

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

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**REVISOR'S REPORT  
2003**

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**CHAPTER 2**

**Sec. 1. 4 MRSA §807, sub-§3, ¶H**, as amended by PL 1995, c. 560, Pt. K, §82 and affected by §83 and amended by c. 599, §1 and PL 2001, c. 354, §3, is corrected to read:

H. A person who is not an attorney; but has been designated to represent ~~either the Department of Health and Human Services; under Title 22, section 3473, subsection 3; or the Department of Behavioral and Developmental Services, under Title 34-B, section 1204, subsection 7; in Probate Court proceedings;~~ either the Department of Health and Human Services; under Title 22, section 3473, subsection 3; or the Department of Behavioral and Developmental Services, under Title 34-B, section 1204, subsection 7; in Probate Court proceedings;

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. This section also corrects punctuation.

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**Sec. 2. 5 MRSA §1520, sub-§1, ¶C**, as enacted by PL 2001, c. 439, Pt. U, §1, is corrected to read:

C. The bureau shall establish, through the Department of Administrative and Financial Services, ~~Bureau of Accounts and Control Office of the State Controller~~, the Statewide Radio and Network System Reserve Fund account. The funds deposited in the account may include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services, funds received from state departments and agencies using the services provided by the bureau, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of system assets under the administrative control of the fund by the state surplus property program in the Department of Administrative and Financial Services, Bureau of General Services in accordance with paragraph B and other provisions of law.

**EXPLANATION**

This section changes the name of the "Bureau of Accounts and Control" to the "Office of the State Controller" pursuant to Public Law 2003, chapter 600, section 4. The section also corrects a clerical error.

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**Sec. 3. 5 MRSA §1642, sub-§1**, as repealed and replaced by PL 1985, c. 96; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**1. Department.** "Department" means the Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services.~~

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 4. 5 MRSA §1660-D, sub-§6**, as amended by PL 1997, c. 393, Pt. A, §8 and PL 2001, c. 354, §3, is corrected to read:

**6. Department.** "Department" means the Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services~~, as well as other departments and agencies of State Government approved for inclusion in this chapter by the commissioner.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 5. 5 MRSA §1660-L**, as amended by PL 1997, c. 393, Pt. A, §9 and PL 2001, c. 354, §3, is corrected to read:

**§1660-L. Advisory Committee to the Commissioner**

There is established the Advisory Committee to the Commissioner, referred to in this section as the "advisory committee." The advisory committee must be appointed by the commissioner and consists of 7 members. Three members must represent the Department of Health and Human Services and ~~the Department of Behavioral and Developmental Services~~. Three members must represent community agencies. One member must represent the independent audit community. The chair must be elected by the committee from its members. All members of the advisory committee serve without compensation or reimbursement for expenses. The advisory committee must prepare an annual written report to the Legislature on the experience of the department with this chapter.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 6. 5 MRSA §1665, sub-§2**, as corrected by RR 1991, c. 2, §9; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**2. Inclusion in estimate.** In preparing budget estimates pursuant to this section, the Department of Health and Human Services, ~~the Department of Behavioral and Developmental Services~~ and the Department of Corrections shall include in their proposed current services budget estimates:

- A. The amount necessary to cover projected increases in costs attributable to contracted social services that will be continued at current levels, based on the United States Consumer Price Index established by the United States Department of Labor, Bureau of Labor Statistics; or
- B. A statement identifying the specific services that will be eliminated or reduced in the event that funds are not budgeted to continue all contracted social services at current levels. The statement must indicate which categories of clients and geographic areas will be affected.

The analysis and statement required by this subsection must be included in the state budget document pursuant to section 1664.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 7. 5 MRSA §4653, sub-§1**, as amended by PL 2003, c. 658, §2, is corrected to read:

**1. Filing; ~~police report.~~** A person who has been a victim of harassment, including a business, may seek relief by filing a sworn complaint in an appropriate court alleging that harassment.

**Sec. 8. 5 MRSA §4654, sub-§1**, as amended by PL 2003, c. 658, §4, is corrected to read:

**1. Full hearing; ~~alternative dispute resolution.~~** A hearing must be held at which the plaintiff shall prove the allegation of harassment by a preponderance of the evidence.

**EXPLANATION**

These sections correct headnotes.

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**Sec. 9. 5 MRSA §19121, sub-§2**, as enacted by PL 1999, c. 785, §3 and amended by PL 2001, c. 354, §3, is corrected to read:

**2. Membership.** The council is composed of the following members: the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Health and Human Services; ~~the Commissioner of Behavioral and Developmental Services~~; the Commissioner of Public Safety; and 7 Legislators, who are each appointed for a 2-year term as follows:

- A. The President of the Senate shall appoint 3 members from the Senate. When making the appointments, the President of the Senate shall give preference to members from the joint standing committees of the Legislature having jurisdiction over criminal justice matters, education and cultural affairs and health and human services matters; and

B. The Speaker of the House shall appoint 4 members from the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members from the joint standing committees of the Legislature having jurisdiction over criminal justice matters, appropriations and financial affairs, education and cultural affairs and health and human services matters.

The council shall ask the Chief Justice of the Supreme Judicial Court to serve as a member of the council.

Terms of appointment for Legislators must be for the legislative term of office of the person appointed.

### EXPLANATION

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 10. 5 MRSA §19202, sub-§3,** as amended by PL 1999, c. 390, §5 and affected by §10 and amended by PL 2001, c. 354, §3, is corrected to read:

**3. Terms.** The term of office of each member is 3 years; except that of the members first chosen by the membership committee pursuant to subsection 2-A, 1/3 must be chosen for a term of one year, 1/3 for a term of 2 years and 1/3 for a term of 3 years; members chosen after nomination by the Commissioner of Health and Human Services, ~~the Commissioner of Behavioral and Developmental Services~~, the Commissioner of Education, the Commissioner of Corrections or the Commissioner of Public Safety serve during the nominating commissioner's term of office; and Legislators serve during the term for which they were elected. The membership shall annually elect a chair and vice-chair. The chair is the presiding member of the committee. All vacancies must be filled for the balance of the unexpired term in the same manner as original appointments.

### EXPLANATION

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services"

to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 11. 5 MRSA §19203, sub-§7,** as amended by PL 1999, c. 127, Pt. A, §13 and PL 2001, c. 354, §3, is corrected to read:

**7. Other agencies.** To employees of, or other persons designated by, the Department of Corrections, and the Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services~~, to the extent that those employees or other persons are responsible for the treatment or care of subjects of the test. Those agencies shall adopt rules, within 90 days of August 4, 1988, pursuant to chapter 375, subchapter ~~H~~ 2, designating the persons or classes of persons to whom the test results may be disclosed. The rules of the Department of Corrections must designate those persons who may receive the results of an HIV test of a county jail inmate;

### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. The section also makes technical corrections.

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**Sec. 12. 5 MRSA §19205, sub-§1,** as amended by PL 1995, c. 404, §18 and c. 560, Pt. K, §82 and affected by §83 and amended by PL 2001, c. 354, §3, is corrected to read:

**1. Policy; services.** It is the policy of the State to provide to persons who test positive for HIV or have been diagnosed as having AIDS the services of departments and agencies, including, but not limited to, the Department of Education, ~~the Department of Behavioral and Developmental Services~~, the Department of Health and Human Services and the Department of Corrections.

### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect

the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

**Sec. 13. 5 MRSA §20002, sub-§3**, as enacted by PL 1995, c. 470, §1, is corrected to read:

**3. Tobacco use by juveniles.** To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The office shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety ~~and the Department of Human Services~~, and municipalities shall cooperate with the office in these efforts.

The office may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and section 20005-A. The office shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles.

**EXPLANATION**

This section deletes the reference to the Department of Human Services to avoid a redundancy in light of the revision clause in Public Law 2003, chapter 689, Part B, section 6.

**Sec. 14. 10 MRSA §918, sub-§3**, as corrected by RR 1995, c. 2, §19 and amended by PL 2001, c. 354, §3, is corrected to read:

**3. Ex officio corporators.** Ex officio corporators consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine System. State department and agency heads include the following:

- Treasurer of State;
- Director of the State Planning Office;
- Commissioner of Economic and Community Development;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Conservation;

- Commissioner of Education;
- Commissioner of Environmental Protection;
- Commissioner of Administrative and Financial Services;
- Commissioner of Health and Human Services;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Labor;
- Commissioner of Marine Resources;
- ~~Commissioner of Behavioral and Departmental Services~~;
- Commissioner of Transportation;
- Chief Executive Officer of the Finance Authority of Maine;
- Executive Director of the Maine Municipal Bond Bank; and
- Executive Director of the Maine State Housing Authority.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

**Sec. 15. 12 MRSA §1806, sub-§4, ¶H**, as enacted by PL 2001, c. 604, §6, is corrected to read:

H. Violates the requirements for a trip leader permit issued under section ~~7322~~ 12860; or

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 16. 12 MRSA §1825, sub-§2**, as enacted by PL 1997, c. 678, §13, is corrected to read:

**2. Maine State Parks Fund.** The Maine State Parks Fund is established within the bureau. The fund receives money from the Maine Environmental Trust Fund in accordance with section ~~7759~~ 10255,

subsection 3. The bureau shall use money in the fund for major and minor capital improvements, maintenance, repairs and operations at state parks and historic sites.

The Maine State Parks Fund is nonlapsing and all funds are subject to allocation by the Legislature.

#### EXPLANATION

This section corrects a cross-reference.

**Sec. 17. 12 MRSA §6029-A, sub-§2**, as enacted by PL 2003, c. 60, §1, is corrected to read:

**2. Memorandum of agreement.** Prior to engaging in the activities authorized under this section, the Bureau of Marine Patrol must enter into a memorandum of agreement with the United States Coast Guard that establishes the appropriate procedures and protocols for enforcement activities authorized under this section. Any funds received from the Federal Government for reimbursement to the State for activities authorized under this section must be deposited in the watercraft fund pursuant to section ~~7940~~ 10202, subsection ~~9~~ 1, paragraph D.

#### EXPLANATION

This section corrects a cross-reference.

**Sec. 18. 12 MRSA §10105, sub-§7**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §23 and affected by §422, is corrected to read:

**7. Sale or destruction of confiscated property.** The commissioner may sell all property held or confiscated by the State for violation of laws relating to the protection of inland fisheries and wildlife that has ~~been~~ been forfeited to the State pursuant to sections 10502 and 10503. A confiscated or forfeited handgun that was confiscated or forfeited because it was used to commit a homicide must be destroyed by the State, unless the handgun was stolen and the rightful owner was not the person who committed the homicide, in which case the handgun must be returned to the owner if ascertainable. For purposes of this subsection, "handgun" means a firearm, including a pistol or revolver, designed to be fired by use of a single hand. The commissioner shall transmit all money received from sales under this subsection to the Treasurer of State to be credited to the department.

#### EXPLANATION

This section corrects a clerical error.

**Sec. 19. 12 MRSA §10902, sub-§9, ¶C**, as enacted by PL 2003, c. 695, Pt. B, §8 and affected by Pt. C, §1, is corrected to read:

C. Operating an ATV under the influence under 21 years of age, as prohibited under section 10701, subsection ~~4~~ 1-A, paragraph ~~E~~ D, sub-paragraph (3);

#### EXPLANATION

This section corrects a cross-reference.

**Sec. 20. 12 MRSA §12460**, as enacted by PL 2003, c. 655, Pt. B, §246 and affected by §422, is corrected to read:

#### §12460. Smelt fishing in Long Lake

Notwithstanding section 12456, a person may fish for smelt by use of a dip net in the parts of Long Lake and its tributaries that are within Township 17, Range 3, Aroostook County. A person may not:

**1. Exceed daily bag limit.** Exceed the daily bag limit of 2 quarts per person. A person who violates this subsection commits a Class E crime; or

**2. Harvest for commercial purposes.** Harvest smelt for commercial purposes. A person who violates this subsection commits a Class D crime for which a fine of not less than \$1,000 may be adjudged.

~~**3. Repeal.** This section is repealed December 31, 2005.~~

This section is repealed December 31, 2005.

#### EXPLANATION

This section corrects a formatting error.

**Sec. 21. 12 MRSA §12503, sub-§3**, as repealed and replaced by PL 2003, c. 662, §2, is corrected to read:

**3. Free fishing days; limitations.** The following 2 free fishing periods are established. No more than 2 free fishing periods may be established under this subsection.

A. Except when Memorial Day falls on a Friday, the Saturday and the Sunday immediately following Memorial Day are designated "Family Fishing Days." If Memorial Day falls on a Friday, the Saturday and the Sunday subsequent to Memorial Day weekend are designated "Family Fishing Days." The days designated "Family Fishing Days" are free fishing days.

B. The Saturday and the Sunday immediately preceding Presidents' Day are free fishing days.

Notwithstanding ~~sections 10606 and section~~ 12501, it is lawful during a free fishing day established under this subsection for a person to fish without a license in inland waters, except that this subsection does not apply to a person whose license to fish is under suspension or revocation. All other provisions of this Part relating to fishing apply during a free fishing day.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 22. 12 MRSA §13072, sub-§2-A**, as enacted by PL 2003, c. 627, §5, is corrected to read:

**2-A. Authority to enforce invasive aquatic species laws.** A municipality may appoint a harbor master whose only duties are to enforce the provisions of section 13058 and section ~~13068~~ 13068-A, subsections 1 and 15 on any water within the jurisdiction of the municipality.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 23. 13-B MRSA §1401, sub-§20**, as amended by PL 2003, c. 673, Pt. WWW, §10 and affected by §37, is corrected to read:

**20. Application for authority.** Application of a foreign corporation for authority to carry on activities in this State, as provided by section 1202, ~~§~~ \$45;

**EXPLANATION**

This section corrects a clerical error.

**Sec. 24. 17 MRSA §2802**, as amended by PL 1997, c. 683, Pt. A, §7, is corrected to read:

**§2802. Miscellaneous nuisances**

The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture that, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or of the public; causing or permitting abandoned wells or tin mining shafts to remain unfilled or uncovered to the injury or prejudice of others; causing or suffering any offal, filth or noisome substance to collect or to remain in any place to the

prejudice of others; obstructing or impeding, without legal authority, the passage of any navigable river, harbor or collection of water; corrupting or rendering unwholesome or impure the water of a river, stream, pond or aquifer; imprudent operation of a watercraft as defined in Title 12, section ~~7801~~ 13068, subsection ~~11-A~~ 8; unlawfully diverting the water of a river, stream, pond or aquifer from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, buildings or otherwise of highways, private ways, streets, alleys, commons, common landing places or burying grounds are nuisances within the limitations and exceptions mentioned. Any places where one or more old, discarded, worn-out or junked motor vehicles as defined in Title 29-A, section 101, subsection 42, or parts thereof, are gathered together, kept, deposited or allowed to accumulate, in such manner or in such location or situation either within or without the limits of any highway, as to be unsightly, detracting from the natural scenery or injurious to the comfort and happiness of individuals and the public, and injurious to property rights, are public nuisances.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 25. 17-A MRSA §253, sub-§2, ¶J**, as amended by PL 2001, c. 354, §3 and c. 383, §17 and affected by §156, is corrected to read:

J. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the ~~Department of Behavioral and Developmental Services or the Department of Health and Human Services~~ and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes the other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class C crime.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid



redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 26. 17-A MRSA §255-A, sub-§1, ¶¶Q and R**, as amended by PL 2001, c. 354, §3 and as enacted by c. 383, §23 and affected by §156, are corrected to read:

Q. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the ~~Department of Behavioral and Developmental Services or the Department of Health and Human Services~~ or the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class D crime;

R. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the ~~Department of Behavioral and Developmental Services or the Department of Health and Human Services~~ and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation and the sexual contact includes penetration. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class C crime;

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 27. 17-A MRSA §260, sub-§1, ¶I**, as enacted by PL 2003, c. 138, §5, is corrected to read:

I. The actor owns, operates or is an employee of an organization, program or residence that is op-

erated, administered, licensed or funded by the ~~Department of Behavioral and Developmental Services or the Department of Health and Human Services~~ and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that other person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class D crime; or

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 28. 17-A MRSA §1349**, as enacted by PL 2003, c. 711, Pt. A, §19, is corrected to read:

**§1349. Eligibility for sentence alternative that includes period of administrative release**

**1.** A person who has been convicted of a Class D or Class E crime may be sentenced to a sentence alternative under section 1152 that includes a period of administrative release, unless:

A. The statute that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized therein;

B. The court sentences the person to a sentencing alternative under section 1152 that includes a period of probation; or

C. The court finds that such a sentence would diminish the gravity of the crime for which that person was convicted.

#### EXPLANATION

This section supplies a subsection number.

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**Sec. 29. 18-A MRSA §5-606, sub-§(c)**, as amended by PL 1985, c. 437, §1; amended by PL

1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

(c) Persons duly delegated by the officials authorized to act under subsections (a) and (b) may include a staff of competent social workers, or competent social workers assigned to the public guardian or conservator by the ~~Department of Behavioral and Developmental Services or the Department of Health and Human Services~~. In the event that the delegation is to an individual, such individual ~~shall~~ must be qualified therefor by reason of education or experience, or both, in administering to the needs of the individual or individuals over whom ~~he~~ the individual is to exercise administrative or supervisory authority under the public guardian.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. This section also corrects a grammatical error and gender-specific language.

**Sec. 30. 20-A MRSA §1, sub-§34-A, ¶A,** as amended by PL 1997, c. 326, §1 and PL 2001, c. 354, §3, is corrected to read:

A. In the care or custody, or both, of the Department of Health and Human Services ~~or the Department of Behavioral and Developmental Services~~;

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

**Sec. 31. 20-A MRSA §1, sub-§43,** as corrected by RR 1991, c. 2, §55, is corrected to read:

**43. Applied technology Career and technical education.** "Applied technology Career and technical education" is defined in section 8301-A, subsection ~~44~~ 2-A.

**EXPLANATION**

This section replaces the words "applied technology education" with the words "career and technical education" as directed by Public Law 2003, chapter 545. The section also corrects a cross-reference.

**Sec. 32. 20-A MRSA §405, sub-§3, ¶I,** as enacted by PL 1981, c. 693, §§5 and 8, is corrected to read:

I. Develop and adopt a plan for the establishment of vocational career and technical education centers and regions and act upon applications to alter the delivery of vocational career and technical education within vocational career and technical education regions and center areas;

**Sec. 33. 20-A MRSA §405, sub-§3, ¶Q,** as amended by PL 1995, c. 395, Pt. J, §2, is corrected to read:

Q. Serve as state agency for administering federal funds for construction of school facilities and for vocational career and technical education;

**EXPLANATION**

These sections replace the words "vocational centers and regions," "vocational education" and "vocational" with the words "career and technical education centers and regions," "career and technical education" and "career and technical," respectively, as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

**Sec. 34. 20-A MRSA §4727,** as amended by PL 1991, c. 716, §§6 and 7, is corrected to read:

**§4727. Additional instruction**

Secondary schools may provide additional instruction in applied technology career and technical education and other subjects not included within the applied technology career and technical education courses of study operating pursuant to chapter 313.

**EXPLANATION**

This section replaces the words "applied technology" with the words "career and technical" as directed by Public Law 2003, chapter 545. It also adds the word "education" so that the section reads correctly.

**Sec. 35. 20-A MRSA §5401, sub-§9**, as corrected by RR 1991, c. 2, §60, is corrected to read:

**9. Vocational Career and technical education.** The following provisions ~~shall~~ apply to transportation for ~~vocational career and technical~~ education.

A. The sending school administrative unit shall provide transportation for its students to and from ~~an applied technology a career and technical education center or applied technology career and technical education~~ satellite program.

B. The cooperative board shall provide for the transportation of students to and from ~~vocational career and technical education~~ programs operated by ~~vocational career and technical education~~ regions, centers or satellites.

(1) Transportation may not be provided outside the ~~vocational career and technical education~~ region, unless approved by the commissioner.

(2) State aid for transportation ~~shall~~ **must** be computed and paid to the administrative units of the region in the same proportion that the administrative unit contributes to the ~~vocational career and technical~~ educational budget of the region.

#### EXPLANATION

This section changes words relating to vocational education and applied technology education to words relating to career and technical education as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. This section also corrects grammatical errors.

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**Sec. 36. 20-A MRSA §7730**, as amended by PL 1997, c. 534, §10 and PL 2001, c. 354, §3, is corrected to read:

#### §7730. Regional site board of directors

Each board of directors of a regional intermediate education unit or a private nonprofit corporation is responsible for governance of its activities, including the management and oversight of its general operations as established in section 7729. Membership must include representatives of the regional offices of the Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services~~, representatives of participating school administrative units, parents of infants and children with disabilities and other community members as determined appropriate. A regional site board member or a board member's employer may not, during the

term for which the member serves on the board, derive any revenue from work performed for the Child Development Services System. A representative of a participating school administrative unit whose participation in the system is limited to work performed for the school administrative unit is exempt from the requirements of this section. Terms of membership and methods of appointment or election must be determined by board of directors bylaws, subject to approval of the department.

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 37. 20-A MRSA §7801, sub-§1**, as repealed and replaced by PL 1993, c. 349, §46; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**1. Coordination.** Coordinating existing programs presently provided for these youths by the Department of Health and Human Services, ~~the Department of Behavioral and Developmental Services~~, the Department of Education, the Department of Labor, the Department of Corrections and other public and private agencies;

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 38. 20-A MRSA §7802, sub-§6**, as corrected by RR 1995, c. 2, §34 and amended by PL 2001, c. 354, §3, is corrected to read:

**6. Commissioners.** "Commissioners" means the Commissioner of Health and Human Services, ~~the Commissioner of Behavioral and Developmental Services~~, the Commissioner of Education, the Commissioner of Labor and the Commissioner of Corrections.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 39. 20-A MRSA §7803, first ¶**, as amended by PL 1999, c. 668, §92 and PL 2001, c. 354, §3, is corrected to read:

An Interdepartmental Committee on Transition pursuant to Title 5, chapter 379, representing the Department of Education, the Department of Health and Human Services, ~~the Department of Behavioral and Developmental Services~~, the Department of Labor, the Department of Corrections, at least 2 of the local coordination sites and the public, must be appointed by the commissioners to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of area coordination programs developed through the grants.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 40. 20-A MRSA §7803-A**, as enacted by PL 1991, c. 180; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**§7803-A. Transition services**

Each school administrative unit shall provide an annual statement of the transition services needed by a handicapped youth in transition enrolled in that unit. The statement of transition services must be provided to all handicapped youth in transition who are 16 years of age or older and enrolled in school and may be provided to younger students when the school administrative unit finds it necessary. When appropriate, a cooperative agreement among the Department of Education, the Department of Health and Human

~~Services, the Department of Behavioral and Developmental Services~~, the Department of Corrections and the Department of Labor must be included as part of the annual statement describing the responsibilities of and coordination required by those agencies. If a cooperating agency fails to provide agreed-upon services, the school administrative unit is responsible for reconvening the cooperating agencies for the purposes of developing alternative strategies to meet the transition objectives. This section does not require any school administrative unit to provide noneducational services to students.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 41. 20-A MRSA §7804, sub-§4**, as amended by PL 1989, c. 899, §8; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**4. Area coordinating committee.** An area coordinating committee, organized prior to application for receipt of a grant, ~~shall be~~ is responsible for governance of each local site. Membership ~~shall~~ must include representatives of transitional services programs in the region to be served by the grant; representatives of the appropriate regional offices of the Department of Health and Human Services, ~~the Department of Behavioral and Developmental Services~~, the Department of Corrections and the Department of Labor; representatives of participating school administrative units; representatives of adult service agencies, including rehabilitation facilities; parents of children with handicapping conditions; employers; and other community members as appropriate. Terms of membership and methods of appointment or election ~~shall~~ must be determined by area coordinating committee bylaws, subject to approval of the committee. Responsibilities of area coordinating committees ~~shall~~ must be detailed in the rules promulgated by the committee.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid

redundancy, where both original department names appear, one of the 2 references is eliminated. This section also corrects grammatical errors.

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**Sec. 42. 20-A MRSA §8301-A, sub-§7,** as enacted by PL 1991, c. 518, §2, is corrected to read:

**7. Residence.** "Residence" means, with reference to a person's eligibility to receive ~~vocational~~ career and technical education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

#### EXPLANATION

This section replaces the words "vocational education" with the words "career and technical education" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

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**Sec. 43. 20-A MRSA §8305-A,** as corrected by RR 1991, c. 2, §62, is corrected to read:

#### §8305-A. Eligibility

**1. General right.** A person eligible to receive free public secondary education may, consistent with this section and department rules:

A. Receive ~~vocational~~ career and technical education from a center, satellite program or region that serves the person's residence; or

B. Receive ~~vocational~~ career and technical education from a center, satellite program or region outside of the geographical area that serves the person's residence, subject to the approval of the commissioner and the governing bodies of the sending unit and receiving center, satellite program or region.

**2. Admission standards.** A region, center or satellite program shall determine, in accordance with its published admission standards, whether to admit a person to such a region, center or satellite program. Unless otherwise specifically provided for in this chapter, priority to enroll in any ~~vocational~~ career and technical education course of study offered by a region, center or satellite program, must be given first to persons eligible to receive a free public secondary education who are residents of municipalities served by that region, center or satellite program.

**3. Adult participation in ~~applied technology~~ career and technical education courses.** Persons who are 20 years of age or older and who otherwise comply with the requirements of this section may receive ~~applied technology~~ career and technical education in an ~~applied technology~~ career and technical education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by persons who are 20 years of age or older. A region, center or satellite program may charge reasonable fees to persons who are 20 years of age or older and who receive ~~applied technology~~ career and technical education pursuant to this section.

#### EXPLANATION

This section replaces the word "vocational" with the words "career and technical" and "applied technology" with "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

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**Sec. 44. 20-A MRSA §8306, sub-§§1 and 2,** as amended by PL 1991, c. 518, §5, are corrected to read:

**1. State plan.** The state board shall approve and update as it determines necessary a state plan for ~~vocational~~ career and technical education, in compliance with the requirements of applicable state and federal laws, rules and regulations. The state plan must be prepared by the commissioner.

**2. Center and region plans.** The state board shall approve a plan for the provision of ~~vocational~~ career and technical education by each center or region. The plans must be prepared by each center or region at the time of its organization or reorganization, approved by the school board or cooperative board governing each center or region respectively, and include:

A. A survey of the ~~vocational~~ career and technical education needs nationally, statewide and in the geographic area served by the center or region;

B. A survey of employment opportunities nationally, statewide and in the geographic area served by the center or region;

C. A description of the programs to be offered by the center or region;

C-1. A description of the manner in which academic courses will be used to augment trade-oriented skill courses for ~~vocational~~ career and

technical education students at the center or region;

D. A description of each geographic area served by the center or region and the location of each ~~vocational~~ career and technical education program to serve those areas; and

E. A description of the manner in which the ~~vocational~~ career and technical education programs offered by the center or region address the ~~vocational~~ career and technical education needs in the geographic area served by the center or region and employment opportunities nationally, state-wide and in the geographic area served by the center or region.

**Sec. 45. 20-A MRSA §8306, sub-§5, ¶E**, as enacted by PL 1991, c. 518, §5, is corrected to read:

E. Create alternative organizational methods of delivering ~~vocational~~ career and technical education.

**EXPLANATION**

These sections replace the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

**Sec. 46. 20-A MRSA §8306-A**, as amended by PL 2001, c. 454, §36, is corrected to read:

**§8306-A. Rules; approval of ~~vocational~~ career and technical education programs and courses**

The commissioner may adopt rules to establish requirements for ~~vocational~~ career and technical education programs and courses in alignment with the system of learning results established in section 6209, to establish procedures for approving ~~vocational~~ career and technical education programs and courses and to otherwise carry out the purposes of this chapter.

A program or course of ~~vocational~~ career and technical education may not be offered by a region, center or affiliated unit unless approved by the commissioner in compliance with rules adopted pursuant to this chapter.

**EXPLANATION**

This section replaces the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

**Sec. 47. 20-A MRSA §8307-A, first ¶**, as enacted by PL 1991, c. 518, §8, is corrected to read:

The governing body of one or more units, or the commissioner, may prepare a plan for reorganizing the provision of ~~vocational~~ career and technical education in or among existing regions or geographic areas served by existing centers and present the reorganization plan to the state board for its approval. A unit may prepare a reorganization plan only for a region or center that serves or is proposed to serve the unit.

**Sec. 48. 20-A MRSA §8307-A, sub-§1, ¶¶A and B**, as enacted by PL 1991, c. 518, §8, are corrected to read:

A. Describe the deficiencies in the current method of providing ~~vocational~~ career and technical education in a region or geographic area served by a center that require reorganizing the provision of ~~vocational~~ career and technical education in that region or geographic area;

B. Present an alternative organizational method of providing ~~vocational~~ career and technical education in a region or geographic area served by a center;

**Sec. 49. 20-A MRSA §8307-A, sub-§2, ¶A**, as enacted by PL 1991, c. 518, §8, is corrected to read:

A. Assess the impact of the reorganization plan on the provision of ~~vocational~~ career and technical education in any region or geographic area served by a center that is affected by the reorganization plan;

**Sec. 50. 20-A MRSA §8307-A, sub-§6**, as amended by PL 1991, c. 716, §7, is corrected to read:

**6. Local public hearings.** If the reorganization plan is approved by the state board, the unit or units that prepared the reorganization plan shall hold at least one public hearing in each such unit or units and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in those units affected by the plan. If the reorganization plan is prepared by the commissioner and approved by the state board, the commissioner shall hold at least one public hearing in a unit affected by the reorganization plan and selected by the commissioner and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in units affected by the plan. The ~~applied-technology~~ career and technical education director and the cooperative board of any region affected by a

reorganization plan, and the ~~applied technology career and technical education~~ director, advisory committee and governing body of any center affected by a reorganization plan, must be invited to participate at the public hearings.

### EXPLANATION

These sections replace the word "vocational" and the words "applied technology" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. The word "education" is added so that a subsection reads correctly.

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**Sec. 51. 20-A MRSA §8353**, as amended by PL 1991, c. 518, §9, is corrected to read:

#### §8353. Tuition for students sent out of state

If a unit that serves a student's residence determines that that student would be better served by receiving ~~voational career and technical~~ education, on a tuition basis, at an out-of-state secondary level ~~voational career and technical~~ school that is located closer to that student's residence than a Maine center, satellite program or region serving that student's residence, the State shall subsidize the unit the same amount for that student as would have been incurred by such a center, satellite program or region providing the same or similar ~~voational career and technical~~ education to the student.

### EXPLANATION

This section replaces the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

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**Sec. 52. 20-A MRSA §8354, first ¶**, as amended by PL 1991, c. 518, §10, is corrected to read:

The tuition charge for each out-of-state student receiving ~~voational career and technical~~ education at a center, satellite program or region is determined as follows.

**Sec. 53. 20-A MRSA §8354, sub-§1, ¶A**, as amended by PL 1999, c. 657, §9, is corrected to read:

A. Adding the amounts paid by the center, satellite program or region during the previous fiscal year for:

- (1) Teachers' salaries;
- (2) Fuel;

- (3) Janitorial services;
- (4) Textbooks;
- (5) Reference books;
- (6) School supplies for desk and laboratory use;
- (7) Public utility services;
- (8) Replacement of instructional equipment;
- (9) Insurance;
- (10) Compensation for the ~~applied technology career and technical education~~ director and the ~~applied technology career and technical education~~ director's assistants;
- (11) Employee fringe benefits; and
- (12) Electricity services provided by competitive electricity providers or other entities authorized by the Public Utilities Commission to provide electricity services;

**Sec. 54. 20-A MRSA §8354, sub-§2**, as amended by PL 1999, c. 657, §10, is corrected to read:

**2. Alternate method.** When the cost of fuel, janitorial services, public utility services, electricity services or insurance for facilities used to provide ~~voational career and technical~~ education can not be separated from similar costs for other facilities not used to provide ~~voational career and technical~~ education, the costs of facilities used to provide ~~voational career and technical~~ education are determined by prorating the square footage of floor space used to provide ~~voational career and technical~~ education to the total amount of floor space at the facilities.

### EXPLANATION

These sections replace the word "vocational" and the words "applied technology" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. The word "education" is added so that a paragraph reads correctly.

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**Sec. 55. 20-A MRSA §8402**, as amended by PL 1999, c. 683, §2 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is corrected to read:

#### §8402. Programs

A center shall provide programs of ~~voational career and technical~~ education. Programs of ~~voea-~~

~~tion~~ career and technical education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of ~~vocational career and technical~~ education offered by a center must be approved by the commissioner pursuant to 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. Programs of ~~vocational career and technical~~ education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

**EXPLANATION**

This section replaces the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

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**Sec. 56. 20-A MRSA §8403-A, sub-§§1 and 2,** as enacted by PL 1991, c. 518, §14, are corrected to read:

**1. Authority for ~~vocational career and technical~~ career and technical education satellite programs.** An affiliated unit may operate a ~~vocational career and technical~~ education satellite program with the approval of the commissioner pursuant to subsection 2.

**2. Procedure for authorizing ~~vocational career and technical~~ career and technical education satellite programs.** Any affiliated unit that wishes to operate a ~~vocational career and technical~~ education satellite program shall submit a written request to operate such a satellite program to the governing body of the center with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-A.

**Sec. 57. 20-A MRSA §8403-A, sub-§§5 and 6,** as amended by PL 1991, c. 716, §7, are corrected to read:

**5. Employment of teachers.** The superintendent of a unit operating a satellite program shall, in consultation with the ~~applied technology career and technical~~ education director of the center with which

the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

**6. Supervision.** The superintendent of a unit operating a satellite program shall, in consultation with the ~~applied technology career and technical~~ education director of the center with which the unit is affiliated, supervise personnel working for that satellite program.

**EXPLANATION**

These sections replace the words "vocational satellite" and "applied technology" with the words "career and technical education satellite" and "career and technical education," respectively, as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. The word "education" is added so that subsections read correctly.

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**Sec. 58. 20-A MRSA §8404, first ¶,** as amended by PL 1991, c. 518, §15, is corrected to read:

Each center must have an advisory committee responsible for advising the ~~vocational career and technical~~ education director concerning the provision of ~~vocational career and technical~~ education by the center.

**EXPLANATION**

This section replaces the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. It also adds the word "education" so that the section reads correctly.

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**Sec. 59. 20-A MRSA §8404, sub-§3, ¶C,** as amended by PL 1999, c. 226, §1 and PL 2003, c. 545, §5, is corrected to read:

C. Shall, in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401 and a new career and technical education center in Maine School Administrative District No. 33 becomes operational, devise a cost sharing formula for the center established thereby pertaining to the cost of ~~applied technology educational career and technical~~ education programs that exceed expenditures made for those programs in the base year as adjusted pursuant to section 15603, subsection 5 and to the local share of debt service costs at-



tributable to construction of the center in School Administrative District No. 33;

### EXPLANATION

This section replaces the words "applied technology educational" with the words "career and technical education" to implement the intent of Public Law 2003, chapter 545.

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**Sec. 60. 20-A MRSA §8451**, as amended by PL 1999, c. 39, §1 and PL 2003, c. 545, §§4 and 5, is corrected to read:

#### §8451. Career and technical education regions

**1. Legislative intent.** It is the intent of the Legislature that each ~~vocational~~ career and technical education region shall provide ~~vocational career and technical~~ education in accordance with this chapter and shall function as an extension of the secondary schools located within the region's boundaries.

**2. Boundaries.** The career and technical education regions have boundaries as follows.

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this region include: Bancroft; Benedicta; Crystal; Dyer Brook; Hersey; Island Falls; Linneus; Ludlow; Merrill; Moro Plantation; New Limerick; Oakfield; Orient; Smyrna; School Administrative District No. 14 (Danforth and Weston); School Administrative District No. 25 (Mt. Chase Plantation, Patten, Sherman and Stacyville); School Administrative District No. 29 (Hammond Plantation, Houlton, Littleton and Monticello); and School Administrative District No. 70 (Amity, Cary Plantation, Haynesville and Hodgdon).

C. Region 3. NORTHERN PENOBSCOT COUNTY. Units located in this region include: Carroll Plantation; Codyville; Drew Plantation; East Millinocket; Glenwood Plantation; Lakeville Plantation; Macwahoc Plantation; Medway; Millinocket; Reed Plantation; Topsisfield; Vanceboro; Woodville; School Administrative District No. 30 (Lee, Prentiss Plantation, Springfield, Webster Plantation and Winn); School Administrative District No. 31 (Burlington, Edinburg, Enfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plantation); and School Administrative District No. 67 (Chester, Lincoln and Mattawamkeag).

D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in this region include: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond Planta-

tion; Greenbush; Hermon; Milford; Old Town; Orono; Orrington; Osborn Plantation; Veazie; School Administrative District No. 22 (Hampden, Newburgh and Winterport); School Administrative District No. 23 (Carmel and Levant); School Administrative District No. 38 (Dixmont and Etna); School Administrative District No. 63 (Clifton, Eddington and Holden); and School Administrative District No. 64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson).

F. Region 7. WALDO COUNTY. Units located in this region include: School Administrative District No. 3 (Brooks, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Thorndike, Troy, Unity and Waldo); School Administrative District No. 34 (Belfast, Belmont, Morrill, Northport, Searsmont and Swanville); and School Administrative District No. 56 (Frankfort, Searsport and Stockton Springs).

G. Region 8. KNOX COUNTY. Units located in this region include: Five Town Community School District (Appleton, Camden, Hope, Lincolnville and Rockport); Islesboro; School Administrative District No. 5 (Owls Head, Rockland and South Thomaston); School Administrative District No. 7 (North Haven); School Administrative District No. 8 (Vinalhaven); School Administrative District No. 40 (Friendship, Union, Waldoboro, Warren and Washington); and School Administrative District No. 50 (Cushing, St. George and Thomaston).

H. Region 9. NORTHERN OXFORD COUNTY. Units located in this region include: Gilead; Hanover; Peru; Upton, so long as it sends its secondary students to schools operated by administrative units within the region; School Administrative District No. 21 (Canton, Carthage and Dixfield); School Administrative District No. 43 (Byron, Mexico, Roxbury and Rumford); and School Administrative District No. 44 (Andover, Bethel, Greenwood, Newry and Woodstock).

I. Region 10. EASTERN CUMBERLAND-SAGADAHOC COUNTY. Units located in this region include: Brunswick; Freeport; and School Administrative District No. 75 (Bowdoin, Bowdoinham, Harpswell and Topsham).

J. Region 11. SOUTHERN OXFORD COUNTY. Units located in this region include: School Administrative District No. 17 (Harrison, Hebron, Norway, Otisfield, Oxford, Paris, Waterford and West Paris); and School Administrative District No. 39 (Buckfield, Hartford and Sumner).

**3. Central Aroostook County.** Central Aroostook County is also a region.

A. Public secondary schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn are served by centers located in Presque Isle and Caribou.

B. Notwithstanding provisions of sections 8452 to 8459, these centers are governed by the school boards of the units operating such centers, but have an advisory committee, as defined in section 8404, responsible for coordinating ~~voeational~~ career and technical education for the Central Aroostook County region.

**4. Validation.** Each career and technical education region authorized and organized under Public Law 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity which may have occurred in the organization of the region or in the selection of the cooperative board of that region.

**5. Northern Aroostook County.** Northern Aroostook County is also a region.

A. Public secondary schools located at Van Buren, Madawaska, St. Agatha, Fort Kent and Allagash are served by centers located in Van Buren, Madawaska and Fort Kent, provided that in the event that the school boards of School Administrative District No. 27 (Fort Kent), School Administrative District No. 33 (St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401, the agreement must provide that if a new center located in Maine School Administrative District No. 33 becomes operational, applied technology career and technical education students from Maine School Administrative District No. 10 (Allagash) must be allocated slots in the applied technology career and technical education programs at the center as tuition students on the same basis as students from the 3 participating units and that applied technology career and technical education students from School Administrative District No. 24 (Van Buren) must be permitted to attend that center on a tuition basis to the extent that there are unused slots available in the applied technology career and technical education programs at the center.

B. Notwithstanding sections 8452 to 8459, these centers are governed by the school boards of the units operating the centers, but have an advisory committee, as defined in section 8404, for the Northern Aroostook County region, provided that in the event that the school boards of School

Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, the Northern Aroostook County advisory committee must be made up of representatives of those 3 administrative units and the advisory committee has authority to review applications for employment and personnel records relating to the applied technology career and technical education director and teachers in the applied technology career and technical education programs of the center in order for the advisory committee to make employment recommendations to the Superintendent of Schools of Maine School Administrative District No. 33.

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the commissioner for providing secondary applied technology career and technical education within the 3 participating units. The plan must include:

- (1) A proposal for the construction of a new center in School Administrative District No. 33;
- (2) Provisions for assignment without loss of salary of all continuing contract applied technology career and technical education teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new center in School Administrative District No. 33 becomes operational; and
- (3) Assurances that all 3 participating administrative units, and School Administrative District No. 10 on a tuition basis, have access to programs at the new center in proportion to the number of high school students in each administrative unit.

D. The plan developed under paragraph C must be submitted to the commissioner for approval. The commissioner may make necessary recommendations to the participating units to assist in the implementation of the plan for the school year 1991-92.

E. If the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska enter into a cooperative

agreement pursuant to section 8401 and if a plan developed under paragraph C is approved by the commissioner, School Administrative District No. 33 has the authority to undertake school construction projects for career and technical education in accordance with the provisions of chapter 609 and to borrow money and issue bonds and notes of the district for school construction projects in accordance with section 1311 and sections 1351 to 1354.

F. Section 8301-A, subsection 6 and sections 8452 to 8467 do not apply to the region established for Northern Aroostook County under this section.

### EXPLANATION

This section changes words relating to vocational education and applied technology education to words relating to career and technical education as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. It also adds the word "education" so that the section reads correctly.

---

**Sec. 61. 20-A MRSA §8451-A**, as amended by PL 1999, c. 683, §3 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is corrected to read:

#### §8451-A. Programs

A region shall provide programs of ~~vocational~~ career and technical education. Programs of ~~vocational~~ career and technical education are eligible to receive state subsidy pursuant to chapters 606 and 609. All programs of ~~vocational~~ career and technical education offered by a region must be approved by the commissioner pursuant to 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 college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of ~~vocational~~ career and technical education may also include alternative educational programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A.

### EXPLANATION

This section replaces the word "vocational" with the words "career and technical" as directed by Public

Law 1991, chapter 716 and Public Law 2003, chapter 545.

---

**Sec. 62. 20-A MRSA §8452, sub-§1, ¶D**, as amended by PL 1991, c. 518, §19, is corrected to read:

D. The method of sharing costs of ~~vocational~~ career and technical education among the units in the region.

### EXPLANATION

This section replaces the word "vocational" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545.

---

**Sec. 63. 20-A MRSA §8454, sub-§1**, as amended by PL 1991, c. 716, §7 and PL 2003, c. 545, §4, is corrected to read:

**1. Oath.** Before taking any official action, a newly appointed member of a cooperative board shall take the following oath or affirmation before a dedimus justice or notary public.

"I (name) do swear that I will faithfully discharge to the best of my abilities the duties ~~en-~~ incumbent on me as a member of the cooperative board of Career and Technical Education Region No. according to the Constitution of Maine and laws of this State, so help me God."

### EXPLANATION

This section corrects a spelling error.

---

**Sec. 64. 20-A MRSA §8458**, as amended by PL 1991, c. 518, §26 and c. 716, §7, is corrected to read:

**§8458. ~~Vocational Career and technical education~~ director; chief administrative officer**

**1. Employment of ~~vocational~~ career and technical education director.** The cooperative board shall employ a certified ~~vocational~~ career and technical education director who shall administer, in compliance with this section, the provision of ~~vocational~~ career and technical education in the region.

**4. Appointment of chief administrative officer.** The cooperative board shall appoint a chief administrative officer who shall administer the region

in compliance with policy set by the cooperative board, nominate teachers and other employees for employment by the region and perform such other duties as are assigned to the chief administrative officer by the cooperative board. The cooperative board shall appoint as the chief administrative officer either:

- A. The ~~applied technology career and technical education~~ director; or
- B. The superintendent of a unit in the region.

**5. Appointment of treasurer and secretary.** The cooperative board may appoint the ~~applied technology career and technical education~~ director or the chief administrative officer as treasurer or secretary, or both, of the cooperative board.

**EXPLANATION**

This section replaces the word "vocational" and the words "applied technology" with the words "career and technical" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. It also adds the word "education" so that the section reads correctly.

---

**Sec. 65. 20-A MRSA §8460, sub-§1, ¶C**, as amended by PL 1991, c. 518, §26 and c. 716, §§6 and 7, is corrected to read:

- C. Prepare articles, or orders for municipal council meetings, in substantially the form set forth in subparagraphs (1) and (2):
  - (1) "Shall the regional ~~applied technology career and technical education~~ operating budget as approved by the cooperative board for the year \_\_\_\_\_ be approved in the amount of \$\_\_\_\_\_?"; and
  - (2) "Shall the ~~applied technology career and technical education~~ region approve a budget for adult education in the amount of \$\_\_\_\_\_ for the year \_\_\_\_\_?";

**Sec. 66. 20-A MRSA §8460, sub-§2, ¶A**, as amended by PL 1991, c. 518, §26, is corrected to read:

- A. The articles, or orders, for the ~~vocational career and technical~~ education operating budget and adult education budget for the region must be submitted for approval by one of the following methods prior to July 1st:
  - (1) The school administrative unit method described in section 8461;

- (2) The referendum method described in sections 1351 to 1354; or
- (3) The regional budget meeting method described in section 8462; and

**EXPLANATION**

These sections replace the words "applied technology" and "vocational" with the words "career and technical" and the words "applied technology region" with the words "career and technical education region" as directed by Public Law 1991, chapter 716 and Public Law 2003, chapter 545. The word "education" is added so that a paragraph reads correctly.

---

**Sec. 67. 20-A MRSA §11401, sub-§1**, as enacted by PL 1989, c. 698, §13 and amended by PL 1991, c. 716, §7, is corrected to read:

**1. Purpose.** The purpose of this subchapter is to allow the authority to continue a student loan insurance program, meeting certain federal requirements, in order to secure loans to students attending institutions of higher education, including ~~applied technology career and technical education~~ training institutions, and to parents of these students, in accordance with the Constitution of Maine, Article VIII, Part First, Section 2.

**EXPLANATION**

This section replaces the words "applied technology" with the words "career and technical" as directed by Public Law 2003, chapter 545. It also adds the word "education" so that the section reads correctly.

---

**Sec. 68. 20-A MRSA §11619-A**, as enacted by PL 2003, c. 673, Pt. QQ, §2 and affected by §4, is corrected to read:

**§11619-A. Reduction of institutional or other grant aid**

~~Notwithstanding section 11620, effective~~ Effective July 1, 2004, a grant received by a student under this chapter may be applied to reduce institutional or other grant aid to that student only if that institutional or grant aid is subsequently granted to a student with demonstrated financial need.

**EXPLANATION**

This section removes a reference to a repealed provision of law.

**Sec. 69. 20-A MRSA §12704, sub-§2**, as amended by PL 2003, c. 114, §3 and c. 545, §§3 and 6, is corrected to read:

**2. Statewide and regional planning and coordination.** Coordinating, on a statewide and regional basis, the planning and operation of the post-secondary ~~applied technology career~~ and technical education programs offered by the institutes with the planning and operation of:

A. The college and university programs offered by the several other institutions of higher learning in the State;

B. The adult, continuing and community education programs overseen by the Department of Education, Division of Adult and Community Education, or its successor;

C. The secondary occupational and career and technical education programs overseen by the Department of Education, Division of Career and Technical Education, or its successor;

D. The employment and training programs funded under the federal Workforce Investment Act of 1998, Public Law 105-220, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and

E. The economic development programs overseen by the Department of Economic and Community Development, or its successor, and other economic development programs and agencies throughout the State;

#### EXPLANATION

This section replaces "applied technology" with the word "career" to implement the intent of Public Law 2003, chapter 545.

**Sec. 70. 20-A MRSA §12712, sub-§1**, as amended by PL 1989, c. 443, §48 and PL 1991, c. 716, §7, is corrected to read:

**1. Administration of the colleges.** The presidents ~~shall be~~ are responsible for the administration of the colleges. The presidents shall cooperate to provide ~~applied technology career~~ and technical education and training that best meets the needs of students, the private sector and the changing economy of the State. The presidents shall administer the colleges in a manner consistent with the mission and goals set forth in section 12703.

#### EXPLANATION

This section replaces "applied technology" with the word "career" to implement the intent of Public Law 2003, chapter 545. It also corrects a grammatical error.

**Sec. 71. 22 MRSA §2061, sub-§2**, as repealed and replaced by PL 2003, c. 599, §6 and amended by PL 2003, c. 689, Pt. B, §6, is corrected to read:

**2. Review.** Each project for a health care facility has been reviewed and approved to the extent required by the agency of the State that serves as the designated planning agency of the State or by the Department of Health and Human Services in accordance with the provisions of the Maine Certificate of Need Act of 2002, as amended, and is consistent with the cost containment provisions for health care and health coverage of the State Health Plan adopted pursuant to Title 2, section 101, subsection 1, paragraph A;

#### EXPLANATION

This section corrects a cross-reference.

**Sec. 72. 22 MRSA §2165**, as amended by PL 1979, c. 731, §19, is corrected to read:

#### §2165. Injunctions

In addition to the remedies provided, the Commissioner of Agriculture, Food and Rural Resources is authorized to apply to the Superior Court and such court ~~shall have~~ has jurisdiction upon hearing and for cause shown, to grant a preliminary or permanent injunction restraining any person from violating any provision of section ~~2155~~ 2155-A.

#### EXPLANATION

This section corrects a cross-reference and makes clerical corrections.

**Sec. 73. 22 MRSA §3174-W**, as reallocated by RR 1999, c. 1, §28 and amended by PL 2001, c. 354, §3, is corrected to read:

#### §3174-W. Procedure for home health care changes

Rules adopted by the department ~~of the Department of Behavioral and Developmental Services~~ regarding access to home health care under the

Medicaid program are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**EXPLANATION**

This section deletes the reference to the Department of Behavioral and Developmental Services as the reference to "department" in this section means the "Department of Health and Human Services," which, pursuant to Public Law 2003, chapter 689, Part B, section 6, includes the former Department of Behavioral and Developmental Services. The section also makes a clerical change.

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**Sec. 74. 22 MRSA §3573, sub-§2**, as enacted by PL 2003, c. 602, §1, is corrected to read:

**2. Reporting requirements.** The Department of Health and Human Services, ~~Department of Behavioral and Developmental Services~~ and Department of Education shall by January 15th of each year submit a joint report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding activities conducted over the past fiscal year related to the prevention of developmental disabilities and underlying mental and physical impairments and plans for such activities in the succeeding year. The report must also include data on the incidence rate of births of developmentally disabled children in the State.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 75. 22 MRSA §3789-B, first ¶**, as corrected by RR 1995, c. 2, §43 and amended by PL 2001, c. 354, §3 and c. 439, Pt. G, §6 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is corrected to read:

The Interdepartmental Welfare Reform Committee, referred to in this section as the "committee," is established. The committee consists of the Commissioner of Education, the Commissioner of Labor, the President of the Maine Community College System, ~~the Commissioner of Behavioral and Developmental Services~~, the Director of the Office of Substance Abuse, the Commissioner of Corrections or a designee from the Long Creek Youth Development Center and the Commissioner of Health and Human Services,

who serves as chair. The committee shall monitor the efforts of the state departments involved in welfare reform and ensure cooperation among those departments.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 76. 22 MRSA §3883, sub-§6**, as corrected by RR 1995, c. 2, §44 and amended by PL 2001, c. 354, §3, is corrected to read:

**6. Advice and consultation.** The Commissioner of Health and Human Services, ~~the Commissioner of Behavioral and Developmental Services~~, the Commissioner of Education, the Commissioner of Corrections and the Commissioner of Public Safety, upon request, shall provide the board with technical information, assistance and advice.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 77. 22 MRSA §4004-A, sub-§3**, as enacted by PL 1993, c. 724, §1 and amended by PL 2001, c. 354, §3, is corrected to read:

**3. Additional parties.** The Department of Corrections, ~~the Department of Behavioral and Developmental Services~~, the Department of Education, the Office of Substance Abuse and any other appropriate state agency may be additional parties to the agreement.

**EXPLANATION**

This section deletes a reference to the Department of Behavioral and Developmental Services made

redundant when that department was consolidated with the Department of Human Services to create the Department of Health and Human Services pursuant to Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 78. 22 MRSA §4010-A, sub-§1**, as amended by PL 1989, c. 819, §1 and PL 2001, c. 354, §3, is corrected to read:

**1. Policy development.** Every public or private agency or program that is administered, licensed or funded by the Department of Health and Human Services, ~~the Department of Behavioral and Developmental Services~~ or the Department of Corrections and hires staff or selects volunteers and provides care or services for children shall develop a written policy regarding child abuse and neglect.

The policy ~~shall~~ **must** include:

- A. A description of how the program and children ~~shall be~~ **are** managed to prevent abuse or neglect;
- B. The reporting of suspected abuse or neglect or other violations to the appropriate designated authorities;
- C. The agency's course of action if allegations of abuse or neglect are made against the agency or its staff; and
- D. The agency's grievance procedures for staff, and for children and their parents or guardians regarding alleged abuse or neglect.

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. This section also makes grammatical corrections.

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**Sec. 79. 22 MRSA §4088, sub-§1, ¶D**, as amended by PL 2003, c. 399, §1, is corrected to read:

- D. "Out-of-home abuse and neglect" means abuse and neglect of a child that occurs in a facility or by a person subject to licensure or inspection by the department, the Department of Education, or the Department of Corrections ~~or the Department of Behavioral and Developmental Services~~.

~~tal Services~~ or in a facility operated by any of these departments.

#### EXPLANATION

This section deletes a reference to the Department of Behavioral and Developmental Services made redundant when that department was consolidated with the Department of Human Services to create the Department of Health and Human Services pursuant to Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 80. 22 MRSA §7855, sub-§4, ¶B**, as amended by PL 2003, c. 510, Pt. G, §2 and affected by §3 and c. 599, §16, is corrected to read:

- B. Except as provided in paragraph A-1 ~~or A-2~~, a residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the chapter relating to new residential board and care occupancy if that facility is a facility that was constructed on or after July 25, 2002 or with the existing residential board and care occupancy chapter if that facility was licensed before July 25, 2002.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 81. 22 MRSA §7859, 2nd ¶**, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is corrected to read:

This section may not be construed to mean that a resident who is not a client of the department ~~or the Department of Behavioral and Developmental Services~~ is required, as a condition of admission, to provide records to the administrator of the residential care facility.

#### EXPLANATION

This section deletes a reference to the Department of Behavioral and Developmental Services made redundant when that department was consolidated with the Department of Human Services to create the Department of Health and Human Services pursuant to Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 82. 22 MRSA §7924, sub-§1**, as amended by PL 2001, c. 596, Pt. B, §14 and affected by §25 and amended by PL 2003, c. 689, Pt. B, §6, is corrected to read:

**1. Alleged violations reported and investigated.** Any person who believes that any of those rules governing the licensure of long-term care facilities or the operation of assisted living programs and services authorized pursuant to section 7853 adopted by the Department of Health and Human Services pertaining to residents' rights and conduct of resident care has been violated may report the alleged violation to the protection and advocacy agency designated pursuant to Title 5, section 19501; the long-term care ombudsman pursuant to section 5106, subsection 11-C and section 5107-A; the Office of Advocacy pursuant to Title 34-A, section 1203; and any other agency or person whom the Commissioner of Health and Human Services and ~~the Commissioner of Behavioral and Developmental Services~~ may designate.

- B. Development and maintenance of a permanent and effective public transportation system, with particular regard to low-income, elderly and handicapped residents;
- C. Participation of private transit operators in the service, to the greatest extent possible; and
- D. Conformity with general operations requirements as may be prescribed by the commissioner.

In years in which no biennial plan is required, amendments to the effective operations may be submitted. Approval of each regional operations plan must be by the Department of Transportation with the consent of the Department of Health and Human Services and ~~and the Department of Behavioral and Developmental Services~~. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan are eligible to receive funds administered by the Department of Transportation.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 83. 23 MRSA §4209, sub-§§1 and 2,** as corrected by RR 1995, c. 2, §47 and amended by PL 2001, c. 354, §3, are corrected to read:

**1. Geographic regions.** The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency must be selected from each region to formulate a biennial regional operations plan. Selection must be by the Department of Transportation with the consent of the Department of Health and Human Services and ~~the Department of Behavioral and Developmental Services~~. The Department of Transportation shall establish a schedule for submittal of the biennial regional operations plan and shall reference these plans in its biennial transportation improvement plan submitted to the Legislature.

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**Sec. 84. 23 MRSA §4209, sub-§4,** as corrected by RR 1995, c. 2, §48 and amended by PL 2001, c. 354, §3, is corrected to read:

**4. Human services assistance; priorities.** ~~Liaison~~ A liaison appointed by the Department of Health and Human Services and ~~the Department of Behavioral and Developmental Services~~ shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved biennial regional operations plan, priorities established by the Department of Health and Human Services and ~~the Department of Behavioral and Developmental Services~~ determine the priority clients that must be initially served by human services' funds. ~~Each department~~ The Department of Health and Human Services and its agents shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

**2. Biennial regional operations plan.** The biennial regional operations plan submitted by each regional public transportation agency must provide for the following:

- A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region;



The Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services~~ shall ensure that any new service to be provided is adequately funded to cover the costs of the transportation component of the program.

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. This section also makes a grammatical change.

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**Sec. 85. 24-A MRSA §601, sub-§27**, as enacted by PL 2003, c. 636, §1, is corrected to read:

**27. Viatical or life settlement provider.** Settlement provider license issuance fees and renewal fees may not exceed:

- |                                  |            |
|----------------------------------|------------|
| A. Original license issuance fee | \$400; and |
| B. Annual renewal fee            | \$400.     |

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 86. 24-A MRSA §2476, sub-§3, ¶C**, as enacted by PL 2003, c. 680, §1, is corrected to read:

C. Providing reasonable standards and procedures:

(+) (1) For the establishment and meetings of other committees; and

(+) (2) Governing any general or specific delegation of any authority or function of the commission;

#### EXPLANATION

This section provides the correct statutory format for the law.

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**Sec. 87. 24-A MRSA §4211, sub-§2**, as amended by PL 1993, c. 669, §4, is corrected to read:

2. Each health maintenance organization shall submit to the superintendent and the Commissioner of Health and Human Services an annual report in a form

prescribed by the superintendent after consultation with the Commissioner of Health and Welfare, which ~~shall include~~ Human Services that includes:

A. A description of the procedures of such complaint system;

B. The total number and disposition of complaints handled through the complaint system and a compilation of causes underlying the complaints filed. Complaints concerning access to chiropractic providers and the results of those complaints must be separately identified; and

C. The number, amount and disposition of malpractice claims settled during the year by the health maintenance organization.

#### EXPLANATION

This section changes a commissioner name to reflect the intent of Public Law 2003, chapter 689, Part B, section 7. This section also makes grammatical changes.

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**Sec. 88. 25 MRSA c. 192-A**, as enacted by PL 2003, c. 678, §2, is corrected by amending the headnote to read:

#### CHAPTER ~~192-A~~ 192-B

#### MAINE COMMUNICATIONS SYSTEM POLICY BOARD

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2003, chapters 673 and 678, which enacted 2 substantively different provisions with the same chapter number.

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**Sec. 89. 25 MRSA §2803-B, sub-§1, ¶I**, as amended by PL 2003, c. 656, §2 and c. 677, §2, is corrected to read:

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; ~~and~~

**Sec. 90. 25 MRSA §2803-B, sub-§1, ¶J**, as enacted by PL 2003, c. 656, §3, is corrected to read:

J. Public notification regarding persons in the community required to register under Title 34-A, chapter 15; and

**Sec. 91. 25 MRSA §2803-B, sub-§1, ¶J**, as enacted by PL 2003, c. 677, §3, is reallocated to 25 MRSA §2803-B, sub-§1, ¶K.

**EXPLANATION**

These sections correct a lettering problem created by Public Law 2003, chapters 656 and 677, which enacted 2 substantively different provisions with the same paragraph letter, and make technical changes.

**Sec. 92. 29-A MRSA §1251, sub-§6, ¶D**, as enacted by PL 1995, c. 482, Pt. B, §18, is corrected to read:

D. A person operating a motor vehicle in a parking area under the supervision of an instructor during applied technology career and technical education as defined by Title 20-A, section 8301-A, subsection 4 ~~2-A~~.

**EXPLANATION**

This section changes "applied technology education" to "career and technical education" pursuant to Public Law 2003, chapter 545, section 4. It also corrects a cross-reference.

**Sec. 93. 29-A MRSA §2115**, as enacted by PL 2003, c. 614, §8, is corrected to read:

**§2115. Operating motor vehicle on Pickerel Pond**

A person may not operate a motor vehicle as defined in section 101, subsection 42 on Pickerel Pond located in Township 32 Middle Division. This section does not apply to motor vehicles of the Department of Inland Fisheries and Wildlife, airmobiles as defined in Title 12, section ~~7794~~ 13001, subsection 2 and authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 94. 29-A MRSA §2380, sub-§4**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

**4. Hay.** Notwithstanding subsection ~~4~~ 3, rolled baled hay may be loaded on a vehicle not to exceed 11 feet in width when transported within a 20-mile radius

of the farm on which the hay is harvested or stored. A vehicle used for the transportation of rolled baled hay may not be operated on a public way during nighttime.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 95. 31 MRSA §526, sub-§15-A**, as enacted by PL 2003, c. 631, §45, is reallocated to 31 MRSA §526, sub-§15-B.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2003, chapters 631 and 673, which enacted 2 substantively different provisions with the same subsection number.

**Sec. 96. 31 MRSA §751, sub-§20-A**, as enacted by PL 2003, c. 631, §60, is reallocated to 31 MRSA §751, sub-§20-B.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2003, chapters 631 and 673, which enacted 2 substantively different provisions with the same subsection number.

**Sec. 97. 31 MRSA §871, sub-§18-A**, as enacted by PL 2003, c. 631, §76, is reallocated to 31 MRSA §871, sub-§18-B.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2003, chapters 631 and 673, which enacted 2 substantively different provisions with the same subsection number.

**Sec. 98. 32 MRSA §8114, sub-§2, ¶A**, as amended by PL 2003, c. 620, §3, is corrected to read:

A. To make any representation, including, but not limited, to, presentation of a badge, that suggests, or that would reasonably cause another person to believe, that the licensed private investigator or investigative assistant is a sworn peace officer of this State, any political subdivision thereof, or any other state or of the Federal Government;

**EXPLANATION**

This section corrects a punctuation error.

---

**Sec. 99. 34-A MRSA §1209, sub-§3, ¶D**, as corrected by RR 1995, c. 2, §81 and amended by PL 2001, c. 354, §3, is corrected to read:

D. The Commissioner of Corrections, Commissioner of Education, Commissioner of Health and Human Services, ~~Commissioner of Behavioral and Developmental Services~~ and Commissioner of Public Safety are ex officio, voting members of the group.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 7 directs the Revisor of Statutes to replace both "Commissioner of Human Services" and "Commissioner of Behavioral and Developmental Services" with "Commissioner of Health and Human Services" to reflect the consolidation of the Department of Human Services and the Department of Behavioral and Developmental Services. To avoid redundancy, where both original names appear, one of the 2 references is eliminated.

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**Sec. 100. 34-A MRSA §7002, sub-§2, ¶A**, as amended by PL 1989, c. 700, Pt. A, §162; PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

A. Constitute an interdepartmental coordinating committee on primary prevention, which ~~shall~~ must be chaired by the commissioner or the commissioner's designee and ~~shall~~ must include representation from the Department of Education, Department of Health and Human Services, Department of Labor, ~~Department of Behavioral and Developmental Services~~, Department of Public Safety, the Juvenile Justice Advisory Group and such other public or private agencies as the commissioner may wish to nominate; ~~which that~~ have responsibilities associated with preventing not only delinquency, but also child abuse, substance abuse, running away from home, truancy and failing to complete school and other destructive behavior ~~which that~~ affects juveniles. This coordinating committee shall:

- (1) Develop a state primary prevention plan ~~which that~~ provides for the use of state resources in ways that will strengthen the commitment of local communities to altering conditions ~~which that~~ contribute to delinquency and other destructive behaviors

~~which that~~ affect juveniles, so that the burden of state-funded treatment and crisis-responsive service programs will be reduced. The plan ~~shall~~ must provide for the coordination and consolidation of the primary prevention planning efforts of each of the state agencies specified in this section. The plan ~~shall~~ must set forth quantifiable and time-limited goals, objectives and strategies and ~~shall~~ must include proposals to integrate and build upon successful primary prevention programs;

- (2) Provide for the evaluation of policies and programs developed and implemented pursuant to the plan; and

- (3) Prepare, annually by November 1st, an appraisal of the State's primary prevention activities during the previous year and its recommendations for programs and activities relating to primary prevention.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated. This section also makes grammatical changes.

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**Sec. 101. 34-B MRSA §3007**, as amended by PL 1995, c. 560, Pt. K, §34, is corrected to read:

**§3007. Teenage Suicide Prevention Program**

The department shall, in cooperation with the Department of Education, ~~the Department of Human Services~~ and the "local action councils" funded in Public Law 1987, chapter 349, Part A under the heading "Human Services, Department of," develop a teenage suicide prevention strategy and a model suicide prevention program to be presented in the secondary schools of the State. Development of such a program must include preparation of relevant educational materials that must be distributed in the schools.

**EXPLANATION**

This section deletes a reference to the Department of Human Services made redundant when that department was consolidated with the Department of Behavioral and Developmental Services to create the

Department of Health and Human Services pursuant to Public Law 2003, chapter 689, Part B, section 6.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 102. 34-B MRSA §3008**, as enacted by PL 1993, c. 687, §8; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**§3008. Sexual activity with recipient of services prohibited**

A person who owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by ~~the Department of Behavioral and Developmental Services~~ or the Department of Health and Human Services may not engage in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, with another person or subject another person to sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, if the other person, not the actor's spouse, is a person with mental illness who receives therapeutic, residential or habilitative services from the organization, program or residence.

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 103. 34-B MRSA §5004**, as enacted by PL 1993, c. 687, §9; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3, is corrected to read:

**§5004. Sexual activity with recipient of services prohibited**

A person who owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by ~~the Department of Behavioral and Developmental Services~~ or the Department of Health and Human Services may not engage in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, with another person or subject another person to sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, if the other person, not the actor's spouse, is a person with mental retardation who receives therapeutic, residential or habilitative services from the organization, program or residence.

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**Sec. 104. 34-B MRSA §6201, sub-§2-A**, as amended by PL 1995, c. 560, Pt. K, §68 and affected by §83 and amended by PL 2001, c. 354, §3, is corrected to read:

**2-A. Respite care.** "Respite care" means temporary care-giving to a child or adult for the purpose of relieving that person's family or another primary care-giver. Persons who have completed the training program for respite care providers through the ~~Department of Human Services or the Department of Behavioral and Developmental Services~~ department are eligible for any insurance provided to family foster home providers pursuant to Title 5, section 1728-A. In any action for damages against a respite care provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claims for and award of those damages, including costs and interest, may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be construed to make respite care a state activity nor may it expand in any way the liability of the State or respite care provider.

**EXPLANATION**

This section deletes references to both the Department of Human Services and the Department of Behavioral and Developmental Services and replaces them with the word "department," which is defined for the Maine Revised Statutes, Title 34-B as the Department of Health and Human Services pursuant to Public Law 2003, chapter 689, Part B, section 6, in order to implement the intent of the revision clause in PL 2003, chapter 689, Part B, section 6.

**Sec. 105. 34-B MRSA §6203, sub-§1, ¶D,** as amended by PL 1989, c. 700, Pt. A, §166, is corrected to read:

D. Place a high priority on continued participation with the Department of Education ~~and the Department of Human Services~~ in preventive intervention services to families of children in need of treatment;

#### EXPLANATION

This section deletes the reference to the Department of Human Services to implement the intent of the revision clause contained in Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 106. 34-B MRSA §6203, sub-§2, ¶C,** as amended by PL 1995, c. 560, Pt. K, §70, is corrected to read:

C. The plan must establish a procedure for setting priorities among the various services required by children in need of treatment and their families, in cooperation with other agencies of State Government that provide services to children and families, including, but not limited to, the Department of Corrections; and Department of Education ~~and Department of Human Services~~.

#### EXPLANATION

This section deletes the reference to the Department of Human Services to implement the intent of the revision clause contained in Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 107. 34-B MRSA §6204, sub-§2-A,** as amended by PL 1995, c. 560, Pt. K, §71, is corrected to read:

**2-A. Improvement and expansion of day treatment services for emotionally handicapped children.** The department shall work cooperatively with the Department of Corrections; and Department of Education ~~and the Department of Human Services~~ to improve and expand day treatment programs for emotionally handicapped school-age children so that they and their families may receive necessary, appropriate and coordinated therapeutic and educational services in home and community settings, reducing the likelihood that out-of-home or residential treatment placements will be required. The department shall license these programs pursuant to sections 3603 and 3606. The Department of Education shall approve these programs pursuant to Title 20-A,

chapter 206. The 2 departments shall jointly develop standards to ensure a consistent high quality throughout the State.

#### EXPLANATION

This section deletes the reference to the Department of Human Services to implement the intent of the revision clause contained in Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 108. 34-B MRSA §15001, sub-§6,** as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3 and amended by PL 2001, c. 354, §3, is corrected to read:

**6. Departments.** "Departments" means the Department of Corrections, the Department of Education; and the Department of Health and Human Services ~~and the Department of Behavioral and Developmental Services~~.

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 109. 34-B MRSA §15001, sub-§8,** as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is corrected to read:

**8. Other departments.** "Other departments" means the Department of Corrections; and the Department of Education ~~and the Department of Human Services~~.

#### EXPLANATION

This section deletes the reference to the Department of Human Services to implement the intent of the revision clause contained in Public Law 2003, chapter 689, Part B, section 6.

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**Sec. 110. 34-B MRSA §15003, sub-§2, ¶C,** as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3 and amended by PL 2001, c. 354, §3, is corrected to read:

C. Provide clinically appropriate care in accordance with the memoranda of agreement exe-

cuted pursuant to subsection 1, including providing all care provided under the authority of the Department of Health and Human Services and the ~~Department of Behavioral and Developmental Services~~ through residential and nonresidential resources within the State by July 1, 2004; and

**EXPLANATION**

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

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**Sec. 111. 34-B MRSA §15003, sub-§3**, as enacted by PL 1997, c. 790, Pt. A, §1 and affected by §3, is corrected to read:

**3. Medicaid rules.** The ~~Department of Human Services~~ department, after consultation with the Department of Corrections, and the Department of Education ~~and the department~~, shall adopt rules for the provision of mental health care to children under the Medicaid program. The rules must address eligibility and reimbursement for different types of care in different settings, including management of psychiatric hospitalization. Rules in effect prior to the adoption of rules adopted pursuant to this subsection remain in effect until the effective date of the new rules.

Rules for managed care initially adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A 2-A~~ and when first adopted must be adopted following the procedure for such rules.

**EXPLANATION**

This section replaces references to the Department of Human Services and the Department of Behavioral and Developmental Services with the word "department," which means "Department of Health and Human Services" pursuant to Public Law 2003, chapter 689, Part B, section 6, in order to implement the intent of the revision clause in Public Law 2003, chapter 689, Part B, section 6. It also corrects a cross-reference.

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**Sec. 112. 35-A MRSA §3203, sub-§6**, as amended by PL 2001, c. 71, §1, is corrected to read:

**6. Consumer protection standards; rules.** The commission shall establish by rule consumer protection standards and standards to protect and promote market competition in order to protect retail consumers of electricity from fraud and other unfair and deceptive business practices. Notwithstanding Title 32, chapter 69, subchapter ~~V- 5~~ or Title 32, section ~~4690-A 14716~~, the commission may provide by rule that a competitive electricity provider may satisfy the requirements of subsection 4-A, paragraph A by obtaining from the customer oral authorization obtained by an independent 3rd party.

**EXPLANATION**

This section corrects a cross-reference and makes a technical change.

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**Sec. 113. 35-A MRSA §7107, sub-§6**, as amended by PL 2001, c. 71, §3, is corrected to read:

**6. Rulemaking.** The commission shall adopt rules to implement this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A 2-A~~. Rules adopted by the commission must at least:

- A. Establish clear standards for interpreting and applying the state-of-mind standard applicable to billing agents who bill on behalf of service providers not properly registered with the commission;
- B. Define types of evidence that constitute sufficient evidence of customer authorization in a manner that imposes the least economic and technical burdens on customers and service providers; and
- C. With regard to direct-dialed telecommunications services, provide that evidence that a call was dialed from the number that is the subject of the charge is sufficient evidence of authorization for the charge for that call.

Notwithstanding Title 32, chapter 69, subchapter ~~V- 5~~ or Title 32, section ~~4690-A 14716~~, subsection 4, rules adopted by the commission pursuant to paragraph B may define "sufficient evidence of customer authorization" to include oral authorization obtained by an independent 3rd party.

**EXPLANATION**

This section corrects a cross-reference and makes a technical change.

**Sec. 114. 36 MRSA §191, sub-§2, ¶R**, as amended by PL 2003, c. 390, §1 and affected by §55, is corrected to read:

R. The disclosure to the Department of Health and Human Services ~~or the Department of Behavioral and Developmental Services~~ of information relating to the administration and collection of the tax imposed by chapter 373 and chapter 375;

#### EXPLANATION

Public Law 2003, chapter 689, Part B, section 6 directs the Revisor of Statutes to replace both "Department of Human Services" and "Department of Behavioral and Developmental Services" with "Department of Health and Human Services" to reflect the consolidation of the departments. To avoid redundancy, where both original department names appear, one of the 2 references is eliminated.

**Sec. 115. 36 MRSA §2556, sub-§3**, as enacted by PL 2003, c. 673, Pt. V, §25 and affected by §29, is corrected to read:

**3. Hold harmless provision; use of electronic database or enhanced zip code.** A home service provider is entitled to the hold harmless protections provided by the federal Mobile Telecommunications Sourcing Act, Public Law 106-252, Section 1, 114 Stat. 2, (2000).

#### EXPLANATION

This section corrects a punctuation error.

**Sec. 116. 36 MRSA §2891, sub-§1**, as enacted by PL 2003, c. 513, Pt. H, §1 and amended by c. 689, Pt. B, §6, is corrected to read:

**1. Hospital.** "Hospital" means an acute care health care facility with permanent inpatient beds planned, organized, operated and maintained to offer for a continuing period of time facilities and services for the diagnosis and treatment of illness, injury and deformity; with a governing board; and an organized medical staff; offering continuous 24-hour professional nursing care; with a plan to provide emergency treatment 24 hours a day and including other services as defined in rules of the Department of Health and Human Services relating to licensure of general and specialty hospitals; and that is licensed under Title 22, chapter 405 as a general hospital, specialty hospital or critical access hospital. For purposes of this chapter, "hospital" does not include a nursing home or a publicly owned specialty hospital.

#### EXPLANATION

This section corrects a punctuation error.

**Sec. 117. 36 MRSA §5122, sub-§1, ¶S**, as amended by PL 2003, c. 688, Pt. A, §40, is corrected to read:

S. For tax years beginning in 2003, 2004 and 2005, the amount received from the National Health Service Corps Scholarship Program and the Armed Forces Health Professions Scholarship and Financial Assistance program to the extent excluded from federal gross income in accordance with the Code, Section 117; ~~and~~

#### EXPLANATION

This section corrects a clerical error.

**Sec. 118. 38 MRSA §973** is corrected to read:  
**§973. Presumptions; double damages**

In prosecutions under ~~sections~~ section 971 ~~and 972~~ if ~~such a~~ log, mast or spar is found in the possession of the accused partly destroyed, partly sawed or manufactured, or with the marks cut out or altered, not being ~~his~~ that person's property, it is presumptive evidence of ~~his~~ that person's guilt. The burden of proof is then on ~~him~~ that person. Whoever is guilty of the offense described in ~~either~~ section 971 is liable to the owner, in a civil action, for double the value of the log, mast or spar so dealt with.

#### EXPLANATION

This section corrects a cross-reference and removes gender-specific language.

**Sec. 119. 38 MRSA §1609**, as enacted by PL 2003, c. 661, §2, is reallocated to 38 MRSA §1610.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2003, chapters 629 and 661, which enacted 2 substantively different provisions with the same section number.

**Sec. 120. PL 2003, c. 375, §2** is corrected to read:

**Sec. 2. Application.** The provisions of the Maine Revised Statutes, Title 32, section ~~13874~~

13784, subsection 3 apply to a pharmacy beginning January 1, 2006 or when the pharmacy updates its computer software program with regard to prescription drug price and patient payment, whichever occurs first.

**EXPLANATION**

This section corrects a cross-reference in an application section.

**Sec. 121. PL 2003, c. 493, §7, amending clause** is corrected to read:

**Sec. 7. 28-A MRSA §2, sub-§15, ¶¶R-2 and R-3**, as enacted by PL 1999, ~~§424~~ c. 421, §3, are repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 122. PL 2003, c. 510, Pt. E, §5, amending clause** is corrected to read:

**Sec. E-5. 28-A MRSA §161, sub-§7**, as amended by PL 2003, c. 451, Pt. T, §10 and c. 452, Pt. P, §1 and affected by Pt. X, §2, is repealed and the following enacted in its place:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 123. PL 2003, c. 631, §18, amending clause** is corrected to read:

**Sec. 18. 13-C MRSA §833**, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7 corrected by RR 2001, c. 2, Pt. A, §18 and affected by §19, is amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 124. PL 2003, c. 631, §39, amending clause** is corrected to read:

**Sec. 39. 31 MRSA §498, sub-§2**, as amended by PL 2003, c. 344, Pt. C, §§11 and 12 and affected by §80, is repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 125. PL 2003, c. 668, §2, amending clause** is corrected to read:

**Sec. 2. 10 MRSA §1495-A**, as enacted ~~amended~~ by PL 1999, c. 172, §1 and affected by §2, is repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 126. PL 2003, c. 706, Pt. A, §14, amending clause** is corrected to read:

**Sec. A-14. 34-B MRSA §6205**, as amended by PL 1995, c. 560, Pt. K, ~~§2~~ §72, PL 1999, c. 401, Pt. J, §4 and PL 2001, c. 439, Pt. G, §6, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 127. PL 2003, c. 706, Pt. B, §9, amending clause** is corrected to read:

**Sec. B-9. 34-A MRSA c. 9, sub-c. 8** is enacted to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 128. PL 2003, c. 707, §4, amending clause** is corrected to read:

**Sec. 4. PL 2003, c. 451, Pt. K, §2, sub-~~§6~~ sub-§4** is amended to read:

**EXPLANATION**

This section corrects an amending clause.