

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1904

H.P. 1338

House of Representatives, May 10, 2007

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

(EMERGENCY)

Reported by Representative SIMPSON of Auburn 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 under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 **2. Certain approval unnecessary; purchases.** Notwithstanding any other provision
2 of law, purchases of materials or services by the Baxter State Park Authority ~~shall do~~ not
3 need the approval of the Department of ~~Administration~~ Administrative and Financial
4 Services through the Bureau of ~~Purchases~~ General Services.

5 **Sec. 35. 12 MRSA §4818**, as repealed by PL 1989, c. 403, §2 and amended by c.
6 502, Pt. B, §9, is repealed.

7 **Sec. 36. 12 MRSA §6601, sub-§5**, as amended by PL 2005, c. 233, §1 and c.
8 434, §4, is repealed and the following enacted in its place:

9 **5. Fee.** Except as provided in subsection 5-A, the fee for a commercial shellfish
10 license is \$115.

11 **Sec. 37. 12 MRSA §6601, sub-§5-A**, as enacted by PL 2005, c. 233, §2, is
12 amended to read:

13 **5-A. Exception.** The fee for a commercial shellfish license for applicants 70 years
14 of age or older is \$57.50.

15 **Sec. 38. 12 MRSA §8861**, as amended by PL 1989, c. 502, Pt. B, §14 and
16 repealed by c. 555, §9, is repealed.

17 **Sec. 39. 14 MRSA §8116, last ¶**, as amended by PL 1987, c. 740, §17, is further
18 amended to read:

19 Any insurance purchased by the State under this section ~~shall~~ must be purchased
20 through the Department of ~~Administration~~ Administrative and Financial Services, Risk
21 Management Division.

22 **Sec. 40. 20-A MRSA §13506, sub-§2**, as amended by PL 1985, c. 785, Pt. A,
23 §92, is further amended to read:

24 **2. Transmittal of information.** The commissioner shall transmit the necessary
25 filing data to the Department of ~~Finance~~ Administrative and Financial Services in
26 sufficient time to allow the issuance of payments on February 15th and August 15th of
27 each year.

28 **Sec. 41. 20-A MRSA §13507-A, sub-§2**, as amended by PL 1987, c. 524, is
29 further amended to read:

30 **2. Minimums.** Notwithstanding any other provision of law, the State and the
31 bargaining agent for state teachers in state-operated schools and related classifications
32 shall at a minimum, in accordance with bargaining procedures set forth in Title 26,
33 chapter 9-B, negotiate as to the impact of implementation of sections ~~13403~~ 13405 and
34 ~~13404~~ 13406. The negotiations ~~shall~~ must be limited to salaries. Minimum salaries
35 established by those negotiations ~~shall~~ must be based upon a 180-day school year and
36 ~~shall~~ must be proportionately higher for positions whose incumbents work for longer
37 terms. Negotiations ~~shall~~ must establish pay schedules ~~which~~ that enable the State to be

1 accordance with the provisions of section 346. All information provided by the
2 department to the municipality under this subsection is confidential and not a public
3 record under Title 1, chapter 13. In the event a request for such information is submitted
4 to the municipality, the municipality shall submit that request to the commissioner to be
5 processed by the department as provided in this subsection.

6 **Sec. 79. 38 MRSA §1665-A, sub-§9**, as amended by PL 2003, c. 6, §1, is further
7 amended to read:

8 **9. Reporting.** Before January 1, 2003 and annually thereafter, motor vehicle
9 manufacturers doing business in the State shall report to the joint standing committee of
10 the Legislature having jurisdiction over natural resources matters on any fee or other
11 charge collected on the sale of new motor vehicles for the purpose of paying the cost of
12 carrying out the manufacturer responsibilities under subsection 5. The report must
13 specify the amount of the fee or charge collected and how the amount of the fee or charge
14 was determined. Before July 1, 2004 and annually thereafter, motor vehicle
15 manufacturers shall report in writing to the department on the results of the source
16 separation required under this section. The report must include, at a minimum, the
17 number of mercury switches removed and recycled from motor vehicles during the
18 previous calendar year; the estimated total amount of mercury contained in the
19 components; and any recommendations to improve the future collection and recycling of
20 motor vehicle components. ~~Before January 1, 2004 and annually thereafter, the~~
21 ~~department shall report to the Mercury Products Advisory Committee on the~~
22 ~~effectiveness of the source separation required under this section, whether the partial~~
23 ~~reimbursement payment under subsection 5, paragraph B should be adjusted to increase~~
24 ~~the number of switches brought to consolidation facilities, whether other motor vehicle~~
25 ~~components should be added to the source separation efforts and whether the program~~
26 ~~should be terminated and, if so, when.~~

27 **Sec. 80. 38 MRSA §2401**, as repealed by PL 1995, c. 49, §2 and c. 50, §2 and
28 amended by c. 65, Pt. A, §151 and affected by §153 and Pt. C, §15, is repealed.

29 **Sec. 81. 38 MRSA §2402**, as repealed by PL 1995, c. 49, §2 and c. 50, §2 and
30 amended by c. 65, Pt. A, §152 and affected by §153 and Pt. C, §15, is repealed.

31 **Sec. 82. P&SL 2005, c. 60, §7** is amended to read:

32 **Sec. 7. Effective date.** Sections 1 to 4 5 of this Act take effect on July 1, 2007 if
33 deorganization is approved by the voters of Drew Plantation pursuant to section 5 6 of
34 this Act.

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

37 **SUMMARY**

38 Section 1 repeals a provision of law pertaining to the Maine Health Care Finance
39 Commission, which was eliminated by Public Law 1995, chapter 653, Part B.

1 Section 2 changes the term "case management officers" to "law magistrates" to reflect
2 the change that was made by Public Law 2005, chapter 384.

3 Section 3 makes technical changes and corrects a punctuation error.

4 Section 4 corrects a reference to federal law.

5 Section 5 makes a technical change and corrects the name of a department to reflect
6 the change made by Public Law 1991, chapter 780, Part Y.

7 Section 6 makes technical changes and corrects the name of a department to reflect
8 the change made by Public Law 1991, chapter 780, Part Y.

9 Sections 7 and 8 clarify references to the Margaret Chase Smith Center for Public
10 Policy within the University of Maine System and to the County and Local Government
11 Internship Program administered by the center.

12 Section 9 repeals a provision of law pertaining to the Maine Health Care Finance
13 Commission, which was eliminated by Public Law 1995, chapter 653, Part B.

14 Section 10 corrects the name of a department to reflect the change made by Public
15 Law 1991, chapter 780, Part Y and removes unnecessary language.

16 Section 11 corrects the name of a department to reflect the change made by Public
17 Law 1991, chapter 780, Part Y and updates a reference to the Bureau of General Services.

18 Section 12 corrects the name of a department to reflect the change made by Public
19 Law 1991, chapter 780, Part Y and makes grammatical changes.

20 Section 13 corrects the name of a department to reflect the change made by Public
21 Law 1991, chapter 780, Part Y and makes a technical change.

22 The Policy Review Board was eliminated by Public Law 1999, chapter 668. Sections
23 14 to 22 strike references to the Policy Review Board and make technical corrections.

24 Section 23 repeals the language that established the Mercury Products Advisory
25 Committee, since the committee was eliminated on August 1, 2006 pursuant to the Maine
26 Revised Statutes, Title 38, section 1670, subsection 9.

27 Section 24 corrects a conflict created when Public Law 1995, chapter 560, Part B,
28 section 5 repealed Title 5, section 13069, and Public Law 1995, chapter 688 made
29 technical changes to Title 5, section 13069, subsection 1, paragraph A. This section
30 corrects the conflict by repealing all of Title 5, section 13069.

31 Section 25 corrects a conflict created when Public Law 1989, chapter 700 amended
32 Title 5, section 13075, subsection 6, and Public Law 1989, chapter 702 repealed Title 5,
33 section 13075 in its entirety. This section corrects the conflict by repealing all of Title 5,
34 section 13075.

35 Section 26 corrects a conflict created when Public Law 2005, chapters 585 and 620
36 both amended the same provision of law. This section corrects the conflict by repealing

1 Title 7, section 607, subsection 6 and replacing it with subsection 6 as amended by Public
2 Law 2005, chapter 585.

3 Section 27 corrects cross-references to 2 sections that were repealed in and had
4 similar counterparts enacted by Public Law 1997, chapter 528. Section 28 corrects a
5 conflict that was created when Public Law 1997, chapter 474 enacted Title 8, section 275-
6 I, subsection 2, paragraph E, and Public Law 1997, chapter 528 repealed all of Title 8,
7 section 275-I by repealing all of Title 8, section 275-I.

8 Section 29 corrects a conflict created by Public Law 2005, chapters 563 and 576,
9 which affected the same provision of law. This section repeals the provision and replaces
10 it with the chapter 563 version.

11 Section 30 corrects the name of a department to reflect the change made by Public
12 Law 1991, chapter 780, Part Y and makes technical changes.

13 Section 31 corrects a conflict created by Public Law 2005, chapters 563 and 663,
14 which both substantively affected the same provision of law. This section corrects the
15 conflict by incorporating the changes made by both laws.

16 Section 32 corrects a conflict created when Public Law 1997, chapter 641 amended
17 Title 12, section 602, subsection 18 and chapter 678 repealed Title 12, chapter 203, which
18 contained Title 12, section 602, subsection 18. This section corrects the conflict by
19 repealing the section.

20 The substantive change made by Public Law 1997, chapter 641 is incorporated in
21 Title 12, section 1825, subsection 1.

22 Sections 33 and 34 correct the name of a department and a bureau to reflect the
23 changes made by Public Law 1991, chapter 780, Part Y and make technical corrections.

24 Section 35 corrects a conflict created when Public Law 1989, chapter 403 repealed
25 Title 12, section 4818 and chapter 502 amended Title 12, section 4818, subsection 1,
26 paragraph B. This section corrects the conflict by repealing all of Title 12, section 4818.

27 Sections 36 and 37 correct a conflict created when Public Law 2005, chapter 233
28 amended the law setting the shellfish harvesting fee to provide an exception for shellfish
29 licenses issued to applicants 70 years of age or older and chapter 434 changed the name
30 of the license to “commercial shellfish license.” Section 36 corrects the conflict by
31 incorporating the changes made by both public laws and section 37 corrects the name of
32 the license issued to applicants 70 years of age or older.

33 Section 38 corrects a conflict created when Public Law 2005, chapter 502 amended
34 Title 12, section 8861 in a nonsubstantive manner and chapter 555 repealed Title 12,
35 chapter 805, subchapter 3, article 3, which contained Title 12, section 8861. This section
36 corrects the conflict by repealing all of Title 12, section 8861.

37 Section 39 corrects the name of a department to reflect the change made by Public
38 Law 1991, chapter 780, Part Y and also makes a technical correction.