

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2104

H.P. 1492

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PARADIS of Augusta.
Cosponsored by Senator GAUVREAU of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Clarify the Scope of the Laws Governing Administrative
Correction of Statutory Errors.**

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, this Act refines a newly enacted mechanism for
6 remedying certain statutory errors during the annual update of
the statutory data base; and

8 Whereas, the annual update will be well under way before the
10 expiration of the 90-day period; and

12 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
14 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
16 safety; now, therefore,

18 **Be it enacted by the People of the State of Maine as follows:**

20 **Sec. 1.** 1 MRSA §91, sub-§§1 and 7, as enacted by PL 1991, c.
336, are amended to read:

22 1. **Conflicting enactments.** "Conflicting enactments" means
24 multiple enactments, amendments, repeals, reallocations or
reenactments, or any combination of these actions, that affect
26 the same statutory unit and that have been adopted by multiple
Acts of the Legislature passed within one legislative session or
28 within a regular legislative session and any special sessions
preceding the next regular legislative session that do not refer
30 to each other.

32 7. **Statutory unit.** "Statutory unit" means a title,
34 subtitle, part, subpart, chapter or, subchapter, article,
subarticle, section or a part of a title, chapter or section,
36 subsection, paragraph, subparagraph, division or subdivision
of the laws of Maine.

38 **Sec. 2.** 1 MRSA §93, sub-§§2, 3, 4, 7, 9 and 10 as enacted by PL
1991, c. 336, are amended to read:

40 2. **Histories.** Erroneous enacting amending clauses or
42 statutory histories may be corrected.

44 3. **Cross-references.** Cross-references to in statutory
units may be changed to agree with new, amended, reenacted,
46 renumbered or, relettered, reallocated or corrected statutory
units.

48 4. **Dates.** Obsolete temporal references may be removed and
50 the appropriate calendar date for the phrase "effective date of
this Act" or other phrases of similar meaning may be substituted.

2 7. **Renumbering; relettering.** The numbering or lettering of
3 statutory elements units, including duplicative numbering or
4 lettering created by conflicting enactments, may be corrected or
5 properly arranged.

6 9. **Revision clauses.** Changes Grammatical changes necessary
7 for the proper implementation of changes in nomenclature or
8 terminology authorized enacted by a revision clause ~~must~~ may be
9 made ~~in-accordance-with-the-instructions-of-the-revision-clause~~.

10 10. **Errors.** Obvious clerical ~~or~~ typographical or
11 grammatical errors may be corrected.

12 **Sec. 3. 1 MRSA §93, sub-§11 is enacted to read:**

13 11. Gender. Gender-specific terms that occur in a
14 statutory unit being corrected may be changed to gender-neutral
15 terms and necessary grammatical changes to properly use the
16 gender-neutral terms may be made.

17 **Sec. 4. 1 MRSA §95, first ¶,** as enacted by PL 1991, c. 336, is
18 amended to read:

19 The revisor shall submit an annual revisor's report
20 containing a description of all changes made pursuant to section
21 93 to the joint standing committee of the Legislature having
22 jurisdiction over judiciary matters by October 1st of the year in
23 which the changes have been made and shall provide copies of the
24 report to the Secretary of State, to the executive director and
25 to the publisher of the Maine Revised Statutes Annotated. The
26 publisher shall incorporate the changes made in the report in all
27 subsequent publications of the laws. The revisor's report must
28 be published annually in the Laws of Maine. Changes made in the
29 revisor's report take effect on October 1st of the year in which
30 the report is made unless otherwise indicated in which case the
31 changes take effect as specified.

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

34 **STATEMENT OF FACT**

35 Recently enacted law gives the Revisor of Statutes authority
36 to administratively correct certain statutory errors.
37 Preparation of the first revisor's report identified certain
38 issues that could have been corrected if the enabling legislation
39 had been broader. This bill makes the necessary changes to allow
40 for correction of all erroneous cross-references, to allow for
41 correction of gender-specific terms in sections being corrected
42

2 and to allow for minor grammatical changes, as long as the substance and sense of the laws are not affected.