



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1831

H.P. 1302

House of Representatives, June 3, 2019

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

(EMERGENCY)

Reported by Representative BAILEY of Saco for the Revisor of Statutes pursuant to the
Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint
Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

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

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

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

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

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

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

14 **Sec. 1. 3 MRSA §959, sub-§1, ¶C,** as amended by PL 2013, c. 588, Pt. E, §1 and
15 affected by §2 and amended by PL 2015, c. 429, §23, is further amended to read:

16 C. The joint standing committee of the Legislature having jurisdiction over business,
17 research and economic development matters shall use the following list as a guideline
18 for scheduling reviews:

- 19 (1) Maine Development Foundation in 2021;
- 20 (5) Department of Professional and Financial Regulation, in conjunction with the
21 joint standing committee of the Legislature having jurisdiction over insurance
22 and financial services matters, in 2015;
- 23 (19) Department of Economic and Community Development in 2021;
- 24 (23) Maine State Housing Authority in 2015;
- 25 (32) Finance Authority of Maine in 2017;
- 26 (36) Board of Dental Practice in 2019;
- 27 (37) Board of Osteopathic Licensure in 2019;
- 28 (38) Board of Licensure in Medicine in 2019;
- 29 (41) State Board of Nursing in 2019;
- 30 (42) State Board of Optometry in 2019; and
- 31 (45) State Board of ~~Registration~~ Licensure for Professional Engineers in 2019.

32 **Sec. 2. 4 MRSA §423, first ¶,** as amended by PL 2017, c. 407, Pt. A, §4, is
33 further amended to read:

1 The Judicial Department shall report to the joint standing committee of the
2 Legislature having jurisdiction over judiciary matters by February 15th annually on the
3 establishment and operation of substance ~~abuse~~ use disorder treatment programs in the
4 courts. The report must cover at least the following:

5 **Sec. 3. 5 MRSA §4701, sub-§1, ¶C**, as amended by PL 2017, c. 416, §1, is
6 further amended to read:

7 C. "Human trafficking offense" includes:

8 (1) Aggravated sex trafficking and sex trafficking under Title 17-A, sections 852
9 and 853, respectively, and criminal forced labor and aggravated criminal forced
10 labor under Title 17-A, sections 304 and 305, respectively; and

11 (2) ~~All~~ Except as provided in subparagraph (1), all offenses in Title 17-A,
12 chapters 11, 12 and 13 if accompanied by the destruction, concealment, removal,
13 confiscation or possession of any actual or purported passport or other
14 immigration document or other actual or purported government identification
15 document of the other person or done using any scheme, plan or pattern intended
16 to cause the other person to believe that if that person does not perform certain
17 labor or services, including prostitution, that the person or a 3rd person will be
18 subject to a harm to their health, safety or immigration status.

19 **Sec. 4. 5 MRSA §12004-B, sub-§3**, as enacted by PL 1987, c. 786, §5, is
20 amended to read:

21 **3.**

22 Panel of Mediators	\$100/Day <u>\$300/Period</u>	26 MRSA §892 26
	<u>up to 4 Hours</u>	MRSA §965,
		sub-§2, ¶C

25 **Sec. 5. 5 MRSA §12004-I, sub-§73**, as enacted by PL 1987, c. 786, §5, is
26 repealed.

27 **Sec. 6. 5 MRSA §20054**, as enacted by PL 2017, c. 415, §1, is amended to read:

28 **§20054. Integrated treatment and recovery for families**

29 The department shall develop and fund housing-based programs employing evidence-
30 based strategies in a holistic approach to recovery for vulnerable families affected by
31 substance ~~abuse~~ use disorder. The programs must treat mothers affected by substance
32 ~~abuse~~ use disorder who have at least one child under 10 years of age when entering the
33 program in an integrated family care model. The programs must provide to a mother in
34 the program stable housing and comprehensive services that support recovery and
35 unification with that mother's children. Comprehensive services provided include all of
36 the following: care coordination, health care, child care, early childhood education, home
37 supports, after-school programming, parenting education, treatment for mental health and
38 substance ~~abuse~~ use disorder, postsecondary education, community-based transportation
39 and employment supports. The programs must include coordinated data collection to

1 assess long-term recovery outcomes, transition to employment and independence for
2 mothers participating in the programs.

3 **Sec. 7. 12 MRSA §10265**, as amended by PL 2015, c. 277, §9, is further amended
4 to read:

5 **§10265. Landowner Relations Fund**

6 The Landowner Relations Fund, referred to in this section as "the fund," is
7 established within the department as a nonlapsing fund to be used by the commissioner to
8 fund or assist in funding the landowner relations program established pursuant to section
9 10108, subsection 4-A and the Keep Maine Clean program established in section 10108,
10 subsection 4-B. All funds from fees collected under section 10108, ~~subsection 3 and~~
11 subsection 4-A, paragraph C and money accepted by the commissioner pursuant to
12 section 10108, subsection 4-B must be deposited in the fund. The fund receives any other
13 funds appropriated or allocated to the fund. The commissioner may accept and deposit
14 into the fund monetary gifts, donations or other contributions from public or private
15 sources for the purposes specified in this section. The fund must be held separate and
16 apart from all other money, funds and accounts.

17 **Sec. 8. 12 MRSA §11109, sub-§3, ¶F**, as amended by PL 2017, c. 164, §9, is
18 further amended to read:

19 F. A nonresident junior hunting license, for a person under 16 years of age, is \$35
20 and permits hunting of all legal species, subject to the permit requirements in
21 subchapter 3. Notwithstanding the permit fees established in subchapter 3, a
22 nonresident junior hunting license includes all permits, stamps and other permissions
23 needed to hunt at no additional cost. A license holder under this paragraph who
24 qualifies to hunt during the special season on deer under section 11153 and who
25 meets the eligibility requirements of section 11106 must have included in that
26 ~~persons's~~ person's license one antlerless deer permit and one either-sex permit. A
27 nonresident junior hunting license does not exempt the holder of the license from
28 lottery-related application requirements under this Part.

29 **Sec. 9. 12 MRSA §12152, sub-§3-D, ¶E**, as enacted by PL 2017, c. 205, §18, is
30 amended to read:

31 E. A wildlife rehabilitation permit, which allows the holder to possess debilitated or
32 orphaned wildlife and rehabilitate that wildlife and release it into the wild as soon as
33 the wildlife is rehabilitated or euthanize that wildlife in accordance with humane
34 euthanization procedures if ~~rehabilitation~~ rehabilitation and release are not possible.
35 A wildlife rehabilitation permit is available at no cost and expires 2 years from the
36 date of issuance;

37 **Sec. 10. 21-A MRSA §753-B, sub-§5**, as amended by PL 2017, c. 248, §7 and c.
38 433, §1, is repealed and the following enacted in its place:

39 **5. Alternate method of balloting by residents of certain licensed facilities.** The
40 municipal clerk shall designate one time during the 30-day period prior to an election
41 during which the municipal clerk shall be present in each licensed nursing home subject

1 to the provisions of Title 22, chapter 405; licensed level IV residential care facility
2 subject to the provisions of Title 22, chapter 1664; and licensed assisted living program
3 with more than 6 beds subject to the provisions of Title 22, chapter 1664, in the
4 municipality for the purpose of conducting absentee voting by residents of these facilities.
5 The clerk shall designate which areas in these facilities constitute the voting place, the
6 voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal
7 office that absentee voting will be conducted as prescribed in this subsection. The clerk
8 shall provide a notice to each licensed facility of the date and time when absentee voting
9 will be conducted. The notice must state that the licensed facility is required to notify the
10 contact person or persons, if any, for each resident that absentee voting will be conducted.
11 Each licensed facility must provide notice, which may be in the form of an e-mail or an
12 electronic newsletter, to the contact person or persons, if any, for each resident of the date
13 and time when absentee voting will be conducted at the facility. Sections 681 and 682
14 apply to voting in these facilities within the areas designated by the clerk. As used in this
15 subsection, "level IV residential care facility" means a residential care facility as defined
16 by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6
17 residents.

18 **Sec. 11. 22 MRSA §2423-A, sub-§4**, as amended by PL 2017, c. 452, §4, is
19 further amended to read:

20 **4. Long-term care facility.** A qualifying patient may designate a long-term care
21 facility to assist with the qualifying patient's medical use of marijuana if that use is
22 consistent with the facility's policy and is pursuant to subsection 1, paragraph F-1,
23 subparagraph 2 (2). If a long-term care facility is designated, the facility shall complete
24 the registration process with the department and obtain a registration certificate for the
25 facility. For a long-term care facility to be issued a registration certificate, staff persons
26 of the facility who will be assisting a qualifying patient with the patient's medical use of
27 marijuana in accordance with this chapter must be at least 21 years of age and may not
28 have been convicted of a disqualifying drug offense. The long-term care facility and the
29 staff of the facility may not cultivate marijuana plants for the patient.

30 **Sec. 12. 22 MRSA §2423-D, sub-§3**, as enacted by PL 2017, c. 452, §7, is
31 amended to read:

32 **3. Transfer or furnish.** Transfer or furnish harvested marijuana to another person;
33 or

34 **Sec. 13. 25 MRSA §1542-A, sub-§1, ¶P**, as enacted by PL 2017, c. 452, §25, is
35 reallocated to 25 MRSA §1542-A, sub-§1, ¶S.

36 **Sec. 14. 25 MRSA §1542-A, sub-§1, ¶¶Q and R**, as enacted by PL 2017, c.
37 457, §13, are amended to read:

38 Q. Who is an applicant for licensure with the State Board of Nursing as required
39 under Title 32, section 2111, subsection 1; or

40 R. Who is required to have a criminal background check under Title 22, section
41 8302-A or 8302-B; or

1 **Sec. 15. 25 MRSA §1542-A, sub-§3, ¶O**, as enacted by PL 2017, c. 452, §26, is
2 repealed.

3 **Sec. 16. 25 MRSA §1542-A, sub-§3, ¶R** is enacted to read:

4 R. The State Police shall take or cause to be taken the fingerprints of the person
5 named in subsection 1, paragraph S at the request of that person or the Department of
6 Administrative and Financial Services under Title 22, section 2425-A, subsection
7 3-A.

8 **Sec. 17. 25 MRSA §1542-A, sub-§4**, as amended by PL 2017, c. 452, §27 and c.
9 457, §16, is repealed and the following enacted in its place:

10 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
11 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
12 and G to transmit immediately to the State Bureau of Identification the criminal
13 fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or
14 pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless
15 an express request is made by the commanding officer of the State Bureau of
16 Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be
17 transmitted immediately to the State Bureau of Identification to enable the bureau to
18 conduct state and national criminal history record checks for the Department of
19 Education. The bureau may not use the fingerprints for any purpose other than that
20 provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints,
21 except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken
22 pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted
23 immediately to the State Bureau of Identification to enable the bureau to conduct state
24 and national criminal history record checks for the court and the Department of Public
25 Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection
26 1, paragraph J, K, L or S must be transmitted immediately to the State Bureau of
27 Identification to enable the bureau to conduct state and national criminal history record
28 checks for the Department of Administrative and Financial Services. Fingerprints taken
29 pursuant to subsection 1, paragraph P must be transmitted immediately to the State
30 Bureau of Identification to enable the bureau to conduct state and national criminal
31 history record checks for the Board of Osteopathic Licensure, established in Title 32,
32 chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted
33 immediately to the State Bureau of Identification to enable the bureau to conduct state
34 and national criminal history record checks for the Board of Licensure in Medicine,
35 established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph
36 Q must be transmitted immediately to the State Bureau of Identification to enable the
37 bureau to conduct state and national criminal history record checks for the State Board of
38 Nursing, established in title 32, chapter 31. Fingerprints taken pursuant to subsection 1,
39 paragraph O must be transmitted immediately to the State Bureau of Identification to
40 enable the bureau to conduct state and national criminal history record checks under Title
41 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be
42 transmitted immediately to the State Bureau of Identification to enable the bureau to
43 conduct state and national criminal history record checks for the Department of Health
44 and Human Services.

1 **Sec. 18. 32 MRSA §14043, sub-§1, ¶A**, as reenacted by PL 2017, c. 475, Pt. D,
2 §1, is amended to read:

3 A. Directly or indirectly engaging or ~~to~~ attempting to engage in business as an
4 appraisal management company;

5 **Sec. 19. 32 MRSA §14049-D, sub-§2**, as reenacted by PL 2017, c. 475, Pt. D,
6 §1, is amended to read:

7 **2. Record keeping.** An appraisal management company licensed or applying to be
8 ~~license~~ licensed or to renew a ~~license~~ license in this State shall:

9 A. Certify to the board on a form prescribed by the board that the appraisal
10 management company maintains a detailed record of each service request that the
11 appraisal management company receives for appraisals of real property located in this
12 State; and

13 B. Retain for at least 5 years, or at least 2 years after final disposition of any related
14 judicial proceeding, all business records relating to each request for an appraisal
15 service that the appraisal management company has received and the appraiser who
16 performs the appraisal service for the appraisal management company.

17 An appraisal management company licensed under this chapter shall make all records
18 required to be maintained by the appraisal management company available for inspection
19 by the board upon reasonable notice to the appraisal management company.

20 **Sec. 20. 33 MRSA §1652, sub-§15**, as enacted by PL 1987, c. 734, §2, is
21 amended to read:

22 **15. Transfer.** "Transfer" means a transaction that creates custodial property under
23 section 1660.

24 **Sec. 21. 36 MRSA §384**, as amended by PL 1975, c. 623, §52, is further amended
25 to read:

26 **§384. Investigation of valuation; actions and prosecutions; reassessment orders;
27 appeals**

28 The State Tax Assessor shall, at ~~his~~ the State Tax Assessor's own instance or on
29 complaint ~~made to him from another person~~, diligently investigate all cases of
30 concealment of property from taxation, of undervaluation, of overvaluation, and of failure
31 to assess property liable to taxation. ~~He~~ The State Tax Assessor shall bring to the
32 attention of assessors all such cases in their respective jurisdictions. ~~He~~ The State Tax
33 Assessor shall direct proceedings, actions and prosecutions to be instituted to enforce all
34 laws relating to the assessment and taxation of property and to the liability of individuals,
35 public officers and officers and agents of corporations for failure or negligence to comply
36 with the laws governing the assessment or taxation of property, and the Attorney General
37 and district attorneys, upon the written request of the State Tax Assessor, shall institute
38 such legal proceedings as may be necessary to carry out this Title. The State Tax
39 Assessor ~~shall have power to~~ may order the reassessment of any or all real and personal
40 property, or either, in any jurisdiction where in ~~his~~ the State Tax Assessor's judgment

1 such reassessment is advisable or necessary to the end that all classes of property in such
2 jurisdiction ~~shall be~~ are assessed in compliance with the law. Neglect or failure to
3 comply with such orders on the part of any assessor or other official ~~shall be~~ is deemed
4 willful neglect of duty and ~~he shall be~~ the assessor or other official is subject to the
5 penalties provided by law in such cases. ~~Provided If~~ If a satisfactory reassessment is not
6 made by the assessors, then the State Tax Assessor may employ assistance from within or
7 without the jurisdiction where such reassessment is to be made, and said jurisdiction ~~shall~~
8 bear bears all necessary expense incurred. Any person aggrieved because of such
9 reassessment ~~shall have~~ has the same right of petition and appeal as from the original
10 assessment. The State ~~shall be permitted to~~ may intervene in any action resulting from an
11 order of the State Tax Assessor pursuant to this section.

12 **Sec. 22. 36 MRSA §556** is amended to read:

13 **§556. Landlord and tenant**

14 When a tenant paying rent for real estate is taxed therefor, ~~he~~ the tenant may retain
15 out of ~~his~~ the tenant's rent half of the taxes paid by ~~him~~ the tenant. When a landlord is
16 taxed for such real estate, ~~he~~ the landlord may recover half of the taxes paid by ~~him~~ the
17 landlord and ~~his~~ the landlord's rent in the same action against the tenant, unless there is an
18 agreement to the contrary.

19 **Sec. 23. 36 MRSA §652, sub-§1, ¶C**, as amended by PL 2007, c. 627, §20, is
20 further amended to read:

21 C. Further conditions to the right of exemption under paragraphs A and B are that:

22 (1) Any corporation claiming exemption under paragraph A must be organized
23 and conducted exclusively for benevolent and charitable purposes;

24 (2) A director, trustee, officer or employee of an organization claiming
25 exemption may not receive directly or indirectly any pecuniary profit from the
26 operation of that organization, except as reasonable compensation for services in
27 effecting its purposes or as a proper beneficiary of its strictly benevolent or
28 charitable purposes;

29 (3) All profits derived from the operation of an organization claiming exemption
30 and the proceeds from the sale of its property must be devoted exclusively to the
31 purposes for which it is organized;

32 (4) The institution, organization or corporation claiming exemption under this
33 section must file with the assessors upon their request a report for its preceding
34 fiscal year in such detail as the assessors may reasonably require;

35 (5) An exemption may not be allowed under this section in favor of an
36 agricultural fair association holding pari-mutuel racing meets unless it has
37 qualified the next preceding year as a recipient of a stipend from the Stipend
38 Fund provided in Title 7, section 86;

39 (6) An exemption allowed under paragraph A or B for real or personal property
40 owned and occupied or used to provide federally subsidized residential rental
41 housing is limited as follows: Federally subsidized residential rental housing

1 placed in service prior to September 1, 1993 by other than a nonprofit housing
2 corporation that is acquired on or after September 1, 1993 by a nonprofit housing
3 corporation and the operation of which is not an unrelated trade or business to
4 that nonprofit housing corporation is eligible for an exemption limited to 50% of
5 the municipal assessed value of that property.

6 An exemption granted under this subparagraph must be revoked for any year in
7 which the owner of the property is no longer a nonprofit housing corporation or
8 the operation of the residential rental housing is an unrelated trade or business to
9 that nonprofit housing corporation.

10 (a) For the purposes of this subparagraph, the following terms have the
11 following meanings.

12 (i) "Federally subsidized residential rental housing" means residential
13 rental housing that is subsidized through project-based rental assistance,
14 operating assistance or interest rate subsidies paid or provided by or on
15 behalf of an agency or department of the Federal Government.

16 (ii) "Nonprofit housing corporation" means a nonprofit corporation
17 organized in the State that is exempt from tax under Section 501(c)(3) of
18 the Code and has among its corporate purposes the provision of services
19 to people of low income or the construction, rehabilitation, ownership or
20 operation of housing.

21 (iii) "Residential rental housing" means one or more buildings, together
22 with any facilities functionally related and subordinate to the building or
23 buildings, located on one parcel of land and held in common ownership
24 prior to the conversion to nonprofit status and containing 9 or more
25 similarly constructed residential units offered for rental to the general
26 public for use on other than a transient basis, each of which contains
27 separate and complete facilities for living, sleeping, eating, cooking and
28 sanitation.

29 (iv) "Unrelated trade or business" means any trade or business whose
30 conduct is not substantially related to the exercise or performance by a
31 nonprofit corporation of the purposes or functions constituting the basis
32 for exemption under Section 501(c)(3) of the Code.

33 (b) Eligibility of the following property for exemption is not affected by the
34 provisions of this subparagraph:

35 (i) Property used as a nonprofit nursing home, residential care facility
36 licensed by the Department of Health and Human Services pursuant to
37 Title 22, chapter 1663 or a community living arrangement as defined in
38 Title 30-A, section 4357-A or any property owned by a nonprofit
39 organization licensed or funded by the Department of Health and Human
40 Services to provide services to or for the benefit of persons with mental
41 illness or ~~mental retardation~~ intellectual disabilities;

42 (ii) Property used for student housing;

43 (iii) Property used for parsonages;

1 (iv) Property that was owned and occupied or used to provide residential
2 rental housing that qualified for exemption under paragraph A or B prior
3 to September 1, 1993; or

4 (v) Property exempt from taxation under other provisions of law; and

5 (7) In addition to the requirements of subparagraphs (1) to (4), an exemption is
6 not allowed under paragraph A or B for real or personal property owned and
7 occupied or used to provide residential rental housing that is transferred or placed
8 in service on or after September 1, 1993, unless the property is owned by a
9 nonprofit housing corporation and the operation of the residential rental housing
10 is not an unrelated trade or business to the nonprofit housing corporation.

11 For the purposes of this subparagraph, the following terms have the following
12 meanings.

13 (a) "Nonprofit housing corporation" means a nonprofit corporation
14 organized in the State that is exempt from tax under Section 501(c)(3) of the
15 Code and has among its corporate purposes the provision of services to
16 people of low income or the construction, rehabilitation, ownership or
17 operation of housing.

18 (b) "Residential rental housing" means one or more buildings, together with
19 any facilities functionally related and subordinate to the building or
20 buildings, containing one or more similarly constructed residential units
21 offered for rental to the general public for use on other than a transient basis,
22 each of which contains separate and complete facilities for living, sleeping,
23 eating, cooking and sanitation.

24 (c) "Unrelated trade or business" means any trade or business whose conduct
25 is not substantially related to the exercise or performance by a nonprofit
26 organization of the purposes constituting the basis for exemption under
27 Section 501(c)(3) of the Code.

28 **Sec. 24. 36 MRSA §653, sub-§1, ¶C**, as amended by PL 2015, c. 353, §1, is
29 further amended to read:

30 C. The estates up to the just value of \$6,000, having a taxable situs in the place of
31 residence, of veterans who served in the Armed Forces of the United States:

32 (1) During any federally recognized war period, including the Korean Campaign
33 Conflict, the Vietnam War, the Persian Gulf War, the periods from August 24,
34 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990, Operation
35 Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or who
36 were awarded the Armed Forces Expeditionary Medal, when they have reached
37 the age of 62 years or when they are receiving any form of pension or
38 compensation from the United States Government for total disability, service-
39 connected or nonservice-connected, as a veteran. A veteran of the Vietnam War
40 must have served on active duty after February 27, 1961 and before May 8, 1975.
41 "Persian Gulf War" means service on active duty on or after August 2, 1990 and
42 before or on the date that the United States Government recognizes as the end of
43 that war period; or

1 (2) Who are disabled by injury or disease incurred or aggravated during active
2 military service in the line of duty and are receiving any form of pension or
3 compensation from the United States Government for total, service-connected
4 disability.

5 The exemptions provided in this paragraph apply to the property of that veteran,
6 including property held in joint tenancy with that veteran's spouse or held in a
7 revocable living trust for the benefit of that veteran.

8 **Sec. 25. 36 MRSA §653, sub-§1, ¶D-1**, as amended by PL 2015, c. 353, §2, is
9 further amended to read:

10 D-1. The estates up to the just value of \$50,000, having a taxable situs in the place of
11 residence, for specially adapted housing units, of veterans who served in the Armed
12 Forces of the United States during any federally recognized war period, including the
13 Korean Campaign Conflict, the Vietnam War, the Persian Gulf War, the periods from
14 August 24, 1982 to July 31, 1984 and December 20, 1989 to January 31, 1990,
15 Operation Enduring Freedom, Operation Iraqi Freedom and Operation New Dawn, or
16 who were awarded the Armed Forces Expeditionary Medal, and who are paraplegic
17 veterans within the meaning of 38 United States Code, Chapter 21, Section 2101, and
18 who received a grant from the United States Government for any such housing, or of
19 the unmarried widows or widowers of those veterans. A veteran of the Vietnam
20 War must have served on active duty after February 27, 1961 and before May 8,
21 1975. "Persian Gulf War" means service on active duty on or after August 2, 1990
22 and before or on the date that the United States Government recognizes as the end of
23 that war period. The exemption provided in this paragraph applies to the property of
24 the veteran including property held in joint tenancy with a spouse or held in a
25 revocable living trust for the benefit of that veteran.

26 **Sec. 26. 36 MRSA §942, 4th ¶**, as amended by PL 1979, c. 613, §2, is further
27 amended to read:

28 After the expiration of the 30 days and within 10 days thereafter, the tax collector
29 shall record in the registry of deeds of the county or registry district where the real estate
30 is situated a tax lien certificate signed by the tax collector or bearing ~~his~~ the tax collector's
31 facsimile signature, setting forth the amount of the tax, a description of the real estate on
32 which the tax is assessed and an allegation that a lien is claimed on the real estate to
33 secure the payment of the tax, that a demand for payment of the tax has been made in
34 accordance with this section, and that the tax remains unpaid. When the undivided real
35 estate of a deceased person has been assessed to ~~his~~ the deceased's heirs or devisees
36 without designating any of them by name it will be sufficient to record in said registry a
37 tax lien certificate in the name of the heirs or the devisees of said decedent without
38 designating them by name.

39 **Sec. 27. 36 MRSA §943, 7th ¶** is amended to read:

40 After the expiration of the 18-month period for redemption, the mortgagee of record
41 of said real estate or ~~his~~ the mortgagee's assignee and the owner of record if the said real
42 estate has not been assessed to ~~him~~ the owner or the person claiming under ~~him~~ shall the
43 owner, in the event the notice provided for said mortgagee and said owner has not been

1 given as provided in section 942, ~~have~~ has the right to redeem the ~~said~~ real estate within 3
2 months after receiving actual knowledge of the recording of the tax lien certificate by
3 payment or tender of the amount of the tax lien mortgage, together with interest and
4 costs, and the tax lien mortgage ~~shall~~ must then be discharged by the owner thereof in the
5 manner provided.

6 **Sec. 28. 36 MRSA §1104**, as repealed and replaced by PL 1977, c. 467, Pt. A, §2,
7 is amended to read:

8 **§1104. Administration; rules**

9 The State Tax Assessor shall adopt and amend such rules ~~and regulations~~ as may be
10 reasonable and appropriate to carry out ~~his~~ the State Tax Assessor's responsibilities as
11 provided in this subchapter.

12 **Sec. 29. 36 MRSA §1282, 7th ¶** is amended to read:

13 Each owner may pay for ~~his~~ that owner's proportionate ownership in any tract of land
14 whether in common or not, and upon filing with the State Tax Assessor a certificate
15 containing a suitable description of the property on which ~~he~~ the owner desires to pay the
16 taxes and where the same is located, and paying the amount due, together with interest
17 and costs, ~~shall~~ must receive a certificate from the State Tax Assessor discharging the
18 taxes on the fractional part or ownership upon which such payment is made.

19 **Sec. 30. 36 MRSA §1284**, as amended by PL 1979, c. 666, §32, is further
20 amended to read:

21 **§1284. Action to recover taxes**

22 The State Tax Assessor may bring a civil action in ~~his~~ the State Tax Assessor's own
23 name to enforce the lien on real estate created by section 552, to secure the payment of
24 state taxes assessed under sections 1331 and 1602 upon real estate not liable to be
25 assessed in any town. Such action ~~shall~~ must be begun after the expiration of 8 months
26 and within one year after August 1st following the date such taxes were assessed. The
27 proceedings ~~shall~~ must be in accordance with section 941, except that the preliminary
28 notice and demand for payment of ~~said~~ the tax as provided in ~~said~~ that section ~~shall~~ may
29 not be required.

30 **Sec. 31. 36 MRSA §1503, sub-§4-A**, as enacted by PL 1987, c. 196, §5, is
31 repealed.

32 **Sec. 32. 36 MRSA §1752, sub-§14, ¶B**, as amended by PL 2017, c. 422, §7 and
33 affected by §12 and amended by c. 438, §1 and affected by §2, is repealed and the
34 following enacted in its place:

35 B. "Sale price" does not include:

36 (1) Discounts allowed and taken on sales;

37 (2) Allowances in cash or by credit made upon the return of merchandise
38 pursuant to warranty;

- 1 (3) The price of property returned by customers, when the full price is refunded
2 either in cash or by credit;
- 3 (4) The price received for labor or services used in installing or applying or
4 repairing the property sold, if separately charged or stated;
- 5 (5) Any amount charged or collected, in lieu of a gratuity or tip, as a specifically
6 stated service charge, when that amount is to be disbursed by a hotel, restaurant
7 or other eating establishment to its employees as wages;
- 8 (6) The amount of any tax imposed by the United States on or with respect to
9 retail sales, whether imposed upon the retailer or the consumer, except any
10 manufacturers', importers', alcohol or tobacco excise tax;
- 11 (7) The cost of transportation from the retailer's place of business or other point
12 from which shipment is made directly to the purchaser, provided that those
13 charges are separately stated and the transportation occurs by means of common
14 carrier, contract carrier or the United States mail;
- 15 (8) Any amount charged or collected by a person engaged in the rental of living
16 quarters as a forfeited room deposit or cancellation fee if the prospective
17 occupant of the living quarters cancels the reservation on or before the scheduled
18 date of arrival;
- 19 (9) Any amount charged for the disposal of used tires;
- 20 (10) Any amount charged for a paper or plastic single-use carry-out bag;
- 21 (11) Any charge, deposit, fee or premium imposed by a law of this State;
- 22 (12) Federal universal service support funds that are paid directly to the seller
23 pursuant to 47 Code of Federal Regulations, Part 54; or
- 24 (13) A paint stewardship assessment imposed pursuant to Title 38, section 2144.

25 **Sec. 33. 36 MRSA §1760, sub-§102**, as enacted by PL 2017, c. 445, §1 and
26 affected by §5, is reallocated to 36 MRSA §1760, sub-§103.

27 **Sec. 34. 36 MRSA §2903-D**, as amended by PL 2013, c. 405, Pt. A, §24, is
28 further amended to read:

29 **§2903-D. Distribution of gasoline taxes for nonhighway recreational vehicle**
30 **programs**

31 This section establishes the percentage of gasoline taxes that are attributable to
32 snowmobile, all-terrain vehicle and motorboat gasoline purchases and equitably
33 distributes that percentage among the appropriate state agencies for the administration of
34 programs and the enforcement of laws relating to the use of those recreational vehicles.
35 For the purposes of this section, the term "total gasoline tax revenues" means the total
36 excise tax on internal combustion engine fuel sold or used within the State, but not
37 including internal combustion fuel sold for use in the propulsion of aircraft.

38 **1. Motorboats.** Of total gasoline tax revenues, 1.4437% is distributed among the
39 following agencies in the following manner:

1 A. The Commissioner of Marine Resources receives 24.6% for research,
2 development and propagation activities of the Department of Marine Resources. In
3 expending these funds, it is the responsibility of the Commissioner of Marine
4 Resources to select activities and projects that will be most beneficial to the
5 commercial fisheries of the State as well as the development of sports fisheries
6 activities in the State; and

7 B. The Boating Facilities Fund, established under Title 12, section 1896, within the
8 Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands,
9 receives 75.4% of that amount.

10 **2. Snowmobiles.** Of total gasoline tax revenues, 0.9045% is distributed among the
11 following agencies in the following manner:

12 A. The Commissioner of Inland Fisheries and Wildlife receives 14.93% of that
13 amount, to be used by the commissioner for the purposes set forth in Title 12, section
14 1893, subsection 3, section 10206, subsection 2, section 13104, subsections 2 to 13
15 and section 13105, subsection 1; and

16 B. The Snowmobile Trail Fund of the Department of Agriculture, Conservation and
17 Forestry, Bureau of Parks and Lands, described in Title 12, section 1893, subsection
18 3, receives 85.07% of that amount.

19 **3. All-terrain vehicles.** Of total gasoline tax revenues, 0.1525% is distributed
20 among the following agencies in the following manner:

21 A. The ATV Enforcement Grant and Aid Program established in Title 12, section
22 10322 receives 50% of that amount; and

23 B. The ATV Recreational Management Fund, established in Title 12, section 1893,
24 subsection 2 receives 50% of that amount.

25 ~~The State Tax Assessor shall certify to the State Controller by the 15th day of each month~~
26 ~~the amounts to be distributed and credited under this section as of the close of the State~~
27 ~~Controller's records for the previous month.~~

28 The State Tax Assessor shall certify to the State Controller by the 15th day of each
29 month the amounts to be distributed and credited under this section as of the close of the
30 State Controller's records for the previous month.

31 **Sec. 35. 36 MRSA §5122, sub-§1, ¶LL**, as enacted by PL 2017, c. 474, Pt. C,
32 §2, is amended to read:

33 LL. An amount equal to the net operating loss carry-forward claimed as a deduction
34 under the Code, Section 172 in determining federal taxable income for the taxable
35 year that was previously allowed as a deduction pursuant to subsection 2, paragraph
36 ~~PP~~ QQ.

37 **Sec. 36. 36 MRSA §5122, sub-§2, ¶PP**, as enacted by PL 2017, c. 474, Pt. C,
38 §3, is reallocated to 36 MRSA §5122, sub-§2, ¶~~QQ~~ QQ.

1 Section 2 changes the term "substance abuse disorder" to "substance use disorder" to
2 conform with the usage in Public Law 2017, chapter 407, An Act To Implement the
3 Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding
4 Respectful Language.

5 Section 3 corrects a cross-reference.

6 Section 4 corrects a reference to the rate of compensation for the Panel of Mediators,
7 as increased by Public Law 2013, chapter 553, section 1, and removes an unnecessary
8 cross-reference.

9 Section 5 repeals a provision of law regarding the compensation of members of a
10 committee eliminated by Public Law 1987, chapter 395, Part A, section 174.

11 Section 6 changes the term "substance abuse" in the law regarding integrated
12 treatment and recovery for families to "substance use disorder" to conform with the usage
13 in Public Law 2017, chapter 407, An Act To Implement the Recommendations of the
14 Task Force To Address the Opioid Crisis in the State Regarding Respectful Language.

15 Section 7 corrects a cross-reference.

16 Section 8 corrects a clerical error.

17 Section 9 corrects a clerical error.

18 Section 10 corrects a conflict created by Public Law 2017, chapters 248 and 433,
19 which affected the same provision of law by incorporating the changes made by both
20 laws.

21 Section 11 corrects a clerical error.

22 Section 12 corrects a clerical error.

23 Sections 13 and 14 correct a conflict created by Public Law 2017, chapters 452 and
24 457, which enacted 2 substantively different provisions with the same paragraph letter by
25 reallocating one of the provisions, and make technical changes.

26 Sections 15 and 16 correct a conflict created by Public Law 2017, chapters 452 and
27 457, which enacted 2 substantively different provisions with the same paragraph letter.

28 Section 17 corrects a conflict created by Public Law 2017, chapters 452 and 457,
29 which enacted 2 substantively different provisions with the same subsection number, by
30 incorporating the changes made by both laws and corrects a cross-reference to Title 25,
31 section 1542-A, subsection 1, paragraph P as enacted by Public Law 2017, chapter 452,
32 which is reallocated in this bill to paragraph S.

33 Section 18 corrects a clerical error.

34 Section 19 corrects a clerical error.

35 Section 20 corrects a clerical error.

- 1 Section 21 corrects gender-specific language and makes grammatical changes.
- 2 Section 22 corrects gender-specific language.
- 3 Section 23 corrects outdated terminology.
- 4 Section 24 corrects a reference to the Korean Conflict.
- 5 Section 25 corrects a reference to the Korean Conflict.
- 6 Section 26 corrects gender-specific language.
- 7 Section 27 corrects gender-specific language and makes grammatical changes.
- 8 Section 28 corrects gender-specific language and makes a technical correction.
- 9 Section 29 corrects gender-specific language and makes a grammatical change.
- 10 Section 30 corrects gender-specific language and makes grammatical changes.
- 11 Section 31 repeals the law defining "marina or boat yard" in Title 36, chapter 112,
12 regarding the watercraft excise tax. The term is not used in Title 36.
- 13 Section 32 corrects a conflict created by Public Law 2017, chapters 422 and 438,
14 which enacted 2 substantively different provisions with the same subparagraph number
15 by incorporating the changes made by both laws.
- 16 Section 33 corrects a conflict created by Public Law 2017, chapters 399 and 445,
17 which enacted 2 substantively different provisions with the same subsection number by
18 reallocating one of the provisions.
- 19 Section 34 corrects a clerical error.
- 20 Sections 35 and 36 correct a conflict created by Public Law 2017, chapters 452 and
21 474, which enacted 2 substantively different provisions with the same paragraph letter by
22 reallocating one of the provisions and correct a cross-reference accordingly.
- 23 Section 37 corrects clerical errors.
- 24 Section 38 corrects a conflict created by Public Law 2017, chapters 452 and 474,
25 which enacted 2 substantively different provisions with the same paragraph letter by
26 reallocating one of the provisions.
- 27 Section 39 corrects a cross-reference.
- 28 Section 40 corrects a clerical error.