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 §551, as amended by PL 1973, c. 625, §4, is further amended to read:

§551. Designation of paper

The ~~Daily~~ Kennebec Journal~~, a newspaper printed at Augusta, shall be~~ is the state paper of this State, in which ~~shall~~ must be published all advertisements, notices and orders required by law to be published in the state paper.

Sec. A-2. 10 MRSA §1383, sub-§2, as enacted by PL 1993, c. 263, §1, is amended to read:

2. Exclusion. This chapter does not create a lien on a documented vessel subject to a preferred ship mortgage or other preferred maritime lien pursuant to 46 United States Code, Chapter ~~131~~ 313.

Sec. A-3. 10 MRSA §2630, sub-§7, as enacted by PL 2007, c. 336, §1, is repealed.

Sec. A-4. 10 MRSA §8004-A, as enacted by PL 2001, c. 323, §10 and amended by PL 2011, c. 286, Pt. B, §5, is further amended to read:

§8004-A. Legislative reports

The Director of the Office of Professional and Occupational Regulation shall report annually to the joint standing committee of the Legislature having jurisdiction over professional ~~licensing and registration~~ and occupational regulation on the status of licensing fees and fee caps.

Sec. A-5. 11 MRSA §2-1303, sub-§(2), as amended by PL 1999, c. 699, Pt. B, §12 and affected by §28, is further amended to read:

(2). Except as provided in subsection ~~(3)~~ (4) and section 9-1407, a provision in a lease agreement that: prohibits the voluntary or involuntary transfer, including a transfer by sale, sublease, creation or enforcement of a security interest, or attachment, levy or other judicial process, of an interest of a party under the lease contract or of the lessor's residual interest in the goods; or makes such a transfer an event of default, gives rise to the rights and remedies provided in subsection (5), but a transfer that is prohibited or is an event of default under the lease agreement is otherwise effective.

Sec. A-6. 11 MRSA §2-1303, sub-§(5), as amended by PL 1999, c. 699, Pt. B, §14 and affected by §28, is further amended to read:

(5). Subject to subsection ~~(3)~~ (4) and section 9-1407:

(a). If a transfer is made which is made an event of default under a lease agreement, the party to the lease contract not making the transfer, unless that party waives the default or otherwise agrees, has the rights and remedies described in section 2-1501, subsection (2); and

(b). If paragraph (a) is not applicable and if a transfer is made that is prohibited under a lease agreement or materially impairs the prospect of obtaining return performance by, materially changes the duty of, or materially increases the burden or risk imposed on, the other party to the lease contract, unless the party not making the transfer agrees at any time to the transfer in the lease contract or otherwise, then, except as limited by contract:

(i) The transferor is liable to the party not making the transfer for damages caused by the transfer to the extent that the damages could not reasonably be prevented by the party not making the transfer; and

(ii) A court having jurisdiction may grant other appropriate relief, including cancellation of the lease contract or an injunction against the transfer.

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.

Sec. A-8. 12 MRSA §10902, sub-§6, ¶E, as amended by PL 2011, c. 253, §15 and c. 309, §1, is repealed and the following enacted in its place:

E. Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding the bag limit on bear, in violation of section 11217, 11351 or 12260;

Sec. A-9. 12 MRSA §10902, sub-§9, ¶F, as amended by PL 2005, c. 626, §1, is further amended to read:

F. Operating an ATV on the land of another without permission, as prohibited under section 13157-A, subsection ~~1~~ 1-A.

Sec. A-10. 12 MRSA §11301, sub-§1, as amended by PL 2011, c. 253, §19 and c. 432, §3, is repealed and the following enacted in its place:

1. Bear baiting. A person may not place bait to entice, hunt or trap black bear, unless:

A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle;

B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter;

C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground;

D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee;

E. The bait is placed not more than 30 days before the opening day of the season and not after October 31st;

F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and

G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind.

A person may not use bait to hunt or trap black bear without the oral or written permission of the landowner.

Sec. A-11. 16 MRSA §614, sub-§1, as amended by PL 2011, c. 210, §1 and c. 356, §1, is repealed and the following enacted in its place:

1. Limitation on dissemination of intelligence and investigative information. Reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of a local, county or district criminal justice agency; the Bureau of State Police; the Department of the Attorney General; the Maine Drug Enforcement Agency; the Office of the State Fire Marshal; the Department of Corrections; the criminal law enforcement units of the Department of Marine Resources, the Department of Inland Fisheries and Wildlife or the Department of the Secretary of State, Bureau of Motor Vehicles, office of investigations; the Department of Conservation, Division of Forest Protection when the reports or records pertain to arson; or the Department of Agriculture, Food and Rural Resources when the reports or records pertain to animal cruelty are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

A. Interfere with law enforcement proceedings;

B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;

C. Constitute an unwarranted invasion of personal privacy;

D. Disclose the identity of a confidential source;

E. Disclose confidential information furnished only by the confidential source;

F. Disclose trade secrets or other confidential commercial or financial information designated as such by the owner or source of the information or by the Department of the Attorney General;

G. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public;

H. Endanger the life or physical safety of any individual, including law enforcement personnel;

I. Disclose conduct or statements made or documents submitted by any person in the course of any mediation or arbitration conducted under the auspices of the Department of the Attorney General;

J. Disclose information designated confidential by some other statute; or

K. Identify the source of complaints made to the Department of the Attorney General involving violations of consumer or antitrust laws.

Sec. A-12. 17-A MRSA §2, sub-§10, as repealed and replaced by PL 1977, c. 510, §11, is amended to read:

10. "Dwelling place" means a structure ~~which~~ that is adapted for overnight accommodation of persons, or sections of any structure similarly ~~adapated~~ adapted. A dwelling place does not include garages or other structures, whether adjacent or attached to the dwelling place, ~~which~~ that are used solely for the storage of property or structures formerly used as dwelling places ~~which~~ that are uninhabitable. It is immaterial whether a person is actually present.

Sec. A-13. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 2011, c. 341, §6 and c. 464, §4, is repealed and the following enacted in its place:

A. Any person who the officer has probable cause to believe has committed or is committing:

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;

(5-B) Domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct;

(6) Theft as defined in section 357, when the value of the services is $1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

(12) Harassment, as set forth in section 506-A;

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5;

(14) A violation of a sex offender registration provision under Title 34-A, chapter 15;

(15) A violation of a requirement of administrative release when requested by the attorney for the State;

(16) A violation of a condition of supervised release for sex offenders when requested by a probation officer;

(17) A violation of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State;

(18) A violation of a condition of release as provided in Title 15, section 3203-A, subsection 9;

(19) A violation of a condition of supervised community confinement granted pursuant to Title 34-A, section 3036-A when requested by a probation officer;

(20) A violation of a condition of placement on community reintegration status granted pursuant to Title 34-A, sections 3810 and 4112 when requested by a juvenile community corrections officer;

(21) A violation of a condition of furlough or other rehabilitative program authorized under Title 34-A, section 3035 when requested by a probation officer or juvenile community corrections officer;

(22) A violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State;

(23) Failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A;

(24) A Class D or Class E crime committed while released on preconviction or post-conviction bail; or

(25) A violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A; and

Sec. A-14. 17-A MRSA §253, sub-§2, ¶I, as amended by PL 2011, c. 423, §1 and c. 464, §5, is repealed and the following enacted in its place:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class C crime;

Sec. A-15. 17-A MRSA §255-A, sub-§1, ¶U, as amended by PL 2011, c. 423, §5 and c. 464, §10, is repealed and the following enacted in its place:

U. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

Sec. A-16. 17-A MRSA §255-A, sub-§1, ¶V, as amended by PL 2011, c. 423, §5 and c. 464, §11, is repealed and the following enacted in its place:

V. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. A-17. 17-A MRSA §260, sub-§1, ¶K, as amended by PL 2011, c. 423, §8 and c. 464, §12, is repealed and the following enacted in its place:

K. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

Sec. A-18. 17-A MRSA §1057, sub-§5, as amended by PL 2011, c. 298, §3 and c. 366, §3, is repealed and the following enacted in its place:

5. For purposes of this section, "under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or with an excessive alcohol level" has the same meaning as "under the influence of intoxicants" as defined in Title 29-A, section 2401, subsection 13. "Excessive alcohol level" means an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath. Standards, tests and procedures applicable in determining whether a person is under the influence or has an excessive alcohol level within the meaning of this section are those applicable pursuant to

Title 29-A, sections 2411 and 2431; except that the suspension of a permit to carry concealed handguns issued pursuant to Title 25, chapter 252, or of the authority of a professional investigator licensed to carry a concealed handgun pursuant to Title 32, chapter 89, is as provided in those chapters.

Sec. A-19. 20-A MRSA §1506, sub-§4, as amended by PL 2007, c. 668, §24 and c. 695, Pt. A, §22, is repealed and the following enacted in its place:

4. Debt of original education units. After July 1st of the first operational year of the new unit for each original education unit with existing debt that has reorganized into a new unit, if the new unit has not agreed to assume liability to pay that existing debt, the regional school unit board shall serve as agent for purposes of that existing debt and has full authority to:

A. Sue and be sued in the name of the original education unit with respect to the existing debt;

B. Determine the debt service due each fiscal year on any existing debt;

C. As applicable, allocate to each member of the original education unit the member's share of the annual debt service for the existing debt of the original education unit in addition to each member's share of costs of the new unit;

D. Collect the allocation for debt service on the existing debt from the original education unit or, as applicable, from each member of the original education unit in addition to each member's share of costs of the new unit;

E. Pay the debt service on the existing debt of the original education unit when due; and

F. Take all other actions necessary and proper with respect to the existing debt.

Allocations between members of the original education unit to pay the debt service for the existing debt must be made on the basis of the cost-sharing formula of the original education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the debt service on the existing debt of the original education units must be included in the budget that the regional school unit board of a new unit submits for approval. If the original education unit is divided between different new units that have not agreed to assume liability to pay the existing debt, the commissioner shall require that the reorganization plan of one of those new units provide for that new unit to serve as agent for purposes of the existing debt of the original education unit. That new unit, as agent, has the authority provided by this subsection, except that the new unit shall notify the other new units containing members of the original education unit of the amounts they must assess and collect from their members who were members of the original education unit, and those other new units shall perform the functions in paragraphs C and D with respect to their members, and shall pay the appropriate amounts over to the new unit serving as agent.

Sec. A-20. 21-A MRSA §1059, sub-§2, ¶A, as amended by PL 2011, c. 367, §2 and c. 389, §44, is repealed and the following enacted in its place:

A. All committees shall file quarterly reports:

(1) On January 15th, and the report must be complete as of December 31st;

(2) On April 10th, and the report must be complete as of March 31st;

(3) On July 15th, and the report must be complete as of June 30th; and

(4) On October 5th, and the report must be complete as of September 30th.

Sec. A-21. 22 MRSA §1711-C, sub-§18, as enacted by PL 2011, c. 347, §8 and c. 373, §3, is repealed and the following enacted in its place:

18. Participation in a state-designated statewide health information exchange. The following provisions apply to participation in a state-designated statewide health information exchange.

A. A health care practitioner may not deny a patient health care treatment and a health insurer may not deny a patient a health insurance benefit based solely on the provider's or patient's decision not to participate in a state-designated statewide health information exchange. Except when otherwise required by federal law, a payor of health care benefits may not require participation in a state-designated statewide health information exchange as a condition of participating in the payor's provider network.

B. Recovery for professional negligence is not allowed against any health care practitioner or health care facility on the grounds of a health care practitioner's or a health care facility's nonparticipation in a state-designated statewide health information exchange arising out of or in connection with the provision of or failure to provide health care services. In any civil action for professional negligence or in any proceeding related to such a civil action or in any arbitration, proof of a health care practitioner's, a health care facility's or a patient's participation or nonparticipation in a state-designated statewide health information exchange is inadmissible as evidence of liability or nonliability arising out of or in connection with the provision of or failure to provide health care services. This paragraph does not prohibit recovery or the admission of evidence of reliance on information in a state-designated statewide electronic health information exchange when there was participation by both the patient and the patient's health care practitioner.

C. A state-designated statewide health information exchange to which health care information is disclosed under this section shall provide an individual protection mechanism by which an individual may opt out from participation to prohibit the state-designated statewide health information exchange from disclosing the individual's health care information to a health care practitioner or health care facility.

D. At point of initial contact, a health care practitioner, health care facility or other entity participating in a state-designated statewide health information exchange shall provide to each patient, on a separate form, at minimum:

(1) Information about the state-designated statewide health information exchange, including a description of benefits and risks of participation in the state-designated statewide health information exchange;

(2) A description of how and where to obtain more information about or contact the state-designated statewide health information exchange;

(3) An opportunity for the patient to decline participation in the state-designated statewide health information exchange; and

(4) A declaration that a health care practitioner, health care facility or other entity may not deny a patient health care treatment based solely on the provider's or patient's decision not to participate in a state-designated statewide health information exchange.

The state-designated statewide health information exchange shall develop the form for use under this paragraph, with input from consumers and providers. The form must be approved by the office of the state coordinator for health information technology within the Governor's office of health policy and finance.

E. A health care practitioner, health care facility or other entity participating in a state-designated statewide health information exchange shall communicate to the exchange the decision of each patient who has declined participation and shall do so within a reasonable time frame, but not more than 2 business days following the receipt of a signed form, as described in paragraph D, from the patient, or shall establish a mechanism by which the patient may decline participation in the state-designated statewide health information exchange at no cost to the patient.

F. A state-designated statewide health information exchange shall process the request of a patient who has decided not to participate in the state-designated statewide health information exchange within 2 business days of receiving the patient's decision to decline, unless additional time is needed to verify the identity of the patient. A signed authorization from the patient is required before a patient is newly entered or reentered into the system if the patient chooses to begin participation at a later date.

Except as otherwise required by applicable law, regulation or rule or state or federal contract, or when the state-designated statewide health information exchange is acting as the agent of a health care practitioner, health care facility or other entity, the state-designated statewide health information exchange shall remove health information of individuals who have declined participation in the exchange. In no event may health information retained in the state-designated statewide health information exchange as set forth in this paragraph be made available to health care practitioners, health care facilities or other entities except as otherwise required by applicable law, regulation or rule or state or federal contract, or when the health care practitioner, health care facility or other entity is the originator of the information.

G. A state-designated statewide health information exchange shall establish a secure website accessible to patients. This website must:

(1) Permit a patient to request a report of who has accessed that patient's records and when the access occurred. This report must be delivered to the patient within 2 business days upon verification of the patient's identity by the state-designated statewide health information exchange;

(2) Provide a mechanism for a patient to decline participation in the state-designated statewide health information exchange; and

(3) Provide a mechanism for the patient to consent to participation in the state-designated statewide health information exchange if the patient had previously declined participation.

H. A state-designated statewide health information exchange shall establish for patients an alternate procedure to that provided for in paragraph F that does not require Internet access. A health care practitioner, health care facility or other entity participating in the state-designated statewide health information exchange shall provide information about this alternate procedure to all patients. The information must be included on the form identified in paragraph D.

I. A state-designated statewide health information exchange shall maintain records regarding all disclosures of health care information by and through the state-designated statewide health information exchange, including the requesting party and the dates and times of the requests and disclosures.

J. A state-designated statewide health information exchange may not charge a patient or an authorized representative of a patient any fee for access or communication as provided in this subsection.

K. Notwithstanding any provision of this subsection to the contrary, a health care practitioner, health care facility or other entity shall provide the form and communication required by paragraphs D and F to all existing patients following the effective date of this subsection.

L. A state-designated statewide health information exchange shall meet or exceed all applicable federal laws and regulations pertaining to privacy, security and breach notification regarding personally identifiable protected health information, as defined in 45 Code of Federal Regulations, Part 160. If a breach occurs, the state-designated statewide health information exchange shall arrange with its participants for notification of each individual whose protected health information has been, or is reasonably believed by the exchange to have been, breached. For purposes of this paragraph, "breach" has the same meaning as in 45 Code of Federal Regulations, Part 164, as amended.

M. The state-designated statewide health information exchange shall develop a quality management plan, including auditing mechanisms, in consultation with the office of the state coordinator for health information technology within the department, who shall review the plan and results.

Sec. A-22. 22 MRSA §2425, sub-§5, as amended by PL 2011, c. 383, §2 and c. 407, Pt. B, §24, is repealed and the following enacted in its place:

5. Registry identification card issuance. The department shall issue registry identification cards to registered patients, to registered primary caregivers and to staff of hospice providers and nursing facilities designated by registered patients as primary caregivers within 5 days of approving an application or renewal under this section. Registry identification cards expire one year after the date of issuance except that the date of issuance and expiration date of a registered primary caregiver's registry identification

card must be the same as the issuance and expiration dates on the patient's registry identification card. Registry identification cards must contain:

A. The name of the cardholder;

C. The date of issuance and expiration date of the registry identification card;

D. A random identification number that is unique to the cardholder; and

F. A clear designation showing whether the cardholder is allowed under this chapter to cultivate marijuana.

Sec. A-23. 22 MRSA §2425, sub-§8, ¶G, as amended by PL 2011, c. 383, §3 and c. 407, Pt. B, §27, is repealed and the following enacted in its place:

G. Records maintained by the department pursuant to this chapter that identify applicants for a registry identification card, registered patients, registered primary caregivers and registered patients' physicians are confidential and may not be disclosed except as provided in this subsection and as follows:

(1) To department employees who are responsible for carrying out this chapter;

(2) Pursuant to court order or subpoena issued by a court;

(3) With written permission of the registered patient or the patient's guardian, if the patient is under guardianship, or a parent, if the patient has not attained 18 years of age;

(4) As permitted or required for the disclosure of health care information pursuant to section 1711-C;

(5) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to achieve the limited goals of a specific investigation; and

(6) To a registered patient's treating physician and to a registered patient's primary caregiver for the purpose of carrying out this chapter.

Sec. A-24. 22 MRSA §2499, first ¶, as amended by PL 2011, c. 193, Pt. B, §9 and c. 295, §1, is repealed and the following enacted in its place:

Notwithstanding any other provisions of this chapter, in order to ensure statewide uniformity in health standards, health inspector certification and the maintenance of inspection report records, a municipality must have been delegated authority by the department to conduct inspections and demonstrated adherence to requirements under this section prior to performing any municipal inspections under such authority. A municipality that has not been delegated authority is prohibited from licensing or inspecting establishments. The department may issue a license to an establishment as defined in section 2491 on the basis of an inspection performed by a health inspector who works for and is compensated by the municipality in which such an establishment is located, but only if the following conditions have been met.

Sec. A-25. 24-A MRSA §4317, sub-§6, as enacted by PL 2011, c. 443, §6, is amended to read:

6. Pharmacy benefits manager duties. All contracts must provide that, when the pharmacy benefits manager receives payment for the services of a pharmacist or pharmacy, the pharmacy benefits manager shall distribute the funds in accordance with the time frames provided in ~~Title 22, section 2699-A~~ this subchapter.

Sec. A-26. 25 MRSA §2001-A, sub-§2, as amended by PL 2011, c. 298, §§4 and 5; c. 394, §3; and c. 396, §§1 to 3, is repealed and the following enacted in its place:

2. Exceptions. The provisions of this section concerning the carrying of concealed weapons do not apply to:

A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter;

B. Disabling chemicals as described in Title 17-A, section 1002;

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001;

D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer;

E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle;

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by another state if a permit to carry a concealed handgun issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with any other states that meet the requirements of this paragraph. Reciprocity may be granted to a permit to carry a concealed handgun issued from another state if:

(1) The other state that issued the permit to carry a concealed handgun has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed handgun; and

(2) The other state that issued the permit to carry a concealed handgun observes the same rules of reciprocity regarding a person issued a permit to carry a concealed handgun under this chapter;

G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties;

H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the 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

I. A handgun carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified 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 handgun, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun; 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 handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun.

Sec. A-27. 25 MRSA §2452, first ¶, as amended by PL 2011, c. 349, §1 and c. 398, §1, is repealed and the following enacted in its place:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-28. 26 MRSA §1043, sub-§11, ¶A-1, as amended by PL 1997, c. 293, §2, is further amended to read:

A-1. After December 31, 1971, employment ~~shall include~~ includes:

(1) Notwithstanding paragraph F, except as herein provided, service performed by an individual, prior to January 1, 1978, in the employ of this State or any of its instrumentalities, or in the employ of this State and one or more states or their instrumentalities, for a hospital or institution of higher education located in this State, provided that such service is excluded from employment as defined in the Federal Unemployment Tax Act solely by reason of ~~section~~ Section 3306 (c)(7)

of that Act and service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other ~~States~~ states or political subdivisions; provided that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by ~~section~~ Section 3306 (c)(7) of that Act and is not excluded under paragraph F, subparagraph ~~(21)~~ (17);

(2) Any service performed by an individual as an agent-driver or commission-driver engaged in laundry or dry-cleaning services, or in distributing meat products, vegetable products, fruit products, bakery products, beverages, other than milk, for ~~his~~ that individual's principal; as a traveling or city ~~salesman~~ sales representative, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, ~~his~~ that individual's principal, except for side-line sales activities on behalf of some other person, of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations;

(3) Notwithstanding paragraph F, except as herein provided, service performed in the employ of a religious, charitable, educational or other organization that is excluded from the term employment as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c)(8) of that Act; and the organization had 4 or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time; and such services are not excluded under paragraph F, subparagraph ~~(21)~~ (17), divisions (a) through (i);

(4) The service of an individual who is a citizen of the United States, performed outside the United States, after December 31, 1971, except in Canada, in the employ of an American employer, other than service ~~which~~ that is deemed employment under paragraph A, if:

(a) The employer's principal place of business in the United States is located in this State;

(b) The employer has no place of business in the United States, but the employer is an individual who is a resident of this State; or the employer is a corporation ~~which~~ that is organized under the laws of this State; or the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any other state;

(c) None of the criteria of divisions (a) and (b) is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any ~~State~~ state, the individual has filed a claim for benefits, based on such service, under the law of this State; or

(d) An American employer, for purposes of this subparagraph, means a person who is an individual who is a resident of the United States; or a

partnership if 2/3 or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state.

Sec. A-29. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 2011, c. 66, §1 and c. 70, §1, is repealed and the following enacted in its place:

F. The term "employment" does not include:

(1) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions, except as provided by this subsection;

(2) Service performed in the employ of the United States Government or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this chapter, except that on and after January 1, 1940 to the extent that the Congress of the United States has permitted states to require any instrumentalities of the United States to make payments into an unemployment compensation fund under a state unemployment compensation or employment security law, all of the provisions of this chapter are applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this State is not certified for any year by the Secretary of Labor under the federal Internal Revenue Code, Section 3304, the payments required of such instrumentalities with respect to that year must be refunded by the commissioner from the fund in the same manner and within the same period as is provided in section 1225, subsection 5, with respect to contributions erroneously collected;

(3) Service with respect to which unemployment compensation is payable under an unemployment compensation system or employment security system established by an Act of Congress. The commissioner is authorized and directed to enter into agreements with the proper agencies under such an Act of Congress, which agreements become effective 10 days after publication thereof in the manner provided in section 1082, subsection 2, for regulations, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such an Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such an Act of Congress, acquired rights to benefits under this chapter;

(4) Agricultural labor as defined in subsection 1, except as provided in paragraph A-2;

(5) Service performed by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to the United States Immigration and Nationality Act, Sections 214(c) and 101(a) (15) (H);

(6) Domestic service in a private home, except as provided in paragraph A-3;

(7) Service performed by an individual in the employ of that individual's son, daughter or spouse and service performed by a child under 18 years of age in the

employ of that child's father or mother, except for periods of such service for which unemployment insurance contributions are paid;

(8) Service performed by a student attending an elementary, secondary or postsecondary school while participating in a cooperative program of education and occupational training or on-the-job training that is part of the school curriculum;

(9) Service performed with respect to which unemployment compensation is payable under the federal Railroad Unemployment Insurance Act, 52 Stat. 1094 (1938);

(10) Service performed in the employ of any other state or any political subdivision thereof or any instrumentality of any one or more of the foregoing that is wholly owned by one or more states or political subdivisions and any services performed in the employ of any instrumentality of one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such a service, immune under the Constitution of the United States from the tax imposed by Section 3301 of the federal Internal Revenue Code, except as provided in paragraph A-1, subparagraph (1);

(11) Service performed in any calendar quarter in the employ of any organization exempt from income tax under the federal Internal Revenue Code, Section 501(a) other than an organization described in the federal Internal Revenue Code, Section 401(a), or under Section 521, if the remuneration for such service is less than $150;

(12) Service performed in the employ of a foreign government, including service as a consular or other officer or employee or a nondiplomatic representative;

(13) Service performed in the employ of an instrumentality wholly owned by a foreign government:

(a) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or an instrumentality thereof; and

(b) If the commissioner finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(14) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law and service performed as an intern in the employ of a hospital by an individual who has completed a 4-year course in a medical school chartered or approved pursuant to state law;

(15) Service performed by an individual for a person as a real estate broker, a real estate sales representative, an insurance agent or an insurance solicitor, if all

such service performed by that individual for that person is performed for remuneration solely by way of commission;

(16) Service performed by an individual under 18 years of age in the delivery or distribution of newspapers or shopping news, except delivery or distribution to any point for subsequent delivery or distribution;

(17) Service performed in the employ of any organization that is excluded from the term "employment" as defined in the Federal Unemployment Tax Act solely by reason of 26 United States Code, Section 3306(c)(7) or (8) if:

(a) Service is performed in the employ of a church or convention or association of churches or an organization that is operated primarily for religious purposes and that is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(b) Service is performed by a duly ordained, commissioned or licensed minister of a church in the exercise of that minister's ministry or by a member of a religious order in the exercise of duties required by that order;

(c) Prior to January 1, 1978, service is performed in the employ of a school primarily operated as an elementary, secondary or preparatory school for higher education that is not an institution of higher education;

(d) Service is performed in a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury or providing remunerative work for individuals who, because of their impaired physical or mental capacity, cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work;

(e) Service is performed as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof by an individual receiving that work relief or work training;

(f) Service is performed in the employ of a hospital, as defined in subsection 26, by a patient of that hospital;

(g) Service is performed prior to January 1, 1978 for a hospital in a state prison or other state correctional institution by an inmate of that prison or correctional institution and after December 31, 1977 by an inmate of a custodial or penal institution;

(h) Service is performed in the employ of a school, college or university if that service is performed by a student who is enrolled and is regularly attending classes at such a school, college or university; or

(i) Prior to January 1, 1978, service is performed in the employ of a school that is not an institution of higher education and after December 31, 1977, service is performed in the employ of a governmental entity referred to in paragraph A-1, subparagraph (1) if that service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body or a member of the judiciary of a state or political subdivision of a state;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(v) In a position that, under or pursuant to the laws of this State, is designated as a major nontenured policy-making or advisory position or a policy-making or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

(vi) As an election official or election worker if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than $1,000;

(18) Service performed under a booth rental agreement or other rental agreement by:

(a) A hairdresser who holds a booth license and operates within another hairdressing establishment; or

(b) A tattoo artist if the service performed by the tattoo artist is not subject to federal unemployment tax;

(19) Service performed by a barber who holds a booth license and operates within another barbering establishment if operated under a booth rental agreement or other rental agreement;

(20) Service performed by a contract interviewer engaged in marketing research or public opinion interviewing when such interviewing is conducted in the field or over the telephone on premises not used or controlled by the person for whom such contract services are being provided;

(21) After December 31, 1981, service performed by an individual on a boat engaged in catching fish or other forms of aquatic animal life, unless those services would be included in the definition of "employment" for federal unemployment tax purposes under the Federal Unemployment Tax Act, 26 United States Code, Section 3306(c), as amended. Also included in this exemption are services performed in harvesting shellfish for depuration from designated areas as authorized by Title 12, section 6856;

(22) Service performed by a member or leader of a musical group, band or orchestra or an entertainer when the services are performed under terms of a contract entered into by the leader or an agent of the musical group, band, orchestra or entertainer with an employing unit for whom the services are being performed, if the leader or agent is not an employer by reason of subsection 9 or of section 1222, subsection 3;

(23) Service performed in the delivery or distribution of newspapers or magazines to the ultimate consumer by an individual who is compensated by

receiving or retaining a commission or profit on the sale of the newspaper or magazine;

(24) Service performed by a homeworker in the knitted outerwear industry as those terms are defined, on September 19, 1985, in 29 Code of Federal Regulations, Part 530, Section 530.1;

(25) Service performed by a full-time student, as defined in subsection 30, in the employ of a youth camp licensed under Title 22, section 2495 if the full-time student performed services in the employ of the camp for less than 13 calendar weeks in the calendar year and the camp:

(a) Did not operate for more than 7 months in the calendar year and did not operate for more than 7 months in the preceding calendar year; or

(b) Had average gross receipts for any 6 months in the preceding calendar year that were not more than 33 1/3% of its average gross receipts for the other 6 months in the preceding calendar year;

(26) Service performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax;

(27) Service performed by a person licensed as a guide as required by Title 12, section 12853, as long as that employment is not subject to federal unemployment tax;

(28) Service performed by a direct seller as defined in 26 United States Code, Section 3508(b)(2). This subparagraph does not include a person selling major improvements or renovations to the structure of a home, business or property;

(29) Service performed by lessees of taxicabs, as long as that employment is not subject to federal unemployment tax. This subparagraph may not be construed to affect a determination regarding a lessee's status as an independent contractor for workers' compensation purposes;

(30) Service provided by a dance instructor to students of a dance studio when there is a contract between the instructor and the studio under which the instructor's services are not offered exclusively to the studio, the studio does not control the scheduling of the days and times of classes other than beginning and end dates, the instructor is paid by the class and not on an hourly or salary basis, the compensation rate is the result of negotiation between the instructor and the studio and the instructor is given the freedom to develop the curriculum;

(31) Service performed by participants enrolled in programs or projects under the national service laws including the federal National and Community Service Act of 1990, as amended, 42 United States Code, Section 12501 et seq. and the federal Domestic Volunteer Service Act, as amended, 42 United States Code, Section 4950 et seq.;

(32) Service of an author in furnishing text or other material to a publisher who:

(a) Does not control the author's work except to propose topics or to edit material submitted;

(b) Does not restrict the author from publishing elsewhere;

(c) Furnishes neither a place of employment nor equipment for the author's use;

(d) Does not direct or control the time devoted to the work; and

(e) Pays only for material that is accepted for publication.

This exception does not apply if the employment is subject to federal unemployment tax;

(33) Service provided by an owner-operator of a truck or truck tractor while it is leased to a motor carrier, as defined in 49 Code of Federal Regulations, Section 390.5 (2000), as long as that employment is not subject to federal unemployment tax; and

(34) Service performed by a professional investigator, as defined in Title 32, section 8103, subsection 5, as long as that employment is not subject to federal unemployment tax and the following requirements are met:

(a) There is a written contract between the professional investigator and the party requesting services;

(b) The professional investigator offering the services operates independently of the party requesting services, except for the time frame and quality of finished work as specified in the contract;

(c) Compensation for services is negotiated between the 2 parties and is paid for each service performed; and

(d) The party requesting services furnishes neither equipment nor the place of employment to the professional investigator.

Sec. A-30. 26 MRSA §1043, sub-§19, ¶C, as amended by PL 1987, c. 338, §1, is further amended to read:

C. With respect to weeks of unemployment beginning on or after January 1, 1978, wages for insured work ~~shall include~~ includes wages paid for previously uncovered services. For the purposes of this paragraph, the term "previously uncovered services" means services:

(1) ~~Which~~ That were not employment as defined in subsection 11, and were not services covered pursuant to section 1222, at any time during the one-year period ending December 31, 1975; and

(2) ~~Which~~ That:

(a) Are agricultural labor, as defined in subsection 11, paragraph A-2 or domestic service as defined in subsection 11, paragraph A-3~~,~~; or

(b) Are services performed by an employee of this State or a political subdivision thereof, or any of their instrumentalities as provided in subsection 11, paragraph A-1, subparagraph (1), or by an employee of a nonprofit educational institution ~~which~~ that is not an institution of higher

education, as provided in subsection 11, paragraph F, subparagraph ~~(21)~~ (17), division (i);

except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services;

Sec. A-31. 26 MRSA §1221-B, sub-§1, ¶B, as enacted by PL 2001, c. 381, §1, is amended to read:

B. "Employment" includes service performed in the employ of an Indian tribe, as defined in the Federal Unemployment Tax Act, 26 United States Code, Chapter 23, Section 3306(u), 2000, referred to in this section as "FUTA," as long as that service is excluded from the definition of employment as defined in 26 United States Code, Section 3306(c) solely by reason of 26 United States Code, Section 3306(c)(7) and is not otherwise excluded from the definition of employment under this chapter. For purposes of this paragraph, the exclusions from employment in section 1043, subsection 11, paragraph F, subparagraph ~~(21)~~ (17), division (i), subdivisions (i), (ii), (iii), (iv) and (v) are applicable to services performed in the employ of an Indian tribe.

Sec. A-32. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2009, c. 317, Pt. F, §1 and c. 421, §4, is repealed and the following enacted in its place:

B. "Authorized emergency vehicle" means any one of the following vehicles:

(1) An ambulance;

(2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;

(3) A Bureau of Marine Patrol vehicle operated by a coastal warden;

(4) A Department of Conservation vehicle operated by a forest ranger;

(5) A Department of Conservation vehicle used for forest fire control;

(6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee;

(7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;

(8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire investigator or a Maine Drug Enforcement Agency officer;

(9) An emergency medical service vehicle;

(10) A fire department vehicle;

(11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;

(12) A railroad police vehicle;

(13) A sheriff's department vehicle;

(14) A State Police or municipal police department vehicle;

(15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;

(16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;

(17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;

(18) A Federal Government vehicle operated by a federal law enforcement officer;

(19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;

(20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;

(21) A Department of the Secretary of State vehicle operated by a motor vehicle investigator; and

(22) A University of Maine System vehicle operated by a University of Maine System police officer.

Sec. A-33. 30-A MRSA §5223, sub-§3, ¶D, as amended by PL 2011, c. 101, §8 and c. 287, §1, is repealed and the following enacted in its place:

D. The aggregate value of municipal and plantation general obligation indebtedness financed by the proceeds from tax increment financing districts within any county may not exceed $50,000,000 adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City Average from January 1, 1996 to the date of calculation.

(1) The commissioner may adopt rules necessary to allocate or apportion the designation of captured assessed value of property within proposed tax increment financing districts to permit compliance with the condition in this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

(2) The acquisition, construction and installment of all real and personal property improvements, buildings, structures, fixtures and equipment included within the development program and financed through municipal or plantation bonded indebtedness must be completed within 8 years of the commissioner's approval of the designation of the tax increment financing district.

Sec. A-34. 30-A MRSA §5225, sub-§1, ¶C, as amended by PL 2011, c. 101, §14 and c. 102, §1, is repealed and the following enacted in its place:

C. Costs related to economic development, environmental improvements, recreational trails or employment training within the municipality or plantation, including, but not limited to:

(1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;

(2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;

(3) Funding to establish permanent economic development revolving loan funds or investment funds;

(4) Costs of services to provide skills development and training for residents of the municipality or plantation. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program;

(5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care;

(6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses; and

(7) Costs associated with a new or expanded transit service, limited to:

(a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and

(b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; and

Sec. A-35. 31 MRSA §1677, sub-§2, as amended by PL 2011, c. 113, Pt. B, §16, is further amended to read:

2. Party to action. If a petitioner under subsection 1 is not the limited liability company or foreign limited liability company to whom the record pertains, the petitioner shall make the ~~domestic~~ limited liability company or foreign limited liability company a party to the action. A person aggrieved under subsection 1 may seek the remedies provided in subsection 1 in a separate action against the person required to sign the record or as a part of any other action concerning the limited liability company in which the person required to sign the record is made a party.

Sec. A-36. 32 MRSA §1102-A, as amended by PL 2011, c. 272, §§1 to 3 and repealed by c. 286, Pt. F, §5, is repealed.

Sec. A-37. 32 MRSA §1201-A, sub-§§10 and 11, as enacted by PL 2011, c. 286, Pt. F, §12, are amended to read:

10. Pump installers. A person licensed under chapter 69-C, except that this exception applies only to disconnection and connection of electrical conductors required in the replacement of water pumps of the same or smaller size in residential properties and the installation of new water pumps and associated equipment of 3 horsepower or smaller; ~~or~~

11. Wastewater treatment plants. Wastewater treatment plants, as defined in section 4171, and regular employees of wastewater treatment plants making electrical installations in or about wastewater treatment plants~~.~~; or

Sec. A-38. 32 MRSA §1201-A, sub-§12 is enacted to read:

12. Incidental work. Regular employees of an owner or a lessee of real property doing incidental electrical work on that property or incidental electrical work by a person whose occupation involves miscellaneous jobs of manual labor. For purposes of this subsection, "incidental electrical work" means minor electrical work, limited to light fixtures and switches, that occurs by chance and that does not require electrical installation calculations.

Sec. A-39. 32 MRSA §8113, sub-§8, as amended by PL 2011, c. 366, §44, is further amended to read:

8. Representations that licensee is sworn peace officer. Representation by the licensee that suggests, or that would reasonably cause another person to believe, that the licensee is a sworn peace officer of this State, any political subdivision of this State, any other state or the Federal Government; ~~or~~

Sec. A-40. 32 MRSA §8113, sub-§9, as enacted by PL 2011, c. 161, §3, is amended to read:

9. Unpermitted contact with a child. Contact or communication with a child who has not attained 14 years of age regarding a private investigation if that contact or communication includes conduct with the intent to harass, torment, intimidate or threaten a child~~.~~;

Sec. A-41. 33 MRSA §507, as reallocated by RR 2005, c. 1, §16, is amended to read:

§507. Disclosure regarding private mortgage insurance

With respect to a mortgage loan on residential real property for which the processor or underwriter of that loan also engages in the business of private mortgage insurance, a supervised lender, as defined in Title 9-A, section 1-301, subsection 39, or a ~~credit services organization~~ loan broker, as defined in Title 9-A, section 10-102, shall disclose

to the loan applicant at the time of application the fact that the processor or underwriter is also in the business of private mortgage insurance. Failure to provide the disclosure required by this section does not annul, alter or affect the validity or enforceability of the mortgage loan.

Sec. A-42. 34-B MRSA §1207, sub-§1, ¶F, as amended by PL 2011, c. 420, Pt. C, §6, is further amended to read:

F. Nothing in this subsection precludes the disclosure or use of any information, including recorded or transcribed diagnostic and therapeutic interviews, concerning any client in connection with any educational or training program established between a public hospital and any college, university, hospital, psychiatric or counseling clinic or school of nursing, ~~provided that~~ as long as, in the disclosure or use of the information as part of a course of instruction or training program, the client's identity remains undisclosed; ~~and~~

Sec. A-43. 34-B MRSA §1207, sub-§1, ¶G, as amended by PL 2011, c. 347, §9 and repealed by c. 420, Pt. C, §7, is repealed.

Sec. A-44. 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-45. 36 MRSA §151, as amended by PL 2011, c. 380, Pt. J, §5 and repealed and replaced by c. 439, §2 and affected by §12, is repealed and the following enacted in its place:

§151. Review of decisions of State Tax Assessor

1. Petition for reconsideration. A person who is subject to an assessment by the State Tax Assessor or entitled by law to receive notice of a determination of the assessor and who is aggrieved as a result of that action may request in writing, within 60 days after receipt of notice of the assessment or the determination, reconsideration by the assessor of the assessment or the determination. If a person receives notice of an assessment and does not file a petition for reconsideration within the specified time period, a review is not available in Superior Court regardless of whether the taxpayer subsequently makes payment and requests a refund.

2. Reconsideration by division. If a petition for reconsideration is filed within the specified time period, the assessor shall reconsider the assessment or the determination as provided in this subsection.

A. Upon receipt by the assessor, all petitions for reconsideration must be forwarded for review and response to the division in the bureau from which the determination issued.

B. Within 90 days of receipt of the petition for reconsideration by the responding division, the division shall approve or deny, in whole or in part, the relief requested. Prior to rendering its decision and during the 90 days, the division may attempt to resolve issues with the petitioner through informal discussion and settlement negotiations with the objective of narrowing the issues for an appeals conference or court review, and may concede or settle individual issues based on the facts and the law, including the hazards of litigation. By mutual consent of the division and the petitioner, the 90 days may be extended for good cause, such as to allow further factual investigation or litigation of an issue by that or another taxpayer pending in court.

C. If the matter between the division and the petitioner is not resolved within the 90-day period, and any extension thereof, the matter must be forwarded to the appeals office.

D. A reconsideration by the division is not an adjudicatory proceeding within the meaning of that term in the Maine Administrative Procedure Act.

Sec. A-46. Effective date. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 151 takes effect July 1, 2012.

Sec. A-47. 36 MRSA §191, sub-§2, ¶SS, as enacted by PL 2011, c. 380, Pt. Q, §4 and affected by §7, is amended to read:

SS. The disclosure of information to the Finance Authority of Maine necessary for the administration of the new markets capital investment credit in sections ~~2531~~ 2533 and ~~5219-GG~~ 5219-HH and to the Commissioner of Administrative and Financial Services as necessary for the execution of the memorandum of agreement pursuant to section ~~5219-GG~~ 5219-HH, subsection 3~~.~~;

Sec. A-48. 36 MRSA §191, sub-§2, ¶TT, as reallocated by RR 2011, c. 1, §50, is amended to read:

TT. The disclosure to tax officials of other states, and to clearinghouses and other administrative entities acting on behalf of participating states, of information necessary for the administration of a multistate agreement entered into pursuant to section 2532~~.~~;

Sec. A-49. 36 MRSA §2531, as enacted by PL 2011, c. 331, §14 and affected by §§16 and 17 and enacted by c. 380, Pt. Q, §5 and affected by §7 and enacted by c. 453, §4, is repealed and the following enacted in its place:

§2531. Taxation of nonadmitted insurance coverage

1. Generally. All gross direct insurance premiums and annuity considerations paid to insurers that do not have certificates of authority to do business in this State issued by the Superintendent of Insurance pursuant to Title 24-A are subject to taxation in

accordance with this section if this State is the insured's home state, as defined in the federal Nonadmitted and Reinsurance Reform Act of 2010, Public Law 111-203, Section 527. This section does not apply to reinsurance premiums paid by an authorized domestic insurer.

2. Rate and incidence of tax. Except as otherwise provided in section 2519 or 2532, the rate of taxation is 3% of the premiums subject to tax under this section. For all coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the insured.

3. Returns. Except as otherwise provided in accordance with a multistate agreement entered into pursuant to section 2532, every producer holding surplus lines authority in this State shall file a return and pay the tax due in accordance with section 2521-A and every insured subject to tax in accordance with this section shall file a return and pay the tax due subject to the same requirements as provided in section 2521-A. An insurance agency may elect to collect and pay the tax on surplus lines premiums on behalf of all of its employees who are surplus lines producers and file a single return.

Sec. A-50. 36 MRSA §§2533 and 2534 are enacted to read:

§2533. New markets capital investment credit

A taxpayer subject to tax under this chapter that holds a qualified equity investment certified by the Finance Authority of Maine pursuant to Title 10, section 1100-Z, subsection 3, paragraph G is allowed a credit equal to the amount determined in accordance with section 5219-HH against the tax otherwise due under this chapter. The provisions in section 5219-HH govern the allowance of the credit and limitations on the credit amount, refundability, carry-over and recapture.

§2534. Credit for rehabilitation of historic properties

A taxpayer is allowed a credit against the tax otherwise due under this chapter as determined under section 5219-BB.

Sec. A-51. Application. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 2531 applies retroactively to taxes on all premiums received on or after July 1, 2011. That section of this Part that enacts Title 36, section 2533 applies to tax years beginning on or after January 1, 2012. That section of this Part that enacts Title 36, section 2534 applies retroactively to September 28, 2011.

Sec. A-52. 36 MRSA §5219-BB, sub-§4, as amended by PL 2011, c. 453, §9, is further amended to read:

4. Maximum credit. The credit allowed pursuant to this section and section ~~2531~~ 2534 may not exceed $5,000,000 for each certified rehabilitation project under Section 47 of the Code placed into service in the State during the taxable year for which a credit is claimed under this section.

Sec. A-53. 36 MRSA §5219-GG, as enacted by PL 2011, c. 380, Pt. O, §17 and affected by §18 and enacted by Pt. Q, §6 and affected by §7, is repealed and the following enacted in its place:

§5219-GG. Maine capital investment credit

1. Credit allowed. A taxpayer that claims a depreciation deduction under the Code, Section 168(k) for property placed in service in the State during the taxable year beginning in 2011 or 2012 is allowed a credit against the taxes imposed by this Part in an amount equal to 10% of the amount claimed for the taxable year under the Code, Section 168(k) with respect to such property, except for excluded property under subsection 2.

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

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

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

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

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

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

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

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

4. Recapture. The credit allowed under this section is subject to recapture to the extent claimed by the taxpayer if the property forming the basis of the credit is not used in the State for the entire 12-month period following the date it is placed in service in the State. If any portion of the credit is recaptured pursuant to this subsection, the income modifications under section 5122, subsection 1, paragraph FF, section 5122, subsection 2, paragraph II, section 5200-A, subsection 1, paragraph Y and section 5200-A, subsection 2, paragraph V must be amended for the tax year during which the failure occurs to reflect the recapture of the credit and the recaptured credit amount must be added to the tax due on the amended return.

Sec. A-54. 36 MRSA §5219-HH is enacted to read:

§5219-HH. New markets capital investment credit

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

A. "Applicable percentage" means 0% for each of the first 2 credit allowance dates, 7% for the 3rd credit allowance date and 8% for the next 4 credit allowance dates.

B. "Authority" means the Finance Authority of Maine.

C. "Commissioner" means the Commissioner of Administrative and Financial Services.

D. "Credit allowance date" means, with respect to any qualified equity investment, the date on which the investment is initially made and each of the 6 anniversary dates of the date thereafter.

E. "Long-term debt security" means any debt instrument issued by a qualified community development entity, at par value or a premium, with an original maturity date of at least 7 years from the date of its issuance, with no acceleration of repayment, amortization or prepayment features prior to its original maturity date. The qualified community development entity that issues the debt instrument may not make cash interest payments on the debt instrument during the period commencing with its issuance and ending on its final credit allowance date in excess of the cumulative operating income, as defined in the regulations adopted pursuant to the Code, Section 45D, of the qualified community development entity for the same period prior to giving effect to interest expense on such debt instrument. This paragraph does not limit the holder's ability to accelerate payments on the debt instrument in situations when the qualified community development entity has defaulted on covenants designed to ensure compliance with this section; section 191, subsection 2, paragraph SS; section 2533; and Title 10, section 1100-Z or the Code, Section 45D.

F. "Purchase price" means the amount of the investment in the qualified community development entity for the qualified equity investment.

G. "Qualified active low-income community business" has the same meaning as in the Code, Section 45D.

H. "Qualified community development entity" has the same meaning as in the Code, Section 45D, except that the entity must have entered into or be controlled by or under common control of an entity that has entered into an allocation agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury with respect to credits authorized by the Code, Section 45D.

I. "Qualified equity investment" means any equity investment in, or long-term debt security issued by, a qualified community development entity that:

(1) Has at least 85% of its cash purchase price used by the issuer to make qualified low-income community investments in qualified active low-income community businesses located in the State by the 2nd anniversary of the initial credit allowance date;

(2) Is acquired after December 31, 2011 at its original issuance solely in exchange for cash; and

(3) Is designated by the issuer as a qualified equity investment and is certified by the authority pursuant to Title 10, section 1100-Z, subsection 3, paragraph G. "Qualified equity investment" includes any qualified equity investment that does not meet the provisions of Title 10, section 1100-Z, subsection 3, paragraph G if the investment was a qualified equity investment in the hands of a prior holder. The qualified community development entity shall keep sufficiently detailed books and records with respect to the investments made with the proceeds of the qualified equity investments to allow the direct tracing of the proceeds into qualified low-income community investments in qualified active low-income community businesses in the State.

J. "Qualified low-income community investment" means any capital or equity investment in, or loan to, any qualified active low-income community business made after June 20, 2011. With respect to any one qualified active low-income community business, the maximum amount of qualified low-income community investments that may be made in the business, on a collective basis with all of its affiliates, with the proceeds of qualified equity investments that have been certified under Title 10, section 1100-Z, subsection 3, paragraph G is $10,000,000 whether made by one or several qualified community development entities.

2. Credit allowed. A person that holds a qualified equity investment certified by the authority pursuant to Title 10, section 1100-Z, subsection 3, paragraph G on a credit allowance date that falls within the taxable year is allowed a credit equal to the applicable percentage that applies to the credit allowance date multiplied by the purchase price paid for the qualified equity investment. Notwithstanding any other provision of law, other than the recapture provisions of subsection 7, the person, and any subsequent person, that is the holder of the credit certificate issued by the authority for a qualified equity investment is entitled, in the aggregate, to the entire 39% credit amount computed with respect to the 7 credit allowance dates. In no event may the credit amount in the aggregate exceed 39% for any single qualified equity investment certified by the authority.

3. Memorandum of agreement. Upon receipt of the authority's written notice of the certification of a qualified equity investment's tax credit eligibility, the commissioner shall enter into an agreement on behalf of the State with the person eligible to claim the credit pursuant to Title 10, section 1100-Z, subsection 3, paragraph G. That agreement must provide that the State shall, with the exception of recapture pursuant to subsection 7, allow the tax credit as provided for in subsection 2 and recognize that the person named as eligible for tax credit pursuant to Title 10, section 1100-Z, subsection 3, paragraph G is entitled to claim the tax credits and the respective tax credit amounts in the aggregate, to the entire 39% credit amount computed with respect to the 7 credit allowance dates.

4. Carry-over to succeeding year. Any unused portion of the credit may be carried over to the following taxable year or years, except that the carry-over period for unused credit amounts may not exceed 20 years.

5. Pass-through entity; allocation of the credit. Credits allowed pursuant to this section to a partnership, limited liability company, S corporation or other similar pass-through entity must be allocated to the partners, members, shareholders or other owners

in accordance with section 5219-G or pursuant to an executed agreement among the partners, members or shareholders or other owners documenting an alternate allocation method.

6. Credit refundable. The credit allowed under this section is fully refundable.

7. Recapture of credits. The assessor may recapture all of the credit allowed under this section if:

A. Any amount of federal tax credits available with respect to a qualified equity investment that is eligible for a tax credit under this section is recaptured under the Code, Section 45D. In such case, the recapture must be proportionate to the federal recapture with respect to the qualified equity investment;

B. The qualified community development entity redeems or makes a principal repayment with respect to the qualified equity investment that generated the tax credit prior to the final credit allowance date of the qualified equity investment. In such case, the recapture must be proportionate to the amount of the redemption or repayment with respect to the qualified equity investment; or

C. The qualified community development entity fails to invest at least 85% of the purchase price of the qualified equity investment in qualified low-income community investments in qualified active low-income community businesses located in the State within 24 months of the issuance of the qualified equity investment and maintain this level of investment in qualified low-income community investments in qualified active low-income community businesses located in the State until the last credit allowance date for the qualified equity investment. For purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment is considered held by the qualified community development entity even if the investment has been sold or repaid as long as the qualified community development entity reinvests an amount equal to the capital returned to or recovered from the original investment, exclusive of any profits realized, in another qualified active low-income community business in this State within 12 months of the receipt of the capital. A qualified community development entity may not be required to reinvest capital returned from qualified low-income community investments after the 6th anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment is considered to be held by the issuer through the qualified equity investment's final credit allowance date.

The assessor shall provide written notice to the qualified community development entity of any proposed recapture of tax credits pursuant to this subsection. The qualified community development entity must be provided 90 days to cure any deficiency indicated in the authority's original recapture notice and avoid such recapture. If the entity fails or is unable to cure the deficiency within the 90-day period, the assessor shall provide the qualified community development entity and the person from whom the credit is to be recaptured with a final order of recapture. Any amount of tax credits for which a final recapture order has been issued must be recaptured from the person that actually claimed the tax credit.

Sec. A-55. Application. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 36, section 5219-GG applies retroactively to tax years beginning on or after January 1, 2011. That section of this Part that enacts Title 36, section 5219-HH applies to tax years beginning on or after January 1, 2012.

Sec. A-56. 38 MRSA §410-M, last ¶, as enacted by PL 1997, c. 643, Pt. YY, §1, is amended to read:

In establishing priorities for activities within the Lakes Assessment and Protection Program, the commissioner shall consider ~~the recommendations of the Great Pond Task Force developed pursuant to section 1842-A and~~ the watershed priorities established by the Land and Water Resources Council pursuant to Title 5, section 3331.

Sec. A-57. 38 MRSA §568-B, sub-§2, ¶E, as amended by PL 2011, c. 211, §23 and affected by §27 and amended by c. 243, §3, is repealed and the following enacted in its place:

E. To, at such times and in such amounts as it determines necessary, and in consultation with the Finance Authority of Maine, direct the transfer of funds from the Underground Oil Storage Replacement Fund to the Ground Water Oil Clean-up Fund; and

Sec. A-58. Effective date. That section of this Part that repeals and replaces the Maine Revised Statutes, Title 38, section 568-B, subsection 2, paragraph E takes effect December 31, 2012.

Sec. A-59. 38 MRSA §570-H, as amended by PL 2011, c. 211, §24 and repealed by c. 243, §4, is repealed.

Sec. A-60. PL 2011, c. 270, §3 is amended to read:

Sec. 3. Department of Health and Human Services payment reform demonstration project authorized. Beginning July 1, 2012 and until June 30, 2016, the Department of Health and Human Services may establish a demonstration project to implement payment reform strategies to achieve cost savings within the MaineCare program. The demonstration project must be consistent with the principles for payment reform adopted by the Advisory Council on Health Systems Development in the Maine Revised Statutes, Title 2, former section 104~~, subsection 11~~. The demonstration project must also include measurable goals consistent with those principles and include methods for monitoring and reporting. The department may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

PART B

Sec. B-1. 3 MRSA §342, last ¶ is amended to read:

All facilities so provided ~~shall~~ must be properly maintained by the Bureau of ~~Public Improvements~~ General Services.

Sec. B-2. 3 MRSA §901-A, sub-§2, ¶C, as enacted by PL 1989, c. 410, §9, is amended to read:

C. The Director of the Bureau of ~~Public Improvements~~ General Services;

Sec. B-3. 3 MRSA §902-A, sub-§2, as amended by PL 2001, c. 468, §2, is further amended to read:

2. Immediate grounds. The immediate grounds, including Capitol Park, the area bounded on the east by the Kennebec River, on the north by Capitol Street, on the south by Union Street and on the west by State Street, except that the private office of the Governor, at the Governor's discretion, ~~shall be~~ is exempt from this chapter.

A. To ensure that the portion of Capitol Park that is controlled by the City of Augusta remains integrated with the portion of Capitol Park that is controlled by the State, the commission may, in consultation with the City of Augusta, plan for the preservation and development of a unified park area.

B. Any action taken with respect to Capitol Park must be consistent with the plan for Capitol Park developed by the Olmsted Brothers firm in 1920 as revised by the Pressley firm in 1990.

The Bureau of ~~Public Improvements shall~~ General Services may make no architectural, aesthetic or decorative addition, deletion or change to any external or internal part of the State House or its immediate grounds under the jurisdiction of the Legislative Council unless the council has approved the change in writing in conformance with the plan adopted by the council. The Governor ~~shall~~ must be notified before the council votes on any change. The commission may make recommendations to the council in regard to any proposed architectural, aesthetic or decorative addition, deletion or change to the internal or external part of the State House.

Sec. B-4. 4 MRSA §162, as amended by PL 2009, c. 415, Pt. B, §1, is further amended to read:

§162. Place for holding court; suitable quarters

In each division, the place for holding court must be located in a state, county or municipal building designated by the Chief Judge~~,~~ who, with the advice and approval of the Bureau of ~~Public Improvements~~ General Services, is empowered to negotiate on behalf of the State~~,~~ the leases, contracts and other arrangements the Chief Judge considers necessary, within the limits of the budget and the funds available, to provide suitable quarters, adequately furnished and equipped for the District Court in each division.

The facilities of the Superior Court in each county when that court is not in session must be available for use by the District Court of that division in which such facilities are located. Arrangements for such use must be made by the Chief Judge.

If the Chief Judge is unable to negotiate the leases, contracts and other arrangements as provided in ~~the preceding paragraph~~ this section, the Chief Judge may, with the advice and approval of the Bureau of ~~Public Improvements~~ General Services, negotiate on behalf of the State, the leases, contracts and other arrangements the Chief Judge considers

necessary, within the limits of the budget and funds available, to provide suitable quarters, adequately furnished and equipped for the District Court in privately owned buildings.

Sec. B-5. 5 MRSA §7-A, sub-§1, ¶D, as enacted by PL 1989, c. 501, Pt. P, §6, is amended to read:

D. A vehicle may be temporarily garaged off state grounds when certified by the Bureau of ~~Public Improvements~~ General Services that there is no space available on state grounds or certified by the Department of Public Safety that the space available does not provide adequate protection for the vehicle; or

Sec. B-6. 5 MRSA §304, as amended by PL 1975, c. 647, §5, is further amended to read:

§304. Approval of construction projects

~~No~~ A construction ~~projects shall~~ project may not be initiated in the Capitol Area for the development of state buildings and grounds following the adoption of the plan or amendments and additions thereto by the Legislature without the approval of the Legislative Council, the Bureau of ~~Public Improvements~~ General Services and the commission of the proposals and plans for ~~such projects~~ the project.

Sec. B-7. 5 MRSA §1507, sub-§3, as repealed and replaced by PL 1975, c. 771, §67, is amended to read:

3. Purchase of real estate. The Governor may allocate funds from such account to provide funds in accordance with Title 1, section 814. Allocations may be made from this fund by the Governor only upon the written request of the Director of the Bureau of ~~Public Improvements~~ General Services and upon consultation with the State Budget Officer.

Sec. B-8. 5 MRSA §1665, sub-§5, as enacted by PL 1991, c. 376, §20 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

5. Maine Community College System; public improvements budgetary estimate. In accordance with Title 20-A, section 12706, subsection 4-A, the Board of Trustees of the Maine Community College System shall submit a prioritized public improvements budget estimate to the State Budget Officer in the manner prescribed in subsection 1. This budgetary estimate must be separate from any prioritized public improvements budget developed by the Bureau of ~~Public Improvements~~ General Services for the departments and agencies of State Government. This estimate must be prepared by project title in descending order of priority including for each project the total amount of the request, the accumulative total request and the type of capital improvement.

Sec. B-9. 5 MRSA §1742-C, sub-§1, as enacted by PL 1989, c. 483, Pt. A, §16, is amended to read:

1. University of Maine System. Notwithstanding section 1742, the Bureau of ~~Public Improvements~~ General Services is not required to provide services to the University of Maine System.

Sec. B-10. 5 MRSA §1742-C, sub-§3, as enacted by PL 1991, c. 376, §22 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

3. Public improvements budget submission; Maine Community College System. In accordance with section 1665, subsection 5 and Title 20-A, section 12706, subsection 4-A, the Bureau of ~~Public Improvements~~ General Services shall advise and assist the Maine Community College System in developing a prioritized public improvements budget for the system. This budget must be presented to the Governor and the Legislature as separate from the public improvements budget developed by the Bureau of ~~Public Improvements~~ General Services for the departments and agencies of State Government.

Sec. B-11. 5 MRSA §1743-A, first ¶, as amended by PL 2011, c. 352, §1, is further amended to read:

Any contract for the construction, major alteration or repair of school buildings involving a total cost in excess of $250,000, except contracts for professional, architectural and engineering services and contracts for energy conservation services in accordance with Title 20-A, section 15915, must be awarded by competitive bids. The school district directors, school committee, building committee or whatever agency has responsibility for the construction, major alteration or repair shall, after consultation with the Director of the Bureau of ~~Public Improvements~~ General Services, seek sealed proposals. Sealed proposals must be addressed to the responsible agency and must remain sealed until publicly opened in the presence of the responsible agency or a committee ~~thereof~~ of the responsible agency at such time as the responsible agency may direct. Competitive bids may be waived in individual cases involving unusual circumstances with the written approval of the Director of the Bureau of ~~Public Improvements~~ General Services and the Commissioner of Education.

Sec. B-12. 5 MRSA §1745, as amended by PL 1989, c. 483, Pt. A, §18, is further amended to read:

§1745. Advertisement for sealed proposals; bonds

The trustees, commissioners or other persons in charge of any public improvement in an amount in excess of $100,000, which is subject to chapters 141 to 155 shall, after consultation with the Director of the Bureau of ~~Public Improvements~~ General Services, advertise for sealed proposals not less than 2 weeks in such papers as the Governor may direct. The last advertisement ~~shall~~ must be at least one week before the time named ~~therein~~ in the advertisement for the closing of such bids. Sealed proposals for any public improvements ~~shall~~ must be addressed to the trustees, commissioners or such other persons having the construction in charge and ~~shall~~ remain sealed until opened at the time and place stated in the advertisement or as the Governor may direct.

If a public improvement has been properly advertised in accordance with this chapter, and no proposals have been received from a qualified person who has been bonded in accordance with the requirements of Title 14, section 871, the Director of the Bureau of ~~Public Improvements~~ General Services is authorized to accept proposals from persons that are not bonded in accordance with the requirements of Title 14, section 871. The Director of the Bureau of ~~Public Improvements~~ General Services is authorized to set reasonable standards to ensure the interest of the State in the consideration of persons mentioned in this paragraph.

Sec. B-13. 5 MRSA §1746, last ¶, as enacted by PL 1989, c. 483, Pt. A, §19, is amended to read:

The Director of the Bureau of ~~Public Improvements~~ General Services may approve contracts with a provision for daily financial incentive for projects completed before the scheduled date when it can be demonstrated that the early completion will result in a financial savings to the owner or to the State. The financial incentive may not be greater than the projected daily rate of savings to the owner or the State.

Sec. B-14. 5 MRSA §1752, as enacted by PL 1989, c. 501, Pt. P, §15, is amended to read:

§1752. Centrally leased space and food vending

The Bureau of ~~Public Improvements~~ General Services may establish a dedicated revenue account for the management of space leased by the bureau for state offices and facilities. Charges levied to state agencies for centrally leased space ~~shall~~ must be deposited to the dedicated revenue account. A dedicated revenue account may be established for operations related to food vending services.

Sec. B-15. 5 MRSA §1762-A, first and last ¶¶, as enacted by PL 1991, c. 246, §1, are amended to read:

After January 1, 1992, unless otherwise required by law, or for reasons of health or safety, the Bureau of ~~Public Improvements~~ General Services and the following departments and agencies may not purchase or install any faucet, shower head, toilet or urinal that is not a low-flow faucet, a low-flow shower head, a water-saving toilet or a water-saving urinal:

By January 1, 1992, the Bureau of ~~Public Improvements~~ General Services shall adopt rules defining a "low-flow faucet," a "low-flow shower head," a "water-saving toilet" and a "water-saving urinal" that minimize water use to the maximum extent economically and technologically feasible.

Sec. B-16. 5 MRSA §1766, first and 4th ¶¶, as enacted by PL 1983, c. 803, are amended to read:

For the purposes of the installation, development or operation of any energy production improvement at or in connection with a state facility, and ~~not withstanding~~ notwithstanding any other provision of law, any department or agency of the State,

subject to approval of the Bureau of ~~Public Improvements~~ General Services, may enter into an agreement with a private party under which the private party may, for consideration, lease or otherwise acquire property interest, exclusive of ownership in fee, in land, buildings or other existing heating facilities and right of access thereto; ~~provided that~~ as long as any improvement to the land, buildings or other existing heating facility installed, erected, owned, developed or operated by the private party utilizes biomass, solid waste or some combination of biomass and solid waste for at least 50% of its total energy input. The duration of the agreement ~~shall~~ may not exceed 20 years.

Any department or agency of the State, subject to approval by the Bureau of ~~Public Improvements~~ General Services, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

Sec. B-17. 5 MRSA §1768, as enacted by PL 1991, c. 246, §2 and c. 481, §1 and corrected by RR 1991, c. 1, §6, is amended to read:

§1768. Shared savings program; state agencies

The Bureau of ~~Public Improvements~~ General Services shall develop an energy efficiency incentive program in which an eligible department or agency of the State may retain a portion of any first-year energy cost savings demonstrably attributable to energy efficiency improvements undertaken by that department or agency. A condition of the program is that the portion of energy cost savings not retained by the department or agency must be credited to the General Fund. The bureau shall submit the proposed program to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 1, 1992.

Sec. B-18. 5 MRSA §1769, sub-§2, ¶C, as enacted by PL 1991, c. 481, §1, is amended to read:

C. The Director of the Bureau of ~~Public Improvements~~ General Services ensures that consideration is given to minimizing glare and light trespass.

Sec. B-19. 5 MRSA §1769, sub-§3, ¶B, as enacted by PL 1991, c. 481, §1, is amended to read:

B. The Director of the Bureau of ~~Public Improvements~~ General Services determines that there is a compelling safety interest that can not be addressed by any other method.

Sec. B-20. 5 MRSA §13090-F, sub-§1, as amended by PL 2009, c. 211, Pt. B, §2, is further amended to read:

1. Maine Tourism Commission. The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism to achieve its purpose under section 13090-C. The commission consists of 25 voting members appointed by the Governor as follows:

A. Three members representing the outdoor sporting interests of the State, including:

(1) One member representing a statewide organization of hunters, anglers and trappers;

(2) One member representing the interests of large landowners; and

(3) One member representing a statewide organization of licensed Maine guides;

B. Eight public members who represent their respective regions and have experience in the field or have demonstrated concern for the travel industry;

C. Thirteen members of major tourism trade associations, including:

(1) At least one member representing a statewide organization of hotels, motels and inns;

(2) At least one member representing a statewide organization of restaurants;

(3) At least one member representing a statewide organization of campground owners;

(4) At least one member representing the retail sector in the State;

(5) At least one member representing the motorcoach industry;

(6) At least one member representing the air transportation industry;

(7) At least one member representing arts and cultural organizations; and

(8) At least one member representing a statewide organization of youth camps; and

D. One member representing a statewide organization of agricultural producers.

The terms of the voting members are for 4 years each. The Governor shall fill a vacancy in the membership for any unexpired term. The commissioners, directors or designees of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; and the Bureau of ~~Public Improvements~~ General Services. The Canadian Affairs Coordinator shall also serve as an ex officio, nonvoting member of the commission. A chair and vice-chair of the commission must be elected annually from the appointed membership.

Sec. B-21. 20 MRSA §3458, 2nd ¶, as amended by PL 1973, c. 625, §104, is further amended to read:

Any eligible administrative unit qualifying for school construction aid under section 3457 which, after April 27, 1967, has authorized a school construction project and the financing ~~thereof~~ of the school construction project may apply to the State Board of Education for such aid. ~~Such~~ The application ~~shall~~ must be accompanied by an attested copy of the vote or resolution authorizing ~~such~~ the project and financing and by such additional information, drawings, preliminary plans and estimates of cost as the state

board may require. ~~Such~~ The drawings, plans and specifications ~~shall~~ must bear the approval of the Bureau of ~~Public Improvements~~ General Services.

Sec. B-22. 20 MRSA §3460, 7th ¶ is amended to read:

Upon completion of the project and the submission to the commissioner of a full report of the major capital outlay expenditures on the project, together with proof that the project was completed in accordance with plans approved by the commissioner and the Bureau of ~~Public Improvements~~ General Services, and upon issuance by the Bureau of ~~Public Improvements~~ General Services of its certificate of acceptance of the completed project, the eligible unit ~~shall~~ must be paid the difference between the total amount of aid finally determined to be due under the project and the accumulated amount of all prior payments.

Sec. B-23. 20-A MRSA §12706, sub-§4-A, as enacted by PL 1991, c. 376, §33, is amended to read:

4-A. Public improvements budgetary submission. To prepare and adopt a biennial capital improvements budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund public improvements, as defined by Title 5, section 1741, for the system. In accordance with Title 5, section 1665, subsection 5 and Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of ~~Public Improvements~~ General Services and must represent the capital improvement priorities within the system;

Sec. B-24. 20-A MRSA §15903, sub-§3, ¶A, as amended by PL 1985, c. 785, Pt. A, §93, is further amended to read:

A. The Bureau of ~~Public Improvements~~ General Services, Department of ~~Administration~~ Administrative and Financial Services;

Sec. B-25. 20-A MRSA §15908, sub-§§1 and 3, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

1. Technical assistance. In order to provide the technical assistance required by the state board in assessing proposed school construction projects, the Bureau of ~~Public Improvements~~ General Services may contract for the services of a professional engineer whenever the bureau is not employing qualified personnel on a full-time basis.

3. Life-cycle costs. The department and the Bureau of ~~Public Improvements~~ General Services may not approve the plans and specifications of a project ~~which~~ that does not meet the requirements of Title 5, chapter 153, subchapter ~~I-A~~ 1-A.

Sec. B-26. 20-A MRSA §15910, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

4. Time of signing. A school administrative unit may not sign a contract for construction or begin construction until the final plans and specifications have been

approved by the commissioner, the Bureau of ~~Public Improvements~~ General Services, the Department of Health and Human Services and the State Fire Marshal.

Sec. B-27. 22 MRSA §8307, sub-§2, as corrected by RR 2009, c. 2, §62, is amended to read:

2. Feasibility study of other child care facilities and programs. Prior to the creation of new or additional state financed or operated child care facilities provided primarily for the benefit of state employees, except the initial facility to be located in the Augusta area, the Office of Child Care Coordination, in cooperation with the Bureau of ~~Public Improvements~~ General Services, shall conduct a feasibility study of the proposed child care facility, which must be located in a state-owned facility or in a facility located conveniently near the workplaces of state employees. This feasibility study, at a minimum, must include:

A. The location of the site and the reasons justifying the location, including reasons justifying or not justifying using state-owned facilities;

B. An analysis of the benefits and liabilities of contracting with the private sector to provide child care programs under this section;

C. An analysis of the benefits and liabilities of State Government operation of child care programs and facilities for children of state employees;

D. The number and ages of children proposed for the site;

E. The type of assistance to be made available to children of state employees classified as low-income households;

F. The types of activities and programs to be provided, including preschool and ~~after school~~ after-school programs;

G. A time schedule for the commencement of programs at each facility;

H. Sources of income, including fees, if any, for funding each facility; and

I. Any other information ~~deemed~~ determined important by the Office of Child Care Coordination and the Bureau of ~~Public Improvements~~ General Services.

The report required by this subsection must be provided to the joint standing committee of the Legislature having jurisdiction over human resources matters in a timely manner preceding the selection of the site.

Sec. B-28. 26 MRSA §565-A, as amended by PL 1991, c. 181, §3, is further amended to read:

§565-A. Air quality and ventilation; evaluation of buildings; standards

1. Advise and propose standards. The board shall work with the Bureau of ~~Public Improvements~~ General Services with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

A. The board may advise the Bureau of ~~Public Improvements~~ General Services and propose for consideration by the bureau air quality and ventilation standards that are more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24.

Sec. B-29. 27 MRSA §452, sub-§3-A, as enacted by PL 1987, c. 469, §2, is amended to read:

3-A. Construction. "Construction" means the construction or renovation of a public building or public facility, the cost of which is at least $100,000, but does not include repairs or minor alterations. In ~~their~~ its rulemaking and decisions regarding construction projects governed by this Act, the commission ~~shall be~~ is guided by the determinations of the Director of the Bureau of ~~Public Improvements~~ General Services.

Sec. B-30. 30-A MRSA §4752, sub-§2, as enacted by PL 1989, c. 48, §§3 and 31, is amended to read:

2. Land and buildings of political subdivisions. Each municipality shall report to the Bureau of ~~Public Improvements~~ General Services any municipally owned land or buildings and any land or buildings within the jurisdiction of any other political subdivisions, except school administrative districts, that may be suitable for the construction, reconstruction or rehabilitation of affordable housing for low-income and moderate-income households.

A. School administrative districts shall report to the Bureau of ~~Public Improvements~~ General Services any land and buildings owned by or within the jurisdiction of the district that may be suitable for the construction, reconstruction or rehabilitation of affordable housing for low-income and moderate-income households.

B. The Maine State Housing Authority shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, ~~which~~ that establish standards by which land and buildings are ~~deemed~~ considered suitable for the construction, reconstruction or rehabilitation of affordable housing for low-income and moderate-income households to be used by municipalities and school administrative districts under this section.

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

SUMMARY

Part A does the following.

Section 1 corrects the name of a newspaper, removes an incorrect reference to the city where that newspaper is printed and makes grammatical changes.

Section 2 corrects a cross-reference.

Section 3 repeals the contingency language of Title 10, section 2630, since the contingency has been met.

Public Law 2011, chapter 286, Part B, section 5 contains a revision clause that changed "Office of Licensing and Registration" to "Office of Professional and Occupational Regulation." Section 4 makes changes to Title 10, section 8004-A to comport with the revision clause.

Sections 5 and 6 correct cross-references.

Section 7 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, by repealing Title 12, section 6728, subsection 3.

Section 8 corrects a conflict created by Public Law 2011, chapters 253 and 309, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 309 version.

Section 9 corrects a cross-reference.

Section 10 corrects a conflict created by Public Law 2011, chapters 253 and 432, which affected the same provision of law, by incorporating the changes made by both laws.

Section 11 corrects a conflict created by Public Law 2011, chapters 210 and 356, which affected the same provision of law, by incorporating the changes made by both laws.

Section 12 corrects a clerical error and makes grammatical changes.

Section 13 corrects a numbering problem created by Public Law 2011, chapters 341 and 464, which enacted 2 substantively different provisions with the same subparagraph number.

Sections 14 to 17 correct conflicts created by Public Law 2011, chapters 423 and 464, which affected the same provisions of law, by incorporating the changes made by both laws.

Section 18 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 19 corrects a conflict created by Public Law 2007, chapters 668 and 695, which affected the same provision of law, by incorporating the changes made by both laws.

Section 20 corrects a conflict created by Public Law 2011, chapters 367 and 389, which affected the same provision of law, by incorporating the changes made by both laws and also makes technical corrections.

Section 21 corrects a conflict created by Public Law 2011, chapters 347 and 373, which enacted the same provision of law. This section repeals the provision and replaces it with the chapter 373 version.

Section 22 corrects a conflict created by Public Law 2011, chapters 383 and 407, which affected the same provision of law, by incorporating the changes made by both laws.

Section 23 corrects a conflict created by Public Law 2011, chapters 383 and 407, which affected the same provision of law, by incorporating the changes made by both laws and also makes a technical correction.

Section 24 corrects a conflict created by Public Law 2011, chapters 193 and 295, which affected the same provision of law. This section repeals the provision and replaces it with the chapter 295 version.

Section 25 corrects a cross-reference.

Section 26 corrects a conflict created by Public Law 2011, chapters 298, 394 and 396, which affected the same provision of law, by incorporating the changes made by all 3 laws.

Section 27 corrects a conflict created by Public Law 2011, chapters 349 and 398, which affected the same provision of law, by incorporating the changes made by both laws.

Sections 28 to 31 correct a conflict created by Public Law 2011, chapters 66 and 70, which affected the same provision of law, by incorporating the changes made by both laws. They change the term "private investigator" to "professional investigator" to reflect the change made by Public Law 2011, chapter 366. They correct the name and citation of a federal act. They also correct cross-references and make technical corrections.

Section 32 corrects a conflict created by Public Law 2009, chapters 317 and 421, which affected the same provision of law, by incorporating the changes made by both laws.

Section 33 corrects a conflict created by Public Law 2011, chapters 101 and 287, which affected the same provision of law, by incorporating the changes made by both laws.

Section 34 corrects a conflict created by Public Law 2011, chapters 101 and 102, which affected the same provision of law, by incorporating the changes made by both laws.

Section 35 corrects a clerical error by removing a word that was inadvertently included in the original public law.

Sections 36 to 38 correct a conflict created by Public Law 2011, chapter 272, which enacted new language within Title 32, section 1102-A, and Public Law 2011, chapter 286, which repealed Title 32, section 1102-A and enacted Title 32, section 1201-A. These sections resolve the conflict by repealing section 1102-A and enacting new language in section 1201-A.

Sections 39 and 40 make a technical correction and correct punctuation.

Section 41 replaces the term "credit services organization" with "loan broker" to reflect the change made by Public Law 2005, chapter 274, section 4.

Sections 42 and 43 correct a conflict created when Public Law 2011, chapter 347 amended Title 34-B, section 1207, subsection 1, paragraph G and chapter 420 repealed Title 34-B, section 1207, subsection 1, paragraph G. This section corrects the conflict by repealing paragraph G. It also makes technical corrections to Title 34-B, section 1207, subsection 1, paragraph F.

Section 44 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 45 corrects a conflict created by Public Law 2011, chapters 380 and 439, which affected the same provision of law, by repealing the provision and replacing it with the chapter 439 version. Section 46 provides an effective date of July 1, 2012.

Sections 47 and 48 correct punctuation and cross-references.

Sections 49 to 51 correct a numbering problem created by Public Law 2011, chapter 331, chapter 380 and chapter 453, which enacted 3 substantively different provisions with the same section number.

Section 52 corrects a cross-reference.

Sections 53 to 55 correct a numbering problem created by Public Law 2011, chapter 380, Part O, section 17 and Part Q, section 6, which enacted 2 substantively different provisions with the same section number.

Section 56 removes a reference to the laws governing the Great Pond Task Force, which were repealed by their own terms December 31, 1998.

Section 57 corrects a conflict created by Public Law 2011, chapters 211 and 243, which affected the same provision of law, by incorporating the changes made by both laws. Section 58 provides an effective date of December 31, 2012.

Section 59 corrects a conflict created when Public Law 2011, chapter 211 amended Title 38, section 570-H and chapter 243 repealed Title 38, section 570-H. This section corrects the conflict by repealing the section.

Section 60 corrects a cross-reference.

Part B does the following.

Public Law 1991, chapter 780, Part Y consolidated the Department of Finance with the Department of Administration to form the Department of Administrative and Financial Services. This Part makes changes to the statutes to reflect that consolidation; it corrects one reference to the Department of Administration and several references to the Bureau of Public Improvements, which is now the Bureau of General Services. This

Part also makes grammatical corrections and technical changes and corrects a cross-reference.