

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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J.S. McCarthy Company
Augusta, Maine
1999

REVISOR'S REPORT
1997

CHAPTER 2

Sec. 1. 1 MRSA §532, sub-§3, as enacted by PL 1997, c. 713, §1, is corrected to read:

3. InforME. "InforME" means the system through which the State electronically provides public information, access to public information and premium services to individuals, businesses and other entities.

~~3.~~ **3-A. Network manager.** "Network manager" means the person under contract to carry out the duties described in section 535.

EXPLANATION

This section corrects a numbering problem created by Public Law 1997, chapter 713, which enacted substantively different provisions with the same subsection number.

Sec. 2. 1 MRSA §602, as enacted by PL 1993, c. 239, §1, is corrected to read:

§602. Additional media for publication of notices

Notwithstanding section 601, all probate notices, notices of foreclosure, other legal notices, legal advertising and other matter required by law to be published in a newspaper that have been published in the Coastal Journal from the date of its first publication on November 3, 1966 and in the Somerset Gazette from the date of its first publication on April 16, 1990 to ~~the effective date of this Act June 2, 1993~~, and that would have been valid but for the provision of section 601 that requires a newspaper carrying such notices to be entered as 2nd class postal matter, are declared to be valid.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 3. 3 MRSA §2-B, sub-§3, as enacted by PL 1997, c. 506, §1, is corrected to read:

3. Appointments; meetings. The 4 appointments by the presiding officers must be made no later than 15 days following ~~the effective date of this~~

~~section~~ September 19, 1997. The Executive Director of the Legislative Council must be notified once the selections have been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 4. 3 MRSA §162, sub-§6-A, as enacted by PL 1985, c. 501, Pt. B, §3, is corrected to read:

6-A. Transition. Any person serving as Legislative Administrative Director, Director or Assistant Director of Legislative Research, Legislative Finance Officer or Assistant Legislative Finance Officer or Director or Assistant Director of Legislative Assistants, on ~~the effective date of this Act September 19, 1985~~ may continue to so serve until the expiration of the term for which ~~he~~ that person was appointed, unless ~~he~~ that person resigns or vacates ~~his~~ office before ~~the effective date. September 19, 1985~~.

EXPLANATION

This section supplies the appropriate calendar date for 2 references to the effective date of a provision of law, corrects punctuation and changes gender-specific terms.

Sec. 5. 3 MRSA §731, sub-§4, as enacted by PL 1985, c. 507, §1, is corrected to read:

4. Oath. Each trustee shall, within 10 days after ~~the effective date of this chapter September 19, 1985~~ and thereafter, within 10 days after ~~his~~ that trustee's appointment or election, take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. This oath ~~shall~~ must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law, makes a grammatical change and changes gender-specific language.

Sec. 6. 4 MRSA §954-A, as amended by PL 1989, c. 137, is corrected to read:

§954-A. Conflict of interest if notary related

A notary public ~~shall~~ may not perform any notarial act for any person if that person is the notary public's spouse, parent, sibling, child, spouse's parent or child's spouse, except that a notary public may solemnize the marriage of the notary public's parent, sibling, child or spouse's parent if the ceremony is witnessed and the marriage certificate signed by another notary public unrelated by marriage or blood to the parties. This section does not affect or apply to notarial acts performed before ~~the effective date of this section~~ August 4, 1988.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes a grammatical change.

Sec. 7. 4 MRSA §1701, sub-§2, as enacted by PL 1995, c. 451, §1, is corrected to read:

2. Members. The commission consists of 3 members selected from among the registered voters of the State; one is appointed by the Governor, one by the President of the Senate and one by the Speaker of the House. The public official with the power to appoint a member is the person in office on the day that member's term begins. The commission may not contain more than 2 members of the same political party. The initial appointments must be made within 10 days of ~~the effective date of this section~~ September 29, 1995.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 8. 5 MRSA §145-C, sub-§2, as enacted by PL 1991, c. 603, §1, is corrected to read:

2. Authorization. Any general obligation bonds of the State that the Treasurer of State now or after ~~the effective date of this subsection~~ July 30, 1991 is authorized to issue and sell may be issued and sold by the Treasurer of State as college savings bonds. The Treasurer of State, after consultation with the advisory committee established in subsection 3, may offer college savings bonds in such amounts and form and on such terms and conditions as the Treasurer of State determines necessary. Notwithstanding any contrary provision of any general obligation bond act, the Treasurer of State is authorized to issue bonds in serial or term form in the name of and on behalf of the State, in amounts that will raise usable bond proceeds equal to the total amount for the projects authorized by the general obligation bond act and approved at referendum. For purposes of determining the amount of bonds of the State being issued or outstanding as of any given time, the amount of capital appreciation bonds is the greater of the original issue amount and the accreted value, as determined by the Treasurer of State.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 9. 5 MRSA §1660-F, first ¶, as enacted by PL 1995, c. 402, Pt. C, §2, is corrected to read:

The commissioner shall adopt rules no later than 180 days after ~~the effective date of this section~~ July 3, 1995 that must contain the requirements for the state report for the department and, at a minimum, the following requirements.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 10. 5 MRSA §1660-G, first ¶, as enacted by PL 1995, c. 402, Pt. C, §2, is corrected to read:

The commissioner shall adopt rules no later than 180 days after ~~the effective date of this section~~ July 3, 1995 containing at least the following requirements for audit practices.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 11. 5 MRSA §§1660-H and 1660-K, as enacted by PL 1995, c. 402, Pt. C, §2, are corrected to read:

§1660-H. Rulemaking

The commissioner shall adopt rules, no later than 180 days after ~~the effective date of this section July 3, 1995,~~ establishing uniform standards when administering agreements with a community agency. These rules must address the following subjects: community agency accounting, reporting and auditing standards; department program responsibilities; program compliance requirements; entitywide standard cost principles; agreement register; audit responsibilities; standards and procedures for departmental examinations; appeals and resolution process; and sanctions and timetables for accountability.

§1660-K. Emergency provision

The commissioner may utilize the risk pool provisions of section 1660-G for all audits not initiated or completed as of ~~the effective date of this section July 3, 1995.~~

EXPLANATION

This section supplies the appropriate calendar dates for references to the effective dates of 2 provisions of law.

Sec. 12. 5 MRSA §1710-L, sub-§3, as amended by PL 1997, c. 184, §4, is corrected to read:

3. Time of appointment; terms. Commission members must be appointed in January and serve 2-year terms, except that the initial commission members must be appointed within 30 days of ~~the effective date of this section June 30, 1995~~ and serve until January 1998.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 13. 5 MRSA §1765, as repealed and replaced by PL 1977, c. 563, §2, is corrected to read:

§1765. Application of subchapter to certain public school buildings

Sections 1762 to 1764 ~~shall do not~~ apply to any public school facility approved by the State Board of Education prior to ~~the effective date of this subchapter July 23, 1977.~~

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes a grammatical change.

Sec. 14. 5 MRSA §3341, sub-§13, as enacted by PL 1995, c. 537, §5, is corrected to read:

13. Application. This subchapter applies to final agency actions and failures and refusals to act occurring after ~~the effective date of this subchapter July 4, 1996.~~

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 15. 5 MRSA §7053, 2nd ¶, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

The Director of Human Resources shall, not later than ~~the effective date of this section July 1, 1986,~~ adopt rules to assure the attainment of this policy for intermittent employees. At a minimum, the rules ~~shall~~ must:

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and corrects a grammatical error.

Sec. 16. 5 MRSA §12015, first ¶, as enacted by PL 1983, c. 814, is corrected to read:

Any boards established on or after ~~the effective date of this chapter July 25, 1984~~ shall conform to the following provisions.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 17. 5 MRSA §13063, sub-§3, ¶A, as enacted by PL 1991, c. 826, §2, is corrected to read:

A. Not later than 90 days from ~~the effective date of this subsection April 6, 1992~~ each state agency required to review, approve or grant permits for business undertakings, projects and activities shall report to the office in a form prescribed by the office on each type of review, approval and permit administered by that state agency. Application forms, applicable agency rules and the estimated time period necessary for permit application consideration based on experience and statutory or regulatory requirements must accompany each state agency report.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 18. 5 MRSA §13063, sub-§4, as enacted by PL 1991, c. 826, §2, is corrected to read:

4. Permit assistance. Within 90 days of ~~the effective date of this subsection April 6, 1992~~ the director shall set up procedures to assist permit applicants who have encountered difficulties in obtaining timely and efficient permit review. These procedures must include the following.

A. Any applicant for permits required for a business undertaking, project or activity must be allowed to confer with the office to obtain assistance in the prompt and efficient processing and review of applications.

B. The office shall, as far as possible, give assistance and the director may designate an officer or employee of the office to act as an expeditor with the purpose of:

- (1) Facilitating contacts for the applicant with state agencies responsible for processing and reviewing permit applications;
- (2) Arranging conferences to clarify the interest and requirements of any state agency with respect to permit applications;

(3) Considering with state agencies the feasibility of consolidating hearings and data required of the applicant;

(4) Assisting the applicant in the resolution of outstanding issues identified by state agencies, including delays experienced in permit review; and

(5) Coordinating federal, state and local permit review actions to the extent practicable.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 19. 5 MRSA §13080-A, sub-§6, as amended by PL 1995, c. 495, §1, is corrected to read:

6. Loring Air Force Base. "Loring Air Force Base" or "base" means those properties and facilities within the geographic boundaries of the United States Department of Defense air force base at Limestone existing on ~~the effective date of this section July 13, 1993~~. "Base" also includes the Madawaska dam site, the Loring Water System, the Loring #3 communications site in Limestone and other geographically separate property that the authority determines should be deemed part of the base, if the municipality in which the property is located has chosen not to accept the property and utilize it for other purposes.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 20. 5 MRSA §17059, sub-§14, as enacted by PL 1991, c. 746, §9 and affected by §10, is corrected to read:

14. Application. This section applies to all domestic relations orders issued after ~~the effective date of this section March 27, 1992~~ and, with the mutual consent of the parties, to any domestic relations orders issued on or before ~~the effective date of this section March 27, 1992~~.

EXPLANATION

This section supplies the appropriate calendar date for 2 references to the effective date of a provision of law.

Sec. 21. 5 MRSA §17858-A, as enacted by PL 1993, c. 415, Pt. L, §2 and affected by §4, is corrected to read:

§17858-A. Retirement incentive option

Any state employee, as defined in section 17001, subsection 40, having reached normal retirement age who retires on or after October 30, 1991 and who is restored to service is not subject, for up to 3 years, to the earnings limitations set forth in section 17855. Any such person is entitled to all benefits that the person was entitled to at the time of termination by collective bargaining agreements or civil service laws and rules. The retired state employee's salary must be 70% of the employee's salary at the time of termination. The retired state employee is not a member of the retirement system and therefore may not accrue additional creditable service and is not entitled to any other benefits that accrue to an active member of the retirement system. For any state employee who has reached normal retirement age on or before October 30, 1991, the option established in this section must be selected by the state employee by January 31, 1992. For all other state employees for fiscal years 1991-92, 1992-93 and 1993-94 only, the option established in this section must be selected by the state employee within 3 months of ~~the effective date of this section~~ July 1, 1993. For any employee selecting this option after June 30, 1993, the portion of the employer contribution that goes to pay for the unfunded liability, retiree health care and administrative costs must be continued and based on the retired state employee's salary at the time of termination.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 22. 5 MRSA §17934, as enacted by PL 1989, c. 409, §§8 and 12, is corrected to read:

§17934. Optional election

Any person entitled to receive a disability retirement benefit under article 3, as in effect immediately before October 1, 1989, may elect to be governed by this article instead of article 3 by making written application to the executive director within 6

months of ~~the effective date of this article~~ October 1, 1989.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 23. 5 MRSA §18556, sub-§3, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

3. Effective date. A participating local district ~~which that~~ elects to adopt this section shall designate ~~the effective date of this section~~ January 1, 1987 for purposes of determining which persons currently receiving benefits under section 18553, subsections 3 to 5, may elect benefits under this section, if eligible. Benefit recomputation and payment for any person electing benefits under this section shall become effective on the first day of the month following notification to the board of the adoption of this section.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes grammatical changes.

Sec. 24. 5 MRSA §19507, sub-§4, ¶G, as enacted by PL 1989, c. 837, §1, is corrected to read:

G. The agency and state agencies acting as public guardians shall, within 6 months of ~~the effective date of this subsection~~ April 17, 1990, enter into cooperative agreements, in writing, describing how this subsection will be implemented.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 25. 7 MRSA §62, sub-§2, ¶A, as repealed and replaced by PL 1979, c. 124, §1, is corrected to read:

A. Pays a minimum of \$750 on premiums for 3 consecutive years for agriculture displays of the products of agriculture, exclusive of those for horse and ox pulling contests, except that any society ~~which that~~ qualified for a stipend prior to

~~the effective date of this paragraph shall September 14, 1979~~ is not ~~be~~ required to pay premiums for 3 consecutive years;

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and corrects grammatical errors.

Sec. 26. 7 MRSA §607-A, sub-§1, as amended by PL 1989, c. 878, Pt. E, §6, is corrected to read:

1. Review required. The board shall review all chemical pesticides used in this State, in accordance with the requirements of this section. This review ~~shall~~ must be completed for presently registered pesticides on a schedule to be determined by the board, with restricted use pesticides and the most widely used pesticides receiving priority, and within 3 years for pesticides registered after ~~the effective date of this section~~ September 23, 1983.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law, corrects a grammatical error and corrects punctuation.

Sec. 27. 7 MRSA §1008-B, sub-§1, as amended by PL 1985, c. 295, §24, is corrected to read:

1. Board membership. An advisory board, as authorized by Title 5, chapter 379, is created to advise the commissioner on potato marketing issues as provided for in this Article. This board ~~shall be~~ is known as the Maine Marketing Advisory Board and ~~shall consist~~ consists of 5 members appointed by the commissioner, of whom 3 ~~shall~~ must be first handlers, who are not licensed dealers, and 2 ~~shall~~ must be licensed dealers. Members shall each fill a 2-year term, which ~~shall begin~~ begins on July 1st, except that within 30 days of ~~the effective date of this Article~~ September 23, 1983 the commissioner shall appoint one first handler and one licensed dealer who shall serve until June 30, 1984, and ~~he~~ the commissioner shall appoint 2 first handlers and one licensed dealer who shall serve until June 30, 1985.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision

of law, corrects grammatical errors and changes gender-specific language.

Sec. 28. 7 MRSA §1033-A, sub-§3, as enacted by PL 1987, c. 99, §14, is corrected to read:

3. Maine bag grades. Pursuant to the rule-making provisions of the Maine Administrative Procedure Act, ~~Title 5, chapter 375,~~ the commissioner shall adopt the official grade or grades for potatoes to be packed in Maine bags. The commissioner and the Maine Potato Quality Control Board shall jointly prepare proposed rules. These rules as finally adopted ~~shall~~ become effective on August 1st, ~~following the effective date of this section~~ 1988 and may be amended only annually thereafter, with amendments becoming effective on August 1st of the year in which adopted. ~~No~~ A Maine bag grade may not be less than United States No. 1.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and corrects grammatical errors and a cross-reference.

Sec. 29. 7 MRSA §2961, sub-§3, as enacted by PL 1981, c. 481, §2, is corrected to read:

3. Adoption of order. No later than January 10, 1982 the Maine Milk Commission shall adopt an order establishing minimum dealer and retailer prices in accordance with this chapter in effect immediately prior to ~~the effective date of this section~~ June 19, 1981. The prices established by the commission pursuant to this subsection ~~shall~~ supersede the prices established pursuant to subsection 2.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and corrects a grammatical error.

Sec. 30. 7 MRSA §2992-A, sub-§1, ¶C, as enacted by PL 1995, c. 693, §8 and affected by §25, is corrected to read:

C. Notwithstanding paragraphs A and B:

(1) Employees of the board, including employees hired after ~~the effective date of this section~~ July 1, 1996, are state employees for the purposes of the state retirement

provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II;

(2) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter I, except that by majority vote of those members present records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry. The Commissioner of Agriculture, Food and Rural Resources and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the board;

(3) For the purposes of the Maine Tort Claims Act, the board is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(4) Funds received by the board pursuant to chapter 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(5) Except for representation of specific interests required by subsection 2, members of the board are governed by the conflict of interest provisions set forth in Title 5, section 18.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 31. 7 MRSA §2998-B, sub-§1, ¶C, as enacted by PL 1995, c. 693, §15 and affected by §25, is corrected to read:

C. Notwithstanding paragraphs A and B:

(1) Employees of the council, including employees hired after ~~the effective date of this section~~ July 1, 1996, are state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II;

(2) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter I, except that by majority vote of those members present records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry. The Commissioner of Agriculture, Food and Rural Resources and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the council;

(3) For the purposes of the Maine Tort Claims Act, the council is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(4) Funds received by the council pursuant to chapters 603 and 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(5) Except for representation of specific interests required by subsection 2, members of the council are governed by the conflict of interest provisions set forth in Title 5, section 18.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 32. 7 MRSA §3153, sub-§1, as amended by PL 1995, c. 693, §17 and affected by §25, is corrected to read:

1. Establishment. Within 180 days after ~~the effective date of this chapter~~ September 23, 1983, the commissioner shall adopt rules establishing a fund to be known as the "Maine Milk Pool," to which all money collected from Maine dealers pursuant to subsections 2 and 3 must be credited. These funds must be redistributed to eligible Maine market producers, eligible northern Maine market producers and eligible Boston market producers according to procedures established under subsection 4.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 33. 7 MRSA §4011, sub-§1, ¶C, as amended by PL 1997, c. 690, §44, is corrected to read:

C. ~~If that person is~~ Is a licensed veterinarian or a person certified under Title 17, section 1042, ~~and that person kills or attempts to kill an animal by a method that does not conform to standards adopted by a national association of licensed veterinarians;~~

EXPLANATION

This section corrects a format error by fixing the paragraph to read off the lead-in sentence.

Sec. 34. 9-B MRSA §131, sub-§47, as enacted by PL 1997, c. 398, Pt. A, §31, is corrected to read:

47. Universal bank. "Universal bank" means an investor-owned institution or a mutual financial institution authorized by its organizational documents to exercise all the powers granted in Part 4 and includes a trust company, a savings bank and a savings and loan association chartered by special act of the Legislature, established prior to ~~the effective date of this Title~~ October 1, 1975 or established pursuant to this Title.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 35. 9-B MRSA §232, sub-§8, as enacted by PL 1997, c. 660, Pt. A, §5, is corrected to read:

8. Prohibition on participation in banking industry. An officer or director may be prohibited from participating in the banking industry in accordance with the following.

~~An officer or director may be prohibited from participating in the banking industry in accordance with the following.~~

A. Any officer or director who, pursuant to an order issued under this section, has been removed from office in a financial institution, out-of-state financial institution or financial institution holding company or prohibited from participating in the conduct of the affairs of a financial institution, out-of-state financial institution, or financial institution holding company may not, while such order is in effect, continue or commence to hold any office, or participate in any manner in the conduct of the affairs of any financial institution, out-of-state financial institution or financial institution holding company.

B. If, on or after the date an order is issued under this section that removes from office an officer or director or prohibits an officer or director from participating in the conduct of the affairs of any financial institution, out-of-state financial institution or financial institution holding company, the order is modified, terminated or set aside in accordance with subsection 6, then the prohibition imposed in paragraph A must be similarly modified, terminated or set aside.

EXPLANATION

This section corrects a format error.

Sec. 36. 9-B MRSA §243-A, sub-§3, as enacted by PL 1991, c. 853, §1, is corrected to read:

3. Agreement to share electronic terminals. An agreement to share electronic terminals may not prohibit, limit or restrict the right of a financial institution authorized to do business in this State to charge a customer any fees allowed by state or federal law, or require a financial institution to limit or waive its rights or obligations under this section. This subsection applies to all agreements to share use of electronic terminals in existence on or entered into after ~~the effective date of this subsection~~ June 30, 1992.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law.

Sec. 37. 9-B MRSA §836, sub-§2, as enacted by PL 1975, c. 500, §1, is corrected to read:

2. Transition period.

A. A credit union not insured by the National Credit Union Administration on ~~the effective~~

~~date of this section October 1, 1975~~ shall ~~make application apply~~ for ~~such~~ insurance coverage with the administrator within 6 months of ~~said effective date October 1, 1975~~. Such a credit union, within one week of ~~making said application applying~~, shall submit to the superintendent a certified copy of the resolution adopted by its board of directors authorizing ~~such the~~ application.

B. Any credit union ~~making application applying~~ for insurance pursuant to paragraph A shall ~~may~~ have up to 2 years from ~~the effective date of this section October 1, 1975~~ to comply with all requirements of the ~~Administrator administrator~~ for insurance of its shares. Within one week of the receipt of the notice of acceptance or rejection by the ~~Administrator administrator~~ of its application, the credit union shall file a statement of ~~such~~ acceptance or rejection with the superintendent.

EXPLANATION

This section supplies the appropriate calendar date for references to the effective date of a provision of law and makes grammatical changes.

Sec. 38. 9-B MRSA §911, as enacted by PL 1975, c. 500, §1, is corrected to read:

§911. Definition

"Industrial bank" means a corporation organized under Title 9, Part 5 as repealed on ~~the effective date of this Title; October 1, 1975~~ and which was, on or before June 1, 1967, making loans and selling certificates of investment, either of fixed or uncertain term, and receiving payments in installments or otherwise, with or without an allowance of interest upon ~~such these~~ installments.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes a technical change and a punctuation change.

Sec. 39. 9-B MRSA §1012, sub-§2, as enacted by PL 1975, c. 500, §1, is corrected to read:

2. Time limitation. Unless the superintendent allows an additional time, registration shall ~~must~~ be completed within 180 days after ~~the effective date of this chapter October 1, 1975~~, or after the company

acquires control of a Maine financial institution, whichever is later.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes a grammatical change.

Sec. 40. 9-B MRSA §1014, sub-§3, as enacted by PL 1975, c. 500, §1, is corrected to read:

3. Exemptions. The prohibitions of subsection 1 shall ~~do~~ not apply with respect to any activity in which a Maine financial institution holding company, ~~on the effective date of this section~~, was lawfully engaged in on ~~that date October 1, 1975~~, unless the superintendent, after notice and opportunity for a hearing, determines that termination of the activity is necessary to assure the safety and soundness of a subsidiary financial institution. Any expansion of such activity in this State would be subject to such conditions as the superintendent may require.

EXPLANATION

This section supplies the appropriate calendar date for a reference to the effective date of a provision of law and makes a grammatical change.

Sec. 41. 18-A MRSA §3-603, as amended by PL 1981, c. 268, §1, is corrected to read:

§3-603. Bond not required without court order, exceptions

No bond is required of a personal representative appointed in informal proceedings, except (1) upon the appointment of a special administrator; (2) when an executor or other personal representative is appointed to administer an estate under a will containing an express requirement of bond; or (3) when bond is required under section 3-605. Bond may be required by court order at the time of appointment of a personal representative appointed in any formal proceeding except that bond is not required of a personal representative appointed in formal proceedings if the will relieves the personal representative of bond, unless bond has been requested by an interested party and the court is satisfied that it is desirable, or as provided in section 3-619, subsection (g). Bond required by any will or under this section may be dispensed with informal proceedings upon determination by the court that it is not necessary. No bond is required of any personal representative who, pursuant to statute, has deposited cash or collateral

with an agency of this State to secure performance of ~~his~~ the personal representative's duties.

EXPLANATION

This section corrects a punctuation error and changes gender-specific language.

Sec. 42. 22 MRSA §316-A, sub-§3, as amended by PL 1997, c. 689, Pt. B, §33 and affected by Pt. C, §2, is corrected to read:

3. Home health care services. Home health care services offered by a home health care provider; ~~and~~

Sec. 43. 22 MRSA §316-A, sub-§§5 to 7, as enacted by PL 1997, c. 689, Pt. B, §33 and affected by Pt. C, §2, are corrected to read:

5. Hospice. Hospice services and programs;

6. Assisted living. Assisted living programs and services regulated under chapter 1665; ~~and~~

7. Existing capacity. The use by an ambulatory surgical facility licensed on January 1, 1998 of capacity in existence on January 1, 1998;

EXPLANATION

These sections correct clerical and punctuation errors.

Sec. 44. 22 MRSA §1711-C, sub-§6, ~~¶A,~~ as enacted by PL 1997, c. 793, Pt. A, §8 and affected by §10, is corrected to read:

A. To another health care practitioner or facility for diagnosis, treatment or care of the individual as follows:

- (1) In emergency circumstances; or
- (2) In nonemergency circumstances:
 - (a) For a disclosure within the office, practice or organization of the health care practitioner or facility, when the disclosure is made for a purpose related to the provision of health care to the individual; or
 - (b) For a disclosure outside of the office, practice or organization of the health care practitioner or facility, when authorization is given orally by the individual or may be inferred from

the individual's conduct. Health care information related to an HIV test, HIV infection or HIV infection status, as defined in Title 5, section 19201, subsections 3, 4-A and 5, may not be disclosed in reliance on an authorization inferred from an individual's conduct. Health care information derived from mental health services provided by any of the following individuals may not be disclosed by any such individual in reliance on an authorization implied from an individual's conduct:

~~(i) A clinical nurse specialist licensed under the provisions of Title 32, chapter 31;~~

~~(ii) A psychologist licensed under the provisions of Title 32, chapter 56;~~

~~(iii) A social worker licensed under the provisions of Title 32, chapter 83;~~

~~(iv) A counseling professional licensed under the provisions of Title 32, chapter 119; and~~

~~(v) A physician specializing in psychiatry licensed under the provisions of Title 32, chapter 36 or 48.~~

~~A physician specializing in psychiatry may disclose any such information to a licensed pharmacist but solely for purposes related to prescribing, dispensing or furnishing medication to a patient;~~

(i) A clinical nurse specialist licensed under the provisions of Title 32, chapter 31;

(ii) A psychologist licensed under the provisions of Title 32, chapter 56;

(iii) A social worker licensed under the provisions of Title 32, chapter 83;

(iv) A counseling professional licensed under the provisions of Title 32, chapter 119; and

(v) A physician specializing in psychiatry licensed under the provisions of Title 32, chapter 36 or 48.

A physician specializing in psychiatry may disclose any such information to a licensed pharmacist but solely for purposes related to prescribing, dispensing or furnishing medication to a patient:

EXPLANATION

This section corrects a format error.

Sec. 45. 22 MRSA §3174-R, as enacted by PL 1997, c. 667, §1, is reallocated to 22 MRSA §3174-S.

Sec. 46. 22 MRSA §3174-R, as enacted by PL 1997, c. 777, Pt. A, §2, is reallocated to 22 MRSA §3174-T.

EXPLANATION

These sections correct a numbering problem created by Public Law 1997, chapters 643, 667 and 777, which enacted 3 substantively different provisions with the same section number.

Sec. 47. 22 MRSA §3280, 3rd ¶, as enacted by PL 1973, c. 790, §3, is corrected to read:

The action ~~shall~~ must be brought as a petition for support upon not less than 7 days' notice. Upon failure to pay the support ordered, execution ~~shall~~ must issue. The State shall pay the expense of commitment and support when the defendant is committed to jail on execution and ~~he~~ the defendant may be discharged in the same manner as provided by Title ~~19 19-A~~, section ~~722 952~~.

EXPLANATION

This section corrects a cross-reference, changes gender-specific language and corrects grammatical errors.

Sec. 48. 22 MRSA §4051, as amended by PL 1981, c. 369, §13, is corrected to read:

§4051. Venue

A petition for termination of parental rights ~~shall~~ must be brought in the court that issued the final protection order. The court, for the convenience of the parties or other good cause, may transfer the petition to another district or division. A petition for termina-

tion of parental rights may also be brought in a Probate Court as part of an adoption proceeding as provided in Title ~~19 18-A~~, ~~chapter 9~~ article IX, when a child protective proceeding has not been initiated.

EXPLANATION

This section corrects a cross-reference and corrects a grammatical error.

Sec. 49. 24-A MRSA §2018, as amended by PL 1997, c. 592, §63, is corrected by amending the headnote to read:

§2018. Failure to file statement or pay tax

EXPLANATION

This section corrects a headnote to reflect the content of the section.

Sec. 50. 24-A MRSA §2159-B, as enacted by PL 1995, c. 553, §1, is corrected to read:

§2159-B. Discrimination against victims of domestic abuse prohibited

An insurer, nonprofit hospital and medical service organization or health maintenance organization that issues life, health or disability coverage may not deny, cancel, refuse to renew or restrict coverage of any person or require the payment of additional charges based solely on the fact or perception that the person is, or may become, the victim of domestic abuse, under Title ~~19 19-A~~, section ~~762 4002~~. This section does not prohibit applying an underwriting or rating criterion to a victim of domestic abuse based on physical or mental history or other factors of general applicability regardless of the underlying cause and in accordance with the requirements of section 2159, subsections 1 and 2. An insurer, nonprofit hospital and medical service organization or health maintenance organization may not be held criminally or civilly liable for any cause of action that may result from compliance with this section. This section does not prohibit an insurer from declining to issue coverage to an applicant known to be, or to have been, an abuser of the proposed insured.

EXPLANATION

This section corrects a cross-reference.

Sec. 51. 24-A MRSA §2745-E, as enacted by PL 1997, c. 754, §2, is reallocated to 24-A MRSA §2745-G.

EXPLANATION

This section corrects a numbering problem created by Public Law 1997, chapters 701 and 754, which enacted 2 substantively different provisions with the same section number.

Sec. 52. 24-A MRSA §2837-F, as enacted by PL 1997, c. 754, §3, is reallocated to 24-A MRSA §2837-H.

EXPLANATION

This section corrects a numbering problem created by Public Law 1997, chapters 701 and 754, which enacted 2 substantively different provisions with the same section number.

Sec. 53. 24-A MRSA §4243, as enacted by PL 1997, c. 754, §4, is reallocated to 24-A MRSA §4244.

EXPLANATION

This section corrects a numbering problem created by Public Law 1997, chapters 369 and 754, which enacted 2 substantively different provisions with the same section number.

Sec. 54. 32 MRSA §1530, first ¶, as enacted by PL 1997, c. 749, §3, is corrected to read:

The department may suspend or revoke registration pursuant to Title 5, section 10004. In addition, the department may refuse to issue or renew a registration pursuant to Title 10, ~~subsection~~ section 8003 or the Administrative Court may revoke, suspend or refuse to renew the registration of an interpreter for:

EXPLANATION

This section corrects a cross-reference.

Sec. 55. 32 MRSA c. 81, first 2 lines are corrected to read:

CHAPTER 81

SUBSTANCE ABUSE ALCOHOL AND DRUG COUNSELORS

EXPLANATION

This section corrects a chapter heading to make the heading reflect the content of the chapter.

Sec. 56. 32 MRSA §14308, sub-§1, ¶C, as amended by PL 1997, c. 681, §8, is corrected to read:

C. A current medical finding of mental incompetence that affects the ~~the~~ licensed person's ability to perform that person's occupation in a healthy and safe manner;

EXPLANATION

This section corrects a clerical error.

Sec. 57. 34-B MRSA §15002, sub-§7, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is corrected to read:

7. Rulemaking. The departments shall adopt rules to implement this chapter. Rules in effect for care under the authority of the departments, prior to the adoption of rules pursuant to this subsection, remain in effect until the effective date of the new rules. In addition to the rule-making procedures required under Title 5, chapter 375, prior to adoption of a proposed rule, the department shall provide notice of the content of the proposed rule to the committee and the joint standing committee of the Legislature having jurisdiction over health and human services matters. When a rule is adopted, the department shall provide copies of the adopted rule to the committee and the joint standing committee of the Legislature having jurisdiction over health and human service matters. Unless otherwise specifically designated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, ~~chapter~~ subchapter II-A.

EXPLANATION

This section corrects a cross-reference.

Sec. 58. 36 MRSA §5122, sub-§2, ¶I, as amended by PL 1997, c. 732, §6 and c. 746, §5 and affected by §24, is corrected to read:

I. For income tax years beginning on or after January 1, 1991, an amount equal to the amount by which federal taxable income was reduced because of vessel earnings from fishing operations that were contributed to a capital construction fund; ~~and~~

Sec. 59. 36 MRSA §5122, sub-§2, ¶J, as enacted by PL 1997, c. 732, §7, is corrected to read:

J. Any amount constituting a qualified withdrawal from an account established pursuant to Title 20-A, chapter 417-E and used for paying higher education expenses; ~~and~~

Sec. 60. 36 MRSA §5122, sub-§2, ¶J, as enacted by PL 1997, c. 746, §6 and affected by §24, is reallocated to 36 MRSA §5122, sub-§2, ¶K.

Sec. 61. Retroactive application. That section of this report that reallocates the Maine Revised Statutes, Title 36, section 5122, subsection 2, paragraph J applies to tax years beginning on or after January 1, 1997.

EXPLANATION

These sections correct a lettering problem created by Public Law 1997, chapters 732 and 746, which enacted 2 substantively different provisions with the same paragraph letter, make technical changes and correct punctuation errors.

Sec. 62. 36 MRSA §5219-O, as enacted by PL 1997, c. 791, Pt. A, §3, is reallocated to 36 MRSA §5219-P.

EXPLANATION

This section corrects a numbering problem created by Public Law 1997, chapters 775 and 791, which enacted 2 substantively different provisions with the same section number.

Sec. 63. 38 MRSA §361-A, sub-§1-I, as enacted by PL 1997, c. 794, Pt. A, §10, is corrected to read:

1-I. Clean Water Act. "Clean Water Act" means the Federal Water Pollution Control Act, as defined in ~~paragraph~~ subsection 1-K.

EXPLANATION

This section corrects a cross-reference.

Sec. 64. 38 MRSA §902, sub-§4-A, as enacted by PL 1997, c. 789, §3 and affected by §5, is corrected to read:

4-A. Report on consultation process. The dam owner shall file a report with the department within 180 days of filing a petition or before the conclusion of an extension to the consultation period granted pursuant to ~~section 902~~, subsection 1-A that includes:

A. Names and addresses of parties consulted in accordance with this section; and

B. The results of the consultations and whether a new owner has been located.

EXPLANATION

This section corrects a cross-reference.

Sec. 65. PL 1995, c. 560, Pt. F, §10, amending clause is corrected to read:

Sec. F-10. 20-A MRSA §203, sub-§1, ¶I, as enacted by PL 1993, c. 684, §2 and c. 708, Pt. J, §7, is repealed.

EXPLANATION

This section corrects an amending clause.

Sec. 66. PL 1997, c. 624, §§7 and 8, amending clauses are corrected to read:

Sec. 7. 38 MRSA §570-K, sub-§2, as enacted by PL 1991, c. ~~694~~ 494, §16, is amended to read:

Sec. 8. 38 MRSA §570-K, sub-§3, as enacted by PL 1991, c. ~~694~~ 494, §16, is amended to read:

EXPLANATION

This section corrects 2 amending clauses.

Sec. 67. PL 1997, c. 668, §16, amending clause is corrected to read:

Sec. 16. 36 MRSA §187-B, sub-§7, as amended by PL 1995, c. 639, §5 and PL 1997, c. 526, §14, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 68. PL 1997, c. 735, §6, amending clause is corrected to read:

Sec. 6. 8 MRSA §285, as enacted by PL 1997, c. 474, §5 and affected by §6, is reallocated to 8 MRSA §285-A.

EXPLANATION

This section corrects an amending clause.

Sec. 69. PL 1997, c. 771, §4, amending clause is corrected to read:

Sec. 4. ~~32~~ 20-A MRSA §9503, sub-§2, as enacted by PL 1983, c. 841, §4, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 70. RR 1995, c. 2, §119 is stricken.

EXPLANATION

This section strikes section 119 of chapter 2 of the 1995 Revisor's Report due to an error in that section. The correction is made in this chapter of the Revisor's Report under the section correcting Public Law 1995, chapter 560, Part F, section 10.
