An Act to Correct Errors and Inconsistencies in the Laws of Maine.

(EMERGENCY)

Reported by Senator CONLEY of Cumberland for the Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 94.
Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 18.

JOY J. O'BRIEN
Secretary of the Senate
Sec. A-27. 23 MRSA §1961, sub-§2, as amended by PL 1991, c. 9, Pt. E, §14 and IB 1991, c. 1, §2, is repealed and the following enacted in its place:

2. Cooperation with the Department of Transportation. The Department of Transportation must be provided each year the operating surplus of the Maine Turnpike Authority. These amounts are considered necessary for use by the department for construction, reconstruction, operation and maintenance of all roads on the state highway system, which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.


Sec. A-29. 23 MRSA §1974, sub-§4, as amended by PL 1991, c. 9, Pt. E, §17 and as repealed by IB 1991, c. 1, §8, is repealed.

Sec. A-30. 28-A MRSA §2519, sub-§7, as enacted by PL 1993, c. 266, §36, is amended to read:

7. Course accountability. The Director of the Bureau of Liquor Enforcement may appoint an employee of the bureau to monitor each alcohol server education course to ensure that the course presents proper training and meets the approved criteria. The Bureau of Liquor Enforcement shall maintain a record of the participants who have completed an alcohol server training course. Each instructor of an approved course shall provide the Director of the Bureau of Liquor Enforcement with the names, addresses, dates of birth and social security numbers of students who complete the course and the date of completion. The instructors shall forward $3 of the $68 enrollment fee to the Bureau of Liquor Enforcement for every name submitted. The amounts collected must be retained by the Bureau of Liquor Enforcement to cover costs incurred in carrying out this subsection.
If the estimated assessment paid is less than the actual liability, the underpayment must be assessed and payment to the Bureau of Taxation is due within 30 days of notice.

Sec. B-11. 36 MRSA §2801-A, sub-$6, as enacted by PL 1991, c. 528, Pt. Q, §8 and affected by Pt. RRR and enacted by c. 591, Pt. Q, §8, is amended to read:

6. Deposit of collections. The collections made pursuant to this section must be deposited in the Medical Care---Payments to Providers---Special-Revenue-Account Maine Health Care Commission Fund. An accounting of the details of the source of the revenue must be provided to the Department of Human Services.

Sec. B-12. 38 MRSA §482, sub-$2, as amended by PL 1993, c. 350, §3 and c. 383, §3 and affected by §42, is repealed and the following enacted in its place:

2. Development that may substantially affect the environment. "Development that may substantially affect the environment," in this article also called "development," means any federal, state, municipal, quasi-municipal, educational, charitable, residential, commercial or industrial development that:

A. Occupies a land or water area in excess of 20 acres;

B. Contemplates drilling for or excavating natural resources on land or under water where the area affected is in excess of 60,000 square feet;

C. Is a mining or advanced exploration activity as defined in this section;

E. Is a structure as defined in this section; or

G. Is a subdivision as defined in this section.

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

STATEMENT OF FACT

PART A

Sections 1 and 2 retroactively repeal a provision of law that repeals the Maine Revised Statutes, Title 29, section 780.
Section 19 corrects a cross-reference error.

Section 20 corrects a conflict created when 2 public laws, Public Law 1989, chapter 502 and chapter 571, enacted a new title for Title 5, Part 15-A. This section repeals both versions and puts the version enacted by Public Law 1989, chapter 502 back in.

Section 21 consolidates changes in Title 10, section 1032, subsection 6 that were made in Public Law 1993, chapters 410 and 460.

Section 22 corrects a cross-reference.

Section 23 incorporates the provisions of Public Law 1993, chapters 206 and 419 amending the same subsection of law.

Section 24 corrects cross-references by replacing the words "et seq" with the appropriate statutory references.

Section 25 corrects a conflict that was created when Public Law 1993, chapters 316 and 349 attempted to correct a conflict that was created by Public Law 1991, chapters 780 and 837 when both chapters amended Title 13-B, section 1301 differently and reference was not made by either chapter to the changes made by the other chapter. When attempting to correct the error created by the 1991 laws, Public Law 1991, chapter 349 combined the changes made by both 1991 laws and Public Law 1991, chapter 316 also combined changes made by both 1991 laws and also made other changes. The Public Law 1991, chapter 316 version is being used because this law was a law to specifically change the corporate laws and Public Law 1991, chapter 349 was an errors bill.

Section 26 incorporates the provisions of Public Law 1993, chapters 451 and 453 that amended the same subsection of law. Both public laws increase the circumstances when unlawful sexual contact is enhanced to a Class C crime.

Section 27 corrects a conflict created by Public Law 1991, chapter 9 and Initiated Bill 1991, chapter 1 by incorporating these changes that reflect the intent of Initiated Bill 1991, chapter 1, which was approved by the voters in a statewide referendum on November 5, 1991 for the purpose of deauthorizing the widening of the Maine Turnpike and establishing a transportation policy.

Section 28 corrects a conflict created by Public Law 1991, chapter 9 and Initiated Bill 1991, chapter 1 by repealing the law concerning the power of the Maine Turnpike Authority to provide an annual amount of money to the Department of Transportation for

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the construction, operation and maintenance of access roads as intended by Initiated Bill 1991, chapter 1. Initiated Bill 1991, chapter 1 was approved by the voters in a statewide referendum on November 5, 1991 for the purpose of deauthorizing the widening of the Maine Turnpike and establishing a transportation policy.

Section 29 corrects a conflict created by Public Law 1991, chapter 9 and Initiated Bill 1991, chapter 1 by repealing the law concerning revenues for access roads and the state highway system as intended by Initiated Bill 1991, chapter 1. Initiated Bill 1991, chapter 1 was approved by the voters in a statewide referendum on November 5, 1991 for the purpose of deauthorizing the widening of the Maine Turnpike and establishing a transportation policy.

Section 30 clarifies the intent of Title 28-A, section 2519, subsection 7 by deleting the language that indicates that the enrollment fee for a course is $28. Title 28-A, section 2519, subsection 7 requires that for each person who attends a course in alcohol server training the instructor must forward $3 of the enrollment fee to the Bureau of Liquor Enforcement. The way the law reads now, it appears that if the enrollment fee is $28, $3 of the $28 must be forwarded. The intent was that $3 of any enrollment fee must be forwarded to the bureau.

Sections 31 and 32 correct an error that was created when Public Law 1991, chapter 852 repealed and replaced Title 30-A, section 2, subsection 1. The law repealed some paragraphs under subsection 1 and relettered the remaining paragraphs to read consecutively, confusing the histories. Section 31 repeals Title 30-A, section 2, subsection 1 and section 32 enacts Title 30-A, section 2, subsection 1-B to eliminate the confusion.

Section 33 incorporates the changes from Public Law 1993, chapters 73 and 166. Public Law 1993, chapter 73 adds a date when a zoning ordinance that is not consistent with a comprehensive plan will become void. Public Law 1993, chapter 166 adds language to clarify which zoning ordinances that are not consistent with the comprehensive plan will become void.

Section 34 corrects a conflict that was created when Public Law 1989, chapter 104 enacted a new Title 30-A, section 5772, subsection 9 without taking into account that that subsection already existed, which was enacted by Public Law 1987, chapter 873. Both chaptered laws contain the same information but are worded differently. This section repeals the Public Law 1987 version and keeps the Public Law 1989 version.

Section 35 incorporates the changes made by Public Law 1993, chapter 349 and chapter 389. Public Law 1993, chapter 349 made a