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Date: (Filing No. H- )

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1289, L.D. 2010, “An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine”

Amend the bill in Part A by striking out all of section 28 and inserting the following:

**'Sec. A-28. 12 MRSA §10157, sub-§1-A,** as enacted by PL 2015, c. 277, §3, is amended to read:

**1-A. Appointment and composition.** The Landowners and ~~Sportsmen~~ Land Users Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of the following members:

- A. Eleven members, appointed by the Commissioner of Inland Fisheries and Wildlife:
  - (1) One representative of a statewide small woodland owners association;
  - (2) One representative of a large landowners association;
  - (3) One representative of a statewide farmers organization;
  - (4) Three representatives ~~of sportsmen~~ who hunt, fish or trap;
  - (5) Two representatives of outdoor recreationists;
  - (6) Two representatives of environmentalist organizations; and
  - (7) One representative of land trust organizations.'

Amend the bill in Part A by striking out all of section 52 and inserting the following:

**'Sec. A-52. 22 MRSA c. 405-C,** as amended, is repealed.'

Amend the bill in Part A by striking out all of section 86 and inserting the following:

**'Sec. A-86. 24-A MRSA §2482, sub-§1,** as enacted by PL 2003, c. 680, §1, is amended to read:

**1. Appeal to review panel appointed by commission.** Not later than 30 days after the commission has given notice of a disapproved product or advertisement filed with the

**COMMITTEE AMENDMENT**

1 commission, the insurer or 3rd-party filer whose filing was disapproved may appeal the  
2 determination to a review panel appointed by the commission. The commission shall  
3 promulgate rules to establish procedures for appointing a review panel and provide for  
4 notice and hearing. An allegation that the commission, in disapproving a product or  
5 advertisement filed with the commission, acted arbitrarily, capriciously or in a manner that  
6 is an abuse of discretion or otherwise not in accordance with the law is subject to judicial  
7 review in accordance with section 2474, subsection 5 4.'

8 Amend the bill in Part A by striking out all of section 108 and inserting the following:

9 '**Sec. A-108. 29-A MRSA §255, sub-§1, ¶A**, as enacted by PL 1995, c. 645, Pt.  
10 B, §6 and affected by §24, is amended to read:

11 A. The Secretary of State has received a written request along with a copy of a  
12 protection order that has been issued under Title 5, section 4654 or 4655; Title 15,  
13 section 321; Title 19 ~~19-A~~, section ~~765~~ 4108 or ~~766~~ 4110; or Title 22, chapter 1071 to  
14 protect the requestor from harassment or abuse; or'

15 Amend the bill in Part A by striking out all of section 115.

16 Amend the bill in Part A by striking out all of section 118.

17 Amend the bill in Part A by striking out all of section 134 and inserting the following:

18 '**Sec. A-134. 38 MRSA §440, 3rd ¶**, as amended by PL 1987, c. 737, Pt. C, §§86  
19 and 106 and PL 1989, c. 6; c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to  
20 read:

21 Zoning ordinances adopted or extended pursuant to this section need not depend upon  
22 the existence of a zoning ordinance for all of the land and water area within a municipality,  
23 despite the provisions of Title 30-A, section 4503, ~~4352~~ to the contrary, ~~provided such~~  
24 ~~ordinances are~~ except that an ordinance is required for entrance of the municipality into the  
25 Federal Flood Insurance Program. Ordinances or amendments adopted by authority of this  
26 section ~~shall~~ may not extend beyond an area greater than that necessary to comply with the  
27 requirements of the Federal Flood Insurance Program.'

28 Amend the bill by inserting after Part A the following:

## 29 **'PART B**

30 **Sec. B-1. 14 MRSA §8813** is enacted to read:

### 31 **§8813. Recognition of judgments under prior law**

32 An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign  
33 judgment that would have been valid under former chapter 753 is valid. For purposes of  
34 this section, "foreign judgment" has the same meaning as in former section 8502,  
35 subsection 2.

36 **Sec. B-2. 14 MRSA §8913** is enacted to read:

### 37 **§8913. Recognition of judgments under prior law**

38 An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign  
39 judgment that would have been valid under former chapter 753 is valid. For purposes of  
40 this section, "foreign judgment" has the same meaning as in former section 8502,  
41 subsection 2.

**PART C**

**Sec. C-1. 5 MRSA §1642, sub-§3**, as repealed and replaced by PL 1985, c. 96 and amended by PL 1997, c. 530, Pt. A, §34, is further amended to read:

**3. Income supplementation programs.** "Income supplementation programs" means programs designed to supplement the income of a person or family and includes Temporary Assistance for Needy Families, ~~food-stamps~~ the Supplemental Nutrition Assistance Program, food distribution, general assistance, supplemental security income or any other income related program utilizing state-administered funds.

**Sec. C-2. 7 MRSA §412, sub-§2**, as enacted by PL 1977, c. 505, is amended to read:

**2. Practical information.** Prepare practical information concerning the establishment and operation of various methods of direct-marketing, including promotion, advertisement, management, ~~food-stamp~~ Supplemental Nutrition Assistance Program purchases and liability insurance;

**Sec. C-3. 19-A MRSA §2001, sub-§5, ¶G**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2 and amended by PL 1997, c. 530, Pt. A, §34, is further amended to read:

G. Gross income does not include the amount of money received from means-tested public assistance programs, including, but not limited to, Temporary Assistance for Needy Families, supplemental security income, ~~food-stamps~~ the Supplemental Nutrition Assistance Program and general assistance.

**Sec. C-4. 19-A MRSA §2154, sub-§8**, as enacted by PL 1997, c. 537, §39 and affected by §62, is amended to read:

**8. Use of new hire information.** The department shall use the information it receives under this section to locate persons and identify sources of income for purposes of:

- A. Establishing, enforcing and modifying child support obligations;
- B. Collecting overpayments of public assistance and overissue of ~~food-stamps~~ Supplemental Nutrition Assistance Program benefits when benefits are no longer being paid; and
- C. Determining eligibility and enforcing eligibility rules for cash assistance, ~~food stamps~~ Supplemental Nutrition Assistance Program benefits, Medicaid and other benefit programs funded or administered by the department.

**Sec. C-5. 22 MRSA §21, sub-§5**, as enacted by PL 1995, c. 675, §1, is repealed.

**Sec. C-6. 22 MRSA §21, sub-§10**, as amended by PL 2017, c. 284, Pt. NNNNNNN, §4, is further amended to read:

**10. Program.** "Program" means ~~the food-stamps~~ SNAP or the Medicaid program or another program.

**Sec. C-7. 22 MRSA §21, sub-§11**, as amended by PL 2017, c. 284, Pt. NNNNNNN, §4, is further amended to read:

1           **11. Recipient.** "Recipient" means a recipient of benefits under ~~the food stamp~~ SNAP  
2           or ~~the Medicaid programs~~ program or another program.

3           **Sec. C-8. 22 MRSA §21, sub-§11-B** is enacted to read:

4           **11-B. Supplemental Nutrition Assistance Program or SNAP.** "Supplemental  
5           Nutrition Assistance Program" or "SNAP" means the Supplemental Nutrition Assistance  
6           Program established pursuant to section 3104.

7           **Sec. C-9. 22 MRSA §42, sub-§8, ¶A,** as amended by PL 2019, c. 343, Pt. YY, §2,  
8           is further amended to read:

9           A. The Office of MaineCare Services is authorized to adopt rules that have retroactive  
10           application when necessary to maximize available federal revenue sources, specifically  
11           regarding the federal Medicaid program, or to conform to the state Medicaid plan as  
12           filed with the Federal Government. The Bureau of Family Independence is authorized  
13           to adopt rules in the MaineCare program, Temporary Assistance for Needy Families  
14           program and ~~food stamp programs~~ Supplemental Nutrition Assistance Program that  
15           have retroactive application to comply with federal requirements or to conform to the  
16           state Medicaid plan as filed with the Federal Government.

17           **Sec. C-10. 22 MRSA §42, sub-§8, ¶C,** as enacted by PL 2003, c. 612, §1, is  
18           amended to read:

19           C. For any benefits or services in the MaineCare program, Temporary Assistance for  
20           Needy Families program or ~~food stamp programs~~ Supplemental Nutrition Assistance  
21           Program that beneficiaries have received prior to the date of adoption of retroactive  
22           rules adopted pursuant to this subsection, such rules may not reduce or otherwise  
23           negatively affect the reimbursement or other payments, benefits or services that those  
24           beneficiaries are entitled to have covered or paid under the previously applicable rules.  
25           The reimbursement or other payments, benefits or services under the amended rules  
26           must be equal to or greater than under the rules previously in effect.

27           **Sec. C-11. 22 MRSA §42, sub-§8, ¶D,** as enacted by PL 2003, c. 612, §1, is  
28           amended to read:

29           D. This subsection does not give the department the authority to adopt retroactively  
30           any rule that has an adverse financial impact on any MaineCare provider or member,  
31           Temporary Assistance for Needy Families program or ~~food stamp~~ Supplemental  
32           Nutrition Assistance Program recipient or the beneficiary or recipient of any other  
33           program administered by the department. Specific statutory authority is required for  
34           adoption of a retroactive rule that has an adverse financial impact on any MaineCare  
35           provider or member, Temporary Assistance for Needy Families program or ~~food stamp~~  
36           Supplemental Nutrition Assistance Program recipient or the beneficiary or recipient of  
37           any other program administered by the department.

38           **Sec. C-12. 22 MRSA §3811, sub-§4,** as corrected by RR 2015, c. 1, §22, is  
39           amended to read:

40           **4. Program benefits.** "Program benefits" means money payments or food coupons  
41           issued by the department pursuant to an application for benefits made by an individual to  
42           Aid to Families with Dependent Children established in former chapter 1053, the ~~food~~  
43           ~~stamp program~~ Supplemental Nutrition Assistance Program established in chapter 851 or

1 the Temporary Assistance for Needy Families program established in chapter 1053-B, or  
2 money payments or vouchers issued by a municipal general assistance program established  
3 pursuant to chapter 1161, or payments for medical services issued by the department  
4 pursuant to the MaineCare program established pursuant to chapter 855.

5 **Sec. C-13. 22 MRSA §3825, sub-§1, ¶C** is enacted to read:

6 C. "SNAP" means the Supplemental Nutrition Assistance Program established under  
7 chapter 851.

8 **Sec. C-14. 22 MRSA §3825, sub-§2**, as enacted by PL 2001, c. 551, §2, is amended  
9 to read:

10 **2. TANF and ~~food stamps~~ SNAP.** To the extent allowable by federal law, a TANF  
11 or ~~food stamp~~ SNAP overpayment may not be collected from a person who was a minor  
12 dependent in the household at the time the overpayment accrued.

13 **Sec. C-15. 22 MRSA §5304, sub-§11, ¶C**, as enacted by PL 1973, c. 793, §12, is  
14 amended to read:

15 C. Any income maintenance, income supplement, public assistance, general  
16 assistance, welfare; or donated food program or ~~food stamp program~~ the Supplemental  
17 Nutrition Assistance Program.

18 **Sec. C-16. 26 MRSA §1191, sub-§9, ¶D**, as enacted by PL 1995, c. 554, §1, is  
19 amended to read:

20 D. Amounts may be deducted and withheld under this subsection only after amounts  
21 are deducted and withheld for any overpayments, child support obligations, ~~food stamp~~  
22 Supplemental Nutrition Assistance Program overissues or any other amounts required  
23 to be deducted and withheld under this chapter.

## 24 PART D

25 **Sec. D-1. 35-A MRSA §307**, as amended by PL 2023, c. 145, §1 and repealed and  
26 replaced by c. 168, §1, is repealed and the following enacted in its place:

### 27 **§307. Changes in schedules; notice; suspension; rate increase limit**

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

30 A. "Final determination of the public utility's revenue requirement" means a decision  
31 by the commission on the merits of a public utility's request after consideration of at  
32 least the public utility's direct case in support of its request.

33 B. "General increase in rates" means a change in a rate, toll or charge of a public utility,  
34 the effect of which is to increase the annual operating revenue of the public utility by  
35 more than 1%. "General increase in rates" does not include a rate change made for the  
36 sole purpose of implementing a gas cost adjustment rate pursuant to section 4703 or a  
37 rate change made for the sole purpose of implementing an energy conservation  
38 adjustment rate pursuant to section 3154.

39 **2. Notice requirements.** A public utility may not change a schedule, including a  
40 schedule of joint rates, unless the public utility provides notice to the commission 30 days  
41 prior to the time the changes are to take effect. The public utility must indicate all proposed

1 changes on the schedule in effect at the time notice is provided. For good cause shown, the  
2 commission may allow changes after less than the notice specified in this subsection or  
3 modify the requirements of this section and section 308 with respect to publishing, posting  
4 and filing of a schedule, either in a particular instance or by rule applicable to a special  
5 circumstance or condition.

6 At the commission's discretion, the commission may require the information relating to  
7 changes described in this subsection to be filed in a general increase in rates at the same  
8 time as the schedules are filed. The commission may require a public utility whose gross  
9 revenues exceed \$5,000,000 annually to notify the commission not more than 2 months in  
10 advance of filing a general increase in rates under this section that a filing is planned and  
11 to disclose the approximate amount of the increase and the approximate rate of return and  
12 include a general statement of the major issues that might be presented and the approximate  
13 rate of return the utility would be seeking.

14 **3. Suspension pending investigation.** Pending an investigation and order pursuant  
15 to section 310, subsection 1, at any time within the period preceding the effective date of  
16 the schedule, the commission may suspend the operation of the schedule or any part of the  
17 schedule by filing with the schedule and delivering to the public utility affected a statement  
18 of its reasons for the suspension. The suspension may not be for a period longer than 12  
19 months from the effective date of the order of suspension unless:

20 A. All parties agree to extend the suspension beyond 12 months; or

21 B. The commission determines that the party seeking the extension would be  
22 unreasonably disadvantaged because of circumstances beyond that party's control  
23 unless the extension were granted, as long as the party prior to the request for extension  
24 had prosecuted its case in good faith and with due diligence.

25 **4. General rate increase case limitation.** A public utility may not file a schedule for  
26 a general increase in rates pursuant to this section within one year of a prior filing for a  
27 general increase in rates pursuant to this section, unless the proceeding initiated by a prior  
28 filing was terminated without a final determination of the public utility's revenue  
29 requirement or with approval of the commission. The limitation of this subsection does not  
30 prevent a public utility, at any time, from notifying the commission in advance, either  
31 voluntarily or in accordance with a commission requirement under this section, of plans by  
32 the public utility to file a general increase in rates.

33 Nothing in this subsection may be construed to limit a public utility's right, at any time, to  
34 petition pursuant to section 1322 for temporary rate relief.

35 **5. General rate increase notice requirement.** A public utility seeking a general  
36 increase in rates shall send a notice of the increase to its customers by either first-class mail  
37 or the method by which the customer receives bills from the utility. The commission shall  
38 prepare the notice in consultation with the utility. If, after the notice of the general increase  
39 in rates is sent, the utility seeks a rate increase greater than what was stated in the notice,  
40 the utility shall promptly notify the commission. If the utility demonstrates good cause, the  
41 commission may allow the utility to seek an increase greater than what was stated in the  
42 notice subject to reasonable conditions established by the commission, including, but not  
43 limited to, requiring the utility to send a new notice to its customers describing the revised  
44 proposed increase.

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**PART E**

**Sec. E-1. 15 MRSA §1026, sub-§3, ¶B-1**, as enacted by PL 2021, c. 397, §4, is amended by amending subparagraph (2) to read:

(2) That was committed against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 ~~6~~, paragraphs A to E or a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4;

**Sec. E-2. 15 MRSA §1026, sub-§3, ¶B-1**, as enacted by PL 2021, c. 397, §4, is amended by amending subparagraph (3) to read:

(3) That is a violation of a condition of release committed while the defendant is released on bail for a charge that involves: a violation of Title 17-A, chapter 11; a crime against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 ~~6~~, paragraphs A to E; or a crime against a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4;

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment makes the following changes to Part A of the bill.

1. It replaces gender-specific language to include recognition of all persons engaged in outdoor recreation activities regulated by the Department of Inland Fisheries and Wildlife.

2. It repeals an outdated chapter relating to the establishment of tuberculosis sanatoriums by the Department of Health and Human Services.

3. It corrects a cross-reference in a provision related to judicial review of decisions of the Interstate Insurance Product Regulation Commission to deny approval of an insurance product.

4. It corrects cross-references to provisions that govern the process for protection from abuse orders to reflect the new chapter of law that became effective January 1, 2023. The cross-references used in the bill refer to provisions repealed on January 1, 2023.

5. It removes sections related to the conditional effective date of the Occupational Therapy Licensure Compact and the Psychology Interjurisdictional Compact.

6. It corrects a clerical error in a cross-reference used in the bill.

Part B adds language to provide that that any action that complied with the former Uniform Foreign Money-judgments Recognition Act under the Maine Revised Statutes, Title 14, former chapter 753 and that was taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment is valid. Public Law 2021, chapter 689 did not include a specific effective date of January 1, 2023 for the repeal of the former Uniform Foreign Money-judgments Recognition Act to coincide with the January 1, 2023 effective date of the new Uniform Foreign-country Money Judgments Recognition Act in Title 14, chapter 759 and the new Uniform Registration of Canadian Money Judgments Act in Title 14, chapter 761.

1           Part C updates references to food stamps to reflect that the program is no longer called  
2 the food stamp program and is called the Supplemental Nutrition Assistance Program or  
3 SNAP.

4           Part D corrects a conflict, created by the enactment of Public Law 2023, chapter 145  
5 and Public Law 2023, chapter 168, by incorporating the changes from both laws.

6           Part E corrects cross-references in the Maine Bail Code to the updated definitions of  
7 "family or household members" and "dating partners" in the current chapter governing  
8 protection from abuse proceedings.