

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

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**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

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**Penmor Lithographers**

**Lewiston, Maine**

**2006**

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**REVISOR'S REPORT  
2005**

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**CHAPTER 1**

**Sec. 1. 5 MRSA §1536, sub-§2**, as enacted by PL 2005, c. 2, Pt. A, §5 and affected by §14, is corrected to read:

**2. Additional transfer.** At the close of each fiscal year, the State Controller shall transfer from the unappropriated surplus of the General Fund to the stabilization fund an amount equal to the balance remaining of the excess of total General Fund revenue received over accepted estimates in that fiscal year that would have been transferred to the Reserve for General Fund Operating Capital pursuant to subsection 1, paragraph C had the Reserve for General Fund Operating Capital not been at its statutory limit of \$50,000,000.

**EXPLANATION**

This section corrects an internal cross-reference.

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**Sec. 2. 17-A MRSA §1301, sub-§4**, as enacted by PL 1977, c. 510, §86, is corrected to read:

**4.** Whenever a statute makes the possession of a particular item, whether animate or inanimate, a ~~criminal~~ criminal offense, the statute may expressly provide that the fine ~~shall depend~~ depends upon the quantity of the item possessed by the defendant. In such case, the fine ~~shall be~~ is as provided for in the statute and ~~shall be~~ is not ~~be~~ subject to the maximum limits placed on fines by subsections ~~1-A~~ and 3.

**EXPLANATION**

This section corrects an internal cross-reference and grammar.

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**Sec. 3. 20-A MRSA §15672, sub-§31**, as amended by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is corrected to read:

**31. State share percentage.** "State share percentage" means the percentage of the state contribution determined under section 15688, subsection ~~3~~ 3-A, paragraph ~~B~~ D divided by the total cost determined in section 15688, subsection 1.

**EXPLANATION**

This section corrects a cross-reference.

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**Sec. 4. 22 MRSA §254-D, sub-§6**, as enacted by PL 2005, c. 401, Pt. A, §2, is corrected to read:

**6. Education, outreach and materials to increase access.** The department shall provide education and outreach services to applicants and enrollees in the program, MaineCare members and beneficiaries under Medicare Part D to increase access to needed prescription and nonprescription drugs and fully use other private, state and federal programs. The department shall provide materials, which must cover the availability of benefits and the application process; and must include brochures, posters for pharmacies and flyers for pharmacists to distribute with prescription drug purchases.

**EXPLANATION**

This section corrects a grammatical error.

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**Sec. 5. 22 MRSA §1547**, as enacted by PL 2005, c. 257, §8, is reallocated to 22 MRSA §1548.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2005, chapters 223 and 257, which enacted 2 substantively different provisions with the same section number.

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**Sec. 6. 22 MRSA §3174-HH**, as enacted by PL 2005, c. 386, Pt. FF, §1, is reallocated to 22 MRSA §3174-JJ.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2005, chapters 386 and 401, which enacted 2 substantively different provisions with the same section number.

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**Sec. 7. 22 MRSA §3174-II**, as enacted by PL 2005, c. 457, Pt. JJJ, §1, is reallocated to 22 MRSA §3174-KK.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2005, chapters 401 and 457, which enacted 2 substantively different provisions with the same section number.

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**Sec. 8. 25 MRSA §2801-B, sub-§1, ¶J**, as amended by PL 2005, c. 139, §2 and c. 331, §6, is corrected to read:

J. A court security officer; ~~or~~

**Sec. 9. 25 MRSA §2801-B, sub-§1, ¶K**, as enacted by PL 2005, c. 139, §3, is corrected to read:

K. A contract officer appointed by the Commissioner of Public Safety pursuant to Title 28-A, section 82-A-~~7~~or

**Sec. 10. 25 MRSA §2801-B, sub-§1, ¶L**, as enacted by PL 2005, c. 331, §6, is reallocated to 25 MRSA §2801-B, sub-§1, ¶L.

**EXPLANATION**

These sections correct numbering and punctuation problems created by Public Law 2005, chapters 139 and 331, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. 11. 26 MRSA §702**, as amended by PL 2001, c. 242, §3, is corrected to read:

**§702. Record of work hours of minors under ~~16~~ 18 years of age**

Every employer shall keep a time book or record for every minor under 18 years of age employed in any occupation, except the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, or household work, stating the number of hours worked by each minor under 18 years of age on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a director's deputy or any authorized agent of the bureau. Any employer who fails to keep the record required by this section or makes any false entry to the record, or refuses to exhibit the time book or record or makes any false statement to the director, a director's deputy or any authorized agent of the bureau in reply to any question in carrying out section 42-B and this section is liable for a violation of this section and section 42-B.

**EXPLANATION**

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

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**Sec. 12. 26 MRSA §1221, sub-§5-A, ¶A**, as enacted by PL 2005, c. 120, §1, is corrected to read:

A. If:

- (1) An employer transfers its trade or business, or a portion of its trade or business, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the 2 employers, then the unemployment experience attributable to the transferred trade or business is transferred to the employer to whom the business is transferred. The rates of both employers must be recalculated and made effective immediately upon the date of the transfer of the trade or business. The transfer of some or all of an employer's workforce to another employer shall be considered a transfer of trade or business when, as the result of such transfer, the transferring employer no longer performs trade or business with respect to the transferred workforce, and such trade or business is performed by the employer to whom the workforce is transferred; and
- (2) Following a transfer of experience under subparagraph (1), the commissioner determines that the purpose of the transfer ~~of~~ of trade or business was to obtain a reduced liability for contributions, then the experience rating accounts of the employers involved must be combined into a single account and a single rate assigned to such account.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 13. 29-A MRSA §1357**, as enacted by PL 2005, c. 411, §4, is reallocated to 29-A MRSA §1358.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2005, chapters 174 and 411, which enacted 2 substantively different provisions with the same section number.

**Sec. 14. 29-A MRSA §1601-A, sub-§6**, as enacted by PL 2005, c. 95, §1, is reallocated to 29-A MRSA §1601-A, sub-§8.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2005, chapters 95 and 428, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 15. 32 MRSA §1355, 2nd ¶**, as amended by PL 2005, c. 315, §22, is corrected to read:

The issuance of a license by the board is evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer while the ~~the~~ license remains unrevoked or unexpired.

#### EXPLANATION

This section corrects a grammatical error.

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**Sec. 16. 33 MRSA §506**, as enacted by PL 2005, c. 211, §1, is reallocated to 33 MRSA §507.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2005, chapters 161 and 211, which enacted 2 substantively different provisions with the same section number.

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**Sec. 17. 35-A MRSA §3211-B**, as enacted by PL 2005, c. 459, §2, is reallocated to 35-A MRSA §3211-C.

#### EXPLANATION

This section corrects a numbering error created when a new section of law was given the same number as a repealed section of law.

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**Sec. 18. 36 MRSA §191, sub-§2, ¶DD**, as enacted by PL 2005, c. 395, §3, is reallocated to 36 MRSA §191, sub-§2, ¶HH.

**Sec. 19. 36 MRSA §191, sub-§2, ¶DD**, as enacted by PL 2005, c. 396, §7, is reallocated to 36 MRSA §191, sub-§2, ¶II.

#### EXPLANATION

These sections correct a lettering problem created by Public Law 2005, chapters 332, 395 and 396, which enacted 3 substantively different provisions with the same paragraph letter.

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**Sec. 20. PL 2005, c. 158, §7, amending clause** is corrected to read:

**Sec. 7. 38 MRSA §490-J, sub-§2, ¶¶A and B**, as amended by PL 1995, c. 700, §31, ~~are~~ is further amended to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. 21. PL 2005, c. 191, §1, amending clause** is corrected to read:

**Sec. 1. 10 MRSA §372, sub-§1**, as amended by PL 2003, c. 99, §1, is further amended to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. 22. PL 2005, c. 262, Pt. B, §11, amending clause** is corrected to read:

**Sec. B-11. 32 MRSA §13751, sub-§3-A**, as ~~amended~~ enacted by PL 1997, c. 117, §11, is ~~further~~ amended to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. 23. PL 2005, c. 350, §11, amending clause** is corrected to read:

**Sec. 11. 10 MRSA §1415-G**, as amended by PL 2003, c. 20, Pt. RR, §8 and affected by §18, is further amended to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. 24. PL 2005, c. 423, §18, amending clause** is corrected to read:

**Sec. 18. 34-A MRSA §11222, sub-§5, last ¶**, as enacted by PL 1999, c. 437, §2, is repealed.

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 25. PL 2005, c. 453, §23, amending clause** is corrected to read:

**Sec. 23. 21-A MRSA ~~§141~~ §142, sub-§1**, as amended by PL 1997, c. 436, §29, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 26. PL 2005, c. 457, Pt. OO, §2, amending clause** is corrected to read:

**Sec. OO-2. 34-B MRSA §1205**, as amended by PL 1995, c. 560, Pt. K, §18, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

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