

STATE OF MAINE

IN THE YEAR OF OUR LORD  
TWO THOUSAND AND THIRTEEN

H.P. 1103 - L.D. 1536

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

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

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

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

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

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

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

**PART A**

**Sec. A-1. 3 MRSA §474,** as enacted by PL 1975, c. 593, §3, is amended to read:

**§474. Saving clause**

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

**Sec. A-2. 5 MRSA §1764-A, sub-§3,** as enacted by PL 2003, c. 497, §1 and affected by §5, is amended to read:

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

**Sec. A-3. 10 MRSA §9723, sub-§2,** as amended by PL 2011, c. 633, §6 and c. 655, Pt. FF, §2 and affected by §16, is repealed and the following enacted in its place:

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

**Sec. A-4. 12 MRSA §1803, sub-§7,** as enacted by PL 2011, c. 394, §1 and amended by c. 657, Pt. W, §7, is further amended to read:

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

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

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

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

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

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

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person

carries the concealed ~~firearm~~ handgun, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a ~~firearm~~ handgun of the same type as the concealed ~~firearm~~ 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 ~~firearm~~ handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for active law enforcement officers to carry a ~~firearm~~ handgun of the same type as the concealed ~~firearm~~ handgun.

**Sec. A-5. 15 MRSA §393, sub-§2**, as amended by PL 2009, c. 503, §1, is further amended to read:

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

**Sec. A-6. 15 MRSA §1023, sub-§4, ¶C**, as amended by PL 2011, c. 640, Pt. A, §2 and c. 680, §1, is repealed and the following enacted in its place:

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

- (1) A brief history of the alleged abuser;
- (2) The relationship of the parties;
- (3) The name, address, phone number and date of birth of the victim;
- (4) Existing conditions of protection from abuse orders, conditions of bail and conditions of probation;
- (5) Information about the severity of the alleged offense; and
- (6) Beginning no later than January 1, 2015, the results of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety conducted on the alleged abuser when the results are available;

**Sec. A-7. 17-A MRSA §1058, sub-§2-A**, as enacted by PL 2005, c. 527, §9, is amended to read:

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

**Sec. A-8. 20-A MRSA §8402**, as amended by PL 2011, c. 679, §12 and c. 686, §3, is repealed and the following enacted in its place:

**§8402. Programs**

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

**Sec. A-9. 20-A MRSA §8451-A**, as amended by PL 2011, c. 679, §19 and c. 686, §4, is repealed and the following enacted in its place:

**§8451-A. Programs**

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

**Sec. A-10. 22 MRSA §335, sub-§1, ¶E**, as amended by PL 2011, c. 213, §3 and repealed by c. 424, Pt. B, §15 and affected by Pt. E, §1, is repealed.

**Sec. A-11. 22 MRSA §337, sub-§5**, as amended by PL 2011, c. 636, §1 and c. 648, §15, is repealed and the following enacted in its place:

**5. Public notice; public informational meeting.** Within 5 business days of the filing of a certificate by an applicant that a complete certificate of need application is on file with the department, public notice that the application has been filed must be given by publication in a newspaper of general circulation in Kennebec County and in a newspaper published within the service area in which the proposed expenditure will

occur. If an existing health care facility may close or lose bed capacity as a result of a proposal for which a certificate of need application has been filed, the department shall notify the municipal officers of the municipality in which that health care facility is located and the members of the State House of Representatives and the State Senate representing any part of that municipality. The notice must also be provided to all persons who have requested notification by means of asking that their names be placed on a mailing list maintained by the department for this purpose. The notice must also be published on the department's publicly accessible website. This notice must include:

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

B. A description of the review process and schedule;

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

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

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

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

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

**Sec. A-12. 25 MRSA §2374**, as amended by PL 2011, c. 633, §11 and c. 655, Pt. FF, §3 and affected by §16, is repealed and the following enacted in its place:

**§2374. Uniform Building Codes and Standards Fund**

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is

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

**Sec. A-13. 25 MRSA §2450-A**, as amended by PL 2011, c. 633, §12 and c. 655, Pt. FF, §4 and affected by §16, is repealed and the following enacted in its place:

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

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

**Sec. A-14. 26 MRSA §595, sub-§5, ¶A**, as enacted by PL 1987, c. 558, §1, is amended to read:

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

**Sec. A-15. 26 MRSA §2006, sub-§7, ¶C**, as amended by PL 2011, c. 627, §3 and c. 655, Pt. EE, §18 and affected by §30, is repealed and the following enacted in its place:

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

**Sec. A-16. 32 MRSA §8113-A, sub-§1**, as amended by PL 2011, c. 366, §45, is further amended to read:

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

**Sec. A-17. 32 MRSA §8120-A**, as amended by PL 2011, c. 298, §13 and c. 366, §51, is repealed and the following enacted in its place:

**§8120-A. Handguns**

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

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

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

**Sec. A-19. 34-A MRSA §11203, sub-§6, ¶B**, as amended by PL 2011, c. 597, §6 and c. 604, §3 and affected by §4, is repealed and the following enacted in its place:

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

**Sec. A-20. 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-21. 35-A MRSA §3454, first ¶**, as amended by PL 2011, c. 655, Pt. DD, §14 and affected by §24 and amended by c. 682, §27, is repealed and the following enacted in its place:

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

**Sec. A-22. 36 MRSA §187-B, sub-§1-A**, as amended by PL 2011, c. 644, §4 and affected by §33 and repealed by c. 655, Pt. QQ, §2 and affected by §8, is repealed.

**Sec. A-23. 36 MRSA §191, sub-§2, ¶UU**, as amended by PL 2011, c. 644, §5 and c. 694, §8, is repealed and the following enacted in its place:

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

**Sec. A-24. 36 MRSA §841, sub-§2**, as amended by PL 2011, c. 552, §1 and c. 624, §1, is repealed and the following enacted in its place:

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

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

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

B. Assist individuals in making application for abatement;

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

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

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

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

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

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

**Sec. A-25. 36 MRSA §2625**, as amended by PL 2011, c. 649, Pt. E, §5, is further amended to read:

#### **§2625. Return and payment**

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

**Sec. A-26. 36 MRSA §5122, sub-§2, ¶II**, as amended by PL 2011, c. 548, §24 and affected by §36 and amended by c. 644, §17, is repealed and the following enacted in its place:

II. For taxable years beginning on or after January 1, 2012, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2011 or 2012 for

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

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

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

**Sec. A-27. 36 MRSA §5200-A, sub-§2, ¶V**, as amended by PL 2011, c. 548, §28 and affected by §36 and amended by c. 644, §24, is repealed and the following enacted in its place:

V. For taxable years beginning on or after January 1, 2012, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2011 or 2012 for which an addition was required under subsection 1, paragraph Y, subparagraph (2) for the taxable year beginning in 2011 or 2012.

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

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

**Sec. A-28. 36 MRSA §6201, sub-§10**, as amended by PL 2011, c. 552, §2, is further amended to read:

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

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

**Sec. A-29. 37-B MRSA §158**, as amended by PL 2011, c. 344, §33, is further amended to read:

#### **§158. Maine Military Family Relief Fund**

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the department administered according to rules adopted by the Adjutant General. ~~Except as provided in subsection 1, the~~ The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### **PART B**

**Sec. B-1. 5 MRSA §17806, sub-§1, ¶A**, as amended by PL 2011, c. 380, Pt. T, §10 and affected by §26, is further amended to read:

A. Except as provided in paragraph A-1, whenever there is a percentage increase in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase in retirement benefits, beginning in September, up to a maximum annual increase of 3%. Effective July 1, 2011, the increase applies to that portion of the retirement benefit, up to \$20,000, which amount must be indexed in subsequent years by the same percentage adjustments granted under this paragraph.

**Sec. B-2. 13 MRSA §1506** is repealed.

**Sec. B-3. 15 MRSA §103, 2nd ¶**, as enacted by PL 2009, c. 268, §4, is amended to read:

When a person who has been evaluated on behalf of a court by the State Forensic Service is committed into the custody of the Commissioner of Health and Human Services pursuant to this section, the court shall order that the State Forensic Service share any information it has collected or generated with respect to the person with the institution or residential program in which the person is placed.

**Sec. B-4. 15 MRSA §3206**, as amended by PL 2011, c. 336, §2, is further amended to read:

**§3206. Detention of juveniles**

A person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103 is not subject to chapter 105-A and may not be detained unless a juvenile community corrections officer has been notified within 2 hours after the person's arrest and the juvenile community corrections officer or attorney for the State has approved the detention. Section 3203-A, subsection 7, paragraphs A and B governing the facilities in which juveniles may be detained apply to any detention of such a juvenile following arrest, and section 3203-A, subsection 7 4, paragraph C applies to the decision whether to release or further detain the juvenile.

**Sec. B-5. 19-A MRSA §651, sub-§2**, as amended by PL 2011, c. 511, §1 and IB 2011, c. 1, §3, is repealed and the following enacted in its place:

**2. Application.** The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:

A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and

B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.

**Sec. B-6. 19-A MRSA §907, 2nd ¶**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

The validity of a custody determination contained in or ancillary to a valid divorce decree granted by another state is governed by the Uniform Child Custody Jurisdiction and Enforcement Act.

**Sec. B-7. 19-A MRSA §1654, 2nd ¶**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

The jurisdiction granted by this section is limited by the Uniform Child Custody Jurisdiction and Enforcement Act, if another state may have jurisdiction as provided in that Act.

**Sec. B-8. 19-A MRSA §4014, sub-§1**, as amended by PL 2001, c. 240, §3, is further amended to read:

**1. Rules establishing standards and procedures for certification.** The Department of Corrections, referred to in this section as the "department," shall adopt rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine Commission on Domestic and Sexual Abuse, that establish standards and procedures for certification of batterers' intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards. Rules adopted pursuant to this subsection are ~~major-substantive~~ routine technical rules ~~pursuant to as defined in~~ Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

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

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

**Sec. B-10. 30-A MRSA §4349-A, sub-§1, ¶C**, as amended by PL 2011, c. 542, Pt. A, §54 and c. 655, Pt. JJ, §22 and affected by §41, is repealed and the following enacted in its place:

C. Areas other than those described in paragraph A or B for the following projects:

(1) A project related to a commercial or industrial activity that, due to its operational or physical characteristics, typically is located away from other development, such as an activity that relies on a particular natural resource for its operation;

(2) An airport, port or railroad or industry that must be proximate to an airport, a port or a railroad line or terminal;

(3) A pollution control facility;

(4) A project that maintains, expands or promotes a tourist or cultural facility that is required to be proximate to a specific historic, natural or cultural resource or a building or improvement that is related to and required to be proximate to land acquired for a park, conservation, open space or public access or to an agricultural, conservation or historic easement;

(5) A project located in a municipality that has none of the geographic areas described in paragraph A or B and that prior to January 1, 2000 formally requested but had not received from the former State Planning Office funds to assist with the preparation of a comprehensive plan or that received funds from the department to assist with the preparation of a comprehensive plan within the previous 2 years. This exception expires for a municipality 2 years after such funds are received; or

(6) A housing project serving the following: individuals with mental illness, developmental disabilities, physical disabilities, brain injuries, substance abuse problems or a human immunodeficiency virus; homeless individuals; victims of domestic violence; foster children; or children or adults in the custody of the State. A nursing home is not considered a housing project under this paragraph.

**Sec. B-11. 32 MRSA §4693, sub-§2**, as corrected by RR 2009, c. 2, §89, is amended to read:

**2. Notice.** The following notice: As required by Maine law, we have secured a bond in the amount of \$30,000 issued by \_\_\_\_\_ .  
(Name and address of surety company)

Before signing a contract to purchase a business opportunity, you should check with the surety company to determine the current status of the bond.

or

As required by Maine law, we maintain an escrow account in the amount of \$30,000 in the \_\_\_\_\_ . (Name and address of licensed bank or savings institute)

Before signing a contract to purchase a business opportunity, you should check with the ~~surety company~~ licensed bank or savings institute to determine the current status of the escrow account.

**Sec. B-12. 32 MRSA §7026, first ¶**, as amended by PL 2007, c. 621, §10, is further amended to read:

The State Board of Social Worker Licensure, as established by Title 5, section 12004-A, subsection 38, within the Department of Professional and Financial Regulation, shall administer this chapter. The board consists of 7 members appointed by the Governor. Five members of the board must be licensed clinical social workers or licensed master social workers and there must be 2 public members as defined in Title 5,

section ~~12004-C~~ 12004-A. In addition, board members must meet the qualifications required under section 7027.

**Sec. B-13. 34-A MRSA §1216, sub-§1**, as amended by PL 2011, c. 515, §2 and c. 662, §22, is repealed and the following enacted in its place:

**1. Limited disclosure.** All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department must be kept confidential and may not be disclosed by any person, except that public records must be disclosed in accordance with Title 1, section 408-A; criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter 8; and documents other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated or pertaining to a victim's request for notice of release may, and must upon request, be disclosed:

A. To any person if the person receiving services, that person's legal guardian, if any, and, if that person is a minor, that person's parent or legal guardian give informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503;

D. To any criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice or for criminal justice agency employment;

E. To persons engaged in research if:

(1) The research plan is first submitted to and approved by the commissioner;

(2) The disclosure is approved by the commissioner; and

(3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name or number or in any other way that might lead to the person's identification;

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile if the information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation, including reintegration into the school; or

G. To any state agency engaged in statistical analysis for the purpose of improving the delivery of services to persons who are or might become mutual clients if:

(1) The plan for the statistical analysis is first submitted to and approved by the commissioner; and

(2) The disclosure is approved by the commissioner.

The commissioner and the state agency requesting the information shall preserve the anonymity of the persons receiving services from the department and may not disseminate data that refer to any person by name or number or that in any other way might lead to a person's identification.

Notwithstanding any other provision of law, the department may release the names, dates of birth and social security numbers of persons receiving services from the department and, if applicable, eligibility numbers and the dates on which those persons received services to any state or federal agency for the sole purpose of determining eligibility and billing for services and payments under federally funded programs administered by the agency. The department may also release to the agency information required for and to be used solely for audit or research purposes, consistent with federal law, for those services provided by or through the department. Agency personnel shall treat this information as confidential in accordance with federal and state law and shall return the records when their purpose has been served.

**Sec. B-14. 35-A MRSA §10103, sub-§2, ¶A**, as amended by PL 2011, c. 637, §2 and c. 655, Pt. MM, §18 and affected by §26, is repealed and the following enacted in its place:

A. The board consists of the following 9 voting members:

(1) The Director of the Governor's Energy Office;

(2) The director of the Maine State Housing Authority; and

(3) Seven members appointed by the Governor, reviewed by the joint standing committee of the Legislature having jurisdiction over energy matters and approved by the Senate. Among these 7 members must be persons who adequately represent the interests of commercial energy consumers, industrial energy consumers, small business energy consumers, residential energy consumers and low-income energy consumers; among these members must be persons with knowledge of and experience in financial matters and consumer advocacy and who possess substantial management expertise or knowledge of or experience with conservation fund programs, carbon reduction programs or energy efficiency or climate change policy. The requirements of this subparagraph may be met through the appointment of one or more persons who satisfy more than one of the requirements, as long as at any one time the 7 members include among them members who adequately represent the identified interests and who possess the required knowledge, expertise and experience.

Appointed trustees serve 3-year terms. If an appointed trustee is unable to complete the term, the Governor shall appoint a replacement for the remainder of the unexpired term.

## PART C

**Sec. C-1. Resolve 2013, c. 22, §3, amended. Resolved:** That Resolve 2013, c. 22, §3 is amended to read:

**Sec. 3. Working group; members. Resolved:** That the Executive Director of Jobs for Maine's Graduates shall invite the following organizations to appoint representatives of their organizations to serve as members of the working group under this resolve:

1. Maine Association for Career and Technical Education;
2. Maine State Chamber of Commerce;
3. Maine Restaurant Association;
4. Associated Builders and Contractors of Maine; and
- ~~5. The Cianbro Companies; and~~
6. The Science, Technology, Engineering and Mathematics Council, as established in the Maine Revised Statutes, Title 20-A, section 11.

The Executive Director of Jobs for Maine's Graduates shall also invite representatives of key education stakeholder groups that have an interest in applied learning opportunities to participate; and be it further

**Sec. C-2. Limited liability company; fee for filing correction of assumed name.** Notwithstanding the Maine Revised Statutes, Title 31, section 1673, subsection 6 and section 1680, subsection 11, a limited liability company that filed a statement between July 1, 2011 and May 3, 2013 for use of an assumed name containing the words "limited liability company" or "limited company" or the abbreviation "L.L.C.," "LLC," "L.C." or "LC" or, in the case of a low-profit limited liability company, "L3C" solely because of the language in Title 31, section 1508, subsection 1, as enacted by Public Law 2009, chapter 629, Part A, section 2, may file with the Secretary of State a statement of correction under Title 31, section 1675 removing those words or abbreviations from the assumed name on or before October 1, 2013 without paying a filing fee.

**Sec. C-3. Effective date.** That section of this Part that amends Resolve 2013, chapter 22, section 3 takes effect 90 days after the adjournment of the First Regular Session of the 126th Legislature.

## PART D

**Sec. D-1. 10 MRSA §8010,** as enacted by PL 2013, c. 311, §1, is repealed.

**Sec. D-2. 10 MRSA §8011** is enacted to read:

### **§8011. Veterans and military spouses**

By January 1, 2014, each board, commission, office and agency within the department listed in section 8001 or affiliated with the department under section 8001-A shall adopt a process to facilitate qualified returning military veterans and qualified spouses of returning military veterans or of active duty service members to qualify for professional licenses granted by those boards, commissions, offices and agencies in an expeditious manner. For the purposes of this section, "returning military veteran" means a veteran of the Armed Forces of the United States who has been honorably discharged from active duty. Notwithstanding any other provision of law, the Director of the Office of Professional and Occupational Regulation and each licensing board within or affiliated with the department shall, upon presentation of satisfactory evidence by an applicant for professional or occupational licensure, accept education, training or service completed by the applicant as a member of the Armed Forces of the United States or Reserves of the United States Armed Forces, the national guard of any state, the military reserves of any state or the naval militia of any state toward the qualifications to receive the license.

**1. Endorsement.** The board, commission, office or agency may permit a returning military veteran or a spouse of a returning military veteran or of an active duty service member who holds a comparable license in another state to acquire a license by endorsement in this State for the remainder of the term of the license from the other state or until a license is obtained in this State.

**2. Temporary license.** The board, commission, office or agency may permit a returning military veteran or a spouse of a returning military veteran or of an active duty service member who holds a comparable license in another state to obtain a temporary license in this State for a period of time necessary to obtain a license in this State.

**3. Acceptance of military credentials.** The board, commission, office or agency shall permit a returning military veteran whose military training qualifies the veteran for a license in a profession or occupation that requires a license in this State to acquire a temporary license until a license is issued.

**4. Continuing education requirements.** The board, commission, office or agency may allow a full or partial exemption from continuing education requirements for a returning military veteran or the spouse of a returning military veteran or of an active duty service member. Evidence of completion of continuing education requirements may be required for a subsequent license or renewal. A board, commission, office or agency shall provide that continuing education requirements may be met by comparable military training.

**Sec. D-3. Effective date.** Those sections of this Part that repeal the Maine Revised Statutes, Title 10, section 8010 and enact Title 10, section 8011 take effect 90 days after the adjournment of the First Regular Session of the 126th Legislature.

## **PART E**

**Sec. E-1. 12 MRSA §683-A, sub-§3,** as amended by PL 2013, c. 256, §3, is further amended to read:

**3. Eligibility.** A state employee may not be appointed to or serve as a member of the commission. A county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, an official or employee from that county or municipality may not participate in that proceeding as a member of the commission. An incumbent county commissioner appointed after July 1, 2013 to serve on the commission may not serve simultaneously as a county commissioner and a member of the commission.

**Sec. E-2. PL 2013, c. 256, §17** is repealed.

**Sec. E-3. Effective date.** This Part takes effect 90 days after adjournment of the First Regular Session of the 126th Legislature.

## **PART F**

**Sec. F-1. 33 MRSA §589-C, sub-§1**, as corrected by RR 1993, c. 1, §102, is amended to read:

**1. Violation.** Any violation of this ~~chapter~~ subchapter is a violation of Title 5, chapter 10.

## **PART G**

**Sec. G-1. 22 MRSA §2423-A, sub-§3, ¶B**, as amended by PL 2013, c. 374, §1, is further amended to read:

B. A primary caregiver who has been designated by a patient to cultivate marijuana for the patient's medical use must keep all plants in an enclosed, locked facility unless the plants are being transported because the primary caregiver is moving or taking the plants to the primary caregiver's own property in order to cultivate them. The primary caregiver shall use a numerical identification system to enable the primary caregiver to identify marijuana plants cultivated for a patient. Access to the cultivation facility is limited to the primary caregiver, except that emergency ~~medical~~ services personnel or a person who needs to gain access to the cultivation facility in order to perform repairs or maintenance or to do construction may access the cultivation facility to provide those professional services while under the direct supervision of the primary caregiver.

**Sec. G-2. Effective date.** This Part takes effect 90 days after adjournment of the First Regular Session of the 126th Legislature.

## **PART H**

**Sec. H-1. PL 2013, c. 368, Pt. EE, §2** is enacted to read:

**Sec. EE-2. Effective date.** This Part takes effect July 1, 2013.

**Sec. H-2. Retroactivity.** This Part is retroactive to June 26, 2013.

## PART I

**Sec. I-1. PL 2013, c. 368, Pt. DDDDD, §2** is amended to read:

**Sec. DDDDD-2. Adult remedial education study.** The Education Coordinating Committee, established in the Maine Revised Statutes, Title 20-A, section 9, shall study issues related to the delivery of programs and courses to adults needing assistance in meeting the requirements for postsecondary education admission or entrance into specific training programs and to report to the Joint Select Committee on Maine's Workforce and Economic Future by December 16, ~~2014~~ 2013 with its findings and recommendations. The joint select committee may report out legislation based on the Education Coordinating Committee's findings and recommendations. In studying issues related to the delivery of programs and courses of remedial education for adults, the Education Coordinating Committee shall consult with the director of the office within the Department of Education concerned with adult education and family literacy, representatives of the Maine Adult Education Association and the executive director of the Maine Centers for Women, Work and Community within the University of Maine System.

## PART J

**Sec. J-1. 20-A MRSA §5205, sub-§6, ¶B,** as amended by PL 2013, c. 337, §1 and c. 356, §1, is repealed and the following enacted in its place:

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' determination and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination that the transfer is or is not in the student's best interest.

## PART K

**Sec. K-1. 7-A MRSA §206, sub-§4,** as enacted by PL 2013, c. 405, Pt. A, §16, is amended to read:

**4. Bureau of Resource Information and Land Use Planning.** The Bureau of Resource Information and Land Use Planning, which is composed of the Division of Land Use Planning, Permitting and Compliance, the Division of Geology, Natural Areas and Coastal Resources, the Land for Maine's Future ~~Board~~ Program, the units of municipal planning assistance and flood plain management and all other associated units and programs.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.