

MAINE STATE LEGISLATURE

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OF THE
STATE OF MAINE

AS PASSED BY THE

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Augusta, Maine
2011

**REVISOR'S REPORT
2009**

CHAPTER 2

Sec. 1. 3 MRSA §427, as enacted by PL 1975, c. 593, §3, is corrected to read:

§427. Testimony

Taking of testimony ~~shall~~ must be by the investigating committee's counsel, or other staff personnel or the members of the committee. A quorum ~~shall~~ must be present. Unless otherwise decided by investigating committee action, all testimony ~~shall~~ must be taken in open session. However, if any witness so requests, ~~his~~ that witness's testimony ~~shall~~ must be taken in executive session, ~~unless otherwise~~ unless otherwise decided by investigating committee action.

EXPLANATION

This section corrects clerical errors, makes grammatical changes and removes gender-specific language.

Sec. 2. 5 MRSA §282, sub-§4-A, as enacted by PL 1985, c. 785, Pt. A, §23, is corrected to read:

4-A. Engage in planning. To engage in short-term and long-term planning with ~~repeat~~ respect to:

- A. The structure and operation of the department;
- B. The fiscal needs of State Government; and
- C. The means by which the collection of revenues and payment of State Government obligations may be most efficiently realized;

EXPLANATION

This section corrects a clerical error.

Sec. 3. 5 MRSA §17057, sub-§4, ¶A, as enacted by PL 2009, c. 633, §1, is corrected to read:

A. Documentary material, data or information in the possession of the retirement system that consists of trade secrets or commercial or financial information that relates to the investments or potential investments of the retirement system pursuant to the innovation finance program under Title 10, section 1026-T is confidential and not open to public inspection and does not constitute "public records" as defined in Title 1, section 402, subsection 3 if, in the sole discretion of the retirement system, the disclosure of the material, data or information may:

- (1) Impair the retirement system's ability to obtain such material, data or information in the future; or

- (2) ~~May cause~~ Cause substantial harm to the competitive position of the retirement system or of the person or entity from whom the information was obtained.

EXPLANATION

This section corrects a clerical error.

Sec. 4. 6 MRSA §55, sub-§1, ¶A, as enacted by PL 1977, c. 678, §32 and amended by PL 1995, c. 504, Pt. B, §10, is corrected to read:

A. The commissioner may suspend or revoke, for such period of time as ~~he~~ the commissioner determines reasonable, a registration certificate issued by the Bureau of Aeronautics whenever ~~he~~ the commissioner determines, after notice of an opportunity for a hearing as provided, that the holder has made any false statement in an application for a certificate or any report required by the commissioner, or that any provisions of chapters 1 ~~thru~~ to 17 or any regulation promulgated thereunder has been violated.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 5. 7 MRSA §403, sub-§1, as enacted by PL 1981, c. 335, §1, is corrected to read:

1. State of Maine Building. The department shall operate and maintain the State of Maine Building, previously erected upon the Eastern States Agricultural and Industrial Exposition, Inc., at West Springfield, ~~Massachusetts~~ Massachusetts, for the purpose of exhibiting, publicizing and advertising Maine's products and resources in agriculture, industry, fisheries, forests, wildlife and recreation. Except as otherwise provided in this section, the department ~~shall~~ have ~~has~~ complete control and supervision of all exhibits held in these buildings.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 6. 7 MRSA §762, sub-§6, as enacted by PL 1987, c. 425, §§1 and 3, is corrected to read:

6. Commissioner. "Commissioner" means the Commissioner of ~~Agricultural~~ Agriculture, Food and Rural Resources.

EXPLANATION

This section corrects a clerical error.

Sec. 7. 8 MRSA §295, sub-§1, as enacted by PL 1997, c. 528, §46, is corrected to read:

1. Payment. Amounts calculated as off-track betting facility simulcast fund share under section 286 must be paid to the commission for distribution as provided in subsection 2.

EXPLANATION

This section corrects a clerical error.

Sec. 8. 9-B MRSA §813, sub-§5, ¶B, as enacted by PL 1975, c. 500, §1, is corrected to read:

~~B. Notwithstanding~~ Notwithstanding the limitation in paragraph A, the superintendent may extend the period in which business shall be commenced for a period not to exceed 6 months, upon written application by the organizers setting forth the reasons for such extension. If an extension is approved by the superintendent, the Secretary of State ~~shall~~ must be so notified by the superintendent.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 9. 9-B MRSA §1026, sub-§2, as enacted by PL 1975, c. 500, §1, is corrected to read:

2. Examination. The superintendent shall at least once in each calendar year, and whenever ~~he~~ the superintendent deems it necessary or expedient, examine every such mutual trust investment company. On every such examination of a mutual trust investment company, the ~~superintendent~~ superintendent shall make inquiry as to its financial condition, the policies of its management, whether it is complying with the laws of this State and such other matters as the superintendent may prescribe. The reasonable expenses of each examination of a mutual trust investment company pursuant to this section ~~shall~~ must be charged to the company in accordance with the provision of section 214.

EXPLANATION

This section corrects a clerical error, makes a grammatical change and removes gender-specific language.

Sec. 10. 10 MRSA §1074, as amended by PL 1987, c. 393, §15, is corrected to read:

§1074. Taxable bond option

With respect to all or any portion of any issue of bonds or any series of bonds which any municipality may issue in accordance with the limitations and restrictions of this subchapter, the municipality may covenant and consent that the interest on the bonds shall be includable, under the United States Internal Revenue Code of 1954 or any subsequent corresponding internal revenue law of the United States, in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. Bonds issued pursuant to this section shall not be subject to any limitations or restrictions of any law which may limit the municipality's power to issue those bonds or to the procedures set forth in section 1063 or in section 1064, subsection 1. Any bonds or issue or series of bonds with respect to which the municipality ~~covenants~~ covenants and consents that the interest on the bonds shall be includable, under the United States Internal Revenue Code of 1954 or any subsequent corresponding internal revenue law of the United States in the gross income of the holders of the bonds to the same extent and in the same manner that interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law shall be a properly authorized, legal, valid, binding and enforceable obligation of the municipality, regardless of whether the bonds were authorized, executed, delivered or issued prior to or after the effective date of this section. The foregoing grant of power shall not be construed as limiting the inherent power of municipalities under any other provision of law to issue debt, the interest on which is includable in the gross income of the holders of the interest under the United States Internal Revenue Code or any subsequent law.

EXPLANATION

This section corrects a clerical error.

Sec. 11. 10 MRSA §1314, sub-§2, as amended by PL 1981, c. 610, §7, is corrected to read:

2. Contents of notice. The notice to the consumer, which is required by the preceding subsection ~~shall~~ must clearly and ~~conspicuously~~ conspicuously:

A. Disclose to the consumer that an investigative consumer report including information as to ~~his~~ the consumer's character, general reputation, personal characteristics and mode of living, whichever is applicable, may be made;

B. Inform the consumer that ~~he~~ the consumer may request and receive from the person who in-

tends to procure such a report, within 5 business days of that person's receipt of ~~his~~ the consumer's request, the name, address and telephone number of the nearest unit designated to handle inquiries of each consumer reporting agency issuing an investigative consumer report about ~~him~~ the consumer; and

C. Inform the consumer that ~~he~~ the consumer may request and promptly receive from all such consumer reporting agencies copies of any such investigative consumer reports.

EXPLANATION

This section corrects clerical and punctuation errors, makes a grammatical change and removes gender-specific language.

Sec. 12. 10 MRSA §1317, sub-§4, as amended by PL 1991, c. 453, §3 and affected by §10, is corrected to read:

4. Agency action, if error. If, after conducting the reinvestigation prescribed by subsection 2, the consumer reporting agency finds that an item is inaccurate or that it can no longer be verified, it shall:

A. Promptly expunge the item and otherwise correct the file; and

B. Refrain from reporting the item in subsequent consumer reports, unless the item is later verified.

Notwithstanding anything is in this section, if a consumer reporting agency is requested to act pursuant to this subsection, it may retain the report that is found to be inaccurate; provided that the report is kept separate from other reports about the consumer, that it is conspicuously marked as containing inaccurate information which shall not be disclosed, and that it shall not be disclosed by the consumer reporting agency except in connection with its defense to a civil action brought pursuant to sections 1322 and 1323.

EXPLANATION

This section corrects a clerical error.

Sec. 13. 10 MRSA §1322, sub-§3, as enacted by PL 1977, c. 514, is corrected to read:

3. Costs of attorney's fees. In the case of any successful action to enforce any liability under this section, the costs of the action together with ~~reasonably~~ reasonable attorney's fees as determined by the court.

EXPLANATION

This section corrects a clerical error.

Sec. 14. 10 MRSA §1375, sub-§6, as enacted by PL 1989, c. 62, is corrected to read:

6. ~~Insufficient~~ Insufficient process. If proceeds of the sale are not sufficient to satisfy the occupant's outstanding obligations to the operator, the occupant ~~shall remain~~ remains liable to the operator for such deficiency.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 15. 10 MRSA §1432, sub-§12-A, ¶C, as enacted by PL 2009, c. 562, §8, is corrected to read:

C. Have lengths and interior floor plans that distinguish the recreational vehicles from other recreational vehicles with substantially the same decor, ~~equipment~~, features, equipment, size, weight and price range;

EXPLANATION

This section corrects a clerical error.

Sec. 16. 10 MRSA §1432, sub-§17, as enacted by PL 1997, c. 427, §2, is corrected to read:

17. Recreational vehicle dealer. "Recreational vehicle dealer" means any person who sells or solicits or advertises the sale of new recreational vehicles. "~~Recreation~~ Recreational vehicle dealer" does not include receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court or public officers while performing their duties as those officers.

EXPLANATION

This section corrects a clerical error.

Sec. 17. 10 MRSA §1434, sub-§2, ¶A, as enacted by PL 1997, c. 427, §2, is corrected to read:

A. To order or accept delivery of any recreational vehicle, appliances, equipment, parts or accessories for a recreational vehicle or any other commodity or commodities not required by law that the recreational vehicle dealer has not voluntarily ordered, or to order or accept delivery of any ~~recreation~~ recreational vehicle with special features, appliances, accessories or equipment not included in the list price of the recreational vehicle if such price exists, as publicly advertised by the manufacturer; or

EXPLANATION

This section corrects a clerical error.

Sec. 18. 10 MRSA §1434, sub-§3, ¶C, as enacted by PL 1997, c. 427, §2, is corrected to read:

C. To resort to or use any false or misleading advertisement in connection with the ~~manufactures~~ manufacturer's business as a manufacturer or an officer, agent or other representative of that manufacturer or to force any dealer to participate in any advertising campaign or contest, or to purchase any unnecessary or unreasonable quantities of promotional materials, display devices or display decorations or materials at the expense of the new recreational vehicle dealer;

EXPLANATION

This section corrects a clerical error.

Sec. 19. 10 MRSA §1601 is corrected to read:

§1601. Trademarks

In order to better carry out the objectives of the Potato Tax Law, the Maine Potato Commission may develop and register trademarks. The Commissioner of Agriculture, Food and Rural Resources may delegate to the Maine Potato Commission the authority to regulate the use of the State of Maine trademark when used in packaging potatoes, both fresh and processed.

EXPLANATION

This section corrects the name of a commissioner.

Sec. 20. 10 MRSA §2402, sub-§12, as amended by PL 1977, c. 694, §177, is corrected to read:

12. Approval or rejection. Approve for use, and may mark, such weights and measures as ~~he~~ the state sealer finds to be correct and shall reject and mark as rejected such weights and measures as ~~he~~ the state sealer finds to be incorrect. Weights and measures that have been rejected may be seized, if not corrected within the time specified or if used or disposed of in a manner not specifically authorized. The state sealer shall condemn and may seize weights and measures found to be incorrect that are not capable of being made correct. This approval, rejection, specification or condemnation ~~shall~~ may not be considered to be licensing or an adjudicatory proceeding, as those terms are defined by the Maine Administrative Procedure Act;

EXPLANATION

This section corrects a clerical error, makes a grammatical change and removes gender-specific language.

Sec. 21. 12 MRSA §901, as amended by PL 1989, c. 503, Pt. B, §56, is corrected to read:

§901. Designation; ~~payments to forestry district~~

All the lands in Townships 2, 3, 4, 5 and 6, Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6, Range 10 W.E.L.S., Piscataquis County, and Township 6, Range 8 W.E.L.S., Penobscot County, that have been donated and conveyed to the State in trust by Percival Proctor Baxter and all lands in the Townships 2, 3, 4, 5 and 6, Range 9 and in Townships 3, 4, 5 and 6, Range 10, and in Township 6, Range 8 and all lands in Piscataquis and Penobscot Counties that hereafter shall be donated and conveyed to the State by Percival Proctor Baxter in trust for state forest, public park and public recreational purposes are named and shall hereafter be named "Baxter State Park" in honor of the donor, and the same hereafter shall forever be so designated on the official maps and records of the State. They shall be under the joint supervision and control of, and shall be administered by the Director of the Bureau of Forestry, the Commissioner of Inland Fisheries and Wildlife and the Attorney General, and the commissioner, director and Attorney General shall have full power in the control and management of the same, under the title of Baxter State Park Authority, as authorized by Title 5, section 12004-G, subsection 11. The authority shall receive moneys available from trust funds established by the donor of the park and shall include fees collected, income from park trust funds invested by the Treasurer of State and other miscellaneous income derived from the park for maintenance and operation of the park.

The authority is further designated the agency of the State to receive such sums as are, from time to time, paid to the State by the trustee under clause THIRD of a certain inter vivos trust dated July 6, 1927, as from time to time amended, created by said Baxter for the purchase or other acquisition of additional land for said Baxter State Park, and for the purchase of other lands for recreational or reforestation purposes, and the authority is authorized to expend such sums so received for such purposes and shall hold and use such lands as specified in the trust.

EXPLANATION

This section corrects a headnote.

Sec. 22. 12 MRSA §6301, sub-§2, ¶S, as enacted by PL 2009, c. 523, §3, is reallocated to 12 MRSA §6301, sub-§2, ¶V.

Sec. 23. 12 MRSA §6301, sub-§2, ¶T, as enacted by PL 2009, c. 561, §10, is corrected to read:

T. A seaweed buyer's license issued under section 6803-A expires on March 31st of each year; ~~and~~

Sec. 24. 12 MRSA §6301, sub-§2, ¶U, as enacted by PL 2009, c. 561, §11, is corrected to read:

U. A limited wholesale shellfish harvester's license issued under section 6851-A expires on March 31st of each year; and

EXPLANATION

These sections correct a lettering problem created by Public Law 2009, chapters 523 and 561, which enacted 2 substantively different provisions with the same paragraph letter, and make technical corrections.

Sec. 25. 12 MRSA §6545, as enacted by PL 1977, c. 661, §5, is corrected to read:

§6545. Enforcement cooperation

The Commissioner of Marine Resources and the Commissioner of Agriculture, Food and Rural Resources shall cooperate in the enforcement of sections 6542 and 6543.

EXPLANATION

This section corrects the name of a commissioner.

Sec. 26. 12 MRSA §8427, sub-§7, as enacted by PL 1979, c. 737, §12, is corrected to read:

7. Review of assessments, supplemental assessments. Any forest landowner aggrieved by an assessment made under this subchapter may petition the State Tax Assessor for reconsideration, pursuant to Title 36, section 151, provided that the petition is filed within 45 days of the date of assessment. If justice requires, the State Tax Assessor may, with the approval of the Governor, abate, within 3 years from the date of assessment, all or part of any tax assessed under this subchapter by the State Tax Assessor.

Within 3 years of an assessment made under this subchapter, the State Tax Assessor may make a supplemental assessment if ~~he~~ the State Tax Assessor finds that any previous assessment is imperfect or incomplete in any material aspect. An assessment may be made at any time with respect to a time period for which a fraudulent application has been filed.

The State Tax Assessor may require the assistance of the director in the performance of ~~his~~ the State Tax Assessor's duties under this subsection. The director shall ~~recommened~~ recommend to the State Tax Assessor an appropriate disposition of any matter brought under this subsection. That recommendation ~~shall~~ must be made within 15 days of the request and ~~shall~~ must be in writing.

EXPLANATION

This section corrects a clerical error, makes grammatical changes and removes gender-specific language.

Sec. 27. 13 MRSA §1371-A, sub-§1, ¶A, as enacted by PL 2009, c. 310, §1, is corrected to read:

A. When the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies; or

Sec. 28. 13 MRSA §1371-A, sub-§1, ¶B, as enacted by PL 2009, c. 310, §1, is corrected to read:

B. When necessary for the construction of a public improvement, as approved by the governing body of a municipality or, in the case of a state highway, by the Commissioner of Transportation; ~~or.~~

EXPLANATION

These sections make technical corrections.

Sec. 29. 14 MRSA §101 is corrected to read:

§101. ~~Trepass~~ Trespass on land; tender

In actions for trespass on lands, the defendant may by answer disclaim all title to the land described, and allege that the trespass was involuntary, or by negligence or mistake, or in the prosecution of a legal right, and that before action brought ~~he~~ the defendant tendered sufficient amends therefor or that ~~he~~ the defendant brings money into court to satisfy the damages with costs to that time. If on trial ~~he~~ the defendant establishes the truth of ~~his~~ the defendant's allegations, ~~he~~ the defendant recovers costs.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 30. 14 MRSA §153, as amended by PL 1985, c. 290, §2, is corrected to read:

§153. Mitigation of damages in action for libel

The defendant in an action for libel may prove in mitigation of damages that the charge was made by mistake or through error or by inadvertence and that ~~he~~ the defendant has in writing, within a reasonable time after the publication of the charge, retracted the charge and denied its truth as publicly and as fully as ~~he~~ the defendant made the charge. ~~He~~ The defendant may prove in mitigation of damages that the plaintiff failed to notify the defendant of the libel in a timely fashion and that the defendant was therefore unable to

lessen damage to the ~~plaintiff's~~ plaintiff's reputation. ~~He~~ The defendant may prove in mitigation of damages that the plaintiff has already recovered or has brought action for damages for, or has received or has agreed to receive compensation for, substantially the same libel.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 31. 15 MRSA §1029, sub-§3, as enacted by PL 1987, c. 758, §20, is corrected to read:

3. Evidence. The evidence ~~shall consist~~ consists of the information of record submitted in the Harnish bail proceeding under section 1027 and any additional information the parties may ~~choose~~ choose to present.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 32. 15 MRSA §2130, as amended by PL 1981, c. 238, §6, is corrected to read:

§2130. Relief

If the court determines that relief should be granted, it shall order appropriate relief, including: Release from incarceration or other restraint; reversal of the criminal judgment, including one entered upon a plea of ~~guilty~~ guilty or nolo contendere; entry of judgment for a lesser included offense; reversal of another order or decision, with or without affording the State or other party a new hearing; granting the right to take an appeal from the criminal judgment; correction of errors appearing as a matter of record; resentencing or a new sentence; and entry of an order altering the amount of time that a person incarcerated under a sentence has served or must serve. The judgment making final disposition ~~shall be~~ is a final judgment for purposes of review by the Law Court. When relief is granted to the petitioner and release is appropriate, the justice may release a petitioner on bail pending appeal.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 33. 15 MRSA §3003, sub-§4-B, as enacted by PL 1991, c. 493, §1, is corrected to read:

4-B. Detention. "Detention" means the holding of a person in a facility characterized by either physically restrictive construction or intensive staff ~~supervi-~~ supervision that is intended to prevent a person

who is placed in or admitted to the facility from departing at will.

EXPLANATION

This section corrects a clerical error.

Sec. 34. 15 MRSA §3103, sub-§1, ¶B, as repealed and replaced by PL 2003, c. 305, §1, is corrected to read:

B. Offenses involving illegal drugs or drug paraphernalia as follows:

- (1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, ~~section 2383-B, subsection 5~~ chapter 558-C;
- (2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and
- (3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;

EXPLANATION

This section corrects a cross-reference.

Sec. 35. 15 MRSA §3314, sub-§1, ¶E, as amended by PL 2009, c. 608, §1, is corrected to read:

E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the provisions of Title 17-A, chapter 54 apply, except that section 1329 does not apply. Enforcement of a restitution order is available pursuant to subsection 7. If the restitution was a condition of probation, the attorney for the State may, with written consent of the juvenile community corrections officer, file a motion to revoke probation.

EXPLANATION

This section corrects clerical errors.

Sec. 36. 15 MRSA §3314, sub-§3-A, as amended by PL 2003, c. 305, §6, is corrected to read:

3-A. Operator's license suspension for drug offenses. The court may suspend for a period of up to 6 months the license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a

license of any person who violates Title 17-A, chapter 45; Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, ~~section 2383-B, subsection 5~~ chapter 558-C; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated pursuant to this chapter to have committed a juvenile crime.

The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

EXPLANATION

This section corrects a cross-reference.

Sec. 37. 17 MRSA §2912, sub-§1, as enacted by PL 1979, c. 127, §123, is corrected to read:

1. Prohibition. No book, magazine or newspaper containing obscene material on its cover and offered for sale ~~shall may be displayed~~ displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

EXPLANATION

This section makes a grammatical change and corrects a clerical error.

Sec. 38. 17-A MRSA §452, sub-§1, as enacted by PL 1975, c. 499, §1, is corrected to read:

1. A person is guilty of false swearing if:

A. ~~He~~ The person makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and ~~he~~ the person does not ~~be believe~~ believe the statement to be true, provided

(1) the falsification occurs in an official proceeding as defined in section 451, subsection 5, paragraph A, or is made with the intention to mislead a public servant performing ~~his~~ the public servant's official duties; or

(2) the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

B. ~~He~~ The person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by ~~him~~ the person to be true. In a prosecution under this subsection, it need not be alleged or proved which of the statements is false, but

only that one or the other was false and not believed by the ~~defendant~~ defendant to be true.

EXPLANATION

This section corrects clerical errors and removes gender-specific language.

Sec. 39. 17-A MRSA §1111-A, sub-§4, as amended by PL 2005, c. 527, §§10 and 11, is corrected to read:

4. A person is guilty of the sale and use of drug paraphernalia if:

A. The person uses drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a scheduled drug in violation of this chapter or Title 22, section 2383. Violation of this paragraph is a civil violation for which a fine of \$300 must be adjudged, none of which may be suspended;

B. The person possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a scheduled drug in violation of this chapter or Title 22, section 2383. Violation of this paragraph is a civil violation for which a fine of \$300 must be adjudged, none of which may be suspended;

C. The person trafficks in or furnishes drug paraphernalia knowing, or under circumstances when one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a scheduled drug in violation of this chapter or Title 22, section 2383, and the person to whom that person is trafficking or furnishing drug paraphernalia is:

(1) At least 16 years of age. Violation of this subparagraph is a Class E crime; or

(2) Less than 16 years of age. Violation of this subparagraph is a Class D crime; or

D. The person places in a newspaper, magazine, handbill or other publication an advertisement knowing, or under circumstances when one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects intended for use as drug paraphernalia. Violation of this paragraph is a Class E crime.

This subsection does not apply to a person who is authorized to possess marijuana for medical use pursuant to Title 22, ~~section 2383-B, subsection 5~~ chapter 558-C to the extent the drug paraphernalia is required for that person's medical use of marijuana.

EXPLANATION

This section corrects a cross-reference.

Sec. 40. 17-A MRSA §1177, as enacted by PL 2009, c. 608, §7, is corrected to read:

§1177. Certain communications by victims confidential

The following communications are privileged from disclosure:

1. Communications by a victim, as described in Title 16, section 53-A, subsection 2, to a sexual assault counselor, as defined in Title 16, section 53-A, subsection 1, paragraph B, are privileged from disclosure as provided in Title 16, section 53-A, subsection 2.

2. Communications by a victim, as defined in Title 16, section 53-B, subsection 1, paragraph B, to an advocate, as defined in Title 16, section 53-B, subsection 1, paragraph A, are privileged from disclosure as provided in Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B, subsection 3.

3. Communications by a victim, as defined in Title 16, section 53-C, subsection 1, paragraph B, to a victim witness advocate or a victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, are privileged from disclosure as provided in Title 16, section 53-C, subsection 2, subject to exceptions in Title 16, section 53-C, subsection 3.

EXPLANATION

This section corrects punctuation errors.

Sec. 41. 20-A MRSA §255, sub-§5, ¶A, as amended by PL 1983, c. 859, Pt. B, §§1 and 4, is corrected to read:

A. Obtain information on school ~~system~~ systems in this State and other states and other countries and the condition and progress of public education throughout the world;

EXPLANATION

This section corrects a clerical error.

Sec. 42. 20-A MRSA §601, sub-§1, ¶D, as enacted by PL 1981, c. 693, §§5 and 8, is corrected to read:

D. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and ~~quantitative~~ quantitative advance in educational opportunities, methods and facilities.

EXPLANATION

This section corrects a clerical error.

Sec. 43. 20-A MRSA §1353, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is corrected to read:

The following procedures ~~shall~~ apply to a district referendum.

EXPLANATION

This section makes a grammatical change and corrects a punctuation error.

Sec. 44. 20-A MRSA §10955, sub-§3, as enacted by PL 1987, c. 735, §14, is corrected to read:

3. Voting power. The power to fix the date of sale or issuance of any evidences of indebtedness, receive bids or proposals, award and sell any evidences of indebtedness ~~to~~, set the terms and provisions of any evidences of indebtedness and take all other action necessary to borrow money under this chapter and sell and deliver any evidences of indebtedness in connection with this chapter may be delegated to any officer, official or trustee of the university by a majority vote of the trustees.

EXPLANATION

This section corrects a clerical error.

Sec. 45. 20-A MRSA §13903, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is corrected to read:

1. Contracts. The ~~designed~~ designated state official of a party state may make one or more contracts on behalf of that state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration ~~shall be~~ is applicable to and binding on the state whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this Article only with states in which the official finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in that official's own state.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 46. 21-A MRSA §1017, sub-§3-B, as amended by PL 2009, c. 524, §5, is corrected to read:

3-B. Accelerated reporting schedule. Additional reports are required from nonparticipating candidates, as defined in section 1122, subsection 5, pursuant to this subsection.

A. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures to date.

B. A nonparticipating candidate who is required to file a report under paragraph A shall file no later than 5:00 p.m.:

- (1) For legislative candidates in a primary election only, a report on the 42nd day before the date on which a primary election is held that is complete as of the 44th day before that date;
- (2) For gubernatorial candidates only, a report on the 25th day before the date on which an election is held that is complete as of the 27th day before that date;
- (3) A report on the 18th day before the date on which an election is held that is complete as of the 20th day before that date; and
- (4) A report on the 6th day before the date on which an election is held that is complete as of the 8th day before that date.

The reports must contain the candidate's total campaign contributions, including any campaign balance from a previous election, obligations and expenditures as of the end date of the reporting period.

The nonparticipating candidate shall file only those reports that are due after the date on which the candidate filed the report required under paragraph A.

C. A candidate who is required to file a report under paragraph A must file with the commission an updated report that reports single expenditures

in the following amounts that are made after the 14th day before an election and more than 24 hours before 11:59 p.m. on the date of that election:

- (1) For a candidate for Governor, a single expenditure of \$1,000;
- (2) For a candidate for the state Senate, a single expenditure of \$750; and
- (3) For a candidate for the state House of Representatives, a single expenditure of \$500.

A report filed pursuant to this paragraph must be filed within 24 hours of the expenditure.

The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A. If all Maine Clean Election Act candidates in the same race have received authorization to spend the maximum matching funds under section 1125, ~~section subsection~~ subsection 9, the commission may waive the reports required by this section.

EXPLANATION

This section corrects a cross-reference.

Sec. 47. 22 MRSA §682, sub-§3, as enacted by PL 1983, c. 345, §§13 and 14 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is corrected to read:

3. Technician certification. The department shall promulgate rules providing for the qualifications and certification of technicians to inspect, certify and calibrate equipment capable of emitting ionizing radiation. The rules ~~shall~~ must also provide for the standardization of calibration equipment, inspection and calibration methodology and reporting procedures. The department may grant, modify or refuse to issue a certification in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 subchapter ~~¶~~ 5. The District Court ~~shall have~~ has exclusive ~~jurisdiction~~ jurisdiction to suspend or revoke a certification of any person found guilty of noncompliance with the rules pertaining to inspection, certification and reporting procedures or misrepresentation of inspection findings.

EXPLANATION

This section corrects a clerical error and makes grammatical changes.

Sec. 48. 22 MRSA §1231 is corrected to read:

§1231. Blood sample for laboratory test

Every physician attending a woman in the State by reason of her being pregnant during gestation shall in the case of every woman so attended take or cause to be taken, with her consent, a sample of blood of such woman, and submit such sample for a standard serological test for syphilis and ~~R-H~~ Rh factors to a laboratory of the department or to a laboratory approved for these tests by the department. Such laboratory tests as are required by sections 1231 to 1234 ~~shall must~~ be made on request without charge by the department.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 49. 22 MRSA §1723, as enacted by PL 2009, c. 621, §1, is reallocated to 22 MRSA §1724.

EXPLANATION

This section corrects a numbering problem created by Public Law 2009, chapters 590 and 621, which enacted 2 substantively different provisions with the same section number.

Sec. 50. 22 MRSA §2031, as repealed and replaced by PL 1975, c. 218, is corrected to read:

§2031. Tests reported

The result of a test ~~shall must~~ be reported directly to the licensed physician or other person authorized by law who requested it. A report of results issued from a medical laboratory ~~shall must~~ clearly identify that medical ~~laboratory~~ laboratory and the director.

EXPLANATION

This section corrects a clerical error and makes grammatical changes.

Sec. 51. 22 MRSA §2156, sub-§3, as amended by PL 1981, c. 470, Pt. A, §87, is corrected to read:

3. Substances in confectionery. If it is confectionery and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless ~~resinous~~ resinous glaze not in excess of 4/10 of 1%, harmless natural wax not in excess of 4/10 of 1%, harmless natural gum and pectin. This subsection ~~shall does~~ not apply to any confectionery by reason of its containing less than 1/2 of 1%; by volume of alcohol derived solely from use of flavoring extracts; or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances; or

EXPLANATION

This section corrects clerical errors and makes a grammatical change.

Sec. 52. 22 MRSA §2159, 4th ¶ is corrected to read:

Whenever the commissioner or any of ~~his the~~ the commissioner's authorized agents ~~shall find~~ finds in any room, building, vehicle of transportation or other structure any meat, ~~sea-food~~ seafood, poultry, vegetable, fruit or other perishable articles ~~which that~~ that are unsound or contain any filthy, decomposed or putrid substance or that may be poisonous or deleterious to health or otherwise unsafe, the same being declared to be a nuisance, the commissioner or ~~his the~~ the commissioner's authorized agent shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food. In the event that any food found on any vehicle of transportation is detained, embargoed, condemned or destroyed under any of the provisions of this section by the commissioner or ~~his the~~ the commissioner's authorized agents, the commissioner shall forthwith notify the consignor, consignee and the carrier of the action taken and the amount and kind of goods detained, embargoed, condemned or destroyed.

EXPLANATION

This section corrects a clerical error, makes a grammatical change and removes gender-specific language.

Sec. 53. 22 MRSA §2383-B, as amended by IB 2009, c. 1, §4 and PL 2009, c. 631, §6 and affected by §51, is corrected to read:

§2383-B. Authorized possession by individuals; exemptions

1. Lawfully prescribed drugs. A person to whom or for whose use any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate medical purpose by a physician, dentist, podiatrist, pharmacist or other person acting in the usual course of professional practice and authorized by law or rule to do so and the owner or the person having the custody or control of any animal for which any scheduled drug, prescription drug or controlled substance has been prescribed, sold or dispensed for a legitimate veterinary medical purpose by a licensed veterinarian acting in the usual course of professional veterinary practice may lawfully possess the drug or substance, except when in use, only in the container in which it was delivered by the person selling or dispensing the drug or substance. For purposes of this subsection, "when in use" in-

cludes reasonable repackaging for more convenient legitimate medical use.

2. Others lawfully in possession. Except as otherwise authorized or restricted, the following persons are authorized to possess, furnish and have control of scheduled or prescription drugs, controlled substances or hypodermic apparatuses:

A. Common carriers or warehouse operators while engaged in lawfully transporting or storing prescription drugs or hypodermic apparatuses or any of their employees acting within the scope of their employment;

B. Employees or agents of persons lawfully entitled to possession who have temporary, incidental possession while acting within the scope of their employment or agency;

C. Persons whose possession is for the purpose of aiding public officers in performing their official duties while acting within the scope of their employment or duties;

D. Law enforcement officers while acting within the scope of their employment and official duties;

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs, controlled substances or hypodermic apparatuses while acting within the course of their professional practice; and

F. With regard to the possession or furnishing of hypodermic apparatuses, persons authorized by the Bureau of Health pursuant to a hypodermic apparatus exchange program, certified under chapter 252-A while acting within the scope of their employment under such programs.

3. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Controlled substances" has the same meaning as defined in 21 United States Code, Section 812 (1970) and 21 Code of Federal Regulations, Chapter II, Part 1308.

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title 18-A, section 5-801 by, or is the parent or legal guardian of, a person authorized to possess marijuana for medical use pursuant to subsection 5.

A-2. "Eligible patient" means a person authorized to possess marijuana for medical use pursuant to subsection 5.

B. "Law enforcement officer" has the same meaning as defined in Title 17-A, section 2, subsection 17.

B-1. "Physician" means a person licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or a person licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48.

C. "Prescription drugs" has the same meaning as defined in Title 32, section 13702-A, subsection 30 and includes so-called legend drugs.

D. "Scheduled drug" has the same meaning as defined in Title 17-A, chapter 45.

E. "Usable amount of marijuana for medical use" means 2 1/2 ounces or less of prepared marijuana, as defined in section 2422, subsection 14, and a total of 6 plants as defined by the department pursuant to section 2424, subsection 1.

6. Lawful possession of hypodermic apparatuses by livestock owners. A person who owns livestock is authorized to possess and have control of hypodermic apparatuses for the purpose of administering antibiotics, vitamins and vaccines to treat medical conditions or promote the health of that person's livestock. For the purposes of this subsection, "livestock" means cattle, equines, sheep, goats, swine, members of the genus Lama, poultry, rabbits and cervids as defined in Title 7, section 1333, subsection 1.

EXPLANATION

This section changes a section headnote to reflect the repeal of a subsection in that section.

Sec. 54. 22 MRSA §2841, first ¶, as amended by PL 1989, c. 274, §2, is corrected to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation which occurs in this State ~~shall~~ must be filed with the clerk of the municipality where the delivery ~~occurred~~ occurred within 14 days after delivery and prior to removal of the fetus from the State.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 55. 22 MRSA §3172-B, sub-§3, as enacted by PL 1977, c. 680, §2, is corrected to read:

3. Transfer of unencumbered balances. All unencumbered balances generated from revenues received in prior years ~~shall~~ must be ~~transferred~~ transferred to the General Fund.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 56. 22 MRSA §3480, sub-§1, ¶B, as amended by PL 2003, c. 653, §15, is corrected to read:

B. Obtain nonconviction data and other criminal history record information under Title 16, section 611, which ~~he~~ the commissioner, the commissioner's delegate or the legal counsel for the department deems ~~relevant~~ relevant to a case of alleged abuse, neglect or exploitation.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 57. 22 MRSA §4056, sub-§1, as enacted by PL 1979, c. 733, §18, is corrected to read:

1. Parent and child divested of rights. An order terminating parental rights divests the parent and child of all legal rights, powers, privileges, immunities, duties and obligations to each other as parent and child, except the ~~inheritance~~ inheritance rights between the child and ~~his~~ parent.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 58. 22 MRSA §4307, sub-§4, as enacted by PL 1987, c. 349, Pt. H, §15, is corrected to read:

4. Special circumstances. Overseers of a municipality ~~shall~~ may not move or transport an applicant or recipient into another municipality to relieve their municipality of responsibility for that applicant's or recipient's support. The municipality of ~~responsibility~~ responsibility for relocations and institutional settings ~~shall be~~ is as follows.

A. When an applicant or recipient requests relocation to another ~~municipality~~ municipality and the

overseers of a ~~municipality~~ municipality assist that person to relocate to another municipality, the municipality from which that person is moving ~~shall continue~~ continues to be responsible for the support of the recipient for 30 days after relocation. As used in this paragraph, "assist" includes:

- (1) Granting financial assistance to relocate; and
- (2) Making arrangements for a person to relocate.

B. If an applicant is in a group home, shelter, rehabilitation center, nursing home, hospital or other institution at the time of application and has either been in that institution for 6 months or less, or had a residence immediately prior to entering the institution which ~~he~~ the applicant had maintained and to which ~~he~~ the applicant intends to return, the municipality of responsibility ~~shall be~~ is the municipality where the applicant was a resident immediately prior to entering the institution. For the purpose of this paragraph, a hotel, motel or similar place of temporary lodging is considered an institution when a municipality:

- (1) Grants financial assistance for a person to move to or stay in temporary lodging;
- (2) Makes arrangements for a person to stay in temporary lodging;
- (3) Advises or encourages a person to stay in temporary lodging; or
- (4) Illegally denies housing assistance and, as a result of that denial, the person stays in temporary lodging.

Sec. 59. 22 MRSA §4307, sub-§5, as enacted by PL 1987, c. 349, Pt. H, §15, is corrected to read:

5. Disputes between municipalities. Nothing in this section may permit a municipality to deny assistance to an otherwise eligible applicant when there is any dispute regarding residency. In cases of dispute regarding which municipality is the municipality of ~~responsibility~~ responsibility, the municipality where the application has been filed shall provide support until responsibility has been determined by the department. The department shall make a written determination within 30 working days of a complaint or notification of a dispute. The department's decision ~~shall~~ must include the sources of information relied upon, findings of fact and conclusions of law regarding which municipality is responsible and the reimbursement due, if any, from the responsible municipality to the municipality providing assistance. If after 30 days the reimbursement has not been paid, the municipality to which reimbursement is due shall notify the department, the department shall credit the municipality owed the reimbursement and either deduct that amount from the debtor municipality or refer the bill to the

Treasurer of State for payment from any taxes, revenue, fines or fees due from the State to the municipality.

EXPLANATION

These sections correct clerical errors, make grammatical changes and remove gender-specific language.

Sec. 60. 22 MRSA §4322, 2nd ¶, as amended by PL 1993, c. 410, Pt. AAA, §13, is corrected to read:

The person requesting the appeal and the municipal administrator responsible for the decision being appealed must be afforded the right to confront and cross-examine any witnesses presented at the hearing, present witnesses in their behalf and be represented by counsel or other ~~spokeperson~~ spokesperson. A claimant must be advised of these rights in writing. The decision of such an appeal must be based solely on evidence adduced at the hearing. The Maine Rules of Evidence do not apply to information presented to the fair hearing authority. The standard of evidence is the standard set in Title 5, section 9057, subsection 2. The person requesting the appeal must, within 5 working days after the appeal, be furnished with a written decision detailing the reasons for that decision. When any decision by a fair hearing authority or court authorizing assistance is made, that assistance must be provided within 24 hours. Review of any action or failure to act under this chapter must be conducted pursuant to the Maine Rules of Civil Procedure, Rule 80-B. The municipality shall make a record of the fair hearing. The municipality's obligation is limited to keeping a taped record of the proceedings. The applicant shall pay costs for preparing any transcripts required to pursue an appeal of a fair hearing authority's decision.

EXPLANATION

This section corrects a clerical error.

Sec. 61. 22 MRSA §7704, as enacted by PL 2009, c. 621, §6, is reallocated to 22 MRSA §7706.

EXPLANATION

This section corrects a numbering problem created by Public Law 2009, chapters 590 and 621, which enacted 2 substantively different provisions with the same section number.

Sec. 62. 22 MRSA §8307, sub-§2, as enacted by PL 1987, c. 741, §4, is corrected to read:

2. Feasibility study of other child care facilities and programs. Prior to the creation of new or additional state financed or operated child care facilities provided primarily for the benefit of state employees,

except the initial facility to be located in the Augusta area, the Office of Child Care Coordination, in cooperation with the Bureau of Public Improvements, shall conduct a feasibility study of the proposed child care facility which ~~shall~~ must be located in a state-owned facility or in a facility located conveniently near the workplaces of state employees. This feasibility study, at a minimum, ~~shall~~ must include:

A. The location of the site and the reasons justifying the location, including reasons justifying or not justifying using state-owned facilities;

B. An analysis of the benefits and liabilities of contracting with the private sector to provide child care programs under this section;

C. An analysis of the benefits and liabilities of State Government operation of child care programs and facilities for children of state employees;

D. The number and ages of children proposed for the site;

E. The type of assistance to be made available to children of state employees classified as low-income households;

F. The types of activities and programs to be provided, including preschool and after school programs;

G. A time schedule for the commencement of programs at each facility;

H. Sources of income, including fees, if any, for funding each facility; and

I. Any other information deemed important by the Office of Child Care Coordination and the Bureau of Public Improvements.

The report required by this subsection ~~shall~~ must be provided to the joint standing committee of the Legislature having jurisdiction over human resources in a timely manner ~~preceding~~ preceding the selection of the site.

EXPLANATION

This section corrects a clerical error and makes grammatical changes.

Sec. 63. 22 MRSA §8712, sub-§1, as amended by PL 2009, c. 613, §8, is corrected to read:

1. Quality. The organization shall promote public transparency of the quality and cost of health care in the State in conjunction with the Maine Quality Forum, established in Title 24-A, section 6951 and shall collect, synthesize and publish information and reports on an annual basis that are easily understandable by the average consumer and in a format that allows the user to compare the information listed in this

section to the extent practicable. The organization's publicly accessible websites and reports must, to the extent practicable, coordinate, link and compare information regarding health care services, their outcomes, the effectiveness of those services, the quality of those services by health care facility and by individual practitioner and the location of those services. The organization's health care costs website must provide a link in a publicly accessible format to provider-specific information regarding quality of services required to be reported to the Maine Quality Forum.

EXPLANATION

This section corrects a clerical error.

Sec. 64. 24-A MRSA §235, sub-§3, as amended by PL 1977, c. 694, §396, is corrected to read:

- 3. The order ~~shall~~ must contain:
 - A. A concise statement of facts found by the superintendent upon the evidence adduced at the hearing;
 - B. A concise statement of the superintendent's conclusions from the facts so found;
 - C. ~~His~~ The superintendent's order, and the effective date ~~thereof~~ of the order; ~~and~~
 - D. Citation of the provisions of this Title upon which the order is based; but failure to so designate a particular provision ~~shall~~ does not deprive the superintendent of the right thereafter to rely thereon; and
 - E. Notice of the party's right to appeal or review of the order, of the action required for appeal and of the time within which the action ~~shall~~ must be taken in order to ~~exercise~~ exercise the right.

EXPLANATION

This section corrects a clerical error and a technical error, makes grammatical changes and removes gender-specific language.

Sec. 65. 24-A MRSA §236, sub-§1, as repealed and replaced by PL 1977, c. 694, §397, is corrected to read:

- 1. In general, judicial review of actions taken by the superintendent or ~~his~~ the superintendent's representatives ~~shall~~ must occur ~~inconformity~~ in conformity with the provisions set forth in the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter ~~VH~~ 7.

EXPLANATION

This section corrects a clerical error and a cross-reference, removes gender-specific language and makes a grammatical change.

Sec. 66. 24-A MRSA §1109, sub-§2, ¶D, as enacted by PL 1969, c. 132, §1, is corrected to read:

- D. The lessees under such leases, or any corporation or instrumentality of ~~of~~ government which has assumed or guaranteed the lessees' performance thereunder is such that its obligations would be eligible for investment by an insurer in accordance with section 1107 or the aggregate net earnings of such lessees available for fixed charges, as defined in section 1110, is at least equal to that required by subsection 1.

EXPLANATION

This section corrects a clerical error.

Sec. 67. 24-A MRSA §2424, first ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

Without limitation of any right or defense of an insurer otherwise, none of ~~of~~ the following acts by or on behalf of an insurer ~~shall~~ may be deemed to constitute a waiver of any provision of a policy or of any defense of the insurer thereunder:

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 68. 24-A MRSA §2883, as enacted by PL 1983, c. 801, §11, is corrected to read:

§2883. Legal services insurance defined

"Legal services insurance" is insurance which involves the assumption of a contractual obligation to reimburse the beneficiary against or pay on behalf of the beneficiary all or a portion of ~~his~~ the beneficiary's fees, costs or expenses related to or arising out of services performed by or under the supervision of an attorney who is not an employee of or under the control of the insurer directly or indirectly and who is licensed to practice in the jurisdiction in which the services are performed. Legal services insurance may also include provisions for basic legal advice only rendered to the beneficiary, by telephone or mail, by one or more attorneys licensed to practice in the ~~jurisdiction~~ jurisdiction in which the advice is given; none of whom are employees of or under the control of the insurer, directly or indirectly. Legal services insurance does not include the provision of or reimbursement for legal services incidental to other insurance coverages.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 69. 24-A MRSA §3552, first ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

When ~~use~~ used in this chapter, the following terms ~~shall~~ mean and include the following.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 70. 24-A MRSA §4317, as enacted by PL 2009, c. 588, §1 and affected by §3, is reallocated to 24-A MRSA §4318.

EXPLANATION

This section corrects a numbering problem created by Public Law 2009, chapters 519 and 588, which enacted 2 substantively different provisions with the same section number.

Sec. 71. 24-A MRSA §6093, sub-§12, as enacted by PL 1987, c. 481, §3, is corrected to read:

12. Risk Retention Act Amendments of 1986. "Risk Retention Amendments of 1986" means United States Public Law 99-563, United States Code, Title 15, Section 3901, et seq.

EXPLANATION

This section corrects a headnote.

Sec. 72. 26 MRSA §781, sub-§1, ¶C, as enacted by PL 1991, c. 544, §10, is corrected to read:

C. For a 3rd and subsequent violation occurring within 3 years of 2 or more prior ~~adjudication~~ adjudications, a penalty of not less than \$2,000 nor more than \$10,000.

EXPLANATION

This section corrects a clerical error.

Sec. 73. 26 MRSA §873, sub-§8, ¶A, as enacted by PL 2009, c. 637, §10, is corrected to read:

A. The Maine Department of Labor shall maintain an approved list of employers consisting of those employers filing for certification with the United States Department of Labor to hire a bond worker in a logging occupation that are members of and active participants in a recruitment clearinghouse that complies with subsections 2 and 3.

The list must also contain any employer under investigation by the Maine Department of Labor for a violation of section 872, this section ~~873~~ or federal regulations applicable to foreign labor. The department shall publish the list on the department's publicly accessible website and forward a copy of the list and subsequent updates to the recruitment clearinghouse. Each landowner or other person that wishes to be notified of a change in status of a contractor must file with the department a request to be notified and contact information for the notification.

Sec. 74. 26 MRSA §873, sub-§8, ¶B, as enacted by PL 2009, c. 637, §10, is corrected to read:

B. The Maine Department of Labor, after notice and hearing, shall remove from the list of approved employers under paragraph A any employer filing for certification with the United States Department of Labor to hire a bond worker in a logging occupation that is found to have committed a material violation of section 872, this section ~~873~~ or the applicable federal regulations.

EXPLANATION

These sections correct cross-references.

Sec. 75. 26 MRSA §1022, sub-§9, as enacted by PL 1975, c. 603, §1, is corrected to read:

9. Supervisory employee. "Supervisory employee" means any employee whose principal work tasks are ~~characterized~~ characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, in applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards.

EXPLANATION

This section corrects a clerical error.

Sec. 76. 26 MRSA §1026, sub-§4, ¶A, as amended by PL 1983, c. 153, §1, is corrected to read:

A. At any time after participating in the procedures set forth in subsections 2 and 3, either party, or the parties jointly, may petition the board to initiate arbitration procedures. On receipt of the petition, the executive director shall within a reasonable time determine if an impasse has been reached; the determination ~~shall~~ must be made

administratively, with or without hearing, and shall be subject to appeal. If he the executive director so determines, he the executive director shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators. If the parties, within 10 days after the issuance of the order, have not selected an arbitrator or a Board of Arbitration, the executive director shall then order each party to select one arbitrator and the 2 arbitrators so selected shall select a 3rd neutral arbitrator. If the 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the executive director shall submit identical lists to the parties of 5 or more qualified arbitrators of recognized experience and competence. Each party shall have 7 days from the submission of the list to delete any names objected to, number the remaining names indicating the order of preference and return the list to the executive director. In the event a party does not return the list within the time specified, all parties named therein shall be deemed acceptable. From the arbitrators who have been approved by both parties and pursuant to the order of mutual preference, the executive director shall appoint a neutral arbitrator. If the parties fail to agree upon any arbitrators named, or if for any other reason the appointment cannot be made from the initial list, the executive director shall then submit a 2nd list of 5 or more additional qualified arbitrators of recognized experience and competence from which they shall strike names with the determination as to which party shall strike first being determined by a random technique administered through the Executive Director of the Maine Labor Relations Board. Thereafter, the parties shall alternately strike names from the list of names submitted, provided that, when the list is reduced to 4 names, the 2nd from the last party to strike shall be entitled to strike 2 names simultaneously, after which the last party to strike shall so strike one name from the then 2 remaining names, such that the then remaining name shall identify the person who shall must then be appointed by the executive director as the neutral arbitrator.

Nothing in this subsection may be construed as preventing the parties, as an alternative to procedures in the preceding paragraph, from jointly agreeing to elect arbitration from either the Federal Mediation and Conciliation Service or the American Arbitration Association, under the procedures, rules and regulations of that association, provided that these procedures, rules and regulations are not inconsistent with subsections paragraphs B and C below.

EXPLANATION

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

Sec. 77. 26 MRSA §1191, sub-§6, as amended by PL 1991, c. 885, Pt. E, §38 and affected by §47, is corrected to read:

6. Supplemental benefit for dependents. An individual in total or partial unemployment and otherwise eligible for benefits must be paid for each week of that unemployment, in addition to the amounts payable under subsections 2 and 3, the sum of \$10 for each unemancipated child of the individual who in any part of the benefit year and during any part of the individual's period of eligibility is, in fact, dependent upon and is being wholly or mainly supported by the individual, and who is under the age of 18, or who is 18 years of age or over and incapable of earning wages because of mental or physical incapacity, or who is a full-time student as defined in Title 39-A, section 102, subsection 9 §, paragraph C, or who is in that individual's custody pending the adjudication of a petition filed by the individual for the adoption of the child in a court of competent jurisdiction and for each such child for whom that individual is under a decree or order from a court of competent jurisdiction to contribute to that child's support and for whom no other person is receiving allowances hereunder. In no instance may the dependency benefits as provided in this subsection be more than 50% of the individual's weekly benefit amount.

The commission shall prescribe regulations as to who may receive a dependency allowance when both spouses are eligible to receive unemployment compensation benefits.

No individual may be eligible to receive dependency allowances as provided in this subsection for any week during which that individual's spouse is employed full time provided that the spouse is contributing some support to their dependent or dependents. For purposes of this subsection, "employed full time" means the receipt of any wages, earnings, salary or other income equivalent to that amount that would be received for a 40-hour work week.

EXPLANATION

This section corrects a cross-reference.

Sec. 78. 28-A MRSA §1064, as enacted by PL 1987, c. 45, Pt. A, §4, is corrected to read:

§1064. Establishment located at fairgrounds

Establishments located on fairgrounds operated by agricultural societies or where ~~pari-mutuel~~ pari-mutuel

racing is conducted, which otherwise meet the definition of a hotel or a restaurant, shall be considered to be a hotel or restaurant for purposes of this Title, even if an admission charge must be paid to gain entrance to the fairgrounds or racing grounds.

EXPLANATION

This section corrects a clerical error.

Sec. 79. 28-A MRSA §1205, sub-§2, ¶K, as amended by PL 2009, c. 459, §2, is corrected to read:

K. The retail licensee must purchase all wine served at a taste testing from a wholesale licensee; ~~and~~

Sec. 80. 28-A MRSA §1205, sub-§2, ¶L, as amended by PL 2009, c. 510, §5, is corrected to read:

L. Prior to a taste-testing event, the retail licensee shall post prominently at the entrance to the store a sign that announces the date and time of the event. The Department of Public Safety shall report by January 15, 2011 to the joint standing committee of the Legislature having jurisdiction over alcohol regulation matters regarding the effectiveness of this paragraph in providing proper notice to adults who may wish to preclude minors from observing the taste testing of alcoholic beverages; and

EXPLANATION

These sections make technical corrections.

Sec. 81. 29-A MRSA §401, sub-§2, as amended by PL 2001, c. 361, §6 and affected by §38, is corrected to read:

2. Content of application. An application must contain information requested by the Secretary of State, including legal name, residence and address of the registrant, current mileage of a motor vehicle, a brief description of the vehicle, the maker, the vehicle identification number, the year of manufacture, and the type of motor fuel and, for trucks, ~~truck tractors~~ truck tractors and special mobile equipment, the gross weight. A registrant that is a corporation, trust, limited partnership or other similar entity must provide either a federal taxpayer identification number or an identification number issued by the department. An initial application for registration must be signed by the registrant or the registrant's legal representative. The Secretary of State shall keep initial applications on file until that registration is terminated.

EXPLANATION

This section corrects a clerical error.

Sec. 82. 29-A MRSA §2069, sub-§5, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

5. Notification. Upon removal of a vehicle in accordance with this section, the notification requirements and provisions for payment of towing and storage costs in chapter 15, subchapter ~~HH~~ 3 apply.

EXPLANATION

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

Sec. 83. 29-A MRSA §2395, sub-§7, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

7. Violation. A violation of this section is a traffic infraction punishable by a fine, which may not be suspended, ~~or~~ of not less than \$250.

EXPLANATION

This section corrects a clerical error.

Sec. 84. 29-A MRSA §2395, sub-§8, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

8. Information on bridges. Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of ~~posing~~ posting those bridges.

EXPLANATION

This section corrects a clerical error.

Sec. 85. 30-A MRSA §4722, sub-§1, ¶CC, as amended by PL 2009, c. 361, §3 and affected by §37, is corrected to read:

CC. Encourage and provide incentives to individuals and entities that conserve energy; support and participate, with resources derived from sources except the conservation program fund under Title 35-A, section ~~3211-A~~ 10110, subsection § 7, in markets that reward energy conservation and use the proceeds from this participation to support affordable housing programs under its jurisdiction; and create and administer programs that encourage individuals and entities to conserve energy; and

EXPLANATION

This section corrects a cross-reference.

Sec. 86. 31 MRSA §1680, sub-§18, as enacted by PL 2009, c. 629, Pt. A, §2 and affected by §3, is corrected to read:

18. Certificate of revival after dissolution. ~~Certificate~~ For filing a certificate of revival after dissolution for a domestic limited liability company under section 1604, a fee of \$150;

EXPLANATION

This section corrects a clerical error.

Sec. 87. 32 MRSA §1077, sub-§1, as amended by PL 1999, c. 547, Pt. B, §60 and affected by §80, is corrected to read:

1. Disciplinary proceedings and sanctions. Regarding noncompliance with or violation of this chapter or of rules adopted by the board, the board shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but no later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

If the board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions it considers appropriate:

A. With the consent of the licensee, enter into a consent agreement that fixes the period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;

B. In consideration for acceptance of a voluntary surrender of the license, if a consent agreement is signed by the board, the licensee and the Attorney General's office, negotiate stipulations,

including terms and conditions for reinstatement, that ensure protection of the public health and safety and that serve to rehabilitate or educate the licensee;

C. If the board concludes that modification or nonrenewal of the license is in order, the board shall hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter ~~4~~ 4; or

D. If the board concludes that suspension or revocation of the license is in order, the board shall file a complaint in the District Court in accordance with Title 4, chapter 5.

EXPLANATION

This section corrects a clerical error and updates a cross-reference.

Sec. 88. 32 MRSA §2258, as amended by PL 1993, c. 600, Pt. A, §137, is corrected to read:

§2258. Registration under prior law

An individual holding a license as a licensed practical nurse in ~~in~~ the State issued by the former Board of Registration of Nurses that is valid on September 12, 1959 is licensed as a licensed practical nurse under this chapter, and the renewal of the licenses for those individuals must be effectuated under this subchapter.

EXPLANATION

This section corrects a clerical error.

Sec. 89. 32 MRSA §4693, sub-§2, as enacted by PL 1979, c. 571, is corrected to read:

2. Notice. The following notice: As required by Maine law, we have secured a bond in the amount of \$30,000 issued by _____ (Name and address of surety company)

~~before~~ Before signing a contract to purchase a business opportunity, you should check with the surety company to determine the current status of the bond.

or

As required by Maine law, we maintain an escrow account in the amount of \$30,000 in the _____ (Name and address of licensed bank or savings institute)

Before signing a contract to purchase a business opportunity, you should check with the surety company to determine the current status of the escrow account.

EXPLANATION

This section corrects a clerical error.

Sec. 90. 32 MRSA §7154, 3rd ¶, as amended by PL 1979, c. 541, Pt. B, §42, is corrected to read:

It ~~shall be~~ is unlawful for any polygraph examiner to probe the political or religious beliefs of any individual during any polygraph examination, except when the examination is conducted in the course of a criminal investigation conducted by law enforcement officials and the ~~political~~ political or religious beliefs of the individual may be relevant to that investigation.

EXPLANATION

This section corrects a clerical error and makes a grammatical change.

Sec. 91. 32 MRSA §16410, sub-§1, ¶F, as enacted by PL 2005, c. 65, Pt. A, §2, is corrected to read:

F. ~~A~~ An amount not to exceed \$200 for an initial fee and annual renewal fee for each branch office in this State. If the filing results in a withdrawal, the administrator shall retain the fee. For purposes of this paragraph, "branch office" means any office of a broker-dealer or investment adviser located in this State, other than the principal place of business of the broker-dealer or investment adviser. Only one branch office fee is due if an office is a branch office of both a broker-dealer and an investment adviser affiliated by direct or indirect common control.

EXPLANATION

This section corrects a clerical error.

Sec. 92. 33 MRSA §594, sub-§2, ¶A, as enacted by PL 1983, c. 407, §1, is corrected to read:

A. Liens and ~~encumbrances~~ encumbrances recorded before the recordation of the time-share instrument;

EXPLANATION

This section corrects a clerical error.

Sec. 93. 34-A MRSA §3035, sub-§4, ¶B, as enacted by PL 1983, c. 459, §6, is corrected to read:

B. Interference with a rehabilitative program or furlough is a Class E crime, except that, ~~not with-~~ ~~standing~~ notwithstanding Title 17-A, the court may sentence a person to imprisonment for not more than 11 months.

EXPLANATION

This section corrects a clerical error.

Sec. 94. 34-B MRSA §1224, as enacted by PL 2009, c. 621, §8, is reallocated to 34-B MRSA §1225.

EXPLANATION

This section corrects a numbering problem created by Public Law 2009, chapters 590 and 621, which enacted 2 substantively different provisions with the same section number.

Sec. 95. 34-B MRSA §1436, as enacted by PL 1987, c. 305, is corrected to read:

§1436. Rules regarding ~~cardipulmonary~~ cardiopulmonary resuscitation

The department shall promulgate rules regarding the use of cardiopulmonary resuscitation in state institutions, pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

EXPLANATION

This section corrects a clerical error.

Sec. 96. 34-B MRSA §9005, as enacted by PL 1983, c. 459, §7, is corrected to read:

§9005. Escape--Article V

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the ~~jurisdiction~~ jurisdiction of the escape in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, ~~he~~ ~~shall~~ the dangerous or potentially dangerous patient must be detained in the state where found pending disposition in accordance with law.

EXPLANATION

This section corrects a clerical error, makes a grammatical change and removes gender-specific language.

Sec. 97. 35-A MRSA §109, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Appointment to civil office. No commissioner may hold any other civil office of profit or trust under the Federal Government or State Government except the office ~~to~~ of notary public.

EXPLANATION

This section corrects a clerical error.

Sec. 98. 35-A MRSA §117, sub-§3, ¶B, as enacted by PL 2005, c. 432, §1, is corrected to read:

B. After deducting any amount used pursuant to paragraph A, the commission may, to the extent practicable and in as equitable and fair a manner as possible, apply administrative penalties, along with any accrued interest, in accordance with this paragraph. The commission shall seek to apply the amount in a manner that benefits those customers affected or potentially affected by the violation, if they can reasonably be identified or, if the commission determines this application of the amount to be impractical or unreasonable, in a manner that benefits the class or group of customers affected or potentially affected by the violation. In order to achieve the purposes of this paragraph, the commission may apply the funds:

- (1) In the form of a direct payment or credit to the customers or group or class of customers affected or potentially affected by the violation resulting in the administrative penalty;
- (2) To supplement a low-income assistance or outreach program that the commission determines would benefit customers affected or potentially affected by the violation resulting in the administrative penalty;
- (3) To supplement the conservation program fund established pursuant to section ~~3214~~ A 10110, subsection ~~5~~ 7;
- (4) To supplement the telecommunications education access fund established pursuant to section 7104-B; or
- (5) To supplement any other program or fund that the commission determines would benefit customers affected or potentially affected by the violation.

Amounts applied pursuant to this paragraph to supplement an existing program or fund may not result in a reduction in other funding provided for the program or fund unless the reduction is outside the commission's control and the commission finds that application of the penalty amount to the fund or program is the most appropriate use of the penalty and the net effect will be an increase in total funding available to the program or fund.

EXPLANATION

This section corrects a cross-reference.

Sec. 99. 35-A MRSA §902, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Order authorizing issuance. No public utility may make an issuance as described in section 901,

except as provided in section 906, unless it has made a written application, setting forth information the commission may require and has secured from the commission an order authorizing the issue and the amount of the issue and stating that in the opinion of the commission the proceeds of the issuance of the stocks, bonds, notes or other evidences of indebtedness ~~is~~ are required in good faith for purposes enumerated in section 901.

EXPLANATION

This section corrects a grammatical error.

Sec. 100. 35-A MRSA §1301, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§1301. Substantial compliance

Substantial compliance by the commission with the requirements of this Title gives effect to all the commission's rules, orders and acts. The commission's rules, orders and acts may not be declared inoperative, illegal or void for an omission of a technical and immaterial nature.

EXPLANATION

This section corrects a clerical error.

Sec. 101. 35-A MRSA §1308, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§1308. Reparation or adjustment

The commission may order reparation or adjustment when it finds that an amount charged to or collected from a customer was not in accordance with the filed rate applicable to ~~him~~ the customer or was based upon error. The customer shall attempt to settle any dispute concerning the alleged ~~over charge~~ overcharge or billing error at an informal hearing with the utility company prior to filing a complaint with the commission. If the customer is dissatisfied with the utility company's decision, the customer may appeal the decision to the commission. The commission may not order a rebate for a billing error or excessive charge that antedates the order for more than 6 years.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.

Sec. 102. 35-A MRSA §2105, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Declaration without hearing. The commission may make a declaration without public hearing, if it appears that the utility serving or authorized to serve, the utility seeking approval from the commis-

sion to provide service and any customer or customers to receive service agree that the utility seeking approval to serve should provide service.

EXPLANATION

This section corrects a punctuation error.

Sec. 103. 35-A MRSA §3153-A, sub-§1, ¶E, as amended by PL 2001, c. 624, §2, is corrected to read:

E. Transmission and distribution utility financing or subsidization of capital improvements undertaken by ratepayers to conserve electricity used by the ratepayers in the future. This paragraph applies to future programs for utility financing of energy conservation or load management as long as the goal of such programs is to economically defer or eliminate the need for transmission and distribution plant upgrades. In addition to programs undertaken pursuant to this paragraph, programs may be undertaken pursuant to section ~~3211-A~~ 10110 to achieve goals other than that identified in this paragraph;

EXPLANATION

This section corrects a cross-reference.

Sec. 104. 35-A MRSA §4392, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

6. Sunset Contingent repeal. After payment of all fees in accordance with subsection 5, the trustee shall report to the commission and, upon certification by the commission, the fund shall be dissolved expeditiously and this subchapter is repealed.

EXPLANATION

This section changes a headnote to reflect the intent of the subsection.

Sec. 105. 36 MRSA §191, sub-§2, ¶NN, as amended by PL 2009, c. 652, Pt. A, §52, is corrected to read:

NN. The disclosure to an authorized representative of the Wild Blueberry Commission of Maine of any information required for or submitted to the assessor in connection with the administration of the tax imposed under chapter 701; ~~and~~

Sec. 106. 36 MRSA §191, sub-§2, ¶OO, as enacted by PL 2009, c. 361, §17, is corrected to read:

OO. The disclosure to duly authorized officers of the Federal Government and of other state governments of information necessary to administer a set-off agreement pursuant to section 112, subsec-

tion 13. The information may not be disclosed unless the officer's government permits a substantially similar disclosure of information to the taxing officials of this State and protects the confidentiality of the information in a manner substantially similar to that provided by this section;

Sec. 107. 36 MRSA §191, sub-§2, ¶PP, as enacted by PL 2009, c. 568, §2, is corrected to read:

PP. The disclosure to the Department of Conservation of information contained on the commercial forestry excise tax return pursuant to section 2726, such as the landowner name, address and acreage, to facilitate the administration of chapter 367; and

Sec. 108. 36 MRSA §191, sub-§2, ¶PP, as enacted by PL 2009, c. 592, §2, is reallocated to 36 MRSA §191, sub-§2, ¶QQ.

EXPLANATION

These sections correct a lettering problem created by Public Law 2009, chapters 568 and 592, which enacted substantively different provisions with the same paragraph letter, and make technical corrections.

Sec. 109. 36 MRSA §5122, sub-§2, ¶AA, as repealed and replaced by PL 2009, c. 496, §22, is corrected to read:

AA. For taxable years beginning on or after January 1, 2009, an amount equal to the net increase in the depreciation deductions allowable under ~~sections~~ Sections 167 and 168 of the Code that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service on or after January 1, 2008 for which an addition was required under subsection 1, paragraph AA in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph AA and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph AA for the same property;

EXPLANATION

This section corrects a capitalization error.

Sec. 110. 36 MRSA §5122, sub-§2, ¶DD, as reallocated by RR 2009, c. 1, §27, is corrected to read:

DD. An amount equal to the gross income from the discharge of indebtedness previously deferred under the Code, Section 108(i) and included in federal adjusted gross income. The total subtraction for all years under this paragraph may not exceed the amount of the addition modification under subsection 1, paragraph CC for the same indebtedness;

Sec. 111. 36 MRSA §5122, sub-§2, ¶EE, as reallocated by RR 2009, c. 1, §28, is corrected to read:

EE. To the extent included in federal adjusted gross income, an amount constituting benefits received under a municipal property tax assistance program established pursuant to section 6232, subsection 1-A;

Sec. 112. 36 MRSA §5122, sub-§2, ¶FF, as enacted by PL 2009, c. 553, Pt. B, §1 and affected by §5, is corrected to read:

FF. To the extent included in federal adjusted gross income, student loan payments made by the taxpayer's employer in accordance with section 5217-D; and

Sec. 113. 36 MRSA §5122, sub-§2, ¶GG, as enacted by PL 2009, c. 625, §12 and affected by §15, is reallocated to 36 MRSA §5122, sub-§2, ¶GG.

EXPLANATION

These sections correct a lettering problem created by Public Law 2009, chapters 553 and 625, which enacted substantively different provisions with the same paragraph letter, and make technical corrections.

Sec. 114. 36 MRSA §5200-A, sub-§2, ¶R, as repealed and replaced by PL 2009, c. 496, §23, is corrected to read:

R. For taxable years beginning on or after January 1, 2009, an amount equal to the net increase in the depreciation deductions allowable under ~~sections~~ Sections 167 and 168 of the Code that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service on or after January 1, 2008 for which an addition was required under subsection 1, paragraph T in a prior year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph T and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph T for the same property;

EXPLANATION

This section corrects a capitalization error.

Sec. 115. 37-B MRSA §403, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. ~~Fraudulent~~ Fraudulent discharge. All persons discharged from the military forces subsequently charged with having fraudulently obtained the discharge ~~shall be~~ are subject to trial by court-martial on that charge and ~~shall~~ are after apprehension ~~be~~ are subject to this Code while in the custody of the military forces for the trial. Upon conviction on that charge, they ~~shall be~~ are subject to trial by court-martial for all offenses under this Code committed prior to the fraudulent discharge.

EXPLANATION

This section corrects a clerical error and makes grammatical changes.

Sec. 116. 38 MRSA §349, sub-§2, as amended by PL 2003, c. 452, Pt. W, §3 and affected by Pt. X, §2, is corrected to read:

2. Civil penalties. Except as otherwise specifically provided, a person who violates a law administered by the department, including, without limitation, a violation of the terms or conditions of an order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section ~~2265-A~~ 2264-A, is subject to a civil penalty, payable to the State, of not less than \$100 and not more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation. This penalty is recoverable in a civil action.

EXPLANATION

This section corrects a cross-reference.

Sec. 117. 38 MRSA §1672, sub-§4, ¶F, as enacted by PL 2009, c. 272, §1, is corrected to read:

F. The department may determine that a manufacturer's recycling program is in compliance with paragraph A, subparagraphs (1), (2) and (4) for the collection of compact fluorescent lamps from

households if the manufacturer provides adequate financial support for the collection and recycling of such lamps to municipalities and a conservation program established pursuant to Title 35-A, section ~~3211-A~~ 10110 and implemented by the ~~Public Utilities Commission~~ Efficiency Maine Trust.

EXPLANATION

This section corrects a cross-reference to a conservation program implemented by the Efficiency Maine Trust to reflect changes made by Public Law 2009, chapter 372.

Sec. 118. PL 2009, c. 517, §18 is corrected to read:

Sec. 18. 30-A MRSA §5957, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and ~~10~~ c. 224, §3, is further amended to read:

§5957. Allocation of state ceiling; recovery zone economic development bonds; qualified energy conservation bonds

By rulemaking under Title 5, chapter 375, subchapter ~~H~~ 2, the bank may establish a process for allocation and carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank under Title 10, chapter 9. The executive director of the Maine Municipal Bond Bank is designated as the state official authorized to issue the certification under the United States Code, Title 26, Section 149(e)(2)(F), as amended, for allocations of the state ceiling allocated to the bank pursuant to Title 10, chapter 9.

By routine technical rulemaking defined under Title 5, chapter 375, subchapter 2-A the bank may establish a process for allocation of that portion of the national recovery zone economic development bond limitation established pursuant to 26 United States Code, Section 1400U-1, or that portion of the national qualified energy conservation bond limitation established pursuant to 26 United States Code, Section 54D, waived by any county or reallocated pursuant to section 5953-F and for designation by the bank of recovery zone economic development bonds and qualified energy conservation bonds.

EXPLANATION

This section corrects an amending clause.

Sec. 119. Resolve 2009, c. 179, §1 is corrected to read:

Sec. 1. Best rate option; credit for affected customers. Resolved: That, notwithstanding any other provision of law, the Public Utilities Commission shall direct the transmission and distribution util-

ity serving those commercial electricity customers that are eligible for the best rate option pursuant to the final order in Public Utilities Commission Docket # 2009-397 dated March 5, 2010 and that experienced higher electricity bills after decreasing their electricity use and to credit such a commercial electricity customer in a manner approved by the commission for the difference between what the customer was actually charged for delivery service during the 12-month period preceding the date of the final order and what the customer would have been charged under the best rate option during that period. The commission shall ensure that a transmission and distribution utility recovers in rates all costs incurred pursuant to this section.

EXPLANATION

This section corrects a clerical error.
