

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2010

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Legislative Document

No. 1805

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H.P. 1292

House of Representatives, March 2, 2010

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

(EMERGENCY)

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

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

1 B. The school administrative unit's special education costs as calculated pursuant to  
2 section 15681-A, subsection 2 multiplied by the following transition percentages:

3 (1) In fiscal year 2005-06, 84%;

4 (2) In fiscal year 2006-07, 84%;

5 (3) In fiscal year 2007-08, 84%;

6 (4) In fiscal year 2008-09, 45%;

7 (5) In fiscal year 2009-10, 45%; and

8 (6) In fiscal year 2010-11 and succeeding years, 84%.

9 **Sec. 24. 21-A MRSA §1011, 2nd ¶**, as amended by PL 2009, c. 190, Pt. A, §1  
10 and repealed by c. 366, §1 and affected by §12, is repealed.

11 **Sec. 25. 21-A MRSA §1014, sub-§1**, as amended by PL 2009, c. 183, §1 and c.  
12 190, Pt. A, §2, is repealed and the following enacted in its place:

13 **1. Authorized by candidate.** Whenever a person makes an expenditure to finance a  
14 communication expressly advocating the election or defeat of a clearly identified  
15 candidate through broadcasting stations, newspapers, magazines, campaign signs or other  
16 outdoor advertising facilities, publicly accessible sites on the Internet, direct mails or  
17 other similar types of general public political advertising or through flyers, handbills,  
18 bumper stickers and other nonperiodical publications, the communication, if authorized  
19 by a candidate, a candidate's authorized political committee or their agents, must clearly  
20 and conspicuously state that the communication has been so authorized and must clearly  
21 state the name and address of the person who made or financed the expenditure for the  
22 communication. The following forms of political communication do not require the  
23 name and address of the person who made or authorized the expenditure for the  
24 communication because the name or address would be so small as to be illegible or  
25 infeasible: ashtrays, badges and badge holders, balloons, campaign buttons, clothing,  
26 coasters, combs, emery boards, envelopes, erasers, glasses, key rings, letter openers,  
27 matchbooks, nail files, noisemakers, paper and plastic cups, pencils, pens, plastic  
28 tableware, 12-inch or shorter rulers, swizzle sticks, tickets to fund-raisers and similar  
29 items determined by the commission to be too small and unnecessary for the disclosures  
30 required by this section. A communication financed by a candidate or the candidate's  
31 committee is not required to state the address of the candidate or committee that financed  
32 the communication. A communication in the form of a sign that clearly identifies the  
33 name of the candidate and is lettered or printed individually by hand is not required to  
34 include the name and address of the person who made or financed the communication.

35 **Sec. 26. 21-A MRSA §1056-B, first ¶**, as amended by PL 2009, c. 190, Pt. A,  
36 §20 and c. 366, §7 and affected by §12, is repealed and the following enacted in its place:

37 Any person not defined as a political action committee who receives contributions or  
38 makes expenditures, other than by contribution to a political action committee,  
39 aggregating in excess of \$5,000 for the purpose of initiating, promoting, defeating or  
40 influencing in any way a ballot question must file reports with the commission in  
41 accordance with this section. Within 7 days of receiving contributions or making

1 expenditures that exceed \$5,000, the person shall register with the commission as a ballot  
2 question committee. For the purposes of this section, expenditures include paid staff time  
3 spent for the purpose of influencing in any way a ballot question. The commission must  
4 prescribe forms for the registration, and the forms must include specification of a  
5 treasurer for the committee, any other principal officers and all individuals who are the  
6 primary fund-raisers and decision makers for the committee. In the case of a municipal  
7 election, the registration and reports must be filed with the clerk of that municipality.

8 **Sec. 27. 21-A MRSA §1058**, as amended by PL 2009, c. 190, Pt. A, §22 and c.  
9 366, §8 and affected by §12, is repealed and the following enacted in its place:

10 **§1058. Reports; qualifications for filing**

11 A political action committee that is required to register under section 1053 or 1053-B  
12 shall file reports with the commission on forms prescribed by the commission according  
13 to the schedule in section 1059.

14 **Sec. 28. 21-A MRSA §1059, first ¶**, as amended by PL 2009, c. 190, Pt. A, §23  
15 and c. 366, §9 and affected by §12, is repealed and the following enacted in its place:

16 Committees required to register under section 1053, 1053-B or 1056-B shall file an  
17 initial campaign finance report at the time of registration and thereafter shall file reports  
18 in compliance with this section. All reports must be filed by 11:59 p.m. on the filing  
19 deadline, except that reports submitted to a municipal clerk in a town or city that has  
20 chosen to be governed by this subchapter must be filed by the close of business on the  
21 filing deadline.

22 **Sec. 29. 21-A MRSA §1125, sub-§8**, as amended by PL 2009, c. 286, §8 and  
23 repealed by c. 302, §16 and affected by §24 and amended by c. 363, §§8 and 9, is  
24 repealed.

25 **Sec. 30. Effective date.** That section of this Act that repeals the Maine Revised  
26 Statutes, Title 21-A, section 1125, subsection 8 takes effect September 1, 2011.

27 **Sec. 31. 21-A MRSA §1125, sub-§9**, as amended by PL 2009, c. 302, §18 and  
28 affected by §24 and amended by c. 363, §10, is repealed and the following enacted in its  
29 place:

30 **9. Matching funds.** When any report required under this chapter or chapter 13  
31 shows that the sum of a candidate's expenditures or obligations, contributions and loans,  
32 or fund revenues received, whichever is greater, in conjunction with independent  
33 expenditures reported under section 1019-B, exceeds the sum of an opposing certified  
34 candidate's fund revenues, in conjunction with independent expenditures, the commission  
35 shall issue immediately to the opposing certified candidate an additional amount  
36 equivalent to the difference. Matching funds for certified candidates for the Legislature  
37 are limited to 2 times the amount originally distributed under subsection 8-A. Matching  
38 funds for certified gubernatorial candidates in a primary election are limited to half the  
39 amount originally distributed under subsection 8-A. Matching funds for certified

1 gubernatorial candidates in a general election are limited to the amount originally  
2 distributed under subsection 8-A.

3 **Sec. 32. Effective date.** That section of this Act that repeals and replaces the  
4 Maine Revised Statutes, Title 21-A, section 1125, subsection 9 takes effect September 1,  
5 2011.

6 **Sec. 33. 21-A MRSA §1125, sub-§10,** as amended by PL 2009, c. 302, §19 and  
7 affected by §24 and amended by c. 363, §11, is repealed and the following enacted in its  
8 place:

9 **10. Candidate not enrolled in a party.** An unenrolled candidate for the Legislature  
10 who submits the required number of qualifying contributions and other required  
11 documents under subsection 4 by 5:00 p.m. on April 15th preceding the primary election  
12 and who is certified is eligible for revenues from the fund in the same amounts and at the  
13 same time as an uncontested primary election candidate and a general election candidate  
14 as specified in subsections 7 and 8-A. Otherwise, an unenrolled candidate for the  
15 Legislature must submit the required number of qualifying contributions and the other  
16 required documents under subsection 4 by 5:00 p.m. on June 2nd preceding the general  
17 election. If certified, the candidate is eligible for revenues from the fund in the same  
18 amounts as a general election candidate, as specified in subsection 8-A. Revenues for the  
19 general election must be distributed to the candidate no later than 3 days after  
20 certification. An unenrolled candidate for Governor who submits the required number of  
21 qualifying contributions and other required documents under subsections 2-B and 4. by  
22 5:00 p.m. on April 1st preceding the primary election and who is certified is eligible for  
23 revenues from the fund in the same amounts and at the same time as an uncontested  
24 primary election gubernatorial candidate and a general election gubernatorial candidate as  
25 specified in subsections 7 and 8-A. Revenues for the general election must be distributed  
26 to the candidate for Governor no later than 3 days after the primary election results are  
27 certified.

28 **Sec. 34. Effective date.** That section of this Act that repeals and replaces the  
29 Maine Revised Statutes, Title 21-A, section 1125, subsection 10 takes effect September 1,  
30 2011.

31 **Sec. 35. 22 MRSA §329, sub-§6,** as repealed and replaced by PL 2009, c. 429, §1  
32 and c. 430, §1, is repealed and the following enacted in its place:

33 **6. Nursing facilities.** The obligation by a nursing facility, when related to nursing  
34 services provided by the nursing facility, of any capital expenditures of \$510,000 or more  
35 and, beginning January 1, 2010, the obligation by a nursing facility, when related to  
36 nursing services provided by the nursing facility, of any capital expenditures of  
37 \$1,000,000 or more.

38 A certificate of need is not required for the following:

39 A. A nursing facility converting beds used for the provision of nursing services to  
40 beds to be used for the provision of residential care services. If such a conversion  
41 occurs, MaineCare and other public funds may not be obligated for payment of

## SUMMARY

1  
2 Section 1 corrects a reference to the biennial report of the Land and Water Resources  
3 Council.

4 Section 2 repeals a reference to the Baxter Compensation Authority, which was  
5 eliminated on July 1, 2007.

6 Section 3 corrects a conflict created by Public Law 2009, chapter 211, which changed  
7 the name of the Junior Maine Guides and Trip Leaders Curriculum Advisory Board in the  
8 Maine Revised Statutes, Title 5, section 12004-I, subsection 24, and chapter 369, which  
9 repealed Title 5, section 12004-I, subsection 24. This section corrects the conflict by  
10 repealing Title 5, section 12004-I, subsection 24.

11 Section 4 corrects the name of a commission.

12 Section 5 removes a reference to an annual report that is no longer required to be  
13 prepared.

14 Section 6 corrects a conflict created by Public Law 2009, chapters 213 and 343,  
15 which affected the same provision of law, by incorporating the changes made by both  
16 laws.

17 Section 7 corrects a conflict created by Public Law 2009, chapters 324 and 325,  
18 which affected the same provision of law, by incorporating the changes made by both  
19 laws. Section 8 makes the changes retroactive to February 15, 2010.

20 Section 9 corrects a conflict created by Public Law 2009, chapters 324 and 325,  
21 which affected the same provision of law, by incorporating the changes made by both  
22 laws. Section 10 makes the changes retroactive to February 15, 2010.

23 Section 11 corrects a conflict created by Public Law 2009, chapter 324, which  
24 repealed Title 11, article 7-A and chapter 325, which corrected a cross-reference in Title  
25 11, section 7-102, subsection (1), paragraph (e), which is in the repealed article. This  
26 section corrects the conflict by repealing Title 11, section 7-102. Section 12 makes the  
27 change retroactive to February 15, 2010.

28 Section 13 corrects a conflict created by Public Law 2009, chapters 151 and 394,  
29 which affected the same provision of law, by incorporating the changes made by both  
30 laws.

31 Section 14 corrects a conflict created by Public Law 2009, chapters 340 and 369,  
32 which affected the same provision of law, by incorporating the changes made by both  
33 laws.

34 Section 15 corrects a conflict created when Public Law 2009, chapter 369 repealed  
35 the Maine Revised Statutes, Title 12, section 10154 and chapter 211 amended the section.  
36 This section corrects the conflict by repealing Title 12, section 10154.

1 Section 16 corrects a conflict created by Public Law 2009, chapters 213 and 340,  
2 which affected the same provision of law, by incorporating the changes made by both  
3 laws.

4 Section 17 corrects a conflict created by Public Law 2009, chapters 211 and 369,  
5 which affected the same provision of law, by incorporating the changes made by both  
6 laws.

7 Section 18 corrects a cross-reference, and section 19 adds an effective date.

8 Section 20 corrects a cross-reference.

9 Section 21 corrects a conflict created by Public Law 2009, chapters 268 and 391,  
10 which affected the same provision of law, by incorporating the changes made by both  
11 laws.

12 Section 22 corrects a cross-reference.

13 Section 23 corrects a conflict created by Public Law 2009, chapters 1 and 213, which  
14 affected the same provision of law. This section repeals the provision and replaces it with  
15 the chapter 213 version.

16 Section 24 corrects a conflict created when Public Law 2009, chapter 190 amended  
17 Title 21-A, section 1011, 2nd paragraph and Public Law 2009, chapter 366 repealed the  
18 paragraph. This section corrects the conflict by repealing the paragraph.

19 Section 25 corrects a conflict created by Public Law 2009, chapters 183 and 190,  
20 which affected the same provision of law, by incorporating the changes made by both  
21 laws.

22 Section 26 corrects a conflict created by Public Law 2009, chapters 190 and 366,  
23 which affected the same provision of law. This section repeals the provision and replaces  
24 it with the chapter 190 version.

25 Section 27 corrects a conflict created by Public Law 2009, chapters 190 and 366,  
26 which affected the same provision of law. This section repeals the provision and replaces  
27 it with the chapter 190 version.

28 Section 28 corrects a conflict created by Public Law 2009, chapters 190 and 366,  
29 which affected the same provision of law, by incorporating the changes made by both  
30 laws.

31 Section 29 corrects a conflict created when Public Law 2009, chapter 302 repealed  
32 Title 21-A, section 1125, subsection 8 and Public Law 2009, chapters 286 and 363  
33 amended that subsection. This section corrects the conflict by repealing the subsection.  
34 Section 30 provides an effective date of September 1, 2011.

35 Section 31 corrects a conflict created by Public Law 2009, chapters 302 and 363,  
36 which affected the same provision of law. This section repeals the provision and replaces

1 it with the chapter 302 version. Section 32 provides an effective date of September 1,  
2 2011.

3 Section 33 corrects a conflict created by Public Law 2009, chapters 302 and 363,  
4 which affected the same provision of law, by incorporating the changes made by both  
5 laws. Section 34 provides an effective date of September 1, 2011.

6 Section 35 corrects a conflict created by Public Law 2009, chapters 429 and 430,  
7 which affected the same provision of law. This section repeals the provision and replaces  
8 it with the chapter 430 version.

9 Section 36 corrects a cross-reference.

10 Section 37 corrects a conflict created when Public Law 2009, chapter 299 amended  
11 Title 22, section 5107-J, subsection 2, paragraph C and chapter 369 repealed Title 22,  
12 section 5107-J. This section corrects the conflict by repealing the section.

13 Section 38 corrects a conflict created by Public Law 2009, chapters 279 and 420,  
14 which affected the same provision of law. This section repeals the provision and replaces  
15 it with the chapter 420 version.

16 Section 39 corrects a conflict created by Public Law 2009, chapters 279 and 420,  
17 which both substantively affected the same provision of law. This section corrects the  
18 conflict by incorporating the changes made by both laws.

19 Section 40 corrects a cross-reference.

20 Sections 41 and 42 correct a conflict created by Public Law 2009, chapters 77 and  
21 118, which both substantively affected the same provisions of law. Sections 41 and 42  
22 correct the conflict by incorporating the changes made by both laws.

23 Section 43 corrects a conflict created by Public Law 2009, chapters 261 and 344,  
24 which both substantively affected the same provision of law. This section corrects the  
25 conflict by incorporating the changes made by both laws and makes a grammatical  
26 correction.

27 Sections 44 and 45 correct clerical errors.

28 Sections 46 and 47 correct a conflict created by Public Law 2009, chapters 336 and  
29 451, which both substantively affected the same provision of law. Sections 46 and 47  
30 correct the conflict by incorporating the changes made by both laws.

31 Section 48 corrects the name of a commission.

32 Section 49 corrects the name of a commission.

33 Section 50 corrects punctuation and a clerical error by adding a word that was  
34 inadvertently omitted.