solid Waste in the
State**

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

Sec. 1. 38 MRSA §2101-B is enacted to read:

§2101-B. Food recovery hierarchy

1. Priorities. It is the policy of the State to support the solid waste management hierarchy in section 2101 by preventing and diverting surplus food and food scraps from land disposal or incineration in accordance with the following order of priority:

A. Reduction of the volume of surplus food generated at the source;

B. Donation of surplus food to food banks, soup kitchens, shelters and other entities that will use surplus food to feed hungry people;

C. Diversion of food scraps for use as animal feed;

D. Utilization of waste oils for rendering and fuel conversion, utilization of food scraps for digestion to recover energy, other waste utilization technologies and creation of nutrient-rich soil amendments through the composting of food scraps; and

E. Land disposal or incineration of food scraps.

2. Guiding principle. It is the policy of the State to use the order of priority in this section, in conjunction with the order of priority in section 2101, as a guiding principle in making decisions related to solid waste and organic materials management.

Sec. 2. 38 MRSA §2132, sub-§1, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is further amended to read:

1. State recycling goal. It is the goal of the State to recycle or compost, by January 1, 2014 2021, 50% of the municipal solid waste tonnage generated each year within the State.

Sec. 3. 38 MRSA §2132, sub-§1-A, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is repealed.

Sec. 4. 38 MRSA §2132, sub-§1-B is enacted to read:

1-B. State waste disposal reduction goal. It is the goal of the State to reduce the statewide per capita disposal rate of municipal solid waste tonnage to 0.55

tons disposed per capita by January 1, 2019 and to further reduce the statewide per capita disposal rate by an additional 5% every 5 years thereafter. The baseline for calculating this reduction is the 2014 solid waste generation and disposal capacity data gathered by the department.

Sec. 5. 38 MRSA §2132, sub-§2, as amended by PL 2011, c. 655, Pt. GG, §32 and affected by §70, is further amended to read:

2. Goal revision. The department shall recommend revisions, if appropriate, to the state recycling goal and waste disposal reduction goal established in this section. The department shall submit its recommendations and any implementing legislation to the joint standing committee of the Legislature having jurisdiction over natural resource matters.

Sec. 6. 38 MRSA §2201, 3rd ¶, as amended by PL 2011, c. 655, Pt. GG, §64 and affected by §70, is further amended to read:

Funds related to administration may be expended only in accordance with allocations approved by the Legislature for administrative expenses directly related to the bureau's and the department's programs, including actions by the department necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste. Funds related to fees imposed on the disposal of construction and demolition debris and residue from the processing of construction and demolition debris may be expended only for the state cost share to municipalities under the closure and remediation cost-sharing program for solid waste landfills established in section 1310-F. Funds related to fees imposed under this article may be expended to provide grant funding in accordance with the Maine Solid Waste Diversion Grant Program established in section 2201-B. The department shall, on an annual basis, conduct a review of the revenues presently in the fund and the revenues projected to be added to or disbursed from the fund in upcoming calendar years and determine what amount of revenues, if any, are available to provide grant funding under section 2201-B. If the department determines that there are revenues in the fund available in the upcoming calendar year to provide grant funding under section 2201-B, the department must ensure that such revenues are designated for use in accordance with section 2201-B by the end of that calendar year. Funds related to operations may be expended only in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the bureau and for the repayment of any obligations of the bureau incurred under article 3. These allocations must be based on estimates of the actual costs necessary for the bureau and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance nec-

essary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund must annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Revenue Services incurred in the administration of Title 36, chapter 719. Allowable expenditures include "Personal Services," "All Other" and "Capital Expenditures" associated with all bureau activities other than those included in the operations account.

Sec. 7. 38 MRSA §2201-B is enacted to read:
§2201-B. Maine Solid Waste Diversion Grant Program

1. Establishment. The Maine Solid Waste Diversion Grant Program, referred to in this section as "the program," is established to provide grants to public and private entities to assist in the development, implementation or improvement of programs, projects, initiatives or activities designed to increase the diversion of solid waste from disposal in the State.

2. Administration. The department shall administer the program and may dispense revenue from the Maine Solid Waste Management Fund established under section 2201 for the purposes of the program based on approved grant requests from public and private applicants. The department may provide grants for the documented costs of application proposals in accordance with the priorities in subsection 5. Costs incurred by the department in the development and administration of the program may be paid with revenue in the Maine Solid Waste Management Fund in a manner consistent with section 2201.

3. Audit. Revenue from the Maine Solid Waste Management Fund established under section 2201 disbursed by the program is subject to audit as determined by the department, and the recipient of any such funding must agree to be subject to audit and to cooperate with the auditor as a condition of receiving funding.

4. Eligibility criteria. The department may disburse grants under the program to any public or private entity demonstrating that a proposed program, project, initiative or activity is, in the department's determination, likely to increase the diversion of solid waste from disposal within a particular community, municipality or region or the State, including, but not limited to, municipal or regional composting, organics recovery or recycling programs, including the establishment of such programs or the purchase of infrastructure, equipment or other items necessary to implement such programs or improve existing programs; programs designed to provide equipment for or otherwise support residential composting and recycling; programs or business models designed to collect, transport for processing or process organic or recyclable materials; pilot programs designed to evaluate the

feasibility of targeted composting, organics recovery, recycling or other waste management programs or initiatives; and initiatives or programs designed to educate certain categories of individuals or the general public about composting, organics recovery or recycling or to otherwise improve individual or community waste management practices.

5. Priorities. The department shall give highest priority in the awarding of funds under this section to programs, projects, initiatives or activities proposed by municipal or regional association applicants that otherwise meet the department's eligibility criteria. The department shall also give priority to applicants proposing programs, projects, initiatives or activities that are likely to increase the removal and recycling of organic materials from municipal waste streams. The awarding of funds under this section must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B and must be prioritized to provide the most benefit to the State in terms of increasing the diversion of solid waste from disposal.

6. Conditions of approval. The department may require, as a condition of grant approval, that an applicant demonstrate its ability to provide in-kind contributions relating to the grant applied for or to provide a certain level of matching funding to supplement the grant applied for.

7. Rules. The department 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. 8. 38 MRSA §2203-A, sub-§1, as amended by PL 2011, c. 544, §3, is further amended to read:

1. Fees. Fees Unless otherwise provided by rule adopted in accordance with subsection 3, fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

Asbestos	\$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$25 per ton
Waste water facility sludge	\$5 per ton
Ash, coal and oil	\$5 per ton
Paper mill sludge	\$5 per ton

Industrial waste	\$5 per ton
Sandblast grit	\$5 per ton
All other special waste	\$5 per ton
Municipal solid waste ash	\$1 per ton
Front end process residue (FEPR)	\$1 per ton
Beginning January 1, 2013 and ending December 31, 2013, construction and demolition debris and residue from the processing of construction and demolition debris	\$1 per ton
Beginning January 1, 2014, construction and demolition debris and residue from the processing of construction and demolition debris	\$2 per ton

Sec. 9. 38 MRSA §2203-A, sub-§3 is enacted to read:

3. Rules. The department may adopt rules imposing per ton or per cubic yard fees on any of the types of waste listed in subsection 1 disposed of at a commercial, municipal, regional association or state-owned solid waste landfill. Fees imposed pursuant to this subsection must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 38 MRSA §2204, first ¶, as amended by PL 1999, c. 385, §8, is further amended to read:

~~The~~ Unless otherwise provided by rule adopted in accordance with subsection 4, the department shall impose a fee of \$2 per ton on any municipal solid waste disposed of at a commercial, municipal or regional association or state-owned landfill, except that there is no fee on municipal solid waste generated by a municipality that owns the landfill accepting it or that has entered into a contract with a term longer than 9 months for disposal of municipal solid waste in that landfill facility.

Sec. 11. 38 MRSA §2204, sub-§4 is enacted to read:

4. Rules. The department may adopt rules imposing per ton fees on any municipal solid waste disposed of or received for processing at a commercial,

municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill. Fees imposed pursuant to this subsection must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 12. Department of Environmental Protection; food scraps composting pilot program. The Department of Environmental Protection, referred to in this section as "the department," shall develop, implement and administer a food scraps composting pilot program as described in this section.

1. The department shall invite municipalities to voluntarily participate in the pilot program and shall select as participants at least one municipality from each of the 3 following groups of counties:

- A. Androscoggin, Cumberland, Lincoln, Sagadahoc and York;
- B. Franklin, Kennebec, Knox, Oxford and Waldo; and
- C. Aroostook, Hancock, Penobscot, Piscataquis, Somerset and Washington.

2. The department shall invite educational programs to voluntarily participate in the pilot program and shall select as participants at least one educational program from each of the 3 following categories:

- A. A public or private educational program providing kindergarten to grade 12 education with an enrollment of 500 students or less, as measured during the 2014-2015 school year;
- B. A public or private educational program providing kindergarten to grade 12 education with an enrollment of more than 500 students, as measured during the 2014-2015 school year; and
- C. A public or private postsecondary educational program providing undergraduate and graduate education.

3. The department shall invite and shall select as additional voluntary participants in the pilot program at least one entity from each of the 3 following categories:

- A. A correctional facility;
- B. A hospital; and
- C. A commercial restaurant that generates, on average, 1/2 ton or more of food scraps per week.

4. The department shall invite the Department of Administrative and Financial Services, Bureau of General Services to, in consultation with the Legislative Council, participate in the pilot program, as re-

sources allow, with respect to the State House and Burton M. Cross State Office Building facilities.

5. The department shall provide technical assistance, and may provide financial assistance consistent with the Maine Solid Waste Diversion Grant Program established under the Maine Revised Statutes, Title 38, section 2201-B to each participating entity to develop and implement a food scraps composting program or to improve or expand a participating entity's existing food scraps composting program. A food scraps composting program implemented under this section may involve the establishment of a traditional aerobic composting system or an anaerobic digestion system or implementation of other food scraps processing or organics recovery technology approved by the department, or may, subject to the approval of the department, involve coordination by a participating entity with a food scraps composting program or business for the collection and delivery of the participating entity's food scraps to the program or business for processing or recovery. Each participating entity shall collect data on the amount of food scraps diverted from the waste stream by the program, the related cost savings realized by the participating entity and any problems encountered in implementing the program. Each participating entity shall compile this information into a report and transmit the report to the department on or before a date determined by the department.

6. The department shall analyze the reports submitted by the participating entities pursuant to subsection 5 and, by January 15, 2019, shall submit a report to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters detailing the data collected by each participating entity and any additional findings and including any recommendations for legislation to implement permanent food scraps composting programs or requirements at the state, regional, municipal or local level or to otherwise increase the diversion rate for organic materials in the State. After receiving the report, the joint standing committee may report out a bill relating to the report to the First Regular Session of the 129th Legislature.

See title page for effective date.

CHAPTER 462

H.P. 305 - L.D. 466

**An Act To Increase
Competition and Ensure a
Robust Information and
Telecommunications Market**

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

Sec. 1. 35-A MRSA §7102, sub-§6-A is enacted to read:

6-A. Price cap incumbent local exchange carrier or price cap ILEC. "Price cap incumbent local exchange carrier" or "price cap ILEC" means an incumbent local exchange carrier that agreed to accept Connect America Fund Phase II support pursuant to the Federal Communications Commission's Report and Order released on December 18, 2014, in In the Matter of Connect America Fund, WC Docket No. 10-90, FCC 14-190, for locations within the State on or before January 1, 2016 and does not receive funding from a state universal service fund under section 7104.

Sec. 2. 35-A MRSA §7104, sub-§2, as amended by PL 2011, c. 623, Pt. B, §13, is further amended to read:

2. General availability. The commission shall seek to ensure that provider of last resort service is available at reasonably comparable rates to consumers throughout all areas of the State at reasonably comparable rates in which the service is available pursuant to section 7221.

Sec. 3. 35-A MRSA §7221, sub-§§4 to 7 are enacted to read:

4. Removal of the provider of last resort service obligation in select municipalities. This subsection governs the removal of the obligation of a price cap ILEC to provide provider of last resort service in certain municipalities.

A. Thirty days after the effective date of this subsection a price cap ILEC is not obligated to provide provider of last resort service in the following municipalities:

- (1) Portland;
- (2) Lewiston;
- (3) Bangor;
- (4) South Portland;
- (5) Auburn;
- (6) Biddeford; and
- (7) Sanford.

B. Every 6 months after the effective date of this subsection, the commission shall examine the service quality reports of a price cap ILEC under section 7225-A for the immediately preceding 2 consecutive quarters and, if the service quality requirements of section 7225-A have been met, the commission shall issue a certificate relieving the price cap ILEC of the obligation to provide provider of last resort service in 5 of the municipalities listed in this paragraph. The order in which a price cap ILEC may be relieved of the obligation

to provide provider of last resort service in a municipality under this paragraph is as follows:

- (1) Scarborough;
- (2) Gorham;
- (3) Waterville;
- (4) Kennebunk;
- (5) Cape Elizabeth;
- (6) Old Orchard Beach;
- (7) Yarmouth;
- (8) Bath;
- (9) Westbrook;
- (10) Freeport;
- (11) Brewer;
- (12) Kittery;
- (13) Windham;
- (14) Brunswick; and
- (15) Augusta.

C. For one year from the date a price cap ILEC is relieved of the obligation to provide provider of last resort service in a municipality in accordance with this subsection, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date the obligation ceased a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service.

D. Prior to the removal of the obligation to provide provider of last resort service in any municipality pursuant to this subsection, the commission shall hold a public meeting in the municipality to allow customers of the price cap ILEC to obtain information about the upcoming changes to service.

E. The price cap ILEC shall give advance notice in its monthly billing statement to each customer in a municipality listed in this subsection in which the obligation to provide provider of last resort service will be removed. That notice must include the following information:

- (1) An existing customer will still be provided service for one year from the date on which the obligation to provide provider of last resort service is removed at the same rates, terms and conditions as the price cap ILEC provides to provider of last resort service customers to whom the price cap ILEC is obligated to provide provider of last resort service; and

- (2) The date, time and location of the public meeting required under paragraph D, which will be hosted by the commission in the municipality.

5. Relief of provider of last resort service obligation. After a price cap ILEC has been relieved of the obligation to provide provider of last resort service in all the municipalities listed in subsection 4, the price cap ILEC may petition the commission under this subsection to be relieved of its provider of last resort service obligation in one or more additional municipalities.

A. The commission shall approve the petition if the commission finds:

- (1) With respect to a municipality, that, pursuant to the following standards, there is sufficient competition in that municipality to ensure access to affordable telephone service by households in the municipality:

(a) In addition to the price cap ILEC, there is at least one wireline-facilities-based voice network service provider that offers service to at least 95% of the households in the municipality; and

(b) One or more mobile telecommunications services providers offer, on a combined basis, mobile telecommunications services to at least 97% of the households in the municipality; and

- (2) The price cap ILEC prior to filing the petition has met service quality requirements under section 7225-A in the immediately preceding 2 consecutive quarters.

B. The commission shall establish by rule the sources of information and a methodology it will use to reasonably calculate the percentage of households served by wireline-facilities-based voice network service providers and mobile telecommunications services providers for purposes of making a determination under paragraph A. The commission may not require wireline-facilities-based voice network service providers and mobile telecommunications services providers to provide competitive information to the commission but may rely on other available sources for this information, including information available from the Federal Communications Commission. Competitive information about the extent of service provided by wireline-facilities-based voice network service providers and mobile telecommunications services providers used to make this determination is confidential and is not a public record under Title 1, section 402, subsection 3 and may not be disclosed to any person outside the commission. In developing the methodology under this paragraph, the commission may al-

low for reasonable adjustments to the information it receives if it is aware that actual availability of competitive services differs from what is reflected in the information. If the application of the commission's methodology results in a finding that the standards in paragraph A, subparagraph (1) have been met, there is a rebuttable presumption of sufficient competition in a municipality to ensure access to affordable telephone service by households in the municipality.

C. Ninety days prior to filing a petition under this subsection, a price cap ILEC shall notify the commission and the Office of the Public Advocate of the price cap ILEC's intent to file a petition. The price cap ILEC shall also give advance notice of its intent to file a petition in its monthly billing statement to each customer in the municipality in which it will be seeking relief from the obligation to provide provider of last resort service.

The commission shall hold a public hearing in each affected municipality to allow customers of the price cap ILEC as well as other residents of the affected municipality to testify. The price cap ILEC shall give advance notice of the hearing to each customer in the municipality in its monthly billing statement and publish this notice in a newspaper of general circulation in that municipality.

D. The commission shall issue an order granting or denying a petition within 180 days of receiving a petition under this subsection, except that the commission, at its discretion, may extend this period for up to an additional 30 days.

E. For one year from the date the commission issues an order granting a price cap ILEC relief from the obligation to provide provider of last resort service in a municipality, the price cap ILEC shall continue to offer to each provider of last resort service customer in that municipality to whom it was providing the service on the date of that order a telephone service with the same rates, terms and conditions as it provides to provider of last resort service customers to whom it is obligated to provide provider of last resort service.

For purposes of this subsection, "voice network service provider" has the same meaning as in section 7104.

6. Abandonment. A price cap ILEC may not discontinue, reduce or impair the service that it provides in a municipality, or part of a municipality, where it has previously served as the provider of provider of last resort service unless the commission approves the discontinuance, reduction or impairment. The commission may approve the discontinuance, reduction or impairment only if it finds that neither the present nor future public convenience and necessity

will be adversely affected by such discontinuance, reduction or impairment of service.

In granting its approval under this subsection, the commission may impose such terms, conditions or requirements as in its judgment are necessary to protect the public interest. A price cap ILEC abandoning all or part of its plant, property or system or discontinuing service pursuant to authority granted by the commission under this subsection is deemed to have waived all objections to the terms, conditions or requirements imposed by the commission in its approval. A discontinuance approved under this subsection is not subject to further approval under section 1104.

7. Rules. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 35-A MRSA §7222-A is enacted to read:

§7222-A. Rates

1. Price cap ILEC rate requirements. The provisions of sections 304 and 307 do not apply to a price cap ILEC with respect to the rates for provider of last resort service. A price cap ILEC shall post on its publicly accessible website the rates, terms and conditions for provider of last resort service. Rates for provider of last resort service provided by the price cap ILEC are governed by the following:

A. On the effective date of this paragraph, the monthly charge for provider of last resort service offered by a price cap ILEC may not exceed \$20 for any residential customer. A price cap ILEC may, beginning one year after the effective date of this paragraph, increase rates for its provider of last resort service by up to 5% annually; and

B. Low-income customers of a price cap ILEC must receive a monthly discount of \$3.50 in addition to any applicable federal subsidy for voice service for low-income customers.

For the purposes of this subsection, "low-income customer" means a customer who qualifies for assistance under the Federal Communications Commission's Lifeline program, as defined in 47 Code of Federal Regulations, Section 54.401.

Sec. 5. 35-A MRSA §7225-A is enacted to read:

§7225-A. Price cap ILEC service quality requirements

1. Service quality metrics reporting. A price cap ILEC shall report to the commission quarterly on service quality using the following metrics, using rolling one-year averages, in areas where provider of last resort service is available:

- A. Network trouble rates;
- B. The percentage of network troubles not cleared in 48 hours;
- C. The percentage of installation appointments not met; and
- D. The average delay, in days, for missed installation appointments.

A report submitted under this subsection is confidential and not a public record under Title 1, section 402, subsection 3 and may not be disclosed to any person outside the commission, except as provided in subsection 3.

2. Minimum requirements. A price cap ILEC shall provide service that meets the following minimum requirements, based on rolling one-year averages, in the areas in which it serves as provider of provider of last resort service:

- A. Less than 3 network troubles per 100 customers;
- B. Less than 20% of network troubles not cleared within 48 hours;
- C. Less than 12% of all installation appointments not met; and
- D. Less than a 9-day average delay for missed installation appointments.

3. Failure to meet service quality requirements. If a price cap ILEC fails to meet any service quality requirement in this section for any 2 consecutive quarters, the results for these service quality requirements for these quarters are no longer confidential and become public records. The commission shall investigate a failure to meet a service quality requirement. If the commission concludes after investigation that the failure to meet a service quality requirement is due to factors within the control of the price cap ILEC, the commission shall, by order, direct the price cap ILEC to take such steps as the commission determines necessary to meet the requirement. If the provider fails to comply with the commission's order, the commission shall impose a penalty in accordance with section 1508-A, subsection 1, paragraph A in an amount sufficient to ensure compliance with that order. Nothing in this subsection limits the commission's authority to direct a price cap ILEC to act to improve service under any other provision of this chapter.

Sec. 6. Rules. The Public Utilities Commission shall provisionally adopt major substantive rules, as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, to implement Title 35-A, section 7221, subsections 4 to 6 by January 1, 2017. By January 1, 2017, the commission shall also review its rules adopted pursuant to Title 35-A, section 7225 and make any necessary amendments to account for changes as a result of the enactment of Title 35-A, section 7225-A.

Notwithstanding Title 35-A, section 7225, subsection 3, rules adopted pursuant to the commission's review under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. Commission review of effect of relief of provider of last resort service obligation. By January 15, 2018 and again by January 15, 2020, the Public Utilities Commission shall submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report related to the removal of the provider of last resort service obligation for a price cap ILEC under the Maine Revised Statutes, Title 35-A, section 7221, subsections 4 and 5. A report under this section must list municipalities in which the obligation to provide provider of last resort service has ceased pursuant to Title 35-A, section 7221, subsection 4, paragraph B or in which the commission has approved in accordance with Title 35-A, section 7221, subsection 5 the removal of a price cap ILEC's obligation to provide provider of last resort service. A report under this section must also include the effect of the removal on former provider of last resort service customers, the price cap ILEC's workforce, the maintenance and status of the copper line network, public safety and the cost, features and availability of telephone service, including service to the hearing impaired, and broadband service. Each report may include recommendations for related legislation. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may report out a bill relating to provider of last resort service to the Second Regular Session of the 128th Legislature and may also report out a bill relating to provider of last resort service to the Second Regular Session of the 129th Legislature. At least 30 days before submitting a report to the committee, the commission shall post the report on its publicly accessible website and allow persons to submit to the commission written comments on the report. The commission shall submit to the committee with each report all comments that it received on the respective report. If the commission in either report makes a recommendation to repeal or modify Title 35-A, section 7221, subsection 5, it may not, notwithstanding that subsection, accept a petition submitted in accordance with that subsection until 90 days after the adjournment of the session to which the report is submitted.

Sec. 8. Commission legal review; report. The Public Utilities Commission shall examine all laws and rules of this State relating to provider of last resort service as they apply to a price cap ILEC, as defined in the Maine Revised Statutes, Title 35-A, section 7102, subsection 6-A, and determine whether any changes may be needed to conform those laws and rules to the provisions of this Act. The commission shall submit a report of its findings, together with any necessary draft legislation to implement its recommendations, to the joint standing committee of the

Legislature having jurisdiction over utilities and energy matters by December 15, 2016. The committee may report out a bill relating to provider of last resort service to the First Regular Session of the 128th Legislature.

Sec. 9. Commission's annual report.

Through 2022, the Public Utilities Commission shall include in its annual report pursuant to the Maine Revised Statutes, Title 35-A, section 120, subsection 7 information on provider of last resort service, including in which municipalities the obligation to provide provider of last resort service has ceased pursuant to Title 35-A, section 7221, subsection 4, paragraph B; the municipalities in which the commission granted approval of a petition in accordance with Title 35-A, section 7221, subsection 5; the municipalities, if any, in which the commission approved the discontinuance, reduction or impairment of service under Title 35-A, section 7221, subsection 6; and any complaints the commission may have received regarding the costs of or a lack of access to reliable basic telephone service in municipalities from which the provider of last resort service obligation has been removed.

See title page for effective date.

CHAPTER 463

S.P. 573 - L.D. 1475

An Act To Facilitate the Use of State Education Subsidies

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 budget meetings of regional school units and town budgets; and

Whereas, it is necessary that this legislation take effect prior to the expiration of the 90-day period to allow towns to benefit from the legislation during the next annual budget 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. 20-A MRSA §1485, sub-§5 is enacted to read:

5. Additional state subsidy. The warrant presented to the legislative body of the regional school

unit at a regional school unit budget meeting may include an article or articles providing that, in the event that the regional school unit receives more state education subsidy than the amount included in its budget, the regional school unit board is authorized to use all or part of the additional subsidy to:

A. Increase expenditures for school purposes in cost center categories approved by the regional school unit board. If that article is approved by the voters at the budget meeting, the regional school unit board may increase expenditures for school purposes in cost center categories approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum;

B. Increase the allocation of finances in a reserve fund. If that article is approved by the voters at the budget meeting, the regional school unit board may increase the allocation of finances for a reserve fund approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum; or

C. Decrease the local cost share expectation, as defined in section 15671-A, subsection 1, paragraph B, for local property taxpayers for funding public education. If that article is approved by the voters at the budget meeting, the regional school unit board may decrease the local cost share expectation for local property taxpayers approved by the regional school unit board as provided in the article, without holding a special budget meeting and budget validation referendum.

Sec. 2. 20-A MRSA §1486, sub-§2, as amended by PL 2009, c. 571, Pt. QQQ, §2, is further amended to read:

2. Validation referendum procedures. The budget validation referendum must be held on or before the 30th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spend-

ing target pursuant to section 15671-A, subsection 5. If the legislative body of the regional school unit at the regional school unit budget meeting approves an article pursuant to section 1485, subsection 5, the substance of the article must be included in the printed information displayed at polling places for the budget validation referendum.

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

Effective April 13, 2016.

CHAPTER 464

H.P. 903 - L.D. 1325

An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road

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. 23 MRSA §2060, sub-§2, as enacted by PL 1999, c. 188, §2, is amended to read:

2. Effect and exceptions. Upon discontinuance, all interests of the county or municipality pass to the abutting property owners to the center of the way, including any public easement, in accordance with section ~~3026~~ 3026-A. When the Department of Transportation is an abutting owner, then the interests in the way pass to the property owner opposite the department's ownership in accordance with a plan showing the right-of-way line established for the new highway location by the department. The plan must be referenced in the order of discontinuance.

Sec. 2. 23 MRSA §3021, sub-§1-A is enacted to read:

1-A. Municipal legislative body. "Municipal legislative body" has the same meaning as in Title 30-A, section 2001, subsection 9.

Sec. 3. 23 MRSA §3021, sub-§2, as enacted by PL 1975, c. 711, §8, is amended to read:

2. Public easement. "Public easement" means an easement held by a municipality for purposes of public access to land or water not otherwise connected to a public way, and includes all rights enjoyed by the pub-

lic with respect to private ways created by statute prior to ~~the effective date of this Act July 29, 1976.~~ Private ways created pursuant to former sections 3001 and 3004 prior to the effective date of this Act July 29, 1976 are public easements.

Sec. 4. 23 MRSA §3026, as repealed and replaced by PL 1981, c. 683, §1, is repealed.

Sec. 5. 23 MRSA §3026-A is enacted to read:
§3026-A. Discontinuance of town ways

A municipality may terminate in whole or in part any interests held by it for highway purposes. A municipality discontinuing a town way or public easement in this State must meet the following requirements.

1. Notification of discontinuance to abutting property owners. The municipal officers shall give best practicable notice to all abutting property owners of a proposed discontinuance of a town way or public easement. As used in this subsection, "best practicable notice" means, at minimum, the mailing by the United States Postal Service, postage prepaid, first class, of notice to abutting property owners whose addresses appear in the assessment records of the municipality.

2. Municipal officers meet to discuss proposed discontinuance and file order of discontinuance. The municipal officers shall discuss a proposed discontinuance of a town way or public easement at a public meeting and file an order of discontinuance with the municipal clerk that specifies:

- A. The location of the town way or public easement;
- B. The names of abutting property owners;
- C. The amount of damages, if any, determined by the municipal officers to be paid to each abutting property owner; and
- D. Whether or not a public easement is retained.

If a proposal includes the discontinuance of a public easement, that must be stated explicitly in the order of discontinuance; otherwise, the public easement is retained. If a public easement is retained, all other interests of the municipality in the discontinued way, if any, pass to abutting property owners to the center of the way. If a public easement is not retained, all interests of the municipality in the discontinued way pass to abutting property owners to the center of the way.

3. Public hearing. The municipal officers shall hold a public hearing on the order of discontinuance of a town way or public easement filed pursuant to subsection 2.

4. Approval of order of discontinuance and damage awards. Ten or more business days after the public hearing pursuant to subsection 3, the municipal

legislative body must vote upon the order of discontinuance submitted to it:

- A. To approve the order of discontinuance and the damage awards and to appropriate the money to pay the damages; or
- B. To disapprove the order of discontinuance.

5. Certificate of discontinuance filed. The municipal clerk shall record an attested certificate of discontinuance after a vote by the municipal legislative body under subsection 4 in the registry of deeds. The certificate must describe the town way or public easement and the final action by the municipal legislative body. The date the certificate is filed is the date the town way or public easement is discontinued. The registry of deeds shall record a certificate of discontinuance under the name of the town way or public easement, the name of the municipality and the names of the abutting property owners. The municipal clerk shall provide a photocopy of the certificate to the Department of Transportation, Bureau of Maintenance and Operations.

6. Utility easement. An easement for public utility facilities necessary to provide or maintain service remains in a discontinued town way regardless of whether a public easement is retained. Upon approval by a municipal legislative body of an order to discontinue a town way and retain a public easement, unless otherwise stated in the order, all remaining interests of the municipality, if any, pass to the abutting property owners in fee simple to the center of the way.

Sec. 6. 23 MRSA §3027, sub-§1, as amended by PL 1987, c. 385, §1, is further amended to read:

1. Vacation of ways. ~~Where~~ When proposed town ways have been described in a recorded subdivision plan and lots have been sold with reference to the plan, the municipal officers, after notice to the municipal planning board or office, may, on their own initiative, on petition of the abutting property owners or on petition of any person claiming a property interest in the proposed way, vacate in whole or in part proposed ways that have not been accepted. The municipal officers shall give best practicable notice, as defined in section ~~3026~~ 3026-A, subsection ~~2~~ 1, of the proposed vacation to owners of lots on the recorded subdivision plan and their mortgagees of record. The notice ~~shall~~ must conform in substance to the following form:

NOTICE

(The municipal officers of) (A petition has been filed with the municipal officers of) _____ (Name of Town or City) _____ (propose to) (to vacate) the following (ways) (way) shown upon a subdivision plan (named) (dated) (and) recorded in the _____ County Registry of Deeds, Book of Plans, Volume _____, Page _____.

(Herein list or describe ways to be vacated)

If the municipal officers enter an order vacating (these ways) (this way) any person claiming an interest in (these ways) (this way) (adverse to the claims of the petitioners) must, within one (1) year of the recording of the order, file a written claim thereof under oath in the _____ County Registry of Deeds and must, within one hundred eighty (180) days of the filing of the claim, commence an action in the Superior Court in _____ County in accordance with the Maine Revised Statutes, Title 23, section 3027-A.

The municipal officers shall file an order of vacation with the municipal clerk that specifies the location of the way, the names of owners of lots on the recorded subdivision plan and the amount of damages, if any, determined by the municipal officers to be paid to each lot owner or other person having an interest in the way. Damages and reasonable costs as determined by the municipal officers ~~shall~~ must be paid by the petitioners, if any.

Sec. 7. 23 MRSA §3028, sub-§5 is enacted to read:

5. Filing. If after the effective date of this subsection the municipal officers, either on their own or after being presented with evidence of abandonment, determine that a town way has been discontinued by abandonment pursuant to subsection 1, the municipal clerk shall file a record of this determination with the registry of deeds. The absence of a filing of a determination of discontinuation by abandonment may not be construed as evidence against the status of abandonment. The registry of deeds shall record a document regarding an abandoned town way under the name of the town way, the name of the municipality and the names of the abutting property owners. The municipal clerk shall provide a copy of the document regarding an abandoned town way to the Department of Transportation, Bureau of Maintenance and Operations.

Sec. 8. 23 MRSA §3029-A is enacted to read:

§3029-A. Damage to public easement; cause of action

1. Cause of action. An owner of property abutting a discontinued or abandoned road in which a public easement exists may bring a civil action in Superior Court for damages and injunctive relief against a person who causes damage to the road in a manner that impedes reasonable access by the property owner to the property owner's property by motor vehicle as defined in Title 29-A, section 101, subsection 42.

2. Damages. Damages may be sought pursuant to subsection 1 in an amount reasonably necessary to restore the road to its condition prior to the use by the person against whom the action is brought.

3. Attorney's fees and costs. If the plaintiff under subsection 1 is the prevailing party, the plaintiff may be awarded reasonable attorney's fees and costs.

4. Application. This section does not apply to:

A. A law enforcement officer who, in an emergency and within the scope of that law enforcement officer's employment, operates a motor vehicle on a public easement; or

B. An emergency responder who, in an emergency and while performing the duties of an emergency responder, operates a motor vehicle on a public easement.

Sec. 9. 35-A MRSA §2308, as amended by PL 2011, c. 623, Pt. B, §9, is further amended to read:

§2308. Protection of utility facilities upon discontinuance of public ways

In proceedings for the discontinuance of public ways, public ways may be discontinued in whole or in part. The discontinuance of a town way must be pursuant to Title 23, section ~~3026~~ 3026-A. Unless an order discontinuing a public way specifically provides otherwise, the public easement provided for in Title 23, section ~~3026~~ 3026-A includes an easement for public utility facilities and for the permitted facilities of entities authorized under section 2301 to construct lines. A utility or entity may continue to maintain, repair and replace its installations within the limits of the way or may construct and maintain new facilities within the limits of the discontinued way, if it is used for travel by motor vehicles, in order to provide utility or telecommunications service, upon compliance with the provisions of sections 2503, 2505, 2506, 2507 and 2508.

Sec. 10. Municipality to develop or supplement list of town ways. A municipality may develop or update publicly available inventories relating to all known town ways or former town ways, or segments of town ways, discontinued and discontinued by abandonment within its municipal borders and share such inventories with the Department of Transportation, Bureau of Maintenance and Operations. Information pertaining to discontinued town ways may include a sufficient description of the town way or former town way, any known judicial determination regarding the status of a public easement on the former town way, the date of discontinuance and the governmental entity effecting the discontinuance. Information pertaining to town ways discontinued by abandonment may include a sufficient description of the town way or former town way, any known judicial determination regarding the status of a public easement on the former town way and the last known date of regular, publicly funded maintenance of the town way or former town way or segment of the town way. Boards of county commissioners, landowners, road associations, surveyors and other interested parties

may share relevant information with municipalities and the Department of Transportation, Bureau of Maintenance and Operations. By November 1, 2018, the Department of Transportation shall share with the joint standing committee of the Legislature having jurisdiction over state and local government matters an update on the status of any road inventories developed by municipalities, including any noted challenges or obstacles associated with determining the status of roads discontinued for public maintenance by units of government other than the municipalities' legislative bodies.

See title page for effective date.

CHAPTER 465
H.P. 1100 - L.D. 1612

**An Act To Improve the
Delivery of Services and
Benefits to Maine's Veterans
and Provide Tuition Assistance
to Members of the Maine
National Guard**

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

PART A

Sec. A-1. 37-B MRSA §3, sub-§1, ¶D, as amended by PL 2013, c. 469, §1 and c. 569, §2, 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, in-

cluding 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 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 fed-

eral 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.

(21) The Adjutant General shall implement a program to identify residents of the State who are not considered veterans but are military retirees or former members of the Maine Army National Guard or Maine Air National Guard who successfully completed service.

Sec. A-2. 37-B MRSA §501, first ¶, as amended by PL 1997, c. 455, §17, is further amended to read:

The Bureau of Maine Veterans' Services, referred to in this chapter as the "bureau," is established and shall provide informational services, program assistance, memorial facilities and financial aid to veterans in the State and their dependents in order to ensure that they receive all entitlements due under the law, are relieved to the extent possible of financial hardship, receive every opportunity for self-improvement

through higher education and are afforded proper recognition for their service and sacrifice to the Nation. The bureau shall serve as the primary source of information for veterans in the State regarding all services, benefits and honors administered by the State and, to the maximum extent possible, services and benefits provided by the United States Department of Veterans Affairs, veterans' service organizations and other organizations dedicated to serving veterans.

Sec. A-3. 37-B MRSA §503, sub-§§7 and 8 are enacted to read:

7. Marketing and outreach program. The director shall implement, as a core function of the bureau, a marketing and outreach program to increase, to the greatest extent practicable, awareness of services and benefits available to veterans and family members of veterans and to encourage veterans to seek the benefits and services to which they are entitled. The director is authorized to employ personnel dedicated to the marketing and outreach program objectives described in this subsection. The director is authorized to enter into memoranda of understanding with other state agencies to allow for the sharing of information to achieve the objectives of the program. Upon request of the director, agencies required to enter into memoranda of understanding with the director include, but are not limited to, the Bureau of Motor Vehicles under the Department of the Secretary of State, the Bureau of Parks and Lands under the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Health and Human Services, the University of Maine System and the Maine Community College System. The marketing and outreach program objectives must include, but are not limited to:

A. Identifying residents of the State who are veterans;

B. Increasing awareness of the bureau for veterans and family members of veterans;

C. Implementing media and technology to encourage veterans to self-identify to the bureau and communicating to veterans and family members of veterans about the services and benefits available to them;

D. Attendance by bureau personnel at events organized for and by veterans that, as determined by the director, facilitate the objectives of this subsection; and

E. Establishing benchmarks to measure the effectiveness of marketing and outreach efforts.

The program objectives listed in this subsection may also be used to assist the commissioner to identify residents of this State who are military retirees or former members of the Army National Guard or Air National Guard who completed service requirements but

never served on active duty pursuant to section 3, subsection 1, paragraph D, subparagraph (21).

8. Records management system. The director shall acquire and maintain an electronic database with secured remote access capabilities to facilitate management of records of veterans, spouses of veterans and veterans' dependents served by the bureau. When selecting a records management system, the director shall ensure that, at a minimum, the system supports the bureau in meeting the following objectives:

- A. Reducing reliance on paper records;
- B. Allowing for immediate access by authorized users to update records;
- C. Displaying a complete record of assistance provided by the bureau to veterans and veterans' family members; and
- D. Providing efficient and timely customer service to veterans seeking assistance from the bureau.

Sec. A-4. Director of the Bureau of Maine Veterans' Services to establish mobile Veteran Service Officer positions. No later than October 15, 2016, the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall establish 2 additional Veteran Service Officer positions within the bureau. The positions may not be assigned exclusively to a particular region or office within the State but must be used to assist veterans in the State where the demand for services is greatest, as determined by the director.

PART B

Sec. B-1. 30-A MRSA §5047, sub-§1, as amended by PL 2007, c. 600, §2, is further amended to read:

1. Membership; chair. The council consists of ~~13~~ 14 members appointed as follows:

- A. Six members appointed by the Governor, 2 from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils;
- B. The Director of the Maine State Housing Authority;
- C. Three members appointed jointly by the President of the Senate and the Speaker of the House, one from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils;
- D. One member representing the Office of the Governor, who serves as the chair;
- E. The Commissioner of Health and Human Services or the commissioner's designee; ~~and~~

F. The Commissioner of Corrections or the commissioner's designee; ~~and~~

G. The Director of the Bureau of Maine Veterans' Services or the director's designee.

Sec. B-2. 30-A MRSA §5048, sub-§7, as amended by PL 2007, c. 600, §4, is further amended to read:

7. Review, monitor and implement plans. On an annual basis, review and comment on plans submitted pursuant to Title 34-B, section 1221 and propose amendments and updates to and implement a plan to end homelessness; ~~and~~

Sec. B-3. 30-A MRSA §5048, sub-§8, as enacted by PL 2007, c. 600, §5, is amended to read:

8. Advise departments. Advise the Department of Corrections and the Department of Health and Human Services on issues related to homelessness and other issues related to the duties of the council; ~~and~~

Sec. B-4. 30-A MRSA §5048, sub-§9 is enacted to read:

9. Develop strategic plan regarding homelessness among veterans. Develop strategies to enhance coordination and communication among agencies and organizations that provide services that seek to place veterans in permanent housing and that seek to improve access to services known to support housing stability for veterans who are experiencing homelessness or veterans who are at risk of homelessness. The council shall develop and periodically review a strategic plan that:

A. Establishes a baseline for homelessness in the State from which improvements can be measured. In determining the baseline, the council is not required to use the federal definition of homelessness and may include levels of housing instability or ranges of homelessness;

B. Develops a method of measuring homelessness among veterans in the State to demonstrate whether efforts to reduce the number of homeless veterans in the State have been successful;

C. Identifies specific processes for improving communication among agencies that provide services to veterans, including services unrelated to homelessness, that will facilitate identification of veterans in need of housing assistance or veterans who may be at risk of homelessness and maximize resources available to address homelessness among veterans; and

D. Develops a framework and timeline for determining progress of communication and coordination efforts targeting homelessness among veterans and the effectiveness of those efforts in reducing homelessness among veterans.

The Director of the Bureau of Maine Veterans' Services shall periodically report to the council regarding the progress of implementing the strategies described in this subsection. Beginning February 1, 2018, the director shall report annually to the joint standing committee of the Legislature having jurisdiction over veterans affairs on the implementation of the strategic plan. The report must include, but is not limited to, the effect of the strategic plan on homelessness among veterans based on the measurements required to be established by this subsection.

Sec. B-5. Development of initial strategic plan. By February 15, 2017, the Statewide Homeless Council, established in the Maine Revised Statutes, Title 30-A, chapter 202, subchapter 5-A, shall develop an initial strategic plan pursuant to Title 30-A, section 5048, subsection 9.

Sec. B-6. Report to Legislature. By March 1, 2017, the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall present the strategic plan developed pursuant to the Maine Revised Statutes, Title 30-A, section 5048, subsection 9, including a description of the process used to develop it, to the joint standing committee of the Legislature having jurisdiction over veterans affairs.

Sec. B-7. Director of the Bureau of Maine Veterans' Services to establish Veteran Service Officer position. No later than February 1, 2017, the Director of the Bureau of Maine Veterans' Services within the Department of Defense, Veterans and Emergency Management shall establish one additional Veteran Service Officer position within the bureau. Duties must include coordination of efforts to address homelessness among veterans in the State.

PART C

Sec. C-1. 36 MRSA §1760, sub-§100 is enacted to read:

100. Certain veterans' service organizations. Sales to an organization that provides services to veterans and their families that is chartered under 36 United States Code, Subtitle II, Part B, including posts or local offices of that organization, and that is recognized as a veterans' service organization by the United States Department of Veterans Affairs.

Sec. C-2. Effective date. This Part takes effect August 1, 2016.

PART D

Sec. D-1. 37-B MRSA §152, sub-§2, as amended by PL 2003, c. 488, §1 and affected by §5, is further amended to read:

2. Rental proceeds. Except as provided in section ~~353~~ 353-A, rental proceeds from the rental of armories under this section must be paid into the State

Treasury and credited to the Armory Rental Fund to be used for operation and maintenance expenses at the various state-owned facilities of the Military Bureau. Rental proceeds credited to the Armory Rental Fund are in addition to the appropriations made for operation and maintenance expenses included for that purpose in the Military Fund.

Sec. D-2. 37-B MRSA §154, as amended by PL 2013, c. 469, §2, is further amended to read:

§154. Capital Repair, Maintenance, Construction and Acquisition Account

Except as provided in section ~~353~~ 353-A, 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 \$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 \$500,000.

Sec. D-3. 37-B MRSA §155, as amended by PL 2003, c. 488, §3 and affected by §5, is further amended to read:

§155. Reimbursement fund

The Maine National Guard may provide services in accordance with section 181-A, subsections 4 and 5 and section 183 for federal, state, county, regional and municipal governments and agencies and nongovernmental entities and may charge for those services. Except as provided in section ~~353~~ 353-A, the fees collected must first be allocated for funding the cost of providing those services, and any remaining fees may be expended only within the Military Bureau.

Sec. D-4. 37-B MRSA §352, sub-§§4 to 7, as enacted by PL 2003, c. 488, §4 and affected by §5, are amended to read:

4. State postsecondary education institution. "State postsecondary education institution" means the University of Maine System, the Maine Maritime Academy, the Maine ~~Technical~~ Community College System or any other college or university system established as a public instrumentality of this State.

5. Tuition. "Tuition" means the total semester, trimester, quarter or term or credit hour cost of instruction to the student as periodically published in the catalog of a state postsecondary education institution, ~~including mandatory fees and lab fees but~~ excluding

~~all~~ mandatory fees and lab fees and other expenses such as book charges, room and board.

6. Tuition benefit. "Tuition benefit" means tuition provided by the Maine National Guard using either state or federal funds or waivers of tuition from a state postsecondary education institution.

7. Unsatisfactory participant. "Unsatisfactory participant" means a member who has accumulated 9 or more unexcused absences from unit training assemblies or who within a 12-month period, without proper authorization, fails to attend or complete the entire period of annual training.

Sec. D-5. 37-B MRSA §353, as amended by PL 2013, c. 469, §5, is repealed.

Sec. D-6. 37-B MRSA §§353-A, 353-B and 353-C are enacted to read:

§353-A. Maine National Guard Postsecondary Fund

The Maine National Guard Postsecondary Fund, referred to in this section as "the fund," is established in the Military Bureau as a nonlapsing account in the General Fund to provide tuition benefits for eligible Maine National Guard members to state postsecondary education institutions. Deposits to the fund may come from sources including but not limited to: the Armory Rental Fund established in section 152; the Capital Repair, Maintenance, Construction and Acquisition Account established in section 154; the reimbursement fund established in section 155; revenue generated from the Maine Military Authority; and rental income fees under Title 5, section 1742, subsection 26, paragraph B. The Adjutant General is responsible for oversight and allocation of these funds in accordance with this subchapter. The Adjutant General shall provide a report to the Commissioner of Education on the first day of January each calendar year accounting for the use of all funds in the fund.

§353-B. Tuition benefit for member

A member who meets the prerequisites of section 354 is entitled to a 100% tuition benefit at a state postsecondary education institution. The benefit applies to tuition for a member enrolled or accepted for admission to a state postsecondary education institution on a full-time or part-time basis. To be eligible for the benefit, a member must be enrolled full-time or part-time at a state postsecondary education institution. The benefit may be used to earn one credential at the following levels: baccalaureate, associate or certificate and licensure. The benefit must be reduced by any other tuition assistance received by a member not related to housing costs or non-tuition expenses.

§353-C. Waiver required

If the cost of providing the tuition benefit under this subchapter exceeds the amount of money avail-

able in the Maine National Guard Postsecondary Fund established in section 353-A, the tuition benefit must be provided in the form of a tuition waiver provided by the state postsecondary education institution.

Sec. D-7. 37-B MRSA §354, sub-§§2 and 3, as enacted by PL 2003, c. 488, §4 and affected by §5, are amended to read:

2. Participant. Be a satisfactory participant in the Maine National Guard who has not previously earned a bachelor's degree or equivalent and be a member in good standing of the Maine National Guard at the beginning of and throughout the entire semester for which the member receives benefits; and

3. Contractual commitment. Enter into a written contractual commitment with the Maine National Guard to serve in the Maine National Guard for at least one year beyond the end of the term for which a tuition benefit is granted; and

Sec. D-8. 37-B MRSA §354, sub-§4 is enacted to read:

4. Pursued all other benefits available. Have applied for all available tuition benefits not related to housing costs or non-tuition expenses, including but not limited to:

- A. Federally funded military tuition assistance;
- B. Employer tuition reimbursements or assistance; and
- C. Federal grants, such as a Federal Pell Grant.

Sec. D-9. 37-B MRSA §355, as enacted by PL 2003, c. 488, §4 and affected by §5, is amended to read:

§355. Cessation of tuition benefit

The tuition benefit granted under this subchapter for a member ceases upon:

1. Credit hours. Accumulation of ~~150~~ 130 credit hours or the equivalent of the tuition benefit as provided in this subchapter when the benefit is used in part or in whole;

2. Unsatisfactory participation. Unsatisfactory participation in the Maine National Guard as certified to the state postsecondary education institution ~~or regionally accredited private college or university~~ by the Adjutant General; ~~or~~

3. Good academic standing. Failure by the member to maintain good academic standing and a cumulative grade point average of at least 2.0 on a 4.0 scale at the state postsecondary education institution ~~or regionally accredited private college or university;~~ or

4. Restitution plan. Imposition of a plan for the member to pay restitution of tuition benefits in accordance with this subchapter.

Sec. D-10. 37-B MRSA §356, sub-§2, as enacted by PL 2003, c. 488, §4 and affected by §5, is amended to read:

2. Repay tuition. If the member becomes an unsatisfactory participant or does not remain in good academic standing with the state postsecondary education institution ~~or regionally accredited private college or university~~, then the member shall repay the full amount of a tuition benefit for all courses taken during the preceding semester, trimester, quarter or term to the Maine National Guard.

Sec. D-11. 37-B MRSA §356, sub-§4 is enacted to read:

4. Rules. The Adjutant General shall adopt rules to implement the provisions of this section, which are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. D-12. 37-B MRSA §357, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed and the following enacted in its place:

§357. In-state tuition rates

A member who is approved to receive tuition benefits under this subchapter qualifies for in-state tuition rates.

Sec. D-13. 37-B MRSA §358, as enacted by PL 2003, c. 488, §4 and affected by §5, is repealed.

Sec. D-14. 37-B MRSA §§359 and 360 are enacted to read:

§359. Mobilized or deployed members

Any member who is a student receiving a tuition benefit under this subchapter who is mobilized or deployed is entitled to an extension of the time the tuition benefit may be claimed equal to the amount of time served on active duty.

§360. Policies and implementation

The Adjutant General is responsible for overall policies, guidance, administration and proper use of the program provided for in this subchapter.

Sec. D-15. Transfer from General Fund unappropriated surplus; Maine National Guard Postsecondary Fund, Other Special Revenue Funds account; fiscal year 2016-17. Notwithstanding any other provision of law, the State Controller shall transfer \$2,500,000 from the General Fund unappropriated surplus to the Maine National Guard Postsecondary Fund, Other Special Revenue Funds account within the Department of Defense, Veterans and Emergency Management no later than August 1, 2016.

PART E

Sec. E-1. Identify potential inefficiencies and propose improvements to veterans' ser-

vices. The University of Maine System and the Maine Community College System, for their respective campuses and in consultation with the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services, shall each:

1. Identify the needs of student-veterans and potential student-veterans attempting to achieve a postsecondary education to degree completion, including but not limited to their ability to gain admission to the University of Maine System or the Maine Community College System, successfully meet the requirements of a course of study, successfully transition to civilian life in a supportive educational environment, obtain available federal veterans' benefits and successfully meet personal and financial obligations;

2. Identify existing services specifically for student-veterans and other services available to student-veterans on each campus that meet the needs identified in subsection 1;

3. Assess the effectiveness in meeting the needs identified in subsection 1 of existing services specifically for student-veterans and other services available to student-veterans on each campus;

4. Determine what services are not currently being offered that, if offered, would meet the needs identified in subsection 1; and

5. Propose services and solutions that fulfill the needs identified in subsection 1 on each campus or across campuses that are based upon best practices in postsecondary educational institutions within the State and nationwide.

Sec. E-2. Report. By January 15, 2017, the University of Maine System and the Maine Community College System shall each submit a report of its findings and proposals under section 1 to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and veterans and legal affairs. Each joint standing committee is authorized to introduce a bill to the First Regular Session of the 128th Legislature related to the subject matter of the reports.

PART F

Sec. F-1. Transfer; Gambling Control Board; General Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$628,720 in unexpended funds from the Gambling Control Board Administrative Expenses, Other Special Revenue Funds account in the Department of Public Safety to the General Fund unappropriated surplus on or before August 1, 2016.

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

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Maine National Guard Postsecondary Fund Z190

Initiative: Provides an allocation to increase access to postsecondary education for Maine National Guard members.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500,000

Veterans Services 0110

Initiative: Provides funding for one Veteran Service Officer position and related costs.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$81,258
All Other	\$0	\$10,000
GENERAL FUND TOTAL	\$0	\$91,258

Veterans Services 0110

Initiative: Provides funding for 2 Veteran Service Officer positions and related costs.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$162,516
All Other	\$0	\$28,000
GENERAL FUND TOTAL	\$0	\$190,516

Veterans Services 0110

Initiative: Provides funding for the purchase and maintenance of an electronic case management system.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$80,000
GENERAL FUND TOTAL	\$0	\$80,000

Veterans Services 0110

Initiative: Provides funding to implement a marketing and outreach program for veterans.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$186,400
GENERAL FUND TOTAL	\$0	\$186,400

Veterans Services 0110

Initiative: Establishes headcount for one Veterans Outreach Specialist position.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
GENERAL FUND TOTAL	\$0	\$0

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	\$548,174
OTHER SPECIAL REVENUE FUNDS	\$0	\$500,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,048,174

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Debt Service - University of Maine System 0902

Initiative: Deappropriates funds on a one-time basis due to a delay in the issuance of an estimated \$21,000,000 university revenue bond. The delay will move the debt service payments approved in Public Law 2015, Chapter 267 forward by one year and will end fiscal year 2025-26.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$2,500,000)
GENERAL FUND TOTAL	\$0	(\$2,500,000)

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	(\$2,500,000)

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$2,500,000)
SECTION TOTALS	2015-16	2016-17
GENERAL FUND	\$0	(\$1,951,826)
OTHER SPECIAL REVENUE FUNDS	\$0	\$500,000
SECTION TOTAL - ALL FUNDS	\$0	(\$1,451,826)

See title page for effective date, unless otherwise indicated.

**CHAPTER 466
S.P. 84 - L.D. 215**

An Act To Improve Student Retention in Maine's Postsecondary Institutions

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

Sec. 1. 20-A MRS §6902-A is enacted to read:

§6902-A. Postsecondary services

The corporation shall provide services, in accordance with this section and for the purpose of significantly increasing the percentage of eligible students who obtain a postsecondary degree, to postsecondary institutions in the State to assist students in completing a postsecondary course of study.

1. "Eligible student" defined. As used in this section, "eligible student" means a student who:

- A. Has previously been enrolled in a high school program administered by the corporation;
- B. Has been in or currently is in foster care; or
- C. Has earned a high school equivalency diploma through an alternative program within the previous 5 years.

2. Student services. The corporation shall:

- A. Provide academic and social mentoring and counseling to eligible students, including monitoring of academic performance and connection to campus life;
- B. Assist each eligible student in developing an individualized academic plan for completing a

course of study and consider each eligible student's individual academic needs and provide connections to sources of academic support, if necessary;

C. Develop a system of peer mentoring between eligible students and other college students and between eligible students and college graduates; and

D. Provide eligible students with financial guidance relating to postsecondary expenses, including assisting eligible students in obtaining all available sources of financial aid.

Sec. 2. Report. Jobs for Maine's Graduates shall determine methods for implementing the Maine Revised Statutes, Title 20-A, section 6902-A and report its findings to the Joint Standing Committee on Education and Cultural Affairs by December 31, 2016. The committee may report out legislation to the Second Regular Session of the 127th Legislature.

See title page for effective date.

**CHAPTER 467
H.P. 734 - L.D. 1065**

An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and To Require Organizations To Screen Agents before Providing Care

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

Sec. 1. 18-A MRS §5-104, sub-§(a), as amended by PL 2011, c. 43, §1, is further amended to read:

(a). A parent or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding 12 months, any of that parent's or guardian's powers regarding care, custody or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward or termination of parental rights to the minor. A delegation by a court-appointed guardian becomes effective only when the power of attorney is filed with the court. A delegation of powers under this section does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person.

Sec. 2. 18-A MRS §5-104, sub-§(c) is enacted to read:

(c). This subsection applies when a parent or guardian executes a power of attorney under subsec-

tion (a) for the purpose of providing for the temporary care of a minor.

(1). The execution of a power of attorney under subsection (a), without other evidence, does not constitute abandonment, abuse or neglect. A parent or guardian of a minor may not execute a power of attorney with the intention of permanently avoiding or divesting the parent or guardian of parental and legal responsibility for the care of the minor. Upon the expiration or termination of the power of attorney, the minor must be returned to the custody of the parent or guardian as soon as reasonably possible unless otherwise ordered by the court.

(2). Unless the power of attorney is terminated, the agent named in the power of attorney shall exercise parental or legal authority on a continuous basis without compensation from the State for the duration of the power of attorney authorized by subsection (a). Nothing in this subsection disqualifies the agent from applying for and receiving benefits from any state or federal program of assistance for the minor or the agent. Nothing in this subsection prevents individuals or religious, community or other charitable organizations from voluntarily providing the agent with support related to the care of the minor while the minor is in the temporary care of the agent.

(3). A minor may not be considered placed in foster care or in any way a ward of the State by virtue of the parent's or guardian's execution of a power of attorney authorized by subsection (a). The agent named in the power of attorney may not be considered a family foster home by virtue of the parent's or guardian's execution of a power of attorney authorized by subsection (a) and is not subject to any laws regarding the licensure or regulation of family foster homes unless licensed as a family foster home. Nothing in this subsection disqualifies the agent from being or becoming a family foster home licensed by the State or prevents the placement of the minor in the agent's care if the minor enters state custody.

(4). An organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor shall ensure that a background check is conducted for the agent and any adult members of the agent's household, whether by completing the background check directly or by verifying that a current background check has already been conducted. The background check must include the

following sources, and the results must be shared with the parent or guardian and the proposed agent:

(i) A screening for child and adult abuse, neglect or exploitation cases in the records of the Department of Health and Human Services; and

(ii) A criminal history record check that includes information obtained from the Federal Bureau of Investigation.

The organization shall maintain records on the training and background checks of agents, including the content and dates of training and full transcripts of background checks, for a period of not less than 5 years after the minor attains 18 years of age. The organization shall make the records available to a parent or guardian executing a power of attorney under this subsection and to the ombudsman under Title 22, section 4087-A and any local, state or federal authority conducting an investigation involving the agent, the parent or guardian or the minor.

(5). An employee or volunteer for an organization described in paragraph (4) may not further assist with a process that results in the completion of a power of attorney for the temporary care of a minor if the background checks conducted pursuant to paragraph (4), subparagraphs (i) and (ii) disclose any substantiated allegations of child abuse, neglect or exploitation or any crimes that would disqualify the agent from becoming a licensed family foster home in the State.

(6). The following penalties apply to violations of this subsection.

(i) An organization that knowingly fails to perform or verify the background checks or fails to share the background check information as required by this subsection is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

(ii) An organization or an employee or volunteer of an organization that continues to assist a parent, guardian or agent in completing a power of attorney under this subsection if the background checks conducted pursuant to paragraph (4) disclose any substantiated allegations of child abuse, neglect or exploitation or any crimes that would disqualify the agent from becoming a licensed family foster home is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

(iii) An organization or an employee or volunteer of an organization that knowingly fails

to maintain records or to disclose information as required by this subsection is subject to a civil penalty not to exceed \$5,000, payable to the State and recoverable in a civil action.

See title page for effective date.

CHAPTER 468

S.P. 590 - L.D. 1528

An Act To Modernize and Consolidate Court Facilities

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

Sec. 1. 4 MRSA §1610-I is enacted to read:

§1610-I. 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 from time to time in an aggregate amount not to exceed \$95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the Judicial Branch in the counties of Oxford, Waldo and York and planning for other court facilities.

Sec. 2. York County Courthouse Site Selection Commission. The York County Courthouse Site Selection Commission, referred to in this section as "the commission," is created to choose a location for the new York County Courthouse. The commission consists of the following members:

1. Two members appointed by the Governor;
2. Two members of the Senate representing York County, one from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate;
3. Two members of the House of Representatives representing York County, one from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House;
4. One clerk of courts and 2 judges or justices, appointed by the Chief Justice of the Supreme Judicial Court;
5. The York County District Attorney, or the designee of the York County District Attorney;
6. The York County Sheriff, or the designee of the York County Sheriff;
7. One person appointed by the York County Commissioners;

8. One local law enforcement officer appointed by the Chief Justice of the Supreme Judicial Court from a list submitted by the Maine Chiefs of Police Association;

9. Three actively practicing members of the York County Bar, at least one of whom does court-appointed work, from a list submitted by the York County Bar Association; and

10. One victim advocate appointed by the Chief Justice of the Supreme Judicial Court.

The State Court Administrator shall serve as a nonvoting member and provide such assistance as may be required by the commission. The Chief Justice of the Supreme Judicial Court shall name a member of the Supreme Judicial Court to serve as chair of the commission. The commission shall meet at the call of the chair and make a recommendation to the Chief Justice of the Supreme Judicial Court by January 1, 2017. The Judicial Branch is authorized to construct a courthouse in the municipality designated by the commission.

See title page for effective date.

CHAPTER 469

S.P. 608 - L.D. 1553

An Act To Improve the Workers' Compensation System

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

Sec. 1. 39-A MRSA §154, sub-§6, ¶A, as amended by PL 2009, c. 109, §1 and affected by §2, is further amended to read:

A. The assessments levied under this section may not be designed to produce more than \$10,000,000 beginning in the 2008-09 fiscal year, more than \$10,400,000 beginning in the 2009-10 fiscal year, more than \$10,800,000 beginning in the 2010-11 fiscal year ~~or~~ more than \$11,200,000 beginning in the 2011-12 fiscal year or more than \$13,000,000 beginning in the 2017-18 fiscal year. Assessments collected that exceed the applicable limit by a margin of more than 10% must be used to reduce the assessment that is paid by insured employers pursuant to subsection 3. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

Sec. 2. 39-A MRSA §322, sub-§1, as amended by PL 2015, c. 297, §17, is further amended to read:

1. Appeals. Any party in interest may present a copy of the decision of the division or of the board, if the board has reviewed a decision pursuant to section 320, to the clerk of the Law Court within 20 days after receipt of notice of the filing of the decision by the division or the board. Within 20 days after the copy is filed with the Law Court, the party seeking review by the Law Court shall file a petition seeking appellate review with the Law Court that sets forth a brief statement of the facts, the error or errors of law that are alleged to exist and the legal authority supporting the position of the appellant. For purposes of an appeal from a decision issued pursuant to section 321-B, subsection 3, only a decision of the division may be reviewed on appeal.

Sec. 3. 39-A MRSA §324, sub-§3, as amended by PL 2011, c. 113, Pt. B, §20, is further amended to read:

3. Failure to secure payment. If any employer who is required to secure the payment to that employer's employees of the compensation provided for by this Act fails to do so, the employer is subject to the penalties set out in paragraphs A, B and C. The failure of any employer to procure insurance coverage for the payment of compensation and other benefits to the employer's employees in compliance with sections 401 and 403 constitutes a failure to secure payment of compensation within the meaning of this subsection.

A. The employer is guilty of a Class D crime. This paragraph applies only to cases in which the employer has committed a knowing violation.

B. The employer is liable to pay a civil penalty of up to \$10,000 or up to an amount equal to 108% of the premium, calculated using Maine Employers' Mutual Insurance Company's standard discounted standard premium, that should have been paid during the period the employer failed to secure coverage, whichever is larger, payable to the Employment Rehabilitation Fund. In determining the amount of the penalty to be assessed under this paragraph, the board shall take into consideration the employer's effort to comply with sections 401 and 403.

C. The employer, if organized as a corporation, is subject to administrative dissolution as provided in Title 13-C, section 1421 or revocation of its authority to do business in this State as provided in Title 13-C, section 1532. The employer, if organized as a limited liability company, is subject to administrative dissolution as provided in Title 31, section 1592. The employer, if licensed, certified, registered or regulated by any board authorized by Title 5, section 12004-A or whose license may be revoked or suspended by proceedings in the District Court or by the Secretary of State, is subject to revocation or suspension of the license, certification or registration. This paragraph applies only

to cases in which the employer has committed a knowing violation, has failed to pay a penalty assessed pursuant to this subsection or continues to operate without required coverage after a penalty has been assessed pursuant to this subsection.

For purposes of this subsection, a violation is considered a knowing violation if the employer has previously obtained workers' compensation insurance and that insurance has been cancelled or that insurance has not been continued or renewed, unless the cancellation, failure to continue or nonrenewal is due to a substantial change in the employer's operations that is unrelated to the classification of individuals as employees or independent contractors; the employer has been notified in writing by the board of the need for workers' compensation insurance; the employer has had one or more previous violations of the requirement to secure the payment of the compensation provided for by this Act; or the employer misclassifies an employee as an independent contractor despite a contrary determination by the board.

Prosecution under paragraph A does not preclude action under paragraph B or C.

If the employer is a corporation, partnership, limited liability company, professional corporation or any other legal business entity recognized under the laws of the State, any agent of the corporation or legal business entity having primary responsibility for obtaining insurance coverage is liable for punishment under this section. Criminal liability must be determined in conformity with Title 17-A, sections 60 and 61.

Sec. 4. 39-A MRSA §401, sub-§1, as amended by PL 2013, c. 87, §1, is further amended to read:

1. Private employers. Every private employer, including an independent contractor who hires and pays employees, is subject to this Act and shall secure the payment of compensation ~~in conformity with this section and sections 402 to 407~~ with respect to all employees, ~~subject to the provisions of this section by purchasing a workers' compensation policy or self-insuring as set forth in section 403.~~ Unless employed by a private employer, a person engaged in harvesting forest products is subject to this Act and shall secure the payment of compensation ~~in conformity with this section and sections 402 to 407 by purchasing a workers' compensation policy or self-insuring as set forth in section 403~~ with respect to that person individually if that person is an employee as defined in section 102, subsection 11, paragraph B-1.

A private employer who has not secured the payment of compensation ~~under this section and sections 402 to 407 by purchasing a workers' compensation policy or self-insuring as set forth in section 403~~ is not entitled, in a civil action brought by an employee or the employee's representative for personal injuries or death

arising out of and in the course of employment, to the defense set forth in section 103. The employee of any such employer may, instead of bringing a civil action, claim compensation from the employer under this Act.

The following employers are not liable under this section for securing the payment of compensation ~~in conformity with this section and sections 402 to 407 by purchasing a workers' compensation policy or self-insuring as set forth in section 403~~ with respect to the employees listed, nor deprived of the defenses listed in section 103:

A. Employers of employees engaged in domestic service;

B. Employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers, if the employer maintains coverage by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$5,000.

(1) As used in this subsection, "casual" means occasional or incidental. "Seasonal" refers to laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting or seeding season and ending at or before the completion of the harvest season; and

C. Employers of agricultural or aquacultural laborers, if the employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$5,000, and either:

(1) The employer has 6 or fewer concurrently employed agricultural or aquacultural laborers; or

(2) The employer has more than 6 agricultural or aquacultural laborers but the total number of hours worked by all such laborers in a week does not exceed 240 and has not exceeded 240 at any time during the 52 weeks immediately preceding an injury.

For purposes of this paragraph, seasonal and casual workers, immediate family members of unincorporated employers and immediate family members of bona fide owners of at least 20% of the voting stock of an incorporated employer are not considered agricultural or aquacultural laborers. "Immediate family members" means parents, spouses, brothers, sisters and children and the spouses of parents, brothers, sisters and children.

The burden of proof to establish an exempt status under this subsection is on the employer claiming the exemption.

Sec. 5. 39-A MRSA §401, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Governmental bodies. The State and every county, city and town is subject to this Act and shall secure the payment of compensation ~~in conformity with sections 402 to 407 by purchasing a workers' compensation policy or self-insuring as set forth in section 403.~~

Sec. 6. 39-A MRSA §401, sub-§3, as amended by PL 1999, c. 364, §5, is further amended to read:

3. Failure to conform. The failure of any private employer or of any person engaged in harvesting forest products not exempt under subsection 1 or of any governmental body, as defined in subsection 2, to ~~procure insurance coverage for~~ secure the payment of compensation pursuant to sections 402 to 407 with respect to all employees by purchasing a workers' compensation policy or self-insuring as set forth in section 403 constitutes failure to secure payment of compensation provided for by this Act within the meaning of section 324, subsection 3, and subjects the employer or a person engaged in harvesting forest products to the penalties prescribed by that section. ~~For purposes of this subsection, the term "insurance coverage" includes authorization by the Superintendent of Insurance to self-insure. An employer that purchases a workers' compensation policy or self-insures as set forth in section 403 and misclassifies one or more employees as independent contractors has not complied with the coverage provisions of this Act and is subject to all applicable penalties for failure to secure payment of compensation with respect to all misclassified employees.~~

Sec. 7. 39-A MRSA §407, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

§407. Preservation of existing employer status

An employer with a currently approved workers' compensation policy or a currently accepted self-insurance ~~workers' compensation policy under sections 401 to 407 is deemed to be in compliance with this Act until the expiration or cancellation date of the current assent based on the policy or plan that has misclassified one or more employees has failed to secure payment of compensation within the meaning of section 324, subsection 3 and is subject to the penalties prescribed by that section.~~

Sec. 8. Report. By January 15, 2017, the Workers' Compensation Board shall study the independent contractor predetermination provisions of the Maine Revised Statutes, Title 39-A and report to the joint standing committee of the Legislature having jurisdiction over labor matters any recommended legislation related to those provisions. The committee

may report out a bill relating to the report to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 470

H.P. 1094 - L.D. 1603

An Act To Implement the Recommendations of the Criminal Law Advisory Commission Relative to 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 2015, c. 287, §§1 to 3, 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;.

Violation of this paragraph is a Class C crime:

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);.

Violation of this paragraph is a Class C crime:

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;.

Violation of this paragraph is a Class D crime:

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;.

Violation of this paragraph is a Class D crime:

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D crime:

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D crime;

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a non-immigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D crime;

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D crime; or

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D crime.

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 possess a firearm ~~beginning at the start of~~ during the deferred disposition period. Violation of this paragraph is a Class C crime.

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 §393, sub-§1-A, as amended by PL 2015, c. 287, §4, is further amended to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who 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 under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following

completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.

Sec. 3. 15 MRSA §393, sub-§1-B, as enacted by PL 2015, c. 287, §5, is amended to read:

1-B. Prohibition for domestic violence offenses. A person may not own, possess or have under that person's control a firearm if that person:

A. Has been convicted of committing or found not criminally responsible by reason of insanity of committing:

(1) A Class D crime in this State in violation of Title 17-A, section 207-A, 209-A, 210-B, 210-C or 211-A; or

(2) A crime under the laws of the United States or any other state that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1); ~~or.~~

Violation of this paragraph is a Class C crime; or

B. 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 under this subsection. Violation of this paragraph is a Class C crime.

Except as provided in subsection 1-A, the prohibition created by this subsection for a conviction or adjudication of an offense listed in paragraph A or B expires 5 years from the date the person is finally discharged from the sentence imposed as a result of the conviction or adjudication if that person has no subsequent criminal convictions during that 5-year period. If a person is convicted of a subsequent crime within the 5-year period, the 5-year period starts anew from the date of the subsequent conviction. In the case of a deferred disposition, the 5-year period begins at the start of the deferred disposition period. If, at the conclusion of the deferred disposition period, the court grants the State's motion to allow a person to withdraw the plea and the State dismisses the pending charging instrument with prejudice, the 5-year period terminates.

For the purposes of this subsection, a person is deemed to have been convicted or adjudicated 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.

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.

The provisions of this subsection apply only to a person convicted, adjudicated or placed on deferred disposition on or after ~~the effective date of this subsection~~ October 15, 2015.

Sec. 4. 15 MRSA §393, sub-§8, as amended by PL 2007, c. 670, §12, is repealed.

Sec. 5. 15 MRSA §709, sub-§1-A, as amended by PL 2013, c. 267, Pt. B, §5, is repealed.

Sec. 6. 15 MRSA §709, sub-§1-C is enacted to read:

1-C. Administration of juvenile justice. "Administration of juvenile justice" has the same meaning as in section 3308-A, subsection 1, paragraph A.

Sec. 7. 15 MRSA §709, sub-§4-B, as amended by PL 2011, c. 507, §3, is further amended to read:

4-B. Jail investigative officer. "Jail investigative officer" means an employee of a jail designated by the jail administrator as having the authority to conduct investigations of crimes relating to the security or orderly management of the jail and engage in any other activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act.

Sec. 8. 15 MRSA §712, sub-§2, as amended by PL 2013, c. 80, §4, is further amended to read:

2. Investigative officers. It is not a violation of this chapter for an investigative officer, or for another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice ~~or as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act; while engaged in any activity that is related to the administration of juvenile justice; or while engaged in any activity that is related to the administration of juvenile criminal justice as defined in section 3308, subsection 7, paragraph A, subparagraph (2), if:~~

- A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 9. 15 MRSA §712, sub-§3, as amended by PL 2011, c. 507, §5, is further amended to read:

3. Jail investigative officer. It is not a violation of this chapter for a jail investigative officer, as defined in this chapter, or for a jail employee acting at the direction of a jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act if:

- A. Either the sender or the receiver of that communication is a person residing in an adult section of the jail; and
- B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the jail that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 10. 15 MRSA §713, sub-§2, as enacted by PL 2011, c. 507, §7, is amended to read:

2. Contents obtained under this chapter. The contents of an interception of any oral communication or wire communication that has been legally obtained pursuant to section 712, subsection 2 or 3 are admissible in the courts of this State, subject to the Maine

Rules of Evidence, if related to the administration of criminal justice ~~or as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act; the administration of juvenile justice; the administration of juvenile criminal justice; or the statutory functions of a state agency.~~

Sec. 11. 17-A MRSA §210-A, sub-§1, ¶C, as amended by PL 2015, c. 357, §2, is further amended to read:

C. The actor violates paragraph A and has one or more prior convictions in this State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this paragraph, "another jurisdiction" also includes any Indian tribe.

Violation of this paragraph is a Class C crime. In determining the sentence for a violation of this paragraph the court shall impose a ~~sentence of imprisonment by using a 2 step process. In the first step the court shall determine a base term of imprisonment of one year. In the 2nd step the court shall determine and impose a term of imprisonment for the defendant the length of which is appropriate for the defendant after consideration of the factors required by section 1252, subsection 5-D and aggravating and mitigating factors, including, but not limited to, the character of the defendant and the defendant's criminal history, the effect of the offense on the victim and the protection of the public interest~~ sentencing alternative pursuant to section 1152 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least one year.

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence;

Sec. 12. 17-A MRSA §210-A, sub-§1, ¶E, as enacted by PL 2015, c. 357, §3, is amended to read:

E. The actor violates paragraph C and at least one prior conviction was for a violation of paragraph D.

Violation of this paragraph is a Class B crime. In determining the sentence for a violation of this paragraph the court shall impose a ~~sentence of imprisonment by using a 2 step process. In the first step the court shall determine a base term of imprisonment of 2 years. In the 2nd step the court shall determine and impose a term of imprisonment for the defendant the length of which is appropriate for the defendant after consideration of the factors required by section 1252, subsection 5-D and aggravating and mitigating factors, including, but not limited to, the character of the defendant and the defendant's criminal history, the effect of the offense on the victim and the protection of the public interest~~ sentencing alternative pursuant to section 1152 that includes a term of imprisonment. In determining the basic term of imprisonment as the first step in the sentencing process, the court shall select a term of at least 2 years.

Sec. 13. 17-A MRSA §1252, sub-§4-A, as amended by PL 2007, c. 476, §45, is further amended to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the defendant had 2 or more prior convictions under chapter 9, 11, 13 or 27; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.

Sec. 14. 34-A MRSA §1001, sub-§10-A, as amended by PL 2013, c. 80, §5, is further amended to read:

10-A. Investigative officer. "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice ~~or as defined in Title 16, section 703,~~

subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2 for the purposes of the Intelligence and Investigative Record Information Act, the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2) or the administration of juvenile justice and who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.

Sec. 15. 34-A MRSA §1001, sub-§19, as amended by PL 2013, c. 267, Pt. B, §26, is repealed.

Sec. 16. 34-A MRSA §1001, sub-§22 is enacted to read:

22. Administration of juvenile justice. "Administration of juvenile justice" has the same meaning as in Title 15, section 3308-A, subsection 1, paragraph A.

Sec. 17. 34-A MRSA §1214, sub-§4, as enacted by PL 2001, c. 439, Pt. G, §1, is amended to read:

4. Confidentiality. Requests for action by the office must be treated confidentially and may be disclosed only to a state agency if necessary to carry out the statutory functions of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 or the administration of juvenile criminal justice. In no case may a victim's request for notice of release be disclosed outside the department and the office of the attorney for the State with which the request was filed.

Sec. 18. 34-A MRSA §1216, sub-§1, ¶D, as repealed and replaced by PL 2013, c. 588, Pt. A, §44, is amended to read:

D. To any criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 or the administration of juvenile criminal justice or for criminal justice agency employment;

Sec. 19. 34-A MRSA §3011, sub-§1, as amended by PL 2013, c. 80, §6, is further amended to read:

1. Exercise of law enforcement powers. Investigative officers and other employees of the department who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to crimes or juvenile crimes relating to the security or orderly management of a facility and engage in any other activity that is related to the administration of criminal justice or as defined in Title 16, section 703, subsection 1 for the purposes of the Criminal History Record Information Act or as defined in Title 16, section 803, subsection 2

for the purposes of the Intelligence and Investigative Record Information Act, the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2) or the administration of juvenile justice, if authorized to exercise these powers by the commissioner. These employees may issue administrative subpoenas, if authorized to exercise these powers by the commissioner and by the Attorney General or the Attorney General's designee. These powers are in addition to any powers the employees may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.

See title page for effective date.

CHAPTER 471

S.P. 692 - L.D. 1683

An Act To Increase Penalties for the Use of Violence against Firefighters

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

Sec. 1. 17-A MRSA §752-C, sub-§2, as enacted by PL 1997, c. 470, §1, is amended to read:

2. As used in this section, "emergency medical care provider" includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter as defined in section 752-E, subsection 2.

Sec. 2. 17-A MRSA §752-E is enacted to read:

§752-E. Assault on a firefighter

1. A person is guilty of assault on a firefighter if that person intentionally, knowingly or recklessly causes bodily injury to a firefighter while the firefighter is providing emergency services.

2. As used in this section, "firefighter" means a municipal firefighter or volunteer firefighter as defined in Title 30-A, section 3151, subsections 2 and 4, respectively. As used in this section, "provide emergency services" has the same meaning as in Title 30-A, section 3151, subsection 1-A.

3. Assault on a firefighter is a Class C crime.

See title page for effective date.

**CHAPTER 472
S.P. 547 - L.D. 1447**

**An Act To Authorize the
Maine Governmental
Facilities Authority To Issue
Securities To Pay for Capital
Repairs and Improvements to
the Maine Correctional Center
in South Windham and a
Facility Owned by the
Department of Corrections in
Washington County**

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

Sec. 1. 4 MRSA §1610-I is enacted to read:

**§1610-I. Additional securities for capital
construction, repairs and improvements**

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, as limited by section 1610-A, the authority may issue additional securities in an amount not to exceed \$149,700,000 outstanding at any one time to pay for capital construction, repairs and improvements to the Maine Correctional Center in South Windham and a facility owned by the Department of Corrections in Washington County.

See title page for effective date.

**CHAPTER 473
S.P. 581 - L.D. 1483**

**An Act To Amend Maine's
Motor Vehicle 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 90-day period may not terminate until after the beginning of the next fiscal year; and

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

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

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

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

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 2021;
- (2) The Bureau of Motor Vehicles within the Department of the Secretary of State in 2015;
- (3) The Department of Transportation in ~~2015~~ 2017; and
- (4) Maine State Pilotage Commission in 2017.

Sec. 2. 29-A MRSA §101, sub-§15-A, as enacted by PL 2009, c. 315, §3, is amended to read:

15-A. Combination vehicle. "Combination vehicle" means a motor vehicle consisting of a truck or truck tractor in combination with one or more trailers or semitrailers.

Sec. 3. 29-A MRSA §201, sub-§2, ¶C, as amended by PL 1997, c. 776, §6, is further amended to read:

C. If authorized to issue registrations and renewals of registrations, issue:

- (1) Registrations for pickup trucks registered for ~~9,000~~ 10,000 pounds or less gross vehicular weight, automobiles, trailers, semitrailers and farm tractors; and
- (2) Registrations for trucks of greater gross weight than provided in subparagraph (1), after the agent has satisfactorily participated in special training as prescribed by the Secretary of State.

Sec. 4. 29-A MRSA §401, sub-§2, as corrected by RR 2009, c. 2, §81, is amended to read:

2. Content of application. An application must contain information requested by the Secretary of State, including legal name, residence and address of the registrant, current mileage of a motor vehicle, a brief description of the vehicle, the maker, the vehicle identification number, the year of manufacture, and the type of motor fuel or motive power and, for trucks, truck tractors and special mobile equipment, the gross weight. A registrant that is a corporation, trust, limited partnership or other similar entity must provide either a federal taxpayer identification number or an identification number issued by the department. An initial application for registration must be signed by the registrant or the registrant's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

Sec. 5. 29-A MRSA §456-A, sub-§8, ¶A, as enacted by PL 2011, c. 356, §3, is amended to read:

A. A vehicle that qualifies for a specialty license plate under section 468, subsection 8, ~~and~~

Sec. 6. 29-A MRSA §456-A, sub-§8, ¶B, as enacted by PL 2011, c. 356, §3, is repealed.

Sec. 7. 29-A MRSA §456-F, sub-§7, ¶B, as enacted by PL 2007, c. 703, §10, is amended to read:

B. A truck registered under section 504, subsection 1 ~~or section 505~~.

Sec. 8. 29-A MRSA §504, as amended by PL 2007, c. 647, §3 and affected by §8, is further amended to read:

§504. Registration of trucks and truck tractors

1. Truck or truck tractor. For a truck or truck tractor equipped with pneumatic tires, the following annual registration fee schedule applies.

A. For gross weight from 0 to 6,000 pounds, the fee is \$35.

Beginning July 1, 2009, \$10 of the fee must be transferred on a quarterly basis by the Treasurer of State to the TransCap Trust Fund established by Title 30-A, section 6006-G.

B. For gross weight from 6,001 to 10,000 pounds, the fee is \$37.

C. For gross weight from 10,001 to 12,000 pounds, the fee is \$48.

D. For gross weight from 12,001 to 14,000 pounds, the fee is \$81.

E. For gross weight from 14,001 to 16,000 pounds, the fee is \$105.

F. For gross weight from 16,001 to 18,000 pounds, the fee is \$130.

G. For gross weight from 18,001 to 20,000 pounds, the fee is \$161.

H. For gross weight from 20,001 to 23,000 pounds, the fee is \$188.

I. For gross weight from 23,001 to 26,000 pounds, the fee is \$220.

J. For gross weight from 26,001 to 28,000 pounds, the fee is \$267.

K. For gross weight from 28,001 to 32,000 pounds, the fee is \$308.

L. For gross weight from 32,001 to 34,000 pounds, the fee is \$342.

M. For gross weight from 34,001 to 38,000 pounds, the fee is \$379.

N. For gross weight from 38,001 to 40,000 pounds, the fee is \$403.

O. For gross weight from 40,001 to 42,000 pounds, the fee is \$426.

P. For gross weight from 42,001 to 45,000 pounds, the fee is \$450.

Q. For gross weight from 45,001 to 48,000 pounds, the fee is \$497.

R. For gross weight from 48,001 to 51,000 pounds, the fee is \$533.

S. For gross weight from 51,001 to 54,000 pounds, the fee is \$568.

T. For gross weight from 54,001 to 55,000 pounds, the fee is \$580.

U. For gross weight from 55,001 to 60,000 pounds, the fee is \$640.

V. For gross weight from 60,001 to 65,000 pounds, the fee is \$699.

W. For gross weight from 65,001 to 69,000 pounds, the fee is \$762.

X. For gross weight from 69,001 to 72,000 pounds, the fee is \$797.

Y. For gross weight from 72,001 to 75,000 pounds, the fee is \$821.

Z. For gross weight from 75,001 to 78,000 pounds, the fee is \$857.

AA. For gross weight from 78,001 to 80,000 pounds, the fee is \$877.

BB. For gross weight from 80,001 to 90,000 pounds, the fee is \$982.

CC. For gross weight from 90,001 to 94,000 pounds, the fee is \$1,026.

DD. For gross weight from 94,001 to 100,000 pounds, the fee is \$1,234.

2. Credit for certain motor vehicles. If a ~~com-~~mercial motor vehicle registered for a gross weight of 23,001 pounds or more is operated only in the truck tractor-semitrailer configuration, a credit of \$40 is allowed for the original annual registration fee. The owner of the vehicle must be issued a truck tractor registration plate, which must be displayed on its front.

3. On ways adjoining premises. A registration or license is not required for the use of a truck, trailer or tractor on that part of a way adjoining the premises of the vehicle's owner.

4. Federal heavy vehicle use tax; proof of payment required. Except as provided by 26 Code of Federal Regulations, Section 41.6001-2(b)(3), a registration certificate may not be issued for a motor vehicle subject to the use tax imposed by the Internal

Revenue Code of 1986, 26 United States Code, Section 4481, until the applicant has presented proof of payment as prescribed by the Secretary of the United States Treasury.

The Secretary of State shall keep records and may issue evidence to comply with 26 Code of Federal Regulations, Part 41, revised as of May 23, 1985, and the Internal Revenue Code of 1986, 26 United States Code, Sections 4481, 4482 and 4483.

Pursuant to rule, the Secretary of State may certify that a vehicle qualifies for exemptions under 26 Code of Federal Regulations, Section 41.4483-3(g) or Section 41.4483-6(b), revised as of May 23, 1985.

5. Truck or truck tractor and semitrailer. In computing fees for a combination of truck or truck tractor and semitrailer, the vehicle to be registered for gross weight is the truck or truck tractor and the rate is the same as for a truck of similar gross vehicle weight. The gross weight used to determine the registration fee under subsection 1 is the combined gross weight of the truck or truck tractor and semitrailer.

Sec. 9. 29-A MRSA §507, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

When a truck is properly base registered in this State, the registrant may increase the registered gross vehicle weight of the truck upon application and payment of the proper fee. Temporary registered gross weight increases may be issued by the Bureau of Motor Vehicles, the Bureau of the State Police or by any agent appointed by the Secretary of State who has been appointed for that specific purpose. ~~Agents must be either municipal tax collectors or town or city managers.~~

Sec. 10. 29-A MRSA §521, sub-§3, ¶B, as amended by PL 1995, c. 645, Pt. A, §4, is further amended to read:

B. The placard must be blue with white print and contain the International Symbol of Access, at least 3 inches high, centered on the placard. The placard must contain the permit number, the expiration date and the seal of the Secretary of State. In the case of an organization or agency, the placard must be green with white print and contain the same information, except that the name of the organization must appear along with the expiration date that must be determined by the Secretary of State. ~~A placard issued to a person with a disability under this section expires in the applicant's month of birth in the 4th year following the date of issuance.~~

Sec. 11. 29-A MRSA §755, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Suspension. The Secretary of State may suspend the certificate of registration of a vehicle reported stolen or converted. ~~Until the Secretary of State learns of that vehicle's recovery or that the report of theft or conversion was erroneous, the Secretary of State may not issue a certificate of title or certificate of salvage for the vehicle.~~

Sec. 12. 29-A MRSA §1256, first ¶, as amended by PL 2013, c. 606, §1, is further amended to read:

A person who ~~has reached~~ is 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, 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. 13. 29-A MRSA §1256, sub-§2-A, as enacted by PL 2013, c. 606, §4, is amended 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~~ is 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~~ 70 hours of driving, including ~~5~~ 10 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. The Secretary of State may reduce the required minimum hours of driving under this subsection if the secretary determines a reduction is not inconsistent with the interest of highway safety.~~

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. 14. 29-A MRSA §1304, sub-§2, ¶E, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

E. ~~Failure~~ If the holder of a learner's permit fails to complete the driving test within 2 years from the date of issuance of a learner's permit requires reexamination the holder must retake the motorcycle driver education program for a subsequent learner's permit to be issued.

Sec. 15. 29-A MRSA §1352, sub-§2, ¶A, as amended by PL 2005, c. 577, §21, is further amended to read:

A. A motorcycle driver education program must consist of ~~an 8 hour block of classroom and hands-on~~ instruction directly related to the actual operation of motorcycles, emphasizing safety measures designed to ensure greater awareness of careful and skillful operation of motorcycles.

Sec. 16. 29-A MRSA §1352, sub-§2, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 17. 29-A MRSA §1354, sub-§10, as enacted by PL 2013, c. 381, Pt. C, §3, is amended to read:

10. Surety bond. ~~The~~ Except for a noncommercial driver education school exempt from license fees under subsection 5-A, paragraph D, the Secretary of State shall require a driver education school licensed pursuant to subsection 2 to provide a surety bond to guarantee the discharge of the duties required under this subchapter.

Sec. 18. 29-A MRSA §2356, as amended by PL 2009, c. 598, §39, is further amended to read:

§2356. Operation of a vehicle exceeding registered weight

1. Operation prohibited. A person commits a traffic infraction if that person operates or causes operation of a vehicle in excess of its registered weight on a public way.

2. Prima facie evidence. Operation of a vehicle is prima facie evidence that the operation was caused by the vehicle registrant.

4. Penalty. Notwithstanding Title 17-A, section 4-B, the fine for a violation of subsection 1 is twice the difference in the registration fees for the actual weight and the registered weight of the vehicle. The minimum fine for a violation of this section is \$25.

6. Private ways exempted. This section does not apply to operating on private ways.

7. Notice of failure to appear or noncompliance with orders. 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 section, the court shall notify the Secretary of State.

8. Suspension of registrations. After receiving notice pursuant to subsection 7, 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 remains in effect until the person appears in court and complies with a court order.

9. Subsequent violation. A person issued a summons for violating this section does not commit a subsequent violation of this section involving the same vehicle and same load until the next business day.

Sec. 19. 29-A MRSA §2458, sub-§6, ¶A, as enacted by PL 1997, c. 111, §2, is amended to read:

A. For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Entity" means a corporation, firm, partnership, sole proprietorship, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

(2) "Related entity" includes:

(a) All entities owned, operated or controlled by the person or named entity, by related individuals, by any person who is an officer or director of the named entity or by shareholders of the named entity;

(b) Any entity that has as an officer, director or partner an individual whose license or authority to engage in the business or commercial activity has been suspended;

(c) Any entity that has an officer, partner or 25% of its directors in common with the named entity; and

(d) Any entity in which 25% of the outstanding shares are owned or controlled by the suspended person or by an individual, related individual or entity who, taken together, also owned 25% or more

of the outstanding shares of the named entity.

(3) "Related individual" means a spouse, domestic partner, parent, grandparent, sibling, child or grandchild, whether by blood or marriage, of a person whose license or authority to engage in the business or commercial activity has been suspended.

(4) "Suspension" means a suspension or revocation.

Sec. 20. 36 MRSA §3202, sub-§2-C, as amended by PL 2011, c. 644, §11, is further amended to read:

2-C. IFTA governing documents. "IFTA governing documents" means the IFTA Articles of Agreement, the IFTA Audit Manual and the IFTA Procedures Manual, as amended as of ~~December 31, 2014~~ July 15, 2015.

Sec. 21. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Business Manager I position to a Motor Vehicles Section Manager position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$4,434	\$10,457
All Other	\$207	\$488
HIGHWAY FUND TOTAL	\$4,641	\$10,945

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reclassification of one Public Service Manager I position to a Public Service Manager II position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$2,456	\$13,260
All Other	\$115	\$618
HIGHWAY FUND TOTAL	\$2,571	\$13,878

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Office Assistant II position to a Customer Representative Associate II-MV position.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$5,239	\$14,233

All Other	\$244	\$644
HIGHWAY FUND TOTAL	\$5,483	\$14,877
SECRETARY OF STATE, DEPARTMENT OF		
DEPARTMENT TOTALS	2015-16	2016-17
HIGHWAY FUND	\$12,695	\$39,700
DEPARTMENT TOTAL - ALL FUNDS	\$12,695	\$39,700

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

Effective April 15, 2016.

CHAPTER 474

S.P. 685 - L.D. 1673

**An Act To Establish a
Presidential Primary System in
Maine**

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-2 is enacted to read:

B-2. For a candidate for the office of President of the United States, at least 2,000 and not more than 3,000 voters.

This paragraph is repealed December 1, 2018;

Sec. 2. 21-A MRSA §335, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. When signed. A Except as provided in subchapter 7, a petition may not be signed before January 1st of the election year in which it is to be used.

Sec. 3. 21-A MRSA §335, sub-§8, as amended by PL 1995, c. 459, §23, is further amended to read:

8. When filed. A Except as provided in subchapter 7, a primary petition must be filed in the office of the Secretary of State before 5 p.m. on March 15th of the election year in which it is to be used.

Sec. 4. 21-A MRSA c. 5, sub-c. 7 is enacted to read:

SUBCHAPTER 7

PRESIDENTIAL PRIMARY ELECTIONS

§431. Determination and date of primary; voter eligibility

1. Determination of primary. No later than November 1st of the year prior to a presidential election year, the Secretary of State shall set the date of the presidential primary election, which must be held on a Tuesday in March of the year in which a presidential election is held. Whenever the state committee of a party certifies that there is a contest among candidates for nomination as the presidential candidate, the Secretary of State shall consult with the state committee of each party to determine the date of the presidential primary.

2. Eligible voter. Notwithstanding section 340, subsection 1, only a voter who is enrolled in a party may vote in the party's presidential primary election.

§432. Petitions

On or before November 1st of the year prior to a presidential election year, the Secretary of State shall prepare and make available petitions for circulation by a person desiring to be a contestant in the Maine presidential primary election of any party. This petition must be completed and filed no later than 5:00 p.m. on December 21st of the year prior to a presidential election year in the manner provided in sections 335 and 336.

§433. Ballot preparation

The Secretary of State shall prepare ballots for a presidential primary election. A ballot must include the name of a person who files with the Secretary of State a petition in accordance with section 432. The Secretary of State shall determine if a petition meets the requirements of sections 335, 336 and 432, subject to challenge and appeal under section 337.

§434. Repeal

This subchapter is repealed December 1, 2018.

Sec. 5. Secretary of State directed to examine costs associated with presidential primaries and submit recommendations for legislation. The Secretary of State shall examine the fiscal impact on municipalities and the State associated with the requirement under the Maine Revised Statutes, Title 21-A, chapter 5, subchapter 7 to conduct a presidential primary and submit a report by December 1, 2017 to the joint standing committee of the Legislature having jurisdiction over elections matters. The report must describe the fiscal impact and suggest methods for mitigating the costs of conducting a presidential primary, including but not limited to appropriations and allocations. For the purposes of this section, "fiscal impact" includes, but is not limited to:

1. Ordinary costs of conducting elections at the municipal level;
2. Costs that are not typical in a regular election conducted at the state and municipal level that are anticipated with the addition of a presidential primary;
3. Costs related to personnel and the need for facilities to conduct a presidential primary, if any; and
4. Aggregate costs to both the State and municipalities.

The Secretary of State shall include in the report recommendations regarding the administration of presidential primaries, including any implementing legislation. These recommendations must include, but are not limited to, provisions that address the arrangement and content of the ballot, including the order of candidates to be listed on the ballot if a party has multiple candidates; necessary changes to ensure proper and timely administration of absentee ballots for a presidential primary and compliance with the federal Uniformed and Overseas Citizens Absentee Voting Act; and other issues as determined by the Secretary of State to be necessary for proper administration of a presidential primary in the State.

In developing the recommendations and implementing legislation required by this section, the Secretary of State shall seek recommendations from recognized political parties in the State and organizations representing municipal and town election clerks.

The joint standing committee of the Legislature having jurisdiction over elections matters may submit a bill regarding presidential primaries to the Second Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 475

S.P. 256 - L.D. 726

An Act To Increase Patient Safety in Maine's Medical Marijuana Program

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

Sec. 1. 22 MRSA §2422, sub-§1, as amended by PL 2009, c. 631, §8 and affected by §51, is further amended to read:

1. Cardholder. "Cardholder" means a registered qualifying patient, a registered primary caregiver, an employee of a registered primary caregiver or a principal officer, board member or employee of a registered dispensary or a marijuana testing facility who has been issued and possesses a valid registry identification card.

Sec. 2. 22 MRSA §2422, sub-§4-A, as enacted by PL 2011, c. 407, Pt. B, §4, is amended to read:

4-A. Incidental amount of marijuana. "Incidental amount of marijuana" means an amount of non-flowering marijuana plants ~~and~~; marijuana seeds, stalks and roots; ~~and harvested, dried unprepared marijuana~~ defined by rules adopted by the department.

Sec. 3. 22 MRSA §2422, sub-§5-C is enacted to read:

5-C. Marijuana testing facility. "Marijuana testing facility" means a public or private laboratory that:

A. Is licensed, certified or otherwise approved by the department in accordance with rules adopted by the department under section 2423-A, subsection 10, paragraph D to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department.

Sec. 4. 22 MRSA §2422, sub-§13, as amended by PL 2009, c. 631, §18 and affected by §51, is further amended to read:

13. Registry identification card. "Registry identification card" means a document issued by the department that identifies a person as a ~~registered patient~~, registered primary caregiver, an employee of a registered primary caregiver or a principal officer, board member or employee of a dispensary or a marijuana testing facility.

Sec. 5. 22 MRSA §2422, sub-§14-A is enacted to read:

14-A. Sample. "Sample" means any marijuana or product containing marijuana regulated under this chapter that is provided for testing or research purposes to a marijuana testing facility by a qualifying patient, designated primary caregiver or dispensary.

Sec. 6. 22 MRSA §2423-A, sub-§1, ¶G, as amended by PL 2013, c. 396, §3, is further amended to read:

G. Be in the presence or vicinity of the medical use of marijuana and assist any qualifying patient with using or administering marijuana; ~~and~~

Sec. 7. 22 MRSA §2423-A, sub-§1, ¶H, as enacted by PL 2013, c. 396, §4, is amended to read:

H. Accept excess prepared marijuana from a primary caregiver in accordance with subsection 2, paragraph H if nothing of value is provided to the primary caregiver; and

Sec. 8. 22 MRSA §2423-A, sub-§1, ¶I is enacted to read:

I. Provide samples to a marijuana testing facility for testing and research purposes.

Sec. 9. 22 MRSA §2423-A, sub-§2, ¶J, as amended by PL 2013, c. 588, Pt. D, §3, 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. 10. 22 MRSA §2423-A, sub-§2, ¶K, as reallocated by RR 2013, c. 1, §40, is amended to read:

K. For the purpose of disposing of excess prepared marijuana, transfer prepared marijuana to a registered dispensary for reasonable compensation. The transfer of prepared marijuana by a primary caregiver to one or more dispensaries under this paragraph is limited to a registered primary caregiver. A registered primary caregiver may not transfer more than 2 pounds of excess prepared marijuana for reasonable compensation under this paragraph in a calendar year. 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; ~~and~~

Sec. 11. 22 MRSA §2423-A, sub-§2, ¶¶L and M are enacted to read:

L. If the primary caregiver is a registered primary caregiver, provide samples to a marijuana testing facility for testing and research purposes; and

M. If the primary caregiver is a registered primary caregiver, conduct marijuana testing at the request of anyone authorized to possess marijuana

under this chapter for research and development purposes only.

Sec. 12. 22 MRSA §2423-A, sub-§3, ¶A, as amended by PL 2013, c. 374, §1, is further amended to read:

A. A patient who elects to cultivate marijuana plants must keep the plants in an enclosed, locked facility unless the plants are being transported because the patient is moving or taking the plants to the patient's own property in order to cultivate them. Access to the cultivation facility is limited to the patient, except that emergency services personnel, an employee of a marijuana testing facility 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 patient.

Sec. 13. 22 MRSA §2423-A, sub-§3, ¶B, as amended by PL 2013, c. 501, §1, 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, an employee of a marijuana testing facility 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. 14. 22 MRSA §2423-A, sub-§§10, 11 and 12 are enacted to read:

10. Marijuana testing facility. The following provisions apply to a marijuana testing facility.

A. A marijuana testing facility may receive and possess samples from qualifying patients, designated primary caregivers and dispensaries to provide testing for the cannabinoid profile and potency of the samples and for contaminants in the samples, including but not limited to mold, mildew, heavy metals, plant regulators and illegal pesticides. For the purposes of this paragraph,

"plant regulator" has the same meaning as in Title 7, section 604, subsection 26.

B. An employee of a marijuana testing facility may have access to cultivation facilities pursuant to subsection 3, paragraphs A and B and section 2428, subsection 6, paragraph I.

C. A marijuana testing facility shall:

(1) Properly dispose of marijuana residue in compliance with department rules;

(2) House and store marijuana in the facility's possession or control during the process of testing, transport or analysis in a manner to prevent diversion, theft or loss;

(3) Label marijuana being transported to and from the facility with the following statement: "For Testing Purposes Only";

(4) Maintain testing results as part of the facility's business books and records; and

(5) Operate in accordance with rules adopted by the department.

D. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A governing marijuana testing facilities, including but not limited to:

(1) Marijuana testing facility director qualification requirements;

(2) Required security for marijuana testing facilities; and

(3) Requirements for the licensing, certifying or other approval of marijuana testing facilities.

11. Immunity. The immunity provisions in this subsection apply to a marijuana testing facility's principal officers, board members, agents and employees. Any immunity provision in this chapter in conflict with this subsection does not apply to a marijuana testing facility.

A. A marijuana testing facility is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for acting in accordance with this chapter.

B. A principal officer, board member, agent or employee of a marijuana testing facility is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by a business or an occupational or professional licensing board or entity, and may not be denied any right or privilege solely for working for or with a mari-

juana testing facility to test marijuana provided by a qualifying patient, registered primary caregiver or dispensary.

12. Interest. A principal officer, board member or employee of a registered dispensary or primary caregiver may not have a financial or other interest in a marijuana testing facility providing services associated with product labeling for that dispensary or primary caregiver.

Sec. 15. 22 MRSA §2423-B, sub-§§6 and 7 are enacted to read:

6. Certification issued based on debilitating condition. A medical provider may not condition the issuance of a certification for the medical use of marijuana on any requirements other than the patient's debilitating medical condition. Nothing in this section may be construed to prevent a medical provider from exercising professional judgment in declining to issue a certification for the medical use of marijuana.

7. Patient referral disclosure of interest. Prior to providing a referral to a qualifying patient for goods and services associated with a certification for the medical use of marijuana to an entity in which the medical provider has a direct or indirect financial interest, a medical provider shall provide written disclosure to the qualifying patient regarding any direct or indirect financial interest the medical provider has or may have in the resulting referral and shall maintain a copy of this disclosure in the qualifying patient's record.

Sec. 16. 22 MRSA §2423-E, sub-§1-A is enacted to read:

1-A. Legal protection for hospitals. The immunity provisions in this subsection apply to a hospital licensed under chapter 405 and to principal officers, board members, agents and employees of the hospital. Any immunity provision in this chapter in conflict with this subsection does not apply to a hospital. The legal protection for hospitals applies in accordance with the following.

A. If the use of forms of prepared marijuana that are not smoked or vaporized, including but not limited to edible marijuana and tinctures and salves of marijuana, by admitted patients who have been certified under section 2423-B occurs in a hospital, that hospital is not subject to prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter.

B. A principal officer, board member or employee of a hospital where the use of forms of prepared marijuana that are not smoked or vaporized, including but not limited to edible marijuana and tinctures and salves of marijuana, by admitted patients who have been certified under section 2423-B occurs is not subject to arrest, prosecution, search, seizure or penalty in any manner, including but not limited to a civil penalty or disciplinary action by an occupational or professional licensing board or entity, and may not be denied any license, registration, right or privilege solely because the admitted patient lawfully engages in conduct involving the medical use of marijuana authorized under this chapter.

Sec. 17. 22 MRSA §2423-E, sub-§4, as enacted by PL 2011, c. 407, Pt. B, §20, is amended to read:

4. Prohibition on seizure and retention. Except when necessary for an ongoing criminal or civil investigation, a law enforcement officer may not seize marijuana that is in the possession of a qualifying patient, primary caregiver, marijuana testing facility or registered dispensary as authorized by this chapter. A law enforcement officer in possession of marijuana in violation of this subsection must return the marijuana within 7 days after receiving a written request for return by the owner of the marijuana. Notwithstanding the provisions of Title 14, chapter 741, if the law enforcement officer fails to return marijuana possessed in violation of this subsection within 7 days of receiving a written request for return of the marijuana under this subsection, the owner of the marijuana may file a claim in the District Court in the district where the owner lives or where the law enforcement officer is employed.

Sec. 18. 22 MRSA §2423-E, sub-§9 is enacted to read:

9. Labels. If a registered primary caregiver affixes a label on the packaging of any marijuana or product containing marijuana provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the marijuana or product containing marijuana, the label must be verified by a marijuana testing facility that is not owned by the caregiver if there is a marijuana testing facility licensed, certified or approved in accordance with this chapter.

Sec. 19. 22 MRSA §2425, sub-§1-A, as enacted by PL 2013, c. 394, §3, is amended to read:

1-A. Criminal history record check. An applicant for a registry identification card who is a primary caregiver or an employee of a primary caregiver or who is a principal officer, board member or employee of a registered dispensary or a marijuana testing facil-

ity must undergo a criminal history record check annually.

Sec. 20. 22 MRSA §2425, sub-§4-A is enacted to read:

4-A. Marijuana testing facility identification card. The department shall issue registry identification cards to principal officers, board members and employees of a marijuana testing facility within 5 business days of approving an application or renewal under this section in accordance with department rules. Registry identification cards expire one year after the date of issuance. Registry identification cards must contain:

A. The name of the cardholder;

B. The date of issuance and expiration date of the registry identification card; and

C. A random identification number that is unique to the cardholder.

Sec. 21. 22 MRSA §2425, sub-§12, ¶G, as enacted by PL 2013, c. 394, §6, is amended to read:

G. There is a fee for laboratory testing of marijuana that is cultivated, harvested, processed, prepared or provided by a registered primary caregiver or registered dispensary of not less than \$50 and not more than \$300 per test ~~sample specimen~~.

Sec. 22. 22 MRSA §2428, sub-§6, ¶I, as amended by PL 2013, c. 501, §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, an employee of a marijuana testing facility 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.

Sec. 23. 22 MRSA §2428, sub-§6, ¶¶M and N are enacted to read:

M. A dispensary may provide samples to a marijuana testing facility for testing and research purposes.

N. A dispensary may conduct marijuana testing at the request of anyone authorized to possess marijuana under this chapter for research and development purposes only.

Sec. 24. 22 MRSA §2428, sub-§12 is enacted to read:

12. Labels. If a dispensary affixes a label on the packaging of any marijuana or product containing marijuana provided to a qualifying patient and that label includes information about contaminants, the cannabinoid profile or potency of the marijuana or product containing marijuana, the label must be verified by a marijuana testing facility that is not owned by the dispensary if there is a marijuana testing facility licensed, certified or approved in accordance with this chapter.

Sec. 25. 22 MRSA §2430, sub-§2, ¶B, as enacted by PL 2009, c. 631, §45 and affected by §51, is amended to read:

B. All money received as a result of applications and reapplications for registry identification cards for registered patients, primary caregivers and dispensaries and board members, officers and employees of dispensaries or marijuana testing facilities;

Sec. 26. 22 MRSA §2430-A, first ¶, as enacted by PL 2013, c. 516, §16, is amended to read:

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 specimens~~ and ~~samples portions~~ of products containing marijuana from registered primary caregivers and registered dispensaries to determine compliance with this chapter and for evidence purposes.

Sec. 27. Rules. By December 31, 2017, the Department of Health and Human Services shall adopt routine technical rules pursuant to the Maine Revised Statutes, Title 22, section 2423-A, subsection 10, paragraph D.

See title page for effective date.

**CHAPTER 476
H.P. 1022 - L.D. 1499**

**An Act To Increase the Safety
of Social Workers**

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

Sec. 1. 32 MRS A §7032 is enacted to read:

§7032. Addresses confidential

The address and telephone number of an applicant for licensure or a person licensed under this chapter that are in the possession of the board are confidential. Nothing in this section prohibits the board and its staff from using and disclosing the address and telephone number of an applicant or licensee as necessary to perform the duties and functions of the board.

See title page for effective date.

**CHAPTER 477
H.P. 1115 - L.D. 1638**

**An Act To Increase
Payments to MaineCare
Providers That Are Subject to
Maine's Service Provider Tax**

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

Whereas, the State's MaineCare providers that are subject to the service provider tax have experienced an increase in the tax since January 1, 2016; and

Whereas, MaineCare providers have insufficient reserves to withstand cost increases; and

Whereas, private nonmedical institutions and other facilities provide services to Maine's vulnerable citizens, including children, individuals with substance use disorders, and adults with intellectual disabilities and autistic disorder; and

Whereas, private nonmedical institutions and other facilities that provide such services need increased funding to continue providing those 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. Appropriations and allocations.
The following appropriations and allocations are made.

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

Developmental Services Waiver - MaineCare 0987

Initiative: Provides funding for additional payments to providers.

GENERAL FUND	2015-16	2016-17
All Other	\$261,418	\$1,002,949
GENERAL FUND TOTAL	\$261,418	\$1,002,949

Medicaid Services - Developmental Services 0705

Initiative: Provides funding for additional payments to providers.

GENERAL FUND	2015-16	2016-17
All Other	\$5,843	\$22,415
GENERAL FUND TOTAL	\$5,843	\$22,415

**OTHER SPECIAL
REVENUE FUNDS**

	2015-16	2016-17
All Other	\$51,183	\$204,732
OTHER SPECIAL REVENUE FUNDS TOTAL	\$51,183	\$204,732

**Mental Health Services - Community Medicaid
0732**

Initiative: Provides funding for additional payments to providers.

GENERAL FUND	2015-16	2016-17
All Other	\$70,040	\$268,714
GENERAL FUND TOTAL	\$70,040	\$268,714

**OTHER SPECIAL
REVENUE FUNDS**

	2015-16	2016-17
All Other	\$13,413	\$53,653
OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,413	\$53,653

**Office of Substance Abuse and Mental Health Ser-
vices - Medicaid Seed 0844**

Initiative: Provides funding for additional payments to providers.

GENERAL FUND	2015-16	2016-17
All Other	\$6,260	\$24,019

GENERAL FUND TOTAL	\$6,260	\$24,019
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OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$1,199	\$4,796

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,199	\$4,796
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY BDS) DEPARTMENT TOTALS

GENERAL FUND	\$343,561	\$1,318,097
OTHER SPECIAL REVENUE FUNDS	\$65,795	\$263,181

DEPARTMENT TOTAL - ALL FUNDS	\$409,356	\$1,581,278
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the federal medical assistance percentage for federal fiscal year 2017.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$1,336,078)

GENERAL FUND TOTAL	\$0	(\$1,336,078)
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FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$1,336,078

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,336,078
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Medical Care - Payments to Providers 0147

Initiative: Provides funding for additional payments to providers.

GENERAL FUND	2015-16	2016-17
All Other	\$139,442	\$534,978

GENERAL FUND TOTAL	\$139,442	\$534,978
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FEDERAL EXPENDITURES FUND

All Other	\$966,158	\$3,943,566
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FEDERAL EXPENDITURES FUND TOTAL	\$966,158	\$3,943,566
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OTHER SPECIAL REVENUE FUNDS

All Other	\$26,704	\$106,818
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,704	\$106,818
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Temporary Assistance for Needy Families 0138

Initiative: One-time reduction of funding for projected savings in the Temporary Assistance for Needy Families program.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$1,000,000)

GENERAL FUND TOTAL	\$0	(\$1,000,000)
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HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS) DEPARTMENT TOTALS

GENERAL FUND	\$139,442	(\$1,801,100)
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FEDERAL EXPENDITURES FUND	\$966,158	\$5,279,644
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OTHER SPECIAL REVENUE FUNDS	\$26,704	\$106,818
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DEPARTMENT TOTAL - ALL FUNDS	\$1,132,304	\$3,585,362
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SECTION TOTALS

GENERAL FUND	\$483,003	(\$483,003)
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FEDERAL EXPENDITURES FUND	\$966,158	\$5,279,644
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OTHER SPECIAL REVENUE FUNDS	\$92,499	\$369,999
SECTION TOTAL - ALL FUNDS	\$1,541,660	\$5,166,640

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

Effective April 15, 2016.

**CHAPTER 478
S.P. 699 - L.D. 1694**

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 associated improvements, for the municipal partnership initiative and to replace and rehabilitate bridges.

Total \$80,000,000

Provides funds for facilities, equipment and property acquisition related to ports, harbors, marine transportation, aviation, freight and passenger railroads, transit and bicycle and pedestrian trails that preserve public safety or otherwise have demonstrated high transportation economic value.

Total \$20,000,000

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 state-wide 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 construction, reconstruction and rehabilitation of highways and bridges and for facilities, equipment and property acquisition related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, to be used to match an estimated \$137,000,000 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.

Sec. 10. Contingent transfer for additional ballot. If the number or length of referendum questions to be submitted to the voters at the general election in November 2016 requires the production and delivery of more than a single ballot by the Secretary of State, the State Controller by August 1, 2016 shall transfer from the unappropriated surplus of the General Fund to the Department of the Secretary of State, Bureau of Administrative Services and Corporations program, General Fund account, \$107,500 for each ballot in addition to the initial ballot required by the Secretary of State, unless the Secretary of State has already received a transfer of funds for that additional ballot.

Effective pending referendum.

**CHAPTER 479
H.P. 722 - L.D. 1053**

**An Act To Authorize a
General Fund Bond Issue To
Stimulate Investment in
Innovation by Maine
Businesses To Produce
Nationally and Globally
Competitive Products and
Services**

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 \$50,000,000 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 un-

der 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 for investment in research, development and commercialization in the State's 7 targeted technology sectors to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share and to expand employment or preserve jobs.

Total \$45,000,000

FINANCE AUTHORITY OF MAINE

Small Enterprise Growth Fund

Provides funds to recapitalize the Small Enterprise Growth Fund in order to create jobs and economic growth by lending to or investing in small businesses with the potential for significant growth and strong job creation.

Total \$5,000,000

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 June of 2017. 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 \$50,000,000 bond issue to provide \$45,000,000 in funds for investment in research, development and commercialization in the State to be used for infrastructure, equipment and technology upgrades that enable organizations to gain and hold market share, to increase revenues and to expand employment or preserve jobs for Maine people, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ratio and \$5,000,000 in funds to create jobs and economic growth by lending to or investing in small businesses with the potential for significant growth and strong job creation?"

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 480
H.P. 703 - L.D. 1020**

**An Act To Provide
Supplemental Deallocations for
the Department of the
Secretary of State and Change
Certain Provisions of the Law
Necessary to the Proper
Operations of State
Government for the Fiscal
Years Ending June 30, 2016
and June 30, 2017**

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, this legislation provides adjustments to the Other Special Revenue Funds and Federal Expenditures Fund allocations of the Department of the Secretary of State for the fiscal years ending June 30, 2016 and June 30, 2017; and

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

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

Sec. 1. Carrying provision; Department of Secretary of State, Bureau of Administrative Services and Corporations. Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other line category at the end of fiscal year 2015-16 to the next fiscal year in the Department of Secretary of State, Bureau of Administrative Services and Corporations program to be used to upgrade computer software for boards and commissions.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Administration - Archives 0050**

Initiative: Eliminates one Planning and Research Associate II position.

FEDERAL EXPENDITURES FUND	2015-16	2016-17
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POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$79,994)	(\$78,176)
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	(\$79,994)	(\$78,176)

**Bureau of Administrative Services and
Corporations 0692**

Initiative: Eliminates one Customer Representative Associate I position and increases funding in All Other for project management services.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$45,831)	(\$46,339)
All Other	\$45,831	\$46,339
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2015-16	2016-17
FEDERAL EXPENDITURES FUND	(\$79,994)	(\$78,176)
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	(\$79,994)	(\$78,176)

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

Effective April 16, 2016.

**CHAPTER 481
S.P. 647 - L.D. 1606**

An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

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. Transfer to Maine Budget Stabilization Fund for fiscal year 2016-17. Notwithstanding any other provision of law, no later than October 30, 2016, the State Controller shall transfer \$10,000,000 to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532 from the funds received pursuant to the court order in State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC, Kennebec County Superior Court Docket No. BCD-CV-14-49. The Attorney General has confirmed that the specified use of the funds to be transferred by this Part is consistent with the terms of the court order.

PART B

Sec. B-1. 36 MRSA §2013, sub-§§2 and 3, as amended by PL 2011, c. 657, Pt. N, §2 and affected by §3, are further amended to read:

2. Refund authorized. Any person, association of persons, firm or corporation that purchases electricity ~~or fuel~~, or that purchases or leases depreciable machinery or equipment, for use in commercial agricultural production, commercial fishing, commercial aquacultural production or commercial wood harvesting ~~or that purchases fuel for use in a commercial fishing vessel~~ must be refunded the amount of sales tax paid upon presenting to the State Tax Assessor evidence that the purchase is eligible for refund under this section.

Evidence required by the assessor may include a copy or copies of that portion of the purchaser's or lessee's most recent filing under the United States Internal Revenue Code that indicates that the purchaser or lessee is engaged in commercial agricultural production, commercial fishing, commercial aquacultural production or commercial wood harvesting and that the purchased machinery or equipment is depreciable for those purposes or would be depreciable for those purposes if owned by the lessee.

In the event that any piece of machinery or equipment is only partially depreciable under the United States Internal Revenue Code, any reimbursement of the sales tax must be prorated accordingly. In the event that electricity or fuel ~~for a commercial fishing vessel~~ is used in qualifying and nonqualifying activities, any reimbursement of the sales tax must be prorated accordingly.

Application for refunds must be filed with the assessor within 36 months of the date of purchase or execution of the lease.

3. Purchases made free of tax with certificate. Sales tax need not be paid on the purchase of electricity, fuel ~~for a commercial fishing vessel~~ or a single item of machinery or equipment if the purchaser has obtained a certificate from the assessor stating that the purchaser is engaged in commercial agricultural production, commercial fishing, commercial aquacultural production or commercial wood harvesting and authorizing the purchaser to purchase electricity, fuel ~~for a commercial fishing vessel~~ or depreciable machinery and equipment without paying Maine sales tax. The seller is required to obtain a copy of the certificate together with an affidavit as prescribed by the assessor, to be maintained in the seller's records, attesting to the qualification of the purchase for exemption pursuant to this section. In order to qualify for this exemption, the electricity, fuel ~~for a commercial fishing vessel~~ or depreciable machinery or equipment must be used directly in commercial agricultural production, commercial fishing, commercial aquacultural production or commercial wood harvesting. In order to qualify for this exemption, the electricity or fuel ~~for a commercial fishing vessel~~ must be used in qualifying activities, including support operations.

Sec. B-2. Effective date. This Part takes effect January 1, 2017.

PART C

Sec. C-1. Cost-of-living adjustment. The Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter III, Section 2, Adult Family Care Services and Chapter III, Section 97, Appendix C: Principles of Reimbursement for Medical and Remedial Service Facilities - Room and Board Costs to provide for 2 annual rate adjustments to adjust for inflation. For the fiscal year ending June 30, 2017, the amount of the inflation adjustment is 4%. For the fiscal year ending June 30, 2018, the department shall set the amount of the inflation adjustment in accordance with the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index medical care services index.

Sec. C-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 funds for a 4% cost-of-living rate increase for MaineCare Appendix C private nonmedical institutions.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,409,644
GENERAL FUND TOTAL	\$0	\$1,409,644
FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$3,051,764
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,051,764
OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$310,701
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$310,701

Medical Care - Payments to Providers 0147

Initiative: Provides funds for a 4% cost-of-living rate increase for adult family care homes that are providing service pursuant to Chapter 101: MaineCare Benefits Manual, Chapter II, Section 2.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$65,773

GENERAL FUND TOTAL	\$0	\$65,773
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FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$116,677

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$116,677
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PNMI Room and Board Z009

Initiative: Provides funds for a 4% cost-of-living rate increase for MaineCare Appendix C private nonmedical institutions.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$406,241

GENERAL FUND TOTAL	\$0	\$406,241
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PNMI Room and Board Z009

Initiative: Provides funds for a 4% cost-of-living rate increase for adult family care homes that are providing service pursuant to Chapter 101: MaineCare Benefits Manual, Chapter II, Section 2.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$15,532

GENERAL FUND TOTAL	\$0	\$15,532
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**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF (FORMERLY DHS)**

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	\$1,897,190
FEDERAL EXPENDITURES FUND	\$0	\$3,168,441
OTHER SPECIAL REVENUE FUNDS	\$0	\$310,701
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,376,332

PART D

Sec. D-1. 20-A MRSA §15671, sub-§7, ¶B, as amended by PL 2015, c. 389, Pt. C, §3, is further amended to read:

B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is ~~48.10%~~ 48.14%.

Sec. D-2. 20-A MRSA §15671, sub-§7, ¶C, as amended by PL 2015, c. 389, Pt. C, §4, is further amended to read:

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

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.

(4) For fiscal year 2014-15, the target is 50.13%.

(5) For fiscal year 2015-16, the target is 50.08%.

(6) For fiscal year 2016-17, the target is ~~50.79%~~ 50.82%.

(7) For fiscal year 2017-18 and succeeding years, the target is 55%.

Sec. D-3. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2015, c. 389, Pt. C, §5, is further amended to read:

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

(1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.

(2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.

(3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.

(4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.

(4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.

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

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 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, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year, the full-value education mill rate is the amount necessary to result in a ~~51.90%~~ 51.86% statewide total local share in fiscal year 2016-17.

(10) For the 2017 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 2017-18 and after.

Sec. D-4. PL 2015, c. 389, Pt. C, §12 is amended to read:

Sec. C-12. 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 2016-17 is as follows:

	2016-17 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	\$1,882,494,984
Total Debt Service Allocation	
Total debt service allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683-A	\$88,428,148

Enhancing Student Performance and Opportunity	\$4,397,105
Total Adjustments and Miscellaneous Costs	
Total adjustments and miscellaneous costs pursuant to the Maine Revised Statutes, Title 20-A, sections 15689 and 15689-A	\$67,138,019 <u>\$68,638,019</u>
Total Normal Cost of Teacher Retirement	\$38,357,583
<hr/>	
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 2016-17 pursuant to the Maine Revised Statutes, Title 20-A, chapter 606-B	\$2,080,815,839 <u>\$2,082,315,839</u>
Total cost of the state contribution to teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2016-17 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement	\$156,985,489
Adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subsection 2	\$42,200,635
Total cost of funding public education from kindergarten to grade 12	\$2,280,001,963 <u>\$2,281,501,963</u>

Sec. D-5. PL 2015, c. 389, Pt. C, §13 is amended to read:

Sec. C-13. 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, 2016 and ending June 30, 2017 is calculated as follows:

	2016-17 LOCAL	2016-17 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 state-wide distributions required by law	\$1,079,854,324	\$1,000,961,515 <u>\$1,002,461,515</u>
State contribution to the total cost of teacher retirement, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2016-17 pursuant to the Maine Revised Statutes, Title 5, chapters 421 and 423		\$156,985,489
State contribution to the total cost of funding public education from kindergarten to grade 12		\$1,157,947,004 <u>\$1,159,447,004</u>

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

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

Initiative: Provides one-time funds for the Jobs for Maine's Graduates - College Program.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,500,000
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$1,500,000

PART E

Sec. E-1. 25 MRSA Pt. 13 is enacted to read:

PART 13

SUBSTANCE ABUSE ASSISTANCE

CHAPTER 601

SUBSTANCE ABUSE ASSISTANCE PROGRAM

§5101. Substance Abuse Assistance Program

1. Substance Abuse Assistance Program. The Substance Abuse Assistance Program, referred to in this chapter as "the program," is established to support persons with presumed substance use disorders by providing grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism.

2. Eligibility; program targets; projects. Grants may be awarded to:

A. Municipal or county governments or regional jails for projects designed to assist persons with presumed substance use disorders by diverting alleged low-level offenders into community-based treatment and support services. Projects may include, but are not limited to:

(1) Referral of program participants to evidence-based treatment programs, including medically assisted treatment; and

(2) Provision of case management services to program participants in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for program participants; and

B. County governments or regional jails for projects in county or regional jails designed to assist persons with presumed substance use disorders. Projects may include, but are not limited to:

(1) Provision of evidence-based treatment programs, including medically assisted treatment, to jail inmates; and

(2) Provision of case management or other support services to program participants to assist in transition from jail upon release.

3. Requirements. A grant application for a project described in subsection 2 must include the following:

A. A statement of purpose and measurable goals for the project and use for the funds;

B. The elements of the project, which must include the targeted population, the nature of services or assistance to be provided and expected outcomes;

C. For diversion projects, a statement of the municipality's or county's diversion policy, including criteria for selecting participants for the project;

D. A review of other substance abuse services available in the applicant municipality or county and communities adjacent to the applicant municipality or county and a statement of the unmet needs to be addressed by the project;

E. A review of efforts to collaborate among relevant law enforcement agencies, treatment providers, harm reduction services, recovery support services and other community resources and a summary of collaborative approaches included in the project, if any; and

F. A summary of data to be collected to assess the effectiveness of the project and the methodology that will be used to make that assessment. The data to be collected must include measurements of the long-term health, treatment and

criminal justice involvement outcomes for participants and must be included in reports filed under subsection 6 as part of a rigorous evaluation process.

4. Selection of grant recipients; steering committee. The Commissioner of Public Safety shall review applications submitted by municipalities and counties for grants under this chapter. Preference must be given to collaborative approaches that include treatment providers or community-based organizations. The following steering committee shall advise the Commissioner of Public Safety in selecting grant recipients. The steering committee consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following organizations, programs and associations selected by the Commissioner of Public Safety from suggestions provided by the organizations, programs and associations: a statewide organization of police chiefs; a statewide organization of sheriffs; a statewide organization representing physicians; a statewide organization representing prosecutors; a statewide organization representing providers of legal services for the indigent; peer recovery programs; and harm reduction associations.

5. Administration of funds. The policy board established in this State to carry out the State's responsibilities under the federal Justice Assistance Act of 1984, the federal Anti-Drug Abuse Act of 1986, the federal Anti-Drug Abuse Act of 1988 and the federal Violent Crime Control and Law Enforcement Act of 1994, known as "the Justice Assistance Council," shall administer grant funds appropriated for use under this chapter and disburse the funds to municipalities, counties and regional jails selected under subsection 4. The department may retain up to 5% of funds to cover administrative expenses.

6. Reports. A recipient of a grant under subsection 4 shall report to the Commissioner of Public Safety annually on the anniversary date of the grant award regarding the status of the project for which the grant was awarded. The report must include a description of how the grant funds were spent, the results of the project and any recommendations for modification of the project, including any available information concerning the project's effectiveness in reducing substance abuse and recidivism.

Sec. E-2. Reports to committees. The Commissioner of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2017 regarding the recipients and the amounts of the grants awarded under the Substance Abuse Assistance Program established in the Maine Revised Statutes, Title 25, chapter 601. The Commissioner of Public Safety shall provide

a report summarizing the results of the grant program and providing recommendations as to the program's continuation or modification and any need for additional funding by January 15, 2018 and January 15, 2019 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 judiciary matters.

Sec. E-3. Pilot projects. The Commissioner of Public Safety shall implement the Substance Abuse Assistance Program established in the Maine Revised Statutes, Title 25, section 5101 by selecting, with the advice of the steering committee described in Title 25, section 5101, subsection 4, at least 8 pilot projects in communities around the State, at least 2 projects of which are administered by municipalities and at least 2 projects of which are administered by county or regional jails.

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

**PUBLIC SAFETY, DEPARTMENT OF
Administration - Public Safety 0088**

Initiative: Provides funding for one Contract Grant Specialist position and related administrative costs to administer and oversee the Substance Abuse Assistance Program. This funding comes from the 5% allowed for administrative costs as specified in the Maine Revised Statutes, Title 25, section 5101, subsection 5.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$73,898
All Other	\$0	\$3,270
GENERAL FUND TOTAL	\$0	\$77,168

Administration - Public Safety 0088

Initiative: Provides funds for the Substance Abuse Assistance Program.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,022,832
GENERAL FUND TOTAL	\$0	\$1,022,832

**PUBLIC SAFETY,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2015-16	2016-17
GENERAL FUND	\$0	\$1,100,000

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,100,000
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PART F

Sec. F-1. Department to create 3 new peer centers. The Department of Health and Human Services shall create 3 new peer centers, 2 of which will begin operation in fiscal year 2016-17 and one of which will begin operation in fiscal year 2017-18, in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction. In order to serve populations in rural parts of the State, 2 of these peer centers must be located in currently underserved areas that are outside of Maine's largest cities. These peer centers must be situated in geographic areas of the State different from each other and in areas different from any peer support recovery centers established pursuant to Public Law 2015, chapter 378, Part D. Funding for each peer center must be used to support the hiring of a coordinator who shall support recovery group facilitation, peer mentoring and peer recovery resource connections. The peer centers may be coordinated and housed within existing health care settings, such as a rural health care center.

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

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

Office of Substance Abuse and Mental Health Services 0679

Initiative: Provides funding to create 2 new peer centers beginning in fiscal year 2016-17 and one new peer center beginning in fiscal year 2017-18 in different parts of the State to coordinate and run peer support programs to help persons in recovery from drug addiction.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$400,000
GENERAL FUND TOTAL	\$0	\$400,000

PART G

Sec. G-1. Transfer of funds. Notwithstanding any other provision of law, no later than October 30, 2016, the State Controller shall transfer to the unappropriated surplus of the General Fund \$10,555,982 from the funds received pursuant to the court order in State of Maine v. McGraw-Hill Companies, Inc. and Standard & Poor's Financial Services, LLC, Kennebec County Superior Court Docket No. BCD-CV-14-49.

The Attorney General has confirmed that the specified use of the funds to be transferred by this Part is consistent with the terms of the court order.

PART H

Sec. H-1. Transfer of settlement funds; fiscal year 2016-17. Notwithstanding any other provision of law, the State Controller shall transfer \$979,732 of the funds received pursuant to court order in State of Maine v. McGraw-Hill Companies, Inc. and Standard and & Poor's Financial Services, LLC held by the Office of the State Controller to the Office of the Treasurer, Private Trust Fund no later than October 1, 2016. Funds transferred pursuant to this Part must be used solely for consumer and antitrust activities identified in the court decree and approved by the Attorney General with the consent of the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

PART I

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

FINANCE AUTHORITY OF MAINE

Student Financial Assistance Programs 0653

Initiative: Provides one-time funding to the Maine State Grant Program for scholarships.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$2,000,000
GENERAL FUND TOTAL	\$0	\$2,000,000

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

Effective April 16, 2016, unless otherwise indicated.

CHAPTER 482

S.P. 678 - L.D. 1657

An Act To Simplify and Expand the Educational Opportunity Tax Credit

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

Whereas, this legislation allows eligible student loans that had been consolidated with ineligible loans

to remain eligible for the educational opportunity tax credit beginning with tax year 2015; 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 §5217-D, sub-§1, ¶B-1, as amended by PL 2015, c. 300, Pt. A, §42 and amended by c. 328, §5, is repealed and the following enacted in its place:

B-1. "Financial aid package" means financial aid obtained by a student for attendance at an accredited Maine community college, college or university. For purposes of a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2013 but before January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (a), "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 a qualified individual claiming a credit under this section for tax years beginning on or after January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (a-1), "financial aid package" may include financial aid obtained by a student for attendance at an accredited non-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, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (b), "financial aid package" may include financial aid obtained by a student for attendance at an accredited non-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, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (c), "financial aid package" may include financial aid obtained by a student for attendance at an accredited Maine college or university after December 31, 2007. For purposes of an employer claiming a credit under this section for tax years beginning on or after January 1, 2013, "financial aid package" may include financial aid obtained by a qualified em-

ployee for attendance at an accredited non-Maine community college, college or university. "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. 2. 36 MRSA §5217-D, sub-§1, ¶E, as amended by PL 2013, c. 525, §15, is further amended to read:

E. "Qualified employee" means an employee who is employed at least part time and who is a qualified individual or who would be 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.

For tax years beginning on or after January 1, 2016, "qualified employee" means an employee who is employed at least part time and who is a qualified individual or who would be a qualified individual except that the employee's associate, bachelor's or graduate degree was awarded by an accredited non-Maine community college, college or university.

Sec. 3. 36 MRSA §5217-D, sub-§1, ¶G, as amended by PL 2015, c. 328, §6, is further amended to read:

G. "Qualified individual" means an individual, including the spouse filing a joint return with the individual under section 5221, who is eligible for the credit provided in this section. An individual is eligible for the credit if the individual:

(1) Attended and obtained:

(a) An associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016. 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 but before January 1, 2016 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. This division does not apply to tax years beginning after December 31, 2015;

(a-1) For tax years beginning on or after January 1, 2016, an associate or bachelor's degree from an accredited Maine community college, college or university after December 31, 2007 but before January 1, 2016, regardless of whether the individual earned credit hours of course work toward the degree outside the State;

(b) An associate or bachelor's degree from an accredited Maine or non-Maine community college, college or university after December 31, 2015; or

(c) A graduate degree from an accredited Maine college or university after December 31, 2015;

(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; ~~or~~

(c) For tax years beginning on or after January 1, 2016, at least part time in a position on a vessel at sea.

As used in this subparagraph, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. 4. 36 MRSA §5217-D, sub-§2, ¶B, as amended by PL 2015, c. 267, Pt. QQQ, §4 and affected by §6, is further amended to read:

B. A taxpayer may claim a credit based on loan payments actually made to a relevant lender or lenders 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~~ For tax years beginning before January 1, 2015, 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. For tax years beginning on or after January 1, 2015, refinanced loans or consolidated loans that are part of the qualified individual's financial aid package are eligible for the credit under this section if the refinanced loans or consolidated loans remain separate from other debt, except for debt incurred in an educational program, but only in proportion to the portion of the loan payments that are otherwise eligible 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.

Sec. 5. 36 MRSA §5217-D, sub-§5, as amended by PL 2013, c. 525, §15, is further amended to read:

5. Calculation of the credit; employers. 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 a credit 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. For tax years begin-

ning on or after January 1, 2016, 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 a credit equal to the actual monthly loan payment made by the employer on the loans 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.

If the qualified employee is employed on a part-time basis during the taxable year, the credit with respect to that employee is limited to 50% of the credit otherwise determined under this subsection.

Sec. 6. Appropriations and allocations.

The following appropriations and allocations are made.

HISTORIC PRESERVATION COMMISSION, MAINE

Historic Preservation Commission 0036

Initiative: Reduces funding to reflect projected fiscal year 2015-16 All Other costs for the Historic Preservation Commission program.

GENERAL FUND	2015-16	2016-17
All Other	(\$200,000)	\$0
GENERAL FUND TOTAL	(\$200,000)	\$0

HISTORIC PRESERVATION COMMISSION, MAINE

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$200,000)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$200,000)	\$0

TREASURER OF STATE, OFFICE OF Debt Service - Treasury 0021

Initiative: Reduces funding for debt service costs.

GENERAL FUND	2015-16	2016-17
All Other	(\$219,500)	\$0
GENERAL FUND TOTAL	(\$219,500)	\$0

TREASURER OF STATE, OFFICE OF

DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	(\$219,500)	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$219,500)	\$0
SECTION TOTALS	2015-16	2016-17
GENERAL FUND	(\$419,500)	\$0
SECTION TOTAL - ALL FUNDS	(\$419,500)	\$0

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

Effective April 16, 2016.

CHAPTER 483

S.P. 689 - L.D. 1676

An Act To Establish a Process for the Procurement of Biomass Resources

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 requires that funds be transferred by June 30, 2016; 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. Biomass competitive solicitation.

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

A. "Biomass resource" is a source of electrical generation fueled by wood, wood waste or landfill gas that produces energy that may be physically delivered to the ISO-NE region, as defined in the

Maine Revised Statutes, Title 35-A, section 1902, subsection 3, or in the NMISA region.

B. "Commission" means the Public Utilities Commission.

C. "NMISA region" is the area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine.

2. Solicitation and contract negotiation. In accordance with subsection 3, the commission shall initiate a competitive solicitation as soon as practicable and direct investor-owned transmission and distribution utilities to enter into one or more 2-year contracts for up to 80 megawatts of biomass resources contingent upon available funds for above-market costs of the contract pursuant to subsection 4. The contract may be a contract for energy or a contract for differences. If a generator offers to sell capacity or renewable energy attributes as part of a contract entered into pursuant to this section, the contract may include the purchase of such capacity or attributes, but the commission may not condition any solicitation or contract on an offer or sale of capacity or renewable energy attributes.

3. Review and selection of renewable resources and contract adjustments. In conducting a solicitation and entering into any contract under subsection 2, the commission shall:

A. Ensure that a biomass resource facility is operating at least at a 50% capacity for 60 days prior to the initiation of a competitive solicitation in accordance with subsection 2 and continues to operate at that capacity except for planned and forced outages; and

B. Seek to ensure, to the maximum extent possible, that a contract entered into under this section:

- (1) Provides benefits to ratepayers;
- (2) Provides in-state benefits, such as capital investments to improve long-term viability of the facility, permanent direct jobs, payments to municipalities, payments for fuel harvested in the State, payment for in-state resource access, in-state purchases of goods and services and construction-related jobs and purchases;
- (3) Reduces greenhouse gas emissions;
- (4) Promotes fuel diversity; and
- (5) Supports or improves grid reliability.

In selecting among bids, the commission shall determine the total in-state economic benefits of the contract in an expected annual dollar per megawatt-hour average and the cost to fund the above-market costs of a contract in an expected annual dollar per megawatt-hour average. The commission shall consider both of

these values for each proposal to identify those proposals that maximize the overall benefits to the State, and shall establish a process under which a generator of biomass resources verifies on an annual basis that the projected in-state economic benefits are generated during the term of the contract. If the commission concludes that the solicitation conducted under subsection 2 is not competitive, no bidders may be selected and the commission is not obligated to enter into a contract. If the commission finds the in-state benefits are not being achieved, the commission may reduce the contract payment by the percentage difference between actual in-state benefits achieved and the projected in-state benefits.

4. Cost limits. The commission may enter only into contracts under this section that are contingent on the availability of funds in the cost recovery fund established under subsection 5 to pay the above-market costs of the contract, as determined by the commission. Payments of all above-market costs of a contract must be made solely from those funds and are not a liability of the transmission and distribution utility, its ratepayers or the commission. If insufficient funds are available in the fund to pay above-market costs under a contract, the commission shall notify the contracting entity and, unless the contracting entity and the commission agree otherwise, the contract is suspended. The commission and the contracting entity may agree to reinstate a suspended contract upon the availability of sufficient funds in the cost recovery fund to pay above-market costs.

5. Cost recovery fund. There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commission shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. At the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above-market costs in accordance with subsection 6 must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532. The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made.

6. Cost recovery. The commission shall ensure that all costs and benefits associated with contracts entered into under this section are allocated as follows:

A. All costs, other than above-market costs, and all direct financial benefits associated with contracts entered into under this section must be allocated to ratepayers in accordance with the Maine

Revised Statutes, Title 35-A, section 3210-F and may not be considered imprudent; and

B. Above-market costs, including any 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 and any losses derived from contracts for differences, must be paid from the fund.

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

8. Transfers of funds. Notwithstanding any provision of law to the contrary, at the close of fiscal year 2015-16, the State Controller, as the next priority after making the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, 1519, 1522 and 1536, shall transfer from the unappropriated surplus of the General Fund to the Cost Recovery Fund, Other Special Revenue Funds account within the Public Utilities Commission amounts as may be available from time to time, up to a total of \$13,400,000.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Cost Recovery Fund N228

Initiative: Provides an allocation to pay above-market costs of contracts for energy or contracts for differences for the procurement of up to 80 megawatts of biomass resources.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$13,400,000
	\$0	\$13,400,000
OTHER SPECIAL REVENUE FUNDS TOTAL		

Public Utilities - Administrative Division 0184

Initiative: Provides an allocation for consulting costs.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$100,974
	\$0	\$100,974
OTHER SPECIAL REVENUE FUNDS TOTAL		

PUBLIC UTILITIES COMMISSION

DEPARTMENT TOTALS	2015-16	2016-17
OTHER SPECIAL REVENUE FUNDS	\$0	\$13,500,974
	\$0	\$13,500,974
DEPARTMENT TOTAL - ALL FUNDS		

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

Effective April 16, 2016.

CHAPTER 484

S.P. 384 - L.D. 1097

An Act To Improve the Integrity of Maine's Welfare Programs

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

Sec. 1. 22 MRSA §3763, sub-§§11 and 12 are enacted to read:

11. Restrictions on use of electronic benefits transfer system. A recipient of benefits under this chapter may not expend those benefits using the electronic benefits transfer system established in section 22 for the purchase of the following:

A. Tobacco products, as defined in section 1551, subsection 3;

B. Imitation liquor or liquor, as defined in Title 28-A, section 2, subsections 13 and 16, respectively;

C. Gambling activity, as defined in Title 8, section 1001, subsection 15;

D. Lotteries conducted by the State pursuant to Title 8, chapter 14-A or the Tri-State Lotto Commission pursuant to Title 8, chapter 16;

E. Bail, as defined by Title 15, section 1003, subsection 1;

F. Firearms or ammunition;

G. Vacation or travel services;

H. Publications, services or entertainment that contain or promote obscene matter. For purposes of this paragraph, "obscene matter" has the same meaning as in Title 17, section 2911, subsection 1, paragraph D; or

I. Tattoos, as defined by Title 32, section 4201, or body art.

A person who violates this subsection is subject to those penalties specified in subsection 12.

12. Penalties. When the department determines based on clear and convincing documentary evidence that a recipient of benefits under this chapter has knowingly purchased a product or service in violation of subsection 11, that recipient is deemed to have received an overpayment in the amount of the prohibited purchase, which may be recovered by the department pursuant to chapter 1055-A. The recipient is also subject to the following additional penalties:

A. For the 1st offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 3 months;

B. For the 2nd offense, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 12 months; and

C. For the 3rd and subsequent offenses, the recipient may be disqualified from receiving benefits under this chapter for a period that does not exceed 24 months.

The department shall initiate an administrative hearing for a recipient of benefits who the department has determined has violated subsection 11. The notice and hearing must be conducted consistent with the department rules governing notice and hearing required for an intentional program violation.

Sec. 2. Blocking prohibited purchases through technological means. No later than October 1, 2016, notwithstanding Joint Rule 353, the Commissioner of Health and Human Services shall convene a working group, referred to in this section as "the feasibility working group," to determine feasible options for preventing Temporary Assistance for Needy Families program benefits, through electronic benefits transfer cards, from being used to purchase the prohibited products or services listed in the Maine Revised Statutes, Title 22, section 3763, subsection 11, referred to in this section as "prohibited products or services."

1. Members. The feasibility working group consists of the following members:

A. The Commissioner of Health and Human Services or the commissioner's designee;

B. Two members of the House of Representatives, including a member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the Speaker of the House;

C. Two members of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature, appointed by the President of the Senate; and

D. Three members appointed by the Commissioner of Health and Human Services as follows:

(1) A representative of retailers in the State;

(2) A representative of the financial industry familiar with electronic commerce; and

(3) A representative of individuals receiving cash assistance through the TANF program.

2. Duties. The feasibility working group shall research, evaluate, determine and recommend the most effective means of ensuring that electronic benefits transfer cards block at the point of sale the use of TANF benefits to purchase prohibited products or services. The feasibility working group shall determine the cost of any system that it recommends and shall analyze the impact of its recommendation on business establishments of varying sizes doing business in the State.

3. Report. The feasibility working group shall submit a report of its findings and recommendations, together with any legislation necessary to implement the recommendations, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than December 15, 2016.

See title page for effective date.

CHAPTER 485

S.P. 602 - L.D. 1541

An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

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

Sec. 1. 15 MRSA §3314, sub-§6, as amended by PL 2003, c. 657, §1, is further amended to read:

6. Forfeiture of firearms. As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; ~~or~~ Title 17-A, section 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1, paragraph B and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section 1158-A if the criminal conduct had been committed by an adult must be forfeited to

the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to Title 17-A, section 1158-A govern forfeitures under this subsection.

Sec. 2. 17-A MRSA §1118, sub-§2, as enacted by PL 2001, c. 428, §1, is amended to read:

2. A violation of this section is:

A. A Class E B crime if the drug is a schedule W drug; and

B. A Class D C crime if the drug is a schedule X, Y or Z drug.

Sec. 3. 17-A MRSA §1118-A is enacted to read:

§1118-A. Aggravated illegal importation of scheduled drugs

1. A person is guilty of aggravated illegal importation of a scheduled drug if the person violates section 1118 and:

A. At the time of the offense, the person has one or more prior convictions for any Class A, B or C offense under this chapter or for engaging in substantially similar conduct to that of the Class A, B or C offenses under this chapter in another jurisdiction and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class A crime; or

(2) A schedule X, Y or Z drug. Violation of this subparagraph is a Class B crime;

Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years;

B. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm, and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class A crime; or

(2) A schedule X, Y or Z drug. Violation of this subparagraph is a Class B crime;

C. At the time of the offense, the person illegally imports cocaine in a quantity of 112 grams or more or cocaine in the form of cocaine base in a quantity of 32 grams or more. Violation of this paragraph is a Class A crime;

D. At the time of the offense, the person enlists or solicits the aid of or conspires with a child who is in fact less than 18 years of age to illegally import a scheduled drug and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class A crime; or

(2) A schedule X, Y or Z drug. Violation of this subparagraph is a Class B crime;

E. At the time of the offense, the person illegally imports methamphetamine or amphetamine in a quantity of 300 or more pills, capsules, tablets or units or 100 grams or more. Violation of this paragraph is a Class A crime;

F. At the time of the offense, the person illegally imports heroin in a quantity of 6 grams or more or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin. Violation of this paragraph is a Class A crime;

G. At the time of the offense, the person illegally imports 300 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin, or any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 8,000 milligrams or more of oxycodone or 1,000 milligrams or more of hydromorphone. Violation of this paragraph is a Class A crime;

H. At the time of the offense, the person illegally imports a quantity of 300 or more pills, capsules, tablets or units containing 3, 4-methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O. Violation of this paragraph is a Class A crime; or

I. Death is in fact caused by the use of that scheduled drug and the drug is a schedule W drug. A violation of this paragraph is a Class A crime.

2. If a person uses a motor vehicle to facilitate the aggravated illegal importation of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from

any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 4. 17-A MRSA §1158-A, sub-§1, ¶A, as amended by PL 2009, c. 336, §13, is further amended to read:

A. That firearm constitutes the basis for conviction under:

- (1) Title 15, section 393;
- (2) Section 1105-A, subsection 1, paragraph C-1;
- (3) Section 1105-B, subsection 1, paragraph C;
- (4) Section 1105-C, subsection 1, paragraph C-1; ~~or~~
- (5) Section 1105-D, subsection 1, paragraph B-1; or
- (6) Section 1118-A, subsection 1, paragraph B;

Sec. 5. 17-A MRSA §1252, sub-§5-A, as amended by PL 2013, c. 133, §15, is further amended to read:

5-A. Notwithstanding any other provision of this Code, for a person convicted of violating section 1105-A, 1105-B, 1105-C, ~~or~~ 1105-D or 1118-A:

A. Except as otherwise provided in paragraphs B and C, the minimum sentence of imprisonment, which may not be suspended, is as follows: When the sentencing class is Class A, the minimum term of imprisonment is 4 years; when the sentencing class is Class B, the minimum term of imprisonment is 2 years; and, with the exception of a conviction under section 1105-A, 1105-B, 1105-C or 1105-D when the drug that is the basis for the charge is marijuana, when the sentencing class is Class C, the minimum term of imprisonment is one year;

B. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in paragraph A, if:

- (1) The court finds by substantial evidence that:
 - (a) Imposition of a minimum unsuspended term of imprisonment under paragraph A will result in substantial injustice to the defendant. In making this determination, the court shall consider, among other considerations, whether the defendant did not know and reasonably should not have known that the victim was less than 18 years of age;

(b) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not have an adverse effect on public safety; and

(c) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not appreciably impair the effect of paragraph A in deterring others from violating section 1105-A, 1105-B, 1105-C ~~or~~ 1105-D or 1118-A; and

(2) The court finds that:

(c) The defendant's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under paragraph A would frustrate the general purposes of sentencing set forth in section 1151.

If the court imposes a sentence under this paragraph, the court shall state in writing its reasons for its findings and for imposing a sentence under this paragraph rather than under paragraph A; and

C. If the court imposes a sentence under paragraph B, the minimum sentence of imprisonment, which may not be suspended, is as follows: When the sentencing class is Class A, the minimum term of imprisonment is 9 months; when the sentencing is Class B, the minimum term of imprisonment is 6 months; and, with the exception of trafficking or furnishing marijuana under section 1105-A or 1105-C, when the sentencing class is Class C, the minimum term of imprisonment is 3 months.

See title page for effective date.

**CHAPTER 486
H.P. 1141 - L.D. 1670**

**An Act To Attract
Investment to Loring
Commerce Centre**

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

Sec. 1. 5 MRSA §13080-Q, sub-§1, as enacted by PL 1995, c. 644, §2, is amended to read:

1. Fund to receive income tax revenues from job creation. Subject to the provisions of subsection 2 ~~and section 13080-S,~~ the fund must receive annually from the State ~~50% the amount~~ the amount of the employment tax increment determined in accordance with section 13080-S.

Sec. 2. 5 MRSA §13080-S, sub-§§1 and 2, as enacted by PL 1995, c. 644, §2, are amended to read:

1. Certification by authority. The authority shall certify annually to the assessor by ~~September 30th~~ October 31st of each year, beginning in ~~1997~~ 2016, the following information:

- A. Employment, payroll and state withholding data necessary to calculate the base level of employment;
- B. The total number of employees added during the previous year within the base area above the base level of employment, including additional associated payroll and withholding data necessary to calculate the gross employment tax increment and establish the appropriate payment to the fund;
- C. A listing of all employers within the base area that pay withholding taxes, the locations of those employers and the number of employees at each location; and
- D. A listing of all affiliated businesses and affiliated groups, data regarding current employment, payroll and state income withholding taxes for each affiliated business within the base area.

2. Approval of payment. Upon receipt of the information required by this section, the assessor shall review the information ~~in a timely fashion by December 1st~~ immediately following receipt of the information and shall determine the amount of the employment tax increment. If the assessor determines that the requirements of this article are satisfied, the assessor shall approve payment to the fund.

Sec. 3. 5 MRSA §13080-S, sub-§3, as amended by PL 2009, c. 571, Pt. LL, §1, is further amended to read:

3. Deposit and payment of revenue. On or before July 15th of each year, ~~if the approval of the assessor has been issued pursuant to subsection 2, the Commissioner of Administrative and Financial Services~~ shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the ~~Commissioner of Administrative and Financial Services~~ State Controller. On or before July 31st of each year, the ~~Commissioner of Administrative and Financial Services~~ assessor shall pay that amount to the fund.

Sec. 4. 5 MRSA §13080-S, sub-§4 is enacted to read:

4. Additional deposit and payment of revenue in December 2016. On or before December 15, 2016, the assessor shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and

administered by the State Controller. On or before December 31, 2016, the assessor shall pay that amount to the fund.

Sec. 5. Effective date. This Act takes effect August 1, 2016.

Effective August 1, 2016.

CHAPTER 487

S.P. 705 - L.D. 1699

An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity

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

Sec. 1. Property fiscal capacity determination for fiscal year 2016-17 for municipality with decline in valuation. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15672, subsection 23, paragraph C, for fiscal year 2016-17, if a municipality's 2016 certified state valuation declines in an amount that is greater than 4.5% from the next most recently certified state valuation and that decline is due to the loss in value attributable to a single taxpayer, the State Tax Assessor shall certify to the Commissioner of Education that the municipality's property fiscal capacity is the average of the 2016 certified state valuation for that municipality and the property fiscal capacity under Title 20-A, section 15672, subsection 23, paragraph C.

Sec. 2. Maintenance of mill rate for fiscal year 2016-17. The Commissioner of Education shall identify savings resulting from unused debt service in order to maintain the mill rate expectation of 8.30 for fiscal year 2016-17 as established in Public Law 2015, chapter 389, Part C, section 11, pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A.

See title page for effective date.

CHAPTER 488

S.P. 671 - L.D. 1646

An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program

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

Sec. 1. 22 MRSA §7246, sub-§§1-A, 1-B and 1-C are enacted to read:

1-A. Acute pain. "Acute pain" means pain that is the normal, predicted physiological response to a noxious chemical or thermal or mechanical stimulus. "Acute pain" typically is associated with invasive procedures, trauma and disease and is usually time-limited.

1-B. Administer. "Administer" means an action to apply a prescription drug directly to a person by any means by a licensed or certified health care professional acting within that professional's scope of practice. "Administer" does not include the delivery, dispensing or distribution of a prescription drug for later use.

1-C. Chronic pain. "Chronic pain" means pain that persists beyond the usual course of an acute disease or healing of an injury. "Chronic pain" may or may not be associated with an acute or chronic pathologic process that causes continuous or intermittent pain over months or years.

Sec. 2. 22 MRSA §7246, sub-§5, as enacted by PL 2003, c. 483, §1, is amended to read:

5. Prescriber. "Prescriber" means a licensed health care professional with authority to prescribe controlled substances and a veterinarian licensed under Title 32, chapter 71-A with authority to prescribe controlled substances.

Sec. 3. 22 MRSA §7249, sub-§4, as enacted by PL 2003, c. 483, §1, is amended to read:

4. Immunity from liability. A dispenser or prescriber is immune from liability for disclosure of information if the disclosure was made pursuant to and in accordance with this chapter.

Sec. 4. 22 MRSA §7250, sub-§4, ¶G, as amended by PL 2011, c. 657, Pt. O, §3, is further amended to read:

G. The office that administers the MaineCare program pursuant to chapter 855 for the purposes of managing the care of its members, monitoring the purchase of controlled substances by its members, avoiding duplicate dispensing of controlled substances and providing treatment pattern data under subsection 6; and

Sec. 5. 22 MRSA §7250, sub-§4, ¶H, as enacted by PL 2011, c. 218, §3, is amended to read:

H. Another state or a Canadian province pursuant to subsection 4-A;

Sec. 6. 22 MRSA §7250, sub-§4, ¶¶I and J are enacted to read:

I. Staff members of a licensed hospital who are authorized by the chief medical officer of the hospital, insofar as the information relates to a patient

receiving care in the hospital's emergency department or receiving inpatient services from the hospital; and

J. Staff members of a pharmacist who are authorized by the pharmacist on duty, insofar as the information relates to a customer seeking to have a prescription filled.

Sec. 7. 22 MRSA §7250, sub-§4-A, as amended by PL 2011, c. 657, Pt. AA, §69, is further amended to read:

4-A. Information sharing with other states and Canadian provinces. The department may provide prescription monitoring information to and receive prescription monitoring information from another state or a Canadian province that has prescription monitoring information provisions consistent with this chapter and has entered into a prescription monitoring information sharing agreement with the department. The department may enter into a prescription monitoring information sharing agreement with another state or a Canadian province to establish the terms and conditions of prescription monitoring information sharing and interoperability of information systems and to carry out the purposes of this subsection. For purposes of this subsection, "another state" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country.

Sec. 8. 22 MRSA §7251, sub-§1, as amended by PL 2011, c. 657, Pt. AA, §70, is further amended to read:

1. Failure to submit information. A dispenser who knowingly fails to submit prescription monitoring information to the department as required by this chapter commits a civil violation for which a fine of \$250 per incident, not to exceed \$5,000 per calendar year, may be adjudged and is subject to discipline by the Maine Board of Pharmacy pursuant to Title 32, chapter 117, subchapter 4 or by the applicable professional licensing entity.

Sec. 9. 22 MRSA §§7253 and 7254 are enacted to read:

§7253. Prescribers and dispensers required to check prescription monitoring information

1. Prescribers. On or after January 1, 2017, upon initial prescription of a benzodiazepine or an opioid medication to a person and every 90 days for as long as that prescription is renewed, a prescriber shall check prescription monitoring information for records related to that person.

2. Dispensers. On or after January 1, 2017, a dispenser shall check prescription monitoring information prior to dispensing a benzodiazepine or an opioid medication to a person under any of the following circumstances:

- A. The person is not a resident of this State;
- B. The prescription is from a prescriber with an address outside of this State;
- C. The person is paying cash when the person has prescription insurance on file; or
- D. According to the pharmacy prescription record, the person has not had a prescription for a benzodiazepine or an opioid medication in the previous 12-month period.

A dispenser shall notify the program and withhold a prescription until the dispenser is able to contact the prescriber of that prescription if the dispenser has reason to believe that the prescription is fraudulent or duplicative.

3. Exception; hospital setting and facilities.
When a licensed or certified health care professional directly orders or administers a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility, the requirements to check prescription monitoring information established in this section do not apply.

4. Violation. A person who violates this section commits a civil violation for which a fine of \$250 per incident, not to exceed \$5,000 per calendar year, may be adjudged.

5. Rulemaking. Notwithstanding section 7252, the department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement this section.

§7254. Exemption from opioid medication limits until January 2017; rulemaking

1. Exemption until January 2017. In addition to the exceptions established in Title 32, section 2210, subsection 2; section 2600-C, subsection 2; section 3300-F, subsection 2; section 3657, subsection 2; and section 18308, subsection 2, a licensed health care professional may prescribe opioid medication in an amount greater than the morphine milligram equivalents limited by Title 32, sections 2210, 2600-C, 3300-F, 3657 and 18308 as long as it is medically necessary and the need is documented in the patient's chart.

This subsection is repealed January 1, 2017 or on the effective date of the rules establishing exceptions to prescriber limits as provided in subsection 2, whichever is later. The Commissioner of Health and Human Services shall notify the Secretary of State, Secretary of the Senate, Clerk of the House of Representatives and Revisor of Statutes of this effective date when this effective date is determined.

2. Rulemaking. Notwithstanding section 7252, no later than January 1, 2017, the department shall adopt routine technical rules as defined in Title 5,

chapter 375, subchapter 2-A to establish reasonable exceptions to prescriber limits in Title 32, sections 2210, 2600-C, 3300-F, 3657 and 18308, including for chronic pain and acute pain. The rules must take into account clinically appropriate exceptions and include prescribers in the rule-making process including the drafting of draft rules and changes after the public hearing process to the extent permitted by Title 5, chapter 375.

Sec. 10. 32 MRSA §2105-A, sub-§2, ¶H, as amended by PL 1993, c. 600, Pt. A, §116, is further amended to read:

H. A violation of this chapter or a rule adopted by the board; ~~or~~

Sec. 11. 32 MRSA §2105-A, sub-§2, ¶I, as enacted by PL 1983, c. 378, §21, is amended to read:

I. Engaging in false, misleading or deceptive advertising; ~~or~~

Sec. 12. 32 MRSA §2105-A, sub-§2, ¶J is enacted to read:

J. Failure to comply with the requirements of Title 22, section 7253.

Sec. 13. 32 MRSA §2210 is enacted to read:

§2210. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. Except as provided in subsection 2, an individual licensed under this chapter whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day;

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day;

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. "Chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid

medication to a patient under treatment for acute pain. "Acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A.

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

- (1) Pain associated with active and aftercare cancer treatment;
- (2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;
- (3) End-of-life and hospice care;
- (4) Medication-assisted treatment for substance use disorder; or
- (5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B.

3. Electronic prescribing. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The

board shall 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.

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 14. 32 MRSA §2591-A, sub-§2, ¶M, as amended by PL 1997, c. 680, Pt. B, §6, is further amended to read:

M. Failure to comply with the requirements of Title 24, section 2905-A; or

Sec. 15. 32 MRSA §2591-A, sub-§2, ¶N, as enacted by PL 1997, c. 680, Pt. B, §7, is amended to read:

N. Revocation, suspension or restriction of a license to practice medicine or other disciplinary action; denial of an application for a license; or surrender of a license to practice medicine following the institution of disciplinary action by another state or a territory of the United States or a foreign country if the conduct resulting in the disciplinary or other action involving the license would, if committed in this State, constitute grounds for discipline under the laws or rules of this State; or

Sec. 16. 32 MRSA §2591-A, sub-§2, ¶O is enacted to read:

O. Failure to comply with the requirements of Title 22, section 7253.

Sec. 17. 32 MRSA §2600-C is enacted to read:

§2600-C. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. Except as provided in subsection 2, an individual licensed under this chapter whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day;

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of

opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day;

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. For purposes of this paragraph, "chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain. For purposes of this paragraph, "acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A.

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

- (1) Pain associated with active and aftercare cancer treatment;
- (2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;
- (3) End-of-life and hospice care;
- (4) Medication-assisted treatment for substance use disorder; or
- (5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B.

3. Electronic prescribing. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this

requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall 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.

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 18. 32 MRSA §3282-A, sub-§2, ¶¶Q and R, as enacted by PL 2013, c. 355, §12, are amended to read:

Q. Failure to produce upon request of the board any documents in the licensee's possession or under the licensee's control concerning a pending complaint or proceeding or any matter under investigation by the board, unless otherwise prohibited by state or federal law; or

R. Failure to timely respond to a complaint notification sent by the board; or

Sec. 19. 32 MRSA §3282-A, sub-§2, ¶S is enacted to read:

S. Failure to comply with the requirements of Title 22, section 7253.

Sec. 20. 32 MRSA §3300-F is enacted to read:

§3300-F. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing.

Except as provided in subsection 2, an individual licensed under this chapter and whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day;

B. To a patient who, on the effective date of this section, has an active prescription for opioid

medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day;

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. "Chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain. "Acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A.

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

(1) Pain associated with active and aftercare cancer treatment;

(2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;

(3) End-of-life and hospice care;

(4) Medication-assisted treatment for substance use disorder; or

(5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B.

3. Electronic prescribing. An individual licensed under this chapter and whose scope of practice includes prescribing opioid medication with the capability to electronically prescribe shall prescribe all

opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure, and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver including circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall 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.

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 21. 32 MRSA §3656, sub-§§3 and 4, as enacted by PL 2007, c. 402, Pt. P, §14, are amended to read:

3. False advertising. Engaging in false, misleading or deceptive advertising; or

4. Unlawful prescription of controlled substance. Prescribing narcotic or hypnotic or other drugs listed as controlled substances by the federal Drug Enforcement Administration for other than accepted therapeutic purposes; or

Sec. 22. 32 MRSA §3656, sub-§5 is enacted to read:

5. Controlled Substances Prescription Monitoring Program. Failure to comply with the requirements of Title 22, section 7253.

Sec. 23. 32 MRSA §3657 is enacted to read:

§3657. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing.

Except as provided in subsection 2, an individual licensed under this chapter and whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100 morphine milligram equivalents of opioid medication per day;

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day;

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. "Chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain. "Acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A.

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

- (1) Pain associated with active and aftercare cancer treatment;
- (2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;
- (3) End-of-life and hospice care;
- (4) Medication-assisted treatment for substance use disorder; or
- (5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B.

3. Electronic prescribing. An individual licensed under this chapter and whose scope of practice

includes prescribing opioid medication with the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure, and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver including circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall 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.

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 24. 32 MRSA §4864, sub-§12, ¶D, as amended by PL 2007, c. 402, Pt. R, §8, is further amended to read:

D. The continuance of a veterinarian directly or indirectly in the employ of or in association with any veterinarian after knowledge that such veterinarian is engaged in the violation of the provisions of this chapter; or

Sec. 25. 32 MRSA §4864, sub-§13, as amended by PL 2007, c. 402, Pt. R, §8, is further amended to read:

13. Lack of sanitation. Failure to maintain veterinary premises and equipment in a clean and sanitary condition as defined by the board in accordance with the sanitation provisions included in Title 7, section 3936; or

Sec. 26. 32 MRSA §4864, sub-§15 is enacted to read:

15. Controlled Substances Prescription Monitoring Program. Failure to comply with the requirements of Title 22, section 7253.

Sec. 27. 32 MRSA §4878 is enacted to read:

§4878. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. A veterinarian licensed under this chapter whose scope of practice includes prescribing opioid medication to an animal is subject to the requirements of the Controlled Substances Prescription Monitoring Program established under Title 22, chapter 1603, except that Title 22, section 7254 does not apply.

2. Electronic prescribing. A veterinarian licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. A veterinarian who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

3. Continuing education. By December 31, 2017, a veterinarian who prescribes opioid medication must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall 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.

4. Penalties. A veterinarian who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 28. 32 MRSA §13702-A, sub-§20-A is enacted to read:

20-A. Opioid medication. "Opioid medication" means a controlled substance containing an opioid included in schedule II of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Part 1308.

Sec. 29. 32 MRSA §13756 is enacted to read:

§13756. Electronic prescribing of opioid medication

By July 1, 2017, a pharmacy must have the capability to process electronic prescriptions from prescribers for an opioid medication or request a waiver from the Commissioner of Health and Human Services stating the reasons for the waiver including but not limited to a lack of capability, the availability of

broadband infrastructure and a plan for developing the ability to receive electronically prescribed opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including technological failures.

Sec. 30. 32 MRSA §13786-B is enacted to read:

§13786-B. Partial dispensing of prescription for opioid medication

1. Partial dispensing authorized. Notwithstanding any law or rule to the contrary, a pharmacist may partially dispense a prescription for an opioid medication in a lesser quantity than the recommended full quantity indicated on the prescription if requested by the patient for whom the prescription is written. The remaining quantity of the prescription in excess of the recommended full quantity is void and may not be dispensed without a new prescription.

2. Notice to practitioner. If a pharmacist partially dispenses a prescription for an opioid medication as permitted under this section, the pharmacist or the pharmacist's designee shall, within a reasonable time following the partial dispensing but not more than 7 days, notify the practitioner of the quantity of the opioid medication actually dispensed. The notice may be conveyed by a notation on the patient's electronic health record or by electronic transmission, by facsimile or by telephone to the practitioner.

Sec. 31. 32 MRSA §13786-C is enacted to read:

§13786-C. Dispensing of prescription of opioid medication; immunity

A pharmacist who dispenses opioid medication in good faith is immune from any civil liability that might otherwise result from dispensing medication in excess of the limit established in section 2210, subsection 1, paragraphs A and B; section 2600-C, subsection 1, paragraphs A and B; section 3300-F, subsection 1, paragraphs A and B; section 3657, subsection 1, paragraphs A and B; or section 18308, subsection 1, paragraphs A and B, if the medication was dispensed in accordance with a prescription issued by a practitioner. In a proceeding regarding immunity from liability, there is a rebuttable presumption of good faith.

Sec. 32. 32 MRSA §18308 is enacted to read:

§18308. Requirements regarding prescription of opioid medication

1. Limits on opioid medication prescribing. Except as provided in subsection 2, an individual licensed under this chapter whose scope of practice includes prescribing opioid medication may not prescribe:

A. To a patient any combination of opioid medication in an aggregate amount in excess of 100

morphine milligram equivalents of opioid medication per day;

B. To a patient who, on the effective date of this section, has an active prescription for opioid medication in excess of 100 morphine milligram equivalents of an opioid medication per day, an opioid medication in an amount that would cause that patient's total amount of opioid medication to exceed 300 morphine milligram equivalents of opioid medication per day; except that, on or after July 1, 2017, the aggregate amount of opioid medication prescribed may not be in excess of 100 morphine milligram equivalents of opioid medication per day;

C. On or after January 1, 2017, within a 30-day period, more than a 30-day supply of an opioid medication to a patient under treatment for chronic pain. For purposes of this paragraph, "chronic pain" has the same meaning as in Title 22, section 7246, subsection 1-C; or

D. On or after January 1, 2017, within a 7-day period, more than a 7-day supply of an opioid medication to a patient under treatment for acute pain. For purposes of this paragraph, "acute pain" has the same meaning as in Title 22, section 7246, subsection 1-A.

2. Exceptions. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication is exempt from the limits on opioid medication prescribing established in subsection 1 only:

A. When prescribing opioid medication to a patient for:

- (1) Pain associated with active and aftercare cancer treatment;
- (2) Palliative care, as defined in Title 22, section 1726, subsection 1, paragraph A, in conjunction with a serious illness, as defined in Title 22, section 1726, subsection 1, paragraph B;
- (3) End-of-life and hospice care;
- (4) Medication-assisted treatment for substance use disorder; or
- (5) Other circumstances determined in rule by the Department of Health and Human Services pursuant to Title 22, section 7254, subsection 2; and

B. When directly ordering or administering a benzodiazepine or opioid medication to a person in an emergency room setting, an inpatient hospital setting, a long-term care facility or a residential care facility.

As used in this paragraph, "administer" has the same meaning as in Title 22, section 7246, subsection 1-B.

3. Electronic prescribing. An individual licensed under this chapter whose scope of practice includes prescribing opioid medication and who has the capability to electronically prescribe shall prescribe all opioid medication electronically by July 1, 2017. An individual who does not have the capability to electronically prescribe must request a waiver from this requirement from the Commissioner of Health and Human Services stating the reasons for the lack of capability, the availability of broadband infrastructure and a plan for developing the ability to electronically prescribe opioid medication. The commissioner may grant a waiver for circumstances in which exceptions are appropriate, including prescribing outside of the individual's usual place of business and technological failures.

4. Continuing education. By December 31, 2017, an individual licensed under this chapter must successfully complete 3 hours of continuing education every 2 years on the prescription of opioid medication as a condition of prescribing opioid medication. The board shall 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.

5. Penalties. An individual who violates this section commits a civil violation for which a fine of \$250 per violation, not to exceed \$5,000 per calendar year, may be adjudged. The Department of Health and Human Services is responsible for the enforcement of this section.

Sec. 33. 32 MRSA §18325, sub-§1, ¶¶N and O, as enacted by PL 2015, c. 429, §21, are amended to read:

N. Any violation of a requirement imposed pursuant to section 18352; ~~and~~

O. A violation of this chapter or a rule adopted by the board; ~~and~~

Sec. 34. 32 MRSA §18325, sub-§1, ¶P is enacted to read:

P. Failure to comply with the requirements of Title 22, section 7253.

Sec. 35. Department of Health and Human Services to amend rules to require registration of pharmacists; automatic enrollment. The Department of Health and Human Services shall amend its rules governing the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603 no later than January 1, 2017 to require pharmacists to register as data requesters. The enrollment mechanism for pharmacists who are registering with the program or re-

newing registration must be automatic when applying for or renewing a professional license in the same manner as it is for prescribers who are health care professionals with authority to prescribe controlled substances.

Sec. 36. Department of Health and Human Services to amend rules to require registration of veterinarians; automatic enrollment. The Department of Health and Human Services shall amend its rules governing the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603 no later than January 1, 2017 to require veterinarians to register as data requesters. The enrollment mechanism for veterinarians who are registering with the program or renewing registration must be automatic when applying for or renewing a professional license in the same manner as it is for prescribers who are health care professionals with authority to prescribe controlled substances.

Sec. 37. Enhancements to the Controlled Substances Prescription Monitoring Program. The Department of Health and Human Services shall include in its request for proposals process under the Maine Revised Statutes, Title 22, section 7248, subsection 2 the following enhancements to the Controlled Substances Prescription Monitoring Program under Title 22, chapter 1603:

1. A mechanism or calculator for converting dosages to and from morphine milligram equivalents;
2. A mechanism to automatically transmit de-identified peer data on an annual basis to prescribers of opioid medication;
3. Allowance for a broader authorization for staff members of prescribers to access the program including a single annual authorization for staff members at a licensed hospital and a pharmacy;
4. Improvements in communication regarding the ability of a prescriber to authorize staff members to access the program on behalf of the prescriber;
5. Improvements in communication regarding the ability of a pharmacist to authorize staff members to access the program on behalf of the pharmacist;
6. Improvements in the speed of the program for prescribers and pharmacists required to submit information and check the program, and the ability for prescribers and pharmacists to tailor the functions of the program to fit into the workflow of the prescribers and pharmacists required to access the program; and
7. The establishment of a data modifier for information from a veterinarian prescribing opioid medication to an animal that differentiates the recipient of the opioid prescription from people.

Notwithstanding the Title 32, section 2210, subsection 5; section 2600-C, subsection 5; section 3300-F, subsection 5; section 3657, subsection 5; and section 18308, subsection 5, a penalty may not be imposed for a violation of the limits on opioid prescribing in Title 32, section 2210, subsection 1; section 2600-C, subsection 1; section 3300-F, subsection 1; section 3657, subsection 1; or section 18308, subsection 1 until the enhancement to the Controlled Substances Prescription Monitoring Program described in subsection 1 is implemented.

Sec. 38. Effect on out-of-pocket costs. The Bureau of Insurance within the Department of Professional and Financial Regulation shall evaluate the effect of the limits on prescriptions for opioid medication established by this Act on the claims paid by health insurance carriers and the out-of-pocket costs, including copayments, coinsurance and deductibles, paid by individual and group health insurance policyholders. On or before January 1, 2018, the bureau shall submit a report on the evaluation, along with any recommended policy and regulatory options that will ensure costs for patients are not increased as a result of new prescribing limitations on the amounts of opioid medications, to the joint standing committees of the Legislature having jurisdiction over health and human services matters and over insurance and financial services matters. 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 may report out legislation related to the evaluation to the Second Regular Session of the 128th Legislature.

Sec. 39. Department of Health and Human Services implementation report. The Department of Health and Human Services shall report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and over occupational and professional regulation matters, no later than January 31, 2018, with progress on implementing the provisions of this Act. The report must contain information on the following:

1. Registration of prescribers and dispensers in the Controlled Substances Prescription Monitoring Program under the Maine Revised Statutes, Title 22, chapter 1603;
2. Data regarding the checking and using of the Controlled Substances Prescription Monitoring Program by data requesters;
3. Data from professional boards regarding the implementation of continuing education requirements for prescribers of opioid medication;
4. Effects on the prescriber workforce;

5. Changes in the numbers of patients taking more than 100 morphine milligram equivalents of opioid medication per day;
6. Data regarding the total number of opioid medication pills prescribed;
7. Progress on electronic prescribing of opioid medication; and
8. Improvements to the Controlled Substances Prescription Monitoring Program through the request for proposals process including feedback from prescribers and dispensers on those improvements.

See title page for effective date.

CHAPTER 489

S.P. 660 - L.D. 1627

An Act To Implement Certain Recommendations of the Maine Proficiency Education Council

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

Sec. 1. 20-A MRSA §4511, sub-§3, ¶J is enacted to read:

J. The school demonstrates evidence of sufficient capacity through multiple pathways as set out in section 4703 for students to reach proficiency in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209.

Sec. 2. 20-A MRSA §4722-A, as amended by PL 2015, c. 267, Pt. C, §3; c. 342, §1; and c. 362, §1; and corrected by RR 2015, c. 1, §14, is further amended to read:

§4722-A. Proficiency-based diploma standards and transcripts

Beginning January 1, 2017, a diploma indicating graduation from a secondary school must be based on student demonstration of proficiency as described in this section. The commissioner may permit a school administrative unit to award diplomas under this section prior to January 1, 2017 if the commissioner finds that the unit's plan for awarding diplomas meets the criteria for proficiency-based graduation under this section.

1. Requirements for award of diploma. In order to receive award to a student a diploma indicating graduation from secondary school, a student school

subject to the system of learning results established under section 6209 must:

~~A. Demonstrate that the student engaged in educational experiences relating to English language arts, mathematics and science and technology in each year of the student's secondary schooling;~~

A-1. Certify that the student has met all requirements specified by the governing body of the school administrative unit attended by the student;

~~B. Demonstrate~~ Certify that the student has demonstrated proficiency in meeting state standards in all content areas of the system of learning results established under section 6209;

B-1. Phase in the following diploma requirements from the 2020-2021 school year to the 2024-2025 school year:

(1) For a student graduating in the graduating class of 2020-2021, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology and social studies;

(2) For a student graduating in the graduating class of 2021-2022, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least one additional content area of the student's choice;

(3) For a student graduating in the graduating class of 2022-2023, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 2 additional content areas of the student's choice;

(4) For a student graduating in the graduating class of 2023-2024, certify that the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, science and technology, social studies and at least 3 additional content areas of the student's choice; and

(5) For a student graduating in the graduating class of 2024-2025 and for each subsequent graduating class, certify that the student has demonstrated proficiency in meeting the state standards in all content areas.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209.

~~C. Demonstrate~~ Certify that the student has demonstrated proficiency in each of the guiding principles set forth in department rules governing im-

plementation of the system of learning results established pursuant to section 6209; and

~~D. Meet any other requirements specified by the governing body of the school administrative unit attended by the student.~~

E. Certify that the student has engaged in educational experiences relating to English language arts, mathematics and science and technology in each year of the student's secondary schooling.

2. Method of gaining and demonstrating proficiency. Students must be allowed to gain proficiency through multiple pathways, as described in section 4703, and must be allowed to demonstrate proficiency by presenting multiple types of evidence, including but not limited to teacher-designed or student-designed assessments, portfolios, performance, exhibitions, projects and community service.

3. Exceptions. Notwithstanding subsection 1, a student may be awarded a diploma indicating graduation from a secondary school in the following circumstances.

~~A. A student who is a child with a disability, as defined in section 7001, subsection 1-B, who achieves proficiency as required in may meet the requirements of subsection 1, as specified by the goals and objectives of the child's individualized education plan, may be awarded a high school diploma and become eligible for a diploma by demonstrating proficiency in state standards established in the system of learning results through performance tasks and accommodations that maintain the integrity of the standards as specified in the student's individualized education program by the student's individualized education program team pursuant to the requirements of chapter 301.~~

B. A student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education ~~may be~~ is eligible to receive a high school diploma from the secondary school the student last attended.

~~B-1. A student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 and who successfully demonstrates proficiency as required in subsection 1 may be eligible to receive a high school diploma from the secondary school the student last attended.~~

B-2. For the graduating class of 2020-2021 and each subsequent graduating class, a student who has satisfactorily completed a state-approved career and technical education program of study and either met 3rd-party-verified national or state industry standards set forth in department rules established pursuant to section 8306-B or earned 6

credits in a dual enrollment career and technical education program formed pursuant to chapter 229 from a regionally accredited institution of higher education and who has successfully demonstrated proficiency in meeting state standards in the content areas and the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209, is eligible to receive a high school diploma from the secondary school the student last attended. A student may be awarded a high school diploma from the secondary school the student last attended in accordance with the phase-in of the following diploma requirements for the graduating class of 2020-2021 to the graduating class of 2023-2024:

(1) For a student graduating in the graduating class of 2020-2021, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics and social studies;

(2) For a student graduating in the graduating class of 2021-2022, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least one additional content area of the student's choosing;

(3) For a student graduating in the graduating class of 2022-2023, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 2 additional content areas of the student's choosing; and

(4) For a student graduating in the graduating class of 2023-2024 and in each subsequent graduating class, the student has demonstrated proficiency in meeting the state standards in the content areas of English language arts, mathematics, social studies and at least 3 additional content areas of the student's choosing.

For the purposes of this paragraph, "content areas" refers to the content areas of the system of learning results established under section 6209.

D. A school administrative unit may award a high school diploma to a student who has met the standards set forth in a waiver request that was approved by the commissioner pursuant to section 4502, subsection 8.

E. A person may be awarded a high school diploma, including a posthumous award, if the person or a family member of the person applies to a secondary school and:

- (1) The person:
 - (a) Attended a secondary school in the geographic area now served by the secondary school from which a diploma is requested; or
 - (b) Resides at the time of application for a diploma in the geographic area served by the secondary school from which a diploma is requested;
- (2) The person did not graduate or receive a diploma from a secondary school because the person left secondary school to serve in the Armed Forces and served during the following periods:
 - (a) World War II, from December 7, 1941 to August 16, 1945;
 - (b) The Korean Conflict;
 - (c) The Vietnam War era, from February 28, 1961 to May 7, 1975; or
 - (d) The period of wartime or peacetime after a period of wartime described in division (a), (b) or (c); and
- (3) The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For the purposes of this paragraph, "Armed Forces" means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard and the Merchant Marines merchant marine.

4. Grants; contingent extension of full implementation. During the period of transition to proficiency-based graduation in accordance with this section, the department, if funds are available, shall make annual transition grants to each school administrative unit equal to 1/10 of 1% of the school administrative unit's total cost of education calculated under section 15688, subsection 1 to be used in the manner determined by the school administrative unit to fund the costs of the transition not otherwise subsidized by the State through the 2014-2015 school year. The date for implementation of the awarding of diplomas based on student demonstration of proficiency as described in this section is extended one year for each year for which transition grants are not made available to a school administrative unit or for which levels of general purpose aid for local schools fall below school year 2012-2013 levels. Beginning in the 2015-2016 school year to the 2020-2021 school year, the department, if funds are available, shall make annual transition grants to each school administrative unit that operates schools equal to 1/9 of 1% of the school administrative unit's total cost of education calculated under section 15688, subsection 1 to be used in the manner determined by the school administrative unit to fund

the costs of the transition not otherwise subsidized by the State, including the transition to proficiency-based graduation in accordance with this section and the proficiency-based reporting and credentials requirements in accordance with section 6209, subsection 3-A.

5. Transcripts and certification of content area proficiency. A In addition to maintaining a high school transcript for each student, a school administrative unit shall certify each student's content area proficiency and may award a certificate of content area proficiency to a student for each content area in the system of learning results established under section 6209 in which the student has demonstrated proficiency. A certificate Certification of content area proficiency may must be included in with the student's permanent academic transcript, and a student may use a certificate certification of content area proficiency as an official credential of academic achievement for the purposes of employment and postsecondary education. If When a school administrative unit awards certifies content area proficiency, it shall report its issuance of certificates these certifications of content area proficiency to the department, and the department may shall collect and aggregate these data as evidence of intermediate progress towards high school graduation goals.

6. Implementation of proficiency-based diplomas and transcripts. Beginning in the 2015-2016 2016-2017 school year, the department shall annually collect and report data on the progress of public schools and public charter schools towards the implementation of proficiency-based diplomas and transcripts in relation to the ongoing transition plan required pursuant to section 4502, subsection 1, including the number of students graduating with proficiency-based diplomas and, the number of students awarded proficiency concluding their high school careers proficient in each of the content areas of the system of learning results established under section 6209 and in each of the guiding principles set forth in department rules governing implementation of the system of learning results established pursuant to section 6209 and the number of students certified as ready for college and careers. By January 15, 2017, and annually thereafter, the department shall provide an annual report of the data collected for the prior school year to the joint standing committee of the Legislature having jurisdiction over education matters, and the department shall post the annual report on its publicly accessible website.

7. Rulemaking. The commissioner shall develop rules to accomplish the purposes of this section. Rules adopted by the commissioner under this section must:

- A. Allow local flexibility and innovation in developing consistent graduation standards, enable school administrative units to continue current

progress aligned with the phase-in of the standards and proficiency requirements in subsection 1, paragraph B-1 and subsection 3, paragraph B-2 and describe standard criteria for ensuring equal educational opportunities for students;

B. Allow the commissioner to identify the manner in which the opportunities for learning in multiple pathways of career and technical education programs may be used to satisfy certain components of the system of learning results established under section 6209; and

C. Address the appropriate placement of students in career and technical education programs while ensuring that all students be exposed to all the content areas of the system of learning results established under section 6209 through the 10th year of their studies.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 20-A MRSA §6209, first ¶, as amended by PL 2015, c. 40, §5, is further amended to read:

The department in consultation with the state board shall establish and implement a comprehensive, statewide system of learning results, which may include a core of standards in English language arts and mathematics for kindergarten to grade 12 established in common with the other states, as set forth in this section and in department rules implementing this section and other curricular requirements. The department must establish accountability standards at all grade levels in the areas of mathematics; reading; and science and technology. The department shall establish parameters for essential instruction ~~and graduation requirements~~ in English language arts; mathematics; science and technology; social studies; career and education development; visual and performing arts; health, physical education and wellness; and world languages. Only ~~students in~~ a public school, a public charter school as defined in section 2401, subsection 9 or a private school approved for tuition purposes that enrolls at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment, ~~are~~ is required to participate in the system of learning results set forth in this section and in department rules implementing this section and other curricular requirements. The commissioner shall develop accommodation provisions for instances where course content conflicts with sincerely held religious beliefs and practices of a student's parent or guardian. The system must be adapted to accommodate children with disabilities as defined in section 7001, subsection 1-B.

Sec. 4. 20-A MRSA §6209, sub-§2, as amended by PL 2007, c. 259, §5, is further amended to read:

2. Parameters for essential instruction and graduation requirements. ~~Each student shall study and school subject to the provisions of this section shall ensure sufficient opportunity and capacity through multiple pathways for all students to study and achieve proficiency in the areas of:~~

- A. Career and education development;
- B. English language arts;
- C. World languages;
- D. Health, physical education and wellness;
- E. Mathematics;
- F. Science and technology;
- G. Social studies; and
- H. Visual and performing arts.

Sec. 5. 20-A MRSA §6209, sub-§3-A is enacted to read:

3-A. Transcripts. A school subject to this section shall:

A. Maintain student transcripts containing certification of proficiency for each content area and guiding principle in the system of learning results pursuant to this section in which the student has demonstrated proficiency;

B. Certify on the basis of objective measures in the transcript a student's postsecondary readiness; and

C. Establish a transcript that meets the requirements of paragraphs A and B as an officially sanctioned credential of student learning for admission to a postsecondary education institution and employment in a business, trade or industry.

Sec. 6. 20-A MRSA §6209, sub-§4, as amended by PL 2013, c. 244, §2, is further amended to read:

4. Review cycle. The commissioner shall conduct a review of the content standards and performance indicators by content area on a 5-year cycle beginning in the 2015-2016 school year. The review of the content standards and performance indicators for the content area of social studies, including student achievement of proficiency in personal finance, must be included in the commissioner's review during the 2015-2016 school year. Any changes that are recommended must be approved through the same process used for establishment of the system of learning results. Beginning in the 2016-2017 school year, the commissioner shall review and make recommendations for objective measures that may be used to sub-

stantiate school certifications of postsecondary readiness.

Sec. 7. 20-A MRSA §6211, as enacted by PL 2001, c. 454, §33, is amended to read:

§6211. Rulemaking

The commissioner shall develop rules to accomplish the purposes of this chapter. Rules adopted by the commissioner under this chapter must include guidelines and protocols to strengthen the capacity of school administrative units to ensure sufficient opportunity through multiple pathways for all students to achieve proficiency in meeting the state standards and guiding principles under the system of learning results established pursuant to section 6209. Rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 8. 20-A MRSA §15686-A, sub-§4 is enacted to read:

4. Components to be reviewed beginning in fiscal year 2017-18. Beginning in fiscal year 2017-18, and at least every 3 years thereafter, the commissioner, using information provided by a statewide education policy research institute, shall review the essential programs and services components under this chapter related to implementation of proficiency-based reporting and graduation requirements and shall submit to the joint standing committee of the Legislature having jurisdiction over education matters any recommended legislative changes.

Sec. 9. 20-A MRSA §15688-A, sub-§3, as enacted by PL 2013, c. 368, Pt. C, §12, is amended to read:

3. Transition to proficiency-based diplomas. The commissioner may expend and disburse funds to support the transition to proficiency-based diplomas pursuant to section 4722-A, subsection 4, including the proficiency-based reporting and credentials requirements of section 6209, subsection 3-A.

Sec. 10. 20-A MRSA §15689-C, sub-§1, as amended by PL 2015, c. 389, Pt. C, §8, is further amended to read:

1. Annual recommendations. Prior to January 20th of each fiscal year, the commissioner, with 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 levels that the commissioner recommends for the purposes of this chapter on the basis of section 15671. Beginning with the recommendations due in 2009, the commissioner's annual recommendations must be in the form and manner described in subsection 4.

Sec. 11. 20-A MRSA §15689-D, sub-§1, as amended by PL 2015, c. 54, §9, is further amended to read:

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15671, 15671-A, 15683, 15683-A, 15683-B, 15688-A, 15689 and 15689-A and the amount for any other components of the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2 and these recommendations must be posted on the department's publicly accessible website. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

Sec. 12. Department of Education; rules. The Department of Education shall provide guidance and, as necessary, amend rules in accordance with the rulemaking provisions established under the Maine Revised Statutes, Title 20-A, section 7005, subsection 1 in order to establish strategies by which special education students with individual education plans may demonstrate proficiency in meeting the state standards in and guiding principles established pursuant to the system of learning results established under Title 20-A, section 6209.

Sec. 13. Commissioner of Education; rulemaking. By January 2, 2017, the Commissioner of Education shall provisionally adopt or amend rules in accordance with the rulemaking provisions established under the Maine Revised Statutes, Title 20-A, section 253, subsection 9 and Title 20-A, section 6211 in order to ensure compliance with the amendments to the standards-based education system and the proficiency-based graduation provisions under Title 20-A, section 4511, subsection 3, paragraph J; section 4722-A; section 6209; and section 7005, subsection 1 pursuant to this Act.

See title page for effective date.

CHAPTER 490

H.P. 1051 - L.D. 1542

An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace

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

Sec. 1. 24-A MRSA §2804-B is enacted to read:

§2804-B. Group disability income protection plan

An employer may offer its employees an employer-sponsored group disability income protection plan in accordance with the requirements of section 2804. As used in this section, "disability income protection plan" means a group short-term disability policy or a group long-term disability policy instituted by an employer that provides income benefits to an employee who is unable to work for an extended period of time because of sickness or an accident. For the purpose of Title 26, section 629, subsection 1, the premium paid by an employee for an employer-sponsored group disability income protection plan issued pursuant to this section is considered a premium that the employee has agreed to pay if the group disability income protection plan provides for appropriate disclosure regarding the plan chosen by the employer, a method of enrollment that allows employees to opt out of coverage and an appropriate time period for employees to voluntarily terminate coverage. An employee must be provided information regarding the employer-sponsored group disability income protection plan at least 30 days prior and a 2nd time at least 10 days prior to the initial payroll deduction of that employee's premiums. The information provided must include a statement of the employee's right to opt out of coverage, the process by which the employee may exercise the right to opt out of coverage and any deadline to opt out of coverage.

Sec. 2. 36 MRSA §191, sub-§2, ¶YY, as amended by PL 2015, c. 300, Pt. A, §6 and c. 344, §6, is further amended to read:

YY. The inspection and disclosure of information by the board to the extent necessary to conduct appeals procedures pursuant to this Title and issue a decision on an appeal to the parties. The board may make available to the public redacted decisions that do not disclose the identity of a taxpayer or any information made confidential by state or federal statute; ~~and~~

Sec. 3. 36 MRSA §191, sub-§2, ¶ZZ, as enacted by PL 2015, c. 300, Pt. A, §7 and c. 344, §7, is repealed and the following enacted in its place:

ZZ. The disclosure by the State Tax Assessor to a qualified Pine Tree Development Zone business that has filed a claim for reimbursement under section 2016 of information related to any insufficiency of the claim, including records of a contractor or subcontractor that assigned the claim for reimbursement to the qualified Pine Tree Development Zone business and records of the vendors of the contractor or subcontractor;

Sec. 4. 36 MRSA §191, sub-§2, ¶¶AAA and BBB are enacted to read:

AAA. The disclosure of information by the State Tax Assessor or the Associate Commissioner for

Tax Policy to the Office of Program Evaluation and Government Accountability under Title 3, section 991 for the review and evaluation of tax expenditures pursuant to Title 3, chapter 37; and

BBB. The disclosure to an authorized representative of the Department of Professional and Financial Regulation, Bureau of Insurance of information necessary to determine whether a long-term disability income protection plan or short-term disability income protection plan as described in section 5219-NN, subsection 1 qualifies for the disability income protection plans in the workplace credit provided by section 5219-NN.

Sec. 5. 36 MRSA §5122, sub-§1, ¶II, as corrected by RR 2015, c. 1, §41, is amended to read:

II. For taxable years beginning in 2014:

(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-MM 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-MM; ~~and~~

Sec. 6. 36 MRSA §5122, sub-§1, ¶JJ, as enacted by PL 2015, c. 267, Pt. DD, §8, is amended to read:

JJ. For tax years beginning on or after January 1, 2016, an amount equal to the taxpayer base multiplied by the following fraction:

(1) For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$70,000, except that the numerator may not be less than zero, and the denominator is \$75,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$70,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection 3;

(2) For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$105,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$105,000 amount used to calculate the numerator in this subparagraph must be ad-

justed for inflation in accordance with section 5403, subsection 3; or

(3) For individuals filing married joint returns or surviving spouses, the numerator is the taxpayer's Maine adjusted gross income less \$140,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$140,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection 3.

For purposes of this paragraph, "taxpayer base" means either the taxpayer's applicable standard deduction amount for the taxable year determined under section 5124-B or, if itemized deductions are claimed, the taxpayer's itemized deductions claimed for the taxable year determined under section 5125-; and

Sec. 7. 36 MRSA §5122, sub-§1, ¶KK is enacted to read:

KK. The amount claimed as a deduction in determining federal adjusted gross income related to a taxpayer's expenses for a qualified long-term disability income protection plan or qualified short-term disability income protection plan during the taxable year for which a credit is claimed under section 5219-NN for that taxable year.

Sec. 8. 36 MRSA §5219-NN is enacted to read:

§5219-NN. Credit for disability income protection plans in the workplace

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

A. "Disability income protection plan" or "plan" has the same meaning as in Title 24-A, section 2804-B.

B. "Elimination period" means the time period during which an employee is unable to work due to a covered sickness or injury but is not yet eligible for disability benefits under the plan.

C. "Employee" means an individual who performs services for an employing unit and is eligible to enroll in a qualified short-term disability income protection plan or a qualified long-term disability income protection plan under the terms and conditions of the disability income protection plan.

D. "Employing unit" has the same meaning as in Title 26, section 1043, subsection 10.

E. "Qualified long-term disability income protection plan" means an employer-sponsored disability income protection plan that replaces at least 50% of pre-disability earnings prior to any applicable offsets, offers benefits for at least 24 months, has an elimination period of no greater than 185 days and is either:

(1) A plan established after January 1, 2017 that allows for employees to opt out of enrollment; or

(2) An existing plan that is reopened for enrollment and allows for employees to opt out of enrollment.

F. "Qualified short-term disability income protection plan" means an employer-sponsored disability income protection plan that replaces income of at least \$200 per week, offers benefits for at least 6 months, has an elimination period of no more than 30 days and is either:

(1) A plan established after January 1, 2017 that allows for employees to opt out of enrollment; or

(2) An existing plan that is reopened for enrollment and allows for employees to opt out of enrollment.

2. Credit allowed. A taxpayer constituting an employing unit is allowed a credit against the tax imposed by this Part for each taxable year beginning on or after January 1, 2017 for either a qualified short-term disability income protection plan or a qualified long-term disability income protection plan.

3. Limit. The total annual credit for a taxpayer under this section is limited to an amount equal to \$30 for each employee enrolled after January 1, 2017 in either a qualified short-term disability income protection plan or a qualified long-term disability income protection plan, as long as the employee enrolled in a qualified short-term disability income protection plan or a qualified long-term disability income protection plan was not covered under a disability income protection plan offered by the employing unit in the tax year immediately preceding the year in which the credit is first available. The credit must be claimed by a taxpayer in the first tax year during which the taxpayer is eligible to claim the credit and may be taken for no more than 3 consecutive tax years.

4. Carry over; carry back. The amount of the credit that may be used by a taxpayer may not exceed the amount of the tax otherwise due. Any unused credit may not be carried over or carried back by a taxpayer.

See title page for effective date.

**CHAPTER 491
H.P. 1103 - L.D. 1624**

**An Act To Eliminate Inactive
Boards and Commissions**

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

Sec. 1. 3 MRSA §168-B, as enacted by PL 2009, c. 623, §2, is repealed.

Sec. 2. 5 MRSA §1825-T, as enacted by PL 2007, c. 193, §4, is repealed.

Sec. 3. 5 MRSA §12004-I, sub-§3-C, as enacted by PL 2005, c. 186, §1, is repealed.

Sec. 4. 5 MRSA §12004-I, sub-§29-D, as amended by PL 2013, c. 588, Pt. A, §5, is repealed.

Sec. 5. 5 MRSA §12004-I, sub-§54-C, as amended by PL 2009, c. 623, §3, is repealed.

Sec. 6. 12 MRSA §1893-C, as enacted by PL 2005, c. 186, §2, is repealed.

Sec. 7. Appropriations and allocations.
The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Deappropriates funds for the Legislative Youth Advisory Council.

GENERAL FUND	2015-16	2016-17
Personal Services	\$0	(\$1,320)
All Other	\$0	(\$2,860)
GENERAL FUND TOTAL	\$0	(\$4,180)

See title page for effective date.

**CHAPTER 492
S.P. 693 - L.D. 1685**

**An Act To Clarify That
Buprenorphine Is a Scheduled
Drug**

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

Sec. 1. 17-A MRSA §1102, sub-§1, ¶I, as amended by PL 2015, c. 330, §1, is further amended to read:

I. Unless listed or described in another schedule, any compound, mixture or preparation containing

narcotic drugs, including, but not limited to, the following narcotic drugs or their salts, isomers or salts of isomers: heroin (diacetylmorphine), methadone, methadone hydrochloride, levo-alpha-acetyl-methadol, or LAAM, pethidine, morphine, oxycodone, hydrocodone, hydromorphone, buprenorphine, fentanyl, acetylfentanyl and any methylfentanyl derivatives and opium;

See title page for effective date.

**CHAPTER 493
H.P. 705 - L.D. 1022**

**An Act To Protect the Future
of Harness Racing**

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 to provide funding as soon as possible to ensure the continuation of racing if a commercial track closes; 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 §267-A, sub-§2, ¶¶B and C, as enacted by PL 2007, c. 539, Pt. G, §6 and affected by §15, are amended to read:

B. All fees collected by the commission pursuant to ~~section~~ sections 271, 275-D and 279-A; ~~and~~

C. Any funds allocated or appropriated to the operating account; ~~and~~

Sec. 2. 8 MRSA §267-A, sub-§2, ¶D is enacted to read:

D. Any funds deposited in the operating account pursuant to section 299, subsection 3.

Sec. 3. 8 MRSA §299, sub-§§3 and 4 are enacted to read:

3. Track closure distribution. Notwithstanding subsection 2, if a commercial track ceases operation and is not immediately replaced by a commercial track in the same region that is owned by the same owner as the commercial track that ceased operation, all amounts credited to the fund established by this section must be disbursed to the remaining commercial

tracks and to agricultural fair licensees that conduct live racing based on days raced during extended meets up to a maximum of 100 days raced during extended meets per year and until such time as a new commercial track begins operation. The payment to a commercial track or agricultural fair is determined by dividing the amount in the fund by 150 and multiplying the result by the number of days raced by that commercial track or agricultural fair. An agricultural fair must receive its payment on May 30th before extended meets are held based on assigned dates for extended meets for that agricultural fair. An adjustment must be made no later than the January 30th following the extended meets that results in payment to an agricultural fair based on days actually raced during extended meets by that agricultural fair. Any amount remaining in the fund on January 30th after payments are made to commercial tracks and agricultural fairs must be transferred to the operating account of the commission under section 267-A.

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.

4. Natural disaster exception. If the commission determines that a commercial track is unable to conduct harness racing due to a natural disaster and that the commercial track licensee cannot immediately relocate to another venue, the commercial track licensee may be allowed up to 6 months to repair, rebuild or relocate at the discretion of the commission and, if the commercial track licensee repairs, rebuilds or relocates within the time frame allowed, the commission may authorize the commercial track licensee to again receive distributions in accordance with subsection 2. If the commercial track licensee is unable to repair, rebuild or relocate during this 6-month time frame due to circumstances that are determined by the commission to be outside of the control of the commercial track licensee, the commission may grant a reasonable extension beyond 6 months. During any time that is granted by the commission under this subsection to the commercial track licensee in order to repair, rebuild or relocate, the distribution formula established under subsection 3 must be in effect.

Sec. 4. 8 MRSA §1036, sub-§2, ¶H, as amended by PL 2011, c. 358, §4, is further amended to read:

H. Four percent of the net slot machine income must be forwarded by the board to the Treasurer of State, who shall credit the money to the Fund to Encourage Racing at Maine's Commercial Tracks,

~~established in section 299; however, the payment required by this paragraph is terminated when all commercial tracks have obtained a license to operate slot machines in accordance with this chapter, in which case, that 4% of the net slot machine income must be credited to the General Fund as undedicated revenue;~~

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

Effective April 24, 2016.

CHAPTER 494

H.P. 1118 - L.D. 1643

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. 1 MRSA §408-A, sub-§4, as amended by PL 2015, c. 248, §1 and c. 249, §1, is repealed and the following enacted in its place:

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part

following a review. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in subsection 4-A are followed. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

Sec. A-2. 3 MRSA §959, sub-§1, ¶K, as amended by PL 2013, c. 505, §1, is further amended to read:

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 2021;
- (2) Department of Marine Resources in 2021; and
- (4) Lobster Advisory Council in 2015; ~~and,~~
- (5) ~~Maine Sardine Council in 2015.~~

Sec. A-3. 5 MRSA §12004-I, sub-§5-B, as amended by PL 1997, c. 742, §1, is repealed.

Sec. A-4. 7 MRSA §3939-A, sub-§2, as amended by PL 2015, c. 209, §1 and c. 223, §9, is repealed and the following enacted in its place:

2. Detrimental to health. If a licensed veterinarian or licensed veterinary technician as defined in Title 32, section 4853 determines that a dog or cat is too sick or injured or that it would otherwise be detrimental to the health of the dog or cat to be spayed or neutered within 30 days of placement, the animal shelter shall collect a deposit of not less than \$50 and not more than \$150 at the time of sale or placement. The animal shelter shall determine the amount of the deposit based on the cost of spaying or neutering within the geographic area served by the animal shelter. A person accepting ownership of the dog or cat under this subsection shall sign an agreement to have the animal sterilized as soon as it is medically advisable.

Upon receipt of proof of sterilization, the animal shelter shall immediately and fully refund the deposit.

Sec. A-5. 12 MRSA §6723, sub-§1, as enacted by PL 2007, c. 607, Pt. A, §7, is amended to read:

1. Drag limit. ~~Except as provided by rule pursuant to section 6727-A, subsection 2, a~~ A person may not fish for or take scallops with any one combination of scallop drags in excess of 8 feet, 6 inches in width, measured from the extreme outside edge of the mouth of the drag or drags, in Blue Hill Bay above or north of a line drawn from Bass Harbor Head in the Town of Tremont westerly to Pond Island and thence to Naskeag Point in the Town of Brooklin.

Sec. A-6. 12 MRSA §11108, sub-§1, as amended by PL 2015, c. 281, Pt. E, §3 and c. 301, §11, is repealed and the following enacted in its place:

1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, and subject to all other applicable laws and rules, a resident and a member of the resident's immediate family, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow permit and a muzzle-loading permit, on a single plot of land:

A. To which they are legally entitled to possession;

B. On which they are actually domiciled;

C. That is used exclusively for agricultural purposes; and

D. That is in excess of 10 acres.

Sec. A-7. 12 MRSA §11109, sub-§9, as amended by PL 2015, c. 245, §4 and c. 281, Pt. E, §6, is repealed and the following enacted in its place:

9. Crossbow permits and fees. Crossbow permits and fees are as follows:

A. A resident crossbow permit is \$26;

B. A nonresident crossbow permit is \$56; and

C. An alien crossbow permit is \$80.

Sec. A-8. 12 MRSA §12152, sub-§3, as amended by PL 2015, c. 301, §27 and repealed and replaced by c. 374, §6, is repealed and the following enacted in its place:

3. Issuance. The commissioner may issue a permit to a person permitting the introduction, importation, possession and use of wildlife in accordance with the provisions of subsection 5.

Sec. A-9. 12 MRSA §12506, sub-§8, as enacted by PL 2015, c. 298, §8, is amended to read:

8. Reports required. A person issued a permit under this section shall submit a completed report on forms provided by the department with the following information: water name and location, including the town and county of waters fished; date fished; total catch; gear type and quantity; number of crew; amount of time the gear is set; total gear in the water; water depth; total time the boat is on the water; species and pounds harvested; license number of the dealer the catch was sold to or the disposition of the catch; town where the catch was brought to shore; boat registration number; vessel name; and the harvester's name, telephone number and permit number. A holder of an eel permit must submit the report by the date specified on the permit. A holder of a sucker, lamprey or yellow perch permit must submit the report by December 31st

of each year. All data submitted as part of the report are for scientific purposes only and are confidential and not part of a public record within the meaning of Title 1, chapter 13, subchapter 1, except that the commissioner may disclose data collected under this subsection if ~~that data are~~ released in a form that is statistical or general in nature.

If a person issued a permit under this section fails to provide information required under this section, the commissioner may refuse to renew or may revoke that person's permit. If a person becomes ineligible for a permit as a result of a violation of this section, that person may request a hearing in accordance with section 10905.

Sec. A-10. 14 MRSA §6001, sub-§6, ¶F, as enacted by PL 2015, c. 293, §5, is amended to read:

F. Nothing in this section prohibits a landlord from instituting a forcible entry and detainer action against the tenant of the premises who ~~perpetuated~~ perpetrated the domestic violence, sexual assault or stalking or obtaining a criminal no trespass order against a nontenant who ~~perpetuates~~ perpetrates such violence or abuse at the premises.

Sec. A-11. 19-A MRSA §1653, sub-§2, ¶D, as amended by PL 2009, c. 345, §1, is further amended to read:

D. The order of the court awarding parental rights and responsibilities must include the following:

- (1) Allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child as provided in subsection 3. An award of shared parental rights and responsibilities may include either an allocation of the child's primary residential care to one parent and rights of parent-child contact to the other parent, or a sharing of the child's primary residential care by both parents. If either or both parents request an award of shared primary residential care and the court does not award shared primary residential care of the child, the court shall state in its decision the reasons why shared primary residential care is not in the best interest of the child;
- (2) Conditions of parent-child contact in cases involving domestic abuse as provided in subsection 6;
- (3) A provision for child support as provided in subsection 8 or a statement of the reasons for not ordering child support;
- (4) A statement that each parent must have access to records and information pertaining to a minor child, including, but not limited to, medical, dental and school records and other

information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access;

(5) A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 7; and

(6) A statement of the definition of shared parental rights and responsibilities contained in section 1501, subsection 5, if the order of the court awards shared parental rights and responsibilities; ~~and~~.

~~(7) If the court appoints a parenting coordinator pursuant to section 1659, a parenting plan defining areas of parental rights and responsibilities within the scope of the parenting coordinator's authority.~~

An order modifying a previous order is not required to include provisions of the previous order that are not modified.

Sec. A-12. 20-A MRSA §7408, sub-§2, as amended by PL 2011, c. 683, §10, is further amended to read:

2. Enrollment. The executive director shall work with ~~superintendents from other~~ school administrative units, pursuant to section 7405, ~~subsection 1~~ 7405-A, to enroll students.

Sec. A-13. 20-A MRSA §15688, sub-§3-A, ¶B, as amended by PL 2007, c. 240, Pt. XXXX, §30, is further amended to read:

B. ~~Except as provided in paragraph B-1, for~~ For a school administrative district, community school district or regional school unit composed of more than one municipality, each municipality's contribution to the total cost of education is the lesser of:

- (1) The municipality's total cost as described in subsection 2; and
- (2) The total of the full-value education mill rate calculated in section 15671-A, subsection 2 multiplied by the property fiscal capacity of the municipality.

Sec. A-14. 22 MRSA §42, sub-§3-A, as amended by PL 1999, c. 86, §1 and c. 547, Pt. B, §78 and affected by c. 547, Pt. B, §80, is further amended to read:

3-A. Licensing of persons to evaluate soils for subsurface wastewater disposal systems. The de-

partment shall adopt rules providing for professional qualification and competence, ethical standards, licensing and relicensing and revocation of licenses of persons to evaluate soils for the purpose of designing subsurface wastewater disposal systems. The hearings provided for in subsection 3 must include consideration of the adoption or change of those rules.

The department shall investigate or cause to be investigated all cases or complaints of noncompliance with or violations of this section and the rules adopted pursuant to this section. The department has the authority to grant or amend, modify or refuse to issue or renew a license in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter ~~5~~ 5. The District Court has the exclusive jurisdiction to suspend or revoke the license of any person who is found guilty of noncompliance with or violation of the rules adopted pursuant to this subsection or subsection 3.

The department may charge applicants no more than \$100 for examination to become a licensed site evaluator. The department shall by rule charge a biennial site evaluator license fee of not more than \$150. A licensed site evaluator who is employed by the department to administer this section and does not practice for the public is exempt from the ~~license~~ license fee requirement. Appropriate rules must be adopted by the department defining the appropriate financial procedure. The fees are paid to the Treasurer of State to be maintained as a permanent fund and used by the department for carrying out its plumbing and subsurface wastewater disposal rules and site evaluation program.

Sec. A-15. 22 MRSA §1717, sub-§2, as amended by PL 2015, c. 196, §4 and c. 299, §4, is repealed and the following enacted in its place:

2. Registration of personal care agencies and placement agencies. Beginning August 1, 1998, a personal care agency not otherwise licensed by the department shall register with the department. Beginning January 1, 2008, a placement agency not otherwise licensed by the department shall register with the department. The department shall adopt rules establishing the annual registration fee, which must be between \$25 and \$250. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-16. 22 MRSA §1812-G, sub-§6, as amended by PL 2015, c. 196, §9 and repealed and replaced by c. 299, §9, is repealed and the following enacted in its place:

6. Prohibited employment based on disqualifying offenses. An individual with a disqualifying offense, including a substantiated complaint or a disqualifying criminal conviction, may not work as a certified nursing assistant or a direct care worker, and an

employer is subject to penalties for employing a disqualified or otherwise ineligible person in accordance with applicable federal or state laws.

Sec. A-17. 22 MRSA §1812-G, sub-§6-A, ¶B, as enacted by PL 2015, c. 196, §9 and c. 299, §10, is repealed and the following enacted in its place:

B. Pursuant to sections 1717, 1724, 2137, 2149-A, 7706, 8606 and 9005 and Title 34-B, section 1225, licensed, certified or registered providers shall secure and pay for a background check prior to hiring an individual who will work in direct contact with clients, patients or residents, including a certified nursing assistant or a direct care worker.

Sec. A-18. 22 MRSA §1812-G, sub-§6-A, ¶D, as enacted by PL 2015, c. 196, §9 and c. 299, §10, is repealed and the following enacted in its place:

D. A person or other legal entity that is not otherwise licensed by the department and that employs or places a certified nursing assistant or direct care worker to provide services allowing direct access shall secure and pay for a background check in accordance with state law and rules adopted by the department.

Sec. A-19. 22 MRSA §2138, first ¶, as enacted by PL 2015, c. 196, §11 and c. 299, §19, is repealed and the following enacted in its place:

A temporary nurse agency shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including a certified nursing assistant or a direct care worker.

Sec. A-20. 22 MRSA §2149-A, sub-§2, as amended by PL 2015, c. 196, §12 and repealed and replaced by c. 299, §20, is repealed and the following enacted in its place:

2. Prohibited employment based on disqualifying offenses. A home health care provider shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including a certified nursing assistant or a direct care worker.

The department may adopt rules necessary 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-21. 22 MRSA §4008, sub-§2, ¶K, as amended by PL 2015, c. 194, §2 and c. 198, §2, is further amended to read:

K. The local animal control officer or the animal welfare program of the Department of Agriculture, Conservation and Forestry established pursuant to Title 7, section 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B; ~~and~~

Sec. A-22. 22 MRSA §4008, sub-§2, ¶L, as enacted by PL 2015, c. 194, §3 and c. 198, §3, is repealed and the following enacted in its place:

L. A person, organization, employer or agency for the purpose of carrying out background or employment-related screening of an individual who is or may be engaged in:

(1) Child-related activities or employment; or

(2) Activities or employment relating to adults with intellectual disabilities, autism, related conditions as set out in 42 Code of Federal Regulations, Section 435.1010 or acquired brain injury; and

Sec. A-23. 22 MRSA §4008, sub-§2, ¶M is enacted to read:

M. The personal representative of the estate of a child named in a record who is reported to be abused or neglected.

Sec. A-24. 22 MRSA §4310, first ¶, as amended by PL 2013, c. 368, Pt. OO, §9, is further amended to read:

Whenever an eligible person becomes an applicant for general assistance and states to the administrator that the applicant is in an emergency situation and requires immediate assistance to meet basic necessities, the overseer shall, pending verification, issue to the applicant either personally or by mail, as soon as possible but in no event later than 24 hours after application, sufficient benefits to provide the basic necessities needed immediately by the applicant, as long as the following conditions are met.

Sec. A-25. 22 MRSA §7851, sub-§4, as amended by PL 2015, c. 196, §14 and c. 299, §22, is repealed and the following enacted in its place:

4. Prohibited employment based on disqualifying offenses. A licensed assisted housing program shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws

when hiring, employing or placing direct access personnel, including a certified nursing assistant or a direct care worker.

The department may adopt rules necessary 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. 22 MRSA §8704, sub-§7, as amended by PL 2013, c. 560, §3, 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.

Sec. A-27. 23 MRSA §2103, as enacted by PL 1971, c. 288, is amended to read:

§2103. Lost or unrecorded boundaries

When a highway survey has not been properly recorded, or preserved or the termination and boundaries cannot be ascertained, the board of selectmen or municipal officers of any municipality may use and control for highway purposes 1 1/2 rods on each side of the center of the traveled portion of such way.

When any real estate is damaged by the use and control for highway purposes of such land outside the existing improved portion and within the limits of 1 1/2 rods on each side of the center of the traveled portion, they shall award damages to the owner as provided in section ~~3005~~ 3029.

Sec. A-28. 24-A MRSA §2762, sub-§2, ¶¶A and B, as enacted by PL 2007, c. 452, §2, are amended to read:

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter ~~77~~ 137.

B. The hearing aid must be purchased from an audiologist licensed pursuant to Title 32, chapter 77 or a hearing aid dealer licensed pursuant to Title 32, chapter 23-A 137.

Sec. A-29. 24-A MRSA §2847-O, sub-§2, ¶¶A and B, as reallocated by PL 2007, c. 695, Pt. A, §29, are amended to read:

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 77 137.

B. The hearing aid must be purchased from an audiologist licensed pursuant to Title 32, chapter 77 or a hearing aid dealer licensed pursuant to Title 32, chapter 23-A 137.

Sec. A-30. 24-A MRSA §4255, sub-§2, ¶¶A and B, as reallocated by PL 2007, c. 695, Pt. A, §30, are amended to read:

A. The hearing loss must be documented by a physician or audiologist licensed pursuant to Title 32, chapter 77 137.

B. The hearing aid must be purchased from an audiologist licensed pursuant to Title 32, chapter 77 or a hearing aid dealer licensed pursuant to Title 32, chapter 23-A 137.

Sec. A-31. 28-A MRSA §453, sub-§2-A, as amended by PL 2015, c. 128, §1 and c. 221, §1, is repealed and the following enacted in its place:

2-A. Limitation on number of agency liquor stores. Beginning July 1, 2009, the bureau may license up to 10 agency liquor stores in a municipality with a population over 45,000; up to 9 agency liquor stores in a municipality with a population over 30,000 but less than 45,001; up to 8 agency liquor stores in a municipality with a population over 20,000 but less than 30,001; up to 5 agency liquor stores in a municipality with a population of at least 10,001 but less than 20,001; up to 4 agency liquor stores in a municipality with a population of at least 5,001 but less than 10,001; up to 3 agency liquor stores in a municipality with a population of at least 2,000 but less than 5,001; and one agency liquor store in a municipality where the population is less than 2,000. The bureau may issue one additional liquor store license beyond those otherwise authorized by this subsection in a municipality with a population of less than 10,000. The bureau may consider the impact of seasonal population or tourism and other related information provided by the municipality requesting an additional agency liquor store license.

Nothing in this subsection may be construed to reduce the number of agency stores the bureau may license in a municipality as of June 30, 2009.

Sec. A-32. 28-A MRSA §709, sub-§2, ¶K, as amended by PL 2015, c. 142, §1 and c. 214, §4, is repealed and the following enacted in its place:

K. Donations authorized under section 708-C;

Sec. A-33. 28-A MRSA §709, sub-§2, ¶L, as enacted by PL 2015, c. 142, §2 and c. 214, §5, is repealed and the following enacted in its place:

L. Licensees offering complimentary samples of wine under section 1055; or

Sec. A-34. 28-A MRSA §709, sub-§2, ¶M is repealed and the following enacted in its place:

M. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license.

Sec. A-35. 30-A MRSA §6054, sub-§2, as enacted by PL 2013, c. 269, Pt. B, §2, is amended to read:

2. Funding. ~~Notwithstanding section 85, subsection 1, beginning~~ Beginning July 1, 2014, there must be deposited directly into the fund any amounts received pursuant to Title 28-A, section 90 and Title 22-A, section 216 and any other money or funds transferred or made available to the bond bank only for the purposes of the fund from any other source including without limitation amounts required to be deposited in the fund by the terms of any ancillary obligation or other agreement related to liquor operation revenue bonds.

Sec. A-36. 32 MRSA §17201, 2nd ¶, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 608009. A board member may be removed by the Governor for cause.

Sec. A-37. 34-A MRSA §1403, sub-§2, ¶D, as amended by PL 2015, c. 267, Pt. VVV, §1 and repealed by c. 291, §3, is repealed.

Sec. A-38. 34-B MRSA §1225, first ¶, as amended by PL 2015, c. 196, §17 and c. 299, §28, is repealed and the following enacted in its place:

Beginning October 1, 2010, a facility or health care provider subject to the licensing provisions of section 1203-A, prior to hiring an individual who will work in direct contact with a consumer or who has direct access to a consumer's property, personally identifiable information, financial information or resources, shall obtain a comprehensive background check in accordance with applicable federal and state laws. The comprehensive background check must include, at a minimum, criminal history record information from the Department of Public Safety, State

Bureau of Identification. A facility or provider licensed under section 1203-A is subject to the employment restrictions set out in Title 22, section 1812-G and other applicable federal and state laws when employing direct access personnel, as defined in Title 22, section 1717, subsection 1, paragraph A-2. The facility or health care provider shall pay for the criminal background check required by this section.

Sec. A-39. 35-A MRSA §10110, sub-§2, ¶B, as amended by PL 2013, c. 369, Pt. A, §18, is further amended to read:

B. The trust, with regard to funds available to the trust under this section, shall:

(1) Target at least 10% of funds for electricity conservation collected under former subsection 4 or subsection 4-A or \$2,600,000, whichever is greater, to programs for low-income residential consumers, as defined by the board by rule;

(2) Target at least 10% of funds for electricity conservation collected under former subsection 4 or subsection 4-A or \$2,600,000, whichever is greater, to programs for small business consumers, as defined by the board by rule; and

(3) To the greatest extent practicable, apportion remaining funds among customer groups and geographic areas in a manner that allows all other customers to have a reasonable opportunity to participate in one or more conservation programs.

Sec. A-40. 35-A MRSA §10110, sub-§6, as amended by PL 2013, c. 369, Pt. A, §22, is further amended to read:

6. Transmission and subtransmission voltage level. After July 1, 2007, electricity customers receiving service at transmission and subtransmission voltage levels are not eligible for conservation programs undertaken under this section, and those customers are not required to pay in rates ~~any amount associated with the assessment imposed on transmission and distribution utilities under subsection 4, or any amount associated with any procurement of energy efficiency resources by transmission and distribution utilities ordered under subsection 4-A. To remove the amount of the assessment under subsection 4, the commission shall reduce the rates of such customers by 0.145 cent per kilowatt hour.~~ For the purposes of this section, "transmission voltage levels" means 44 kilovolts or more, and "subtransmission voltage levels" means 34.5 kilovolts.

Sec. A-41. 36 MRSA §191, sub-§2, ¶YY, as amended by PL 2015, c. 300, Pt. A, §6 and c. 344, §6, is further amended to read:

~~YY. The inspection and disclosure of information by the board to the extent necessary to conduct appeals procedures pursuant to this Title and issue a decision on an appeal to the parties. The board may make available to the public redacted decisions that do not disclose the identity of a taxpayer or any information made confidential by state or federal statute; and~~

Sec. A-42. 36 MRSA §191, sub-§2, ¶ZZ, as enacted by PL 2015, c. 300, Pt. A, §7 and c. 344, §7, is repealed and the following enacted in its place:

ZZ. The disclosure by the State Tax Assessor to a qualified Pine Tree Development Zone business that has filed a claim for reimbursement under section 2016 of information related to any insufficiency of the claim, including records of a contractor or subcontractor that assigned the claim for reimbursement to the qualified Pine Tree Development Zone business and records of the vendors of the contractor or subcontractor; and

Sec. A-43. 36 MRSA §191, sub-§2, ¶AAA is enacted to read:

AAA. The disclosure of information by the State Tax Assessor or the Associate Commissioner for Tax Policy to the Office of Program Evaluation and Government Accountability under Title 3, section 991 for the review and evaluation of tax expenditures pursuant to Title 3, chapter 37.

Sec. A-44. 36 MRSA §1752, sub-§14, ¶B, as amended by PL 2015, c. 150, §1 and c. 300, Pt. A, §13, is repealed and the following enacted in its place:

B. "Sale price" does not include:

(1) Discounts allowed and taken on sales;

(2) Allowances in cash or by credit made upon the return of merchandise pursuant to warranty;

(3) The price of property returned by customers, when the full price is refunded either in cash or by credit;

(4) The price received for labor or services used in installing or applying or repairing the property sold, if separately charged or stated;

(5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically stated service charge, when that amount is to be disbursed by a hotel, restaurant or other eating establishment to its employees as wages;

(6) The amount of any tax imposed by the United States on or with respect to retail sales, whether imposed upon the retailer or the consumer, except any manufacturers', importers', alcohol or tobacco excise tax;

(7) The cost of transportation from the retailer's place of business or other point from which shipment is made directly to the purchaser, provided that those charges are separately stated and the transportation occurs by means of common carrier, contract carrier or the United States mail;

(8) Any amount charged or collected by a person engaged in the rental of living quarters as a forfeited room deposit or cancellation fee if the prospective occupant of the living quarters cancels the reservation on or before the scheduled date of arrival;

(9) Any amount charged for the disposal of used tires;

(10) Any amount charged for a paper or plastic single-use carry-out bag; or

(11) Any charge, deposit, fee or premium imposed by a law of this State.

Sec. A-45. 36 MRSA §5125, sub-§3, ¶C, as amended by PL 2015, c. 267, Pt. DD, §15, is further amended to read:

C. Reduced by any amount of deduction attributable to income taxable to financial institutions under chapter 819; ~~and~~

Sec. A-46. 36 MRSA §5125, sub-§3, ¶D, as amended by PL 2015, c. 267, Pt. DD, §16 and c. 340, §1, is repealed and the following enacted in its place:

D. Reduced by any amount attributable to interest or expenses incurred in the production of income exempt from tax under this Part; and

Sec. A-47. 36 MRSA §5125, sub-§3, ¶E, as repealed by PL 2015, c. 267, Pt. DD, §17 and amended by c. 340, §2 and affected by c. 340, §5, is repealed.

Sec. A-48. 36 MRSA §5217-D, sub-§1, ¶B-1, as amended by PL 2015, c. 300, Pt. A, §42 and c. 328, §5, is repealed and the following enacted in its place:

B-1. "Financial aid package" means financial aid obtained by a student for attendance at an accredited Maine community college, college or university. 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 a qualified individual claiming a credit under this section for tax years

beginning on or after January 1, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (b), the financial aid package may include financial aid obtained by a student for attendance at an accredited non-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, 2016 who is eligible for a credit under paragraph G, subparagraph (1), division (c), the financial aid package may include financial aid obtained by a student for attendance at an accredited Maine college or university after December 31, 2007. 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 for attendance at an accredited non-Maine community college, college or university. 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. A-49. 38 MRSA §341-G, sub-§1, as amended by PL 2015, c. 267, Pt. NNNN, §1 and c. 319, §7, is repealed and the following enacted in its place:

1. Transfer funds. The amount transferred from each fund must be proportional to that fund's contribution to the total special revenues received by the department under chapter 2, subchapter 2; section 551; chapter 13, subchapter 4; and section 1364. Any funds received by the board from the General Fund must be credited towards the amount owed by the Maine Environmental Protection Fund, chapter 2, subchapter 2.

Sec. A-50. P&SL 2011, c. 6, §1 is amended to read:

Sec. 1. Territorial limits; corporate name. Pursuant to the Maine Revised Statutes, Title 35-A, section 6403, subsection 1, paragraphs A and B and subject to section § 6 of this Act, the territory and the inhabitants of the Town of Madison and the Town of Anson constitute a standard water district under the name "Anson and Madison Water District," referred to in this Act as "the district."

PART B

Sec. B-1. 5 MRSA §13070-J, sub-§1, ¶E, as enacted by PL 1999, c. 768, §1, is amended to read:

E. "Economic development proposal" means proposed legislation that establishes a new program or that expands an existing program that:

- (1) Is intended to encourage significant business expansion or retention in the State; and
- (2) Contains a tax expenditure, as defined in section ~~4664~~ 1666, or a budget expenditure with a cost that is estimated to exceed \$100,000 per year.

Sec. B-2. 30-A MRSA §4741, sub-§17, as amended by PL 1993, c. 175, §7, is further amended to read:

17. Comprehensive housing affordability strategy coordinator. The Maine State Housing Authority is designated the comprehensive housing affordability strategy coordinator for the State and has the power to prepare and submit on behalf of the State the annual comprehensive housing affordability strategy called for in the Cranston-Gonzalez National Affordable Housing Act, Public Law 101-625 (1990) and to undertake all monitoring and certification procedures required under that law. The Maine State Housing Authority shall represent the State in carrying out the HOME Investment Partnerships Program created by the Cranston-Gonzalez National Affordable Housing Act; and

Sec. B-3. 30-A MRSA §4741, sub-§18, as amended by PL 2007, c. 562, §6, is further amended to read:

18. State designee for homeless programs. The Maine State Housing Authority is designated the coordinating agency for the State for programs dealing with homeless persons and may apply for, receive, distribute and administer federal, state and other funds on behalf of the State for homeless programs including, without limitation, the Emergency Community Services Homeless Grant Program and the programs authorized pursuant to the federal Stewart B. McKinney Homeless Assistance Act, Public Law 100-77, (1987), as amended; and

Sec. B-4. 30-A MRSA §4741, sub-§19 is enacted to read:

19. 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 Recovery Act of 2008.

Sec. B-5. 36 MRSA §5122, sub-§1, ¶JJ, as amended by PL 2015, c. 388, Pt. A, §4, is amended to read:

JJ. For tax years beginning on or after January 1, 2016, an amount equal to the taxpayer base multiplied by the following fraction:

- (1) For single individuals and married persons filing separate returns, the numerator is the taxpayer's Maine adjusted gross income less \$70,000, except that the numerator may

not be less than zero, and the denominator is \$75,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$70,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection ~~3~~ 4;

- (2) For individuals filing as heads of households, the numerator is the taxpayer's Maine adjusted gross income less \$105,000, except that the numerator may not be less than zero, and the denominator is \$112,500. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$105,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection ~~3~~ 4; or

- (3) For individuals filing married joint returns or surviving spouses, the numerator is the taxpayer's Maine adjusted gross income less \$140,000, except that the numerator may not be less than zero, and the denominator is \$150,000. In no case may the fraction contained in this subparagraph produce a result that is more than one. The \$140,000 amount used to calculate the numerator in this subparagraph must be adjusted for inflation in accordance with section 5403, subsection ~~3~~ 4.

For purposes of this paragraph, "taxpayer base" means either the taxpayer's applicable standard deduction amount for the taxable year determined under section 5124-B or, if itemized deductions are claimed, the taxpayer's itemized deductions claimed for the taxable year determined under section 5125; and

Sec. B-6. P&SL 2013, c. 23, as corrected by RR 2013, c. 2, §55, is repealed.

PART C

Sec. C-1. 22 MRSA §1714-E, sub-§7, as amended by PL 2015, c. 329, Pt. A, §5, is further amended to read:

7. Repeal. This section is repealed if Section 6402(h)(2) of the federal Patient Protection and Affordable Care Act, Public Law 111-148 and 42 Code of Federal Regulations, Part 455 are invalidated by the United States Supreme Court. The department shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes if the section of law and the regulation are invalidated.

Sec. C-2. 35-A MRSA §4392, sub-§6, as corrected by RR 2009, c. 2, §104, is amended to read:

6. Contingent repeal. After payment of all fees in accordance with subsection 5, the trustee shall re-

port to the commission and, upon certification by the commission, the fund ~~shall~~ must be dissolved expeditiously and this subchapter is repealed. The commission shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes when the fund is dissolved.

Sec. C-3. PL 1987, c. 566, §2 is amended to read:

Sec. 2. Effective date. This Act shall take effect when New Hampshire and Vermont have enacted concurrent legislation which limits the numbers in the ~~Tri-State~~ Tri-State Lotto game to no more than 36. When the contingency under this section is met, the State Liquor and Lottery Commission shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that it has been met.

Sec. C-4. PL 1995, c. 652, §4 is amended by adding at the end a new paragraph to read:

The Attorney General shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes when any of the 4 listed conditions has occurred.

Sec. C-5. PL 2003, c. 673, Pt. HH, §6 is amended by adding at the end a new paragraph to read:

The Department of Health and Human Services shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters, the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes if the notification from the United States Department of Health and Human Services under this section is received.

Sec. C-6. PL 2003, c. 673, Pt. HH, §7 is amended to read:

Sec. HH-7. Contingency for continued federal approval of hospital payment. Notwithstanding any other provision of law, the tax imposed under the Maine Revised Statutes, Title 36, section 2892 must be terminated within 30 days of notification by the United States Department of Health and Human Services that all or a part of the hospital payment modifications funded under section 8 of this Part are disapproved hospital reimbursements under the State's Medicaid program. The Department of Health and Human Services shall notify the joint standing committee of the Legislature having jurisdiction over health and human services matters, the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes if the notification is received.

Sec. C-7. PL 2015, c. 38, §3 is amended to read:

Sec. 3. Contingent effective date. This Act takes effect only upon the receipt by the Finance Authority of Maine Loan Insurance Reserve Fund of an appropriation, allocation or other funding source in the amount of at least \$37,000,000. When the contingency under this section is met, the Finance Authority of Maine shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that it has been met.

Sec. C-8. PL 2015, c. 224, §2 is amended to read:

Sec. 2. Contingent effective date. This Act takes effect only upon the receipt by the Economic Recovery Program Fund of an appropriation, an allocation or funds from another funding source in the amount of at least \$13,000,000. When the contingency under this section is met, the Finance Authority of Maine shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that it has been met.

PART D

Sec. D-1. 8 MRSA §1017, sub-§1, as amended by PL 2013, c. 212, §22, is further amended to read:

1. Form. An application for a license required under this chapter must be on the form provided by the board. The application must contain, but is not limited to, the following information regarding the individual applicant and each key ~~employee~~ executive, officer, director, partner, shareholder, creditor, associate or owner of any legal or beneficial interest in a person applying for a license:

- A. Full name;
- B. Full current address and addresses for the prior 15 years;
- C. A record of previous issuances and denials of or any adverse action taken against a gambling-related license or application under this chapter or in any other jurisdiction. For purposes of this paragraph, "adverse action" includes, but is not limited to, a condition resulting from an administrative, civil or criminal violation, a suspension or revocation of a license or a voluntary surrender of a license to avoid or resolve a civil, criminal or disciplinary action;
- D. All information the board determines is necessary or appropriate to determine whether the applicant satisfies the qualifications specified in section 1016, subsections 1 and 1-A; and
- E. Any information the board by rule considers necessary.

Sec. D-2. 12 MRSA §11109, sub-§3, as amended by PL 2015, c. 127, §§1 and 2 and affected by §6 and amended by c. 245, §2, c. 281, Pt. E, §4 and

c. 301, §13, is repealed and the following enacted in its place:

3. Hunting licenses; combination licenses; fees.
Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person under 16 years of age, is \$8 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. 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 license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

B. A resident hunting license, for a person 16 years of age or older, is \$26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, moose, raccoon and bobcat, is \$15.

D. A resident combination hunting and fishing license is \$43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

E. A resident combination archery hunting and fishing license is \$43 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is \$26 and permits hunting of all legal species, subject to the permit requirements in subchapter 3.

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. A nonresident junior

hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat, is \$75.

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, moose, raccoon and bobcat for the 72-hour period specified on the license, is \$50.

I. A nonresident hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$115.

J. A nonresident combination hunting and fishing license is \$150.

K. An alien small game hunting license, which permits hunting of all species except deer, bear, moose, raccoon and bobcat, is \$80.

L. An alien hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$140.

M. An alien combination hunting and fishing license is \$191.

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, moose, raccoon and bobcat, is \$75.

P. A nonresident apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155, respectively, is \$115.

Sec. D-3. 22 MRSA §1812-J, sub-§7, as repealed and replaced by PL 2015, c. 299, §17, is amended to read:

7. Prohibited employment based on disqualifying offenses. An employer who employs an unlicensed assistive person to provide direct access services shall conduct a comprehensive background check in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws. The employer is subject to penalties for employing a disqualified or otherwise ineligible person in accordance with applicable federal or state laws.

~~An employment ban based on a disqualifying offense is a lifetime employment ban.~~

Sec. D-4. 22 MRSA §2501, first ¶, as amended by PL 2013, c. 264, §7, is further amended to read:

Private homes are not deemed or considered lodging places and subject to a license when not more than 5 rooms are let; such private homes must post in a visible location in each rented room a card with the following statement in text that is easily readable in no less than 18-point boldface type of uniform font "This lodging place is not regulated by the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention." The homes must provide guests upon check-in with a notice containing the same information. A license is not required from vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions or fraternity and sorority houses affiliated with educational institutions, or from private homes used in emergencies for the accommodation of persons attending conventions, fairs or similar public gatherings, nor from temporary eating establishments and temporary lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations, nor from any boarding care facilities or children's homes that are licensed under section 7801.

Sec. D-5. 22 MRSA §5114, sub-§2, as amended by PL 2015, c. 332, §§1 and 2, is further amended to read:

2. Social services. "Social services" means any of the following services ~~which that~~ meet such standards as the ~~director~~ commissioner may prescribe:

A. Health services, including health aides, home care, homemakers, home repair and chore service and community care including counseling, information and referral services, continuing education, recreation and volunteer services;

B. Transportation, ~~where~~ when necessary to facilitate access to social services, with priority given to health services including hospitals, physician care, bona fide clinics, prescription drugs and other essential medications, meals programs and food distribution centers; and with priority given to income producing and supplement programs including social security, supplemental security and tax refunds;

C. Meals programs, ~~which that~~ provide at least one hot meal per day and any additional meals, hot or cold, ~~which that~~ the recipient of a grant or contract may elect to provide, each of which assures a minimum of 1/3 of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science -- National Research Council, and ~~which provides that provide~~ such meals programs for individuals aged 60 and over and their spouses at sites close to the individual's residence; and where appropriate to furnish transportation to such site or home-delivered meals to homebound older

people; and to administer such meals programs in accordance with the appropriate and pertinent portions of the "nutrition and other program requirements" of the National Nutrition Program for the Elderly;

D. Services designed to encourage and assist older persons to use facilities and services available to them;

E. Services designed to assist older persons to obtain adequate housing;

F. Services designed to assist older persons in avoiding institutionalization, including evaluation and screening and home health services;

G. Any other services necessary for the general well-being of older persons; or

H. Services designed to assist older persons with maintaining their financial independence and avoiding financial exploitation, including personal financial management assistance.

Sec. D-6. 22 MRSA §5115, 3rd and 4th ¶¶, as enacted by PL 1973, c. 630, §1, are amended to read:

The number of persons aged 60 or over in the geographical boundaries of the area served by any area agency and in the entire State ~~shall~~ must be determined by the ~~director~~ commissioner on the basis of the most recent and satisfactory data available to ~~him~~ the commissioner.

Whenever the ~~director~~ commissioner determines that any amount allotted to an area agency for a fiscal year under this section will not be used by such agency for carrying out the purpose for which the allotment was made, ~~he~~ the commissioner shall make such amount available for carrying out such purpose to one or more other area agencies to the extent ~~he~~ the commissioner determines such other area agencies will be able to use such additional amount for carrying out such purpose. Any amount made available to an area agency from an appropriation for a fiscal year pursuant to the preceding sentence ~~shall~~ must, for purposes of this section, be regarded as part of such agency's allotment, as determined under the preceding provisions of this section for such year.

Sec. D-7. 22 MRSA §5116, sub-§1, ¶¶B and C, as enacted by PL 1973, c. 630, §1, are amended to read:

B. The State ~~state~~ agency ~~shall~~ must, in accordance with regulations of the ~~director~~ commissioner, designate an area agency as the sole area agency to:

(1) Develop the area plan to be submitted to the ~~director~~ commissioner for approval under section 5118;

- (2) Administer the area plan within such area;
- (3) Be primarily responsible for the coordination of all area activities related to the purposes of this Act; and
- (4) Review and comment on, under its own initiative or at the request of any state or federal department or agency, any application from any agency or organization within such area to such state or federal department or agency for assistance related to meeting the needs of older persons; and
- (5) Develop and provide, or assure the provision of, coordinated community programs for the delivery of social services; and

C. The area agency designated pursuant to paragraph B shall:

- (1) Determine which portions of its area will be included in the area plan to be developed in accordance with section 5118; and
- (2) Provide assurances satisfactory to the ~~director~~ commissioner that the area agency will take into account, in connection with matters of general policy arising in the development and administration of the area plan for any fiscal year, the recommendations of older people in need of or served by social services provided under such plan.

Sec. D-8. 22 MRSA §5118, as amended by PL 2003, c. 510, Pt. B, §8, is further amended to read:

§5118. Area plans

1. Plans. In order to be approved by the state agency, an area plan ~~shall~~ must be developed by the area agency designated with respect to such area under section 5116, subsection 1, paragraph B and ~~shall~~ must:

- A. Provide for the establishment of a coordinated community program for the delivery of social services within the area covered by the plan, including determining the need for social services in such area, taking into consideration, among other things, the number of older persons with low incomes residing in such area, the extent to which existing public or private programs meet such need, evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;
- B. In accordance with criteria established by the ~~director~~ commissioner by regulation relating to priorities, provide for the initiation, expansion or improvement of social services in the area covered by the area plan;

C. Provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this paragraph, an information and referral source is a location where a public or private agency or organization:

- (1) Maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities; and
- (2) Employs a specially trained staff to inform older persons of the opportunities and services ~~which that~~ are available, and assists these persons to take advantage of these opportunities and services;

D. Provide that the area agency will:

- (1) Conduct periodic evaluations of activities carried out pursuant to the area plan;
- (2) Render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;
- (3) ~~Where~~ When necessary and feasible, enter into arrangements, consistent with the area plan, under which funds under this Title may be used to provide legal services to older persons in the area carried out through federally assisted programs or other public or nonprofit agencies;
- (4) Take into account, in connection with matters of general policy arising in the development and administration of the area plan, the recommendations of older people in need of or served by social services provided under such plan;
- (5) ~~Where~~ When possible, enter into arrangements with organizations providing children services so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and
- (6) Establish an advisory council, which may be the board of directors or a subcommittee thereof, of the area agency consisting of at least 65% older people representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

E. Provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan;

F. Provide that the area agency will make such reports, in such form and containing such information as the ~~director~~ commissioner may from time to time require, and comply with such requirements as the ~~director~~ commissioner may impose to assure the correctness of these reports;

G. Establish objectives consistent with the purposes of this Title, toward which activities under the plan will be directed, identify obstacles to the attainment of those objectives and indicate how it proposes to overcome those obstacles;

H. Provide that no social service will be directly provided by the state agency or an area agency, except ~~where~~ when, in the judgment of the state agency, provision of that service by the state agency or an area agency is necessary to assure an adequate supply of that service; and

I. Provide that preference ~~shall~~ must be given to persons aged 60 or over for any staff positions, ~~full-time~~ full-time or part-time, in area agencies for which these persons qualify.

2. Approval of area plan. The ~~director~~ commissioner shall approve any area plan ~~which he~~ that the commissioner finds fulfills the requirements of subsection 1, paragraphs A to I.

3. Notice and opportunity for hearing. The ~~director~~ commissioner ~~may~~ may not make a final determination disapproving any area plan, or any modification thereof, or make a final determination that an area agency is ineligible under section 5116, without first affording the area agency reasonable notice and opportunity for a hearing.

4. Findings. Whenever the director, after reasonable notice and opportunity for hearing to the area agency, finds that:

A. The area agency is not eligible under section 5116;

B. The area plan has been so changed that it no longer complies with subsection 1, paragraphs A to I; or

C. In the administration of the plan, there is a failure to comply substantially with any provision of subsection 1, paragraphs A to I, the ~~director~~ commissioner shall notify the area agency that no further payments from its allotments under section 5115 and Section 306 of the federal Older Americans Act of 1965, 42 United States Code, Section 3026 will be made to the agency or, in the ~~director's~~ commissioner's discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until the ~~director~~ commissioner is satisfied that there will no longer be any failure to comply. Until the ~~director~~ commissioner is so satisfied, further payments may not be made to the agency

from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The ~~director~~ commissioner shall, in accordance with rules adopted by the ~~director~~ commissioner, disburse funds so withheld directly to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments must be matched in the proportions specified in section 5116.

5. Final action; dissatisfaction. An agency ~~which that~~ is dissatisfied with a final action of the ~~director~~ under subsection 2, 3 or 4 may appeal to the commissioner by filing a petition with the commissioner within 60 days after final action. ~~A copy of the petition shall be forthwith transmitted by the commissioner to the director. The director thereupon shall file with the commissioner the record of the proceedings on which he based his action. Upon the filing of the petition, the commissioner shall have jurisdiction to affirm the action of the director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the director may modify or set aside his order. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive, but the commissioner, for good cause shown, may remand the case to the director to take further evidence, and the director may thereupon make new or modified findings of fact and may modify his previous action, and shall file with the commissioner the record of the further proceedings. The new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the commissioner affirming or setting aside, in whole or in part, any action of the director shall be is final.~~

Sec. D-9. 28-A MRSA §10, sub-§2-B is enacted to read:

2-B. Access exception. Notwithstanding subsection 2, there may be access between the 2 licensed areas by the public as provided by this subsection.

A. There may be access between the 2 licensed areas when there is a clear delineation of space, by a wall or permanent barrier that separates the 2 licensed areas and allows only one clearly defined and controlled point of access for patrons between the licensed establishments. The controlled point of access is not required to include a door that must be physically opened and closed.

B. When access between the 2 licensed areas exists for patrons of either establishment, all malt liquor and wine sold for on-premises consumption must be served by an employee of the licensed establishment and may be served only when accompanying a full meal prepared in a separate and complete kitchen on the premises. For the purposes of this paragraph, "full meal" means a di-

verified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking.

C. Malt liquor or wine sold or served on the premises may not be transported by a patron or employee of either establishment from one licensed area to another. The licensee shall ensure that easily readable signs are conspicuously posted to inform the public that transfer of alcoholic beverages from one licensed area to another is strictly prohibited.

Sec. D-10. Retroactivity. That section of this Part that enacts the Maine Revised Statutes, Title 28-A, section 10, subsection 2-B applies retroactively to September 30, 2015.

Sec. D-11. PL 2015, c. 267, Pt. OOOO, §7 is amended to read:

Sec. OOOO-7. Application date. This Part applies to sales occurring on or after January 1, 2016 except that the section of this Part that amends the Maine Revised Statutes, Title 36, section 1811, first paragraph, applies to sales occurring on or after ~~July~~, July 1, 2015 and the sections that enact Title 36, section 1760, subsections 98 and 99; apply to sales occurring on or after October 1, 2015.

Sec. D-12. Retroactivity. That section of this Part that amends Public Law 2015, chapter 267, Part OOOO, section 7 applies retroactively to June 30, 2015.

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

Effective April 27, 2016.

**CHAPTER 495
H.P. 695 - L.D. 1000**

An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law

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

Sec. 1. 36 MRSA §1752, sub-§8-D is enacted to read:

8-D. Prescription. "Prescription" means an order, formula or recipe issued in any form of oral, written or electronic means or other means of transmission by a health care practitioner as defined in Title 24, section 2502, subsection 1-A who is licensed under Title 32.

Sec. 2. 36 MRSA §1752, sub-§9-F is enacted to read:

9-F. Prosthetic or orthotic device. "Prosthetic or orthotic device" means a replacement, corrective or supportive device, including repair and replacement parts for such device, worn on, in or next to the body to:

- A. Artificially replace a missing portion of the body;
- B. Prevent or correct physical deformity or malfunction; or
- C. Support a weak or deformed portion of the body.

Sec. 3. 36 MRSA §1760, sub-§5-A, as amended by PL 2009, c. 434, §24, is further amended to read:

5-A. Prosthetic or orthotic devices. Sale of prosthetic aids, hearing aids or eyeglasses and artificial devices designed for the use of a particular individual to correct or alleviate physical incapacity; or orthotic devices sold by prescription and sale of crutches and wheelchairs for the use of sick, injured or disabled persons and not for rental.

Sec. 4. Effective date. This Act takes effect October 1, 2016.

Effective October 1, 2016.

**CHAPTER 496
S.P. 609 - L.D. 1554**

An Act To Resolve Inconsistencies in the Drug Laws

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

Sec. 1. 17-A MRSA §1101, sub-§18, ¶C, as amended by PL 2015, c. 346, §2, is further amended to read:

C. To possess at least one gram more than 200 milligrams but less than 2 grams of heroin or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing heroin; or

Sec. 2. 17-A MRSA §1101, sub-§18, ¶D, as enacted by PL 2015, c. 346, §2, is amended to read:

D. To possess at least one gram more than 200 milligrams but less than 2 grams of fentanyl powder or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing fentanyl powder.

Sec. 3. 17-A MRSA §1106, sub-§3, ¶B, as amended by PL 1999, c. 531, Pt. I, §6, is further amended to read:

B. ~~Seven~~ More than 2 grams or more of cocaine or 2 grams or more of cocaine in the form of cocaine base;

Sec. 4. 17-A MRSA §1106, sub-§3, ¶E, as amended by PL 2001, c. 419, §17, is further amended to read:

E. ~~Seven grams or more~~ More than 200 milligrams of methamphetamine;

Sec. 5. 17-A MRSA §1106, sub-§3, ¶¶F and G, as enacted by PL 2001, c. 419, §18, are amended to read:

F. ~~Forty five or more~~ Any quantity of pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin that, in the aggregate, contains more than 200 milligrams of the narcotic drug;

G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains ~~not less than 400 more than 200~~ milligrams of oxycodone or ~~not less than 50 more than 200~~ milligrams of hydromorphone; or

Sec. 6. 17-A MRSA §1107-A, sub-§1, ¶B, as amended by PL 2015, c. 308, §2 and c. 346, §6, is repealed and the following enacted in its place:

B. Except as provided in paragraph B-1, a schedule W drug and the drug contains:

(1) Heroin (diacetylmorphine) and the amount possessed is more than 200 milligrams;

(2) Cocaine and the amount possessed is more than 2 grams;

(3) Cocaine in the form of cocaine base and the amount possessed is more than 2 grams;

(4) Oxycodone and the amount possessed is more than 200 milligrams;

(5) Hydrocodone and the amount possessed is more than 200 milligrams;

(6) Hydromorphone and the amount possessed is more than 200 milligrams;

(7) Methamphetamine and the amount possessed is more than 200 milligrams; or

(8) Fentanyl powder and the amount possessed is more than 200 milligrams.

Violation of this paragraph is a Class C crime;

Sec. 7. 17-A MRSA §1107-A, sub-§1, ¶B-1 is enacted to read:

B-1. A schedule W drug and that drug contains any of the following and at the time of the offense the person had one or more convictions for violating section 1103, 1105-A, 1105-C, 1105-E, 1106 or section 1124 or for engaging in substantially similar conduct in another jurisdiction:

(1) Heroin (diacetylmorphine);

(2) Cocaine;

(3) Cocaine in the form of cocaine base;

(4) Oxycodone;

(5) Hydrocodone;

(6) Hydromorphone;

(7) Methamphetamine; or

(8) Fentanyl powder.

Violation of this paragraph is a Class C crime;

Sec. 8. 17-A MRSA §1107-A, sub-§1, ¶C, as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

C. A schedule W drug, except as provided in paragraphs A and B and B-1. Violation of this paragraph is a Class D crime;

Sec. 9. 17-A MRSA §1107-A, sub-§4, as amended by PL 2011, c. 464, §19, is further amended to read:

4. It is an affirmative defense to prosecution under subsection 1, paragraph B, subparagraphs ~~(3)~~ (4) to (6); subsection 1, paragraph B-1, subparagraphs (4) to (6); and paragraphs C to F that the person possessed a valid prescription for the scheduled drug or controlled substance that is the basis for the charge and that, at all times, the person intended the drug to be used only for legitimate medical use in conformity with the instructions provided by the prescriber and dispenser.

Sec. 10. 17-A MRSA §1348-A, sub-§5 is enacted to read:

5. A deferred disposition is a preferred disposition in a prosecution for possession of schedule W drugs under section 1107-A, subsection 1, paragraphs B and B-1.

See title page for effective date.

**CHAPTER 497
H.P. 1154 - L.D. 1689**

An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes

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 safety of children cared for and supervised by child care providers in this State is of the utmost importance; and

Whereas, child care facilities and family child care providers, as well as the families who rely on them, need to know that the providers of care and staff members do not have disqualifying criminal records from other states; and

Whereas, the 2014 reauthorization of the Child Care and Development Fund program through the federal Child Care and Development Block Grant Act of 2014 has identified that best practices for background checks include fingerprint-based national criminal background checks for all child care providers who supervise children and all persons who have unsupervised access to children who are cared for or supervised by a child care provider; and

Whereas, the transition to the criminal background check process required by federal law raises significant questions, not the least of which are the employment needs of child care providers while waiting for background check results and the costs involved in the more rigorous criminal background checks than the checks currently required under state law; and

Whereas, it is the intent of the Legislature to ensure that the additional criminal background check process will be cost-effective and will not create an undue burden on parents or child care providers; and

Whereas, the development of major substantive rules to comply with the federal Child Care and Development Block Grant Act of 2014 by September 2017 should include the participation of child care facilities and family child care providers; 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 §7702-A, sub-§3, ¶C, as enacted by PL 1999, c. 363, §3, is amended to read:

C. Section 8302-A, subsection 1, paragraphs B to ~~I~~ J and subsection 2, paragraphs A to F and H to ~~J~~ K.

Sec. 2. 22 MRSA §8302-A, sub-§1, as amended by PL 2005, c. 530, §8, is further amended to read:

1. Rules for child care facilities. Rules for child care facilities must include, but are not limited to, rules pertaining to the following:

- A. Child to staff ratios;
- B. The health and safety of the children and staff, including training on communicable diseases;
- C. Water for drinking and cooking;
- D. Wastewater;
- E. Rabies vaccinations for pets;
- F. The quality of the program provided;
- G. The age, criminal record and personal history of the provider of care for children and staff members;
- H. The administration of medication; ~~and~~
- I. Licensing procedures; and
- J. Requiring a criminal background check for:

(1) Each child care staff member whose activities involve the care or supervision of children; and

(2) Each adult who has unsupervised access to children who are cared for or supervised by a child care facility.

The criminal background check must meet the requirements of 42 United States Code, Section 9858f(b).

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A, except that rules adopted pursuant to paragraph J to comply with 42 United States Code, Section 9858f(b) are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §8302-A, sub-§2, as amended by PL 2005, c. 530, §8, is further amended to read:

2. Rules for family child care providers. Rules for family child care providers must include, and are limited to, rules pertaining to the following:

- A. Cardiopulmonary resuscitation;
- B. Water for drinking and cooking;
- C. Wastewater;

- D. Rabies vaccinations for pets;
- E. Recording the times, reasons and numbers of children involved when more than 12 children are cared for;
- F. Ongoing training for providers on health and safety issues, including training on communicable diseases. This training must be offered at times that are convenient to the providers;
- G. Child to staff ratios;
- H. Health and safety of the children and staff;
- I. Procedures for waivers of rules and for suspension and revocation of certification; ~~and~~
- J. The age, criminal record and personal history of the family child care provider, staff and members of the household; ~~and~~
- K. Requiring a criminal background check for:

- (1) The family child care provider;
- (2) Each child care staff member whose activities involve the care or supervision of children; and
- (3) Each adult who has unsupervised access to children who are cared for or supervised by the family child care provider.

The criminal background check must meet the requirements of 42 United States Code, Section 9858f(b).

Rules adopted pursuant to paragraphs A to F are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A and rules adopted pursuant to paragraphs G to J K are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. Department of Health and Human Services; adoption of rules. The Department of Health and Human Services shall adopt rules required by the Maine Revised Statutes, Title 22, section 8302-A, subsections 1 and 2 to require criminal background checks for all providers of care and staff members of child care facilities and family child care providers, to be effective September 1, 2017. The rules must be provisionally adopted and submitted to the Legislature for review by the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 12, 2017. The department may submit to the committee recommendations for legislation to support the rules to implement changes in criminal background checks in a manner that is effective for the department and child care facilities and family child care providers.

Sec. 5. Implementing legislation. The joint standing committee of the Legislature having jurisdiction over judiciary matters may submit a bill, including recommendations provided by the department pur-

suant to section 4, to the First Regular Session of the 128th Legislature to implement the criminal background checks required by 42 United States Code, Section 9858f(b). In developing the bill, the committee shall take into account the concerns of child care providers, including but not limited to employment needs while waiting for background check results, and shall explore options, including the application of federal grant funds, to defray all or some of the initial and ongoing additional costs.

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

Effective April 29, 2016.

CHAPTER 498
S.P. 519 - L.D. 1398

An Act To Reduce Electric Rates for Maine Businesses

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

Sec. 1. 35-A MRSA §10109, sub-§3-A is enacted to read:

3-A. Payments. The trust shall transfer to the commission \$3,000,000 per year during fiscal years 2016-17, 2017-18 and 2018-19 to be used by the commission for disbursements to affected customers. Affected customers who use the disbursement toward an efficiency measure approved by the trust in the fiscal year in which it is received must receive \$1 of assistance from the trust for every \$3 that is applied by the affected customer toward the cost of the approved efficiency measure as long as the total of assistance from the trust and the disbursement allocated by the commission under this subsection for that customer for that fiscal year does not exceed 65% of the total measure cost.

For the purposes of this subsection, "affected customer" means a customer who is not primarily in the business of selling electricity, is receiving service at a transmission or subtransmission voltage level as defined in section 10110, subsection 6 within the electrical utility transmission system administered by an independent system operator of the New England bulk power system or a successor organization and is an energy-intensive manufacturer, as defined in reports prepared by the U.S. Energy Information Administration. The commission may also determine that a manufacturer not defined as an energy-intensive manufacturer in reports prepared by the U.S. Energy Information Administration is an affected customer if that manufacturer meets the other requirements of the definition under this subsection.

A. No later than November 1st of each applicable fiscal year, the commission shall direct funds totaling \$3,000,000 per year during fiscal years 2016-17, 2017-18 and 2018-19 to be disbursed for the benefit of affected customers in proportion to their retail purchase of electricity as measured in kilowatt-hours for the prior calendar year.

B. During fiscal years 2016-17, 2017-18 and 2018-19, an affected customer who receives a disbursement under this subsection is not eligible to receive financial or other assistance from the trust fund established in this section except as allowed under this subsection. This ineligibility does not apply to any trust program opportunity notices issued before July 1, 2016.

C. The commission shall include in its annual report pursuant to section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over public utilities matters a description of the commission's activities in carrying out the requirements of this subsection, a list of affected customers receiving disbursements, a list of those who elected to use the disbursements toward efficiency measures and the results of the activities under this subsection.

Sec. 2. 35-A MRSA §10109, sub-§4, as amended by PL 2013, c. 369, Pt. A, §§14 to 17, is further amended to read:

4. Expenditures; projects. The Except for transfers required under subsection 3-A and other costs authorized in accordance with this chapter, funds in the trust fund must be expended in accordance with this subsection.

A. During fiscal years 2013-14, 2014-15 and 2015-16, not less than 50% of the trust The trust shall allocate 50% of the funds for residential programs and 50% for commercial and industrial programs. Trust funds received during those years must be allocated for measures, investments, loans, technical assistance and arrangements that reduce electricity consumption, increase energy efficiency or reduce greenhouse gas emissions and lower energy costs at commercial or industrial facilities; and 35% of the funds received by the trust fund during those years must be used for investment in measures that lower residential heating energy demand and reduce greenhouse gas emissions. The measures that lower residential heating demand must be fuel-neutral and may include, but are not limited to, energy efficiency improvements to residential buildings and upgrades to efficient heating systems that will reduce residential energy costs and greenhouse gas emissions, as determined by the board. The trust shall transfer to the commission 15% of funds received by the trust fund during fiscal years 2013-14, 2014-15 and 2015-16, which

~~the commission shall direct transmission and distribution utilities to disburse to ratepayers in a manner that provides maximum benefit to the Maine economy ensure that measures to reduce the cost of residential heating are available for low-income households as defined by the trust. When promoting electricity cost and consumption reduction, the trust may consider measures at commercial and industrial facilities that also lower peak capacity demand.~~ Subject to the apportionment pursuant to this subsection, the trust shall fund conservation programs that give priority to measures with the highest benefit-to-cost ratio, as long as cost-effective collateral efficiency opportunities are not lost, and that:

(1) Reliably reduce greenhouse gas production and heating energy costs by fossil fuel combustion in the State at the lowest cost in funds from the trust fund per unit of emissions; or

(2) Reliably ~~reduce the consumption of electricity~~ increase the efficiency with which energy in the State is consumed at the lowest cost in funds from the trust fund per kilowatt-hour unit of energy saved.

B. Expenditures from the trust fund relating to conservation of electricity and mitigation or reduction of greenhouse gases must be made predominantly on the basis of a competitive bid process for long-term contracts, subject to rules adopted by the board under section 10105. Rules adopted by the board to implement the competitive bid process under this paragraph may not include an avoided cost methodology for compensating successful bidders. Bidders may propose contracts designed to produce greenhouse gas savings or electricity conservation savings, or both, on a unit cost basis. Contracts must be commercially reasonable and may require liquidated damages to ensure performance. Contracts must provide sufficient certainty of payment to enable commercial financing of the conservation measure purchased and its installation.

C. The board may target bid competitions in areas or to participants as they consider necessary, as long as the requirements of paragraph A are satisfied.

D. Community-based renewable energy projects, as defined in section 3602, subsection 1, may apply for funding from the trust to the extent they are eligible under paragraph A.

E. The size of a project funded by the trust fund is not limited as long as funds are awarded to maximize energy efficiency and support greenhouse gas reductions and to fully implement the triennial plan.

F. No more than \$800,000 of trust fund receipts in any one year may be used for the costs of administering the trust fund pursuant to this section. The limit on administrative costs established in this paragraph does not apply to the following costs that may be funded by the trust fund:

- (1) Costs of the Department of Environmental Protection for participating in the regional organization as defined in Title 38, section 580-A, subsection 20 and for administering the allowance auction under Title 38, chapter 3-B; and
- (2) Costs of the Attorney General for activities pertaining to the tracking and monitoring of allowance trading activity and managing and evaluating the trust's funding of conservation programs.

G. In order to minimize administrative costs and maximize program participation and effectiveness, the trustees shall, to the greatest extent feasible, coordinate the delivery of and make complementary the energy efficiency programs under this section and other programs under this chapter.

H. The trust shall consider delivery of efficiency programs by means of contracts with service providers that participate in competitive bid processes for reducing energy consumption within individual market segments or for particular end uses.

I. A trade association aggregator is eligible to participate in competitive bid processes under this subsection.

J. Trust fund receipts must, upon request by the Department of Environmental Protection, fund research approved by the Department of Environmental Protection in an amount of up to \$100,000 per year to develop new categories for carbon dioxide emissions offset projects, as defined in Title 38, section 580-A, subsection 6, that are located in the State. Expenditures on research pursuant to this paragraph are not considered administrative costs under paragraph F, subparagraph (1).

Sec. 3. Initial disbursement proceeding.

The Public Utilities Commission shall conduct an expedited proceeding to determine the initial allocation of disbursements to each affected customer, as defined in the Maine Revised Statutes, Title 35-A, section 10109, subsection 3-A, allowed under that subsection. The commission must direct the initial distribution of funds to the benefit of such customers no later than November 1, 2016.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides an allocation of \$3,000,000 to make disbursements to certain affected customers.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$0	\$3,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,000,000

See title page for effective date.

CHAPTER 499

H.P. 875 - L.D. 1279

An Act To Authorize Advance Deposit Wagering for Horse Racing

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

Sec. 1. 8 MRSA §1001, sub-§§1-A and 1-B are enacted to read:

1-A. Advance deposit wagering. "Advance deposit wagering" means a form of pari-mutuel wagering on harness or thoroughbred races in which wagers are made by telephone, via electronic device or in person and the bettor deposits funds in a wagering account administered by an advance deposit wagering licensee from which the advance deposit wagering licensee makes wagers on behalf of the bettor and to which the advance deposit wagering licensee deposits money from winning wagers awarded to the bettor.

1-B. Advance deposit wagering licensee. "Advance deposit wagering licensee" means a person that is chosen by competitive bid and licensed by the board pursuant to subchapter 7 to conduct advance deposit wagering.

Sec. 2. 8 MRSA §1001, sub-§29-C is enacted to read:

29-C. Net commission. "Net commission" means the amount of wagers placed via advance deposit wagering after payment of money from winning wagers to winning bettors less a percentage paid to the board for administrative expenses of the board and less an amount retained by the advance deposit wagering licensee.

Sec. 3. 8 MRSA §1003, sub-§1, ¶J, as amended by PL 2011, c. 469, §1, is further amended to read:

J. Negotiate consent agreements to resolve administrative violations or investigations; ~~and~~

Sec. 4. 8 MRSA §1003, sub-§1, ¶K, as enacted by PL 2011, c. 469, §2, is amended to read:

K. Ensure that public safety inspectors employed by the board assigned to enforce the provisions of this chapter at the site of a casino may, in the absence of a sworn law enforcement officer, detain any person who is suspected of violating any provision of this chapter. Such detention must comply with federal and state laws including the provisions of Title 17-A, section 107-; and

Sec. 5. 8 MRSA §1003, sub-§1, ¶L is enacted to read:

L. Regulate, supervise and exercise general control over the operation of advance deposit wagering in the State.

Sec. 6. 8 MRSA §1003, sub-§2, ¶¶S and T, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, are amended to read:

S. Prepare and submit to the department a budget for the administration of this chapter; and

T. Keep accurate and complete records of its proceedings and certify the records as may be appropriate-; and

Sec. 7. 8 MRSA §1003, sub-§2, ¶U is enacted to read:

U. Adopt rules relating to the conduct of advance deposit wagering, including but not limited to the following:

- (1) Requirements for licensure to conduct advance deposit wagering;
- (2) The prevention of any fraud or deception upon an advance deposit wagering account holder;
- (3) Distributions of account statements to advance deposit wagering account holders from the advance deposit wagering licensee;
- (4) Establishing a definition of an abandoned advance deposit wagering account and provisions for disposition of funds in an abandoned account;
- (5) Prescribing methods for verifying residency and age of an applicant for an advance deposit wagering account;
- (6) Prescribing methods for verifying that an applicant for an advance deposit wagering account is a natural person and not a custodian, beneficiary, joint trust corporation or other organization;
- (7) Prescribing methods by which deposits are made to advance deposit wagering accounts. The methods prescribed must prohibit the use of the electronic benefits transfer

system administered by the Department of Health and Human Services under Title 22, chapter 1, subchapter 1-A; and

(8) Prohibiting the assignment or transfer of an advance deposit wagering account from an authorized account holder to another person.

Rules initially adopted as required by this paragraph are major substantive rules as described in Title 5, chapter 375, subchapter 2-A. Rules adopted after the first year of operation of advance deposit wagering conducted by an advance deposit wagering licensee are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 8. 8 MRSA c. 31, sub-c. 7 is enacted to read:

SUBCHAPTER 7

ADVANCE DEPOSIT WAGERING

§1071. Advance deposit wagering license awarded pursuant to competitive bid

The board shall develop a request for proposals for the purpose of awarding one bidder the privilege to be licensed to conduct advance deposit wagering. The request for proposals must instruct potential bidders to propose the method by which they will conduct advance deposit wagering that provides the maximum benefit to the harness racing industry and the State in a manner that ensures wagering is conducted by residents of the State who are verified to be 18 years of age or older. A bidder seeking award of a license to conduct advance deposit wagering shall comply with the requirements determined by the board. The board shall require that a proposal include a nonrefundable application fee of \$1,000 and an agreement to pay the costs of the board for processing an application and performing background investigations, as described in this subchapter. The board shall ensure that the request for proposals clearly identifies the deadline for submission and all bid requirements. The board shall follow, as nearly as practicable, the provisions governing competitive bidding prescribed by Title 5, chapter 155, subchapter 1-A and rules adopted pursuant to that subchapter.

1. Eligible bidders; bid proposal factors. The board may accept bids from an entity that for a period of at least 2 years has been licensed to accept wagers on horse racing as either the operator of a commercial track, as an off-track betting facility licensed under section 275-D or as an entity licensed in another state to conduct advance deposit wagering. When considering bids for the privilege to be licensed to conduct advance deposit wagering, the board shall consider the following:

A. The financial suitability of the bidder to operate advance deposit wagering, including purchase

of a bond to secure the accounts of advance deposit wagering bettors;

B. The extent to which the bidder's proposal to conduct advance deposit wagering will benefit the harness racing industry in the State and the General Fund;

C. The percentage of wagers the bidder proposes to pay to the board to cover the costs of the board for administration and oversight of advance deposit wagering and to make distributions required under section 1072;

D. The adequacy of systems the bidder will use to conduct advance deposit wagering to ensure that bettors who establish accounts to place bets on horse racing via advance deposit wagering are 18 years of age or older and residents of the State;

E. The likelihood that the bidder will meet the requirements for licensure to conduct advance deposit wagering as prescribed by the rules of the board;

F. The methods by which the bidder will provide access to systems and records to facilitate adequate monitoring and enforcement by the board; and

G. Factors other than those in paragraphs A to F disclosed in the board's request for proposals that the board determines to be relevant.

2. Bid award factor priorities. The board shall develop a system of priority by assigning points to the factors required to be considered under subsection 1.

3. Contract required. In order to be selected as the winning bidder for the privilege to be licensed by the board to conduct advance deposit wagering, a person must agree to enter into a contract with the board that obligates the advance deposit wagering licensee to the proposals made in the bid submitted in accordance with this section. The contract must include a framework of reasonable financial penalties for failure of the advance deposit wagering licensee to comply with the terms of the contract and rules of the board. The licensee may not conduct advance deposit wagering prior to the execution of the contract required by this subsection.

4. Application; investigation. In order to be licensed by the board to conduct advance deposit wagering, a person that is selected as the winning bidder in accordance with this subchapter must complete an application using forms developed by the board and comply with additional requests the board determines necessary to investigate the suitability of the winning bidder to be issued a license.

5. Authority to conduct advance deposit wagering. A license issued in accordance with this subchapter authorizes the licensee to conduct advance

deposit wagering in accordance with the requirements of this subchapter and rules of the board. A licensee may accept wagers made from advance deposit wagering account holders by telephone and via electronic device. If a licensee is also licensed to accept wagers on live or simulcast horse racing as a commercial track or off-track betting facility under this Title, the licensee may accept in-person advance deposit wagers at the commercial track or off-track betting facility. A person that facilitates an advance deposit wagering account on behalf of a resident of this State or accepts wagers on horse races from a resident of this State without a license is guilty of unlawful gambling under Title 17-A, chapter 39. Upon notification by an individual, or upon its own motion, the board shall direct any person that facilitates advance deposit wagering without a license to immediately cease operations and notify the person that the person may be subject to prosecution for unlawful gambling.

6. License fee; term. A license issued pursuant to this subchapter authorizes the licensee to conduct advance deposit wagering for a period of 5 years. The fee for a license to conduct advance deposit wagering is \$500. The renewal fee for a license to conduct advance deposit wagering is \$250.

§1072. Distribution of net commission

The net commission established in the contract executed pursuant to section 1071, subsection 3 must be distributed according to this section.

1. Distribution of net commission from wagers placed on races conducted in State. An advance deposit wagering licensee shall collect the net commission from wagers placed on races conducted at tracks in the State and distribute it to the board for distribution as follows.

A. Ten percent of the net commission must be deposited directly to the General Fund.

B. Twenty percent of the net commission must be distributed to all off-track betting facilities licensed under section 275-D so that each off-track betting facility receives the same amount.

C. One percent of the net commission must be distributed to the Sire Stakes Fund established under section 281.

D. Ten percent of the net commission must be distributed to the Agricultural Fair Support Fund established under Title 7, section 91 except that, notwithstanding Title 7, section 91, subsection 2, paragraph A, no portion of the distribution required by this paragraph may be distributed to a commercial track.

E. Twenty-four percent of the net commission must be distributed to the fund established under section 298 to supplement harness racing purses.

F. Twenty percent of the net commission must be distributed to the track where the race upon which the wager was placed was conducted.

G. Fifteen percent of the net commission must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 15% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial tracks are required to conduct in order to retain their commercial track licenses.

2. Distribution of net commission from wagers placed on races conducted outside State. An advance deposit wagering licensee shall collect the net commission from wagers placed on races conducted at tracks outside the State and distribute it to the board for distribution as follows.

A. Ten percent of the net commission must be deposited directly to the General Fund.

B. Thirty-six percent of the net commission must be distributed to all off-track betting facilities licensed under section 275-D so that each off-track betting facility receives the same amount.

C. One percent of the net commission must be distributed to the Sire Stakes Fund established under section 281.

D. Ten percent of the net commission must be distributed to the Agricultural Fair Support Fund established under Title 7, section 91 except that, notwithstanding Title 7, section 91, subsection 2, paragraph A, no portion of the distribution required by this paragraph may be distributed to a commercial track.

E. Seven percent of the net commission must be distributed to the fund established under section 298 to supplement harness racing purses.

F. Thirty-six percent of the net commission must be distributed to all commercial tracks, with each commercial track receiving a portion determined by multiplying that 36% times a fraction, the numerator of which is the minimum number of days of racing the commercial track is required by law to conduct annually in order to retain its commercial track license and the denominator of which is the sum of the number of days of racing all the commercial tracks are required to conduct in order to retain their commercial track licenses.

See title page for effective date.

**CHAPTER 500
H.P. 853 - L.D. 1253**

**An Act To Improve the
Evaluation of Elementary and
Secondary Schools**

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

Sec. 1. 20-A MRSA §6214 is enacted to read:

§6214. School accountability system; annual reports

Beginning with the 2018-2019 school year, for public schools, public charter schools and private schools approved for tuition purposes that enroll at least 60% publicly funded students, the commissioner shall implement a school accountability system to measure school performance and student proficiency in achieving the knowledge and skills described in the parameters for essential instruction and graduation requirements established under section 6209, subsection 2 and that meets the reporting requirements of the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h) and related regulations.

1. Performance and proficiency measures. The measures of school performance and student proficiency for the school accountability system implemented under this section must include multiple measures of student achievement and:

A. Align with the components of the state accountability system required to ensure equity in educational opportunity by the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(c) and related regulations;

B. Use measures of student proficiency in all content areas of the learning results and the guiding principles using data gathered under section 4722-A, subsection 5;

C. Use a 6-year adjusted cohort graduation rate as the broadest allowable time frame for high school graduation rates;

D. As available, use measures of postsecondary readiness, persistence and completion;

E. Establish a school administrative unit's eligibility and priority for targeted state funding for school improvement and support under section 15688-A, subsection 5 and other applicable targeted funds authorized under section 15688-A; and

F. May include, but are not limited to, the use of:

(1) Summative assessments aligned with the grade-level expectations of the parameters for essential instruction and graduation require-

ments established under section 6209, subsection 2;

(2) Interim assessments that measure student growth over time; and

(3) Information from the state assessment program under section 6204 on student achievement reported by the department in compliance with applicable federal statutes and regulations regarding student assessment.

2. Annual reports. As provided in the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h), the commissioner shall annually report the statewide and school-level results of the school accountability system implemented under this section with regard to the performance of schools and the proficiency of students in each of the State's elementary and secondary schools.

A. The commissioner shall provide each school with a profile of school performance and student proficiency based upon data from the school accountability system.

B. When a report is made under this subsection for purposes of comparative analysis of elementary and secondary schools, the reporting mechanisms and the categories reported must be uniform for each school compared at the elementary level or the secondary level.

C. Notwithstanding any other provision of this section, the commissioner may not provide a report of the statewide or school-level results of the school accountability system until the final adoption of rules in accordance with subsection 3.

3. Rules. The department shall adopt rules to implement the school accountability system established pursuant to this section. The rules adopted by the department must specify the methods to be used as part of the annual assessment of the performance of elementary and secondary schools and the proficiency of elementary and secondary school students. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Nothing in this section may be construed to prevent or inhibit the department from providing annual reports of the results of the state assessment program required by section 6204 to comply with the federal statutes and regulations pertaining to student assessment.

Sec. 2. Developing state plan for school accountability system. The Department of Education is designated as the state educational agency responsible for carrying out the State's obligations under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(a), including consulting with a state committee of practitioners estab-

lished in accordance with 20 United States Code, Section 6573(b) to develop and monitor the implementation of the state plans to be filed with the United States Secretary of Education for compliance with federal law and regulations related to the eligibility of state educational agencies to be awarded federal grants pursuant to 20 United States Code, Section 6311(a). In order to facilitate the development of a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under 20 United States Code, Section 6311, the Department of Education shall consult with the representatives of the entities and stakeholders in the school accountability work group in subsection 1 who must be included among the interested parties described in 20 United States Code, Section 6311(a)(1)(A) and shall serve as members of the committee of practitioners established in accordance with 20 United States Code, Section 6573(b).

1. The Department of Education shall appoint a school accountability work group to develop a school accountability system in accordance with this section, which must include, but is not limited to, representatives of the following entities and stakeholders:

- A. Department of Education;
- B. State Board of Education;
- C. Teachers;
- D. Principals;
- E. Parents;
- F. Education Research Institute, established under Title 20-A, section 10;
- G. Students;
- H. School boards;
- I. Superintendents;
- J. Special education administrators; and
- K. Curriculum leaders.

2. The work group shall consider at least the following elements in developing the school accountability system:

- A. Accurate measures of student progress over at least 3 years;
- B. Rates of postsecondary school attendance and enlistment in the United States Armed Forces over at least 3 years;
- C. A peer group comparison that takes into account, but is not limited to, utilization of special education services, the number of students eligible

for free or reduced-price meals, local and county unemployment data and median household income;

D. Attendance rates;

E. Graduation rates; and

F. Interviews with parents of students, members of governing boards of school administrative units, teachers and other education leaders about the overall school environment.

3. The work group shall provide opportunities for the public and interested parties to provide input regarding the development of the school accountability system and shall give notice to the public and interested parties of the work group's meetings during which the public may provide information or feedback on the proposed models under consideration by the work group.

4. The work group shall review the requirements of the Maine Revised Statutes, Title 20-A, chapter 222 and the school accountability systems that have been implemented in other states and jurisdictions and shall develop a school accountability system that will best serve the academic and developmental needs of students in this State.

5. The Commissioner of Education shall submit an interim report on the review required by subsection 5 and a final report on the review required by subsection 5 to the joint standing committee of the Legislature having jurisdiction over education matters no later than January 15, 2017. The report must include the work group's findings and recommendations and any necessary legislation regarding the implementation of a school accountability system. The committee is authorized to report out a bill to the First Regular Session of the 128th Legislature related to the recommendations included in this report.

Nothing in this section may be construed to prevent or inhibit the Department of Education from developing a school accountability system pursuant to the Maine Revised Statutes, Title 20-A, section 6214 to evaluate and rate the performance of schools in the State in accordance with the applicable federal statutes and regulations pertaining to the development of a state plan that describes a statewide accountability system that includes school-level results under the federal Every Student Succeeds Act of 2015, 20 United States Code, Section 6311(h).

Sec. 3. Rules. In adopting the rules required under the Maine Revised Statutes, Title 20-A, section 6214 related to implementing a school accountability system consistent with the requirements of Title 20-A, chapter 222, the Department of Education shall adopt rules that are consistent with the recommendations of the work group convened under section 2 submitted as part of the report required under section 2, subsection

6. The department shall file provisionally adopted major substantive rules with the Legislature by the January 5, 2018 statutory deadline for the submission of major substantive rules to be reviewed by the Legislature.

See title page for effective date.

CHAPTER 501

H.P. 842 - L.D. 1224

An Act To Amend the Child Protective Services Laws

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

Sec. 1. 22 MRSA §4008, sub-§5, as amended by PL 1989, c. 857, §58, is further amended to read:

5. Retention of unsubstantiated child protection services records. Except as provided in this subsection, the department shall retain unsubstantiated child protective services case records for no more than 18 months following a finding of unsubstantiation and then expunge unsubstantiated case records from all departmental files or archives unless a new referral has been received within the 18-month retention period. An expunged record or unsubstantiated record that should have been expunged under this subsection may not be used for any purpose, including admission into evidence in any administrative or judicial proceeding. Unsubstantiated child protective services records of persons who were eligible for Medicaid services under the federal Social Security Act, Title XIX, at the time of the investigation may be retained for up to 5 years for the sole purpose of state and federal audits of the Medicaid program. Unsubstantiated child protective services case records retained for audit purposes pursuant to this subsection must be stored separately from other child protective services records and may not be used for any other purpose.

Sec. 2. 22 MRSA §4008, sub-§7 is enacted to read:

7. Appeal of denial of disclosure of records. A parent, legal guardian, custodian or caretaker of a child who requests disclosure of information in records under subsection 2 and whose request is denied may request an administrative hearing to contest the denial of disclosure. The request for hearing must be made in writing to the department. The department shall conduct hearings under this subsection in accordance with the requirements of Title 5, chapter 375, subchapter 4. The issues that may be determined at hearing are limited to whether the nondisclosure of some or all of the information requested is necessary to protect the child or any other person. The department shall render after hearing without undue delay a decision as to whether

some or all of the information requested should be disclosed. The decision must be based on the hearing record and rules adopted by the commissioner. The decision must inform the requester that the requester may file a petition for judicial review of the decision within 30 days of the date of the decision. The department shall send a copy of the decision to the requester by regular mail to the requester's most recent address of record.

Sec. 3. 22 MRSA §4033, sub-§1, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

A. The petition and a notice of hearing ~~shall~~ must be served on the parents, legal guardian and custodians, the guardian ad litem for the child and any other party at least 10 days prior to the hearing date. A party may waive this time requirement if the waiver is written and voluntarily and knowingly executed in court before a judge. Service ~~shall~~ must be made in accordance with the ~~District Court Civil~~ Maine Rules of Civil Procedure.

Sec. 4. 22 MRSA §4033, sub-§2, as enacted by PL 1979, c. 733, §18, is amended to read:

2. Notice of preliminary protection order. If there is to be a request for a preliminary protection order, the petitioner shall, by any reasonable means, ~~attempt to~~ notify the parents, legal guardian and custodians of ~~his the~~ the intent to request that order and of the ~~time and place at which he will make the request~~ court in which counsel for the parents, legal guardian or custodians may file motions, including motions to modify or vacate any preliminary protection order issued. This notice is not required if the petitioner includes in the petition a sworn statement of ~~his belief~~ his belief detailing a sufficient factual basis that:

- A. The child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians; or
- B. Prior notice to the parents, legal guardian or custodians would increase the risk of serious harm to the child or petitioner.

Failure to provide the notice required by this section, after a good faith attempt to do so, does not constitute grounds for denial of a preliminary protection order.

Sec. 5. 22 MRSA §4033, sub-§3, as amended by PL 1989, c. 819, §5, is further amended to read:

3. Service of preliminary protection order. If the court makes a preliminary protection order, a copy of the order ~~shall~~ must be served on the parents, legal guardian and custodians by:

- A. In-hand delivery by the judge or court clerk to any parent, legal guardian, custodian or their counsel who is present when the order is made;

B. Service in accordance with the Maine Rules of Civil Procedure. Notwithstanding the Maine Rules of Civil Procedure, the court may waive service by publication of a preliminary protection order for a party whose whereabouts are unknown if the department shows by affidavit that diligent efforts have been made to locate the party; or

C. Another manner ordered by the court.

Sec. 6. 22 MRSA §4033, sub-§3-A, as enacted by PL 1987, c. 395, Pt. A, §90, is amended to read:

3-A. Information provided to parents. When the court makes a preliminary protection order on a child who is physically removed from ~~his the~~ the child's parents, legal guardian or custodians, the following information ~~shall~~ must be provided to the parents, legal guardian or custodians in written form by the petitioner at the time of removal of the child:

- A. The assigned caseworker's name and work telephone number;
- B. The placement with a relative or other location where the child will be taken; and
- C. A copy of the complete preliminary protection order.

This information is not required if the petitioner includes in the petition a sworn statement of ~~his the~~ the petitioner's belief that providing the information would cause the threat of serious harm to the child, the substitute care giver, the petitioner or any other person.

Sec. 7. 22 MRSA §4033, sub-§4, as enacted by PL 1979, c. 733, §18, is amended to read:

4. Service of final protection order. The court shall deliver in-hand at the court, or send by ordinary mail promptly after it is entered, a copy of the final protection order to the parent's, legal guardian's or custodian's counsel or, if no counsel, to the parents, legal guardian or custodians. The copy of the order ~~shall~~ must include a notice to them of their rights under section 4038. Lack of compliance with this subsection does not affect the validity of the order.

Sec. 8. 22 MRSA §4033, sub-§6 is enacted to read:

6. Notice to legal guardians. When notice is required to be given to the legal guardian of a child, the department shall provide notice to all of the child's legal guardians that are known to the department.

Sec. 9. 22 MRSA §4034, sub-§1, as amended by PL 2001, c. 696, §25, is further amended to read:

1. Request. A petitioner may add to a child protection petition a request for a preliminary protection order or may request a preliminary protection order separately from the child protection petition. A request for a preliminary protection order must include a

sworn summary of facts to support the request and identify the specific services offered and provided under section 4036-B, subsection 3 to prevent the removal of the child from the home.

Sec. 10. 22 MRSA §4034, sub-§4, as amended by PL 2001, c. 696, §26, is further amended to read:

4. Summary preliminary hearing. ~~If the custodial parent appears and does not consent, or if a non-custodial parent requests a hearing, then the court shall hold a summary preliminary hearing on that order within 14 days but not less than 7 days of its issuance or request. If a parent or custodian is not served with the petition before the summary preliminary hearing, the parent or custodian may request a subsequent preliminary hearing within 10 days after receipt of the petition. The court shall schedule a summary preliminary hearing on a preliminary protection order within 14 days but not less than 7 days after issuance of the preliminary protection order, except that counsel for a parent may request that the hearing take place sooner. Upon request of counsel, the court may conduct the summary preliminary hearing as expeditiously as the court determines the interests of justice require. If a parent, custodian or legal guardian appears for the summary preliminary hearing and does not consent to the preliminary protection order, the court shall conduct a hearing at which the petitioner bears the burden of proof. At a summary preliminary hearing, the court may limit testimony to the testimony of the caseworker, parent, custodian, legal guardian, guardian ad litem, foster parent, preadoptive parent or relative providing care and may admit evidence, including reports and records, that would otherwise be inadmissible as hearsay evidence. If after the hearing the court finds by a preponderance of the evidence that returning the child to the child's custodian would place the child in immediate risk of serious harm, it shall continue the order or make another disposition under section 4036. If the court's preliminary protection order includes a finding of an aggravating factor, the court may order the department not to commence reunification or to cease reunification, in which case the court shall conduct a hearing on jeopardy and conduct a permanency planning hearing. The hearings must commence within 30 days of entry of the preliminary protection order.~~

If the petitioner has not been able to serve a parent, custodian or legal guardian before the scheduled summary preliminary hearing, the parent, custodian or legal guardian may request a subsequent summary preliminary hearing within 10 days after receipt of the petition.

See title page for effective date.

CHAPTER 502 S.P. 248 - L.D. 690

An Act To Ensure the Safety of Home Birth

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

Sec. 1. 32 MRSA §12501, sub-§1-A is enacted to read:

1-A. Accreditation commission for midwifery education. "Accreditation commission for midwifery education" means the United States Department of Education-recognized commission approved in rules adopted by the board that provides accreditation, pre-accreditation of certificate, graduate and precertification programs that meet the national college of nurse midwives core competencies for midwifery practice.

Sec. 2. 32 MRSA §12501, sub-§§4-A and 4-B are enacted to read:

4-A. Certified midwife. "Certified midwife" means an individual who holds a current and valid national certification as a certified midwife from the national midwifery certification board and is licensed under this chapter to practice midwifery.

4-B. Certified professional midwife. "Certified professional midwife" means an individual who holds a current and valid national certification as a certified professional midwife from the national registry of midwives and is licensed under this chapter and practices midwifery.

Sec. 3. 32 MRSA §12501, sub-§5-A is enacted to read:

5-A. Department. "Department" means the Department of Professional and Financial Regulation.

Sec. 4. 32 MRSA §12501, sub-§§6-A to 6-J are enacted to read:

6-A. International confederation of midwives. "International confederation of midwives" means a nongovernmental organization, approved in rules adopted by the board, representing midwives and midwifery associations that authors international standards for education and essential competencies for practice.

6-B. Midwife. "Midwife" means a person who practices midwifery.

6-C. Midwifery. "Midwifery" means providing primary health or maternity care to women and infants. "Midwifery" includes consultation with or referral to medical and other health care providers when indicated by client health care needs.

6-D. Midwifery bridge certificate. "Midwifery bridge certificate" means a certificate issued by the

national registry of midwives that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives.

6-E. Midwifery education accreditation council. "Midwifery education accreditation council" means the United States Department of Education-recognized commission that provides accreditation for programs and institutions that meet the national midwives alliance core competencies, the international confederation of midwives competencies and the national registry of midwives skills and standards for basic midwifery practice.

6-F. National association of certified professional midwives. "National association of certified professional midwives" means the national professional and standard-setting association for certified professional midwives approved in rules adopted by the board.

6-G. National college of nurse midwives. "National college of nurse midwives" means the national professional and standard-setting organization for midwives certified by the national midwifery certification board.

6-H. National midwifery certification board. "National midwifery certification board" means the national certifying body, approved in rules adopted by the board, for candidates in midwifery who have received graduate-level education in programs accredited by the accreditation commission for midwifery education.

6-I. National midwives alliance. "National midwives alliance" means the national midwifery organization, approved in rules adopted by the board, that has articulated core competencies for midwives.

6-J. National registry of midwives. "National registry of midwives" means the organization that sets national standards for the certified professional midwife credential approved in rules adopted by the board.

Sec. 5. 32 MRSA §12501, sub-§14-A is enacted to read:

14-A. Qualified midwife preceptor. "Qualified midwife preceptor" means a licensed and experienced midwife, or other health professional licensed in this State, who participates in the clinical education of individuals enrolled in a midwifery education program accredited by the midwifery education accreditation council or accreditation commission for midwifery education and who meets the criteria for midwife preceptors set forth by the organization.

Sec. 6. 32 MRSA §12502, sub-§1, as amended by PL 2007, c. 402, Pt. AA, §1, is further amended to read:

1. Membership. The Board of Complementary Health Care Providers, as established in Title 5, section 12004-A, subsection 8-A, shall regulate the professions of acupuncture ~~and~~, naturopathic medicine and midwifery according to the provisions of this chapter. The board consists of ~~7~~ 9 members appointed by the Governor. The Governor shall make the initial appointments to the board no later than 60 days after the effective date of this section and shall inform the Commissioner of Professional and Financial Regulation of these appointments. The commissioner shall call the first meeting of the board on a date no later than 30 days following notification of appointments by the Governor. All members of the board must be residents of this State. Two members of the board must be acupuncturists licensed in this State. Two members of the board must be ~~practitioners of naturopathic medicine~~ doctors who are eligible for licensure under, or are licensed pursuant to, the requirements of subchapter 3. One member must be a certified professional midwife licensed in this State. One member must be a midwife of any classification licensed in this State. One member must be a public member as defined in Title 5, section 12004-A. One member must be an allopathic or osteopathic physician, board-certified in obstetrics and gynecology, who is licensed in this State. One member must be a pharmacist who is licensed physician or nurse practitioner with a specialty in pediatric care who is licensed in this State.

Sec. 7. 32 MRSA §12503, sub-§1, ¶B-1 is enacted to read:

B-1. Set the standards of practice for midwives. Prior to January 1, 2021, rules relating to the limitations in section 12536, the drug formulary, informed consent documentation, preexisting conditions that render a pregnancy ineligible for out-of-hospital birth and data collection and reporting must be adopted by the board in joint rulemaking with the Board of Licensure in Medicine. On or after January 1, 2021, rules adopted pursuant to this paragraph must be adopted by the board. All other rules must be adopted by the board.

Sec. 8. 32 MRSA §12503, sub-§1, ¶D, as amended by PL 2007, c. 402, Pt. AA, §2, is further amended to read:

D. Ensure that acupuncturists ~~and~~, naturopathic doctors and midwives serving the public meet minimum standards of proficiency and competency to protect the health, safety and welfare of the public; and

Sec. 9. 32 MRSA §12504, as enacted by PL 1995, c. 671, §13, is amended to read:

§12504. Unauthorized employment

A person in the course of business may not employ an acupuncturist ~~or~~, naturopathic doctor or midwife who does not have a license unless that person is a student or intern within the meaning of this chapter.

Sec. 10. 32 MRSA §12505-A, as enacted by PL 2007, c. 402, Pt. AA, §5, is amended to read:

§12505-A. Unlicensed practice

A person who violates section 12504, 12511 ~~or~~, 12521 or 12531 is subject to the provisions of Title 10, section 8003.

Sec. 11. 32 MRSA c. 113-B, sub-c. 4 is enacted to read:

SUBCHAPTER 4**MIDWIFERY LICENSING REQUIREMENTS AND SCOPE OF PRACTICE****§12531. License required**

1. License required. Beginning January 1, 2020, a person may not practice, offer to practice or profess to be authorized to practice midwifery, or hold oneself out to the public, as a midwife licensed in this State or use the words "certified professional midwife" or "certified midwife" or the letters "C.P.M." or "C.M." or other words or letters to indicate that the person using the words or letters is a licensed certified midwife or licensed certified professional midwife or that may misrepresent to the public that the person is authorized to practice midwifery in this State, unless that person is licensed in accordance with this subchapter.

2. National certification. This section is not intended to prohibit persons holding national certifications as midwives from identifying themselves as holding such certifications, so long as those persons are not practicing midwifery or professing to be authorized to practice midwifery in this State.

3. Individual license. Only an individual may be licensed under this subchapter.

§12532. Persons and practices exempt

Nothing in this subchapter may be construed as preventing:

1. Licensed persons. A person licensed in this State by any other law who is performing services within that person's authorized scope of practice from engaging in the profession or occupation for which the person is licensed, including midwives authorized and licensed as advanced practice registered nurses under the State Board of Nursing to practice as certified nurse midwives;

2. Students. Midwifery services provided by student midwives acting under the direct supervision of a qualified midwife preceptor;

3. Religious or cultural traditions. A traditional birth attendant from practicing midwifery without a license if the traditional birth attendant has cultural or religious traditions that have historically included the attendance of traditional birth attendants at births and that birth attendant serves only the women and families in that distinct cultural or religious group; or

4. Emergency. The rendering of midwifery services in the case of emergency.

§12533. Qualifications for licensure as a certified professional midwife

An applicant for a license to practice midwifery as a certified professional midwife shall submit to the board in a format as prescribed by the board the following:

1. Fee. A completed application together with the fee established under section 12538;

2. Certification. Proof of a current and valid national certification as a certified professional midwife from the national registry of midwives; and

3. Education. Proof of successful completion of a formal midwifery education and training program as follows:

A. An educational program or institution accredited by the midwifery education accreditation council;

B. For an applicant certified as a certified professional midwife who is certified before January 1, 2020 and who has completed a midwifery education and training program from an educational program or institution that is not accredited by the midwifery education accreditation council, a midwifery bridge certificate; or

C. For an applicant who has maintained an authorization to practice midwifery as a licensed certified professional midwife in a state that does not require completion of a midwifery education and training program from an educational program or institution that is accredited by the midwifery education accreditation council, regardless of the date of that authorization, a midwifery bridge certificate.

§12534. Qualifications for licensure as a certified midwife

An applicant for a license to practice midwifery as a certified midwife shall submit to the board in a format as prescribed by the board the following:

1. Fee. A completed application together with the fee established under section 12538;

2. Certification. Proof of a current and valid national certification as a certified midwife from the national midwifery certification board; and

3. Education. Proof of successful completion of a graduate-level education program in midwifery that is accredited by the accreditation commission for midwifery education.

§12535. Scope of practice for certified professional midwife

1. Certification. A certified professional midwife may not practice without a current and valid certification.

2. National standards. A certified professional midwife shall at all times practice within the scope of practice and national standards as delineated by the national association of certified professional midwives.

3. Medical testing and supplies. The scope of practice of a certified professional midwife includes authorization to order and interpret medical laboratory tests and ultrasound scanning and to obtain equipment and supplies necessary for the safe practice of midwifery.

4. Administration of drugs. The scope of practice of a certified professional midwife includes the authority to obtain and administer certain drugs as determined by board rule. The board shall limit the drug formulary for certified professional midwives to only those medications that are indicated for the safe conduct of pregnancy, labor and birth and care of women and newborns and that a midwife is educationally prepared to administer and monitor. These may not include schedule II, III or IV drugs as defined in the federal Controlled Substances Act of 1970, 21 United States Code, Section 812.

5. Board rules. Clarifications of the scope of practice of a certified professional midwife may be established by board rule.

§12536. Limitations on scope of practice for certified professional midwife

1. Limitations. Certified professional midwives must refer clients to a hospital-based perinatal care provider and may not provide birth services to parents in a home or freestanding birth center setting when there is a reasonable likelihood that any of the following conditions exist:

- A. Multifetal gestation;
- B. Breech presentation;
- C. Vaginal birth after a cesarean section; and
- D. Conditions that present a moderate or high risk of harm to parent or child as defined in board rule.

2. Rules. Notwithstanding subsection 1, the board and the Board of Licensure in Medicine, jointly, prior to January 1, 2021 or the board beginning January 1, 2021 may adopt rules relating to the provision

of birth services by certified professional midwives in cases in which there is a reasonable likelihood that any condition identified in subsection 1 exists.

3. Contingent repeal. Any paragraph in subsection 1 the subject matter of which is addressed in a rule or rules adopted pursuant to subsection 2 is repealed after the effective date of the rule or rules upon notification from the Director of the Office of Professional and Occupational Regulation within the department, or the commissioner, to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the rule or rules have been adopted.

§12537. Scope of practice for certified midwife

1. Certification. A certified midwife may not practice without a current and valid certification.

2. Standards. A certified midwife shall at all times practice within the scope of practice and national standards as delineated by the national college of nurse midwives.

3. Medical testing and supplies. The scope of practice of a certified midwife includes authorization to order and interpret medical laboratory tests, to perform ultrasound scanning and to obtain equipment and supplies necessary for the safe practice of midwifery.

4. Prescriptive authority. The scope of practice of a certified midwife includes prescriptive authority, which may not include schedule II drugs. As used in this subsection, "schedule II drug" has the same meaning as in the federal Controlled Substances Act of 1970, 21 United States Code, Section 812.

5. Board rules. Clarifications of the scope of practice of a certified midwife may be established by board rule, consistent with national standards.

§12538. Fees and renewals

1. Fees. The Director of the Office of Professional and Occupational Regulation within the department may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for initial and renewal licensure may not exceed \$675 annually. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Renewal. A license issued under this subchapter expires on the stated expiration date as determined by the commissioner. Prior to expiration of a license, a licensee may make an application in a format as determined by the commissioner for renewal and upon payment of the renewal fee as set pursuant to subsection 1. A license may not be issued until the applicant certifies to the board that the applicant has completed the continuing education requirements adopted by the board.

3. Late renewal. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee in addition to the renewal fee as set pursuant to subsection 1. A person who submits an application for renewal more than 90 days after the date of expiration is subject to all requirements governing new applicants under this subchapter, except that the board, giving due consideration to the protection of the public, may waive any such requirement if that renewal application is received, together with the late fee and renewal fee, within 2 years from the date of the expiration.

§12539. Data collection and reporting for a licensed midwife

1. Report. Beginning February 1, 2017, and on each February 1st thereafter, a midwife licensed under this subchapter shall report to the board, in a form specified by the board, the following information regarding cases in which the midwife assisted during the previous calendar year when the intended place of birth at the onset of care was an out-of-hospital setting:

A. The total number of clients served as primary maternity caregiver at the onset of care;

B. The number, by county, of live births attended as primary maternity caregiver;

C. The number, by county, of cases of fetal demise, infant deaths and maternal deaths attended as primary maternity caregiver at the discovery of the demise or death;

D. The number of women whose primary maternity care was transferred to another health care practitioner during the antepartum period and the reason for transfer;

E. The number, reason for and outcome of each nonemergency transfer during the intrapartum or postpartum period;

F. The number, reason for and outcome of each urgent or emergency transport of an expectant mother in the antepartum period;

G. The number, reason for and outcome of each urgent or emergency transport of an infant or mother during the intrapartum or immediate postpartum period;

H. The number of planned out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting;

I. A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate; and

J. Any information required by the board in rules.

2. Penalty. Failure to comply with the reporting requirements under subsection 1 is grounds for discipline by the board.

§12540. Qualified immunity

Other health care practitioners or health care providers, as defined in Title 24, section 2502, subsections 1-A and 2, respectively, are immune from civil liability for any injuries or death resulting from the acts or omissions of a midwife. Notwithstanding any inconsistent provisions of any public or private and special law, a health care practitioner or health care provider who consults or collaborates with a midwife or accepts transfer of care of clients of a midwife is not liable for damages for injuries or death alleged to have occurred by reason of an act or omission, unless it is established that the injuries or the death were caused willfully, wantonly or recklessly or by gross negligence on the part of the health care practitioner or health care provider.

§12541. Informed consent to care

In a format accepted by the board, a midwife licensed under this subchapter attending a birth at a home or freestanding birth center shall provide each client with and maintain a record of a signed informed consent to care form that describes the midwife's education and credentials, written practice guidelines, services provided, whether the midwife has professional liability insurance coverage, procedures and risks of birth in the client's chosen environment, components of the emergency plan and the address and telephone number of the board where complaints may be filed. The board shall establish by rule a form for this purpose.

§12542. Public health authority and responsibility

A certified professional midwife or certified midwife is a licensed health care provider and has the same authority and responsibility as other licensed health care providers regarding public health laws, reportable disease and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations and local boards of health, except that this authority is limited to activity consistent with the scope of practice authorized by this subchapter.

§12543. Disciplinary actions

1. Disciplinary action. The board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for any of the reasons enumerated in Title 10, section 8003, subsection 5-A, paragraph A.

2. Consultation. In any disciplinary actions involving consultation between midwives and physicians, informed consent, transport, transfer of care, scope of practice, drug formulary or standards of care, the board shall act in consultation with the Board of Licensure in Medicine but is not bound by that board's recommendations.

3. Reinstatement after revocation. An application for reinstatement may be made to the board one year from the date of revocation of a license. The board may accept or reject the application for reinstatement and hold a hearing to consider reinstatement.

Sec. 12. 32 MRSA §13811, as enacted by PL 2007, c. 669, §1, is repealed.

Sec. 13. 32 MRSA §13812, as enacted by PL 2007, c. 669, §2, is repealed.

Sec. 14. Midwife data collection and reporting guidelines pending initial licensure. The Board of Complementary Health Care Providers, established in the Maine Revised Statutes, Title 5, section 12004-A, subsection 8-A, shall invite and encourage every midwife who intends to be licensed in this State to keep data records and report them to the board upon application for initial licensure. Those records must contain the following information:

1. The total number of clients served as primary maternity caregiver at the onset of care;
2. The number, by county, of live births attended as primary maternity caregiver;
3. The number, by county, of cases of fetal demise, infant deaths and maternal deaths attended as primary maternity caregiver at the discovery of the demise or death;
4. The number of women whose primary maternity care was transferred to another health care practitioner during the antepartum period and the reason for transfer;
5. The number, reason for and outcome of each nonemergency transfer of care during the intrapartum or postpartum period;
6. The number, reason for and outcome of each urgent or emergency transfer of care of an expectant mother in the antepartum period;
7. The number, reason for and outcome of each urgent or emergency transfer of care of an infant or mother during the intrapartum or immediate postpartum period;
8. The number of planned home or freestanding birth center out-of-hospital births at the onset of labor and the number of births completed in an out-of-hospital setting;
9. A brief description of any complications resulting in the morbidity or mortality of a mother or a neonate that occurs during pregnancy, postpartum and the newborn period; and
10. The number of cases involving vaginal birth after cesarean section, breech presentation and multifetal gestation, including for each such case the information contained in subsections 1 to 9.

Sec. 15. Transition provisions

1. Midwife members; initial appointments.

For purposes of initial appointments to the Board of Complementary Health Care Providers pursuant to that section of this Act that amends the Maine Revised Statutes, Title 32, section 12502, subsection 1, the midwife members need only hold a current and valid national certification as a midwife, except that after January 1, 2020 all midwife members of the board must be licensed pursuant to the requirements of Title 32, chapter 113-B, subchapter 4.

2. Expiration of terms. The terms of members of the Board of Complementary Health Care Providers who on the effective date of this Act do not meet the requirements of the Maine Revised Statutes, Title 32, section 12502, subsection 1 expire on September 1, 2016. New members appointed in accordance with the provisions of Title 32, section 12502, subsection 1 must be appointed by September 1, 2016.

Sec. 16. Contingent effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 32, sections 13811 and 13812 do not take effect unless:

1. The Board of Complementary Health Care Providers, established in the Maine Revised Statutes, Title 5, section 12004-A, subsection 8-A, either alone or in joint rulemaking with the Board of Licensure in Medicine, established in Title 5, section 12004-A, subsection 24, adopts a rule or rules concerning drug possession and administration by certified professional midwives and certified midwives; and
2. The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation, or the Commissioner of Professional and Financial Regulation, notifies the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the rule or rules have been adopted.

See title page for effective date, unless otherwise indicated.

CHAPTER 503

H.P. 252 - L.D. 365

An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability

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

Sec. 1. 36 MRSA §5219-NN is enacted to read:

§5219-NN. Credit for certain homestead modifications

1. Credit allowed. A person with federal adjusted gross income not exceeding \$55,000 who makes qualified expenditures for the purpose of making all or any portion of an existing homestead, as defined in section 5219-II, subsection 1, paragraph C, accessible to an individual with a disability or physical hardship who resides or will reside in the homestead is allowed a credit against the tax otherwise imposed under this Part in an amount equal to the applicable percentage of the qualified expenditures or \$9,000, whichever is less.

2. Qualified expenditures. An individual claiming a credit under this section must demonstrate to the Maine State Housing Authority that the homestead modifications for which the expenditures were incurred comply with applicable building standards governing home accessibility in the jurisdiction where the homestead is located and are consistent with standards adopted by the authority. The authority may adopt rules consistent with this section to identify the types of homestead modifications that will enable accessibility for individuals with disabilities or physical hardships. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Certification. The Maine State Housing Authority shall certify to the State Tax Assessor the total qualified expenditures made by an individual seeking to claim a credit under this section. The authority may contract with a public or private entity to make the certification required under this subsection.

4. Limitations; carry-forward. The credit under this section must be taken in the taxable year in which the qualified expenditures were incurred. Any unused portion of the credit may be carried forward to the following year or years for a period not to exceed 4 years.

5. Applicable percentage. For the purposes of this section, "applicable percentage" means:

- A. For taxpayers with a federal adjusted gross income of \$0 to \$25,000, 100%;
- B. For taxpayers with a federal adjusted gross income over \$25,000 but not over \$30,000, 90%;
- C. For taxpayers with a federal adjusted gross income over \$30,000 but not over \$35,000, 80%;
- D. For taxpayers with a federal adjusted gross income over \$35,000 but not over \$40,000, 70%;
- E. For taxpayers with a federal adjusted gross income over \$40,000 but not over \$45,000, 60%; and
- F. For taxpayers with a federal adjusted gross income over \$45,000 but not over \$55,000, 50%.

6. Annual limit on credits. Credits approved under this section may not exceed \$1,000,000 for any calendar year. If the \$1,000,000 annual limitation is reached, any additional applications for a credit in that year must be held and given priority in consideration in the following calendar year.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2017.

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

**HOUSING AUTHORITY, MAINE STATE
Home Modification Certification Program N208**

Initiative: Provides funds for the cost of conducting the home modification certification.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$50,000
GENERAL FUND TOTAL	\$0	\$50,000

See title page for effective date.

**CHAPTER 504
S.P. 694 - L.D. 1686**

**An Act To Amend the Finance
Authority of Maine Act**

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

Sec. 1. 10 MRSA §962, sub-§2, as amended by PL 2011, c. 586, §1, is further amended to read:

2. Revenue obligation securities. Issue revenue obligation securities to finance eligible projects, except that revenue obligation securities may not be issued for energy distribution system projects ~~after or energy generating system projects unless the authority issued a certificate of approval for those eligible projects before January 1, 2018~~ 2020 pursuant to ~~section 1044, subsection 13 subchapter 3;~~

Sec. 2. 10 MRSA §963-A, sub-§13, ¶B, as amended by PL 1987, c. 141, Pt. B, §7, is further amended to read:

B. For a system ~~which that~~ does generate electricity, an energy generating system ~~which, including~~ wires, cables and other material and equipment necessary and convenient for the delivery of electricity from the electricity generating facility to the transmission and distribution utility system within the State, that uses biomass, peat, solar, waste, water and related dams, wind, wood or

coal, and ~~which~~ that is owned, in whole or in part, by an individual, municipality, corporation, limited liability company or other governmental entity or business association ~~which that~~ that qualifies as a cogenerator or small power producer under Title 35-A, chapter 33.

Sec. 3. 10 MRSA §1043, sub-§2, ¶O, as amended by PL 2011, c. 655, Pt. MM, §8 and affected by §26, is further amended to read:

O. In the case of an energy distribution system project or an energy generating system project regulated by the Public Utilities Commission with respect to rates or terms of service or that requires, for construction or operation, authorization or certification from the commission, the following conditions are met.

(1) The energy distribution system project or the energy generating system project has received all authorizations or certifications from the Public Utilities Commission necessary for construction and operation of the project. The authority may issue a certificate of approval for a project that has received conditional approvals or certifications from the commission, except that the authority's certificate becomes legally effective only upon fulfillment of the conditional provisions of the commission's certificates or approvals. If the commission has approved rates to be charged by the project or has issued a certificate of public convenience and necessity for the project, the authority shall take into consideration any findings and conclusions of law of the commission, including any findings and conclusions pertaining to the need for the project and the financial viability of the project.

(2) The authority has reviewed and considered any comments provided by the Director of the Governor's Energy Office and the Public Advocate.

(3) The authority has determined that the applicant is creditworthy and that there is a reasonable likelihood that the revenue obligation securities will be repaid through the revenues of the project and any other sources of revenues and collateral pledged to the repayment of those securities. In order to make these determinations, the authority shall consider such factors as it considers necessary and appropriate in light of the special purpose or other nature of the business entity owning the project and the specific purposes of the project to measure and evaluate the project and the sufficiency of the pledged revenues to repay the obligations, including, but not limited to:

(a) Whether the individuals or entities obligated to repay the obligations have demonstrated sufficient revenues from the project or from other sources to repay the obligations and a reasonable probability that those revenues will continue to be available for the term of the revenue obligation securities;

(b) Whether the applicant demonstrates a reasonable probability that the project will continue to operate and provide the public benefits projected to be created for the term of the revenue obligation securities;

(c) Whether the applicant's creditworthiness is demonstrated by factors such as its historical financial performance, management ability, plan for marketing its product or service and ability to access conventional financing;

(d) Whether the applicant meets or exceeds industry average financial performance ratios commonly accepted in determining creditworthiness in that industry;

(e) Whether the applicant demonstrates that the need for authority assistance is due to the reduced cost and increased flexibility of the financing for the project that result from authority assistance and not from an inability to obtain necessary financing without the capital reserve fund security provided by the authority;

(f) Whether collateral securing the repayment obligation is reasonably sufficient under the circumstances;

(g) Whether the proposed project enhances the opportunities for economic development;

(h) The effect that the proposed project financing has on the authority's financial resources;

(i) The financial performance of similar projects;

(j) The need for the project, as determined by the Public Utilities Commission and as indicated by any comments provided by the Director of the Governor's Energy Office, other public officials and members of the public;

(k) The nature and extent of customer commitment to use the project or the fuel or energy the project distributes ~~or~~ transmits or generates;

(l) The cost advantages to end users of the fuel or energy to be distributed ~~or~~, transmitted or generated by the project, to the extent those advantages may affect market penetration by the project; and

(m) The nature and extent of the applicant's equity contribution to payment of the costs of the project; such a contribution may not be less than 25% of the expected cost of the project.

This paragraph is repealed January 1, ~~2018~~ 2020.

Sec. 4. 10 MRSA §1044, sub-§13, as enacted by PL 2011, c. 586, §4, is amended to read:

13. Limitation. The authority may not issue revenue obligation securities for energy distribution system projects or energy generating system projects unless the authority issued a certificate of approval for the energy distribution system project or energy generating system project before January 1, ~~2018~~ 2020. Notwithstanding this subsection, revenue refunding securities may be issued to refund any outstanding revenue obligation securities.

Sec. 5. 10 MRSA §1053, sub-§6, ¶A, as amended by PL 2011, c. 586, §5, is further amended to read:

A. The sum of \$180,000,000 consisting of not more than \$150,000,000 for loans and up to \$30,000,000 for use of bond proceeds to fund capital reserve funds for revenue obligation securities issued pursuant to this subchapter relating to loans for electric rate stabilization projects, loans for energy generating system projects or loans for energy distribution system projects;

See title page for effective date.

CHAPTER 505

S.P. 670 - L.D. 1645

**An Act To Address Employee
Recruitment and Retention
Issues at State Mental Health
Institutions**

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 mental health institutions are an integral part of mental health care in the State; and

Whereas, employee recruitment and retention is important to the stability of the state mental health institutions; and

Whereas, this legislation provides for an increase in wages for certain personnel at the state mental health institutions beginning July 1, 2016; and

Whereas, the 90-day period will not expire until after July 1, 2016; 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. Department to increase wages at state mental health institutions. Notwithstanding any other provision of law, effective at the beginning of the first pay period commencing on or after July 1, 2016, the Department of Health and Human Services shall increase wages for select personnel as specified in this section at the state mental health institutions. Wages must be increased by \$2 per hour for all Acuity Specialist positions, Licensed Practical Nurse positions, Mental Health Worker I positions, Mental Health Worker II positions and Mental Health Worker III positions. Wages must be increased by \$4 per hour for all Nurse I positions, Hospital Nurse II positions, Hospital Nurse III positions, Hospital Nurse IV positions, Psychologist III positions and Psychologist IV positions.

Sec. 2. Transfer from Salary Plan program and special account funding. The funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used 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 section 1 in fiscal year 2016-17. Positions supported from sources other than the General Fund must be funded from those other sources. Transfers from the Salary Plan program pursuant to this section may not exceed \$944,379 in fiscal year 2016-17.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2016.

Effective July 1, 2016.

**CHAPTER 506
S.P. 655 - L.D. 1617**

**An Act Regarding the
Long-term Care Ombudsman
Program**

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

Sec. 1. 22 MRSA §5107-A, as amended by PL 2001, c. 596, Pt. B, §9 and affected by §25, is further amended by adding after the 2nd paragraph a new paragraph to read:

The ombudsman may provide advocacy during the hospital discharge process to assist patients with complex medical needs who experience significant barriers in accessing long-term services and supports. If the ombudsman provides advocacy, the ombudsman shall ensure that the patient has information regarding available options including, but not limited to: home and community-based services provided under MaineCare or funded by the State; admission to a residential care facility as defined in section 7852, subsection 14 and licensed according to section 7801; admission to a nursing facility licensed according to section 1817; and admission to an assisted living facility or program licensed pursuant to chapter 1663 or 1664. The ombudsman also may provide assistance to the patient after discharge from the hospital.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

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

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds to contract for 2 additional positions in the long-term care ombudsman program to provide information on options and assist patients with complex medical needs with overcoming barriers to admission in a residential care facility, nursing facility or assisted living facility or program and provide services to facilities subsequent to placement of patients with complex medical needs.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

See title page for effective date.

**CHAPTER 507
H.P. 1057 - L.D. 1552**

**An Act To Reduce Morbidity
and Mortality Related to
Injected Drugs**

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

Sec. 1. 22 MRSA §1341, sub-§§1 and 2, as amended by PL 2007, c. 346, Pt. A, §1, are further amended to read:

1. Certification of programs. The Maine Center for Disease Control and Prevention may certify hypodermic apparatus exchange programs that meet the requirements established by rule under subsection 2, paragraphs A to D.

A. The Maine Center for Disease Control and Prevention may not limit the number of hypodermic apparatuses provided by the programs to participants.

B. The Maine Center for Disease Control and Prevention may not limit the number of hypodermic apparatuses that participants served by the programs may legally possess, transport or exchange.

2. Rules. The Maine Center for Disease Control and Prevention shall adopt rules pursuant to the Maine Administrative Procedure Act establishing requirements for hypodermic apparatus exchange programs and for program certification requirements. The rules must include but are not limited to:

A. Procedures for the safe disposal of hypodermic apparatuses;

B. Tracking the number of hypodermic apparatuses distributed and collected;

C. Drug abuse prevention and treatment education; ~~and~~

~~D. Measures to discourage the utilization of~~ Distribution of educational material regarding the dangers associated with the use of used hypodermic apparatuses;

E. Application procedures for a certified hypodermic apparatus exchange program to apply for funds to operate the program including the purchase and disposal of hypodermic needles;

F. Criteria for the award of funds to certified hypodermic apparatus exchange programs;

G. Oversight of certified hypodermic apparatus exchange programs;

H. Renewal every 5 years of department certification of hypodermic apparatus exchange programs;

- I. Complaint investigation procedures; and
- J. Criteria for decertification of hypodermic apparatus exchange programs.

Rules adopted or amended pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1341, sub-§4 is enacted to read:

4. Funding. This subsection governs the use of state funds for hypodermic apparatus exchange programs certified pursuant to this section. This subsection is not intended to limit the ability of certified programs to secure other sources of funding or to discourage fund-raising for the purpose of operating such programs. The Maine Center for Disease Control and Prevention shall allocate any funds appropriated for hypodermic apparatus exchange programs among new and existing certified programs based on rates of intravenous drug use and negative health outcomes related to drug use in the geographic area surrounding a program; if applicable, the amount of services historically provided by the certified program; and other relevant factors. The award of funds must occur not later than 60 days after the effective date of this subsection and annually thereafter based on the availability of funding.

See title page for effective date.

CHAPTER 508

H.P. 1054 - L.D. 1547

An Act To Facilitate Access to Naloxone Hydrochloride

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

Sec. 1. 22 MRSA §2353, sub-§1, ¶D is enacted to read:

D. "Pharmacist" means a pharmacist authorized to dispense naloxone hydrochloride pursuant to Title 32, section 13815.

Sec. 2. 22 MRSA §2353, sub-§2, as amended by PL 2015, c. 351, §1, is further amended to read:

2. Prescription; possession; administration. The prescription, possession and administration of naloxone hydrochloride is governed by this subsection.

A. A health care professional may directly or by standing order prescribe naloxone hydrochloride to an individual at risk of experiencing an opioid-related drug overdose.

A-1. A pharmacist may dispense naloxone hydrochloride in accordance with protocols established under Title 32, section 13815 to an individual at risk of experiencing an opioid-related drug overdose.

B. An individual to whom naloxone hydrochloride is prescribed or dispensed in accordance with paragraph A or A-1 may provide the naloxone hydrochloride so prescribed or dispensed 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 directly or by standing order prescribe naloxone hydrochloride to a member of an individual's immediate family or a friend of the individual or to another person in a position to assist the individual if the individual is at risk of experiencing an opioid-related drug overdose.

C-1. A pharmacist may dispense naloxone hydrochloride in accordance with protocols established under Title 32, section 13815 to a member of an individual's immediate family or a friend of the individual or to another person in a position to assist the individual if the individual is at risk of experiencing an opioid-related drug overdose.

D. If a member of an individual's immediate family, friend of the individual or other person is prescribed or provided naloxone hydrochloride in accordance with paragraph C or C-1, that family member, friend or other person may administer the naloxone hydrochloride to the individual if the family member, friend or other person 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.

Sec. 3. 22 MRSA §2353, sub-§3, as enacted by PL 2013, c. 579, §1, is amended to read:

3. Authorized administration of naloxone hydrochloride by law enforcement officers and municipal firefighters. A law enforcement agency as defined in Title 25, section 3701, subsection 1 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered in accordance with this subsection. 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.

Sec. 4. 22 MRSA §2353, sub-§5 is enacted to read:

5. Immunity. The following provisions provide immunity for actions taken in accordance with this section.

A. A health care professional or a pharmacist, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for storing, dispensing or prescribing naloxone hydrochloride in accordance with this section or for any outcome resulting from such actions.

B. A person, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride in accordance with this section or for administering naloxone hydrochloride in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

Sec. 5. 32 MRSA c. 117, sub-c. 11-A is enacted to read:

SUBCHAPTER 11-A
DISPENSING OF NALOXONE
HYDROCHLORIDE

§13815. Authorization

The board by rule shall establish procedures and standards for authorizing pharmacists to dispense naloxone hydrochloride. The rules must establish adequate training requirements and protocols for dispensing naloxone hydrochloride by prescription drug order or standing order or pursuant to a collaborative practice agreement. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A pharmacist authorized by the board pursuant to this section to dispense naloxone hydrochloride may dispense naloxone hydrochloride in accordance with Title 22, section 2353.

Sec. 6. Adoption of rules. The Maine Board of Pharmacy shall adopt rules pursuant to the Maine Revised Statutes, Title 32, section 13815 no later than July 1, 2017.

See title page for effective date.

CHAPTER 509
S.P. 601 - L.D. 1540

**An Act To Protect All Students
in Elementary or Secondary
Schools from Sexual Assault by
School Officials**

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶F, as amended by PL 2001, c. 383, §15 and affected by §156, is amended to read:

F. The other person, not the actor's spouse, ~~has not in fact attained the age of 18 years and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶¶K and L, as enacted by PL 2001, c. 383, §23 and affected by §156, are amended to read:

K. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

L. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. 3. 17-A MRSA §260, sub-§1, ¶F, as enacted by PL 2003, c. 138, §5, is amended to read:

F. The other person, not the actor's spouse, is ~~in fact less than 18 years of age and~~ is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class D crime;

Sec. 4. 19-A MRSA §1653, sub-§6-A, as amended by PL 2011, c. 597, §4, is further amended to read:

6-A. Custody and contact limited; convictions for sexual offenses. The award of primary residence and parent-child contact with a person who has been convicted of a child-related sexual offense is governed by this subsection.

A. For the purposes of this section, "child-related sexual offense" means the following sexual offenses if, at the time of the commission of the offense, the victim was under 18 years of age or the victim was a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the person was a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student:

- (1) Sexual exploitation of a minor, under Title 17-A, section 282;
- (2) Gross sexual assault, under Title 17-A, section 253;
- (3) Sexual abuse of a minor, under Title 17-A, section 254;
- (4) Unlawful sexual contact, under Title 17-A, section 255-A or former section 255;
- (5) Visual sexual aggression against a child, under Title 17-A, section 256;
- (6) Sexual misconduct with a child under 14 years of age, under Title 17-A, section 258;
- (6-A) Solicitation of a child to commit a prohibited act, under Title 17-A, section 259-A; or
- (7) An offense in another jurisdiction that involves conduct that is substantially similar to that contained in subparagraph (1), (2), (3), (4), (5), (6) or (6-A). For purposes of this subparagraph, "another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states except Maine. "Another jurisdiction" also means the Passamaquoddy Tribe when that tribe has acted pursuant to Title 30, section 6209-A, subsection 1, paragraph A or B and the Penobscot Nation when that tribe has acted pursuant to Title 30, section 6209-B, subsection 1, paragraph A or B.

B. A court may award primary residence of a minor child or parent-child contact with a minor child to a parent who has been convicted of a child-related sexual offense only if the court finds that contact between the parent and child is in the

best interest of the child and that adequate provision for the safety of the child can be made.

C. In an order of parental rights and responsibilities, a court may require that parent-child contact between a minor child and a person convicted of a child-related sexual offense may occur only if there is another person or agency present to supervise the contact. If the court allows a family or household member to supervise parent-child contact, the court shall establish conditions to be followed during that contact. Conditions include, but are not limited to, those that:

- (1) Minimize circumstances when the family of the parent who is a sex offender or sexually violent predator would be supervising visits;
- (2) Ensure that contact does not damage the relationship with the parent with whom the child has primary physical residence;
- (3) Ensure the safety and well-being of the child; and
- (4) Require that supervision be provided by a person who is physically and mentally capable of supervising a visit and who does not have a criminal history or history of abuse or neglect.

See title page for effective date.

CHAPTER 510

H.P. 1046 - L.D. 1521

An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax and the Service Provider Tax

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

Sec. 1. 36 MRSA §1760, sub-§16, ¶F, as enacted by PL 2005, c. 622, §6, is amended to read:

F. Incorporated nonprofit rural community health centers and incorporated nonprofit federally qualified health centers. For the purposes of this paragraph, "federally qualified health center" means a health center that is qualified to receive funding under Section 330 of the federal Public Health Service Act, 42 United States Code, Section 254b and a so-called federally qualified health center look-alike that meets the requirements of Section 254b;

Sec. 2. 36 MRSA §2557, sub-§3, ¶F, as enacted by PL 2005, c. 622, §10, is amended to read:

F. Incorporated nonprofit rural community health centers and incorporated nonprofit federally qualified health centers. For the purposes of this paragraph, "federally qualified health center" means a health center that is qualified to receive funding under Section 330 of the federal Public Health Service Act, 42 United States Code, Section 254b and a so-called federally qualified health center look-alike that meets the requirements of Section 254b;

Sec. 3. Effective date. This Act takes effect August 1, 2016.

Effective August 1, 2016.

CHAPTER 511

H.P. 1021 - L.D. 1498

An Act To Clarify Medicaid Ombudsman Services

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

Sec. 1. 22 MRSA §3174-X, as enacted by PL 1999, c. 681, §1, is repealed and the following enacted in its place:

§3174-X. Contracted ombudsman services

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

A. "Children's health insurance program" means the state children's health insurance program under Title XXI of the Social Security Act. "Children's health insurance program" includes the Cub Care program, which is established in section 3174-T, the federal Children's Health Insurance Program, or CHIP, and the federal State Children's Health Insurance Program, or S-CHIP.

B. "Eligible member" means a person who is eligible to participate as a member or beneficiary of the MaineCare program or the children's health insurance program.

C. "Ombudsman" means the director of the program and persons employed or volunteering to perform the work of the program.

D. "Outreach and education" includes, but is not limited to, work site and community-based training and workshops for members, eligible members and health care providers, social service providers and health insurance navigators, brokers and agents; outreach at events such as town fairs, expositions and health fairs; development of mailings about coverage options, open enrollment periods and other important updates; information

hotline response, including providing information and referrals to members and eligible members who call; and screening for eligibility for coverage programs, including programs other than Medicaid programs such as, but not limited to, prescription assistance programs.

E. "Program" means the ombudsman program established under this section.

2. Program established. The ombudsman program is established as an independent program to provide ombudsman services to the Medicaid population regarding Medicaid services provided by the department and the department's office for family independence and office of MaineCare services. The program shall consider and promote the best interests of the Medicaid and children's health insurance program populations, answer inquiries and investigate, advise and work toward resolution of complaints of infringement of the rights of a member or eligible member. The program shall include outreach and education to eligible members and those who serve eligible members, including health care providers, social service providers and health insurance navigators, brokers, agents and other enrollment professionals. The program shall function through the staff of the program, subcontractors and any volunteers recruited and trained to assist in the duties of the program. If members or eligible members described in this subsection are applying for or receiving long-term care home-based and community-based services or institutional services, ombudsman assistance for those services is provided by the long-term care ombudsman program established pursuant to section 5106, subsection 11-C. The program shall coordinate with the long-term care ombudsman program on activities, including but not limited to marketing, outreach and referral services.

3. Contracted services; political activity prohibited. The program shall operate by contract with a nonprofit organization that is best able to provide services on a statewide basis. The ombudsman may not be actively involved in state-level political party activities or publicly endorse, solicit funds for or make contributions to political parties on the state level or candidates for statewide elective office. The ombudsman may not be a candidate for or hold any statewide elective or appointive public office.

4. Program services. The first priority in the work of the program and the contract for ombudsman services under subsection 3 must be case-specific advocacy and enrollment services. In performing services under this section, the program, as it determines to be appropriate, may create and maintain records and case-specific reports. The program may:

A. Provide information to the public about the services of the program through a comprehensive outreach program. The program shall provide in-

formation through a toll-free telephone number or numbers;

B. Answer inquiries, investigate and work toward resolution of complaints regarding the performance and services of the department and participate in conferences, meetings and studies that may improve the performance of the department;

C. Provide services to members and eligible members to assist them in protecting their rights;

D. Inform members and eligible members of the means of obtaining services from the department;

E. Provide information and referral services;

F. Analyze and provide opinions and recommendations to agencies, the Governor and the Legislature on state programs, rules, policies and laws;

G. Determine what types of complaints and inquiries will be accepted for action by the program and adopt policies and procedures regarding communication with members and eligible members making inquiries or complaints and the department;

H. Apply for and use grants, gifts and funds for the purpose of performing the duties of the program; and

I. Collect and analyze records and data relevant to the duties and activities of the program and make reports as required by law or as the department considers appropriate.

5. Information for members and eligible members; eligibility. The program, in consultation with appropriate interested parties, shall provide information about eligibility requirements and procedures for enrolling in MaineCare to members and eligible members, including their dependents. The providing of the information under this subsection does not constitute representation of members and eligible members. Members and eligible members may seek and receive information regardless of whether they are represented by legal counsel. The information must be provided free of charge to members and eligible members.

This subsection does not create new rights or obligations concerning the provision of legal advice or representation of members and eligible members.

6. Confidentiality of records. Information held by or records or case-specific reports maintained by the program are confidential. Disclosure may be made only if the ombudsman determines such disclosure is lawful and in the best interest of the member or eligible member.

7. Liability. Any person who in good faith submits a complaint or inquiry to the program pursuant to this section is immune from any civil or criminal li-

ability arising from that complaint or inquiry. For the purpose of any civil or criminal proceedings, there is a rebuttable presumption that any person acting pursuant to this section did so in good faith. The ombudsman and employees and volunteers of the program are employees of the State for the purposes of the Maine Tort Claims Act.

8. Information. Information about the services of the program must be given to all members and eligible members who receive or are eligible to receive services from the department and from persons and entities contracting with the department for the provision of Medicaid services.

9. Report. The program shall report to the department according to the requirements of the program contract under subsection 3. The program shall also report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the activities and services of the program, priorities that may have been set by the program among types of inquiries and complaints, waiting lists for services and the provision of outreach services and recommendations for changes in statute, rules or policy to improve the provision of services.

10. Funding. The department shall contract for ombudsman services under this section as long as non-state funding is available.

See title page for effective date.

CHAPTER 512

S.P. 709 - L.D. 1702

An Act To Fund Agreements with Bargaining Units for Certain Executive Branch Employees

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

Whereas, certain obligations and expenses incidental to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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 2015, c. 376, §2 is amended to read:

Sec. 2. Adjustment of salary schedules for fiscal year 2016-17. Effective at the beginning of the pay week commencing closest to July 1, 2016, the salary schedules for executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association and the Maine State Law Enforcement Association must be adjusted upward according to the respective collective bargaining agreements. The salary schedules for executive branch employees in bargaining units represented by the Maine State Employees Association must be adjusted consistent with the terms of any tentative agreements ratified prior to ~~September 30, 2015~~ May 31, 2016.

Sec. 2. PL 2015, c. 376, §6 is amended to read:

Sec. 6. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided in all or part through a transfer of Personal Services appropriations within and between departments and agencies and in accordance with Public Law 2015, chapter 267, Part DDDD and from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services up to \$8,000,000 for the fiscal year ending June 30, 2016 and up to \$12,000,000 for the fiscal year ending June 30, 2017 to implement the economic terms of the collective bargaining agreements made in the months of June of calendar year 2015 through ~~September~~ May of calendar year ~~2015~~ 2016 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 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.

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

Effective May 3, 2016.

CHAPTER 513
S.P. 710 - L.D. 1703

An Act To Make a Technical Correction to Public Law 2015, Chapter 483

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 a technical correction to Public Law 2015, chapter 483, which requires that funds be transferred by June 30, 2016; 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 2015, c. 483, §1, sub-§8 is amended to read:

8. Transfers of funds. Notwithstanding any provision of law to the contrary, at the close of fiscal year 2015-16, the State Controller, as the next priority after making the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507, 1511, and 1519, ~~1522~~ and the transfer to the Reserve for General Fund Operating Capital pursuant to section 1536, shall transfer from the unappropriated surplus of the General Fund to the Cost Recovery Fund, Other Special Revenue Funds account within the Public Utilities Commission amounts as may be available from time to time, up to a total of \$13,400,000.

Sec. 2. Retroactive application. That section of this Act that amends Public Law 2015, chapter 483 applies retroactively to April 16, 2016.

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

Effective May 3, 2016.

PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
2015

CHAPTER 12
H.P. 1018 - L.D. 1495

**An Act To Allow the Kennebec
Sanitary Treatment District To
Establish and Maintain a
Capital Reserve Fund**

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

Sec. 1. P&SL 1971, c. 45, §15, as amended by P&SL 1991, c. 7, §§5 to 8, is further amended to read:

Sec. 15. Determination of annual apportionable costs. The fiscal year of the district is determined by the trustees and the trustees shall, prior to the first day of the 2nd month of each fiscal year following the acceptance of this Act, determine the total anticipated sums necessary to provide for the operation and maintenance of the district and its facilities for the year and adopt a budget for that year. The district trustees shall also determine the portion of the total sums to be raised for the fiscal year, the amounts to be apportioned to said towns and the Waterville Sewerage District.

To effect a transition to a different fiscal year, the district may adopt a budget, determine the portion of the total sums to be raised for that budget and the amounts to be apportioned for one or more fiscal years not longer than 18 months each.

Said total anticipated sums necessary for the operation and maintenance ~~shall~~ **must** be the total of sums required in any year for unfunded capital costs and financing costs plus costs of operation less funds on hand or in the judgment of the trustees to be received during said year from other than said towns and Waterville Sewerage District and available or to be available within said year to pay unfunded capital costs and financing costs or operating costs, as the case may be. As used in this Act the following terms ~~shall~~ have the following meanings: Unfunded capital costs and financing costs for any year ~~shall~~ include:

1. Capital outlay items the cost of which is not to be paid from proceeds of bonds or notes, other than notes in anticipation of revenue, or paid from the proceeds of a government grant or other donation;
2. Interest due and payable in such year or indebtedness created or assumed by the district or ex-

pected to be created or assumed by the district, exclusive of interest on temporary notes in anticipation of revenue;

3. Principal due and payable in such year on indebtedness created or assumed by the district and not to be refunded and for the payment of which funds are not in the judgment of the trustees otherwise to be available; ~~and~~

4. Sinking fund payments; ~~and~~

5. Capital reserve funds pursuant to section 15-A.

"Operating costs" or "costs of operations" for any year ~~shall~~ include:

1. The current expenses of operating, maintaining and repairing the district's facilities and properties, interest on notes issued in anticipation of revenue and all other expenses not otherwise specifically provided herein; and

2. Any deficit outstanding at the end of the prior calendar year for the payment of which funds are not, or in the judgment of the trustees will not be available in such calendar year.

If a surplus exists at the end of a fiscal year, it may be transferred to a surplus account that may not exceed \$100,000. The balance in the surplus account may not be increased by more than \$25,000 in any fiscal year. The trustees may add to the sinking fund, if any, so much of any excess over said limitations as they determine advisable, and any remainder ~~shall~~ **must** be credited on an equitable basis against sums otherwise to be apportioned to said towns, the Waterville Sewerage District and any persons, firms or corporations other than said towns and sewer district under contract to pay for the use of the district's facilities during the year as at the end of which such surplus was created, except that payments to the capital reserve fund under section 15-A may be made before any excess is added to the sinking fund or remainder is credited against sums apportioned.

Sec. 2. P&SL 1971, c. 45, §15-A is enacted to read:

Sec. 15-A. Capital reserve fund. The trustees may establish a capital reserve fund by appropriating money or by authorizing the transfer of unencumbered surplus funds at the end of any fiscal year for the purposes of maintaining, rehabilitating, upgrading or replacing aging infrastructure.

1. The annual appropriation for the purposes of the capital reserve fund may not exceed \$500,000.

2. The maximum amount that may be kept in the capital reserve fund is \$2,000,000.

3. When the trustees determine that a project relates to maintaining, rehabilitating, upgrading or replacing aging infrastructure, they may order the withdrawal and expenditure of the necessary amount from the capital reserve fund to cover the expenditure of the project. If funds are committed to cover an expenditure that will run beyond a given fiscal year, those funds will not be included in the \$2,000,000 cap established under subsection 2.

4. The trustees are responsible for oversight of the capital reserve fund and shall deposit or invest the fund according to the Maine Revised Statutes, Title 30-A, chapter 223, subchapter 3-A. Any interest earned or capital gains realized accrue to and become part of the capital reserve fund.

See title page for effective date.

CHAPTER 13

S.P. 572 - L.D. 1474

An Act To Provide for the 2016 and 2017 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 2015, chapter 6 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2016 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 2016 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 2016. Five million dollars of the state ceiling for calendar year 2017 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 2016 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 2016. Forty million dollars of the state ceiling for calendar year 2017 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 2016 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 2016. Ten million dollars of the state ceiling for calendar year 2017 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 Finance Authority of Maine as successor to the Maine Educational Loan Authority. The \$15,000,000 of the state ceiling on private activity bonds for calendar year 2016 previously allocated to the Maine Educational Loan Authority is now allocated to the Finance Authority of Maine to be used or reallocated in accordance with Public Law 2015, chapter 170 and with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2016. Fifteen million dollars of the state ceiling for calendar year 2017 is allocated to the Finance Authority of Maine 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 2016 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 2016. Fifty million dol-

lars of the state ceiling for calendar year 2017 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 eighty-one million five hundred fifteen thousand dollars of the state ceiling on private activity bonds for calendar year 2016 is unallocated and must be reserved for future allocation in accordance with applicable laws. One hundred eighty-one million five hundred fifteen thousand dollars of the state ceiling for calendar year 2017 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 February 17, 2016.

**CHAPTER 14
S.P. 580 - L.D. 1482**

**An Act To Revise the Charter
of the Rumford Water District**

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

Sec. 1. Territorial limits and corporate name. The territory and the people within the Town of Rumford constitute a public municipal corporation under the name of the Rumford Water District, referred to in this Act as "the district."

Sec. 2. Powers of the Rumford Water District. The district is authorized to take, hold, divert, use and distribute water for the purpose of supplying potable water for domestic, sanitary, commercial and municipal purposes. The district may take or draw from any surface water or groundwater source within the territory of the district. The district has all the powers of a standard district under the Maine Revised Statutes, Title 35-A, section 6404 to the extent not inconsistent with this Act.

Sec. 3. Board of trustees. All the affairs of the district must be managed by a board of trustees composed of 3 members who are residents of the district, to be chosen by a majority of the municipal officers of the Town of Rumford. Notwithstanding the Maine Revised Statutes, Title 35-A, section 6410, subsection 5, the trustees shall when necessary elect a president, clerk, treasurer and all other officers and agents for the proper conduct and management of the affairs of the district. Trustees may adopt a corporate seal. The trustees shall serve staggered 3-year terms, such that one trustee term ends each year. Notwithstanding Title 35-A, section 6410, subsection 4, the

term of each trustee ends on the first Monday in August immediately following the end of the term for which that trustee was appointed; except that a trustee shall serve until a successor is appointed. Whenever the term of office of a trustee expires, the municipal officers of the Town of Rumford shall appoint a successor to serve the full term of 3 years, and in case any other vacancy arises it must be filled in like manner for the unexpired term. The trustees may also adopt and establish such bylaws as are necessary for their own convenience and the proper management of the affairs of the district. The trustees may procure an office and incur such expenses as may be necessary. Each trustee is entitled to compensation, as recommended by the trustees and approved by a majority of municipal officers of the Town of Rumford, in accordance with Title 35-A, section 6410, subsection 7. At the close of each fiscal year, the trustees shall make a detailed report of their doings, of the receipts and expenditures of the water district, of the water district's financial and physical condition and of such other matters and things pertaining to the district as demonstrate how the trustees are fulfilling the duties and obligations of their trust, such reports to be made and filed with the municipal officers of the Town of Rumford.

Sec. 4. Authority to lay mains, pipes, conduits and other water conveyances through public ways and across private lands. The district is authorized to lay, maintain, repair and replace pipes, mains and other fixtures and appurtenances in, along and through the streets, roads, ways, highways, bridges, lakes, ponds, rivers and watercourses within the district and in, along and through private lands of any person or corporation within the district. When the district lays, maintains, repairs or replaces pipes, mains or any fixtures or appurtenances in any street, road, way or highway, it shall do so with as little obstruction as practicable to public travel and shall at its own expense and without unnecessary delay replace in proper condition the earth and pavement removed by it.

Sec. 5. Authority to erect and maintain dams, reservoirs and structures. The district is hereby authorized, for the purposes of its incorporation, to erect and maintain all dams, reservoirs and structures necessary and convenient for its corporate purposes.

Sec. 6. Take land in the Town of Peru. The Rumford Water District, in addition to the rights and powers conferred upon it by law and under the franchises of the water companies by it acquired, shall have the right and is hereby authorized to take and hold as for public use, by purchase or otherwise, the following certain land or interest therein in the Town of Peru, County of Oxford and State of Maine:

Two adjoining parcels of land containing approximately 168 acres, more or less, and bounded and described as follows:

First: Commencing at a point on the Town Line between the Town of Rumford, Maine and the Town of Peru, Maine, which point is the northeast corner of Lot #93 in said Town of Peru; thence South 80 degrees West along said Town Line to the northwest corner of said Lot #93; thence by same course along said Town Line to the northwest corner of Lot #90; thence by same course along said Town Line to the northwest corner of Lot #89; thence approximately South 10 degrees East along the line between Lot #89 and Lot #86 in said Town of Peru, 25 chains; thence North 80 degrees East and parallel to said Town Line to a point on the line between Lot #93 and Lot #94; thence North 10 degrees West along said easterly line of Lot #93, 25 chains to the point of beginning, containing approximately 152 acres, more or less; and

Second: Beginning at a point being the northeast corner of Lot #94 in said Town of Peru, said point being on the Town Line between the Town of Rumford and the Town of Peru; thence South 80 degrees West along said Rumford-Peru Town Line for a distance of 26.39 chains, more or less, to the northwest corner of Lot #94; thence South 10 degrees East along the westerly line of Lot #94 and the easterly line of Lot #93 for a distance of 12.12 chains, more or less, to a point; thence North 55 degrees and 20 minutes East a distance of 29.04 chains, more or less, to the point of beginning, containing approximately 16 acres, more or less.

The same is necessary for the purpose of increasing the supply of pure water for domestic, sanitary and municipal purposes for the inhabitants of the Town of Rumford and of said district.

Sec. 7. Take land in Milton Township. The district, in addition to the rights and powers conferred upon it by law and under the franchises of the water companies by it acquired, shall have the right and is hereby authorized to take and hold as for public uses, by purchase or otherwise, any land or interest therein in Milton Township, in the county of Oxford, necessary for preserving the purity of the water and watershed of the so-called Mount Zircon water supply belonging to the district and for the general purposes of its incorporation.

Sec. 8. Authority to acquire property; right of eminent domain conferred; procedures in exercising eminent domain. The district is authorized and empowered to acquire and hold real and personal property, including water rights, necessary or convenient for its purposes. The district is also authorized and empowered to take and hold water rights necessary for erecting and maintaining dams, for flowage, for power for pumping its water supply through its mains or reservoirs and for preserv-

ing the purity of the water and watershed. The district is granted the right of eminent domain as specified in the Maine Revised Statutes, Title 35-A, section 6408, as amended. The procedures for the exercise of eminent domain must conform to Title 35-A, section 6409, as amended.

Sec. 9. Crossing property of other public utilities and railroad corporations. If the district, in constructing, maintaining or replacing any of its facilities, must cross property of another public utility or railroad corporation, the district shall 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 district fails to reach an agreement with the public utility or railroad corporation, the district may petition as follows:

1. Public utility. In the case of crossing property of a public utility, the 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; and

2. Railroad corporation. In the case of crossing property of a railroad corporation, the 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.

Sec. 10. Authority to make and assume contracts. The district, through its trustees, in order to carry out the purposes of its incorporation, may contract with any person, district, utility, corporation or municipality.

Sec. 11. Authorized to borrow money; to issue bonds and notes; to receive government aid. For accomplishing the purposes of this Act, the district, by vote of its board of trustees, is authorized to borrow money temporarily and to issue for the borrowing of money its negotiable notes.

The district, by vote of its board of trustees, is authorized to issue bonds, notes or other evidences of indebtedness of the district, bearing interest at a rate or rates and having terms and provisions as the trustees determine.

All bonds, notes and other evidences of indebtedness issued by the district must have inscribed upon their face the corporate name of the district and be signed by the treasurer and countersigned by the president of the board of trustees of the district.

All bonds, notes and other evidences of indebtedness issued by the district are legal obligations of the

district, which is declared to be a quasi-municipal corporation within the Maine Revised Statutes, Title 30-A, section 5701. All bonds, notes and other evidences of indebtedness issued by the district are legal investments for savings banks and are exempt from state income tax. The district, through its trustees, in order to pay necessary expenses and liabilities incurred in accordance with its purposes and powers, may receive state and federal aid and grants.

Sec. 12. Property tax exempt. The property of the district is exempt from all taxation in accordance with the Maine Revised Statutes, Title 35-A, section 6415, as amended.

Sec. 13. Water rates; application of revenue; sinking fund. An individual, firm or corporation, whether public, private or municipal, shall pay to the treasurer of the district the rates and other lawful charges established by the trustees for the water used or made available to it. All water rates and other lawful charges of the district are governed by the Maine Revised Statutes, Title 35-A, chapter 61.

The water rates and other lawful charges are established to provide revenues for all purposes authorized by law, and the following specific purposes:

1. Current operating expenses. To pay the current expenses for operating and maintaining the water system including depreciation;

2. Payment of interest. To provide for the payment of interest on the indebtedness created by the district for the benefit of its water system; and

3. Sinking fund. To provide each year a sum equal to not less than 1% nor more than 5% of the entire indebtedness created by the district for the benefit of its water system, which sum must be turned into a sinking fund to provide for the extinguishment of the indebtedness. The money set aside for the sinking fund must be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold. The trustees may, in their discretion and in lieu of the establishment of a sinking fund, issue bonds of the district so that not less than 1% of the amount of the bonds so issued mature and are retired each year.

There is a lien issued on real estate served by the district to secure the payment of unpaid water rates and other lawful charges. The water lien takes precedence over all other claims on the real estate, except claims for taxes and sewer rates. The procedures of obtaining, enforcing and receiving payment on the water lien are governed by Title 35-A, section 6111-A.

Sec. 14. Incidental powers granted. All incidental powers, rights and privileges necessary to the accomplishment of the objectives set forth in this Act, and in the Standard Water District Enabling Act, are granted to the district.

Sec. 15. Retains rights, powers and authorities. Nothing in this Act may be construed to affect the district's property rights, powers or authorities acquired through the district's acquisition of Union Construction Company, Virginia Spring Water Company, Rumford Falls Light and Water Company and the Mexico Water Company unless those rights, powers or authorities are inconsistent with this Act.

Sec. 16. P&SL 1911, c. 290, as amended, is repealed.

Sec. 17. P&SL 1915, c. 50, as amended, is repealed.

See title page for effective date.

CHAPTER 15

H.P. 1053 - L.D. 1546

**An Act To Make Allocations
from Maine Turnpike
Authority Funds for the Maine
Turnpike Authority for the
Calendar Year Ending
December 31, 2017**

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, 2017 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY	2017
Administration	
Personal Services	\$1,192,301
All Other	1,577,041
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TOTAL	\$2,769,342
Accounts and Controls	
Personal Services	\$2,937,083
All Other	1,308,454
	<hr/>
TOTAL	\$4,245,537
Highway Maintenance	
Personal Services	\$4,438,021

All Other	3,073,874
TOTAL	\$7,511,895
Equipment Maintenance	
Personal Services	\$1,180,371
All Other	2,198,603
TOTAL	\$3,378,974
Fare Collection	
Personal Services	\$9,962,825
All Other	3,897,096
TOTAL	\$13,859,921
Public Safety and Special Services	
Personal Services	\$502,612
All Other	6,331,155
TOTAL	\$6,833,767
Building Maintenance	
Personal Services	\$561,819
All Other	567,685
TOTAL	\$1,129,504
Subtotal of Line Items Budgeted	\$39,728,940
General Contingency - 10% of line items budgeted for 2017 (10% allowed)	\$3,972,894
MAINE TURNPIKE AUTHORITY	TOTAL REVENUE FUNDS
	\$43,701,834

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 subdivi-

sion 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 2017 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2017, 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, subsection 1 and former subsection 2	2017
Debt Service Fund	\$33,643,865
Reserve Maintenance Fund	36,500,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	20,859,681

Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Stat- utes, Title 23, section 1968, subsection 2-A	3,698,300
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TOTAL	\$94,701,846
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See title page for effective date.

CHAPTER 16

H.P. 1008 - L.D. 1485

**An Act To Allow the Director
of the Bureau of Parks and
Lands To Transfer Ownership
of Snowmobile Trail
Maintenance Equipment to
Incorporated Nonprofit
Snowmobile Clubs**

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

Sec. 1. Transfer of state-owned snowmobile trail maintenance equipment. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, Part 4 and any rules or policies of the State related to the transfer of surplus property, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the consent of the Commissioner of Agriculture, Conservation and Forestry, may enter into agreements with incorporated nonprofit snowmobile clubs to transfer ownership of state-owned snowmobile trail maintenance equipment, including trail-grooming equipment as defined in Title 12, section 13113, snowmobiles, trail drags and tools, for the purpose of maintaining snowmobile trail systems that were maintained by the State prior to the effective date of this Act.

Sec. 2. Terms of the agreement. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall ensure that any agreement entered into pursuant to section 1 includes provisions that address consequences if an incorporated nonprofit snowmobile club fails to, or is otherwise unable to, abide by the terms of the agreement.

See title page for effective date.

CHAPTER 17

H.P. 1112 - L.D. 1635

**An Act Authorizing the
Deorganization of Oxbow
Plantation**

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

PART A

Sec. A-1. Deorganization of Oxbow Plantation. Notwithstanding any contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, if in accordance with Title 30-A, section 7207 a majority of the voters in Oxbow Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the question of Oxbow Plantation's deorganization is approved by the registered voters of Oxbow Plantation pursuant to section 8 of this Part and if Oxbow Plantation has executed a withdrawal agreement with School Administrative District No. 32 or Regional School Unit No. 32, Oxbow Plantation in Aroostook County is deorganized, except that the corporate existence, powers, duties and liabilities of the plantation survive for the purposes of prosecuting and defending all pending suits to which the plantation is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the plantation or exist in favor of any creditor.

Sec. A-2. Financial obligations and other liabilities. Any financial obligations or other liabilities that were incurred by Oxbow Plantation as a municipality or that were incurred by Oxbow Plantation as a member of School Administrative District No. 32 or Regional School Unit No. 32 are hereby excepted and reserved in accordance with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the inhabitants of lawful age residing in the territory included in the deorganized Oxbow North Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized Oxbow North Township to provide funds to satisfy any municipal or educational obligations or other liabilities. These financial obligations or other liabilities are not the responsibility of either the Department of Education or the taxpayers in the Unorganized Territory Tax District as described in Title 36, chapter 115.

Sec. A-3. Deorganization procedure. The deorganization of Oxbow Plantation must be conducted in accordance with the approved deorganization procedure developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205.

Sec. A-4. Unexpended school funds. The treasurer of Oxbow Plantation or any other person who

has custody of the funds of the plantation shall pay the Treasurer of State all unexpended school funds that, together with the credits due the plantation for school purposes, are to be used by the State Tax Assessor to settle any school obligations incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be deposited to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

Sec. A-5. Unexpended municipal funds and property. The treasurer of Oxbow Plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended funds of the plantation that, together with the credits due the plantation for its purposes, are to be used by the State Tax Assessor to settle any obligations of the plantation incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and shall submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the end of the 5-year period during which the powers, duties and obligations relating to the affairs of the plantation are vested in the State Tax Assessor or when in the judgment of the State Tax Assessor final payment of all known obligations against the plantation has been made, any funds that have not been expended must be deposited with the county commissioners of Aroostook County as undedicated revenue for the unorganized territory fund of Aroostook County.

Any property of the plantation that has not been sold must be held by the State in trust for the unorganized territory or transferred to Aroostook County to be held in trust for the unorganized territory. Income from the use or sale of that property held by the State must be credited to or deposited in the Unorganized Territory Education and Services Fund under Title 36, chapter 115. Income from the use or sale of that property held by Aroostook County must be credited to the unorganized territory fund of the county pursuant to Title 36, section 1604, subsection 4.

Sec. A-6. Provision of education services. Notwithstanding any other law, education in the unorganized territory of Oxbow North Township must be provided under the direction of the Commissioner of Education as described in the Maine Revised Statutes, Title 20-A, chapter 119 and must meet the general standards for elementary and secondary schooling and

special education established pursuant to Title 20-A. The provisions of subsections 1 to 3 must be implemented at the time of deorganization.

1. Students in prekindergarten and kindergarten to grade 12 whose parents or legal guardians are legal residents of the unorganized territory of Oxbow North Township must be provided educational services at a school located within School Administrative District No. 32 in Ashland. Transportation services to and from this school must be provided under the direction of the Department of Education.

2. Special education services must be provided to eligible resident students as required by federal and state laws, rules and regulations.

3. Career and technical education must be provided to eligible resident students pursuant to Title 20-A, section 3253-A.

Tuition to schools other than those that are identified in subsection 1 may be provided on behalf of resident students with the prior approval of the director of state schools within the Department of Education. Tuition may not exceed limits set out in the Maine Revised Statutes, Title 20-A, section 3304, and transportation is the responsibility of the parents or legal guardians. The receiving school must be approved by the Commissioner of Education for the purpose of tuition.

The provision of educational services is subject to future modification in response to changes in educational conditions.

Sec. A-7. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in Oxbow Plantation as of April 1, 2017 as provided in the Maine Revised Statutes, Title 36, section 1602.

Sec. A-8. Referendum; certificate to Secretary of State. This Part takes effect 90 days after its approval only for the purpose of permitting its submission by the municipal officers of Oxbow Plantation to the legal voters of the plantation by ballot at the next general election to be held in November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The plantation clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Part to the following question:

"Shall Oxbow Plantation be deorganized?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, this Part must be approved by at least 2/3 of the legal voters casting ballots at the general election, and the total number of votes cast for and against the acceptance of this Part at the election must equal or exceed 50% of

the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The municipal officers of Oxbow Plantation shall declare the result of the vote. The plantation clerk shall file a certificate of the election result with the Secretary of State within 10 days after the date of the election.

Sec. A-9. Effective date. Sections 1 to 7 of this Part take effect July 1, 2017 if the legal voters of Oxbow Plantation approve the referendum under section 8 of this Part.

PART B

Sec. B-1. Register and transmit copy of approved deorganization procedure. Before the effective date of the deorganization of Oxbow Plantation pursuant to Part A, the fiscal administrator of the unorganized territory within the Office of the State Auditor shall transmit a copy of the approved deorganization procedure developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the Aroostook County Administrator and register the approved deorganization procedure with the Aroostook County Registry of Deeds.

Sec. B-2. Effective date. This Part takes effect upon approval of the referendum under Part A, section 8.

Effective pending referendum.

CHAPTER 18

H.P. 1130 - L.D. 1659

**An Act To Authorize the
Sinclair Sanitary District To
Lease Land for
Telecommunications Purposes**

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

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

Sec. 1. Modification of certain limitations governing Sinclair Sanitary District. Notwithstanding Resolve 1991, chapter 75, the Sinclair Sanitary District is authorized to lease to Bay Communications II, LLC, in accordance with this Act, a portion of public lot T. 17, R. 4, which was previously conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 and recorded in Book 0954, Page 107, Aroostook County Registry of Deeds (Northern Division).

Sec. 2. Authority of Sinclair Sanitary District to lease land. The Sinclair Sanitary District may lease a portion of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75 to Bay Communications II, LLC, its successors or assigns, for the purposes of constructing, operating, maintaining and replacing a commercial telecommunications tower that will, among other things, improve local wireless communications service and emergency telecommunications service in the region. The authority granted pursuant to this section is subject to the following conditions.

1. The total area to be leased may not exceed 1.2 acres, which must include all safety or so-called fall zones that may be required by the applicable permitting authority for construction of the tower.

2. The land must be leased by the Sinclair Sanitary District at its fair market lease value. All revenues derived by the district from leasing the land must be applied by the district to reducing the cost of providing wastewater disposal services to the district's ratepayers and customers.

Sec. 3. Release of deed restrictions. The Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry shall convey to the Sinclair Sanitary District a deed modification that amends the deed limitations imposed on the use by the Sinclair Sanitary District of the land conveyed to the district by the Director of the Bureau of Public Lands pursuant to Resolve 1991, chapter 75. The modification must expressly acknowledge the authority granted by this Act for the Sinclair Sanitary District to lease a portion of the land for the purpose of constructing, operating, maintaining and replacing a commercial telecommunications tower in accordance with this Act.

See title page for effective date.

**RESOLVES OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
2015**

**CHAPTER 55
H.P. 996 - L.D. 1454**

**Resolve, Reauthorizing the
Balance of the 2009 Bond Issue
for Land Conservation
Projects**

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 Treasurer of State may not sell the remaining bonds authorized but not yet issued from the Land for Maine's Future Board bond issue authorized by the voters in November 2010 unless the Legislature reauthorizes the issuance of those bonds; and

Whereas, the Land for Maine's Future Board requires the funds to meet its obligations for previously authorized land conservation projects with state, municipal and private entities and to fulfill its obligations under the Maine Revised Statutes, Title 5, chapter 353 in order to protect public recreational opportunities, farmland and the State's environment; 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. Extension for issuing. Resolved: That, pursuant to the provisions of the Constitution of Maine, Article IX, Section 14, the period for issuance of unissued bonds or bond anticipation notes authorized pursuant to Public Law 2009, chapter 414, as amended by Public Law 2009, chapter 645, and authorized by the voters in a statewide election held on November 2, 2010, for land conservation purposes, is extended for a 5-year period.

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

Effective February 3, 2016.

**CHAPTER 56
S.P. 619 - L.D. 1571**

**Resolve, To Name a Bridge
between Atkinson and Sebec
the Captain John "Jay"
Brainard Gold Star Memorial
Bridge**

Sec. 1. Bridge on Stagecoach Road between Atkinson and Sebec named. Resolved: That the Department of Transportation shall name the bridge on Stagecoach Road spanning the Piscataquis River between the Town of Atkinson and the Town of Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge, to honor the memory of United States Army Captain John "Jay" Brainard, who was killed in action in Afghanistan in 2012 during Operation Enduring Freedom; and be it further

Sec. 2. Signs erected. Resolved: That the Department of Transportation shall erect appropriate signs on both sides of the bridge along Stagecoach Road to identify the bridge as the Captain John "Jay" Brainard Gold Star Memorial Bridge.

See title page for effective date.

**CHAPTER 57
H.P. 967 - L.D. 1421**

**Resolve, Directing the
Treasurer of State To Study
the Most Effective Options for
Maine Residents To Participate
in Tax-advantaged Savings
Accounts for Persons with
Disabilities**

Sec. 1. Treasurer of State to study options for participation in federal Achieving a Better Life Experience Act of 2014. Resolved: That the Treasurer of State shall review federal law under the Achieving a Better Life Experience Act of 2014 relating to the establishment of tax-advantaged qualified savings programs for the benefit of qualified individuals with disabilities. The Treasurer of State shall research relevant federal regulations and the experience of other states that have established savings programs pursuant to the federal law and submit a report

by January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over taxation matters containing the results of the Treasurer of State's research and recommendations for the most cost-effective way to ensure that residents of the State are able to obtain the tax advantages of participation in qualified programs. The committee may submit a bill to the First Regular Session of the 128th Legislature related to the Treasurer of State's report.

See title page for effective date.

**CHAPTER 58
H.P. 999 - L.D. 1458**

Resolve, Regarding Legislative Review of Chapter 30: Prior Approval Process and Stop Work Orders, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of 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 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 30: Prior Approval Process and Stop Work Orders, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry 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 9, 2016.

**CHAPTER 59
S.P. 559 - L.D. 1457**

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

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

Whereas, ownership of certain parcels of property in the Unorganized Territory of the State has devolved to the State due to property tax delinquencies; and

Whereas, the sale and conveyance of such parcels by the State Tax Assessor require the authorization of the Legislature; and

Whereas, legislative action is immediately necessary to ensure timely and efficient property tax administration in the Unorganized Territory; 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. 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, 2017.

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 2013 State Valuation. Parcel descriptions are as follows:

2013 MATURED TAX LIENS

T17 R4 WELS, Aroostook County

Map AR021, Plan 5, Lot 51 038980029-3
 Martin, Jacob P. 0.11 acre

TAX LIABILITY

2013	\$81.72
2014	81.35
2015	84.27
2016 (estimated)	84.27
<hr/>	
Estimated Total Taxes	\$331.61
Interest	11.43
Costs	38.00
Deed	19.00
<hr/>	
Total	\$400.04

Recommendation: Sell to Martin, Jacob P. for \$400.04. 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.

T16 R5 WELS, Aroostook County

Map AR030, Plan 2, Lot 1.1 038900043-1
 Gorfinkle, H. M. et al. 0.49 acre

TAX LIABILITY

2013	\$158.05
2014	157.35
2015	162.99
2016 (estimated)	162.99
<hr/>	
Estimated Total Taxes	\$641.38
Interest	22.11
Costs	38.00
Deed	19.00
<hr/>	
Total	\$720.49

Recommendation: Sell to Gorfinkle, H. M. et al. for \$720.49. 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 \$725.00.

Cross Lake TWP, Aroostook County

Map AR031, Plan 1, Lot 75 038990330-4
 St. Peter, Maryann 0.33 acre with building

TAX LIABILITY

2012	\$417.05
2013	420.81
2014	418.93
2015	287.04
2016 (estimated)	287.04
<hr/>	
Estimated Total Taxes	\$1,830.87
Interest	131.83
Costs	51.00
Deed	19.00
<hr/>	
Total	\$2,032.70

Recommendation: Sell to St. Peter, Mary-ann for \$2,032.70. 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 \$2,050.00.

Interest	13.09
Costs	38.00
Deed	19.00
<hr/>	
Total	\$430.57

T4 R3 BKP WKR, Franklin County

Map FR004, Plan 2, Lot 119 078280157-1
Marco, Wesley G. 0.14 acre

Recommendation: Sell to Bissonette, Joseph A. and Nancy E. for \$430.57. 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.

TAX LIABILITY

2013	\$46.91
2014	43.15
2015	43.57
2016 (estimated)	43.57
<hr/>	
Estimated Total Taxes	\$177.20
Interest	6.44
Costs	38.00
Deed	19.00
<hr/>	
Total	\$240.64

Recommendation: Sell to Marco, Wesley G. for \$240.64. 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 \$250.00.

T4 R3 BKP WKR, Franklin County

Map FR004, Plan 2, Lot 92 078280019-1
Bissonette, Joseph A. and Nancy E. 0.23 acre

TAX LIABILITY

2013	\$95.44
2014	87.78
2015	88.63
2016 (estimated)	88.63
<hr/>	
Estimated Total Taxes	\$360.48

Freeman TWP, Franklin County

Map FR025, Plan 5, Lot 11 078080086-3
Groeger, Donald 1.88 acres with building

TAX LIABILITY

2013	\$393.33
2014	444.26
2015	448.57
2016 (estimated)	448.57
<hr/>	
Estimated Total Taxes	\$1,734.73
Interest	56.85
Costs	38.00
Deed	19.00
<hr/>	
Total	\$1,848.58

Recommendation: Sell to Groeger, Donald for \$1,848.58. 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 \$1,850.00.

Salem TWP, Franklin County

Map FR027, Plan 2, Lots 5.102, 5.12 and 5.161 078200319-1
Howard, Stuart 10.80 acres with building

TAX LIABILITY

2013	\$394.99
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2014	850.74
2015	858.99
2016 (estimated)	858.99

Map HA004, Plan 2, Lot 84	098040056-4
Colby, Felicia M.	0.72 acre

Estimated Total Taxes	\$2,963.71
Interest	126.90
Costs	38.00
Deed	19.00

TAX LIABILITY	
2013	\$16.73
2014	20.30
2015	18.71
2016 (estimated)	18.71

Total \$3,147.61

Estimated Total Taxes \$74.45

Recommendation: Sell to Howard, Stuart for \$3,147.61. 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 \$3,150.00.

Interest 4.36
Costs 51.00
Deed 19.00

Total \$148.81

Madrid TWP, Franklin County

Recommendation: Sell to Colby, Felicia M. for \$148.81. 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 \$150.00.

Map FR029, Plan 5, Lot 2	071100280-5
White, Christy J., Per. Rep.	0.34 acre with building

TAX LIABILITY

2013	\$288.12
2014	262.76
2015	220.00
2016 (estimated)	220.00

Albany TWP, Oxford County

Map OX016, Plan 1, Lots 46.1 and 46.2	178020536-2
Sprague, George A. and Brown, Helen and John S.	0.66 acre

Estimated Total Taxes	\$990.88
Interest	39.45
Costs	38.00
Deed	19.00

TAX LIABILITY

2013	\$52.98
2014	61.96
2015	63.59
2016 (estimated)	63.59

Total \$1,087.33

Estimated Total Taxes \$242.12

Recommendation: Sell to White, Christy J., Per. Rep. for \$1,087.33. 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 \$1,100.00.

Interest 7.73
Costs 38.00
Deed 19.00

Total \$306.85

Fletchers Landing TWP, Hancock County

Recommendation: Sell to Sprague, George A. and Brown, Helen and John S. for \$306.85. 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.

Interest	35.69
Costs	38.00
Deed	19.00
	<hr/>
Total	\$1,007.72

Albany TWP, Oxford County

Map OX016, Plan 2, Lot 225.2 178022050-1
 Thibodeau, Andre R. 11.44 acres

Recommendation: Sell to Briggs, Albion G. for \$1,007.72. 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 \$1,025.00.

Greenfield TWP, Penobscot County

Map PE039, Plan 8, Lot 70 192700343-1
 Doucette, Donald 0.30 acre

TAX LIABILITY

2013	\$271.60
2014	204.96
2015	210.42
2016 (estimated)	210.42
	<hr/>
Estimated Total Taxes	\$897.40
Interest	35.69
Costs	38.00
Deed	19.00
	<hr/>
Total	\$990.09

TAX LIABILITY

2013	\$22.84
2014	22.86
2015	22.97
2016 (estimated)	22.97
	<hr/>
Estimated Total Taxes	\$91.64
Interest	3.20
Costs	38.00
Deed	19.00
	<hr/>
Total	\$151.84

Recommendation: Sell to Thibodeau, Andre R. for \$990.09. 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 \$1,000.00.

Recommendation: Sell to Doucette, Donald for \$151.84. 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 \$175.00.

Kingman TWP, Penobscot County

Map PE036, Plan 2, Lots 59.2, 60.1 and 61.1 198080012-1
 Briggs, Albion G. 4.65 acres with building

T1 R1 NBKP T&R, Somerset County

Map SO031, Plan 5, Lot 8.6 258030201-1
 Patterson, William A. 5 acres

TAX LIABILITY

2013	\$254.83
2014	255.12
2015	202.54
2016 (estimated)	202.54
	<hr/>
Estimated Total Taxes	\$915.03

TAX LIABILITY

2012	\$5,190.00
2013	179.12

2014	176.12
2015	181.04
2016 (estimated)	181.04

Estimated Total Taxes	\$5,907.32
Interest	691.02
Costs	51.00
Deed	19.00

Total \$6,668.34

Recommendation: Sell to Patterson, William A. for \$6,668.34. 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 \$6,675.00.

T1 R1 NBKP RS, Somerset County

Map SO033, Plan 6, Lot 16.1 258440487-2

Herrmann, Richard J. and Diane E. 0.94 acre with building

TAX LIABILITY

2013	\$14.58
2014	856.99
2015	873.92
2016 (estimated)	873.92

Estimated Total Taxes	\$2,619.41
Interest	91.51
Costs	38.00
Deed	19.00

Total \$2,767.92

Recommendation: Sell to Herrmann, Richard J. and Diane E. for \$2,767.92. 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 \$2,775.00.

T29 Middle Division, Washington County

Map WA009, Plan 2, Lot 3 298020018-1

Leavitt, Mark L. 1.19 acres with building

TAX LIABILITY

2013	\$663.17
2014	660.72
2015	666.65
2016 (estimated)	666.65

Estimated Total Taxes \$2,657.19

Interest	92.76
Costs	38.00
Deed	19.00

Total \$2,806.95

Recommendation: Sell to Leavitt, Mark L. for \$2,806.95. 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 \$2,825.00.

T7 R2 NBPP, Washington County

Map WA022, Plan 1, Lot 11.2 298080077-3

Sawyer, Thomas M. and Rhonda S. 41 acres

TAX LIABILITY

2013	\$41.07
2014	41.03
2015	42.90
2016 (estimated)	42.90

Estimated Total Taxes \$167.90

Interest	5.75
Costs	38.00
Deed	19.00

Total \$230.65

Recommendation: Sell to Sawyer, Thomas M. and Rhonda S. for \$230.65. 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 \$250.00.

Costs	38.00
Deed	19.00
Total	<u>\$117.32</u>

Edmunds TWP, Washington County

Map WA029, Plan 1, Lot 40 298040211-2
 Tucker, Michael J. II 2.18 acres with building

Recommendation: Sell to Mitchell, Vera for \$117.32. 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 \$125.00.

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

Effective March 10, 2016.

TAX LIABILITY

2013	\$52.01
2014	51.82
2015	54.06
2016 (estimated)	54.06
Estimated Total Taxes	<u>\$211.95</u>
Interest	6.97
Costs	38.00
Deed	19.00
Total	<u>\$275.92</u>

Recommendation: Sell to Tucker, Michael J. II for \$275.92. 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 \$300.00.

Centerville TWP, Washington County

Map WA035, Plan 3, Lot 24.1 290800047-1
 Mitchell, Vera 0.25 acre

TAX LIABILITY

2013	\$12.21
2014	15.00
2015	15.65
2016 (estimated)	15.65
Estimated Total Taxes	<u>\$58.51</u>
Interest	1.81

**CHAPTER 60
 H.P. 1058 - L.D. 1555**

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, 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 portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, 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.

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

Effective March 13, 2016.

CHAPTER 61

H.P. 1047 - L.D. 1522

Resolve, Regarding Legislative Review of the Final Repeal 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, amended, suspended or repealed by the agency; and

Whereas, the final repeal of 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 repeal 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. Repeal. Resolved: That final repeal 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 repealed 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 16, 2016.

CHAPTER 62

H.P. 1064 - L.D. 1568

Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a 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 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 373: Financial and Technical Capacity Standards of the Site Location of Development Act, 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, is authorized.

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

Effective March 16, 2016.

**CHAPTER 63
H.P. 1065 - L.D. 1569**

**Resolve, Regarding Legislative
Review of Portions of Chapter
375: No Adverse
Environmental Effect
Standards of the Site Location
of Development Act, a 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 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 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, 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, is authorized.

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

Effective March 16, 2016.

**CHAPTER 64
H.P. 1066 - L.D. 1570**

**Resolve, Regarding Legislative
Review of Chapter 380:
Long-term Construction
Projects Under the Site
Location of Development Act, a
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 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 380: Long-term Construction Projects Under the Site Location of Development Act, 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, is authorized.

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

Effective March 16, 2016.

**CHAPTER 65
H.P. 1059 - L.D. 1556**

Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, 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 portions of Chapter 40: Rule for Medication Administration in Maine Schools, 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.

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

Effective March 22, 2016.

**CHAPTER 66
H.P. 854 - L.D. 1254**

Resolve, To Further Study the Implementation and Funding of an Integrated Beach Management 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, this legislation must take effect before the expiration of the 90-day period in order to provide the working group created through this legislation sufficient time prior to the reporting deadline of January 31, 2017 to compile data on and develop recommendations for the implementation and funding of an integrated beach management 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

Sec. 1. Beach working group. Resolved: That the Commissioner of Environmental Protection and the Commissioner of Agriculture, Conservation and Forestry shall convene a working group to review the report titled "Protecting Maine's Beaches for the Future: A Proposal to Create an Integrated Beach Management Program," dated February 2006, prepared by the Beach Stakeholder's Group and submitted to the Joint Standing Committee on Natural Resources during the Second Regular Session of the 122nd Legislature, update the data and findings contained in that report and develop recommendations regarding the implementation and funding of an integrated beach management program and comprehensive beach nourishment policy that establishes priority areas and evaluates public and private funding sources, implementation time frames and public access easements. Consideration of priority status for beach areas under any beach management program recommended by the working group must, at a minimum, involve a review of both the environmental and economic significance of each beach area. If applicable, the working group shall identify specific funding sources to support the implementation of its recommendations; and be it further

Sec. 2. Report to Legislature. Resolved: That, by January 31, 2017, the Commissioner of Environmental Protection shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report detailing the findings and recommendations of the working group established pursuant to section 1, including any suggested legislation, relating to the implementation and funding of an integrated beach management program. After reviewing the report, the committee may report out a bill relating to the report to the First Regular Session of the 128th Legislature.

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

Effective March 27, 2016.

CHAPTER 67

S.P. 558 - L.D. 1456

**Resolve, Authorizing the
Commissioner of
Administrative and Financial
Services To Convey
Approximately 0.75 Acre of
Land in Madrid Township to
the Madrid Historical Society**

Sec. 1. Definitions. Resolved: That, as used in this resolve, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real estate described in section 3 with any buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property; and be it further

Sec. 2. Authority to convey property. Resolved: That, notwithstanding any other provision of law, the State, by and through the commissioner, is authorized to convey the interest of the State in state property to the Madrid Historical Society, a duly organized nonprofit corporation; and be it further

Sec. 3. Property interests that may be conveyed. Resolved: That the state property subject to transfer is described as follows:

A certain parcel of land of 0.75 acre, more or less, depicted as "Land to Be Acquired by the Madrid Historical Society" on a "Survey Plan for Madrid Historical Society" dated May 19, 2015 by Acme Land Surveying, LLC, Farmington, Maine, situated on the westerly side of Reeds Mill Road, bounded on the north by land now or formerly of Louie and Donna Barker, bounded on the west by the thread of Pease Stream and further depicted on the May 19, 2015 survey plan, the parcel having been acquired by the Town of Madrid in a deed of March 23, 1936 recorded in Franklin County Registry of Deeds in Book 257, Page 227 and abutting the parcel that was conveyed to the Madrid Historical Society by deed of June 21, 2000 recorded in Franklin County Registry of Deeds in Book 1937, Page 239. The title of the state property subject to transfer was acquired by the State upon the deorganization of the Town of Madrid, as authorized

by Private and Special Law 1999, chapter 31; and be it further

Sec. 4. Property to be sold as is. Resolved: That the commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate, but the state property must be sold "as is," with no representations or warranties.

Title must be transferred by quitclaim deed without covenant or release deed and must be executed by the commissioner; and be it further

Sec. 5. Exemptions. Resolved: That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency or be offered through competitive bidding; and be it further

Sec. 6. Proceeds. Resolved: That any proceeds from a sale pursuant to this resolve must be deposited in the Unorganized Territory Education and Services Fund created in the Maine Revised Statutes, Title 36, section 1605, subsection 1; and be it further

Sec. 7. Repeal. Resolved: That this resolve is repealed 5 years after its effective date.

See title page for effective date.

CHAPTER 68

H.P. 1074 - L.D. 1582

**Resolve, To Name the Naples
Bay Bridge on U.S. Route 302
in the Town of Naples the
Robert Neault Memorial
Bridge**

Sec. 1. Bridge on U.S. Route 302 in Town of Naples named. Resolved: That the Department of Transportation shall designate the Naples Bay bridge on U.S. Route 302 that crosses over Chutes River in the Town of Naples the Robert Neault Memorial Bridge.

See title page for effective date.

CHAPTER 69

H.P. 1080 - L.D. 1589

**Resolve, To Name the Essex
Street Overpass Bridge in
Bangor the Brent Cross Bridge**

Sec. 1. Essex Street overpass bridge named. Resolved: That the Department of Transportation shall designate the Essex Street overpass

bridge in the City of Bangor that crosses over Interstate 95 the Brent Cross Bridge.

See title page for effective date.

CHAPTER 70

H.P. 1105 - L.D. 1626

Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal

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 4: Water-based Fire Protection Systems, a provisionally adopted major substantive rule of the Department of Public Safety, Office of the State Fire Marshal 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 29, 2016.

CHAPTER 71

H.P. 1073 - L.D. 1581

Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Late-filed Major Substantive Rule of the Maine Health Data Organization

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 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization 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 29, 2016.

CHAPTER 72

H.P. 1072 - L.D. 1580

Resolve, Regarding Legislative Review of Portions of Chapter 26: Producer Margins, a Late-filed Major Substantive Rule of the Maine Milk 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 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 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission 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 not authorized.

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

Effective March 29, 2016.

CHAPTER 73

H.P. 900 - L.D. 1322

Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues

Sec. 1. Recodification and revision of the Probate Code. Resolved: That the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes, referred to in this resolve as "legislative staff," shall prepare a recodification and revision of the Maine Revised Statutes, Title 18-A, the Probate Code, for introduction in the First Regular Session of the 128th Legislature. The recodification and revision must incorporate substantive changes recommended by the Probate and Trust Law Advisory Commission, as established in Title 5, section 12004-I, subsection 73-B, in the December 6, 2014 report to the Joint Standing Committee on Judiciary and the revisions submitted November 20, 2015. Legislative staff shall consult with the Probate and Trust Law Advisory Commission and other interested parties in preparing the recodification and revision.

Legislative staff shall submit the recodification and revision to the joint standing committee of the Legislature have jurisdiction over judiciary matters no later than January 15, 2017; and be it further

Sec. 2. Supported decision making. Resolved: That the Probate and Trust Law Advisory Commission shall examine the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report; and be it further

Sec. 3. Minor guardianship; adoption; parental rights. Resolved: That the Family Law Advisory Commission, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 52-A, shall oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with

family law policy as set forth elsewhere in the Maine Revised Statutes. The commission shall ensure the involvement of interested parties and make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

See title page for effective date.

CHAPTER 74

H.P. 1002 - L.D. 1460

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal 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 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal 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 29, 2016.

CHAPTER 75

H.P. 531 - L.D. 778

Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal 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 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 3: Eligibility Requirements for Specialized Case Types, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal Services 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 29, 2016.

CHAPTER 76
H.P. 294 - L.D. 427

**Resolve, Directing Certain
State Agencies To Consider the
Effects of Marine Debris**

Preamble. Whereas, the ocean environment and its resources are vital to the economy, cultural identity and daily lives of many Maine citizens and communities; and

Whereas, coastal residents and communities in Maine depend on healthy and abundant ocean resources for their livelihoods, recreation and ways of life; and

Whereas, the oceans annually receive an estimated 4,800,000 to 12,700,000 metric tons of plastic waste; and

Whereas, there is a projected increase in the amount of plastic marine debris based on current production and consumption; and

Whereas, plastics of all sizes have been shown to adsorb micropollutants and organic contaminants in the environment; and

Whereas, large pieces of plastic, including plastics from recreational and commercial fishing, marine vessels and marine fishing gear, degrade into progressively smaller fragments through chemical and physical processes, eventually resulting in microscopic particles of plastic that remain in the environment indefinitely; and

Whereas, plastics are a recognized contaminant of concern that threatens wildlife and human health; and

Whereas, a wide range of organisms, from zooplankton to mussels to fish to baleen whales, are capable of ingesting contaminated microplastics; and

Whereas, consumption of contaminated species is thought to increase the potential for harm to human health from hazardous chemicals; and

Whereas, Maine persons who fish commercially land approximately 305,500,000 pounds of seafood annually for human consumption and one study estimates European shellfish consumers consume between 1,800 and 11,000 microplastics per year; and

Whereas, marine debris can be large but difficult to see in the ocean if partially or totally submerged, and a vessel that encounters marine debris at sea can suffer costly damage, either to its structure or through a tangled propeller or clogged intake; and

Whereas, marine debris can be a vector for invasive species, which can have a devastating impact on local fisheries and ecosystems and can be costly to manage or eradicate; and

Whereas, increasing marine debris has the potential to threaten livelihoods and activities that have been at the core of Maine's coastal communities for hundreds of years; now, therefore, be it

Sec. 1. Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry to consider the effects of marine debris. Resolved: That, until January 1, 2019, when the Department of Marine Resources, Department of Environmental Protection, Department of Inland Fisheries and Wildlife or Department of Agriculture, Conservation and Forestry takes any action, that department shall consider the marine debris that may be generated by that action, the effects of marine debris that may be generated by that action and how the potential marine debris may be managed and mitigated.

See title page for effective date.

CHAPTER 77
H.P. 1093 - L.D. 1602

**Resolve, To Implement the
Recommendations of the
Commission To Strengthen
and Align the Services
Provided to Maine's Veterans
To Address the Transportation
Needs of Maine's Veterans**

Sec. 1. Veterans transportation study to determine need. Resolved: That the Department of Transportation, in conjunction with the Department of Defense, Veterans and Emergency Management, the Department of Health and Human Services and the Department of Labor, shall conduct a study, using available federal funds, to determine the need for locally available transportation services that convey veterans to and from employment or employment-related services, medical appointments, mental health services, social services and community activities; and be it further

Sec. 2. Study purpose. Resolved: That the purpose of the study is to inform the development of a pilot project to be established in a location served by a regional transportation network to provide transportation for veterans. The goal of the study and the pilot project is to improve access to essential programs and services for veterans, including, but not limited to, employment or employment-related services, medical appointments, mental health services, social services and community activities, and to inform potential future development of a long-term transportation policy designed to enable the delivery of cost-effective, sustainable and veteran-focused transportation services to

meet the current and future needs of veterans in the State; and be it further

Sec. 3. Participants. Resolved: That the Department of Transportation shall invite the participation of various stakeholders in the study and in the development of the pilot project, including, but not limited to, the Public Transit Advisory Council, established in the Maine Revised Statutes, Title 23, section 4209-A; and be it further

Sec. 4. Reports. Resolved: That by February 1, 2017 the Department of Transportation shall submit an initial written report on the progress of the study and by January 15, 2018 the Department of Transportation shall submit a final written report, including findings and recommendations, to the joint standing committees of the Legislature having jurisdiction over transportation, health and human services and labor matters and veterans and legal affairs. The joint standing committees may each submit a bill to the Second Regular Session of the 128th Legislature relating to the subject matter of the final report; and be it further

Sec. 5. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal - Transit 0443**

Initiative: Provides one-time funding to conduct a study regarding the availability of transportation services to veterans.

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$40,000
FEDERAL EXPENDITURES	\$0	\$40,000
FUND TOTAL		

See title page for effective date.

**CHAPTER 78
H.P. 1144 - L.D. 1677**

**Resolve, Directing the
Department of Administrative
and Financial Services and the
Maine Public Employees
Retirement System To Identify
Retirees Whose Retirement
Benefit Calculations Were
Adversely Affected by Certain
Pay Freezes and To Calculate
Costs Associated with
Authorizing Those Retirees To
Include Such Lost Wages in
Retirement Benefit
Calculations**

Preamble. Whereas, the law governing the calculation of member retirement benefits was amended by Public Law 2015, chapter 267, Part CCCC, section 1 and chapter 385 to allow members of the Maine Public Employees Retirement System who retired on or after July 1, 2015 to pay the necessary member contributions to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes; and

Whereas, equity requires that the law be similarly amended to allow members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to pay the necessary member contributions to include in their retirement benefit calculations wages lost due to such pay freezes; and

Whereas, in order to rectify the situation, it is necessary first to determine the population of retirees who are potentially affected by this inequity, and then to calculate the costs associated with expanding the universe of retirees who are permitted to elect to contribute the necessary member contributions to include in their retirement benefit calculations wages lost due to such pay freezes; now, therefore, be it

Sec. 1. Identification of members. Resolved: That the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall work together to identify retirees who retired prior to July 1, 2015 and whose retirement benefit calculations were adversely affected by merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13; and be it further

Sec. 2. Calculation of costs. Resolved: That the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall work together to calculate the projected costs associated with authorizing members of the Maine Public Employees Retirement System who re-

tired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13; and be it further

Sec. 3. Report. Resolved: That, no later than January 12, 2017, the Department of Administrative and Financial Services and the Maine Public Employees Retirement System shall report their findings pursuant to sections 1 and 2 to the joint standing committee of the Legislature having jurisdiction over retirement matters. The joint standing committee of the Legislature having jurisdiction over retirement matters may report out to the First Regular Session of the 128th Legislature a bill to authorize members of the Maine Public Employees Retirement System who retired prior to July 1, 2015 to include in their retirement benefit calculations wages lost due to merit pay freezes and longevity pay freezes in effect in fiscal years 2011-12 and 2012-13.

See title page for effective date.

CHAPTER 79

H.P. 1135 - L.D. 1665

Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization

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 120: Release of Data to the Public, a provisionally adopted major substantive rule of

the Maine Health Data Organization 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 changes are made.

1. The rule must be amended in section 3, subsection 1, paragraph G to clarify that the Maine Health Data Organization data may not be used to individually identify any patient receiving mental health services including treatment from licensed psychiatric inpatient treatment facilities.

2. The rule in section 3, subsection 1, paragraph H must be amended to provide a reference to 42 Code of Federal Regulations, Section 2.13 instead of to Section 290dd-2.

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

Effective April 16, 2016.

CHAPTER 80

S.P. 585 - L.D. 1523

Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel

Sec. 1. Adjustment of salary schedules for certain law enforcement position classifications in fiscal year 2016-17. Resolved: That, notwithstanding any other provision of law, effective for the first pay period commencing on or after July 1, 2016, the salary schedules for the positions specified in this section in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that are included in the Maine State Police bargaining unit, the law enforcement bargaining unit or the supervisory services bargaining unit must be adjusted upward by the percentages indicated in this section.

1. Twelve percent increase. The salary schedules must be adjusted upward by 12% for all positions classified as Game Warden Sergeant, Game Warden Lieutenant, Marine Patrol Pilot Supervisor, Marine Patrol Sergeant or Marine Patrol Lieutenant.

2. Thirteen percent increase. The salary schedules must be adjusted upward by 13% for all positions classified as State Police Trooper, Game Warden Investigator, Game Warden Specialist, Capitol Police Officer or Fire Investigator.

3. Fourteen percent increase. The salary schedules must be adjusted upward by 14% for all positions classified as Game Warden Pilot Supervisor.

4. Fifteen percent increase. The salary schedules must be adjusted upward by 15% for all positions classified as State Police Specialist, State Police Corporal, State Police Detective, State Police Polygraph Examiner, State Police Forensic Specialist, State Police Pilot, State Police Pilot Supervisor, State Police Polygraph Examiner Supervisor, State Police Sergeant-E, Game Warden, Marine Patrol Officer, Capitol Police Sergeant, Senior Fire Investigator, Fire Investigations Sergeant or Forensic Specialist, Dual Discipline.

5. Seventeen percent increase. The salary schedules must be adjusted upward by 17% for all positions classified as Game Warden Pilot.

6. Eighteen percent increase. The salary schedules must be adjusted upward by 18% for all positions classified as State Police Lieutenant, Capitol Police Lieutenant or Marine Patrol Specialist; and be it further

Sec. 2. Salary schedule for law enforcement supervisors changed. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall amend by August 1, 2016 its rules regarding compensation to ensure that the fixed salary schedule for positions classified as law enforcement supervisors within the Department of Agriculture, Conservation and Forestry and the Baxter State Park Authority is increased by 5%, effective for the first pay period commencing on or after July 1, 2016; and be it further

Sec. 3. Salary schedule for senior motor vehicle detectives changed. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall amend by August 1, 2016 its rules regarding compensation to ensure that the fixed salary schedule for positions classified as senior motor vehicle detectives within the Department of the Secretary of State is increased by 5%, effective for the first pay period commencing on or after July 1, 2016; and be it further

Sec. 4. Certain law enforcement confidential positions; similar and equitable treatment. Resolved: That the Department of Administrative and Financial Services, Bureau of Human Resources shall adjust upward the salary schedules for those law enforcement confidential positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources that the bureau determines to be similar to the law enforcement positions listed in section 1. The salary schedules must be adjusted consistently with the salary adjustment for the law enforcement positions listed in section 1. For the purposes of this section, "confiden-

tial position" means a position within the executive branch that is a position excluded from bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J, including a probationary employee in such an excluded position; and be it further

Sec. 5. Positions subject to adjustment or approval by the Governor. Resolved: That the Governor may adjust in a manner consistent with the salary adjustment for the law enforcement positions listed in section 1 the salary schedules for unclassified law enforcement positions in the Department of Public Safety, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources whose salaries are subject to the Governor's adjustment or approval; and be it further

Sec. 6. Transfer from Salary Plan program and special account funding. Resolved: That the funds in the Salary Plan program, General Fund account within the Department of Administrative and Financial Services may be used 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 resolve and in Public Law 2015, chapter 376 in fiscal year 2016-17. Positions supported from sources other than the General Fund and the Highway Fund must be funded from those other sources. Transfers from the Salary Plan program pursuant to this resolve may not exceed \$6,347,655 in fiscal year 2016-17.

See title page for effective date.

CHAPTER 81

S.P. 569 - L.D. 1471

**Resolve, To Facilitate the
Distribution of Food Harvested
in Maine to Residents with
Food Insecurity**

Sec. 1. Finance Authority of Maine to select entity to provide food harvested in the State to residents with food insecurity and to administer funds. Resolved: That the Finance Authority of Maine, through the request for proposal process, shall select and contract with an appropriate statewide entity to purchase, process, store and transport fresh and fresh frozen fruits and vegetables and seafood harvested in the State in order to increase access to fresh and fresh frozen fruit and vegetables and seafood to residents of the State with food insecurity. When selecting the entity, the authority shall consult with and accept assistance from experts in the areas of agriculture, food security and public health. The entity selected must be qualified in the safe handling of food products by adhering to all local, state and federal food

safety regulations, by participating in an annual 3rd-party food safety audit performed by a nationally certified auditor and having experience in the distribution of food to low-income populations. The authority shall administer the funds allocated for the purposes stated in this section until they are finally disbursed and may retain a portion of those funds for the reasonable costs of administering this section; and be it further

Sec. 2. Report. Resolved: That the Finance Authority of Maine, as a condition of the award of the contract pursuant to section 1, shall require the entity selected to submit a report by December 1st of 2016, 2017 and 2018 to the joint standing committees of the Legislature having jurisdiction over agriculture, conservation and forestry matters and over health and human services matters. Each report must contain information regarding the entity's progress on meeting the purposes of section 1, including how funds were expended, types and amount of fruits, vegetables and seafood purchased and how access and availability were increased, and the efforts needed, if any, to achieve the purpose of providing food harvested in the State to residents with food insecurity; and be it further

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Maine Harvested Food Products for Residents with Food Insecurity N222

Initiative: Allocates funds on a one-time basis to provide fresh and fresh frozen fruits and vegetables and seafood harvested in the State to residents of the State with food insecurity.

FUND FOR A HEALTHY MAINE	2015-16	2016-17
All Other	\$0	\$3,000,000
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$3,000,000

See title page for effective date.

**CHAPTER 82
H.P. 1163 - L.D. 1698**

Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17

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 resolve extends the eligibility period for certain individuals who were eligible for community support services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17 before the rule was updated on March 22, 2016; and

Whereas, it is possible that certain individuals may become ineligible to receive these services before the 90-day period expires; 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. Transitional period. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall extend eligibility for community support services to each individual who received those services under Chapter 101, MaineCare Benefits Manual, Chapter II, Section 17, referred to in this resolve as "Section 17," before Section 17 was updated on March 22, 2016 and who have been found to no longer meet the eligibility requirements under the updated Section 17 until the individual is able to access appropriate services under another section of the MaineCare Benefits Manual; except that an extension of eligibility may not exceed a period of 120 days after that individual's current authorization period has expired; and be it further

Sec. 2. Continuation of bridging rental assistance program for certain individuals. Resolved: That any individual receiving housing subsidy vouchers under the bridging rental assistance program, referred to in this resolve as "BRAP," due to that individual's Section 17 eligibility immediately before Section 17 was updated on March 22, 2016 continues to remain eligible for BRAP housing subsidy vouchers, unless the individual becomes ineligible for BRAP housing subsidy vouchers for a reason unrelated to Section 17 eligibility; and be it further

Sec. 3. Additional transitional period possible. Resolved: That, until June 30, 2017, the Office of MaineCare Services within the department shall authorize 90-day extensions of community support

services under Section 17 for an individual that received Section 17 services before Section 17 was updated on March 22, 2016 if that individual is able to reasonably demonstrate to the department that the individual has been unable to access appropriate services under any other section of the MaineCare Benefits Manual; and be it further

Sec. 4. Emergency rulemaking authorized. Resolved: That the department shall adopt emergency rules pursuant to the Maine Revised Statutes, Title 5, section 8054 as necessary for implementation of this resolve.

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

Effective April 26, 2016.

CHAPTER 83

H.P. 605 - L.D. 886

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

Sec. 1. Reimbursement for personal care and related services. Resolved: That the Department of Health and Human Services shall amend its rules for reimbursement rates for personal care and related services provided under Chapter 101: MaineCare Benefits Manual, Sections 12, 19 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63 to reflect 50% of the increase in rates noted in the final rates modeled in the February 1, 2016 report "Rate Review for Personal Care and Related Services: Final Rate Models" prepared for the department by Burns & Associates, Inc. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further

Sec. 2. Unstaffed hours and waiting lists. Resolved: That the Department of Health and Human Services shall estimate the number of hours, and the cost of those hours, of unmet need under Chapter 101: MaineCare Benefits Manual, Sections 12, 19, 40 and 96 and Chapter 5, Office of Elder Services Policy Manual, Section 63. The estimate must include individuals eligible for services but on a waiting list and individuals who are entitled to services that are eligible for reimbursement but are unable to locate individuals or agencies to provide those services; and be it further

Sec. 3. Rate study. Resolved: That the Department of Health and Human Services shall conduct a rate study of the services in rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 40, Home Health Services. The rate study must be conducted by a 3rd party, account for provider costs related to the services in Section 40 and include stakeholders for all services included in Section 40; and be it further

Sec. 4. Report. Resolved: That the Department of Health and Human Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with findings and recommendations for changes to the rates identified in section 4 no later than January 1, 2017; and be it further

Sec. 5. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)

Medical Care - Payments to Providers 0147

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$2,773,600
GENERAL FUND TOTAL	\$0	\$2,773,600

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$4,920,692
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$4,920,692

Office of Aging and Disability Services Central Office 0140

Initiative: Provides funds for a rate increase for personal care and related services.

GENERAL FUND	2015-16	2016-17
All Other	\$0	\$1,226,400
GENERAL FUND TOTAL	\$0	\$1,226,400

Temporary Assistance for Needy Families 0138

Initiative: Provides for a one-time reduction of funding for projected savings in the Temporary Assistance for Needy Families program.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$4,000,000)
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GENERAL FUND TOTAL	\$0	(\$4,000,000)
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$4,920,692
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$4,920,692

See title page for effective date.

CHAPTER 84

H.P. 1142 - L.D. 1671

Resolve, Compensating Susan Cloutier for Claims against the State

Sec. 1. Compensation authorized. Resolved: That the Governor is authorized and directed, upon receipt of the necessary releases, to pay \$400,000 from the Risk Management Fund to compensate Susan Cloutier and members of her family in full settlement and satisfaction of any and all claims by her and members of her family against the State, the Department of Labor and present or former employees of that department or of the State for damages resulting from the death of her son and husband in a motor vehicle accident. The funds provided pursuant to this resolve are not intended to supplant any other funds received by Susan Cloutier through the State's self-insurance fund administered by the Department of Administrative and Financial Services, Bureau of General Services pursuant to the Maine Revised Statutes, Title 5, section 1725-A.

See title page for effective date.

CHAPTER 85

H.P. 1158 - L.D. 1693

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

Sec. 1. Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry established. Resolved: That the Commission to Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a 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 a member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Four members appointed by the President of the Senate as follows:

- A. A commercial wood harvester who supplies biomass;
- B. A representative of the biomass electric industry;
- C. A representative of a sawmill located in the State; and
- D. A scientist from the University of Maine who studies forest health and silviculture; and

4. Four members appointed by the Speaker of the House as follows:

- A. A representative of a conservation organization;
- B. A representative of a pulp and paper manufacturer located in the State;
- C. A representative of commercial timber holdings in the State; and
- D. A representative of a business that uses biomass for thermal generation or cogeneration or an expert in the use of biomass energy for thermal generation or cogeneration; and be it further

Sec. 3. Commission chairs. Resolved: That the first-named Senator is the Senate chair of the commission and the first-named member of the House

of Representatives 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 made. When the appointment of all members has been completed, the chairs of the commission shall call and convene the first meeting of the commission. 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:

1. Review and evaluate the economic, environmental and energy benefits of Maine's biomass resources, as well as public policy and economic proposals to create and maintain a sustainable future for the Maine biomass industry;

2. Consider the interconnection of economic markets for biomass and forest products and the energy policy of the State;

3. Consider whether the environmental, economic and energy benefits of biomass support updating the State's energy policy to strengthen and increase the role that biomass and the forest products industry play throughout the State;

4. Consider the costs of implementing any recommendations and the effect of leaving current policies in place; and

5. Examine any other issues to further the purposes of the study.

In conducting the duties under this section, the commission shall seek public input and shall consult and collaborate with stakeholders and experts in the fields of economic development, natural resources and energy policy; and be it further

Sec. 6. Meetings. Resolved: That the commission shall hold at least 4 meetings; and be it further

Sec. 7. Staff assistance. Resolved: That the Legislative Council shall provide staffing services to the commission. The commission may invite the Department of Economic and Community Development, the Public Utilities Commission, the Office of the Public Advocate, the Governor's Energy Office, the Efficiency Maine Trust, the Department of Agriculture, Conservation and Forestry and other appropriate agencies of State Government to provide additional staff support or assistance to the commission; and be it further

Sec. 8. Report. Resolved: That the commission shall submit a report and any suggested implementing legislation for presentation to the Joint Standing Committee on Energy, Utilities and Technology and the Joint Standing Committee on Agriculture, Conservation and Forestry no later than December 6, 2016.

See title page for effective date.

CHAPTER 86

S.P. 566 - L.D. 1468

Resolve, To Improve the Safety of Ferries in the State

Sec. 1. Peer review assessment; operations and safety. Resolved: That the Department of Transportation shall execute a peer review assessment of Maine State Ferry Service processes to evaluate safety procedures and marine operations of the Maine State Ferry Service. For purposes of this resolve, "Maine State Ferry Service" has the same meaning as in the Maine Revised Statutes, Title 23, section 4401. The peer review assessment must include an examination of the recommendations in the report titled "Maine State Ferry Service, MaineDOT, Operational Safety Assessment (OSA) Report," dated April 4, 2008 and written by Safety Management Systems, LLC. The peer review assessment must include, at a minimum, comments relating to:

1. Appropriate staffing levels for vessels operated by the Maine State Ferry Service;

2. An adequate minimum mandatory training level for each position within the Maine State Ferry Service; and

3. Standard operating procedures relating to crew stations and duties while in port and at sea and decisions regarding passengers who fall overboard, fire-fighting, extreme weather conditions, abandoning ship and other emergency procedures; and be it further

Sec. 2. Operational changes relating to Maine State Ferry Service. Resolved: That, by June 1, 2017, the Department of Transportation shall adopt rules relating to the Maine State Ferry Service in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The rules must:

1. Require all vessels operating for the Maine State Ferry Service to be outfitted with a lockbox for medical samples. The rules must provide for the transport of medical diagnostic samples, including, but not limited to, allowing medical personnel access to the lockbox;

2. Include procedures to modernize customer services, including, but not limited to, passenger wait lines, slot times and seasonal rates. The procedures must be developed with the goal of improving customer service and identifying opportunities for increased revenue; and

3. Implement a standardized process to improve training of Maine State Ferry Service employees. The rules must require that, to the extent it is practicable, vessel crew training be accomplished before reporting for duty, including, but not limited to, familiarization with the vessel the crew member will be working on. Vessel crew training must include, but is not limited to, the location and operation of emergency equipment and firefighting equipment and vessel-specific procedures, overboard drills and duty stations in port and at sea. The training may be accomplished by the port captain except for training that must be accomplished while the vessel is under way. Training under this subsection must satisfy the applicable federal regulations for ferry boats and ferry service training protocols; and be it further

Sec. 3. Report. Resolved: That, no later than February 1, 2017, the Department of Transportation shall submit a report with the results of the peer review assessment under section 1 and a progress report on its rules developed pursuant to section 2 to the joint standing committee of the Legislature having jurisdiction over transportation matters. 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 reports; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal - Island Ferry Service Z016**

Initiative: Provides allocations to conduct a peer review of the Maine State Ferry Service and to outfit all Maine State Ferry Service vessels with lockboxes for medical samples.

HIGHWAY FUND	2015-16	2016-17
Personal Services	\$0	\$5,000
All Other	\$0	\$1,500
HIGHWAY FUND TOTAL	\$0	\$6,500

ISLAND FERRY SERVICES FUND	2015-16	2016-17
Personal Services	\$0	\$10,000
All Other	\$0	\$3,000

ISLAND FERRY SERVICES	\$0	\$13,000
FUND TOTAL		

See title page for effective date.

CHAPTER 87

H.P. 1006 - L.D. 1465

**Resolve, To Require the
Department of Health and
Human Services To Conduct a
Study of Ambulance Services**

Sec. 1. Rate study. Resolved: That the Department of Health and Human Services shall contract with a 3rd-party consultant to conduct a rate study of Chapter 101: MaineCare Benefits Manual, Section 5, Ambulance Services. The rate study must account for provider costs related to ambulance services. The rate study must also assess the feasibility of reimbursing for community paramedicine services and potential rates for those services. The 3rd-party consultant conducting the study under this section shall invite the participation of stakeholders providing ambulance services; and be it further

Sec. 2. Report. Resolved: That the Department of Health and Human Services, no later than January 1, 2017, shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the department's progress on developing a reimbursement rate for community paramedicine services pursuant to section 1 of this resolve.

See title page for effective date.

CHAPTER 88

H.P. 1162 - L.D. 1696

**Resolve, To Establish a
Moratorium on Rate Changes
Related to Rule Chapter 101:
MaineCare Benefits Manual,
Sections 13, 17, 28 and 65**

Sec. 1. Rate Study. Resolved: That, on January 2, 2017, the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with a completed rate study on Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 conducted by Burns and Associates and in process on the effective date of this resolve; and be it further

Sec. 2. Moratorium on rulemaking. Resolved: That the Department of Health and Human Services may not begin any rule-making procedure connected with rate changes for reimbursement levels under Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 until at least 60 days after a completed rate study has been presented to the joint standing committee of the Legislature having jurisdiction over health and human services matters pursuant to section 1.

See title page for effective date.

CHAPTER 89

H.P. 1143 - L.D. 1675

Resolve, To Create the Task Force on Public-private Partnerships To Support Public 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, this resolve establishes the Task Force on Public-private Partnerships To Support Public Education to conduct a comprehensive study of available public-private funding models to support public education; 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 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 on Public-private Partnerships To Support Public Education, 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 12 members appointed as follows:

1. One member of the Senate appointed by the President of the Senate;
2. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

3. Four members appointed by the President of the Senate as follows:

A. One member who represents a philanthropic organization and who has experience in performance-based contracting in the social sector or social impact partnerships;

B. One member who represents business interests and who has experience in performance-based contracting in the social sector or social impact partnerships;

C. One member who represents financing interests and who has experience in performance-based contracting in the social sector or social impact partnerships; and

D. One member who represents school principals' interests;

4. Four members appointed by the Speaker of the House as follows:

A. One member who represents a philanthropic organization and who has experience in performance-based contracting in the social sector or social impact partnerships;

B. One member who represents business interests and who has experience in performance-based contracting in the social sector or social impact partnerships;

C. One member who represents financing interests and who has experience in performance-based contracting in the social sector or social impact partnerships; and

D. One member of the Maine Education Policy Research Institute; and

5. The Commissioner of Education or the commissioner's designee.

Prior to making an appointment to the task force pursuant to subsection 3, paragraph D, the President of the Senate shall seek nominations from the Maine Principals' Association. The President of the Senate shall request the Maine Principals' Association to survey its members for a recommended nomination; and be it further

Sec. 3. Chairs. Resolved: That the 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 4 times in order to conduct a comprehensive study on performance-based contracting and social impact partnerships for public education. In performing its work, the task force shall research the various aspects of the issues related to using performance-based contracting and social impact partnerships to support public education. The task force shall make recommendations regarding the viability of implementing performance-based contracting and social impact partnerships with private and governmental entities to support public education; 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. Outside funding. Resolved: That the task force shall seek funding contributions to fully fund the costs of the task force. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the task force 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. 8. Report. Resolved: That, no later than January 15, 2017, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the First Regular Session of the 128th Legislature. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs may report out a bill to the First Regular Session of the 128th Legislature.

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

Effective April 29, 2016.

**CHAPTER 90
S.P. 652 - L.D. 1614**

**Resolve, To Provide Funding
for the County Jail Operations
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, funding is needed immediately for the operation of the State's county jails and one regional jail; 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. Distributions by Department of Corrections. Resolved: That the Department of Corrections shall distribute the funds appropriated in this resolve prior to June 30, 2016 on the basis of the financial needs of each county jail and the regional jail. The department shall determine the financial needs of the jails in cooperation with the Maine County Commissioners Association and the Maine Sheriffs' Association, taking into consideration the revenues and verified expenditures of each jail and the use of tax assessments by each county as allowed by the Maine Revised Statutes, Title 30-A, section 701, subsection 2-C; and be it further

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF
County Jail Operations Fund Z194**

Initiative: Provides one-time funding for the County Jail Operations Fund to meet funding needs for the operation of the State's county jails and regional jail.

GENERAL FUND	2015-16	2016-17
All Other	\$2,465,896	\$0
GENERAL FUND TOTAL	\$2,465,896	\$0

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$2,465,896	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,465,896	\$0

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

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the increase in the Federal Medical Assistance Percentage for federal fiscal year 2017.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$2,465,896)
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GENERAL FUND TOTAL	\$0	(\$2,465,896)
FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	\$2,465,896
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,465,896
HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)		
DEPARTMENT TOTALS	2015-16	2016-17
GENERAL FUND	\$0	(\$2,465,896)
FEDERAL EXPENDITURES FUND	\$0	\$2,465,896
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
SECTION TOTALS	2015-16	2016-17
GENERAL FUND	\$2,465,896	(\$2,465,896)
FEDERAL EXPENDITURES FUND	\$0	\$2,465,896
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SECTION TOTAL - ALL FUNDS	\$2,465,896	\$0

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

Effective April 29, 2016.

**CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
2015**

(There were none.)

INITIATED BILL OF THE STATE OF MAINE
REFERRED TO THE VOTERS BY
THE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
AND APPROVED AT REFERENDUM

CHAPTER 1
I.B. 1 - L.D. 806

**An Act To Strengthen the
Maine Clean Election Act,
Improve Disclosure and Make
Other Changes to the
Campaign Finance Laws**

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

Sec. 1. 1 MRSA c. 25, sub-c. 3 is enacted to
read:

SUBCHAPTER 3

GUBERNATORIAL TRANSITION

§1051. Gubernatorial transition committee

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

A. "Commission" means the Commission on
Governmental Ethics and Election Practices.

B. "Election cycle" means the period beginning
on the day after the general election for any state,
county or municipal office and ending on the day
of the next general election for that office.

2. Transition and inaugural activities; funding.
A person may solicit and accept donations for the
purpose of financing costs related to the transition to of-
fice and inauguration of a new Governor. A person
who accepts donations for these purposes must estab-
lish a committee and appoint a treasurer who is re-
sponsible for keeping records of donations and for
filing a financial disclosure statement required by this
section. All donations received must be deposited in a
separate and segregated account and may not be com-
mingled with any contributions received by any candi-
date or political committee or any personal or business
funds of any person. An individual who has served as
a treasurer of any candidate committee or political
action committee in the same election cycle may not
serve as treasurer of a gubernatorial transition commit-
tee.

**3. Registration with the commission and fi-
nancial disclosure statement.** A committee estab-
lished pursuant to this section shall register and file a
financial disclosure statement with the commission as
required by this subsection.

A. The committee shall register with the commis-
sion within 10 days after appointment of a treas-
urer. The registration must include the name and
mailing addresses of the members of the commit-
tee, its treasurer and all individuals who are rais-
ing funds for the committee.

B. The financial disclosure statement must con-
tain the names, addresses, occupations and em-
ployers of all donors who have given money or
anything of value in a total amount exceeding \$50
to the committee, including in-kind donations of
goods or services, along with the amounts and
dates of the donations. Donors who have given
donations with a total value of \$50 or less may be
disclosed in the aggregate without itemization or
other identification.

C. Any outstanding loan, debt or other obligation
of the committee must be disclosed as a donation.

D. The financial disclosure statement must iden-
tify the amounts, dates, payees and purposes of all
payments made by the committee.

E. An interim financial disclosure statement must
be filed by 5:00 p.m. on January 1st following the
gubernatorial election and must be complete as of
10 days prior to that date. The final financial dis-
closure statement must be filed by 5:00 p.m. on
February 15th following the gubernatorial election
and must be complete as of that date.

4. Limitation on fund-raising activity. A
committee established pursuant to this section may
accept donations until January 31st of the year follow-
ing the gubernatorial election.

**5. Prohibited donations during a legislative
session.** A committee established pursuant to this sec-
tion may not directly or indirectly solicit or accept a
donation from a lobbyist, lobbyist associate or em-
ployer during any period of time in which the Legisla-
ture is convened before final adjournment. A lobbyist,
lobbyist associate or employer may not directly or
indirectly give, offer or promise a donation to a com-
mittee established pursuant to this section during any
period of time in which the Legislature is convened
before final adjournment.

6. Anonymous donations. A committee estab-
lished pursuant to this section may not accept an
anonymous donation in excess of \$50.

7. Disposing of surplus funds. Prior to the filing
of the final financial disclosure statement under sub-
section 3, paragraph E, any surplus funds remaining in

the committee's account must be refunded to one or more donors, donated to a charitable organization that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3) or remitted to the State Treasurer.

8. Rulemaking. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this section.

9. Enforcement and penalty. The commission shall administer and enforce this subchapter. A person who violates this subchapter is subject to a civil penalty not to exceed \$10,000, payable to the State and recoverable in a civil action.

Sec. 2. 21-A MRSA §1004-C is enacted to read:

§1004-C. Enhanced penalties for violations with aggravating circumstances

Notwithstanding any maximum penalty otherwise set forth in this chapter, when assessing a penalty or monetary sanction, the commission may double the authorized penalty or monetary sanction for a violation occurring less than 28 days prior to an election day and may triple the authorized penalty or monetary sanction for a violation occurring less than 14 days prior to an election day.

Sec. 3. 21-A MRSA §1014, sub-§2-B is enacted to read:

2-B. Top 3 funders; independent expenditures. A communication that is funded by an entity making an independent expenditure as defined in section 1019-B, subsection 1 must conspicuously include the following statement:

"The top 3 funders of (name of entity that made the independent expenditure) are (names of top 3 funders)."

The information required by this subsection may appear simultaneously with any statement required by subsection 2 or 2-A. A communication that contains a visual aspect must include the statement in written text. A communication that does not contain a visual aspect must include an audible statement. This statement is required only for communications made through broadcast or cable television, broadcast radio, Internet audio programming, direct mail or newspaper or other periodical publications.

A cable television or broadcast television communication must include both an audible and a written statement. For a cable television or broadcast television communication 30 seconds or less in duration, the audible statement may be modified to include only the single top funder.

The top funders named in the required statement consist of the funders providing the highest dollar amount

of funding to the entity making the independent expenditure since the day following the most recent general election day.

A. For purposes of this subsection, "funder" includes:

(1) Any entity that has made a contribution as defined in section 1052, subsection 3 to the entity making the independent expenditure since the day following the most recent general election day; and

(2) Any entity that has given a gift, subscription, loan, advance or deposit of money or anything of value, including a promise or agreement to provide money or anything of value whether or not legally enforceable, except for transactions in which a fair value is given in return, since the day following the most recent general election day.

B. If funders have given equal amounts, creating a tie in the ranking of the top 3 funders, the tie must be broken by naming the tying funders in chronological order of the receipt of funding until 3 funders are included in the statement. If the chronological order cannot be discerned, the entity making the independent expenditure may choose which of the tying funders to include in the statement. In no case may a communication be required to include the names of more than 3 funders.

C. The statement required under this subsection is not required to include the name of any funder who has provided less than \$1,000 to the entity making the independent expenditure since the day following the most recent general election day.

D. If only one or 2 funders must be included pursuant to this subsection, the communication must identify the number of funders as "top funder" or "top 2 funders" as appropriate. If there are no funders required to be included under this subsection, no statement is required.

E. When compiling the list of top funders, an entity making an independent expenditure may disregard any funds that the entity can show were used for purposes unrelated to the candidate mentioned in the communication on the basis that funds were either spent in the order received or were strictly segregated in other accounts.

F. In any communication consisting of an audio broadcast of 30 seconds or less or a print communication of 20 square inches or less, the requirements of this subsection are satisfied by including the name of the single highest funder only.

G. If the list of funders changes during the period in which a recurring communication is aired or published, the statement appearing in the commu-

nication must be updated at the time that any additional payments are made for that communication.

H. The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this subsection. Rules adopted pursuant to this paragraph must ensure that the information required by this subsection is effectively conveyed for a sufficient duration and in a sufficient font size or screen size where applicable without undue burden on the ability of the entity to make the communication. The rules must also provide an exemption for types of communications for which the required statement would be impossible or impose an unusual hardship due to the unique format or medium of the communication.

Sec. 4. 21-A MRSA §1014, sub-§4, as amended by PL 2011, c. 389, §12, is further amended to read:

4. Enforcement. A violation of this section may result in a civil penalty of no more than ~~\$5,000~~ 100% of the amount of the expenditure in violation, except that an expenditure for yard signs lacking the required information may result in a maximum civil penalty of \$200. In assessing a civil penalty, the commission shall consider, among other things, how widely the communication was disseminated, whether the violation was intentional, whether the violation occurred as the result of an error by a printer or other paid vendor and whether the communication conceals or misrepresents the identity of the person who financed it. If the person who financed the communication or who committed the violation corrects the violation within 10 days after receiving notification of the violation from the commission by adding the missing information to the communication, the commission may decide to assess no civil penalty.

Sec. 5. 21-A MRSA §1019-B, sub-§1, ¶B, as amended by PL 2013, c. 334, §15, is further amended to read:

B. Is presumed to be any expenditure made to design, produce or disseminate a communication that names or depicts a clearly identified candidate and is disseminated during the ~~24~~ 28 days, including election day, before a primary election; ~~or during~~ the 35 days, including election day, before a ~~general or special election; or from Labor Day to a general election day.~~

Sec. 6. 21-A MRSA §1019-B, sub-§4, as amended by PL 2013, c. 334, §16, is further amended to read:

4. Report required; content; rules. A person, party committee, political committee or political action committee that makes independent expenditures aggregating in excess of \$100 during any one candi-

date's election shall file a report with the commission. In the case of a municipal election, the report must be filed with the municipal clerk.

A. A report required by this subsection must be filed with the commission according to a reporting schedule that the commission shall establish by rule that takes into consideration existing campaign finance reporting requirements. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. A report required by this subsection must contain an itemized account of each expenditure aggregating in excess of \$100 in any one candidate's election, the date and purpose of each expenditure and the name of each payee or creditor. The report must state whether the expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, the candidate or an authorized committee or agent of the candidate.

C. A report required by this subsection must be on a form prescribed and prepared by the commission. A person filing this report may use additional pages if necessary, but the pages must be the same size as the pages of the form. The commission may adopt procedures requiring the electronic filing of an independent expenditure report, as long as the commission receives the statement made under oath or affirmation set out in paragraph B by the filing deadline and the commission adopts an exception for persons who lack access to the required technology or the technological ability to file reports electronically. The commission may adopt procedures allowing for the signed statement to be provisionally filed by facsimile or electronic mail, as long as the report is not considered complete without the filing of the original signed statement.

~~This subsection takes effect August 1, 2011.~~

Sec. 7. 21-A MRSA §1020-A, sub-§4-A, ¶¶A to C, as enacted by PL 2001, c. 714, Pt. PP, §1 and affected by §2, are amended to read:

A. For the first violation, ~~1%~~ 2%;

B. For the 2nd violation, ~~3%~~ 4%; and

C. For the 3rd and subsequent violations, ~~5%~~ 6%.

Sec. 8. 21-A MRSA §1020-A, sub-§5-A, as amended by PL 2011, c. 558, §§4 and 5, is further amended to read:

5-A. Maximum penalties. Penalties assessed under this subchapter may not exceed:

A. Five thousand dollars for reports required under section 1017, subsection 2, paragraph B, C, D, E or H; section 1017, subsection 3-A, paragraph B, C, D, D-1 or F; and section 1017, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is 100% of the amount reported late;

A-1. Five thousand dollars for reports required under section 1019-B, subsection 4, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is ~~1/5~~ 100% of the amount reported late;

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection 4-A, paragraphs A, B, C and E, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is ~~1/5~~ 100% of the amount reported late;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F and section 1017, subsection 3-A, paragraphs A and E; or

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection 4-B.

Sec. 9. 21-A MRSA §1062-A, sub-§3, as amended by PL 2007, c. 443, Pt. A, §39, is further amended to read:

3. Basis for penalties. The penalty for late filing of a report required under this subchapter is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

A. For the first violation, ~~1%~~ 2%;

B. For the 2nd violation, ~~3%~~ 4%; and

C. For the 3rd and subsequent violations, ~~5%~~ 6%.

Any penalty of less than \$10 is waived.

Violations accumulate on reports with filing deadlines in a 2-year period that begins on January 1st of each even-numbered calendar year. Waiver of a penalty does not nullify the finding of a violation.

A report required to be filed under this subchapter that is sent by certified or registered United States mail and postmarked at least 2 days before the deadline is not subject to penalty.

A required report may be provisionally filed by transmission of a facsimile copy of the duly executed report to the commission, as long as an original of the same report is received by the commission within 5 calendar days thereafter.

Sec. 10. 21-A MRSA §1062-A, sub-§4, as amended by PL 2011, c. 389, §49, is further amended to read:

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1056-B or section 1059, except that if the financial activity reported late exceeds \$50,000, the maximum penalty is ~~1/5~~ 100% of the amount reported late.

Sec. 11. 21-A MRSA §1062-A, sub-§8-A, as amended by PL 2009, c. 190, Pt. A, §31, is further amended to read:

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum penalty for failure to file a report required under section 1056-B or section 1059 is \$10,000 or the amount of financial activity not reported, whichever is greater.

Sec. 12. 21-A MRSA §1062-B, as enacted by PL 2013, c. 334, §32, is amended to read:

§1062-B. Failure to keep records

A committee that fails to keep records required by this chapter may be assessed a fine of up to ~~\$2,500~~ \$10,000 or the amount of financial activity for which no records were kept, whichever is greater. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, whether the violation occurred as the result of an error by someone outside the control of the committee, whether the committee intended to conceal its financial activity, the amount of financial activity that was not documented and the level of experience of the committee's volunteers and staff.

Sec. 13. 21-A MRSA §1122, sub-§3-A is enacted to read:

3-A. Election cycle. "Election cycle" means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office.

Sec. 14. 21-A MRSA §1124, as amended by PL 2011, c. 389, §50, is further amended to read:

§1124. The Maine Clean Election Fund established; sources of funding

1. Established. The Maine Clean Election Fund is established to finance the election campaigns of certified Maine Clean Election Act candidates running for Governor, State Senator and State Representative and to pay administrative and enforcement costs of the commission related to this Act. The fund is a special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the fund. The commission shall administer the fund.

2. Sources of funding. The following must be deposited in the fund:

A. The qualifying contributions and additional qualifying contributions required under section 1125 when those contributions are submitted to the commission;

B. ~~Two~~ Three million dollars of the revenues from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund, transferred to the fund by the State Controller on or before January 1st of each year, beginning January 1, 1999. These revenues must be offset in an equitable manner by an equivalent reduction ~~within the administrative divisions of the legislative branch and executive branch agencies~~ in tax expenditures as defined in Title 36, section 199-A, subsection 2. This section may not affect the funds distributed to the Local Government Fund under Title 30-A, section 5681.

C. Revenue from a tax checkoff program allowing a resident of the State who files a tax return with the State Tax Assessor to designate that \$3 be paid into the fund. ~~If a husband and wife file~~ In the case of a joint return, each spouse may designate that \$3 be paid. The State Tax Assessor shall report annually the amounts designated for the fund to the State Controller, who shall transfer that amount to the fund;

D. Seed money contributions remaining unspent after a candidate has been certified as a Maine Clean Election Act candidate;

E. Fund revenues that were distributed to a Maine Clean Election Act candidate and that remain unspent after the candidate has lost a primary election or after all general elections;

F. Other unspent fund revenues distributed to any Maine Clean Election Act candidate who does not remain a candidate throughout a primary or general election cycle;

G. Voluntary donations made directly to the fund; and

H. Fines collected under section 1020-A, subsection 4-A and section 1127.

~~**3. Determination of fund amount.** If the commission determines that the fund will not have sufficient revenues to cover the likely demand for funds from the Maine Clean Election Fund in an upcoming election, by January 1st the commission shall provide a report of its projections of the balances in the Maine Clean Election Fund to the Legislature and the Governor. The commission may submit legislation to request additional funding or an advance on revenues to be transferred pursuant to subsection 2, paragraph B.~~

4. Report on fund amount; operating margin.

By January 1st of each year the commission shall provide to the Legislature and the Governor a report of its projection of the revenues and expenditures of the Maine Clean Election Fund for the subsequent 4-year period. The commission shall include in the report an operating margin of 20% to ensure sufficient funds in the event of higher-than-expected participation in the Maine Clean Election Act. If any such report shows that the projected revenue for the subsequent 4-year period exceeds the projected expenses for that 4-year period plus the 20% operating margin, the commission shall notify the Legislature and the Governor and request that the amount of expected funding that exceeds the expected demand on the fund plus the operating margin be transferred to the General Fund. The Department of Administrative and Financial Services, Bureau of Revenue Services shall assist the commission with revenue projections required by this subsection. If at any time the commission determines that projected revenue is not sufficient to cover the projected demand for funds in the 4-year period plus the operating margin, the commission may submit legislation to request additional funding.

Sec. 15. 21-A MRSA §1125, sub-§2, ¶¶B and C, as enacted by IB 1995, c. 1, §17, are amended to read:

B. ~~One thousand five hundred~~ Three thousand dollars for a candidate for the State Senate; or

C. ~~Five hundred~~ One thousand dollars for a candidate for the State House of Representatives.

Sec. 16. 21-A MRSA §1125, sub-§2-A, ¶C, as amended by PL 2009, c. 302, §11 and affected by §24, is further amended to read:

C. Upon requesting certification, a participating candidate shall file a report of all seed money contributions and expenditures. If the candidate is certified, any unspent seed money will be deducted from the amount distributed to the candidate as provided in subsection 8-A 8-F.

Sec. 17. 21-A MRSA §1125, sub-§2-B, as amended by PL 2009, c. 524, §14, is repealed.

Sec. 18. 21-A MRSA §1125, sub-§3, ¶A, as amended by PL 2007, c. 240, Pt. F, §1 and c. 443, Pt. B, §6, is further amended to read:

A. For a gubernatorial candidate, at least ~~3,250~~ 3,200 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

Sec. 19. 21-A MRSA §1125, sub-§3-A is enacted to read:

3-A. Additional qualifying contributions. Participating candidates may collect and submit to the commission additional qualifying contributions at the

times specified in subsection 8-E. The commission shall credit a candidate with either one qualifying contribution or one additional qualifying contribution, but not both, from any one contributor during the same election cycle. If any candidate collects and submits to the commission qualifying contributions or additional qualifying contributions that cannot be credited pursuant to this subsection, those qualifying contributions or additional qualifying contributions may be refunded to the contributor or deposited into the Maine Clean Election Fund at the discretion of the candidate.

Sec. 20. 21-A MRSA §1125, sub-§5, ¶C-1, as enacted by PL 2009, c. 363, §5, is repealed.

Sec. 21. 21-A MRSA §1125, sub-§6-A, as amended by PL 2009, c. 302, §12 and affected by §24, is further amended to read:

6-A. Assisting a person to become an opponent. A candidate or a person who later becomes a candidate and who is seeking certification under subsection 5, or an agent of that candidate, may not assist another person in qualifying as a candidate for the same office if such a candidacy would result in the distribution of revenues under subsections 7 and 8-A-8-F for certified candidates in a contested election.

Sec. 22. 21-A MRSA §1125, sub-§7, as amended by PL 2009, c. 302, §15 and affected by §24 and amended by c. 363, §7, is further amended to read:

7. Timing of initial fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8-A subsections 8-B to 8-D in the following manner.

A. Within 3 days after certification, for candidates certified prior to March 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election.

B. Within 3 days after certification, for all candidates certified between March 15th and the end of the qualifying period of the election year, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election.

B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year.

C. No later than 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election.

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

Sec. 23. 21-A MRSA §1125, sub-§7-B is enacted to read:

7-B. Timing of supplemental fund distribution. The following provisions govern the timing of supplemental fund distributions.

A. For gubernatorial candidates, any supplemental primary or general election distributions made pursuant to subsection 8-B must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions.

B. For legislative candidates, any supplemental general election distributions made pursuant to subsections 8-C and 8-D must be made within 3 business days of certification by the commission of the required number of additional qualifying contributions.

Sec. 24. 21-A MRSA §1125, sub-§8-A, as amended by PL 2011, c. 558, §§6 and 7, is repealed.

Sec. 25. 21-A MRSA §1125, sub-§§8-B to 8-F are enacted to read:

8-B. Distributions to participating gubernatorial candidates. Distributions from the fund to participating gubernatorial candidates must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$200,000 per candidate.

B. For a contested primary election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$400,000 per candidate;

(2) For each increment of 800 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 3,200 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$150,000; and

(3) The total amount of revenues distributed for a contested primary election may not exceed \$1,000,000 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$600,000 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$600,000 per candidate;

(2) For each increment of 1,200 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 9,600 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$175,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$2,000,000 per candidate.

8-C. Distributions to participating candidates for State Senate. Distributions from the fund to participating candidates for the State Senate must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$2,000 per candidate.

B. For a contested primary election, the total distribution of revenues is \$10,000 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$6,000 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$20,000 per candidate;

(2) For each increment of 45 additional qualifying contributions a candidate collects and submits pursuant to subsection 8-E, not to exceed a total of 360 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$5,000; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$60,000 per candidate.

8-D. Distributions to participating candidates for State House of Representatives. Distributions from the fund to participating candidates for the State House of Representatives must be made as follows.

A. For an uncontested primary election, the total distribution of revenues is \$500 per candidate.

B. For a contested primary election, the total distribution of revenues is \$2,500 per candidate.

C. For an uncontested general election, the total distribution of revenues is \$1,500 per candidate.

D. For a contested general election, the amount of revenues distributed is as follows:

(1) The initial distribution of revenues is \$5,000 per candidate;

(2) For each increment of 15 additional qualifying contributions a candidate collects

and submits pursuant to subsection 8-E, not to exceed a total of 120 additional qualifying contributions, the supplemental distribution of revenues to that candidate is \$1,250; and

(3) The total amount of revenues distributed for a contested general election may not exceed \$15,000 per candidate.

8-E. Collection and submission of additional qualifying contributions. Participating candidates may collect and submit additional qualifying contributions in accordance with subsection 3-A to the commission as follows:

A. For gubernatorial candidates, no earlier than October 15th of the year before the year of the election and no later than 3 weeks before election day; and

B. For legislative candidates, no earlier than January 1st of the election year and no later than 3 weeks before election day.

Additional qualifying contributions may be submitted to the commission at any time in any amounts in accordance with the schedules in this subsection. The commission shall make supplemental distributions to candidates in the amounts and in accordance with the increments specified in subsections 8-B to 8-D. If a candidate submits additional qualifying contributions prior to a primary election in excess of the number of qualifying contributions for which a candidate may receive a distribution, the excess qualifying contributions must be counted as general election additional qualifying contributions if the candidate has a contested general election, but supplemental distributions based on these excess qualifying contributions may not be distributed until after the primary election.

8-F. Amount of distributions. On December 1st of each even-numbered year the commission shall review and adjust the distribution amounts in subsections 8-B to 8-D based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics. If an adjustment is warranted by the Consumer Price Index, the distribution amounts must be adjusted, rounded to the nearest amount divisible by \$25. When making adjustments under this subsection, the commission may not change the number of qualifying contributions or additional qualifying contributions required to trigger an initial distribution or an increment of supplemental distribution. The commission shall post information about the distribution amounts including the date of any adjustment on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 26. 21-A MRSA §1125, sub-§10, as amended by PL 2011, c. 389, §56 and affected by §62, is further amended to read:

10. Candidate not enrolled in a party. An un-enrolled candidate for the Legislature who submits the required number of qualifying contributions and other required documents under subsection 4 by 5:00 p.m. on April 20th preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections ~~7, 8-C and 8-A 8-D.~~ Revenues for the general election must be distributed to the candidate ~~no later than 3 days after certification~~ as specified in subsection 7. An unenrolled candidate for Governor who submits the required number of qualifying contributions and other required documents under ~~subsections 2-B and~~ subsection 4 by 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election gubernatorial candidate and a general election gubernatorial candidate as specified in subsections 7 and ~~8-A 8-B.~~ Revenues for the general election must be distributed to the candidate for Governor ~~no later than 3 days after the primary election results are certified~~ as specified in subsection 7.

Sec. 27. 21-A MRSA §1125, sub-§13-A, as amended by PL 2011, c. 558, §9, is further amended to read:

13-A. Distributions not to exceed amount in fund. The commission may not distribute revenues to certified candidates in excess of the total amount of money deposited in the fund as set forth in section 1124. Notwithstanding any other provisions of this chapter, if the commission determines that the revenues in the fund are insufficient to meet distributions under subsection ~~8-A 8-F,~~ the commission may permit certified candidates to accept and spend contributions, reduced by any seed money contributions, aggregating no more than the applicable contribution limits established by the commission pursuant to section 1015, up to the applicable amounts set forth in subsection ~~8-A 8-F~~ according to rules adopted by the commission.

~~This subsection takes effect September 1, 2011.~~

Sec. 28. 36 MRSA §199-E is enacted to read:

§199-E. Elimination of certain tax expenditures

No later than 45 days after the effective date of this section the committee shall report out to the Legislature legislation to permanently eliminate corporate tax expenditures totaling \$6,000,000 per biennium, prioritizing for elimination low-performing, unaccountable tax expenditures with little or no demonstrated economic development benefit as determined by the Office of Program Evaluation and Government Accountability established in Title 3, section 991.

Effective December 23, 2015.

JOINT STUDY ORDERS

**JOINT STUDY ORDER TO ESTABLISH
A WORKING GROUP TO STUDY
BACKGROUND CHECKS FOR CHILD
CARE FACILITIES AND PROVIDERS**

H.P. 1167

ORDERED, the Senate concurring, that the Working Group to Study Background Checks for Child Care Facilities and Providers is established as follows.

1. Working Group to Study Background Checks for Child Care Facilities and Providers established. The Working Group to Study Background Checks for Child Care Facilities and Providers, referred to in this order as "the working group," is established.

2. Membership. The working group consists of 5 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; and

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.

The members appointed must serve on the Joint Standing Committee on Judiciary, the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs or the Joint Standing Committee on Appropriations and Financial Affairs.

3. Working group chairs. The first-named Senator is the Senate chair of the working group and the first-named member of the House is the House chair of the working group.

4. Appointments; convening of working group. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the working group shall call and convene the first meeting of the working group. 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 working group to meet and conduct its business.

5. Duties. The working group shall review the requirements for national criminal history background checks based on fingerprints as required by the federal Child Care and Development Block Grant Act of 2014. The working group shall invite the participation of and comments from stakeholders, including but not limited to child care facilities, family child care providers and parents. The working group shall invite the participation of the Department of Health and Human Services and the Department of Public Safety, State Bureau of Identification. The working group shall recommend how the required background checks should be incorporated into law in this State, including but not limited to who should be subject to the background checks, whether the law should provide for contingent or provisional hiring while background checks are pending, who is responsible for the payment of costs associated with the background checks and how the Background Check Center within the Department of Health and Human Services can help coordinate and streamline the background check process for child care facilities and providers. The working group shall explore options, including the application of federal grant funds, to defray all or some of the initial and ongoing additional costs.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

7. Report. No later than November 2, 2016, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 127th Legislature.

**Passed by the House of Representatives April 14,
2016 and the Senate April 14, 2016.**

**REVISOR'S REPORT
2015**

CHAPTER 1

Sec. 1. 5 MRSA §1826-A, 2nd ¶, as amended by PL 2003, c. 515, §1, is corrected to read:

In order to assure continued opportunities for persons with disabilities to obtain this employment through work centers, it is the intent of the Legislature to provide reliable and steady income and job opportunities to work centers. It is the purpose of this section and sections 1826-B to ~~1826-D~~ and 1826-C to ensure that some portion of state purchases for commodities and services be available to work centers.

EXPLANATION

This section corrects a cross-reference.

Sec. 2. 5 MRSA §1826-B, sub-§2, as amended by PL 2003, c. 515, §§3 and 4, is corrected to read:

2. Work center. "Work center" means a program that provides vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement. For the purposes of sections 1826-A to ~~1826-D~~ and 1826-C, a work center must meet the following conditions:

B. Has complied with occupational health and safety standards required by the laws of the United States or this State;

C. Employs during the fiscal year in commodity production or service provision persons with disabilities at a quota of not less than 66% of the total hours of direct labor on all production, whether or not government related; and

D. Has, in part of or demonstrates a formal relationship for support with an ongoing placement program that includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with the appropriate community services for the placement in the employment of any of its workers who may qualify for that placement.

EXPLANATION

This section corrects a cross-reference.

Sec. 3. 5 MRSA §13058, sub-§3, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is corrected to read:

3. Hold hearings and adopt rules. The commissioner may hold hearings and adopt rules, in accordance with the Maine Administrative ~~Procedures Procedure~~ Act, ~~Title 5, chapter 375~~, with respect to the implementation of authorized programs of the department.

A. The commissioner may adopt rules to distribute funds or assistance under the United States Housing and Community Development Act of 1974, Title 1, and its subsequent amendments. The rules ~~shall~~ **must** be consistent with the annual final statement for the State Community Development Program submitted to the Federal Government. The department shall give notice in writing of any such rules to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 20 days before the hearing, as stipulated in the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, or before the deadline for comments if no hearing is scheduled.

EXPLANATION

This section corrects a clerical error and a cross-reference and makes a grammatical change.

Sec. 4. 10 MRSA §1310, sub-§1-A, as enacted by PL 2015, c. 139, §3, is corrected to read:

1-A. Security freeze for a protected consumer. Beginning October 1, 2015, a person subject to this chapter shall comply with the following provisions regarding a security freeze for a protected consumer.

A. A consumer reporting agency shall place a security freeze for a protected consumer if:

(1) The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this subsection; and

(2) The protected consumer's representative:

(a) Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(b) Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

(c) Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

(d) Pays to the consumer reporting agency any fee, as provided in paragraph H.

B. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under this subsection, the consumer reporting agency shall create a record for the protected consumer.

This record may not be created or used to consider the protected consumer's ~~credit-worthiness~~ creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living for any purpose listed in 15 United States Code, Section 1681b.

C. Within 30 days after receiving a request that meets the requirements of this subsection, a consumer reporting agency shall place a security freeze for the protected consumer on the record created for the protected consumer or on the file pertaining to the protected consumer in the event that the consumer reporting agency already has a file pertaining to the protected consumer.

D. Unless a security freeze for a protected consumer is removed in accordance with this subsection, a consumer reporting agency may not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

E. A security freeze for a protected consumer placed under this subsection remains in effect until:

- (1) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with this subsection; or
- (2) The security freeze is removed in accordance with paragraph F or I.

F. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

- (1) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;
- (2) Provide to the consumer reporting agency:
 - (a) In the case of a request by the protected consumer:

(i) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid or that the protected consumer has attained the age of 16; and

(ii) Sufficient proof of identification of the protected consumer; or

(b) In the case of a request by the representative of a protected consumer:

(i) Sufficient proof of identification of the protected consumer and the representative; and

(ii) Sufficient proof of authority to act on behalf of the protected consumer; and

(3) Pay to the consumer reporting agency any fee authorized in paragraph H.

G. Within 30 days after receiving a request that meets the requirements for removing a security freeze for a protected consumer, the consumer reporting agency shall remove the security freeze.

H. A consumer reporting agency may charge a reasonable fee, not exceeding \$10 for each placement or removal of a security freeze for a protected consumer, except that a consumer reporting agency may not charge a fee for placement or removal of a security freeze for a protected consumer if:

- (1) The protected consumer or the protected consumer's representative:
 - (a) Has obtained a report of alleged identity theft or fraud against the protected consumer; and
 - (b) The representative provides a copy of the report to the consumer reporting agency;
- (2) The consumer reporting agency has a consumer report pertaining to the protected consumer; or
- (3) The protected consumer or the protected consumer's representative:
 - (a) Receives a notice from an information broker or other person of a security breach as required by section 1348; and
 - (b) Provides a copy of that notice to the consumer reporting agency.

I. A consumer reporting agency shall remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based

on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

J. The provisions of this subsection do not apply to the use of a consumer report by:

(1) A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or to which a representative has subscribed on behalf of a protected consumer;

(2) A consumer reporting agency for the sole purpose of providing the protected consumer or the protected consumer's representative a copy of the protected consumer's consumer report upon the request of the protected consumer or the protected consumer's representative;

(3) An entity described in subsection 1, paragraph M, subparagraphs (3), (4), (5) and (10); or

(4) A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant or background screening.

K. A person may not be held liable for any violation of this subsection if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of this subsection.

For the purposes of this subsection, "record" means a compilation of information that identifies a protected consumer and is created by a consumer reporting agency solely for the purpose of complying with ~~section 1310, subsection 1-A~~ this subsection.

EXPLANATION

This section corrects a clerical error and an internal reference.

Sec. 5. 12 MRSA §6575-L, sub-§1, as enacted by PL 2015, c. 131, §3, is corrected to read:

1. Temporary medical transfer requested prior to March 1st. Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the entire annual quota allocated to that person to another person holding an elver fishing ~~license~~ license issued under section 6505-A if the following criteria are met:

A. The transferor reported elver landings in the prior fishing year;

B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; and

C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

EXPLANATION

This section corrects a clerical error.

Sec. 6. 12 MRSA §10260, as enacted by PL 2007, c. 168, §1 and affected by §8, is corrected to read:

§10260. Black Bear Research Fund

The Black Bear Research Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding studies related to the management of black bears. Revenue from the non-resident late season bear hunting permit under section 11151-A and the bear trapping permit under section 12260-A must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

EXPLANATION

This section corrects a clerical error.

Sec. 7. 12 MRSA §11152, sub-§5, as amended by PL 2013, c. 322, §1, is corrected to read:

5. Hunter permit transfers. A resident may take an antlerless deer if another resident who holds a valid antlerless deer permit transfers the permit to that resident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. A nonresident may take an antlerless deer if another nonresident who

holds a valid ~~antlerless~~ antlerless deer permit transfers the permit to that nonresident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

EXPLANATION

This section corrects a clerical error.

Sec. 8. 12 MRSA §11161, as enacted by PL 2015, c. 281, Pt. E, §11, is reallocated to 12 MRSA §11162.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 262 and 281, which enacted 2 substantively different provisions with the same section number.

Sec. 9. 14 MRSA §7071, sub-§7, as enacted by PL 2009, c. 245, §6, is corrected to read:

7. Service and return of writ of possession; contempt. A writ of possession is returnable within 3 years from the date of issuance. The writ may be served by a sheriff or a constable. When a writ of possession has been served on the defendant by a constable or sheriff, the defendant must put the sheriff or constable into possession of the property within 2 days of the date on which the writ is served upon that defendant or the plaintiff may file a motion to have the defendant held in contempt. A proceeding upon a motion for contempt under this subsection is subject to the Maine Rules of Civil Procedure, Rule 66(d) and for the purposes of this proceeding the entry of the judgment against the defendant creates a rebuttable presumption that the defendant has the ability to put the sheriff or constable into possession of the property. This presumption shifts the burden of production of evidence to the ~~defendant~~ defendant, but the burden of persuasion remains upon the plaintiff in any contempt proceeding.

EXPLANATION

This section corrects a clerical error.

Sec. 10. 17 MRSA §314-A, sub-§3-B, as enacted by PL 2011, c. 410, §1, is corrected to read:

3-B. ~~Thirty events~~ Games up to 100 days per year. An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs

may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be re-scheduled at any time, as long as 5 days' prior notice of the new date is given to the Chief of the State Police.

EXPLANATION

This section corrects a subsection headnote to properly reflect the content of the subsection.

Sec. 11. 17-A MRSA §1111-A, sub-§1, ¶F, as amended by PL 1981, c. 531, §2, is corrected to read:

F. ~~Dilutents~~ Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting scheduled drugs;

EXPLANATION

This section corrects a clerical error.

Sec. 12. 19-A MRSA §1862, sub-§1, ¶E, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is corrected to read:

E. State that the man signing the ~~acknowledgement~~ acknowledgment believes himself to be the biological father; and

Sec. 13. 19-A MRSA §1868, sub-§2, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is corrected to read:

2. Challenge by person not a signatory. If an acknowledgment of paternity has been made in accordance with this subchapter, an individual who is neither the child nor a signatory to the ~~acknowledgement~~ acknowledgment of paternity and who seeks to challenge the validity of the acknowledgment and adjudicate parentage must commence a proceeding not later than 2 years after the effective date of the acknowledgment, as provided in section 1864, unless the individual did not know and could not reasonably have known of the individual's potential genetic parentage on account of material misrepresentation or concealment, in which case the proceeding must be commenced no later than 2 years after discovery.

EXPLANATION

These sections correct clerical errors.

Sec. 14. 20-A MRSA §4722-A, sub-§5, as enacted by PL 2015, c. 367, §1, is reallocated to 20-A MRSA §4722-A, sub-§6.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 342 and 367, which

enacted 2 substantively different provisions with the same subsection number.

Sec. 15. 20-A MRSA §15689-A, sub-§25, as enacted by PL 2015, c. 363, §5, is reallocated to 20-A MRSA §15689-A, sub-§26.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 267 and 363, which enacted 2 substantively different provisions with the same subsection number.

Sec. 16. 22 MRSA §254-D, sub-§4, ¶H, as amended by PL 2007, c. 240, Pt. RR, §1, is corrected to read:

H. Payment must be denied for drugs from manufacturers that do not enter into a rebate agreement with the department.

(1) Each agreement must provide that the manufacturer make rebate payments for both the basic and supplemental components of the program to the department according to the following schedule.

(a) From October 1, 1992 to October 1, 1998, the rebate percentage is equal to the percentage recommended by the federal Center for Medicare and Medicaid Services of the manufacturer's wholesale price for the total number of dosage units of each form and strength of a prescription drug that the department reports as reimbursed to providers of prescription drugs, provided payments are not due until 30 days following the manufacturer's receipt of utilization data supplied by the department, including the number of dosage units reimbursed to providers of prescription drugs during the period for which payments are due.

(b) Beginning October 1, 1998, the department shall seek to achieve an aggregate rebate amount from all rebate agreements that is 6 percentage points higher than that required by ~~subdivision~~ division (a), provided such rebates result in a net increase in the rebate revenue available to the elderly low-cost drug program.

(2) Upon receipt of data from the department, the manufacturer shall calculate the quarterly payment.

(a) If a discrepancy is discovered, the department may, at its expense, hire a mutually agreed-upon independent audi-

tor to verify the manufacturer's calculation.

(b) If a discrepancy is still found, the manufacturer shall justify its calculation or make payment to the department for any additional amount due.

(c) The manufacturer may, at its expense, hire a mutually agreed-upon independent auditor to verify the accuracy of the utilization data provided by the department. If a discrepancy is discovered, the department shall justify its data or refund any excess payment to the manufacturer.

(d) If the dispute over the rebate amount is not resolved, a request for a hearing with supporting documentation must be submitted to the department's division of administrative hearings. Failure to resolve the dispute may be cause for terminating the drug rebate agreement and denying payment to the manufacturer for any drugs.

(3) A prescription drug of a manufacturer that does not enter into an agreement pursuant to this paragraph is reimbursable only if the department determines the prescription drug is essential.

(4) All prescription drugs of a manufacturer that enters into an agreement pursuant to this paragraph that appear on the list of approved drugs under the program must be immediately available and the cost of the drugs must be reimbursed except as provided in this paragraph. The commissioner may impose prior authorization requirements on drugs under the program. If the commissioner establishes maximum retail prices for prescription drugs pursuant to section 2693, the department shall adopt rules for the program requiring the use of a drug formulary and prior authorization for the dispensing of certain drugs to be listed on a formulary.

(5) The names of manufacturers who do and do not enter into rebate agreements pursuant to this paragraph are public information. The department shall release this information to health care providers and the public on a regular basis and shall publicize participation by manufacturers that is of particular benefit to the public.

EXPLANATION

This section corrects a clerical error.

Sec. 17. 22 MRSA §1711-C, sub-§6, ¶E-2, as enacted by PL 2015, c. 218, §1, is corrected to read:

E-2. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the disclosure is required by section ~~1726~~ 1727;

EXPLANATION

This section corrects a cross-reference. The incorrect cross-reference results from the reallocation of the Maine Revised Statutes, Title 22, section 1726.

Sec. 18. 22 MRSA §1726, as enacted by PL 2015, c. 218, §2, is reallocated to 22 MRSA §1727.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 203 and 218, which enacted 2 substantively different provisions with the same section number.

Sec. 19. 22 MRSA §2353, sub-§4, as enacted by PL 2015, c. 351, §2, is corrected to read:

4. Community-based drug overdose prevention programs; standing orders for naloxone hydrochloride. Acting under standing orders from a licensed ~~healthcare~~ health care professional authorized by law to prescribe naloxone hydrochloride, a public health agency that provides services to populations at high risk for a drug overdose may establish an overdose prevention program in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any other provision of law, an overdose prevention program established under this subsection may store and dispense naloxone hydrochloride without being subject to the provisions of Title 32, chapter 117 as long as these activities are undertaken without charge or compensation.

B. An overdose prevention program established under this subsection may distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a person who has successfully completed training provided by the overdose prevention program that meets the protocols and criteria established by the department, so that the person may possess and administer naloxone hydrochloride to an individual who appears to be experiencing an opioid-related drug overdose.

The department shall 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.

EXPLANATION

This section corrects a clerical error.

Sec. 20. 22 MRSA §3104, sub-§13, as amended by PL 2009, c. 291, §2, is corrected to read:

13. Categorical eligibility. The department shall adopt rules that maximize access to the food supplement program for households in which there is a child who would be a dependent child under the Temporary Assistance for Needy Families program but that do not receive a monthly cash assistance grant from the Temporary Assistance for Needy Families program. Under rules adopted pursuant to this subsection, certain of these families must be authorized to receive referral services provided through the Temporary Assistance ~~to~~ for Needy Families block grant and be categorically eligible for the food supplement program in accordance with federal law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

EXPLANATION

This section corrects a clerical error.

Sec. 21. 22 MRSA §3737, sub-§3, as amended by PL 2013, c. 559, §1, is corrected 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 2-A. The rules must 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.

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance ~~to~~ for Needy Families block grant.

EXPLANATION

This section corrects a clerical error.

Sec. 22. 22 MRSA §3811, sub-§4, as amended by PL 2011, c. 687, §12, is corrected to read:

4. Program benefits. "Program benefits" means money payments or food coupons issued by the department pursuant to an application for benefits made

by an individual to Aid to Families with Dependent Children established in former chapter 1053, the food stamp program established in chapter 851 or the Temporary Assistance ~~to~~ for Needy Families program established in chapter 1053-B, or money payments or vouchers issued by a municipal general assistance program established pursuant to chapter 1161, or payments for medical services issued by the department pursuant to the MaineCare program established pursuant to chapter 855.

EXPLANATION

This section corrects a clerical error.

Sec. 23. 22 MRSA §8108, as enacted by PL 2015, c. 267, Pt. RR, §3, is reallocated to 22 MRSA §8109.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 240 and 267, which enacted 2 substantively different provisions with the same section number.

Sec. 24. 23 MRSA §3027-A, sub-§3, as enacted by PL 1981, c. 683, §3, is corrected to read:

3. Prior orders. A person claiming an interest in a proposed unaccepted way vacated under section 3027 prior to the effective date of this section may cause an attested copy of that order to be recorded in the registry of deeds where the subdivision plan describing or showing the way is recorded. That person shall append to the order to be recorded an alphabetical listing of the names of the current subdivision lot owners and their mortgagees of record whose interest in the way may be affected by the order. The register of deeds shall also index the order under the names of the lot owners appearing in the appendix.

Within 20 days of the recording of a prior order, the person causing the order to be recorded shall give notice of ~~his~~ the person's claim to all current owners of lots on the subdivision plan and their mortgagees of record by mailing by the United States Postal Service, postage prepaid, a notice informing them of ~~his~~ the person's claim and advising them that, to preserve any claim adverse to ~~his~~ the person's, they must file a claim and ~~commence~~ commence an action as required by subsection 2. The notice ~~shall~~ must conform in substance to the following form:

NOTICE

On _____, 19____, the municipal officers of _____ (Name of Town or City) entered an order vacating the following (ways) (way) shown upon a subdivision plan (named) (dated) (and) recorded in the

_____ Registry of Deeds Book of Plans, Volume _____, Page _____.

(Herein list vacated ways)

The undersigned claims to own the (ways) (way) described above. A copy of the order of the municipal officers was recorded in the Registry of Deeds on _____, 19____, and any person claiming an interest in (these ways) (this way) adverse to the claims of the undersigned must, within one (1) year of the date of the recording of the above order, file a written claim under oath in the Registry of Deeds and must, within one hundred eighty (180) days thereafter, commence an action in the Superior Court in _____ County in accordance with the Revised Statutes, Title 23, section 3027-A.

EXPLANATION

This section corrects a clerical error and gender-specific language and makes a grammatical change.

Sec. 25. 24 MRSA §2604, as enacted by PL 1977, c. 492, §3, is corrected to read:

§2604. Records of superintendent

For the purpose of evaluation of policy provisions, rate structures and the arbitration process and for recommendations of further legislation, the Superintendent of Insurance shall retain the information and maintain the files in the form and for such period as ~~he shall determine~~ the superintendent determines necessary. The superintendent shall maintain the reports filed in accordance with this section, and all data or information derived therefrom that identifies or permits identification of the insured or insureds or the incident or occurrences for which a claim was made, as strictly confidential records. Data and information derived from reports filed in accordance with this section that do not identify or permit identification of the insured or insureds or the incident or occurrence for which a claim was made may be released by the superintendent or otherwise made available to the public. Reports made to the superintendent and records thereof kept by the superintendent ~~shall not be~~ are not subject to discovery and ~~shall not be admissible~~ are not admissible in any trial, civil or criminal, other than proceedings brought before or by the board.

EXPLANATION

This section corrects a clerical error and gender-specific language and makes grammatical changes.

Sec. 26. 24 MRSA §2906, sub-§2, as enacted by PL 1989, c. 931, §3, is corrected to read:

2. Collateral source payment reductions. In all actions for professional negligence, as defined in section 2502, evidence to establish that the plaintiff's ex-

pense of medical care, rehabilitation services, loss of earnings, loss of earning capacity or other economic loss was paid or is payable, in whole or in part, by a collateral source is admissible to the court in which the action is brought after a verdict for the plaintiff and before a judgment is entered on the verdict. After notice and opportunity for an evidentiary hearing, if the court determines that all or part of the plaintiff's expense or loss has been paid or is payable by a collateral source and the collateral source has not exercised its right to ~~subrogation~~ subrogation within the time limit set forth in subsection 6, the court shall reduce that portion of the judgment that represents damages paid or payable by a collateral source.

EXPLANATION

This section corrects a clerical error.

Sec. 27. 24-A MRSA §2772, sub-§3, as enacted by PL 1989, c. 556, Pt. C, §2, is corrected to read:

3. Accessibility of representatives. A representative of the licensee must be accessible by telephone to insureds, patients or providers and the superintendent may adopt standards of ~~accessability~~ accessibility by rule.

EXPLANATION

This section corrects a clerical error.

Sec. 28. 24-A MRSA §2912, sub-§3, as enacted by PL 1973, c. 339, §1, is corrected to read:

3. Nonpayment of premium. "Nonpayment of premium" means failure of the named insured to discharge when due any of ~~his~~ the named insured's obligations in connection with the payment of premium on the policy, or any installment of a premium, whether the premium is ~~payble~~ payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

EXPLANATION

This section corrects a clerical error and gender-specific language.

Sec. 29. 24-A MRSA §3408, sub-§2, ¶A, as amended by PL 1981, c. 501, §46, is corrected to read:

A. Real property and ~~personal~~ personal property appurtenant thereto lawfully owned by the insurer and located outside this State;

EXPLANATION

This section corrects a clerical error.

Sec. 30. 24-A MRSA §4120, sub-§1, ¶L, as enacted by PL 1969, c. 132, §1, is corrected to read:

L. If the constitution or laws of the society provide for ~~exclusion~~ expulsion or suspension of a member, any member so expelled or suspended, except for nonpayment of a premium or within the contestable period for material misrepresentations in such member's application for membership, ~~shall~~ must have the privilege of maintaining ~~his~~ the member's insurance in force by continuing payment of the required premium.

EXPLANATION

This section corrects a clerical error and gender-specific language and makes a grammatical change.

Sec. 31. 24-A MRSA §6307, sub-§1, ¶D, as enacted by PL 1989, c. 931, §5, is corrected to read:

D. Practices at least 50% of the time in areas of the State that are underserved areas for obstetrical and prenatal medical services as determined by the Department of Health and Human Services.

EXPLANATION

This section corrects a clerical error.

Sec. 32. 27 MRSA §72, sub-§1, ¶F, as reallocated by PL 2003, c. 688, Pt. A, §30, is corrected to read:

F. Volume of interlibrary lending and ~~accessability~~ accessibility of collections to the public; and

EXPLANATION

This section corrects a clerical error.

Sec. 33. 29-A MRSA §2063-A, sub-§9, as enacted by PL 2001, c. 687, §16, is corrected to read:

9. Violations. Beginning 183 days after the effective date of this section, a person who violates this section commits a traffic infraction for which a forfeiture of not more than \$10 may be adjudged for the first offense and a forfeiture of not more than \$25 may be adjudged for the 2nd or subsequent offense. In addition to a forfeiture that may be adjudged, a person who commits a 3rd or subsequent offense may have that person's electric personal ~~mobility~~ assistive mobility device impounded for no more than 30 days.

EXPLANATION

This section corrects a clerical error.

Sec. 34. 29-A MRSA §2354-C, sub-§3, as enacted by PL 2009, c. 326, §2, is corrected to read:

3. Overlimit movement permits. As provided in section 2382, the Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to commercial vehicles at

Canadian gross vehicle weight limits operating under the requirements of this section. The Secretary of State shall adopt rules to implement this section in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this ~~paragraph~~ subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

EXPLANATION

This section corrects an internal reference.

Sec. 35. 30-A MRSA §3106-A, as enacted by PL 2015, c. 276, §1, is reallocated to 30-A MRSA §3106-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 244 and 276, which enacted 2 substantively different provisions with the same section number.

Sec. 36. 32 MRSA §3300-D, as enacted by PL 2015, c. 173, §4, is reallocated to 32 MRSA §3300-E.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 137 and 173, which enacted 2 substantively different provisions with the same section number.

Sec. 37. 34-A MRSA c. 5, sub-c. 3 headnote is corrected to read:

SUBCHAPTER 3

~~DIVISION~~ ADMINISTRATION OF PROBATION AND PAROLE

EXPLANATION

This section corrects a subchapter headnote to properly reflect the elimination of the Department of Corrections, Division of Probation and Parole by Public Law 1995, chapter 502, Part F.

Sec. 38. 35-A MRSA §3451, sub-§9-A, as enacted by PL 2015, c. 265, §5 and affected by §10, is reallocated to 35-A MRSA §3451, sub-§9-C.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 190 and 265, which enacted 2 substantively different provisions with the same subsection number.

Sec. 39. 35-A MRSA §3451, sub-§10-A, as enacted by PL 2015, c. 190, §3, is reallocated to 35-A MRSA §3451, sub-§10-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 190 and 265, which enacted 2 substantively different provisions with the same subsection number.

Sec. 40. 36 MRSA §5122, sub-§1, ¶HH, as amended by PL 2015, c. 1, §3, 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-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-JJ; ~~and~~

Sec. 41. 36 MRSA §5122, sub-§1, ¶II, as enacted by PL 2015, c. 1, §4, is corrected to read:

II. For taxable years beginning in 2014:

(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-MM 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-MM; ~~and~~

EXPLANATION

These sections make technical corrections.

Sec. 42. 36 MRSA §5213-A, sub-§6, ¶B, as enacted by PL 2015, c. 267, Pt. DD, §19, is corrected to read:

B. Individuals who do not qualify as resident individuals because they do not meet the requirements of section 5102, ~~subsection 5102~~, subsection 5, paragraph A.

EXPLANATION

This section corrects a clerical error.

Sec. 43. 37-B MRSA §801, sub-§2, as enacted by PL 1989, c. 464, §3, is corrected to read:

2. Fees established. The director, with the advice of the commission and subject to the Maine Administrative Procedures Procedure Act, ~~Title 5, chapter 375~~, shall promulgate rules to establish a fee schedule for:

- A. Registering facilities, not to exceed \$50 per facility; and
- B. Reporting hazardous materials, on a weight basis per chemical.

EXPLANATION

This section corrects a clerical error and a cross-reference.

Sec. 44. 38 MRSA §480-II, as enacted by PL 2015, c. 365, §1, is reallocated to 38 MRSA §480-JJ.

EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 264 and 365, which enacted 2 substantively different provisions with the same section number.

Sec. 45. PL 2015, c. 21, §2, amending clause is corrected to read:

Sec. 2. 37-B MRSA §509, sub-§6 is enacted to read:

EXPLANATION

This section corrects a clerical error by adding a section number that was erroneously omitted from Public Law 2015, chapter 21.

Sec. 46. PL 2015, c. 102, §11 is corrected to read:

Sec. 11. Transition. Notwithstanding the Maine Revised Statutes, Title 3, section 162, subsection 6, this ~~Part~~ Act may not be construed to affect the term of a person appointed to a 3-year term as the Executive Director of the Legislative Council, the State Law Librarian or a director of a nonpartisan staff office before October 1, 2015.

EXPLANATION

This section corrects a clerical error.

Sec. 47. PL 2015, c. 365, §2 is corrected to read:

Sec. 2. Department of Environmental Protection to contract with private organization in 2016 and 2017. For the years 2016 and 2017, the Department of Environmental Protection shall distribute the funds appropriated in section 3 through a competitive bid process to a private organization to establish and administer the program to reduce erosion and protect lake water quality under the Maine Revised Statutes, Title 38, section ~~480-H~~ 480-JJ. The department shall ensure that any contract entered into with a private organization under this section requires that:

1. The erosion control measures described in Title 38, section ~~480-H~~ 480-JJ, subsection 3 be performed in the summers of 2016 and 2017 with labor provided by a youth conservation corps organized or based in the State;

2. No more than 10% of the funds appropriated by the Legislature for the program in section 3 or received by the contracted organization as matching funding is used for the administration of the program by the contracted organization;

3. The scope of the program as implemented by the contracted organization is determined by the amount of funds appropriated in section 3; and

4. The contracted organization disburses to a youth conservation corps no more than \$1 from the funds appropriated for the program in section 3 for every \$2 in matching funds contributed to the program by that youth conservation corps. Federal and state funds may not be considered matching funds under the program.

EXPLANATION

This section corrects a cross-reference. The incorrect cross-reference results from the reallocation of the Maine Revised Statutes, Title 38, section 480-II.

SELECTED MEMORIALS AND JOINT RESOLUTIONS

**JOINT RESOLUTION
COMMEMORATING THE
CENTENNIAL OF ACADIA
NATIONAL PARK**

S.P. 636

WHEREAS, Sieur de Monts National Monument was created by proclamation of President Woodrow Wilson in 1916 and was renamed Lafayette National Park in 1919 and Acadia National Park in 1929; and

WHEREAS, Acadia National Park is Maine's only national park and was established to ensure that Maine's natural and cultural heritage, including its rocky coastline, granite mountains, clean water, diverse plants and wildlife and enduring Wabanaki and European histories, is protected and recognized within the National Park System as a part of America's heritage; and

WHEREAS, Acadia National Park is one of Maine's most popular outdoor destinations, with over 2,500,000 visitors annually; and

WHEREAS, Acadia National Park has inspired generations of outdoor enthusiasts to appreciate Maine's natural and historic wonders; and

WHEREAS, Acadia National Park has been named by national public polls as "America's Favorite Place" and is identified as a top destination for hiking, scenic driving and family vacations; and

WHEREAS, visitors to Acadia National Park spent more than \$221,000,000 in Maine during their visits in 2014, supporting almost 3,500 jobs and generating more than \$91,000,000 in labor income and \$154,000,000 in value-added expenditures in Maine; and

WHEREAS, more than 250 Maine organizations, businesses and individuals have joined together to plan and implement a community-based, year-long, state-wide celebration of Acadia National Park's founding with an eye toward encouraging the next century of stewardship of Maine's beloved national park; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the centennial of Acadia National Park; to express gratitude to the founders of the park; to commend the National Park Service, volunteers and park supporters for their commitment of time, financial resources and knowledge to maintain the park for all to enjoy; and to convey our hope that future generations of Maine residents and visitors will continue this commitment to stewardship of Acadia National Park; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to officials at Acadia National Park and the citizens of the surrounding towns in honor of the centennial of Acadia National Park.

**Read and adopted by the Senate February 11, 2016
and the House of Representatives February 16,
2016.**

**JOINT RESOLUTION
HONORING THE LIVES OF
THE 33 CREW MEMBERS
OF THE EL FARO**

H.P. 1089

WHEREAS, the *El Faro* departed Jacksonville, Florida for Puerto Rico on September 29, 2015 with 33 crew members aboard; and

WHEREAS, the crew of the *El Faro* consisted of 28 citizens of the United States and 5 Polish nationals; and

WHEREAS, the *El Faro* sent distress alerts on October 1, 2015 and subsequently sank with all hands that day; and

WHEREAS, members of the United States Coast Guard, Navy and Air Force valiantly searched for the crew members of the *El Faro*; and

WHEREAS, the people of Maine mourn the loss of the 33 crew members aboard the *El Faro*; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, recognize and honor the lives of the 33 crew members aboard the *El Faro*, who were lost after the *El Faro* sank on October 1, 2015; and be it further

RESOLVED: That we recognize the efforts of the members of the United States Coast Guard, Navy, Air Force and Military Sealift Command who searched for the crew members of the *El Faro*; and be it further

RESOLVED: That we recognize the 4 crew members from Maine who were aboard the *El Faro*: Michael Davidson, of Windham; Michael Holland, of Wilton; Dylan Meklin, of Rockland; and Danielle Randolph, of Rockland; and also Mitchell Kuflik, of Brooklyn, New York, a graduate of Maine Maritime Academy; and be it further

SELECTED MEMORIALS AND JOINT RESOLUTIONS

RESOLVED: That we offer our heartfelt condolences to the families, friends and loved ones of the crew members of the *El Faro*.

**Read and adopted by the House of Representatives
February 23, 2016 and the Senate February 23,
2016.**

**JOINT RESOLUTION
HONORING THE MAINE
NATIONAL GUARD FOR
ITS SERVICE TO THE
NATION AND STATE**

H.P. 1134

WHEREAS, patriots from the District of Maine first mustered to form a militia to fight for the colonies in the Revolutionary War and for the nation during the War of 1812; and

WHEREAS, the Maine National Guard has proudly served the citizens of the State during natural disasters such as forest fires, floods and storms and has bravely defended the United States of America during times of war since Maine first entered the Union in 1820, and over the years the highest percentages of volunteers have been Maine people; and

WHEREAS, nearly 12,000 members of the Maine Army National Guard and the Maine Air National Guard have faithfully answered the call to duty in America's Global War on Terror; at times the State has had a larger percentage of personnel mobilized in support of that mission than any other state in the Union; and

WHEREAS, members of the Maine Army National Guard and the Maine Air National Guard continue to defend freedom and democracy around the globe, including in Iraq and Afghanistan, where they are playing a vital role in protecting the safety and security of all Americans; and

WHEREAS, the people of Maine have the utmost respect for the members of the Maine Army National Guard and the Maine Air National Guard for putting their lives in danger for the sake of the freedoms enjoyed by all Americans; and

WHEREAS, the people of Maine are appreciative of the countless personal and professional sacrifices that the active volunteers of the Maine Army National Guard and the Maine Air National Guard and their families have made in order to protect our freedoms; and

WHEREAS, since the tragic events of 9/11, countless Maine citizens have made sacrifices to serve and defend our country through the National Guard and to fight for our freedom, and 61 brave Maine citizens have answered the final call; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our solidarity with the men and women on active duty in the Maine Army National Guard and the Maine Air National Guard and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Adjutant General of the Maine National Guard.

**Read and adopted by the House of Representatives
March 22, 2016 and the Senate March 23, 2016.**

**JOINT RESOLUTION
MEMORIALIZING THE
PRESIDENT OF THE
UNITED STATES AND THE
UNITED STATES
CONGRESS TO TAKE
ACTION FOR STRONG
ENFORCEMENT OF OUR
NATION'S TRADE LAWS**

S.P. 708

WE, your Memorialists, the Members of the One Hundred and Twenty-seventh Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, manufacturing is a critical part of Maine's economy, representing a 9.13% share of the gross state product, and Maine has 49,900 manufacturing jobs, representing 7.16% of total state employment; and

WHEREAS, manufacturing gained only 30,000 jobs nationwide in 2015, in an economy that gained 2,700,000 jobs across all sectors, and the Institute for Supply Management manufacturing index shows that the sector contracted in February 2016 for the 5th consecutive month; and

WHEREAS, industrial manufacturing sectors are at risk of sliding back into recession due to an alarming surge of unfairly priced imports from China and other nations; and

WHEREAS, the United States trade deficit with China set a new record in 2015 at \$366,000,000,000; and

WHEREAS, the steel industry in particular is suffering from an unprecedented surge in imports from a number of countries around the world, including China; and

SELECTED MEMORIALS AND JOINT RESOLUTIONS

WHEREAS, steel is a fundamental building block of our economy, used in the automotive industry, energy production and transmission, transportation infrastructure including bridges, highways, airports and railroads, public safety infrastructure such as water treatment, and the construction of hospitals, schools, industrial plants and commercial buildings; and

WHEREAS, steel is used in a broad range of military applications, from aircraft carriers to nuclear submarines, tanks and armored transports; and

WHEREAS, the steel industry provides employment for over 1,000,000 Americans and each steel job supports up to 7 other jobs in the economy; and

WHEREAS, finished steel imports increased by a dramatic 36% in 2014, setting an all-time record, and constituted 29% of the United States market in 2015, setting an all-time record for the 2nd consecutive year, up from 23% in 2013; and

WHEREAS, domestic steel shipments declined by over 12% in 2015 and plant activity averaged just 70% for 2015 and are well below levels necessary to be profitable; and

WHEREAS, the aluminum industry directly employs more than 155,000 people and the industry is directly or indirectly responsible for 678,000 jobs; and

WHEREAS, every job in the aluminum industry supports more than 3 jobs elsewhere in the economy and the aluminum industry in China is growing at a remarkable rate, from 11% of the world's primary aluminum production in 2000 to over 50% today; and

WHEREAS, aluminum shipments from China surged by 28% in the last year and Chinese aluminum producers have added an additional 17 metric tons of production since 2010; and

WHEREAS, paper imports coming into the United States since 2012 have caused 8 uncoated paper mills to close or shut down machines, causing the loss of thousands of jobs, and for every paper industry job that is lost 6 others are indirectly lost in other sectors of the economy; and

WHEREAS, paper imports from China have increased from 23,600 metric tons in 2012 to 62,400 metric tons in 2014 and a major cause of this import surge is global industry overcapacity, which is excess production capacity above what is necessary to meet market demand; and

WHEREAS, China's steel, aluminum and paper industries are almost completely state-owned and state-supported by China's central and provincial governments and China's exports are flooding every market around the world, creating a domino effect on trade flows; and

WHEREAS, much of the world's steel, aluminum and paper end up in the United States because we have the most open market in the world and because other countries are more aggressive in putting safeguards and tariffs in place; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully urge that the President of the United States and the United States Congress take action for strong enforcement of our nation's trade laws to level the playing field with China and other countries and to protect domestic manufacturing industries from unfair foreign competition; and be it further

RESOLVED: That we respectfully urge the United States Department of Commerce to maintain China's status as a "non-market economy," a country that does not operate on market principles of cost or pricing structures and in which sales of merchandise do not reflect fair value, in order to preserve the ability of American companies and American workers to access domestic trade remedies; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

Read and adopted by the Senate April 29, 2016 and the House of Representatives April 29, 2016.

**STATE OF THE STATE
OF
GOVERNOR PAUL R. LEPAGE
FEBRUARY 8, 2016**

February 8, 2016

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Speaker Eves, Senate President Thibodeau and
Members of the 127th Legislature:

As you know, I have chosen to forego the pomp and circumstance of a live speech so we can spend our time and energy on what truly matters: getting work done for the Maine people.

The Legislature has already wasted so much time over the past year—and with Mainers dying every day from the drug crisis—now is not the time to let pageantry distract you from your important work.

Legislators claim they come to Augusta to work for the Maine people, but far too many have come to play political games that have nothing to do with the Maine people and everything to do with their next election.

For the past year, socialist politicians in Augusta have been dragging my Administration's employees before a kangaroo court and plotting meaningless impeachment proceedings. While your colleagues were engaged in these silly public relations stunts, Mainers were literally dying on the streets.

Socialists, career politicians and their allies in media have criticized my Administration every single day for the past five years, but the Maine people are tired of the games. They're not interested in sound bites and photo ops. They want to hear what we're doing to make our state prosper.

That's why I'm holding town hall meetings around the state until Election Day in November. The Maine people need to know that for five years we've been trying to convince the Legislature to move our state

from poverty to prosperity. This is what our state deserves—the Maine people deserve it.

We know our proposals and reforms will stimulate the economy. We've seen similar initiatives work all over the country. In the past 45 years, I've implemented similar reforms in many businesses, large and small, and they do work.

The Top 10 most prosperous states in the nation have embraced these common-sense policies. The Top 10 least prosperous states—including Maine—have absolutely refused them. It's not about good policy. It's about ideology.

First, it was liberal ideology. Now it's socialism. The steadfast adherence to ideology above all else, including prosperity for the Maine people, has prevented opportunities for our state to succeed and grow.

The current ideology is far out of the mainstream and has failed miserably in countries around the world. The efforts by Maine socialists to turn our state into Greece, Cuba, Venezuela or the former Soviet Union are moving us backwards at a rapid pace. Socialism is blockading our path to prosperity. It's time to put it aside and work toward prosperity for all Mainers.

I've talked to thousands of Maine people in the past five years. They want us to work to reduce their tax burden, reform welfare so it benefits the truly needy, lower electricity rates so employers can create jobs, find ways to keep our young people here and eradicate the drug crisis that is ravaging our state.

The Maine people know I'm in my office every day, working hard to keep them safe and to move this state from poverty to prosperity. Way too much effort in Augusta is spent taking properties off the local tax rolls, which only raises local property taxes.

If you stop the gamesmanship, we can work together to accomplish great things. We know what the problems are, and we have solutions for them. But we need to work together to get it done. If you join me in moving Maine forward, you can take all the credit and do the photo ops. I just want what's right for the Maine people.

Welfare Reform

We have been working on common-sense welfare reform for five years, but liberal—and now socialist—politicians still refuse to finish the job. Despite their opposition, we have reigned in the state's formerly out-of-control Medicaid spending. No longer is there a budget-wrecking crisis every year because of runaway Medicaid spending. The Legislature and the media have purposely ignored just how significant this achievement has been to the state's budget.

We now adhere to federal law when providing TANF and SNAP benefits. No longer can you spend a lifetime on TANF, and no longer can you get food stamps without working, volunteering or going to school. However, we need to either pay the federal government \$29 million in fines or change our laws to comply with federal statutes. The days of ignoring federal law are over. Even President Obama has lost patience with the Maine socialists.

We put photos on EBT cards and cracked down on where you can use them. They no longer show up at drug busts. We now drug test welfare recipients who are suspected of or who have admitted to prior drug use. You use, you lose. If you need help, we will be there to assist you. But if you want to keep using, taxpayers are not going to pay for your out-of-control habit.

In 2015, the welfare fraud unit at DHHS sent 105 cases to the Attorney General's Office for prosecution, totaling \$1.2 million in theft of welfare benefits. The Maine people know welfare fraud is not anecdotal. It is real, and it is costing hard-working Mainers millions of their tax dollars.

However, the Attorney General only prosecuted 36 cases. She is ignoring the desire of the Maine people to eliminate welfare fraud. Instead, she tries to run the state through legal machinations from her partisan position.

Despite our success, Maine has fallen from the Number 1 welfare state in the nation only to the Number 3 slot. We need to be in the middle of the pack, not in the top tier. There is much more work to be done, and we cannot do it without your help.

However, the Legislature has been resistant to enacting meaningful welfare reform. So we will continue to

push to completely reform Maine's welfare system once and for all. We will not provide welfare benefits that go over and above those allowed by federal law.

The Maine people demand it. These common-sense reforms are:

- Able-bodied adults must seek work before qualifying for welfare benefits.
- No TANF spending on tobacco, liquor, gambling, lotteries, tattoos, bail, travel services or sending money to foreign nations using services like Western Union.
- Alternative aid limited to 60 months, like TANF is.
- No use of EBT cards at smoke shops.
- No General Assistance, TANF, SNAP and SSI for non-citizens.
- No broad exemptions for federal work requirements in TANF. (*The domestic violence exemption will remain.*)
- A waiver to eliminate junk food from SNAP.
- No TANF and SNAP for felons convicted of drug-trafficking.
- Drug testing for all welfare recipients, not just those suspected of or who admitted to prior drug use.

These reforms will free up resources for Maine to create a safety net for our most vulnerable: the mentally and physically disabled and, most importantly, our elderly who have worked so hard their whole lives and now need our help to live out their final years in safety and comfort. **The current wait list must be eliminated.**

At my town halls, I urge all Mainers to tell you to support these common-sense welfare reforms. And remember, elections have consequences. Make sure your rhetoric on welfare reform matches your voting record.

Lowering the Income Tax

I've been saying it for five years: Maine's tax structure is outdated, it is holding us back, and it needs to be fixed. The solution is simple: just look at the most prosperous states in the nation and do what they are doing.

States with the most prosperity have the lowest income tax rates or no income tax, including Alaska, Florida,

South Dakota and Texas—even our neighbor New Hampshire. This is not anecdotal; it's fact.

Rather than debating a minimum wage, I want to give a pay raise to all working Mainers: eliminating the income tax will put \$900 million back in the paychecks of Mainers. It's the biggest wage increase they can get.

Despite what the socialists—and the media—say, we aren't trying to eliminate the income tax all at once. We can do it over time. We can reduce Maine's individual tax rate to 4% over four years, from 2018 to 2021.

The income tax cut can be aligned with the natural growth of revenue for state government. We do not need to rely on the politicians' typical budget gimmicks or unrealistic revenue projections. We do not have to increase spending or grow the size of government.

Beginning in 2024, we can use the revenue from the new liquor contract we negotiated—which has already far exceeded expectations—to lower the individual income tax rate to 0% over time. We will also need a moderate adjustment to the sales tax.

We can export this moderate sales tax increase to the tens of millions of visitors who come to Maine every year. It's a very small price for them to pay to come enjoy all our wonderful state has to offer. We also need to eliminate the death tax once and for all. It is driving away Maine's wealthiest job creators.

You all know some of these people. Many have told me they want to remain as Maine residents, but we tax them too much. Why should they leave behind an estate they worked to build over their lifetime, only to have it unfairly confiscated by state government?

So they go to Florida, become residents there and take their wealth with them. How does this help the Maine economy?

We must send the message that we appreciate them, we are thankful for the jobs they have created and we want them—and their assets—to stay in Maine.

High Electricity Prices are Costing Mainers Good Jobs

We've been saying it for five years: Maine's electricity prices are not competitive. My Administration has made progress to lower heating costs with modern heating systems, and lower oil prices are providing some relief. But the high cost of electricity in the manufacturing and industrial sectors continues to kill good jobs for Mainers.

We have dozens of letters from well-respected Maine companies telling us that high energy costs make it difficult—if not impossible—to do business here. Maine's electric rates are 12th highest in the country, and the Legislature is making it worse. Special interests are constantly lobbying for carve-outs and above-market contracts to benefit themselves. Incredibly, last year the Legislature thought it was a good idea to sign more long-term contracts for above-market rates.

Current market rates are at 4 to 5 cents per kilowatt on average. But the Legislature **forced** the PUC to sign long-term contracts for 20 years at prices ranging from 8.3 to 10 cents per kilowatt before distribution and transmission. Now we know the exact price of their failure to protect Mainers: \$38 million has been added to your costs for the above-market contracts.

Instead of artificially increasing electric bills, legislators should focus on lowering rates for the Maine people. Lower electricity rates would help attract employers to our state and lower the cost of living and working in our state. The Maine people deserve a break, not the wealthy special interests in Augusta, who profit off our hardworking middle class.

Socialists love to subsidize new wind and solar energy projects because they think it will save the earth, but that kind of expensive and inefficient energy benefits only a few wealthy investors, and our electrical generation is already one of the cleanest in the country. Instead, let's support the existing Maine-based biomass infrastructure that is already in place to take advantage of our plentiful natural resource: wood.

The biomass industry creates good jobs for Mainers, ranging from loggers and truckers to mill workers and lumber yard crews. Biomass facilities are often the largest taxpayers in small towns, and biomass reduces our reliance on fossil fuels. Let's help our economy

and all Mainers, rather than artificially limiting sources of inexpensive energy.

Meanwhile, my Administration continues to make progress working with other New England states to expand hydropower and natural gas into our region. Right now there is construction underway to expand our pipelines into New England, and clean and affordable hydropower is right next door in Quebec.

It's time to switch off expensive energy. We must plug into the affordable reserves of nearby natural gas and hydropower. We must be willing to transmit hydro-power to the states south of us.

How many more Mainers must lose their jobs before the Legislature wakes up and takes action?

Reducing Student Debt, Attracting Youth

We continue our focus on reducing taxes, lowering energy costs and attracting companies that create good jobs. When successful, those businesses will need workers. We must make sure our young people can stay here to fill those jobs.

Student debt is crippling our young people. Some have so much debt, they cannot afford to buy homes and start families. Too many have moved out of state to find better-paying jobs so they can manage their debt. We need to keep them here.

We have worked with FAME so they can now consolidate or refinance student loans at very low interest rates. We would like to see FAME sell a \$10 million bond so they can issue no-interest student loans—the state can pick up the interest.

We need a commitment from Augusta politicians to help relieve student debt. Socialists want government to provide free education for everyone—and they will hike your taxes to pay for it. My plan would pay for itself and grow the economy.

We think the private sector should be a partner in reducing student debt and attracting young workers. We submitted a bill that offers a dollar-for-dollar tax credit to any business that pays off a student loan for an employee. Not-for-profit employees will be given the credit directly.

If a business pays off \$100,000 in student loans, it will get a \$100,000 credit on its income tax. We need bold initiatives and immediate action to keep young Mainers here and attract other young people to our state. This is the only way to lower the median age of the Maine people.

Fighting the Drug Crisis

We cannot wait any longer to find and arrest drug dealers. They are killing the very young people we need to live and work in Maine.

Heroin and other deadly drugs are raging in our state, and it is killing Mainers every week. You have seen the terrifying statistics from 2015:

- 231 people died from drug-related overdoses.
- 265 heroin-related arrests—plus the ripple effect of domestic violence assaults, burglaries and other crimes.
- 1,013 babies born drug addicted and/or affected.
- 56 meth lab incidents.

Why has the Legislature been so slow to act on this pandemic? If 231 Mainers died of food poisoning last year, the legislators would have immediately hired an army of food inspectors, passed laws for stricter penalties and somehow found millions in their budget to fund their initiatives, all the while patting themselves on the back for a job well done.

But with Mainers literally dropping dead on the streets, where is your outrage? The Legislature delayed for a year-and-a-half the hiring of just 10 MDEA agents—when we really need 20. The State Police are 45 positions short, mainly because their pay is so low. The same is true for all law enforcement officers in other state agencies.

Legislators found millions to adorn their "Christmas tree" with pet projects last July, but they only funded a Band-Aid approach to a crisis that is killing hundreds of our friends and neighbors. Either they are so intent on depriving the Administration of credit for actually fighting this crisis or they are so focused on their socialist ideology they are ignoring the reality surrounding them.

We absolutely agree Maine needs a multi-pronged approach to this crisis, involving law enforcement,

treatment and education. The Legislature is moving too slowly on all three fronts, so we are working on a comprehensive plan. It should be approved this session.

However, we can get more law enforcement agents on the street much more quickly to hunt down and arrest these dealers from out-of-state, highly organized and ruthless drug gangs who are using Maine as their street corner. We can disrupt the supply and make Maine the toughest state in nation on drug crimes with much stronger penalties.

We must send a strong message that Maine has zero tolerance for drugs. If a dealer sells the drug that kills a Mainer, we should treat it as a homicide. The penalty for dealing drugs should be decades behind bars. You won't deal death in our state.

We need fewer sound bites on this deadly pandemic and much more action. The lives of your constituents quite literally depend on it. This plague is not contained by socioeconomic status—it affects every family in the state, including yours. Next week, it could be your brother or sister, son or daughter, cousin or friend.

Again, I am urging the Maine people to find out who their legislators are. If you want lower taxes, more welfare reform, reduced energy costs, affordable student debt and a get-tough approach to the drug crisis, Mainers must contact their elected officials and hold them accountable.

Politicians are supposed to represent the Maine people, not special interests, not lobbyists and not a foreign socialist ideology.

To the Maine people, I say this: If you want to improve our economy, if you truly want to prosper, then you have to change the culture in Augusta. Vote for those candidates who will work for you. Hold them accountable; demand their attention.

Finally, this is no longer about the State of the State. With a staggering \$20 trillion of debt, the state of our country is in crisis. The federal government is in danger of further eroding its credit due to the principal and interest payments required to service this massive, almost unimaginable, debt. We are approaching national insolvency. This is not the kind of country we

envisioned for our children and grandchildren to live in. They deserve better—much better.

Now, let's get to work.

Sincerely,

Paul R. LePage
Governor

**STATE OF THE JUDICIARY ADDRESS
OF
CHIEF JUSTICE LEIGH INGALLS SAUFLEY
MARCH 9, 2016**

Rising to the Challenge

Thank you, President Thibodeau. Good Morning, Speaker Eves, Honorable Members of the 127th Maine Legislature.

It is always an honor to address the Joint Convention, and I very much appreciate your invitation to report to you on the State of Maine's Judiciary.

With me today is my wonderful husband Bill, and I am accompanied as always by my colleagues from the Supreme Judicial Court and Trial Court Chiefs.

It is such a pleasure to work every day with this dedicated group of judicial leaders as well as the extraordinary Maine trial judges, creative administrators, and ever-patient clerks and court security who make up Maine's Judicial Branch.

Also with us today in the gallery are representatives of Maine's other court systems including the Tribal and Probate Courts. Thank you for being here.

My plan today is to give you a summary update on infrastructure and case processing improvements. I hasten to add that I have not attempted to provide details on all of the many projects and innovations underway in our system of justice. I will, instead, concentrate most of my remarks on the criminal docket, including an issue that worries all of us—the horrific increase of heroin, oxycodone, and opiate addiction in Maine.

Update

I begin with an update on the Supreme Judicial Court's plans to hold appellate arguments in schools around the State. First, with many thanks to Senator David Burns, the Court will be at Washington Academy in East Machias this spring, and we will follow those arguments with the official ribbon cutting for the newly renovated Washington County Courthouse.

This fall we will be back in the St. John Valley in Fort Kent where multiple high schools will have an oppor-

tunity to observe the Court's appellate arguments—Thank you, Representative John Martin.

And in October, we will sit in South Berwick, with thanks to the persistent Representative Bobbie Beavers, who has waited for six years for appellate arguments at a high school in her district.

INFRASTRUCTURE

In follow-up to my report to you last year regarding the court's infrastructure, we are, indeed, turning the corner.

Some of you remember the days less than a decade ago when budget cuts were so severe the public had to endure rolling court closings.

It was bad—closed courts and unsafe courthouses resulting in limited public access.

With the Legislature's consistent help over several sessions, and the support of Governor Paul LePage, I am pleased to report that the Maine courts are returning to solid ground after some very tough years.

Although the Judicial Branch consumes only 2% of the General Fund budget, that 2% is put to very efficient use supporting the people and buildings that provide justice in Maine.

Safety. As always, we put safety first. We now have entry screening for weapons nearly 70% of the court days, and there is greatly improved safety for everyone in our courts.

Modernized Facilities. We are in the midst of a long-term facilities plan that has resulted in the consolidation and updating of many of Maine's aging courthouses.

We have reduced the number of court facilities from 48 to 38, and through those consolidations, we have eliminated the consequent need for heat, plowing, and security in ten buildings.

Courthouses have been consolidated and updated in seven counties, most recently in Washington, Piscataquis, and Kennebec Counties.

Three more counties, Waldo, Oxford, and York, that badly need updated courthouses are slated for consolidation and modernization over the next four years. LD 1528 addresses the plan for all three counties.

The Waldo County Courthouse was built in 1853. Think of that—it was built before the Civil War, before women had the vote! It must be replaced.

The Oxford County Courthouse was built in 1895; although antiquated, it has the capacity to be updated and expanded.

And the York County Courthouse, which was rebuilt after a fire in 1934, is no longer capable of expansion or updating and is truly unworkable.

LD 1528 will provide authorization for dignified, efficient, and accessible court facilities in those counties. It requires no funding in this biennium, and it will result in substantially improved public service in all three counties. When those projects are complete, we will have reduced the current 38 court buildings to 33.

I ask for your support for this legislation, which has received the unanimous support of the Judiciary Committee.

And for those of you waiting for needed court improvements in your own counties, in several years, we will be evaluating the aging courthouses in three counties: Somerset, built in 1874; Franklin, built in 1885; and Hancock, built in 1931.

Technology. Next, again with your support and the backing of the Governor, we have a plan for digitizing court documents. We anticipate that a contract will be signed this summer, and the real work will begin to create electronic filing and a modernized data management system that will increase public access, create efficiencies, and help all three Branches obtain much needed information to assist in policy and resource decisions.

Court Hours. There is a remaining gap in public service that the Legislature can help us correct. Years ago, as a cost savings measure, Judicial Branch staff hours were cut from 40 to 37.5 hours a week. Over

time, we have attempted to return staff to a 40-hour work week, but most of the court clerks, the Judicial Branch's front line for public service, have been left at the shorter days, requiring the 4:00 pm closure of all courthouses.

Even an extra half hour each day could improve public service, allowing expanded access to the court clerks and representing the difference between completing a case and having to put part of the case over to another day, maybe weeks later. If you have ever been involved in a court case, you know how stressful that can be.

There is a bill on the Appropriations Table right now, LD 1597, that will allow the clerks' office staff to return to the 40-hour week that most of government employs. LD 1597 will provide a real benefit for your constituents, and we ask for your support.

PROCESS IMPROVEMENTS

In addition to the infrastructure improvements and efficiencies I have described, we are constantly working toward improvements in case processing.

Civil & Family Dockets. Regarding the civil and family dockets, access to justice efforts continue.

For language and hearing challenges, over the last several years:

- Telephonic language lines at the clerks' offices and in the courtrooms made 127 different languages and dialects available for interpretation; and
- Live interpreters were provided for more than 35 languages.

For challenges with lack of legal representation, last year:

- Lawyers across the State volunteered almost 15,000 hours of legal services—donating the equivalent of more than \$2 million in free legal help;
- Lawyers and judges also contributed over \$500,000 in cash to augment legal services for the poor;
- The Civil Legal Services Fund established by the Legislature provided over a million dollars for legal services to Maine's poor;

- The Maine Justice Foundation contributed to the provision of legal services; and
- Portland law firms donated enough money to continue the tradition of hiring two full-time attorneys to provide low-income families with legal assistance.

All of these efforts will be topics for future reports to the Maine Legislature, as well as:

- Exploration of improved ways to provide dispute resolution for families; and
- Developments in the battle against domestic violence, human trafficking, and elder abuse.

Criminal Case Resolution. I turn now to the criminal caseload, where some of Maine's most challenging problems coalesce.

First, let's do the numbers.

The criminal docket constitutes nearly one-half of the entire nontraffic docket in Maine's courts. Just short of 54,000 new criminal cases were filed last year.

The District Attorneys and the defense bar report that the complexity of the cases is increasing, particularly regarding the involvement of addiction and mental health challenges.

According to Attorney General Mills, last year there were 25 homicides, of which ten were classified as related to domestic violence, and at least three have been identified by the AG as directly drug related.

The relentless influx of new criminal cases could overwhelm the system, but we have a plan. As they say, timing is everything.

As you know, over the past four years, the trial courts have implemented a more streamlined and efficient process in the criminal cases, which we refer to as the Unified Criminal Docket. The implementation is just about complete.

In the same time frame, this Legislature and the Governor, working together, have allocated additional resources for the processing of criminal cases.

Two new judicial positions were created, and the new judges were confirmed in February this year, augmented by additional resources for clerks and security,

and the legislative authorization for the transfer of funds to support more jury trials.

Backlogs and Drug Court. With all of that support, we hope—for the first time in decades—to eliminate backlogs in the courts' criminal cases by the end of this summer of 2016. At the same time, we expect to be able to reinvigorate the existing Drug Courts and expand the Drug Courts into Penobscot County in the next couple of months.

None of this would have been possible without legislative support. We greatly appreciate the increase in the number of judges and supporting resources. Nor would streamlining the process and reducing the backlogs have been possible without creative and energetic judges, patient clerks, responsive prosecutors, and defense attorneys who are willing to shift their schedules constantly. We have asked all of these groups to change the way they do business, and they have responded admirably.

Pretrial Justice Reform. Also in this last year, the Intergovernmental Task Force, led by Justice Robert Mullen, generated its recommendations for next steps in addressing Pretrial Justice Reform. I want to thank everyone from all three Branches of Government, along with all of the other stakeholders, who participated in this complex effort.

The Task Force has recommended several statutory changes that can be found in LD 1639, just printed in the last few days.

The Task Force also made recommendations for issues that could not be addressed in this session.

Bail. One of those items is Bail Reform.

There is no question that Maine has an antiquated bail system that needs to be completely revamped. Two separate Committees have now recommended serious changes. Each time, the anticipated costs have been a barrier to reforms.

But I have an idea—perhaps not a no-cost idea, but one with a reduced demand for additional resources. I intend to put a follow-up Working Group together to look at the state of our understanding regarding risk assessment, and to explore alternatives to our current bail system. We will

need to be creative, but careful. Balancing liberty interests and community safety will be key.

I welcome legislative participation in the bail reform effort.

Fine Collection. Also in follow up to the work of the Task Force, the Judicial Branch has established a working group to create a new set of expectations for fine collection that will be consistent, transparent, predictable, and fair.

Justice William Anderson of Bangor is leading that group.

Sentencing Alternatives. The Task Force also recommended a further legislative discussion of sentencing options.

It is my hope that the Maine Legislature will soon have the opportunity to consider alternative forms of sentencing that are neither incarceration nor fines. Restorative justice, real restitution programs, community service that is actually a service to the community—each of these may hold promise in the right cases, and I hope the Legislature will have an opportunity to evaluate these ideas in the upcoming sessions.

Heroin and Other Addictions. So let's move to one of the most pressing issues facing all of us:

Heroin, oxycodone, and opiate addictions.

The evidence is overwhelming that the addiction problem is growing:

- Just this past Monday, the Attorney General reported that 272 people died of a drug overdose in 2015—an increase of 31% in overdose deaths from the previous year. As AG Mills noted, that is, on average, more than five overdose deaths per week!

Think of that—during a Joint Convention, this room holds 186 legislators. Imagine, a group of human beings nearly 100 people larger than this gathering, all lost to drug overdoses—in ONE year! The loss of life represents staggering misery for so many Maine families.

- And tragically, the number of drug-affected babies is rising consistently. Again, from the Attorney General's Office we know that the number in 2011, which was far too high—668 drug-affected babies—has risen dramatically, to 1,013 babies in 2015 who were drug affected at birth. Eight percent (8%) of all live births in 2015 involved drug-affected babies. This is sad beyond words.
- In addition, rough numbers from our imperfect database tell us that the convictions just for the Schedule W drugs (including opiates and heroin) have gone from just over 1,300 in 2013, to 1,500 in 2014, and up to almost 1,800 in 2015.
- In other words, even with our blunt measuring capacity, the horror of heroin and opiate addiction in our youth, our middle-aged citizens, and even our mature Mainers is growing.

This wave of drug addictions is eating at the heart of our beautiful State.

I know that you have almost certainly been asked the same question I have—What can we do to stop this affliction?

And I know that, entirely separate from the court system, you are addressing some of the big-picture and long-term answers.

In the Courts. So I will focus on a few of the resources that could make a difference right now when judges are faced with people struggling with addictions.

We have seen the human costs of addiction in every docket: criminal, child protection, family, and even foreclosures.

What is all too clear is that, because the causes and cures for addiction are as varied as they are for any disease, no cookie cutter solution will work.

And, although we must expect that the individual will take personal responsibility for his or her recovery, the first steps on the road to health require intense interventions and oversight.

The Drug Courts, with their focused and intense oversight, hold real promise for specific individuals, but we should be clear-eyed about this.

Drug Courts cannot do it all. Even if all of the Drug Courts, including Bangor, were up and running at full capacity, only about 350 people, optimistically, would have the opportunity to find a sober life through the Drug Courts.

But you heard the numbers: There were 54,000 new criminal cases filed in 2015.

There were 1,800 Schedule W drug-related convictions in just one year, and that does not include any of the other crimes, like theft, assault, and burglaries, alleged to be perpetrated by people desperate to pay for their next fix.

We must take our solutions to scale.

How do we bring this all together in the courts?

First, as I mentioned earlier, eliminating the criminal backlogs will allow the courts to reach the cases much earlier. This has substantial benefits in both the alleged drug trafficking cases, and the cases where addiction is the root of the charges.

Next, I suggest that we must create expanded options for each stage of the criminal justice process, including pre-charge diversion, post-charge diversion, and sentencing, and we must be ready with dual-diagnosis treatment when mental health issues play a role.

There are many new and innovative treatment options that are being tested throughout the country, and I will not try to address all the good ideas that are emerging.

But I will suggest a few basic resources that could go a very long way.

Housing. First, every judge in Maine will tell you that residential resources are a missing component in the system, for both adults and youth.

Maine needs options for graduated treatment housing that will allow people seeking recovery to be diverted from incarceration, and in other cases to be transitioned from incarceration into treatment housing, including residential treatment, treatment-based step-down housing, and sober houses.

Some will need a longer time in treatment housing, and others can graduate quickly to sober

houses. The increased availability of ankle bracelets could allow great flexibility while sentenced defendants are still in recovery housing. So—housing first.

Testing. Next, the oversight providers need resources for constant testing.

New evidence-based practices are emerging that indicate that consistent testing actually works wonders in encouraging sobriety.

Case Management. Finally, because treatment providers and families cannot do it all, well-trained case managers to guide those in recovery are critical to this process.

Individuals attempting to rise from the fog of addiction do not always exercise good judgment, and navigating the intertwined criminal justice and treatment systems can be difficult for even the healthiest of us.

Case managers can be a bridge to treatment providers, can eliminate the wasted resources of missed appointments, and can coordinate with treatment providers to make the necessary adjustments that assure that the plan for that individual is actually working.

We must understand and anticipate that the path to sobriety is not always a straight path. Case managers and skilled treatment providers can be ready to adjust treatment options while reinforcing personal accountability.

The very successful Veterans Court, with its extraordinary case manager, TJ Wheeler, is a wonderful example of that model.

Finally, there is one thing we cannot do regarding this challenge.

We cannot allow ourselves to be discouraged.

This is Maine; we always find a way to collaborate when Maine people need solutions.

We will need to be creative and to stay on top of the latest research.

STATE OF THE JUDICIARY ADDRESS

Working together, we have successfully addressed so many challenges. In recent years, those efforts resulted in an increase in high school graduation rates, and the collaborative work with juvenile justice has been so successful that one entire facility is no longer needed for detaining youth.

So—do not lose hope.

We can and we will find our way to similar success in turning back the horror of addictions.

A Note of Gratitude

Finally, I take a moment for a personal note of gratitude.

This year, my seven-year term as Chief Justice came to an end. As with all other Maine state court judges, reappointment happens only if the Governor, the Judiciary Committee, and the Senate decide that the work of the Chief Justice should continue.

The opportunity for the other Branches of Government to change the direction of Justice and to reconsider previous judicial appointments is critical to Maine's constitutional structure.

I strongly support this method of selecting judges, and I often speak publicly about the stark contrast with other States or the federal system, where judges are either appointed for life, or the converse, where judges must run for office in partisan elections, and therefore must raise money from the very people who will appear before them.

Maine's system is, I believe, the best in the country.

But, after all of my public support for this system, I confess to you today that when it comes time for my own reappointment to be considered

—it becomes clear that I talk a big game.

I realize that all of you go through a similar process every two years, as you wait for voters to decide who will return to the State House, and I *may* have been insufficiently sympathetic to your worries and efforts!

I want to take a moment to thank every one of you who went out of your way to say something kind and supportive to me in these last weeks.

To all of the Judiciary Committee members who are keenly interested in the future of justice,

SELECTED ADDRESSES TO THE LEGISLATURE

To the Maine Senate for your extraordinary and eloquent support,

To all of you, every one of you, for your respect through the years, and

To Governor LePage,

I thank you all for supporting our vision of an effective, efficient, and most of all fair system of justice.

Thank you for everything you do for the people of Maine.

CROSS REFERENCE TABLES

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the Second Regular Session of the 127th Legislature and the Revisor's Report 2015, Chapter 1 and Initiated Bill 2015, Chapter 1.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
1	15			AMD	PL 458		1	5	12004-A	10		RPR	PL 429		1
1	71	12		AMD	PL 431		1	5	12004-I	3-C		RP	PL 491		3
1	150-M			NEW	PL 399		1	5	12004-I	5-B		RP	PL 494	A	3
1	229			NEW	PL 426		1	5	12004-I	29-D		RP	PL 491		4
1	408-A	4		RPR	PL 494	A	1	5	12004-I	54-C		RP	PL 491		5
1	1051			NEW	IB 1		1	5	13058	3		COR	RR 1		3
								5	13070-J	1	E	AMD	PL 494	B	1
2	1-A	1	D	AMD	PL 385		1	5	13080-Q	1		AFF	PL 486		5
								5	13080-Q	1		AMD	PL 486		1
3	168-B			RP	PL 491		1	5	13080-S	1		AFF	PL 486		5
3	959	1	K	AMD	PL 494	A	2	5	13080-S	1		AMD	PL 486		2
3	959	1	O	AMD	PL 473		1	5	13080-S	2		AFF	PL 486		5
								5	13080-S	2		AMD	PL 486		2
4	152	5-A		NEW	PL 460		1	5	13080-S	3		AFF	PL 486		5
4	157	1	A	AMD	PL 460		2	5	13080-S	3		AMD	PL 486		3
4	251			AMD	PL 460		3	5	13080-S	4		AFF	PL 486		5
4	251-A			NEW	PL 460		4	5	13080-S	4		NEW	PL 486		4
4	1556	2	I	AFF	PL 439		3	5	17001	4	A	AMD	PL 385		2
4	1556	2	I	NEW	PL 439		1	5	17102	7		RPR	PL 385		3
4	1602	3		AMD	PL 449		1	5	17103	6		AMD	PL 384		1
4	1610-I			NEW	PL 468		1	5	17103	11	C	RP	PL 385		4
4	1610-I			NEW	PL 472		1	5	17103	14		RP	PL 385		5
								5	17152	2		AMD	PL 385		6
5	1518-A	1-A		AMD	PL 390		1	5	17152	3		RP	PL 385		7
5	1825-T			RP	PL 491		2	5	17301			RP	PL 385		8
5	1826-A		2nd	COR	RR 1		1	5	17302			RP	PL 385		8
5	1826-B	2		COR	RR 1		2	5	17704-B			AMD	PL 385		9
5	4553	1-H		NEW	PL 457		1	5	17925			AMD	PL 392		1
5	4553	9-E	A	RP	PL 457		2	5	18251	6		NEW	PL 384		2
5	4582-A	3		AMD	PL 457		3	5	18251	7		NEW	PL 384		2
5	4592	8		AMD	PL 457		4	5	18253	1	D	AMD	PL 385		10
5	4651	2	C	AMD	PL 410	C	1	5	18525	5		NEW	PL 392		2
5	4651	2	C	AMD	PL 443		1	5	18804	5		NEW	PL 384		3
5	4654	4	F	AMD	PL 410	C	2	5	18804	6		NEW	PL 384		3
5	4654	4	F	AMD	PL 443		2	5	18806	1		AMD	PL 385		11
5	4654	4	G	AMD	PL 410	C	3	5	19505	3		AMD	PL 452		1
5	4654	4	G	AMD	PL 443		3								
5	4654	4	H	NEW	PL 410	C	4	7	3907	24-A		AMD	PL 457		5
5	4654	4	H	NEW	PL 443		4	7	3939-A	2		RPR	PL 494	A	4
5	4655	1	E	AMD	PL 410	C	5	7	3961-A			AMD	PL 457		6
5	4655	1	E	AMD	PL 443		5								
5	4655	1	F	AMD	PL 410	C	5								
5	4655	1	F	AMD	PL 443		5	8	267-A	2	B	AMD	PL 493		1
5	4655	1	G	NEW	PL 410	C	6	8	267-A	2	C	AMD	PL 493		1
5	4655	1	G	NEW	PL 443		6	8	267-A	2	D	NEW	PL 493		2
5	4655	1	H	NEW	PL 410	C	6	8	299	3		NEW	PL 493		3
5	4659	1		AMD	PL 443		7	8	299	4		NEW	PL 493		3
5	4661			NEW	PL 410	C	7	8	409	1	A	AFF	PL 494	C	3
5	7036	5		AMD	PL 442		1	8	416	1		AFF	PL 494	C	4
5	7051	6	B	AMD	PL 442		2	8	416-A	1	C	AFF	PL 494	C	4
5	7054			RP	PL 438		1	8	416-A	2		AFF	PL 494	C	4
5	7054-B			NEW	PL 438		2	8	471	1		AMD	PL 421		1
5	7055			RP	PL 438		3	8	472	6		AMD	PL 421		2
5	7062	1		AMD	PL 442		3	8	473			AMD	PL 421		3
5	7062	3		AMD	PL 442		3	8	475	3		AMD	PL 421		4

CROSS REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
8	475	4			AMD PL 421		4	12	6723	1			AMD PL 494	A	5
8	606	2			AMD PL 454		1	12	10051		1st		AMD PL 416		1
8	1001	1-A			NEW PL 499		1	12	10260				COR RR 1		6
8	1001	1-B			NEW PL 499		1	12	11108	1			RPR PL 494	A	6
8	1001	29-C			NEW PL 499		2	12	11109	3			RPR PL 494	D	2
8	1003	1	J		AMD PL 499		3	12	11109	9			RPR PL 494	A	7
8	1003	1	K		AMD PL 499		4	12	11152	5			COR RR 1		7
8	1003	1	L		NEW PL 499		5	12	11161				RAL RR 1		8
8	1003	2	S		AMD PL 499		6	12	11162				RAL RR 1		8
8	1003	2	T		AMD PL 499		6	12	11401	1	E		NEW PL 401		1
8	1003	2	U		NEW PL 499		7	12	12152	3			RPR PL 494	A	8
8	1017	1			AMD PL 494	D	1	12	12506	8			AMD PL 494	A	9
8	1036	2	H		AMD PL 493		4	12	12808				AMD PL 423		1
8	1071				NEW PL 499		8	12	12808-A				NEW PL 423		2
8	1072				NEW PL 499		8	12	13106-A	3	A		AMD PL 413		1
								12	13157-A	3	A		AMD PL 413		2
10	12				AMD PL 400		1								
10	372	1			AMD PL 412		1	13	732	4			AMD PL 429		2
10	374				AMD PL 412		2	13	732	5			AMD PL 429		3
10	376		1st		AMD PL 412		3								
10	377		1st		AMD PL 412		4								
10	962	2			AMD PL 504		1	14	3142	3			AMD PL 431		2
10	963-A	13	B		AMD PL 504		2	14	6001	6	F		AMD PL 494	A	10
10	1026-A	1			AFF PL 494	C	7	14	6030-F				NEW PL 455		1
10	1026-J	2			AFF PL 494	C	8	14	7071	7			COR RR 1		9
10	1026-U				AFF PL 415		2	15	1	2			RP PL 431		3
10	1026-U				NEW PL 415		1	15	101-D	2			AMD PL 431		4
10	1043	2	O		AMD PL 504		3	15	224-A	2			AMD PL 431		5
10	1044	13			AMD PL 504		4	15	393	1			AMD PL 470		1
10	1053	6	A		AMD PL 504		5	15	393	1-A			AMD PL 470		2
10	1310	1-A			COR RR 1		4	15	393	1-B			AMD PL 470		3
								15	393	8			RP PL 470		4
12	1893-C				RP PL 491		6	15	454				AMD PL 431		6
12	6171	3	B		AMD PL 391		1	15	652	6			AMD PL 431		7
12	6171	3	C		AMD PL 391		1	15	709	1-A			RP PL 470		5
12	6171	3	D		NEW PL 391		2	15	709	1-C			NEW PL 470		6
12	6302-A	3	E		AMD PL 391		3	15	709	4-B			AMD PL 470		7
12	6302-A	3	E-1		AMD PL 391		4	15	712	2			AMD PL 470		8
12	6302-A	3	G		RPR PL 391		5	15	712	3			AMD PL 470		9
12	6302-B	2			RPR PL 391		6	15	713	2			AMD PL 470		10
12	6302-B	4			NEW PL 391		7	15	812	1			AMD PL 431		8
12	6421	5-A			RPR PL 428		1	15	1003	5-A			AMD PL 431		9
12	6422	5			NEW PL 428		2	15	1003	11			NEW PL 431		10
12	6447	9			NEW PL 428		3	15	1004				AMD PL 431		11
12	6448	2	A-1		AMD PL 428		4	15	1023	4	D		AMD PL 436		1
12	6448	2	C		AMD PL 428		5	15	1023	4	E		AMD PL 436		2
12	6448	6			RPR PL 428		6	15	1023	4	F		NEW PL 436		3
12	6448	6-A			NEW PL 428		7	15	1023	4	G		NEW PL 436		3
12	6448	7-A			AMD PL 428		8	15	1026	3	A		AMD PL 436		4
12	6448	8	A-2		NEW PL 428		9	15	1028				AMD PL 431		12
12	6448	8	A-3		NEW PL 428		9	15	1028-A				NEW PL 431		13
12	6449	1			AMD PL 428		10	15	1029	1			RPR PL 431		14
12	6505-A	5			AMD PL 391		8	15	1030		last		AMD PL 431		15
12	6575	1			AMD PL 391		9	15	1051	2-A			NEW PL 436		5
12	6575	1-A			NEW PL 391		10	15	1073		3rd		AMD PL 436		6
12	6575-A				RP PL 391		11	15	1073-A				RP PL 436		7
12	6575-B	2-B			AMD PL 391		12	15	1094		2nd		AMD PL 431		16
12	6575-B	8			RP PL 391		13	15	1097	3			AMD PL 431		17
12	6575-L	1			COR RR 1		5	15	1097	4			AMD PL 431		18

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15	1121	2		AMD	PL 431		19	17-A	1106	3	F	AMD	PL 496		5
15	2115-A	2-A		RP	PL 431		20	17-A	1106	3	G	AMD	PL 496		5
15	2115-A	2-B		AMD	PL 431		21	17-A	1107-A	1	B	RPR	PL 496		6
15	2115-A	4		AMD	PL 431		22	17-A	1107-A	1	B-1	NEW	PL 496		7
15	2115-A	5		AMD	PL 431		23	17-A	1107-A	1	C	AMD	PL 496		8
15	2138	1		AMD	PL 431		24	17-A	1107-A	4		AMD	PL 496		9
15	2138	10		AMD	PL 431		25	17-A	1111-A	1	F	COR	RR 1		11
15	2151	2		AMD	PL 431		26	17-A	1118	2		AMD	PL 485		2
15	3101	4	D	AMD	PL 409		1	17-A	1118-A			NEW	PL 485		3
15	3101	4	E	AMD	PL 409		2	17-A	1158-A	1	A	AMD	PL 485		4
15	3101	4	E-2	AMD	PL 409		3	17-A	1172	1	B-1	AMD	PL 431		37
15	3101	4	F	AMD	PL 409		4	17-A	1173			AMD	PL 431		38
15	3102			AMD	PL 431		27	17-A	1176	4		AMD	PL 431		39
15	3103	1	E	AMD	PL 409		5	17-A	1201	1	A-1	AMD	PL 443		8
15	3105-A	6		AMD	PL 409		6	17-A	1205-C	4		AMD	PL 436		8
15	3202			AMD	PL 431		28	17-A	1205-C	5		AMD	PL 436		8
15	3302			AMD	PL 431		29	17-A	1206	4		AMD	PL 431		40
15	3305		1st	AMD	PL 431		30	17-A	1207			RPR	PL 431		41
15	3309			AMD	PL 431		31	17-A	1252	4-A		AMD	PL 470		13
15	3311-C	4		AMD	PL 431		32	17-A	1252	5-A		AMD	PL 485		5
15	3311-D			AMD	PL 409		7	17-A	1253	13		AMD	PL 431		42
15	3314	6		AMD	PL 485		1	17-A	1302	3		NEW	PL 436		9
15	3318-A	10		AMD	PL 409		8	17-A	1304	3	A	AMD	PL 436		10
15	5826	2		AMD	PL 431		33	17-A	1306			NEW	PL 437		2
								17-A	1348-A	5		NEW	PL 496		10
16	53-C	3	E	AMD	PL 431		34	17-A	1348-B	4		AMD	PL 431		43
16	806	3		RP	PL 411		1								
16	806	4		NEW	PL 411		2	18-A	1-701	a		AMD	PL 460		5
								18-A	2-804	b		AMD	PL 451		1
17	314-A	3-B		COR	RR 1		10	18-A	5-102	a		AMD	PL 460		6
17	1011	24-A		AMD	PL 457		7	18-A	5-104	a		AMD	PL 467		1
17	1312	7		AMD	PL 457		8	18-A	5-104	c		NEW	PL 467		2
17	1314-A			RPR	PL 457		9	18-A	9-103			AMD	PL 460		7
17	2806	1		AMD	PL 433		1	18-A	9-204	a		AMD	PL 460		8
17	2806	2		AMD	PL 433		1								
17	2806	4		AMD	PL 433		2	19-A	1653	2	D	AMD	PL 494	A	11
17-A	101	1		AMD	PL 431		35	19-A	1653	6-A		AMD	PL 509		4
17-A	210-A	1	C	AMD	PL 470		11	19-A	1658			RPR	PL 427		1
17-A	210-A	1	E	AMD	PL 470		12	19-A	1862	1	E	COR	RR 1		12
17-A	253	2	F	AMD	PL 509		1	19-A	1868	2		COR	RR 1		13
17-A	255-A	1	K	AMD	PL 509		2	19-A	1932	4		AMD	PL 456		1
17-A	255-A	1	L	AMD	PL 509		2	19-A	1939			NEW	PL 456		2
17-A	260	1	F	AMD	PL 509		3	19-A	4002	1	E	AMD	PL 410	B	1
17-A	282	1		AMD	PL 394		1	19-A	4002	1	E	AMD	PL 443		9
17-A	282	2	A	AMD	PL 394		2	19-A	4002	1	F	AMD	PL 410	B	1
17-A	283	1	A	AMD	PL 394		3	19-A	4002	1	F	AMD	PL 443		9
17-A	284	1	A	AMD	PL 394		4	19-A	4002	1	G	NEW	PL 410	B	2
17-A	354	2	A	AMD	PL 437		1	19-A	4002	1	G	NEW	PL 443		10
17-A	511-A	1	A	RP	PL 394		5	19-A	4005	1		AMD	PL 443		11
17-A	511-A	5		NEW	PL 410	A	1	19-A	4006	5	E	AMD	PL 410	B	3
17-A	752-C	2		AMD	PL 471		1	19-A	4006	5	E	AMD	PL 443		12
17-A	752-E			NEW	PL 471		2	19-A	4006	5	F	AMD	PL 410	B	3
17-A	960	2		AMD	PL 431		36	19-A	4006	5	F	AMD	PL 443		12
17-A	1101	18	C	AMD	PL 496		1	19-A	4006	5	G	NEW	PL 410	B	4
17-A	1101	18	D	AMD	PL 496		2	19-A	4006	5	G	NEW	PL 443		13
17-A	1102	1	I	AMD	PL 492		1	19-A	4007	1	M	AMD	PL 410	B	5
17-A	1106	3	B	AMD	PL 496		3	19-A	4007	1	M	AMD	PL 443		14
17-A	1106	3	E	AMD	PL 496		4	19-A	4007	1	N	AMD	PL 410	B	6
								19-A	4007	1	N	AMD	PL 443		15

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19-A	4007	1		O	NEW PL 443		16	20-A	15686-A	3		AMD	PL 389	C	6
19-A	4007	1		P	NEW PL 410	B	7	20-A	15686-A	4		NEW	PL 489		8
19-A	4008-A				NEW PL 410	B	8	20-A	15688	3-A	B	AMD	PL 494	A	13
19-A	4011	2			AMD PL 443		17	20-A	15688-A	3		AMD	PL 489		9
								20-A	15689	1	B	AMD	PL 389	C	7
20-A	254	19			NEW PL 448		1	20-A	15689-A	25		RAL	RR 1		15
20-A	1001	8			AMD PL 448		2	20-A	15689-A	26		RAL	RR 1		15
20-A	1001	14	E		AMD PL 420		1	20-A	15689-C	1		AMD	PL 389	C	8
20-A	1485	5			NEW PL 463		1	20-A	15689-C	1		AMD	PL 489		10
20-A	1486	2			AMD PL 463		2	20-A	15689-D	1		AMD	PL 489		11
20-A	2404	2	C		AMD PL 448		3	20-A	15690	1	C	AMD	PL 389	C	9
20-A	2404	2	D		AMD PL 448		3	20-A	15905	1	A	AMD	PL 389	C	10
20-A	2404	2	G		AMD PL 448		4								
20-A	2405	4			AMD PL 448		5	21-A	101	1	A	AMD	PL 447		1
20-A	2406	2	F		AMD PL 448		6	21-A	101	10		AMD	PL 447		2
20-A	2411	8			AMD PL 448		7	21-A	122	7		AMD	PL 447		3
20-A	2412	5	L		NEW PL 448		8	21-A	152	1	A	RPR	PL 447		4
20-A	4511	3	J		NEW PL 489		1	21-A	152	1	F	AMD	PL 447		5
20-A	4722-A				AMD PL 489		2	21-A	181	1	B	RPR	PL 447		6
20-A	4722-A	5			RAL RR 1		14	21-A	196-A	1	B	AMD	PL 447		7
20-A	4722-A	6			RAL RR 1		14	21-A	331	1		AMD	PL 447		8
20-A	5001-A	2	E		AMD PL 448		9	21-A	335	5	B-2	NEW	PL 474		1
20-A	5205	6	G		NEW PL 448		10	21-A	335	6		AMD	PL 474		2
20-A	6103		1st		AMD PL 395		1	21-A	335	8		AMD	PL 474		3
20-A	6103		2nd		RP PL 395		2	21-A	363	3		AMD	PL 447		9
20-A	6103	3-A			AMD PL 395		3	21-A	367			AMD	PL 447		10
20-A	6209		1st		AMD PL 489		3	21-A	371			AMD	PL 447		11
20-A	6209	2			AMD PL 489		4	21-A	374-A	1	B	AMD	PL 447		12
20-A	6209	3-A			NEW PL 489		5	21-A	374-A	3		AMD	PL 447		13
20-A	6209	4			AMD PL 489		6	21-A	375	2		AMD	PL 447		14
20-A	6211				AMD PL 489		7	21-A	376	1		AMD	PL 447		15
20-A	6214				NEW PL 500		1	21-A	431			NEW	PL 474		4
20-A	6902-A				NEW PL 466		1	21-A	432			NEW	PL 474		4
20-A	7204	5			AMD PL 448		11	21-A	433			NEW	PL 474		4
20-A	7204	6			AMD PL 448		11	21-A	434			NEW	PL 474		4
20-A	7204	7			NEW PL 448		12	21-A	626	1		AMD	PL 447		16
20-A	7408	2			AMD PL 494	A	12	21-A	626-A			NEW	PL 447		17
20-A	7413				NEW PL 383		1	21-A	671	2		RPR	PL 447		18
20-A	12921				NEW PL 435		1	21-A	671	3		RP	PL 447		19
20-A	12922				NEW PL 435		1	21-A	671	4		AMD	PL 447		20
20-A	12923				NEW PL 435		1	21-A	671	5		AMD	PL 447		21
20-A	12924				NEW PL 435		1	21-A	681	4		AMD	PL 422		1
20-A	12925				NEW PL 435		1	21-A	682	3		AMD	PL 447		22
20-A	12926				NEW PL 435		1	21-A	698	3		AMD	PL 447		23
20-A	12927				NEW PL 435		1	21-A	712			AMD	PL 447		24
20-A	13007	1			RPR PL 395		4	21-A	721			AMD	PL 447		25
20-A	13007	2	D		AMD PL 389	C	1	21-A	722-A			AMD	PL 447		26
20-A	13007	2	D		AMD PL 395		5	21-A	737-A		1st	AMD	PL 447		27
20-A	13011	9			AMD PL 395		6	21-A	737-A		4th	AMD	PL 447		28
20-A	13011	10			AMD PL 395		7	21-A	737-A	1	A	AMD	PL 447		29
20-A	13023	6			AMD PL 395		8	21-A	737-A	1	B	AMD	PL 447		29
20-A	13705		1st		AMD PL 405		1	21-A	760-B			AMD	PL 406		1
20-A	15671	1-A			AMD PL 389	C	2	21-A	777-A			AMD	PL 447		30
20-A	15671	7	B		AMD PL 389	C	3	21-A	781-A			AMD	PL 447		31
20-A	15671	7	B		AMD PL 481	D	1	21-A	1004-C			NEW	IB 1		2
20-A	15671	7	C		AMD PL 389	C	4	21-A	1014	2-B		NEW	IB 1		3
20-A	15671	7	C		AMD PL 481	D	2	21-A	1014	4		AMD	IB 1		4
20-A	15671-A	2	B		AMD PL 389	C	5	21-A	1019-B	1	B	AMD	IB 1		5

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21-A	1019-B	4		AMD	IB	1	6	22	2138		1st	RPR	PL 494	A	19	
21-A	1020-A	4-A	A	AMD	IB	1	7	22	2149-A	2		RPR	PL 494	A	20	
21-A	1020-A	4-A	B	AMD	IB	1	7	22	2353	1	D	NEW	PL 508		1	
21-A	1020-A	4-A	C	AMD	IB	1	7	22	2353	2		AMD	PL 508		2	
21-A	1020-A	5-A		AMD	IB	1	8	22	2353	3		AMD	PL 508		3	
21-A	1052	5	A	AMD	PL	408	1	22	2353	4		COR	RR 1		19	
21-A	1052-A	1	A	AMD	PL	408	2	22	2353	5		NEW	PL 508		4	
21-A	1056-B			AMD	PL	408	3	22	2422	1		AMD	PL 475		1	
21-A	1057	1	B	AMD	PL	408	4	22	2422	4-A		AMD	PL 475		2	
21-A	1057	2		AMD	PL	408	5	22	2422	5-C		NEW	PL 475		3	
21-A	1060	7		AMD	PL	408	6	22	2422	13		AMD	PL 475		4	
21-A	1062-A	3		AMD	IB	1	9	22	2422	14-A		NEW	PL 475		5	
21-A	1062-A	4		AMD	IB	1	10	22	2423-A	1	G	AMD	PL 475		6	
21-A	1062-A	8-A		AMD	IB	1	11	22	2423-A	1	H	AMD	PL 475		7	
21-A	1062-B			AMD	IB	1	12	22	2423-A	1	I	NEW	PL 475		8	
21-A	1122	3-A		NEW	IB	1	13	22	2423-A	2	J	AMD	PL 475		9	
21-A	1124			AMD	IB	1	14	22	2423-A	2	K	AMD	PL 475		10	
21-A	1125	2	B	AMD	IB	1	15	22	2423-A	2	L	NEW	PL 475		11	
21-A	1125	2	C	AMD	IB	1	15	22	2423-A	2	M	NEW	PL 475		11	
21-A	1125	2-A	C	AMD	IB	1	16	22	2423-A	3	A	AMD	PL 475		12	
21-A	1125	2-B		RP	IB	1	17	22	2423-A	3	B	AMD	PL 475		13	
21-A	1125	3	A	AMD	IB	1	18	22	2423-A	10		NEW	PL 475		14	
21-A	1125	3-A		NEW	IB	1	19	22	2423-A	11		NEW	PL 475		14	
21-A	1125	5	C-1	RP	IB	1	20	22	2423-A	12		NEW	PL 475		14	
21-A	1125	6-A		AMD	IB	1	21	22	2423-B	6		NEW	PL 475		15	
21-A	1125	7		AMD	IB	1	22	22	2423-B	7		NEW	PL 475		15	
21-A	1125	7-B		NEW	IB	1	23	22	2423-E	1-A		NEW	PL 475		16	
21-A	1125	8-A		RP	IB	1	24	22	2423-E	4		AMD	PL 475		17	
21-A	1125	8-B		NEW	IB	1	25	22	2423-E	9		NEW	PL 475		18	
21-A	1125	8-C		NEW	IB	1	25	22	2425	1-A		AMD	PL 475		19	
21-A	1125	8-D		NEW	IB	1	25	22	2425	4-A		NEW	PL 475		20	
21-A	1125	8-E		NEW	IB	1	25	22	2425	12	G	AMD	PL 475		21	
21-A	1125	8-F		NEW	IB	1	25	22	2428	6	I	AMD	PL 475		22	
21-A	1125	10		AMD	IB	1	26	22	2428	6	M	NEW	PL 475		23	
21-A	1125	13-A		AMD	IB	1	27	22	2428	6	N	NEW	PL 475		23	
								22	2428	12		NEW	PL 475		24	
22	42	3-A		AMD	PL	494	A	14	22	2430	2	B	AMD	PL 475		25
22	254-D	4	H	COR	RR	1	16	22	2430-A		1st	AMD	PL 475		26	
22	329	1		AMD	PL	453		1	22	2501		1st	AMD	PL 494	D	4
22	1341	1		AMD	PL	507		1	22	2671			NEW	PL 418		1
22	1341	2		AMD	PL	507		1	22	2672			NEW	PL 418		1
22	1341	4		NEW	PL	507		2	22	2673			NEW	PL 418		1
22	1501	1-A		NEW	PL	444		1	22	2674			NEW	PL 418		1
22	1501	4		NEW	PL	444		1	22	2675			NEW	PL 418		1
22	1503-A			NEW	PL	444		2	22	2676			NEW	PL 418		1
22	1504			RPR	PL	444		3	22	2677			NEW	PL 418		1
22	1507			AMD	PL	444		4	22	2706	5		AMD	PL 393		1
22	1711-C	6	E-2	COR	RR	1	17	22	3022	13	B	AMD	PL 431		44	
22	1714-E	7		AMD	PL	494	C	1	22	3104	13		COR	RR 1		20
22	1717	2		RPR	PL	494	A	15	22	3174-X			RPR	PL 511		1
22	1726			RAL	RR	1		18	22	3174-RR	1		AMD	PL 429		4
22	1727			RAL	RR	1		18	22	3174-XX	1		AMD	PL 429		5
22	1812-D			RP	PL	397		1	22	3480-A		1st	AMD	PL 429		6
22	1812-G	6		RPR	PL	494	A	16	22	3737	3		COR	RR 1		21
22	1812-G	6-A	B	RPR	PL	494	A	17	22	3763	11		NEW	PL 484		1
22	1812-G	6-A	D	RPR	PL	494	A	18	22	3763	12		NEW	PL 484		1
22	1812-J	7		AMD	PL	494	D	3	22	3811	4		COR	RR 1		22
22	1867			AMD	PL	397		2	22	4008	2	K	AMD	PL 494	A	21
22	2054	4		AMD	PL	449		2	22	4008	2	L	RPR	PL 494	A	22

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22	4008	3	K	AMD	PL 381		1	23	3027	1		AMD	PL 464		6
22	4008	3	L	AMD	PL 381		2	23	3027-A	3		COR	RR 1		24
22	4008	3	M	NEW	PL 381		3	23	3028	5		NEW	PL 464		7
22	4008	5		AMD	PL 501		1	23	3029-A			NEW	PL 464		8
22	4008	7		NEW	PL 501		2								
22	4011-A	9		NEW	PL 407		1	24	2505		2nd	AMD	PL 429		8
22	4015		1st	AMD	PL 429		7	24	2604			COR	RR 1		25
22	4033	1	A	AMD	PL 501		3	24	2904	3	A	AMD	PL 429		9
22	4033	2		AMD	PL 501		4	24	2906	2		COR	RR 1		26
22	4033	3		AMD	PL 501		5								
22	4033	3-A		AMD	PL 501		6	24-A	2437		1st	AMD	PL 429		10
22	4033	4		AMD	PL 501		7	24-A	2762	2	A	AMD	PL 494	A	28
22	4033	6		NEW	PL 501		8	24-A	2762	2	B	AMD	PL 494	A	28
22	4034	1		AMD	PL 501		9	24-A	2765	1		AMD	PL 429		11
22	4034	4		AMD	PL 501		10	24-A	2765-A	1		AMD	PL 429		12
22	4036-B	3-A		AMD	PL 381		4	24-A	2772	3		COR	RR 1		27
22	4038-B	4	C	AMD	PL 381		5	24-A	2803-A	2		AMD	PL 420		2
22	4055	1-B		NEW	PL 427		2	24-A	2804	1		AMD	PL 420		3
22	4310		1st	AMD	PL 494	A	24	24-A	2804-B			NEW	PL 490		1
22	5107-A		3rd	NEW	PL 506		1	24-A	2847-O	2	A	AMD	PL 494	A	29
22	5114	2		AMD	PL 494	D	5	24-A	2847-O	2	B	AMD	PL 494	A	29
22	5115		3rd	AMD	PL 494	D	6	24-A	2847-Q	1		AMD	PL 429		13
22	5115		4th	AMD	PL 494	D	6	24-A	2847-U	1		AMD	PL 429		14
22	5116	1	B	AMD	PL 494	D	7	24-A	2912	3		COR	RR 1		28
22	5116	1	C	AMD	PL 494	D	7	24-A	3408	2	A	COR	RR 1		29
22	5118			AMD	PL 494	D	8	24-A	3953	1		AMD	PL 404		1
22	7246	1-A		NEW	PL 488		1	24-A	3962		1st	AMD	PL 404		2
22	7246	1-B		NEW	PL 488		1	24-A	3962	3		RP	PL 404		3
22	7246	1-C		NEW	PL 488		1	24-A	4120	1	L	COR	RR 1		30
22	7246	5		AMD	PL 488		2	24-A	4255	2	A	AMD	PL 494	A	30
22	7249	4		AMD	PL 488		3	24-A	4255	2	B	AMD	PL 494	A	30
22	7250	4	G	AMD	PL 488		4	24-A	4257	1		AMD	PL 429		15
22	7250	4	H	AMD	PL 488		5	24-A	4317	12		NEW	PL 450		1
22	7250	4	I	NEW	PL 488		6	24-A	6307	1	D	COR	RR 1		31
22	7250	4	J	NEW	PL 488		6								
22	7250	4-A		AMD	PL 488		7	25	1542-A	1	D	AMD	PL 431		45
22	7251	1		AMD	PL 488		8	25	2468	2	A	AMD	PL 396		1
22	7253			NEW	PL 488		9	25	2468	11		AMD	PL 396		2
22	7254			NEW	PL 488		9	25	5101			NEW	PL 481	E	1
22	7702-A	3	C	AMD	PL 497		1								
22	7851	4		RPR	PL 494	A	25	26	625-B			AMD	PL 417		1
22	8108			RAL	RR 1		23	26	1412-I			NEW	PL 452		2
22	8109			RAL	RR 1		23	26	2033	2		AMD	PL 402		1
22	8302-A	1		AMD	PL 497		2	26	2033	10		AMD	PL 402		2
22	8302-A	2		AMD	PL 497		3								
22	8704	7		AMD	PL 494	A	26	27	72	1	F	COR	RR 1		32
								27	405			AMD	PL 379		1
								27	410-A			NEW	PL 380		1
23	1903	2		AMD	PL 403		1								
23	1903	15-A		NEW	PL 403		2								
23	1910			AMD	PL 403		3	28-A	2	12-A		AFF	PL 441		2
23	1913-A			AMD	PL 403		4	28-A	2	12-A		AMD	PL 441		1
23	1917-A			RP	PL 403		5	28-A	10	2-B		NEW	PL 494	D	9
23	1917-B			NEW	PL 403		6	28-A	84	4		AMD	PL 430		1
23	2060	2		AMD	PL 464		1	28-A	84	5		AMD	PL 430		2
23	2103			AMD	PL 494	A	27	28-A	84	6		NEW	PL 430		3
23	3021	1-A		NEW	PL 464		2	28-A	453	2-A		RPR	PL 494	A	31
23	3021	2		AMD	PL 464		3	28-A	453-C	3		AMD	PL 434		1
23	3026			RP	PL 464		4	28-A	453-C	4		NEW	PL 430		4

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28-A	606	2		RP	PL 430		5	32	1073			RP	PL 429		17
28-A	709	2	K	RPR	PL 494	A	32	32	1074			RP	PL 429		17
28-A	709	2	L	RPR	PL 494	A	33	32	1075			RP	PL 429		17
28-A	709	2	M	NEW	PL 494	A	34	32	1076			RP	PL 429		17
28-A	755			AMD	PL 430		6	32	1077			RP	PL 429		17
28-A	1355-A	5	G	AMD	PL 440		1	32	1078			RP	PL 429		17
28-A	1355-A	5	H	NEW	PL 440		2	32	1079			RP	PL 429		17
28-A	1401	7		AMD	PL 387		1	32	1081			RP	PL 429		17
28-A	1402-A		1st	AMD	PL 386		1	32	1082			RP	PL 429		17
28-A	1502		1st	AMD	PL 387		2	32	1083			RP	PL 429		17
								32	1084			RP	PL 429		17
29-A	101	15-A		AMD	PL 473		2	32	1084-A			RP	PL 429		17
29-A	201	2	C	AMD	PL 473		3	32	1084-B			RP	PL 429		17
29-A	401	2		AMD	PL 473		4	32	1085			RP	PL 429		17
29-A	456-A	8	A	AMD	PL 473		5	32	1086			RP	PL 429		17
29-A	456-A	8	B	RP	PL 473		6	32	1086-A			RP	PL 429		17
29-A	456-F	7	B	AMD	PL 473		7	32	1087			RP	PL 429		17
29-A	504			AMD	PL 473		8	32	1089			RP	PL 429		17
29-A	507		1st	AMD	PL 473		9	32	1090			RP	PL 429		17
29-A	521	3	B	AMD	PL 473		10	32	1092			RP	PL 429		17
29-A	755	3		AMD	PL 473		11	32	1092-A			RP	PL 429		17
29-A	1256		1st	AMD	PL 473		12	32	1093			RP	PL 429		17
29-A	1256	2-A		AMD	PL 473		13	32	1094			RP	PL 429		17
29-A	1304	2	E	AMD	PL 473		14	32	1094-A			RP	PL 429		17
29-A	1352	2	A	AMD	PL 473		15	32	1094-B			RP	PL 429		17
29-A	1352	2	D	RP	PL 473		16	32	1094-C			RP	PL 429		17
29-A	1354	10		AMD	PL 473		17	32	1094-D			RP	PL 429		17
29-A	2063-A	9		COR	RR 1		33	32	1094-E			RP	PL 429		17
29-A	2354-C	3		COR	RR 1		34	32	1094-F			RP	PL 429		17
29-A	2356			AMD	PL 473		18	32	1094-G			RP	PL 429		17
29-A	2405	3		AMD	PL 429		16	32	1094-H			RP	PL 429		17
29-A	2458	6	A	AMD	PL 473		19	32	1094-I			RP	PL 429		17
								32	1094-J			RP	PL 429		17
30-A	2674		5th	NEW	PL 419		1	32	1094-K			RP	PL 429		17
30-A	3011	2		AMD	PL 433		3	32	1094-L			RP	PL 429		17
30-A	3011	3		AMD	PL 433		3	32	1094-M			RP	PL 429		17
30-A	3011	4		NEW	PL 433		4	32	1094-N			RP	PL 429		17
30-A	3106-A			RAL	RR 1		35	32	1094-O			RP	PL 429		17
30-A	3106-B			RAL	RR 1		35	32	1094-P			RP	PL 429		17
30-A	4481			NEW	PL 459		1	32	1094-Q			RP	PL 429		17
30-A	4482			NEW	PL 459		1	32	1094-R			RP	PL 429		17
30-A	4483			NEW	PL 459		1	32	1094-S			RP	PL 429		17
30-A	4723	2	B	AMD	PL 449		3	32	1094-T			RP	PL 429		17
30-A	4741	17		AMD	PL 494	B	2	32	1094-AA			RP	PL 429		17
30-A	4741	18		AMD	PL 494	B	3	32	1094-BB			RP	PL 429		17
30-A	4741	19		NEW	PL 494	B	4	32	1094-CC			RP	PL 429		17
30-A	4753	3		NEW	PL 424		1	32	1094-DD			RP	PL 429		17
30-A	5047	1		AMD	PL 465	B	1	32	1094-EE			RP	PL 429		17
30-A	5048	7		AMD	PL 465	B	2	32	1094-FF			RP	PL 429		17
30-A	5048	8		AMD	PL 465	B	3	32	1094-GG			RP	PL 429		17
30-A	5048	9		NEW	PL 465	B	4	32	1094-HH			RP	PL 429		17
30-A	5951	4		AMD	PL 449		4	32	1094-II			RP	PL 429		17
30-A	6054	2		AMD	PL 494	A	35	32	1094-JJ			RP	PL 429		17
								32	1094-KK			RP	PL 429		17
32	220	1	B	AMD	PL 414		1	32	1095			RP	PL 429		17
32	1061			RP	PL 429		17	32	1096			RP	PL 429		17
32	1062-A			RP	PL 429		17	32	1097			RP	PL 429		17
32	1071			RP	PL 429		17	32	1098			RP	PL 429		17
32	1072			RP	PL 429		17	32	1098-A			RP	PL 429		17

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32	1098-C			RP	PL 429		17	32	12501	6-E		NEW	PL 502		4
32	1098-D			RP	PL 429		17	32	12501	6-F		NEW	PL 502		4
32	1098-E			RP	PL 429		17	32	12501	6-G		NEW	PL 502		4
32	1098-F			RP	PL 429		17	32	12501	6-H		NEW	PL 502		4
32	1099			RP	PL 429		17	32	12501	6-I		NEW	PL 502		4
32	1100			RP	PL 429		17	32	12501	6-J		NEW	PL 502		4
32	1100-A			RP	PL 429		17	32	12501	14-A		NEW	PL 502		5
32	1100-B			RP	PL 429		17	32	12502	1		AMD	PL 502		6
32	1100-C			RP	PL 429		17	32	12503	1	B-1	NEW	PL 502		7
32	1100-D			RP	PL 429		17	32	12503	1	D	AMD	PL 502		8
32	1100-E			RP	PL 429		17	32	12504			AMD	PL 502		9
32	1100-E-1			RP	PL 429		17	32	12505-A			AMD	PL 502		10
32	1100-E-2			RP	PL 429		17	32	12531			NEW	PL 502		11
32	1100-F			RP	PL 429		17	32	12532			NEW	PL 502		11
32	1100-I			RP	PL 429		17	32	12533			NEW	PL 502		11
32	1100-J			RP	PL 429		17	32	12534			NEW	PL 502		11
32	1100-K			RP	PL 429		17	32	12535			NEW	PL 502		11
32	1100-L			RP	PL 429		17	32	12536			NEW	PL 502		11
32	1100-M			RP	PL 429		17	32	12537			NEW	PL 502		11
32	1100-N			RP	PL 429		17	32	12538			NEW	PL 502		11
32	1100-O			RP	PL 429		17	32	12539			NEW	PL 502		11
32	1100-P			RP	PL 429		17	32	12540			NEW	PL 502		11
32	1100-Q			RP	PL 429		17	32	12541			NEW	PL 502		11
32	1100-S			RP	PL 429		17	32	12542			NEW	PL 502		11
32	2105-A	2	H	AMD	PL 488		10	32	12543			NEW	PL 502		11
32	2105-A	2	I	AMD	PL 488		11	32	13702-A	20-A		NEW	PL 488		28
32	2105-A	2	J	NEW	PL 488		12	32	13756			NEW	PL 488		29
32	2210			NEW	PL 488		13	32	13786-B			NEW	PL 488		30
32	2591-A	2	M	AMD	PL 488		14	32	13786-C			NEW	PL 488		31
32	2591-A	2	N	AMD	PL 488		15	32	13811			AFF	PL 502		16
32	2591-A	2	O	NEW	PL 488		16	32	13811			RP	PL 502		12
32	2600-C			NEW	PL 488		17	32	13812			AFF	PL 502		16
32	3282-A	2	Q	AMD	PL 488		18	32	13812			RP	PL 502		13
32	3282-A	2	R	AMD	PL 488		18	32	13815			NEW	PL 508		5
32	3282-A	2	S	NEW	PL 488		19	32	17201		2nd	AMD	PL 494	A	36
32	3300-D			RAL	RR 1		36	32	18301			NEW	PL 429		21
32	3300-E			RAL	RR 1		36	32	18302			NEW	PL 429		21
32	3300-F			NEW	PL 488		20	32	18303			NEW	PL 429		21
32	3656	3		AMD	PL 488		21	32	18304			NEW	PL 429		21
32	3656	4		AMD	PL 488		21	32	18305			NEW	PL 429		21
32	3656	5		NEW	PL 488		22	32	18306			NEW	PL 429		21
32	3657			NEW	PL 488		23	32	18307			NEW	PL 429		21
32	4864	12	D	AMD	PL 488		24	32	18308			NEW	PL 488		32
32	4864	13		AMD	PL 488		25	32	18321			NEW	PL 429		21
32	4864	15		NEW	PL 488		26	32	18322			NEW	PL 429		21
32	4878			NEW	PL 488		27	32	18323			NEW	PL 429		21
32	5515	6		AMD	PL 414		2	32	18324			NEW	PL 429		21
32	7032			NEW	PL 476		1	32	18325			NEW	PL 429		21
32	9852	2		AMD	PL 429		18	32	18325	1	N	AMD	PL 488		33
32	9854	3	A	AMD	PL 429		19	32	18325	1	O	AMD	PL 488		33
32	9854	3	B	RP	PL 429		20	32	18325	1	P	NEW	PL 488		34
32	12501	1-A		NEW	PL 502		1	32	18326			NEW	PL 429		21
32	12501	4-A		NEW	PL 502		2	32	18327			NEW	PL 429		21
32	12501	4-B		NEW	PL 502		2	32	18341			NEW	PL 429		21
32	12501	5-A		NEW	PL 502		3	32	18342			NEW	PL 429		21
32	12501	6-A		NEW	PL 502		4	32	18343			NEW	PL 429		21
32	12501	6-B		NEW	PL 502		4	32	18344			NEW	PL 429		21
32	12501	6-C		NEW	PL 502		4	32	18345			NEW	PL 429		21

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32	18347			NEW	PL 429		21	35-A	8704	1	E	AMD	PL 398		1
32	18348			NEW	PL 429		21	35-A	10109	3-A		NEW	PL 498		1
32	18349			NEW	PL 429		21	35-A	10109	4		AMD	PL 498		2
32	18350			NEW	PL 429		21	35-A	10110	2	B	AMD	PL 494	A	39
32	18351			NEW	PL 429		21	35-A	10110	6		AMD	PL 494	A	40
32	18352			NEW	PL 429		21	35-A	10111	2		AMD	PL 425		1
32	18371			NEW	PL 429		21	35-A	10111	2-A		NEW	PL 425		2
32	18372			NEW	PL 429		21								
32	18373			NEW	PL 429		21	36	111	1-A		AFF	PL 388	A	16
32	18374			NEW	PL 429		21	36	111	1-A		AMD	PL 388	A	1
32	18375			NEW	PL 429		21	36	191	2	YY	AMD	PL 490		2
32	18376			NEW	PL 429		21	36	191	2	YY	AMD	PL 494	A	41
32	18377			NEW	PL 429		21	36	191	2	ZZ	RPR	PL 490		3
32	18378			NEW	PL 429		21	36	191	2	ZZ	RPR	PL 494	A	42
32	18379			NEW	PL 429		21	36	191	2	AAA	NEW	PL 490		4
32	18391			NEW	PL 429		21	36	191	2	AAA	NEW	PL 494	A	43
32	18392			NEW	PL 429		21	36	191	2	BBB	NEW	PL 490		4
32	18393			NEW	PL 429		21	36	199-E			NEW	IB 1		28
								36	683	3		AMD	PL 390		2
								36	683	4		AMD	PL 390		2
34-A	1001	10-A		AMD	PL 470		14	36	685	2	A	AMD	PL 390		3
34-A	1001	19		RP	PL 470		15	36	685	2	B	RPR	PL 390		4
34-A	1001	22		NEW	PL 470		16	36	685	2	B	RPR	PL 390		4
34-A	1210-D	2	C	AMD	PL 436		11	36	1752	8-D		AFF	PL 495		4
34-A	1210-D	2-A		NEW	PL 436		12	36	1752	8-D		NEW	PL 495		1
34-A	1214	4		AMD	PL 470		17	36	1752	9-F		AFF	PL 495		4
34-A	1216	1	D	AMD	PL 470		18	36	1752	9-F		NEW	PL 495		2
34-A	1403	2	D	RP	PL 494	A	37	36	1752	11	B	AMD	PL 390		5
34-A	3011	1		AMD	PL 470		19	36	1752	14	B	RPR	PL 494	A	44
								36	1760	5-A		AFF	PL 495		4
34-B	1225		1st	RPR	PL 494	A	38	36	1760	5-A		AMD	PL 495		3
								36	1760	16	F	AFF	PL 510		3
								36	1760	16	F	AMD	PL 510		1
35-A	1902	2		AMD	PL 445		1	36	1760	100		AFF	PL 465	C	2
35-A	1902	3-A		NEW	PL 445		2	36	1760	100		NEW	PL 465	C	1
35-A	1902	3-B		NEW	PL 445		2	36	2013	2		AFF	PL 481	B	2
35-A	1902	3-C		NEW	PL 445		2	36	2013	2		AMD	PL 481	B	1
35-A	1903	1		AMD	PL 445		3	36	2013	2		AFF	PL 481	B	2
35-A	1903	2		AMD	PL 445		3	36	2013	3		AMD	PL 481	B	1
35-A	1903	3		NEW	PL 445		4	36	2013	3		AMD	PL 481	B	1
35-A	1904			AMD	PL 445		5	36	2524	5		NEW	PL 390		6
35-A	1905			AMD	PL 445		6	36	2525-A	4		NEW	PL 390		7
35-A	1906			AMD	PL 445		6	36	2557	3	F	AFF	PL 510		3
35-A	1907			AMD	PL 445		6	36	2557	3	F	AMD	PL 510		2
35-A	1911			AMD	PL 445		7	36	3202	2-C		AMD	PL 473		20
35-A	1912			AMD	PL 445		7	36	5122	1	Q	AFF	PL 388	A	16
35-A	2308			AMD	PL 464		9	36	5122	1	Q	RP	PL 388	A	2
35-A	3105			NEW	PL 446		1	36	5122	1	HH	COR	RR 1		40
35-A	3451	9-A		RAL	RR 1		38	36	5122	1	II	COR	RR 1		41
35-A	3451	9-C		RAL	RR 1		38	36	5122	1	II	AMD	PL 388	A	3
35-A	3451	10-A		RAL	RR 1		39	36	5122	1	II	AMD	PL 490		5
35-A	3451	10-B		RAL	RR 1		39	36	5122	1	JJ	AMD	PL 388	A	4
35-A	4392	6		AMD	PL 494	C	2	36	5122	1	JJ	AMD	PL 490		6
35-A	7102	6-A		NEW	PL 462		1	36	5122	1	JJ	AMD	PL 494	B	5
35-A	7104	2		AMD	PL 462		2	36	5122	1	KK	NEW	PL 388	A	5
35-A	7221	4		NEW	PL 462		3	36	5122	1	KK	NEW	PL 490		7
35-A	7221	5		NEW	PL 462		3	36	5122	2	M-1	AMD	PL 382		1
35-A	7221	6		NEW	PL 462		3	36	5122	2	M-2	AMD	PL 382		2
35-A	7221	7		NEW	PL 462		3	36	5122	2	M-2	AMD	PL 390		8
35-A	7222-A			NEW	PL 462		4	36	5122	2	BB	AMD	PL 382		3

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36	5122	2	MM	AMD	PL 388	A	6	37-B	602-A			RP	PL 397		9
36	5122	2	NN	AMD	PL 388	A	7	37-B	603			AMD	PL 397		10
36	5122	2	OO	NEW	PL 388	A	8	37-B	604	5		AMD	PL 397		11
36	5125	3	C	AMD	PL 494	A	45	37-B	604	6		AMD	PL 397		12
36	5125	3	D	RPR	PL 494	A	46	37-B	604	7		AMD	PL 397		12
36	5125	3	E	RP	PL 494	A	47	37-B	606			AMD	PL 397		13
36	5125	4		AMD	PL 390		9	37-B	607			AMD	PL 397		14
36	5200-A	1	AA	AMD	PL 388	A	9	37-B	608			RP	PL 397		15
36	5200-A	1	BB	AMD	PL 388	A	10	37-B	610	1st		AMD	PL 397		16
36	5200-A	1	CC	NEW	PL 388	A	11	37-B	610-B			RP	PL 397		17
36	5200-A	2	Y	AMD	PL 388	A	12	37-B	611			AMD	PL 397		18
36	5200-A	2	Z	AMD	PL 388	A	13	37-B	801	2		COR	RR 1		43
36	5200-A	2	AA	NEW	PL 388	A	14								
36	5213-A	6	B	COR	RR 1		42	38	341-G	1		RPR	PL 494	A	49
36	5217-D	1	B-1	RPR	PL 482		1	38	480-II			RAL	RR 1		44
36	5217-D	1	B-1	RPR	PL 494	A	48	38	480-JJ			RAL	RR 1		44
36	5217-D	1	E	AMD	PL 482		2	38	2101-B			NEW	PL 461		1
36	5217-D	1	G	AMD	PL 482		3	38	2132	1		AMD	PL 461		2
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36	5217-D	5		AMD	PL 482		5	38	2132	1-B		NEW	PL 461		4
36	5219-DD	1	A	AMD	PL 429		22	38	2132	2		AMD	PL 461		5
36	5219-NN			NEW	PL 388	A	15	38	2201		3rd	AMD	PL 461		6
36	5219-NN			NEW	PL 490		8	38	2201-B			NEW	PL 461		7
36	5219-NN			NEW	PL 503		1	38	2203-A	1		AMD	PL 461		8
36	5402	1		AMD	PL 390		10	38	2203-A	3		NEW	PL 461		9
								38	2204		1st	AMD	PL 461		10
								38	2204	4		NEW	PL 461		11
37-B	3	1	D	AMD	PL 465	A	1	39-A	154	6	A	AMD	PL 469		1
37-B	152	2		AMD	PL 465	D	1	39-A	322	1		AMD	PL 469		2
37-B	154			AMD	PL 465	D	2	39-A	324	3		AMD	PL 469		3
37-B	155			AMD	PL 465	D	3	39-A	401	1		AMD	PL 469		4
37-B	158			AMD	PL 437		3	39-A	401	2		AMD	PL 469		5
37-B	352	4		AMD	PL 465	D	4	39-A	401	3		AMD	PL 469		6
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37-B	602	5		AMD	PL 397		7								
37-B	602	6		AMD	PL 397		8								

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TABLE II

Public Laws not allocated to the Maine Revised Statutes affected by the laws of the Second Regular Session of the 127th Legislature and the Revisor's Report 2015, Chapter 1.

YEAR	CHAP	SEC	AFFECTED BY			YEAR	CHAP	SEC	AFFECTED BY			YEAR	CHAP	SEC	
			(TYPE)						(TYPE)						
1987	566	2	AMD	PL	2015	494	C3	2015	267	T1,2	RP	PL	2015	388	H1
1995	652	4	AMD	PL	2015	494	C4	2015	267	PP1,2	RP	PL	2015	388	I1
2003	673	HH6	AMD	PL	2015	494	C5	2015	267	OOOO7	AMD	PL	2015	494	D11
2003	673	HH7	AMD	PL	2015	494	C6	2015	365	2	COR	RR	2015	1	47
2011	637	11	RP	PL	2015	446	2	2015	376	2	AMD	PL	2015	512	1
2013	273	5	RP	PL	2015	404	4	2015	376	6	AMD	PL	2015	512	2
2015	21	2	COR	RR	2015	1	45	2015	389	C12	AMD	PL	2015	481	D4
2015	38	3	AMD	PL	2015	494	C7	2015	389	C13	AMD	PL	2015	481	D5
2015	102	11	COR	RR	2015	1	46	2015	483	1/8	AMD	PL	2015	513	1
2015	224	2	AMD	PL	2015	494	C8								

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