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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 §409, sub-§1, as amended by PL 2011, c. 559, Pt. A, §1 and c. 662, §6, is repealed and the following enacted in its place:

1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record under section 408-A may appeal, within 5 working days of the receipt of the written notice of denial, to any Superior Court within the State. If a court, after a trial de novo, determines such denial was not for just and proper cause, it shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

Sec. A-2. 3 MRSA §474, as enacted by PL 1975, c. 593, §3, is amended to read:

§ 474. Saving clause

A decision by a ~~witness~~witness to ~~avail himself~~make use of any protection or remedy afforded by any provision of these rules ~~shall~~does not constitute a waiver by ~~him~~the witness of the right to ~~avail himself~~make use of any other protection or remedy.

Sec. A-3. 5 MRSA §152, as amended by PL 2011, c. 342, §3, is further amended to read:

§ 152. Ratification of bond issue; signed statement

In accordance with the Constitution of Maine, Article IX, ~~section~~Section 14, the Treasurer of State shall prepare a signed statement, called the Treasurer's Statement, to accompany any question submitted to the electors for ratification of a bond issue setting forth the total amount of bonds of the State outstanding

and unpaid, the total amount of bonds of the State authorized and unissued and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors should be ratified. The Treasurer of State shall also set forth in that statement an estimate of costs involved, including explanation of, based on such factors as interest rates that may vary, the interest cost contemplated to be paid on the amount to be issued, the total cost of principal and interest that will be paid at maturity and any other substantive explanatory information relating to the debt of the State as the Treasurer of State considers appropriate. To meet the requirement that the signed statement of the Treasurer of State accompany any ballot question for ratification of a bond issue, the statement may be printed on the ballot or it may be printed as a separate document that is made available to voters as provided in Title 21-A, sections ~~605~~605-A and 651.

Sec. A-4. 5 MRSA §1764-A, sub-§3, as enacted by PL 2003, c. 497, §1 and affected by §5, is amended to read:

3. Approval. A state agency responsible for approving the construction of a new or substantially renovated state-owned or state-leased building and buildings built with state funds, including buildings funded ~~through~~through state bonds or the Maine Municipal Bond Bank, may not grant such approval unless the agency or other entity or organization proposing the construction can show that it has duly considered the most energy-efficient and environmentally efficient designs suitable in accordance with rules adopted pursuant to this section.

Sec. A-5. 10 MRSA §9723, sub-§2, as amended by PL 2011, c. 633, §6 and c. 655, Pt. FF, §2 and affected by §16, is repealed and the following enacted in its place:

2. Training program standards; implementation. The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of Economic and Community Development, Office of Community Development, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

Sec. A-6. 12 MRSA §1803, sub-§7, as enacted by PL 2011, c. 394, §1 and amended by c. 657, Pt. W, §7, is further amended to read:

7. Exceptions. Notwithstanding subsection 6 or any other rule-making authority, the division may not adopt rules that prohibit the following persons from carrying a concealed ~~firearm~~handgun in the buildings or parts of buildings and other public property that are under the division's jurisdiction:

A. A person to whom a valid permit to carry a concealed ~~firearm~~handgun has been issued under Title 25, chapter 252. The person must have in that person's possession the valid permit;

B. A person to whom a valid permit to carry a concealed ~~firearm~~handgun has been issued by another state if a permit to carry a concealed ~~firearm~~handgun issued from that state has been granted reciprocity under Title 25, chapter 252. The person must have in that person's possession the valid permit;

C. An authorized federal, state or local law enforcement officer in the performance of that officer's official duties;

D. A qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The law enforcement officer must have in that law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and

E. A qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed firearmhandgun, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearmhandgun of the same type as the concealed firearmhandgun; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed firearmhandgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a firearmhandgun of the same type as the concealed firearmhandgun.

Sec. A-7. 12 MRSA §6728, sub-§3, as repealed and replaced by PL 2007, c. 557, §9 and repealed by c. 607, Pt. A, §10, is repealed and the following enacted in its place:

3. Violation. Notwithstanding section 6174, a person who violates this section commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. A-8. 12 MRSA §6728, sub-§3-A, as enacted by PL 2007, c. 607, Pt. A, §11, is repealed.

Sec. A-9. 15 MRSA §393, sub-§2, as amended by PL 2009, c. 503, §1, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the commissioner for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed ~~firearm~~handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the commissioner. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

Sec. A-10. 15 MRSA §1023, sub-§4, ¶C, as amended by PL 2011, c. 640, Pt. A, §2 and c. 680, §1, is repealed and the following enacted in its place:

C. In a case involving domestic violence, set preconviction bail for a defendant before making a good faith effort to obtain from the arresting officer, the responsible prosecutorial office, a jail employee or other law enforcement officer:

(1) A brief history of the alleged abuser;

(2) The relationship of the parties;

(3) The name, address, phone number and date of birth of the victim;

(4) Existing conditions of protection from abuse orders, conditions of bail and conditions of probation;

(5) Information about the severity of the alleged offense; and

(6) Beginning no later than January 1, 2015, the results of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety conducted on the alleged abuser when the results are available;

Sec. A-11. 17-A MRSA §1058, sub-§2-A, as enacted by PL 2005, c. 527, §9, is amended to read:

2-A. It is not a defense to a prosecution under this section that the person holds a valid permit to carry a concealed ~~firearm~~handgun issued under Title 25, chapter 252.

Sec. A-12. 20-A MRSA §8402, as amended by PL 2011, c. 679, §12 and c. 686, §3, is repealed and the following enacted in its place:

§ 8402. Programs

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-B, including programs previously approved under former section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. A center may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722.

Sec. A-13. 20-A MRSA §8451-A, as amended by PL 2011, c. 679, §19 and c. 686, §4, is repealed and the following enacted in its place:

§ 8451-A. Programs

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-B. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. A region may also provide courses described in section 4722, subsection 2, the successful completion of which satisfies the diploma requirements set forth in section 4722.

Sec. A-14. 22 MRSA §335, sub-§1, ¶E, as amended by PL 2011, c. 213, §3 and repealed by c. 424, Pt. B, §15 and affected by Pt. E, §1, is repealed.

Sec. A-15. 22 MRSA §335, sub-§5-A, as amended by PL 2011, c. 648, §9, is further amended to read:

5-A. Record. The record created by the department in the course of its review of an application must contain the following:

- A. The letter of intent described in section 337, subsection 1, all other materials submitted by the applicant relating to the letter of intent and any written materials relating to the letter of intent;
- B. The application and all other materials submitted by the applicant for the purpose of making those documents part of the record;
- C. All information generated by or for the department in the course of gathering material to assist the commissioner in determining whether the conditions for granting an application for a certificate of need have or have not been met. This information may include, without limitation, the report of consultants, including reports by panels of experts assembled by the department to advise it on

the application, memoranda of meetings or conversations with any person interested in commenting on the application, letters, memoranda and documents from other interested agencies of State Government and memoranda describing officially noticed facts;

D. Stenographic or electronic recordings of any public hearing held by the commissioner or the staff of the department at the direction of the commissioner regarding the application;

E. Stenographic or electronic recording of any public informational meeting held by the department pursuant to section 337, subsection 5;

F. Any documents submitted by any person for the purpose of making those documents part of the record regarding any application for a certificate of need or for the purpose of influencing the outcome of any analyses or decisions regarding an application for certificate of need, except documents that have been submitted anonymously. Such source-identified documents automatically become part of the record upon receipt by the department;

G. Preliminary and final analyses of the record prepared by the staff; and

H. Except with regard to a project related to nursing facility services, a written assessment by the Director of the Maine Center for Disease Control and Prevention of the impact of the project on the health of Maine citizens; ~~and.~~

~~I. Except with regard to a project related to nursing facility services, or a project that qualifies for a simplified review process under section 336, the commissioner may require a written assessment by the Superintendent of Insurance of the impact of the project on the cost of insurance in the region and the State. The superintendent may request additional information from the applicant for the purpose of reviewing the application. Any such request must be transmitted through the department and becomes part of the official record. The applicant shall respond to the request within 30 days. Any such response must be transmitted through the department and becomes part of the official record. The inability of the superintendent to complete the review of the application due to the failure of the applicant to respond timely must be noted in the superintendent's assessment filed with the department and may be cause for the commissioner to deny approval of the project.~~

Except with regard to a project related to nursing facility services, or a project that qualifies for a simplified review process under section 336, the commissioner may require a written assessment by the Superintendent of Insurance of the impact of the project on the cost of insurance in the region and the State. The superintendent may request additional information from the applicant for the purpose of reviewing the application. Any such request must be transmitted through the department and becomes part of the official record. The applicant shall respond to the request within 30 days. Any such response must be transmitted through the department and becomes part of the official record. The inability of the superintendent to complete the review of the application due to the failure of the applicant to respond timely must be noted in the superintendent's assessment filed with the department and may be cause for the commissioner to deny approval of the project.

Sec. A-16. 22 MRSA §337, sub-§5, as amended by PL 2011, c. 636, §1 and c. 648, §15, is repealed and the following enacted in its place:

5. Public notice; public informational meeting. Within 5 business days of the filing of a certificate by an applicant that a complete certificate of need application is on file with the department, public notice that the application has been filed must be given by publication in a newspaper of general circulation in Kennebec County and in a newspaper published within the service area in which the proposed expenditure will occur. If an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the department shall notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The notice must also be provided to all persons who have requested notification by means of asking that their names be placed on a mailing list maintained by the department for this purpose. The notice must also be published on the department's publicly accessible website. This notice must include:

A. A brief description of the proposed expenditure or other action, including the name and location of any existing health care facility that may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed;

B. A description of the review process and schedule;

C. A statement that any person may examine the application, submit comments in writing to the department regarding the application and examine the entire record assembled by the department at any time from the date of publication of the notice until the application process is closed for comment;

D. If a public informational meeting is being held, the time and location of the public informational meeting, a statement that any person may appear at the meeting to question the applicant regarding the project or the department regarding the conditions the applicant must satisfy in order to receive a certificate of need for the project, and a statement that a public hearing may be requested by any person directly affected by a review if the request is received by the commissioner within 15 days following the public informational meeting pursuant to the provisions of section 339, subsection 2; and

E. If a public informational meeting is not being held, a statement that a public hearing may be requested by any person directly affected by a review if the request is received by the commissioner within 15 days following the publication of the notice that an application has been filed.

The department shall make an electronic or stenographic record of the public informational meeting.

A public informational meeting is not required for the simplified review and approval process in section 336 unless requested by the applicant, the department or a person directly affected by a review.

Sec. A-17. 25 MRSA §2003, sub-§1, ¶E, as amended by PL 2011, c. 298, §7, is further amended to read:

E. Does the following:

(1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:

(a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;

(b) The ascertainment of whether each of the additional requirements of this section has been met; and

(c) Section 2005;

(2) If a photograph is an integral part of the permit to carry concealed handguns adopted by an issuing authority, submits to being photographed for that purpose;

(3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;

(4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:

(a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed ~~firearm~~handgun permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) Nonresident, \$60 for an original or renewal application; and

(5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety

by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid state permit to carry a concealed ~~firearm~~handgun as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training.

Sec. A-18. 25 MRSA §2374, as amended by PL 2011, c. 633, §11 and c. 655, Pt. FF, §3 and affected by §16, is repealed and the following enacted in its place:

§ 2374. Uniform Building Codes and Standards Fund

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety and the Department of Economic and Community Development, Office of Community Development shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

Sec. A-19. 25 MRSA §2450-A, as amended by PL 2011, c. 633, §12 and c. 655, Pt. FF, §4 and affected by §16, is repealed and the following enacted in its place:

§ 2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards Fund

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan

for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

Sec. A-20. 26 MRSA §595, sub-§5, ¶A, as enacted by PL 1987, c. 558, §1, is amended to read:

A. A person holding a valid permit to carry a concealed ~~firearm~~handgun is not exempt from this subsection.

Sec. A-21. 26 MRSA §600, as amended by PL 2011, c. 537, §1, is further amended to read:

§ 600. Concealed handguns in vehicles

1. Handguns in vehicles. An employer or an agent of an employer may not prohibit an employee who has a valid permit to carry a concealed ~~firearm~~handgun under Title 25, chapter 252 from keeping a ~~firearm~~handgun in the employee's vehicle as long as the vehicle is locked and the ~~firearm~~handgun is not visible. This subsection applies to the State as an employer when a state employee's vehicle is on property owned or leased by the State. This subsection does not authorize an employee or state employee to carry a ~~firearm~~handgun in a place where carrying a ~~firearm~~handgun is prohibited by law. For purposes of this section, "state employee" means an employee of the State within the executive branch, the legislative branch or the judicial branch performing services within the scope of that employee's employment.

2. Immunity from liability. An employer or an agent of an employer may not be held liable in any civil action for damages, injury or death resulting from or arising out of another person's actions involving a ~~firearm~~handgun or ammunition transported or stored pursuant to this section, including, but not limited to, the theft of a ~~firearm~~handgun from an employee's vehicle, unless the employer or an agent of the employer intentionally solicited or procured the other person's injurious actions. Nothing in this section affects provisions in the Maine Workers' Compensation Act of 1992.

Sec. A-22. 26 MRSA §2006, sub-§7, ¶C, as amended by PL 2011, c. 627, §3 and c. 655, Pt. EE, §18 and affected by §30, is repealed and the following enacted in its place:

C. The Governor shall appoint members to the Program Policy Committee, referred to in this paragraph as "the committee," to assist the board in the performance of its duties and responsibilities. The Governor shall appoint persons to serve on the committee for 3-year terms. The services provided by the State's various workforce organizations must be fairly represented in the committee with consideration given to a balance between rural and urban interests. Organizations with representation on the committee may include, but are not limited to, organizations that conduct programs or activities as specified in Section 121(b) of the Workforce Investment Act.

Sec. A-23. 32 MRSA §8113-A, sub-§1, as amended by PL 2011, c. 366, §45, is further amended to read:

1. Immediate suspension. If the chief has probable cause to believe that a person licensed pursuant to this chapter is required to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the licensee is in possession of a loaded firearm and the licensee refuses to submit to the required testing, the chief shall immediately suspend the licensee's right to carry a concealed firearmhandgun.

Sec. A-24. 32 MRSA §8120-A, as amended by PL 2011, c. 298, §13 and c. 366, §51, is repealed and the following enacted in its place:

§ 8120-A. Handguns

A professional investigator licensed under this chapter may carry a handgun while performing the duties of a professional investigator only after being issued a concealed handgun permit by the chief pursuant to Title 25, chapter 252 and passing the written firearms examination prescribed by the chief.

Sec. A-25. 32 MRSA §9412, sub-§5, as enacted by PL 1987, c. 170, §18, is amended to read:

5. Dangerous weapons at labor disputes and strikes. It is a Class D crime for any person, including, but not limited to, security guards and persons involved in a labor dispute or strike, to be armed with a dangerous weapon, as defined in Title 17-A, section 2, subsection 9, at the site of a labor dispute or strike. A person holding a valid permit to carry a concealed firearmhandgun is not exempt from this subsection. A security guard is exempt from this subsection to the extent that federal laws, rules or regulations require the security guard to be armed with a dangerous weapon at the site of a labor dispute or strike.

Sec. A-26. 34-A MRSA §11203, sub-§6, ¶B, as amended by PL 2011, c. 597, §6 and c. 604, §3 and affected by §4, is repealed and the following enacted in its place:

B. A violation under former Title 17, section 2922; former Title 17, section 2923; former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B or D if the crime was not elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, F-2, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; former Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A, section 284; Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3), unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855;

Sec. A-27. 34-B MRSA §3864, sub-§12, as enacted by PL 2007, c. 670, §19, is amended to read:

12. Transmission of abstract of court ruling to the State Bureau of Identification.

Notwithstanding any other provision of this section or section 1207, a court shall transmit to the Department of Public Safety, State Bureau of Identification an abstract of any order for involuntary commitment issued by the court pursuant to this section. The abstract must include:

- A. The name, date of birth and gender of the person who is the subject of the order for involuntary commitment;
- B. The court's ruling that the person has been involuntarily committed; and
- C. A notation that the person has been notified by the court in accordance with subsection 5, paragraph A-1 and subsection 13.

The abstract required in this subsection is confidential and is not a "public record" as defined in Title 1, chapter 13; however, a copy of the abstract may be provided by the State Bureau of Identification to a criminal justice agency for legitimate law enforcement purposes, to the Federal Bureau of Investigation, National Instant Criminal Background Check System or to an issuing authority for the purpose of processing concealed ~~firearm~~handgun permit applications.

For the purposes of this subsection, "criminal justice agency" means a federal, state, tribal, district, county or local government agency or any subunit thereof that performs the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government.

Sec. A-28. 35-A MRSA §3210-C, sub-§3, ¶C, as amended by PL 2011, c. 273, §1 and affected by §3 and amended by c. 413, §2, is repealed and the following enacted in its place:

C. Any available renewable energy credits associated with capacity resources contracted under paragraph A. The price paid by the investor-owned transmission and distribution utility for the renewable energy credits must be lower than the price received for those renewable energy credits at the time they are sold by the investor-owned transmission and distribution utility.

Sec. A-29. 35-A MRSA §3454, first ¶, as amended by PL 2011, c. 655, Pt. DD, §14 and affected by §24 and amended by c. 682, §27, is repealed and the following enacted in its place:

In making findings pursuant to Title 38, section 484, subsection 3, the primary siting authority shall presume that an expedited wind energy development provides energy and emissions-related benefits described in section 3402 and shall make additional findings regarding other tangible benefits provided by the development. The Department of Labor, the Governor's Office of Policy and Management, the Governor's Energy Office and the Public Utilities Commission shall provide review comments if requested by the primary siting authority.

Sec. A-30. 36 MRSA §187-B, sub-§1-A, as amended by PL 2011, c. 644, §4 and affected by §33 and repealed by c. 655, Pt. QQ, §2 and affected by §8, is repealed.

Sec. A-31. 36 MRSA §191, sub-§2, ¶UU, as amended by PL 2011, c. 644, §5 and c. 694, §8, is repealed and the following enacted in its place:

UU. The production in court on behalf of the assessor or any other party to an action or proceeding under this Title, or the production pursuant to a discovery request under the Maine Rules of Civil Procedure or a request under the freedom of access laws, of any reconsideration decision or advisory ruling issued on or after July 1, 2012, in redacted format so as not to reveal information from which the taxpayer may be identified, except that federal returns and federal return information provided to the State by the Internal Revenue Service may not be disclosed except as permitted by federal law. A person requesting the production of any such document shall pay, at the time the request is made, all direct and indirect costs associated with the redacting of information from which the taxpayer or other interested party may be identified, plus an additional fee of \$100 per request;

Sec. A-32. 36 MRSA §191, sub-§2, ¶VV, as amended by PL 2011, c. 644, §6 and repealed by c. 694, §9, is repealed.

Sec. A-33. 36 MRSA §191, sub-§2, ¶WW, as enacted by PL 2011, c. 644, §7, is amended to read:

WW. The disclosure of information to the Department of Inland Fisheries and Wildlife necessary for the administration of the credit for Maine fishery infrastructure investment under section 5216-D; and

Sec. A-34. 36 MRSA §191, sub-§2, ¶WW, as enacted by PL 2011, c. 694, §10, is reallocated to 36 MRSA §191, sub-§2, ¶XX.

XX. The disclosure of information by the assessor to the board and the subsequent inspection and disclosure of that information by the board, except that such disclosure is limited to information that is pertinent to an appeal or other action or proceeding before the board.

Sec. A-35. 36 MRSA §841, sub-§2, as amended by PL 2011, c. 552, §1 and c. 624, §1, is repealed and the following enacted in its place:

2. Hardship or poverty. The municipal officers, or the State Tax Assessor for the unorganized territory, within 3 years from commitment, may, on their own knowledge or on written application, make such abatements as they believe reasonable on the real and personal taxes on the primary residence of any person who, by reason of hardship or poverty, is in their judgment unable to contribute to the public charges. The municipal officers, or the State Tax Assessor for the unorganized territory, may extend the 3-year period within which they may make abatements under this subsection.

Municipal officers or the State Tax Assessor for the unorganized territory shall:

A. Provide that any person indicating an inability to pay all or part of taxes that have been assessed because of hardship or poverty be informed of the right to make application under this subsection;

B. Assist individuals in making application for abatement;

C. Make available application forms for requesting an abatement based on hardship or poverty and provide that those forms contain notice that a written decision will be made within 30 days of the date of application;

D. Provide that persons are given the opportunity to apply for an abatement during normal business hours;

E. Provide that all applications, information submitted in support of the application, files and communications relating to an application for abatement and the determination on the application for abatement are confidential. Hearings and proceedings held pursuant to this subsection must be in executive session;

F. Provide to any person applying for abatement under this subsection, notice in writing of their decision within 30 days of application; and

G. Provide that any decision made under this subsection include the specific reason or reasons for the decision and inform the applicant of the right to appeal and the procedure for requesting an appeal.

For the purpose of this subsection, the municipal officers may set off or otherwise treat as available benefits provided to an applicant under chapter 907 when determining if the applicant is able to contribute to the public charges.

Sec. A-36. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2011, c. 655, Pt. PP, §2 and affected by §4 and amended by c. 684, §1 and affected by §3, is repealed and the following enacted in its place:

B. "Retail sale" does not include:

(1) Any casual sale;

(2) Any sale by a personal representative in the settlement of an estate unless the sale is made through a retailer or the sale is made in the continuation or operation of a business;

(3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented for a period of less than one year. For the purposes of this subparagraph, "automobile" includes a pickup truck or van with a gross vehicle weight of less than 26,000 pounds;

(4) The sale, to a person engaged in the business of renting video media and video equipment, of video media or video equipment for rental;

(5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more;

(6) The sale, to a person engaged in the business of providing cable or satellite television services, of associated equipment for rental or lease to subscribers in conjunction with a sale of extended cable or extended satellite television services;

(7) The sale, to a person engaged in the business of renting furniture or audio media and audio equipment, of furniture, audio media or audio equipment for rental pursuant to a rental-purchase agreement as defined in Title 9-A, section 11-105;

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

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

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

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

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

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

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

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

(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.

Sec. A-37. 36 MRSA §2625, as amended by PL 2011, c. 649, Pt. E, §5, is further amended to read:

§ 2625. Return and payment

Every railroad company incorporated under the laws of this State or doing business in this State shall file with the State Tax Assessor annually, on or before April 15th, a railroad excise tax return, on a form prescribed by the State Tax Assessor. The tax must be paid in equal installments on the next June 15th, September 15th and December 15th. ~~Except as otherwise provided in subsection 1, the~~The Treasurer of State shall deposit all taxes paid under this chapter into the Multimodal Transportation Fund account established under Title 23, section 4210-B.

Sec. A-38. 36 MRSA §5122, sub-§2, ¶II, as amended by PL 2011, c. 548, §24 and affected by §36 and amended by c. 644, §17, is repealed and the following enacted in its place:

II. For taxable years beginning on or after January 1, 2012, 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 2011 or 2012 for which an addition was required under subsection 1, paragraph FF, subparagraph (2) for the taxable year beginning in 2011 or 2012.

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 FF, subparagraph (2) related to property placed in service outside the State and the subtraction modifications allowed pursuant to this paragraph.

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

Sec. A-39. 36 MRSA §5200-A, sub-§2, ¶V, as amended by PL 2011, c. 548, §28 and affected by §36 and amended by c. 644, §24, is repealed and the following enacted in its place:

V. For taxable years beginning on or after January 1, 2012, 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 2011 or 2012 for which an addition was required under subsection 1, paragraph Y, subparagraph (2) for the taxable year beginning in 2011 or 2012.

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 Y, subparagraph (2) related to property placed in service outside the State and the subtraction modifications allowed pursuant to this paragraph.

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

Sec. A-40. 36 MRSA §5219-GG, sub-§1, ¶G, as amended by PL 2011, c. 563, §13, is repealed.

Sec. A-41. 36 MRSA §5219-HH, sub-§1, ¶G, as enacted by PL 2011, c. 548, §33 and affected by §35, is repealed and the following enacted in its place:

G. "Qualified active low-income community business" has the same meaning as in the Code, Section 45D and includes any entity making an investment under this section if, for the most recent calendar year ending prior to the date of the investment:

(1) At least 50% of the total gross income of the entity was derived from the active conduct of business activity of the entity within any municipality where the average annual unemployment rate for that year was higher than the state average unemployment rate;

(2) A substantial portion of the use of the tangible property of the entity was within any location of the State where the average annual unemployment rate for that year was higher than the state average unemployment rate; or

(3) A substantial portion of the services performed by the entity by its employees was performed in a municipality where the average annual unemployment rate for that year was higher than the state average unemployment rate.

Sec. A-42. 36 MRSA §6201, sub-§10, as amended by PL 2011, c. 552, §2, is further amended to read:

10. Property taxes accrued. "Property taxes accrued" means property taxes exclusive of special assessment, delinquent interest and charges for service levied on a claimant's homestead in this State as of April 1, 1972, or any tax year thereafter. If a claimant receives an abatement of property taxes based on ~~infirmity~~hardship or poverty pursuant to section 841, subsection 2 during the year for which relief is requested, "property taxes accrued" means only the portion of property taxes levied that was not abated during the year for which the claimant requests relief. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "property taxes accrued" is that part of property taxes levied on

the homestead that reflects the ownership percentage of the claimant and the claimant's household. If a claimant and spouse own their homestead for part of the year for which relief is requested and rent it or a different homestead for part of the same tax year, "property taxes accrued" means taxes levied on the homestead on April 1st, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead during the year for which relief is requested. When a household owns and occupies 2 or more different homesteads in this State in the same calendar year, property taxes accrued relate only to the total of the property taxes owed for the time that each property was occupied by the household as a homestead. To calculate the amount attributable to each property, the April 1st assessment on each homestead is multiplied by the percentage of 12 months that each property was owned and occupied by the claimant as the claimant's homestead during the year for which relief is requested. If a homestead is an integral part of a larger unit such as a farm, or a multipurpose or multidwelling building, property taxes accrued are that percentage of the total property taxes accrued that the value of the homestead is of the total value, except that property taxes accrued do not include any portion of taxes claimed as a business expense for federal income tax purposes. For purposes of this chapter, "unit" refers to the parcel of property separately assessed of which the homestead is a part.

Sec. A-43. 37-B MRSA §158, as amended by PL 2011, c. 344, §33, 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. ~~Except as provided in subsection 1, the~~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.

PART B

Sec. B-1. 12 MRSA §685-C, sub-§1, ¶B, as repealed by PL 2011, c. 655, Pt. JJ, §6 and affected by §41 and amended by c. 682, §21, is repealed.

Sec. B-2. 12 MRSA §685-C, sub-§1, ¶B-1 is enacted to read:

B-1. After the commission has finalized a plan or a portion of a plan, but prior to adoption, the commission shall provide a copy to the Commissioner of Agriculture, Conservation and Forestry, who shall submit the finalized plan or a portion of the plan to the Governor for comments. The commissioner shall submit the finalized plan or a portion of the plan including the Governor's comments to the Legislature within 30 days after the convening of the next regular session for approval. The Legislature shall, by act or resolve, approve, disapprove or require changes to the plan

or any portion of the plan prior to adjournment. If the plan or a portion of the plan is approved or the Legislature fails to act on the plan or a portion of the plan before adjournment, the plan or a portion of the plan may be finally adopted by the commission. If the plan or a portion of the plan is disapproved or revisions are required, the plan or a portion of the plan must be revised by the commission and resubmitted to the Legislature for approval by act or resolve. The joint standing committee of the Legislature having jurisdiction over conservation matters may submit legislation to implement the provisions of this paragraph.

Sec. B-3. 12 MRSA §685-C, sub-§1, ¶C, as amended by PL 2011, c. 655, Pt. JJ, §7 and affected by §41 and repealed by c. 682, §21, is repealed.

Sec. B-4. 23 MRSA §3360-A, sub-§5-I, ¶A, as enacted by PL 2011, c. 72, §4, is amended to read:

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

(1) "Lawfully expanded after March 1, 2011" means an expansion of a quarry or borrow pit after March 1, 2011:

(a) That requires an authorization, license, permit or variance issued by the Department of Environmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission under Title 12, chapter 206-A and for which a valid authorization, license, permit or variance has been issued; or

(b) That requires a filing of a notice of intent to comply pursuant to Title 38, chapter 3, article 7 or 8-A and a complete filing has been made.

(2) "Lawfully located on March 1, 2011" means that on March 1, 2011 the quarry or borrow pit existed and:

(a) The owner or operator had been issued all authorizations, licenses, permits or variances by the Department of Environmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission under Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

(b) The quarry or borrow pit was in compliance with any applicable requirements of Title 38, chapter 3, article 7 or 8-A or with any applicable land use district standards of the former Maine Land Use Regulation Commission adopted under Title 12, chapter 206-A.

(3) "Lawfully located after March 1, 2011" means that the quarry or borrow pit is established after March 1, 2011 and:

(a) The owner or operator possesses all authorizations, licenses, permits or variances issued by the Department of Environmental Protection pursuant to Title 38, chapter 3, article 6, 7 or 8-A or by the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission under Title 12, chapter 206-A necessary to operate that quarry or borrow pit; and

(b) The quarry or borrow pit is in compliance with the requirements of Title 38, chapter 3, article 7 or 8-A or with applicable land use district standards of the former Maine Land Use Regulation Commission or the Maine Land Use Planning Commission adopted under Title 12, chapter 206-A.

(4) "Quarry" has the same meaning as in Title 38, section 490-W, subsection 17.

Sec. B-5. 38 MRSA §488, sub-§9, as amended by PL 2011, c. 653, §20 and affected by §33 and repealed by c. 682, §31 and affected by §40, is repealed.

PART C

Sec. C-1. 1 MRSA §25, as amended by PL 2011, c. 655, Pt. KK, §1 and affected by §34, is further amended to read:

§ 25. Topographic mapping

The ~~Bureau~~Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources has charge of topographic mapping on behalf of the State. The ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources is authorized and directed to enter into such agreements with the Director of the United States Geological Survey as will ensure the progress of the work in an efficient and economical manner.

Sec. C-2. 5 MRSA §935, sub-§1, ¶D, as amended by PL 2011, c. 655, Pt. KK, §3 and affected by §34, is further amended to read:

D. Director, ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources;

Sec. C-3. 12 MRSA §541-A, as amended by PL 2011, c. 655, Pt. KK, §4 and affected by §34, is further amended to read:

§ 541-A. Division of Geology, Natural Areas and Coastal Resources

The BureauDivision of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The bureaudivision consists of the Maine Geological Survey, referred to in this chapter as the "survey," the Natural Areas Program and the Maine Coastal Program. The executive director of the bureaudivision is the director of the survey.

Sec. C-4. 12 MRSA §549, as amended by PL 2011, c. 655, Pt. KK, §6 and affected by §34 and amended by c. 657, Pt. W, §7, is further amended to read:

§ 549. Jurisdiction

The BureauDivision of Geology, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands have jurisdiction, as set forth in this subchapter, over all state-owned lands for the purpose of mineral development and mining on that land. The BureauDivision of Geology, Natural Areas and Coastal Resources and the agencies having jurisdiction over state-owned lands may make such rules as each considers proper with respect to the authority delegated pursuant to this subchapter.

Sec. C-5. 12 MRSA §549-A, sub-§2, as amended by PL 2011, c. 655, Pt. KK, §7 and affected by §34, is further amended to read:

2. Director of the survey. "Director of the survey" means the Director of the BureauDivision of Geology, Natural Areas and Coastal Resources.

Sec. C-6. 12 MRSA §550-B, sub-§3, ¶A, as amended by PL 2011, c. 655, Pt. KK, §8 and affected by §34, is further amended to read:

A. Within 30 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well drilling company shall submit a report to the BureauDivision of Geology, Natural Areas and Coastal Resources on forms designed and provided by the BureauDivision of Geology, Natural Areas and Coastal Resources. The report must contain information as may be required by the BureauDivision of Geology, Natural Areas and Coastal Resources, including, but not limited to, location, construction and well yield.

Sec. C-7. 12 MRSA §550-B, sub-§6, as amended by PL 2011, c. 655, Pt. KK, §9 and affected by §34, is further amended to read:

6. Information use. Information collected by the BureauDivision of Geology, Natural Areas and Coastal Resources, Maine Geological Survey under this section is subject to Title 1, chapter 13, subchapter 1, unless the well drilling company to whom the information belongs or pertains requests that it be designated as confidential and the bureaudivision has determined it contains proprietary information. For the purposes of this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the person submitting the information and would make available information not otherwise publicly available. The BureauDivision of Geology, Natural Areas and Coastal Resources, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

Sec. C-8. 12 MRSA §1835, sub-§1, ¶A, as amended by PL 2011, c. 655, Pt. KK, §10 and affected by §34, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon nonreserved public land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid into the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources.

Sec. C-9. 12 MRSA §1847, sub-§2, as amended by PL 2011, c. 655, Pt. JJ, §8 and affected by §41 and amended by c. 682, §38, is further amended to read:

2. Management plans. The director shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this subchapter. The plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such a management plan the director, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the director shall consider all criteria listed in section 1858 for the location of public reserved lands in developing the management plan. The director is entitled to the full cooperation of the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, the Department of Inland Fisheries and Wildlife and the Maine Land Use Planning Commission in compiling and maintaining the inventory of the public reserved lands. The director shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. The plan must provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. All management of the public reserved lands, to the extent practicable, must be in accordance with this management plan when prepared.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt a specific action plan for each unit of the public reserved lands system. Each action plan must include consideration of the related systems of silviculture and regeneration of forest resources and must provide for outdoor recreation including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.

Sec. C-10. 12 MRSA §1849, sub-§1, ¶A, as amended by PL 2011, c. 655, Pt. KK, §11 and affected by §34, is further amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon public reserved land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid to the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources.

Sec. C-11. 12 MRSA §5013, sub-§5, as amended by PL 2011, c. 655, Pt. KK, §14 and affected by §34, is further amended to read:

5. Division of Geology, Natural Areas and Coastal Resources. The ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources is under the direction and supervision of a director who is appointed by, and serves at the pleasure of, the commissioner.

Sec. C-12. 12 MRSA §13001, sub-§12, as amended by PL 2011, c. 655, Pt. KK, §16 and affected by §34 and amended by c. 682, §38, is further amended to read:

12. Freshwater marshes and bogs. "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey, or zoned as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use Planning Commission.

Sec. C-13. 22 MRSA §676, sub-§5, as amended by PL 2011, c. 655, Pt. KK, §17 and affected by §34, is further amended to read:

5. Geology. The ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry shall provide technical assistance for waste management.

Sec. C-14. 22 MRSA §679-B, sub-§8, as amended by PL 2011, c. 655, Pt. KK, §18 and affected by §34 and amended by c. 682, §38, is further amended to read:

8. Transfer of funds. Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry and the Maine Land Use Planning Commission.

Sec. C-15. 32 MRSA §4700-G, sub-§2, as amended by PL 2011, c. 655, Pt. KK, §19 and affected by §34, is further amended to read:

2. Membership. The commission consists of the director of the division of environmental health within the Department of Health and Human Services or the director's designee; the Director of the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources within the Department of Agriculture, Conservation and Forestry or the director's designee; the Commissioner of Transportation or the commissioner's designee; and 4 public members, 3 of whom must be well drillers.

Sec. C-16. 32 MRSA §4700-G, sub-§6, as amended by PL 2011, c. 655, Pt. KK, §20 and affected by §34, is further amended to read:

6. Administrative provision. The department shall administer the affairs and activities of the commission, keep all books and records, excluding data reports. All appropriations for use of the commission must be made to the department. The Department of Agriculture, Conservation and Forestry, BureauDivision of Geology, Natural Areas and Coastal Resources shall keep all well data reports and work with the department in the administration of the commission's activities.

Sec. C-17. 33 MRSA §1213, as amended by PL 2011, c. 655, Pt. KK, §21 and affected by §34, is further amended to read:

§ 1213. Water boundaries

For the purposes of this chapter, the Department of Agriculture, Conservation and Forestry, BureauDivision of Geology, Natural Areas and Coastal Resources shall draw the water boundaries of the 8 coastal counties in order to determine in which registry of deeds the island must be registered. These lines must be drawn in accordance with the corporate charters of the counties as amended. In instances in which the charter does not clearly specify the seaward boundaries of the counties, the boundaries must be drawn in accordance with state law and the principles contained in the International Convention for the Contiguous and Territorial Sea in determining seaward boundaries between adjacent nation states.

Sec. C-18. 35-A MRSA §3457, as amended by PL 2011, c. 655, Pt. KK, §23 and affected by §34, is further amended to read:

§ 3457. Rulemaking; scenic viewpoint; scenic inventory

1. Scenic viewpoint. The Department of Agriculture, Conservation and Forestry shall adopt rules to designate scenic viewpoints located on state public reserved land or on a trail that is used exclusively for pedestrian use, such as the Appalachian Trail, that have state or national significance from a scenic perspective based on criteria modeled after those used in the "Maine Rivers Study" published by the former Department of Conservation in 1982 and "Maine Wildlands Lakes Assessment" published by the former Maine Land Use Regulation Commission in June 1987 and consideration of the criteria in section 3452, subsection 3.

2. Scenic inventory. The Department of Agriculture, Conservation and Forestry, BureauDivision of Geology, Natural Areas and Coastal Resources shall adopt rules regarding the methodology for conducting a scenic inventory of scenic resources of state or national significance that are located in the coastal area, as defined by Title 38, section 1802, subsection 1, in a manner comparable to that used for an inventory listed in section 3451, subsection 9, paragraph H, subparagraph (1). The Department of Agriculture, Conservation and Forestry, BureauDivision of Geology, Natural Areas and Coastal Resources may contract with an outside entity for the preparation of a scenic inventory conducted pursuant to the methodology developed pursuant to this subsection.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. C-19. 38 MRSA §361-A, sub-§1-D, as amended by PL 2011, c. 655, Pt. KK, §24 and affected by §34, is further amended to read:

1-D. Aquifer. "Aquifer" means a geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry.

Sec. C-20. 38 MRSA §401, 7th ¶, as amended by PL 2011, c. 655, Pt. KK, §25 and affected by §34, is further amended to read:

It is the intention of the Legislature that the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources provide coordination and develop programs for the collection and analysis of information relating to the nature, extent and quality of aquifers and aquifer recharge areas.

Sec. C-21. 38 MRSA §402, as amended by PL 2011, c. 655, Pt. KK, §26 and affected by §34, is further amended to read:

§ 402. Research

The ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, in cooperation with the Department of Environmental Protection, is authorized to conduct research and studies to determine recharge and cleansing rates of ~~ground-water~~groundwater in different sand and gravel and bedrock formations.

The ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey within the Department of Agriculture, Conservation and Forestry in cooperation with other agencies as appropriate shall conduct a 3-year program to assess the impact of agricultural practices and chemicals on ~~ground-water~~groundwater quality in selected agricultural areas and selected aquifers. The program must evaluate the extent and level of contamination associated with pesticide use, the mechanisms by which pesticides move through the soil and into ~~ground-water~~groundwater supplies, the synergistic effects of these substances and their persistence in ~~ground-water~~groundwater.

The survey shall report annually its progress to the joint standing committee of the Legislature having jurisdiction over natural resources.

Sec. C-22. 38 MRSA §490-OO, sub-§6, ¶A, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

A. At least 60 days prior to submitting an application to the department, the applicant shall notify by certified mail the municipal officers of each municipality in which the mining area or affected area may be located or, in the unorganized territory, the county commissioners for each county in which the mining area or affected area may be located. The applicant at the same time shall provide a copy of the notice to the department and the Director of the ~~Bureau~~Division of Geology ~~and~~, Natural Areas ~~and~~ Coastal Resources within the Department of Agriculture, Conservation and Forestry.

Sec. C-23. 38 MRSA §549, as amended by PL 2011, c. 655, Pt. KK, §29 and affected by §34, is further amended to read:

§ 549. Personnel and equipment

The commissioner shall establish and maintain at such ports within the State, and other places as the commissioner determines, employees and equipment necessary to carry out this subchapter. The commissioner, subject to the Civil Service Law, may employ personnel necessary to carry out the purposes of this subchapter, and shall prescribe the duties of those employees. The salaries of those employees and the cost of that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up Fund established by this subchapter. The commissioner and the Director of the ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources shall periodically consult with each other relative to procedures for the prevention of oil discharges into the coastal waters of the State from offshore drilling production facilities. Inspection and enforcement employees of the department in their line of duty under this subchapter have the powers of a constable.

Sec. C-24. 38 MRSA §1905, sub-§1, as amended by PL 2011, c. 655, Pt. KK, §31 and affected by §34, is further amended to read:

1. Maps; coastal barriers identified. Maine's coastal barriers are identified on maps, available for public review, at the Department of Agriculture, Conservation and Forestry, ~~Bureau~~Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier Resources Systems and are numbered consistent with the United States Coastal Barriers Resource Act.

Sec. C-25. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 12, chapter 201-A, subchapter 1, in the subchapter headnote, the words "bureau of geology, natural areas and coastal resources" are amended to read "division of geology, natural areas and coastal resources" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

PART D

Sec. D-1. 5 MRSA §17851-A, sub-§1, ¶C, as enacted by PL 1997, c. 769, §11, is amended to read:

C. Forest rangers in the employment of the former Department of Conservation on July 1, 1998, or hired thereafter by the former Department of Conservation or the Department of Agriculture, Conservation and Forestry;

Sec. D-2. 5 MRSA §17852, sub-§7-A, as amended by PL 2007, c. 491, §§165 and 166, is further amended to read:

7-A. Forest rangers after August 31, 1984; option. Except as provided in section 17851-A, the retirement benefit of a person qualifying under section 17851, subsection 8-A who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry before May 1, 1996, elects the option provided in section 17851, subsection 8-A and pays to the State Employee and Teacher Retirement Program by single or periodic payment of a lump sum or by a combination of single and periodic payments the amount that equals the full actuarial cost of electing that option for service before that date. A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after May 1, 1996 is made as part of the employee payroll contribution.

For the purpose of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 8-A and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 8-A at any time after the date on which the person is first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry must include interest at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection is effective May 1, 1996. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a forest ranger in the former Department of Conservation or the Department of Agriculture, Conservation and Forestry on or after May 1, 1996 must make the election no later than 90 days after the date of first employment. A person who was first employed in that capacity before May 1, 1996 must make the election no later than January 1, 1997.

Sec. D-3. 7 MRSA §2171, sub-§1-A, as enacted by PL 1999, c. 790, Pt. A, §5 and affected by §6, is amended to read:

1-A. Fees established by rule. ~~No later than December 31, 1999, the~~The Commissioner of Agriculture, ~~Food and Rural Resources~~Conservation and Forestry shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter H-A2-A. ~~Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.~~

Sec. D-4. 10 MRSA §945-B, sub-§1, as amended by PL 2011, c. 655, Pt. EE, §14 and affected by §30, is further amended to read:

1. Members. Members are the private individuals, partnerships, firms, corporations, governmental entities and other organizations who pay dues to the center. For the purposes of this chapter, members may include, but are not limited to, municipal and county government, councils of government, local and area development corporations, regional planning commissions, development districts, state agencies, higher educational facilities, including the components of the University of Maine System, the Maine Maritime Academy, private colleges and postsecondary schools and community colleges, and other public or quasi-public entities. The following ~~87~~ public organizations are granted membership by virtue of the State's contribution to the organization; ~~and~~ are exempt from dues requirements and each is entitled to designate one individual to exercise its voting right: the Department of Agriculture, ~~Food and Rural Resources~~ Conservation and Forestry, the Governor's Office of Policy and Management, the Finance Authority of Maine, the Department of Labor, ~~the Department of Conservation~~, the Department of Marine Resources, the Department of Economic and Community Development and the Department of Transportation.

Sec. D-5. 12 MRSA §402, sub-§9, as enacted by PL 1983, c. 458, §1, is amended to read:

9. Outstanding river stretches. Protect the special resource values of the flowing waters and shorelands of the State's most outstanding river stretches, as identified by the former Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in this chapter.

Sec. D-6. 12 MRSA §1893, as amended by PL 2007, c. 429, §1 and affected by §3, is further amended to read:

§ 1893. Off-road Recreational Vehicle Office

1. Office established. There is established within the ~~bureau~~ division the Off-road Recreational Vehicle ~~Division~~ Office, referred to in this subchapter as the "division office." The division office includes the following.

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The ~~bureau~~ division may charge a reasonable fee for such services and materials when the money credited to it under chapter 937 is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the ~~bureau's~~ division's Snowmobile Trail Fund. The ~~bureau~~ division shall administer the Snowmobile Trail Fund, and the snowmobile program's other activities must be conducted pursuant to subsection 3. The Snowmobile Trail Fund receives funding as provided in chapter 937 and Title 36, section 2903-D, subsection 2.

B. The ~~bureau~~ division shall administer the ATV Recreational Management Fund established under subsection 2 for the purposes given in that subsection and for the acquisition of land to be used for ATV trails. The ~~bureau~~ division may adopt rules in accordance with Title 5, chapter 375, subchapter

2 for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 13001, subsection 4. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section 2903-D, subsection 3.

2. ATV Recreational Management Fund. The ATV Recreational Management Fund, referred to in this subsection as "the fund," is established and administered by the department.

A. The fund may be used to conduct research on issues related to the management of ATVs; assist in the formation of nonprofit ATV groups; make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails, to purchase equipment or to otherwise carry out the purposes of the fund; assist in the design and development of ATV trails; purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; provide protection to landowners against ATV-related suit or liability; or otherwise provide for the wise and orderly management of ATVs.

B. If any money in the fund is not expended during the year in which it is collected, the unexpended balance may not lapse, but must be carried as a continuing account available for the purposes specified until expended.

3. Use of fees. This subsection applies to the use of fees credited to the Snowmobile Trail Fund.

A. The bureaudivision is authorized to use the money credited to the Snowmobile Trail Fund to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails.

(1) For all grants disbursed after July 1, 1984, the bureaudivision shall adopt rules specifying how to apply for the grants, which projects are eligible and the formula for state support.

(2) The bureaudivision may charge a reasonable fee for these services and materials when the money credited to it under this paragraph is insufficient to satisfy the demand for the services and materials. All fees so collected must be deposited in the Snowmobile Trail Fund.

(3) If any of the money is not expended during the year in which the money is collected, the unexpended balance does not lapse, but is carried as a continuing account available for the purposes specified until expended.

B. The bureaudivision is authorized to use money credited to the Snowmobile Trail Fund for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate, grants to snowmobile clubs, municipalities and counties for the acquisition of snowmobile trail

maintenance equipment and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational materials for the use of operators of snowmobiles and for research.

C. The money distributed to municipalities by the ~~bureau~~division under this subsection may be appropriated by the municipalities for any purpose for which they may lawfully appropriate money.

D. By June 30th of each fiscal year, the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption under Title 36, section 1760, subsection 90.

Sec. D-7. 12 MRSA §1893-A, sub-§2, as amended by PL 2003, c. 414, Pt. B, §23 and affected by c. 614, §9, is further amended to read:

2. Development of recreational management areas. An owner or operator of an excavation site proposing to develop a recreational management area and requesting a variance from reclamation standards under Title 38, section 490-E shall request the assistance of the ~~division~~office.

Upon receipt of a request for assistance, the ~~division~~office shall assess the affected land for suitability for an all-terrain vehicle trail system. The ~~division~~office shall advise the landowner of funding, technical assistance and other assistance available through the ATV Recreational Management Fund established in section 1893, subsections 2 and 3. When an initial assessment of the affected land indicates the area is appropriate for an all-terrain vehicle trail system, the ~~division~~office may assist the owner or operator in developing a plan and completing a variance application.

Sec. D-8. 12 MRSA §8867-A, as enacted by PL 1997, c. 720, §2, is amended to read:

§ 8867-A. Rulemaking

~~No later than November 1, 1998, the Commissioner of Conservation shall provisionally adopt rules in accordance with Title 5, chapter 375. The Commissioner of Agriculture, Conservation and Forestry may adopt rules to implement this subchapter. Rules adopted pursuant to this subchapter are major substantive rules as defined in Title 5, chapter 375, subchapter H-A and must be submitted to the Legislature no later than January 1, 1999 for review.~~2-A.

The Commissioner of Agriculture, Conservation and Forestry shall consult with the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to ensure that ~~bureau~~ rules adopted under this subchapter are consistent with wildlife habitat and environmental protection.

Sec. D-9. 12 MRSA §8867-B, as amended by PL 2003, c. 335, §2, is further amended to read:

§ 8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters

In accordance with the purposes of chapter 206-A and Title 38, chapter 3 ~~and no later than October 1, 2003~~, the Commissioner of Agriculture, Conservation and Forestry shall adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity

for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. The initial rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. D-10. 12 MRSA §10157, sub-§1, ¶A, as amended by PL 2011, c. 576, §4, is further amended to read:

A. ~~Four~~Three ex officio members:

(1) The commissioner or the commissioner's designee;

(2) The Commissioner of Environmental Protection or the commissioner's designee; and

(3) The Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee; and

~~(4) The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;~~

Sec. D-11. 14 MRSA §159-C, sub-§2, as enacted by PL 1997, c. 739, §10, is amended to read:

2. Limited liability. A lake association that has obtained a permit from the former Department of Conservation or the Department of Agriculture, Conservation and Forestry to place navigational aid markers in great ponds is not liable for personal injury, property damage or death caused by placement or maintenance of those navigational aid markers ~~provided that~~as long as the lake association has placed or maintained the markers in conformance with the terms and conditions of the permit.

Sec. D-12. 35-A MRSA §3451, sub-§9, ¶E, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

E. A segment of a scenic river or stream identified as having unique or outstanding scenic attributes listed in Appendix G of the "Maine Rivers Study" published by the former Department of Conservation in 1982;

Sec. D-13. 36 MRSA §1120, as enacted by PL 1987, c. 728, §10 and amended by PL 1997, c. 526, §14, is further amended to read:

§ 1120. Program promotion

The Department of Agriculture, ~~Food and Rural Resources~~Conservation and Forestry shall undertake an informational program designed to educate Maine citizens as to the existence of the farm and open space tax laws, which ~~shall~~must include, but not be limited to, informing local farm organizations and associations of tax assessors about the law.

~~By January 1, 1989, the~~The Department of Agriculture, Food and Rural Resources~~Conservation and Forestry~~ and the Bureau of Revenue Services shall produce written materials designed to inform municipal assessors, farmers and Maine citizens about the farm and open space tax program. These materials ~~shall~~must be in a form that is attractive, easily understandable and designed to interest the public in the program. The department and the bureau shall ensure that these written materials are made available and distributed as widely as possible throughout the State.

Sec. D-14. 38 MRSA §435, 2nd ¶, as repealed and replaced by PL 1987, c. 815, §§1 and 11, is amended to read:

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the former Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features.

Sec. D-15. 38 MRSA §446, as corrected by RR 1991, c. 2, §144, is amended to read:

§ 446. Municipal ordinance review and certification

Each municipality with shorelands along significant river segments, as identified in section 437, shall review the adequacy of the zoning on these shorelands to protect the special values cited for these river segments by the former Department of Conservation's 1982 Maine Rivers Study and for consistency with the guidelines established under section 445. Prior to December 15, 1984, each such municipality shall certify to the Board of Environmental Protection either that its existing zoning for these areas is at least as restrictive as the guidelines established under section 445, or that it has amended its zoning for this purpose. This certification must be accompanied by the ordinances and zoning maps covering these areas. Failure to accomplish the purposes of this section results in adoption of suitable ordinances for these municipalities, as provided for in section 438-A.

Sec. D-16. 38 MRSA §490-D, sub-§15, as enacted by PL 2001, c. 466, §10, is amended to read:

15. Recreational management areas. An owner or operator may request a variance to develop a recreational management area on the affected land as an alternative to reclamation in accordance with subsection 14. The department may grant a variance under section 490-E if the Off-road Recreational Vehicle ~~Division~~Office determines the site is suitable under Title 12, section 1893-A.

Sec. D-17. 38 MRSA §991, 3rd ¶, as enacted by PL 1987, c. 470, §2, is amended to read:

The Legislature finds that the St. Croix River was identified as one of the State's most outstanding river stretches in the former Department of Conservation's 1982 Maine Rivers Study and is specifically designated for protection in Title 12, section 405.

Sec. D-18. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 12, chapter 220, subchapter 8, in the subchapter headnote, the words "off-road recreational vehicle division" are amended to read "off-road recreational vehicle office" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

SUMMARY

PART A

Section 1 corrects a conflict created by Public Law 2011, chapters 559 and 622, which affected the same provision of law, by incorporating the changes made by both laws.

Section 2 corrects a clerical error, makes grammatical changes and removes gender-specific language.

Public Law 2011, chapter 342 repealed Title 21-A, section 605 and enacted a new section 605-A. Section 3 corrects a cross-reference to that section and makes a technical correction.

Section 4 corrects a clerical error by replacing the word "though" with the word "through."

Section 5 corrects a conflict created by Public Law 2011, chapters 633 and 655, which affected the same provision of law, by incorporating the changes made by both laws.

Section 6 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 7 corrects a conflict created when Public Law 2007, chapter 557 repealed and replaced and chapter 607 repealed Title 12, section 6728, subsection 3 by repealing and replacing that subsection using the chapter 557 version.

Section 8 corrects a conflict created when Public Law 2007, chapter 557 repealed and replaced Title 12, section 6728, subsection 3 and Public Law 2007, chapter 607 repealed that subsection and enacted a new subsection 3-A with substantially the same language as that in the chapter 557 version of subsection 3 by repealing subsection 3-A.

Section 9 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 10 corrects a conflict created by Public Law 2011, chapters 640 and 680, which affected the same provision of law, by incorporating the changes made by both laws.

Section 11 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 12 corrects a conflict created by Public Law 2011, chapters 679 and 686, which affected the same provision of law, by incorporating the changes made by both laws.

Section 13 corrects a conflict created by Public Law 2011, chapters 679 and 686, which affected the same provision of law, by incorporating the changes made by both laws.

Section 14 corrects a conflict created when Public Law 2011, chapter 213 amended and chapter 424 repealed Title 22, section 335, subsection 1, paragraph E by repealing that paragraph.

Section 15 corrects punctuation and makes a format correction.

Section 16 corrects a conflict created by Public Law 2011, chapters 636 and 648, which affected the same provision of law, by incorporating the changes made by both laws.

Section 17 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 18 corrects a conflict created by Public Law 2011, chapters 633 and 655, which affected the same provision of law, by incorporating the changes made by both laws.

Section 19 corrects a conflict created by Public Law 2011, chapters 633 and 655, which affected the same provision of law, by incorporating the changes made by both laws.

Section 20 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 21 changes the term "firearm" to "handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 22 corrects a conflict created by Public Law 2011, chapters 627 and 655, which affected the same provision of law, by incorporating the changes made by both laws.

Section 23 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 24 corrects a conflict created by Public Law 2011, chapters 298 and 366, which affected the same provision of law, by incorporating the changes made by both laws.

Section 25 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 26 corrects a conflict created by Public Law 2011, chapters 597 and 604, which affected the same provision of law, by incorporating the changes made by both laws.

Section 27 changes the term "concealed firearm" to "concealed handgun" to reflect changes in terminology enacted in Public Law 2011, chapter 298.

Section 28 corrects a conflict created by Public Law 2011, chapters 273 and 413, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 413 version.

Section 29 corrects a conflict created by Public Law 2011, chapters 655 and 682, which affected the same provision of law, by incorporating the changes made by both laws.

Section 30 corrects a conflict created when Public Law 2011, chapter 644 amended and chapter 655 repealed Title 36, section 187-B, subsection 1-A by repealing that subsection.

Section 31 corrects a conflict created by Public Law 2011, chapters 644 and 694, which affected the same provision of law, by incorporating the changes made by both laws.

Section 32 corrects a conflict created when Public Law 2011, chapter 644 amended and chapter 694 repealed Title 36, section 191, subsection 2, paragraph VV by repealing that paragraph.

Sections 33 and 34 correct a numbering problem created by Public Law 2011, chapters 644 and 694, which enacted 2 substantively different provisions with the same paragraph letter, and make a technical change.

Section 35 corrects a conflict created by Public Law 2011, chapters 552 and 624, which affected the same provision of law, by incorporating the changes made by both laws.

Section 36 corrects a numbering problem created by Public Law 2011, chapters 655 and 684, which enacted 2 substantively different provisions with the same subparagraph number, and makes a technical change.

Section 37 removes a cross-reference to a subsection that has been repealed.

Section 38 corrects a conflict created by Public Law 2011, chapters 548 and 644, which affected the same provision of law, by incorporating the changes made by both laws.

Section 39 corrects a conflict created by Public Law 2011, chapters 548 and 644, which affected the same provision of law, by incorporating the changes made by both laws.

Sections 40 and 41 correct an error that was created when Public Law 2011, chapter 563 amended a version of Title 36, section 5219-GG and chapter 548 repealed section 5219-GG to resolve a conflict and enacted the language of the version of section 5219-GG amended in chapter 563 as section 5219-HH. Section A-45 repeals the amendment to section 5219-GG made by chapter 563 and makes that change in section 5219-HH.

Section 42 changes language referring to the grounds for a property tax abatement to reflect a change in the grounds made in Public Law 2011, chapter 624.

Section 43 removes a cross-reference to a subsection that has been repealed.

PART B

Sections 1 and 2 correct a conflict created when Public Law 2011, chapter 682 amended and chapter 655 repealed Title 12, section 685-C, subsection 1, paragraph B by repealing paragraph B and enacting a new paragraph B-1 based on chapter 682.

Section 3 corrects a conflict created when Public Law 2011, chapter 655 amended and chapter 682 repealed Title 12, section 685-C, subsection 1, paragraph C by repealing that paragraph.

Section 4 changes references in Title 23, section 3360-A, subsection 5-I, paragraph A to the Maine Land Use Regulation Commission by referring to it as the former commission and adds references to the new Maine Land Use Planning Commission to implement the intent of Public Law 2011, chapter 682, section 38.

Section 5 corrects a conflict created when Public Law 2011, chapter 653 amended and chapter 682 repealed Title 38, section 488, subsection 9 by repealing that subsection.

PART C

Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture,

Conservation and Forestry. Pursuant to Part W of that public law, the Bureau of Geology and Natural Areas within the former Department of Conservation is renamed the Division of Geology and Natural Areas. In Public Law 2011, chapter 655, Part KK, section 14, the bureau is renamed the Bureau of Geology, Natural Areas and Coastal Resources. This Part corrects that conflict by combining the action of both public laws and renaming the agency the Division of Geology, Natural Areas and Coastal Resources.

Additionally, in section 18 of this Part a reference to the Maine Land Use Regulation Commission is corrected to reflect the changed name of that agency pursuant to Public Law 2011, chapter 682.

This Part also updates references to the former departments and makes corrections in punctuation and usage.

PART D

Public Law 2011, chapter 657, Part V reorganizes the Department of Agriculture, Food and Rural Resources and the Department of Conservation into one department, the Department of Agriculture, Conservation and Forestry. This Part makes changes to reflect that reorganization in sections where various technical corrections were required, as follows.

Sections 1, 2 and 11 add language to allow the law to apply to actions taken by both the former Department of Conservation and the new department.

Sections 3, 8, 9 and 13 remove obsolete language and references to past dates and make technical changes.

Section 4 eliminates reference to one of the departments where both appear and makes a technical change.

Sections 5, 12, 14, 15 and 17 add the word "former" to a reference to a past publication of the Department of Conservation.

Section 10 eliminates reference to one of the commissioners where both appear and makes a technical change.

Sections 6, 7, 16 and 18 implement the reorganization of a bureau within the Department of Conservation to a division within the new department and designate what had been the Off-road Recreational Vehicle Division within that bureau as the Off-road Recreational Vehicle Office.