

# MAINE STATE LEGISLATURE

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# 116th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1993

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Legislative Document

No. 1344

S.P. 434

In Senate, April 29, 1993

**An Act to Correct Errors and Inconsistencies in the Laws of Maine.**

(EMERGENCY)

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Submitted pursuant to the Maine Revised Statutes, Title 1, section 94.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.  
Cosponsored by Representative: COTE of Auburn.

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

4           Whereas, Acts of this and previous Legislatures have  
6 resulted in certain technical errors and inconsistencies in the  
laws of Maine; and

8           Whereas, these errors and inconsistencies create  
10 uncertainties and confusion in interpreting legislative intent;  
and

12           Whereas, it is vitally necessary that these uncertainties  
14 and this confusion be resolved in order to prevent any injustice  
or hardship to the citizens of Maine; and

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

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

24           **Sec. 1. 2 MRSA §6, sub-§2,** as amended by PL 1991, c. 780, Pt.  
26 RR, §1, is further amended to read:

28           **2. Range 90.** The salaries of the following state officials  
and employees are within salary range 90:

30           Superintendent of Banking;

32           Bureau of Consumer Credit Protection Superintendent;

34           State Tax Assessor;

36           Superintendent of Insurance;

38           Associate Commissioner for Programs, Department of Mental  
40 Health and Mental Retardation;

42           Associate Commissioner of Administration, Department of  
Mental Health and Mental Retardation;

44           Associate Commissioner for Institutional Management; and

46           Executive Director, Maine Waste Management Agency; and

48           Deputy Commissioner, Department of Administrative and  
50           Financial Services.

2           **Sec. 2. 2 MRSA §6, sub-§5**, as amended by PL 1991, c. 780, Pt.  
Y, §5; c. 837, Pt. B, §1; and c. 841, §1, is repealed and the  
4 following enacted in its place:

6           **5. Range 86.** The salaries of the following state officials  
and employees are within salary range 86:

8           Director of Labor Standards;

10          Deputy Chief of the State Police;

12          State Archivist;

14          Director of Maine Geological Survey;

16          Executive Director, Maine Land Use Regulation Commission;

18          Chair, Maine Unemployment Insurance Commission;

20          Child Welfare Services Ombudsman;

22          Director of the Maine Drug Enforcement Agency;

24          Deputy Director, Operations, Retirement System;

26          Deputy Director, Investments, Retirement System;

28          Deputy Director, Administrative and Legal Affairs,  
30 Retirement System; and

32          Executive Director, Maine Science and Technology Commission.

34           **Sec. 3. 4 MRSA §152, sub-§6, ¶Z**, as enacted by PL 1989, c.  
287, §2, is repealed.

36           **Sec. 4. 5 MRSA §7-B**, as amended by PL 1991, c. 780, Pt. JJ,  
38 §1; c. 837, Pt. B, §2; and c. 841, §2, is repealed and the  
following enacted in its place:

40           **§7-B. Use of state vehicles for commuting**

42           A state-owned or state-leased vehicle may not be used by any  
44 employee to commute between home and work, except for those  
46 vehicles authorized and assigned to employees of the Baxter State  
48 Park Authority and to law enforcement officials within the  
following organizational units: Bureau of State Police; Maine  
50 Bureau of Liquor Enforcement; Bureau of Motor Vehicles; Bureau of Marine  
Patrol; Bureau of Forestry, Division of Forest Fire Control;

Bureau of Warden Service; and Bureau of Parks and Recreation.

2  
3 **Sec. 5. 5 MRSA §453-A, first ¶,** as enacted by PL 1991, c. 799,  
4 §3 and c. 883, §1, is amended to read:

6 The Mining Excise Tax Trust Fund Board of Trustees, as  
7 established in section 12004-G, subsection 33-B 33-A and referred  
8 to in the chapter as the "board," consists of 5 members, at least  
9 one of whom must be a resident of the unorganized territory.

10 **Sec. 6. 5 MRSA §931, sub-§1, ¶K,** as enacted by PL 1987, c. 9,  
12 §1, is amended to read:

14 K. All major policy-influencing positions listed in  
15 sections 932 to 953 953-A;

16 **Sec. 7. 5 MRSA §1507, sub-§5-A,** as amended by PL 1989, c.  
18 700, Pt. A, §15 and c. 893, is repealed and the following enacted  
19 in its place:

20 **5-A. Job development training.** The Governor may allocate  
22 funds from such account in amounts not to exceed in total the sum  
23 of \$1,000,000 to provide funds for any unusual, unforeseen or  
24 extraordinary needs for state assistance in creating jobs by  
25 assisting in meeting the training requirements of labor-intensive  
26 new or expanding industries. In fiscal year 1989-90, \$75,000 of  
27 this amount may also be allocated for immediate job training,  
28 unemployment counseling, retraining and other assistance to  
29 displaced workers. In fiscal year 1989-90, an additional \$75,000  
30 of this amount may also be allocated for immediate job training,  
31 unemployment counseling, retraining and other assistance to  
32 displaced workers in the midcoast area of the State. Allocations  
33 for this purpose may be made from this fund by the Governor only  
34 upon the written request of the Commissioner of Labor and the  
35 Commissioner of Economic and Community Development and after  
36 consultation with the State Budget Officer. The commissioners'  
37 request to the Governor must be formulated subsequent to their  
38 consultation with the Commissioner of Education, the President of  
39 the Maine Technical College System and the director of the  
40 appropriate service delivery area as defined by the Job Training  
41 Partnership Act.

42 **Sec. 8. 5 MRSA §1884, sub-§1, ¶E,** as enacted by PL 1985, c.  
44 785, Pt. A, §78, is amended to read:

46 E. An outstanding record of achievement in the  
47 administration or management of a data processing-computer  
48 processing and computer programming system with multiple and  
49 diverse types of users; and  
50

2           **Sec. 9. 5 MRSA §3358, sub-§2**, as enacted by PL 1991, c. 417,  
§1, is amended to read:

4           **2. Composition.** The commission consists of 25 members  
appointed as follows:

6           A. Two members from the Senate appointed by the President  
8           of the Senate;

10          B. Three members from the House of Representatives  
12          appointed by the Speaker of the House of Representatives;

14          C. One member from the Juvenile Justice Advisory Group  
appointed by the Governor;

16          D. One member from the Criminal Law Advisory Commission  
18          appointed by the Attorney General;

20          E. The Attorney General or the Attorney General's designee;

22          F. The Commissioner of Corrections or the commissioner's  
designee;

24          G. The Commissioner of Public Safety or the commissioner's  
26          designee;

28          H. The Director of the Maine Criminal Justice Academy or  
the director's designee;

30          I. One member from the Maine Chiefs of Police Association  
32          appointed by the Governor;

34          J. One member from the Maine Sheriffs' Association  
appointed by the Governor;

36          K. One member from the Maine Prosecutors Association  
38          appointed by the Governor;

40          L. One attorney experienced in criminal defense appointed  
by the Governor;

42          M. One member from the faculty of the University of Maine  
44          School of Law appointed by the Governor;

46          N. One member representing the Maine Correctional Advisory  
Commission appointed by the Governor; and

48          O. Eight other persons appointed by the Governor,  
50          consisting of:

- 2 (1) One member representing the Governor's office;
- 4 (2) One full-time nonadministrative employee from the Department of Corrections;
- 6 (3) One former offender;
- 8 (4) Two nongovernmental service providers to the State's criminal justice system;
- 10 (5) Two persons who have a demonstrated interest in the State's criminal justice system; and
- 12 (6) One representative of a nongovernmental victims' organization.

16 ~~P.---The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission or designate a member of the Judicial Council to serve as an advisor.~~

22 The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission or designate a member of the Judicial Council to serve as an advisor.

26 **Sec. 10. 5 MRSA §4594-D, sub-§4**, as amended by PL 1991, c. 99, §26, is further amended to read:

28 4. **Rules.** The commission may adopt, alter, amend and repeal rules designed to make buildings under this section accessible to, functional for and safe for use by physically persons with physical disability in accordance with subsection 3, and may adopt, alter, amend and repeal rules designed otherwise to enforce this section.

36 **Sec. 11. 5 MRSA §7041, sub-§2**, as amended by PL 1991, c. 780, Pt. Y, §99, is further amended to read:

38 2. **Appointment and membership.** The Policy Review Board consists of the Commissioner of Administrative and Financial Services as an ~~ex-officie~~ ex officio nonvoting member and the following persons.~~---For the purpose of this subsection, the term "designee" means a person in a major policy-influencing position as defined in chapter 71. :~~

- 46 A. The Commissioner of Transportation or a designee;
- 48 B. The Commissioner of Human Services or a designee;
- 50 C. The Commissioner of Mental Health and Mental Retardation or a designee;

- 2 D. The Commissioner of Conservation or a designee;
- 4 E. The Commissioner of Labor or a designee;
- 6 F. A representative from the Office of the Governor; and
- 8 G. Two persons appointed by the Governor who are not state  
10 employees and who are well qualified by experience, training  
12 and education in personnel systems in the private sector  
with firms that have implemented progressive personnel  
systems.

14 For the purpose of this subsection, the term "designee" means a  
16 person in a major policy-influencing position as defined in  
chapter 71.

18 **Sec. 12. 5 MRSA §12004-G, sub-§33-B,** as enacted by PL 1991, c.  
20 799, §6, is repealed.

22 **Sec. 13. 5 MRSA §12006,** as amended by PL 1991, c. 780, Pt. Y,  
24 §103 and c. 844, §2, is repealed and the following enacted in its  
place:

26 **§12006. Penalty for failure to report**

28 Members of any board that fails to report to the Secretary  
30 of State, as required by section 12005-A, are not eligible to  
32 receive any daily rate or annual rate of compensation or any  
34 money for expenses incurred in the work of the board until the  
36 report to the Secretary of State is complete to the satisfaction  
of the Secretary of State. The Commissioner of Administrative  
and Financial Services, the Secretary of State or the person  
authorized to pay compensation or expenses to members of the  
boards may not pay any rate of compensation or expenses to any  
member of a board that has failed to report to the Secretary of  
State.

38 **1. Notice of failure to report.** The Secretary of State  
40 shall send notice by certified mail on or before January 15th of  
42 each year to any board that has failed to report pursuant to  
section 12005-A.

44 **2. Legislative repeal of inactive boards.** The Secretary of  
46 State shall submit legislation to the joint standing committee of  
48 the Legislature having jurisdiction over state government matters  
on or before March 2nd in the first regular session of each  
biennium to repeal those boards that have not reported on their  
50 activities to the Secretary of State under this section or  
section 12005-A during either of the prior 2 calendar years.



2           Sec. 14. 5 MRSA §13058, sub-§5, as amended by PL 1989, c.  
3 857, §44 and c. 875, Pt. L, §3 and affected by §4, is repealed  
4 and the following enacted in its place:

6           5. Review of program; report to Governor and Legislature.  
7 The commissioner shall review and evaluate the programs and  
8 functions of the department and the operation of the economic  
9 delivery system. The Maine Small Business Commission, as  
10 established in section 13032, shall conduct the evaluation and  
11 review required by this section with respect to small business  
12 programs. The commissioner shall report the commissioner's  
13 findings and recommendations with respect to the issues described  
14 in this subsection to the Governor and to the Legislature no  
15 later than February 1st of each first regular session of the  
16 Legislature. The commissioner shall conduct the review and  
17 evaluation with respect to the following:

18           A. The purpose of these programs and the degree to which  
19 the purpose is being met;

20           B. The degree of significance of the purpose of the  
21 programs and functions of the department;

22           C. The extent of the coordination of programs and services  
23 as required in subsection 4;

24           D. The needs, problems and opportunities that are not being  
25 met by the programs and services of the department;

26           E. The types of programs and services necessary to meet the  
27 needs, problems and opportunities as set out in paragraph D;

28           F. The problems and successes in the economic delivery  
29 system;

30           G. The state of small business in this State, including  
31 economic data, the effectiveness of state programs to aid  
32 small business, problems of small business that may be  
33 affected by state policies and such other information on  
34 small business as desired by the commissioner;

35           H. Within available resources, the extent of business  
36 growth and change, including business expansions, new  
37 businesses and business closings; and

38           I. Within available resources, the status of investments in  
39 business in the State.

2           **Sec. 15. 5 MRSA §15138, first ¶**, as amended by PL 1989, c. 700,  
Pt. A, §23 and c. 915, §§3 and 10, is repealed and the following  
4 enacted in its place:

6           Agencies of State Government shall cooperate to assess the  
7 needs of zones and provide appropriate assistance to these  
8 zones. A committee must be established that is composed of, at a  
9 minimum, the Commissioner of Economic and Community Development,  
10 the Director of the State Planning Office, the Commissioner of  
11 Transportation, the Commissioner of Labor, the Commissioner of  
12 Education, the President of the Maine Technical College System,  
13 the Chief Executive Officer of the Finance Authority of Maine and  
14 the Director of the Maine State Housing Authority. The committee  
15 shall meet quarterly with representatives from each zone to  
16 review projects, assess the coordination of existing resources  
17 and identify any other potential resources to ensure that the  
18 needs of the zones are being addressed to the fullest extent  
19 possible.

20           **Sec. 16. 5 MRSA §17713, sub-§2, ¶A**, as amended by PL 1989, c.  
21 710, §5 and c. 907, §1, is repealed and the following enacted in  
22 its place:

24           A. If the member qualifies under section 17760, subsection  
25 2, contributions must be calculated at the percentage rate  
26 required of active members during the period of time covered  
27 by the service in the armed forces applied to the member's  
28 earnable compensation during the first year as an employee  
29 after service in the armed forces, under the following terms  
30 and conditions:

32           (1) If 2 or more percentage rates were in effect  
33 during the period of service in the armed forces, the  
34 highest percentage rate must be used;

36           (2) The minimum rate is 5%; and

38           (3) Interest at a rate set by the board not to exceed  
39 regular interest by 2 or more percentage points must be  
40 paid on the unpaid balance beginning January 1, 1976,  
41 or the date of attaining 15 years of creditable  
42 service, if later, to the date payment is made.

44           **Sec. 17. 5 MRSA §17754, sub-§1, ¶F**, as repealed by PL 1989, c.  
45 709, §1 and amended by c. 710, §8, is repealed.

46           **Sec. 18. 5 MRSA §17754, sub-§1, ¶G**, as enacted by PL 1989, c.  
47 95, §6, is amended to read:

48           G. Upon complete payment of the back contributions under  
49 paragraph B or F section 17764, the member shall must be

2 granted service credit for the period of time for which the  
3 contributions have been made. Upon making partial payment  
4 of the back contributions under paragraph B or F section  
5 17764, the member shall must be granted service credit on a  
6 pro rata basis in accordance with rules adopted by the board.

7 **Sec. 19. 5 MRSA §17763, sub-§2, ¶C**, as repealed by PL 1989, c.  
8 709, §2 and amended by c. 710, §11, is repealed.

9 **Sec. 20. 5 MRSA §18252, sub-§4, ¶¶A and B**, as enacted by PL  
10 1987, c. 823, §6, are amended to read:

11 A. The employer employee may not repay to the retirement  
12 system the contributions withdrawn under subsection 2.

13 B. The employer must still be in a participating local  
14 district allowing new membership in the retirement system.

15 **Sec. 21. 5 MRSA §20005, sub-§6, ¶B**, as repealed and replaced  
16 by PL 1991, c. 792 and c. 850, §4, is repealed and the following  
17 enacted in its place:

18 B. Establish operating and treatment standards and inspect  
19 and issue certificates of approval for approved treatment  
20 facilities, drug abuse treatment facilities or programs,  
21 including residential treatment centers, and community-based  
22 service providers pursuant to section 20024 and subchapter  
23 V; and

24 **Sec. 22. 7 MRSA §602**, as amended by PL 1989, c. 841, §1 and  
25 c. 878, Pt. E, §1, is repealed and the following enacted in its  
26 place:

27 **§602. Enforcing official**

28 This subchapter is administered by the Board of Pesticides  
29 Control, hereinafter referred to as the "board."

30 **Sec. 23. 8 MRSA §372, sub-§2, ¶I**, as amended by PL 1991, c.  
31 780, Pt. Y, §§110 and 111 and repealed and replaced by c. 796, §1  
32 and affected by §§4 and 5, is repealed and the following enacted  
33 in its place:

34 I. Carry on a continuous study and investigation of the  
35 lotteries throughout the State and the operation and  
36 administration of similar laws that may be in effect in  
37 other states or countries; and

38 **Sec. 24. 10 MRSA §918, sub-§3**, as amended by PL 1991, c. 780,  
39 Pt. Y, §113, is further amended to read:

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

6           Treasurer of State;

8           Director of the State Planning Office;

10          ~~Director of the State Development Office;~~

12          Commissioner of Economic and Community Development;

14          Commissioner of Agriculture, Food and Rural Resources;

16          Commissioner of Professional and Financial Regulation;

18          Commissioner of Conservation;

20          Commissioner of Education;

22          Commissioner of Environmental Protection;

24          Commissioner of Administrative and Financial Services;

26          Commissioner of Human Services;

28          Commissioner of Inland Fisheries and Wildlife;

30          Commissioner of Labor;

32          Commissioner of Marine Resources;

34          Commissioner of Mental Health and Mental Retardation;

36          Commissioner of Transportation;

38          Chief Executive Officer of the Finance Authority of Maine;

40          Executive Director of the Maine Municipal Bond Bank; and

42          Executive Director of the Maine State Housing Authority.

44           **Sec. 25. 10 MRSA §1526-A**, as enacted by PL 1991, c. 780, Pt.  
46 U, §2 and c. 837, Pt. A, §27, is repealed and the following  
enacted in its place:

48           §1526-A. Information requests

50

2           The Secretary of State shall charge a fee of \$5 for  
3           responding in writing to a request for information on file.

4           **Sec. 26. 11 MRSA §1-105, sub-§(2)**, as amended by PL 1991, c.  
5           636, §1; c. 805, §2; and c. 812, §1, is repealed and the  
6           following enacted in its place:

7           (2) When one of the following provisions of this Title  
8           specifies the applicable law, that provision governs a contrary  
9           agreement only to the extent permitted by the law (including the  
10           conflict of laws rules) so specified:

11                   Rights of creditors against sold goods. Section 2-402.

12                   Applicability of the Article on Leases. Sections 2-1105 and  
13                   2-1106.

14                   Applicability of the Article on Bank Deposits and  
15                   Collections. Section 4-102.

16                   Governing law in the Article on Funds Transfers. Section  
17                   4-1507.

18                   Applicability of the Article on Investment Securities.  
19                   Section 8-106.

20                   Perfection provisions of the Article on Secured  
21                   Transactions. Section 9-103.

22           **Sec. 27. 12 MRSA §7365, sub-§3**, as amended by PL 1991, c. 883,  
23           §2 and c. 918, Pt. D, §4, is repealed and the following enacted  
24           in its place:

25           **3. Fee.** The annual basic fee for a commercial whitewater  
26           license must be set by the department and adjusted biennially by  
27           rule to reflect the actual cost of administering the license  
28           program. The fee for reissuance of a license is equal to the  
29           annual basic fee for a license. These fees must be credited  
30           directly to the Whitewater Rafting Fund within the department and  
31           used in accordance with section 7074, subsection 3.

32           **Sec. 28. 12 MRSA §7552, sub-§5, ¶D**, as repealed by PL 1989, c.  
33           913, Pt. A, §11 and amended by Pt. B, §8, is repealed.

34           **Sec. 29. 12 MRSA §7792, sub-§§3 and 4**, as enacted by PL 1979,  
35           c. 420, §1, are amended to read:

36           **3. Safety equipment.** Rules further governing safety  
37           equipment for watercraft, including the type, quality and  
38           quantity of that equipment; and  
39

2           **4. Horsepower.** Rules governing the horsepower of motors  
4 used to propel watercraft on all internal waters of this State.  
6 In promulgating these rules, the commissioner shall take into  
8 consideration the area of the internal waters, the use to which  
10 the internal waters are put, the depth of the water and the  
12 amount of water-borne traffic upon the waters and determine  
14 whether or not the rule is necessary to insure the safety of  
16 persons and property. The adoption of rules under this subsection  
18 is governed by the Maine Administrative Procedure Act, Title 5,  
20 Part 18, except that such rules may be only adopted as a result  
of a petition from the municipal officers of the municipality or  
municipalities in which the waters exist or from 25 citizens of  
the municipalities in which the waters exist, by county  
commissioners of the county in which the waters exist if they are  
located in unorganized territory or 25 citizens of the  
unorganized territory in which the waters exist, requesting the  
issuance of such a rule for a particular body of internal water  
and stating the proposed horsepower limitation. ;

22           **Sec. 30. 12 MRSA §7792, sub-§5,** as amended by PL 1991, c. 838,  
§2, is further amended to read:

24           **5. Restrictions for airmobiles.** Rules restricting the  
26 operation of airmobiles in fish or wildlife preserves,  
conservation areas or other areas where the operation may harm  
the natural environment; and

28           **Sec. 31. 12 MRSA §7792, sub-§6,** as repealed by PL 1991, c.  
30 784, §12 and amended by c. 838, §3, is repealed.

32           **Sec. 32. 13 MRSA §906,** as enacted by PL 1991, c. 780, Pt. U,  
34 §5 and c. 837, Pt. A, §31, is repealed and the following enacted  
in its place:

36           **§906. Information requests**

38           The Secretary of State shall charge a fee of \$5 for  
40 responding in writing to a request for information on file.

42           **Sec. 33. 13-A MRSA §1401, sub-§35,** as amended by PL 1991, c.  
44 780, Pt. U, §8 and c. 837, Pt. A, §32, is repealed and the  
following enacted in its place:

46           **35. Any other documents not specifically provided for in**  
this section, \$20;

48           **Sec. 34. 13-A MRSA §1401, sub-§36,** as amended by PL 1991, c.  
780, Pt. U, §9 and c. 837, Pt. A, §33, is further amended to read:

2           36. Report of name search as provided by section 301,  
3 subsection 6, §10; and

4           **Sec. 35. 13-A MRSA §1401, sub-§37**, as enacted by PL 780, Pt.  
6 U, §10 and c. 837, Pt. A, §34, is repealed and the following  
7 enacted in its place:

8           37. Preclearance of any document for filing, \$100; and

10           **Sec. 36. 13-B MRSA §1301**, as amended by PL 1991, c. 780, Pt.  
12 U, §16 and c. 837, Pt. A, §37 and corrected by RR 1991, c. 2,  
13 §48, is repealed and the following enacted in its place:

14           §1301. Annual report of domestic and foreign corporations;  
16           excuse

18           1. Annual report. Each domestic corporation, unless  
20 excused as provided in subsection 5, and each foreign corporation  
21 authorized to carry on activities in this State shall deliver for  
22 filing, within the time prescribed by this Act, an annual report  
23 to the Secretary of State setting forth:

24           A. The name of the corporation and the jurisdiction of its  
25 incorporation;

26           B. The address of the registered office of the corporation  
28 in this State and the name of its agent for service of  
29 process if a domestic corporation, or its registered agent  
30 if a foreign corporation in this State at such address,  
31 including the street or rural route number, town or city,  
32 and state and, if a foreign corporation, the address of its  
33 registered or principal office in its jurisdiction of  
34 incorporation; and

36           C. The names and business or residence addresses of the  
37 president, the treasurer, the registered agent and the  
38 secretary or clerk of the corporation, including the street  
39 or rural route number, town or city, and state.

40           2-A. Information contained in annual report. The Secretary  
42 of State shall specify by rule the period of time to which the  
43 annual report applies as provided in subsection 4. The  
44 information contained in the annual report must be current as of  
45 the date the report is signed.

46           3. Execution. The annual report must be executed as  
48 provided by section 104, except that signing by any one of the  
49 president, a vice-president, the secretary, the treasurer, an  
50 assistant secretary or any other duly authorized individual,

without a 2nd signature, is deemed valid under section 104, subsection 1, paragraph B, subparagraph (2).

**4. Filing.** Subject to rules adopted under section 1302-A, subsection 4, the annual report must be delivered for filing to the Secretary of State or a designee. The annual reports may be delivered to the Secretary of State on a staggered basis as defined by the Secretary of State by rule in accordance with the Maine Administrative Procedure Act. The report must apply to the 12-month period specified by the Secretary of State. Proof to the satisfaction of the Secretary of State that the report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, prior to the date that penalties become effective for late delivery of annual reports, as established by the Secretary of State by rule, is considered compliance with this subsection. One copy of the report, together with the filing fee required by this Act, must be delivered for filing to the Secretary of State, who shall file the report if the Secretary of State finds that it conforms to the requirements of this Act. If the Secretary of State finds that the report does not conform, the Secretary of State shall promptly mail or otherwise return the report to the corporation for any necessary corrections, in which event the penalties prescribed by this Act for failure to file the report within the time provided in this section do not apply if the report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was so mailed or otherwise returned to the corporation by the Secretary of State.

**5. Certificate of fact.** The Secretary of State, upon application by a corporation and satisfactory proof that it has ceased to carry on activities, shall file a certificate of that fact and shall give a duplicate certificate to the corporation. The corporation is then excused from filing annual reports with the Secretary of State as long as the corporation, in fact, carries on no activities.

**6. Vote to carry on activities.** The members entitled to vote or, if none, the directors of a corporation that has been excused pursuant to subsection 5 may vote to resume carrying on activities at a meeting duly called and held for that purpose. A certificate, executed and filed as provided in sections 104 and 106, setting forth that a members' or directors' meeting was held, the date and location of the meeting and that a majority of the members or directors voted to resume carrying on activities, authorizes that corporation to carry on activities; and after that certificate is filed, the corporation is required to file annual reports.



2           **Sec. 37. 13-B MRSA §1302**, as amended by 1991, c. 780, Pt. U,  
§19 and c. 837, Pt. A, §40, is repealed and the following enacted  
in its place:

4  
6           **§1302. Failure to file annual report; incorrect report;  
penalties**

8           **1. Failure to file annual report.** Any corporation that is  
required to deliver an annual report for filing, as provided by  
10 section 1301, and fails to deliver its properly completed annual  
report to the Secretary of State, shall pay the sum of \$10 for  
12 each failure to file on time. Upon failure to file the annual  
report and to pay the annual report fee and the penalty, the  
14 Secretary of State, notwithstanding Title 4, chapter 25 and Title  
5, chapter 375, shall revoke a foreign corporation's authority to  
16 carry on activities in this State and suspend a domestic  
corporation from carrying on activities. The Secretary of State  
18 shall use the procedures set forth in section 1210, relative to  
revoking the right of foreign corporations to carry on activities  
20 in this State, for suspending domestic corporations. A foreign  
corporation whose authority to carry on activities in this State  
22 has been revoked under this subsection that wishes to carry on  
activities again in this State must be authorized as provided in  
24 section 1202. A domestic corporation that has been suspended  
under this subsection may be reinstated by filing the current  
26 annual report and by paying the penalty accrued.

28           **2. Nonconformity.** If the Secretary of State finds that an  
annual report delivered for filing does not conform with the  
30 requirements of section 1301, the Secretary of State may return  
the report for correction.

32           **3. Time limit specified.** If the annual report of a  
corporation is not received by the Secretary of State within the  
34 time specified in section 1301, the corporation is excused from  
the liability provided in this section and from any other penalty  
36 for failure to timely file the report if it establishes, to the  
satisfaction of the Secretary of State, that its failure to file  
38 was the result of excusable neglect and it furnishes the  
Secretary of State a copy of that report within 30 days after it  
40 learns of the nondelivery of the original report.

42           **Sec. 38. 13-B MRSA §1401, sub-§31**, as amended by PL 1991, c.  
44 780, Pt. U, §22 and c. 837, Pt. A, §42, is repealed and the  
following enacted in its place:

46           **31. Annual report.** Annual report of a domestic or foreign  
48 corporation as provided by section 1301, \$20;

2           **Sec. 39. 13-B MRSA §1401, sub-§32**, as enacted by PL 1991, c.  
780, Pt. U, §23 and c. 837, Pt. A, §43, is repealed and the  
4 following enacted in its place:

6           **32. Document preclearance.** Preclearance of any document  
for filing, \$100; and

8           **Sec. 40. 16 MRSA §614, sub-§1**, as amended by PL 1991, c. 729,  
§3 and c. 837, Pt. B, §5, is repealed and the following enacted  
10 in its place:

12           **1. Limitation on dissemination of intelligence and**  
**investigative information.** Reports or records in the custody of a  
14 local, county or district criminal justice agency, in the custody  
of the Office of State Fire Marshal, in the custody of the  
16 Department of Corrections or in the custody of the criminal law  
enforcement units of the Department of Marine Resources or the  
18 Department of Inland Fisheries and Wildlife or in the custody of  
the Maine Drug Enforcement Agency containing intelligence and  
20 investigative information are confidential and may not be  
disseminated, if there is a reasonable possibility that public  
22 release or inspection of the reports or records would:

24           A. Interfere with law enforcement proceedings;

26           B. Result in public dissemination of prejudicial  
information concerning an accused person or concerning the  
28 prosecution's evidence that will interfere with the ability  
of a court to impanel an impartial jury;

30           C. Result in public dissemination of information about the  
private life of an individual in which there is no  
32 legitimate public interest and that would be offensive to a  
reasonable person;  
34

36           D. Disclose the identity of a confidential source;

38           E. Disclose confidential information furnished only by the  
confidential source;

40           F. Disclose investigative techniques and procedures or  
security plans and procedures not generally known by the  
42 general public; or

44           G. Endanger the life or physical safety of law enforcement  
46 personnel.

48           **Sec. 41. 17 MRSA §2264, sub-§5**, as amended by PL 1991, c. 733,  
§4 and c. 837, Pt. A, §44, is repealed and the following enacted  
50 in its place:

2           5. Vehicle operator. From a vehicle. When any litter is  
3 thrown or discarded from a vehicle, both the operator of the  
4 vehicle, unless it is a vehicle being used for the carriage of  
5 passengers for hire, and the person actually disposing of the  
6 litter are in violation of this section. The violation is a  
7 civil violation under Title 29, chapter 19. This penalty is in  
8 addition to any penalty under section 2264-A.

10 A record of a violation of this subsection must be forwarded to  
11 the Secretary of State who, in accordance with Title 29, section  
12 2304, shall add the violation to the department's point system.  
13 The violation is counted in determining an individual's total  
14 points under the point system of the Bureau of Motor Vehicles.

16           Sec. 42. 17-A MRSA §1322, sub-§3, as amended by PL 1989, c.  
17 872, §5 and c. 924, §13, is repealed and the following enacted in  
18 its place:

20           3. Economic loss. "Economic loss" includes economic  
21 detriment consisting of environmental clean-up expense, property  
22 loss, allowable expense, work loss, replacement services loss  
23 and, if injury causes death, dependent's economic loss and  
24 dependent's replacement services loss. Noneconomic detriment is  
25 not loss. Economic detriment is loss although caused by pain and  
26 suffering or physical impairment. "Economic loss" includes  
27 expenses of an emergency response by any public agency.

28           A. "Allowable expense" means reasonable charges incurred  
29 for reasonably needed products, services and accommodations,  
30 including those for medical care, rehabilitation,  
31 rehabilitative occupational training and other remedial  
32 treatment and care, and nonmedical remedial care and  
33 treatment rendered in accordance with a recognized religious  
34 method of healing. The term includes reasonable and  
35 customary charges incurred for expenses in any way related  
36 to funeral, cremation and burial. It does not include that  
37 portion of a charge for a room in a hospital, clinic,  
38 convalescent or nursing home, or any other institution  
39 engaged in providing nursing care and related services, in  
40 excess of a reasonable and customary charge for semiprivate  
41 accommodations, unless other accommodations are medically  
42 required.

44           B. "Dependent's economic loss" means loss after a  
45 decedent's death of contributions of things of economic  
46 value to the decedent's dependents, not including services  
47 they would have received from the decedent if the decedent  
48 had not suffered the fatal injury, less expenses of the  
49 dependents avoided by reason of decedent's death.  
50

2           C. "Dependent's replacement loss" means loss reasonably  
3           incurred by dependents after a decedent's death in obtaining  
4           ordinary and necessary services in lieu of those the  
5           decedent would have performed for their benefit if the  
6           decedent had not suffered the fatal injury, less expenses of  
7           the dependents avoided by reason of the decedent's death and  
8           not subtracted in calculating dependent's economic loss.

10           C-1. "Environmental clean-up expense" means any reasonable  
11           expense incurred for products and services needed to clean  
12           up any harm or damage caused to the environment, including  
13           any harm or damage caused by chemicals; to restore the  
14           environment to its previous condition prior to any harm or  
15           damage; and to properly dispose of chemicals and other  
16           materials, including those used in the manufacture of  
17           scheduled drugs in violation of chapter 45.

18           C-2. "Expense of an emergency response" means reasonable  
19           costs incurred by a public agency in reasonably making an  
20           appropriate emergency response to the incident, but only  
21           includes those costs directly arising because of the  
22           response to the particular incident. Reasonable costs  
23           include the costs of providing police, firefighting, rescue  
24           and emergency medical services at the scene of the incident,  
25           as well as the compensation for the personnel responding to  
26           the incident. "Public agency" means the State or any  
27           county, municipality, district or public authority located,  
28           in whole or in part, within this State that provides or may  
29           provide police, firefighting, ambulance or other emergency  
30           services.

31           D. "Property loss" means the value of property taken from  
32           the victim, or of property destroyed or otherwise broken or  
33           harmed. A property loss includes the value of taxes or  
34           other obligations due to the government that have not been  
35           paid. "Property loss" also includes, in cases involving a  
36           violation of chapter 45, the value of money or other  
37           consideration given or offered in exchange for scheduled  
38           drugs by a law enforcement officer or another at the  
39           direction of a law enforcement officer that are not, in  
40           fact, recovered by the State at the time of sentencing,  
41           regardless of whether other money or items of value are  
42           sought, acquired or forfeited pursuant to Title 15, chapter  
43           515. In cases involving a violation of chapter 45, the  
44           court must make a finding that the property loss is  
45           specifically related to that case.

46           E. "Replacement services loss" means expenses reasonably  
47           incurred in obtaining ordinary and necessary services in  
48  
49  
50

2 lieu of those the injured person would have performed, not  
3 for income but for the benefit of the injured person or the  
4 injured person's family, if the injured person had not been  
5 injured.

6 F. "Work loss" means loss of income from work the injured  
7 person would have performed if the injured person had not  
8 been injured and expenses reasonably incurred by the injured  
9 person in obtaining services in lieu of those the injured  
10 person would have performed for income, reduced by any  
11 income for substitute work actually performed by the injured  
12 person or by income the injured person would have earned in  
13 available appropriate substitute work the injured person was  
14 capable of performing but unreasonably failed to undertake.

16 **Sec. 43. 18-A MRSA §5-209, first ¶,** as amended by PL 1991, c.  
17 641, §2 and c. 719, §1, is repealed and the following enacted in  
18 its place:

20 A guardian of a minor has the powers and responsibilities of  
21 a parent who has not been deprived of custody of a minor and  
22 unemancipated child, except that a guardian is not legally  
23 obligated to provide from the guardian's own funds for the ward  
24 and is not liable to 3rd persons by reason of the parental  
25 relationship for acts of the ward. In particular, and without  
26 qualifying the foregoing, a guardian has the following powers and  
27 duties.

28 **Sec. 44. 18-A MRSA §5-209, sub-§§(b) and (d),** as amended by PL  
29 1991, c. 641, §3 and c. 719, §1, are repealed and the following  
30 enacted in their place:

32 (b) The guardian may receive money payable for the support  
33 of the ward to the ward's parent, guardian or custodian under the  
34 terms of any statutory benefit or insurance system, or any  
35 private contract, devise, trust, conservatorship or  
36 custodianship. The guardian also may receive money or property  
37 of the ward paid or delivered by virtue of section 5-103. Any  
38 sums so received must be applied to the ward's current needs for  
39 support, care and education. The guardian must exercise due care  
40 to conserve any excess for the ward's future needs unless a  
41 conservator has been appointed for the estate of the ward, in  
42 which case excess must be paid over at least annually to the  
43 conservator. Sums so received by the guardian may not be used  
44 for compensation for the guardian's services except as approved  
45 by order of court or as determined by a duly appointed  
46 conservator other than the guardian. If there is no conservator,  
47 the excess funds must be turned over to the minor when the minor  
48 attains majority. A guardian may institute proceedings to compel  
49 the performance by any person of a duty to support the ward or to  
50 pay sums for the welfare of the ward.

2           (d) A guardian must report the condition of the ward and of  
4           the ward's estate that has been subject to that guardian's  
6           possession or control, as ordered by court on petition of any  
8           person interested in the minor's welfare or as required by court  
          rule. If the guardian has received any funds pursuant to section  
          5-103, the guardian shall account to the court and the minor  
          regarding how the funds were expended prior to the termination of  
          that person's responsibilities as guardian.

10           **Sec. 45. 19 MRSA §761-A, sub-§2,** as enacted by PL 1989, c.  
12           862, §4, is repealed and the following enacted in its place:

14           **2. Protection.** To allow family and household members who  
16           are victims of domestic abuse to obtain expeditious and effective  
18           protection against further abuse so that the lives of the  
          nonabusing family or household members are as secure and  
          uninterrupted as possible;

20           **Sec. 46. 19 MRSA §761-A, sub-§2-A** is enacted to read:

22           **2-A. Enforcement.** To provide protection by promptly  
24           entering and diligently enforcing court orders that prohibit  
26           abuse and, when necessary, by reducing the abuser's access to the  
28           victim and addressing any related issues of child custody and  
          economic support so that victims are not trapped in abusive  
          situations by fear of retaliation, loss of a child or financial  
          dependence;

30           **Sec. 47. 20-A MRSA §405, sub-§7,** as enacted by PL 1985, c.  
32           797, §12, is amended to read:

34           **7. Federal applied technology education aid.** The state  
36           board shall administer any federal funds received for the benefit  
38           of ~~vocational~~ applied technology education programs in the  
40           State. As the designated state agency authorized to administer  
          federal funds, the board shall develop a state plan, approve the  
          State's application for ~~vocational~~ applied technology education  
          funds and disburse federal money as authorized and required by  
          applicable federal law.

42           **Sec. 48. 20-A MRSA §4801, sub-§1, ¶A-1,** as enacted by PL 1991,  
44           c. 121, Pt. A, §4, is repealed.

46           **Sec. 49. 20-A MRSA §7801, sub-§1,** as amended by PL 1989, c.  
48           700, Pt. A, §54 and c. 899, §2, is repealed and the following  
          enacted in its place:

50           **1. Coordination.** Coordinating existing programs presently  
          provided for these youths by the Department of Human Services.

2 the Department of Mental Health and Mental Retardation, the  
3 Department of Education, the Department of Labor, the Department  
4 of Corrections and other public and private agencies;

5 Sec. 50. 20-A MRSA §7803, first ¶, as amended by PL 1989, c.  
6 700, Pt. A, §55 and c. 899, §5, is repealed and the following  
7 enacted in its place:

8 An Interdepartmental Committee on Transition pursuant to  
9 Title 5, chapter 379, representing the Department of Education,  
10 the Department of Human Services, the Department of Mental Health  
11 and Mental Retardation, the Department of Labor, the Department  
12 of Corrections, at least 2 of the local coordination sites and  
13 the public, must be appointed by the commissioners to work with  
14 the interdepartmental council to establish guidelines, including  
15 continuation applications, to monitor grants and to evaluate the  
16 performance of area coordination programs developed through the  
17 grants.

18 Sec. 51. 20-A MRSA §8451, sub-§5, ¶C, as amended by PL 1991,  
19 c. 518, §17 and c. 548, Pt. A, §13, is repealed and the following  
20 enacted in its place:

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

30 (1) A proposal for the construction of a new center in  
31 School Administrative District No. 33;

32 (2) Provisions for assignment without loss of salary  
33 of all continuing contract applied technology teachers  
34 employed by School Administrative District No. 27 and  
35 Madawaska School Department to School Administrative  
36 District No. 33 if a new center in School  
37 Administrative District No. 33 becomes operational; and

38 (3) Assurances that all 3 participating administrative  
39 units, and School Administrative District No. 10 on a  
40 tuition basis, have access to programs at the new  
41 center in proportion to the number of high school  
42 students in each administrative unit.

2           **Sec. 52. 20-A MRSA §8606-A, sub-§3**, as amended by PL 1991, c.  
518, §38 and c. 591, Pt. I, §3, is repealed and the following  
enacted in its place:

4           **3. State reimbursement.** State reimbursement for  
6 expenditures on adult education programs must be based on each  
7 unit's actual adult education program costs in the foundation  
8 year, except that in fiscal years 1991-92 and 1992-93 available  
9 state funding is limited to the fiscal year 1990-91 level.

10           **A.** The reimbursement must be based on the unit's  
11 expenditures for the foundation year in accordance with the  
12 maximum allowable expenditures and the cost adjustment as in  
13 subsection 2.

14           **B.** State reimbursement must be paid to each eligible unit  
15 during the 2nd quarter of the State's fiscal year.

16           **Sec. 53. 22 MRSA §1, 4th ¶**, as repealed and replaced by PL  
17 1989, c. 878, Pt. A, §52, is amended to read:

18           The Director, Bureau of Reseource--Development Child and  
19 Family Services, and the Director, Bureau of Elder and Adult  
20 Services, shall must be appointed by the commissioner,--after  
21 consultation with the Maine--Committee on Aging and the--Maine  
22 Human--Development--Commisssion. Each of these directors shall--be  
23 is appointed and serve serves in the unclassified service at the  
24 pleasure of the commissioner. Any vacancy in each of these  
25 positions shall must be filled by appointment as in this  
26 paragraph for a like term.

27           **Sec. 54. 22 MRSA §2053, sub-§2**, as amended by PL 1991, c. 50,  
28 §2, is further amended to read:

29           **2. Bonds and notes.** "Bonds" and "notes" mean bonds and  
30 notes of the authority issued under this chapter, including  
31 refunding bonds, notwithstanding that the same may be secured by  
32 mortgage or the full faith and credit of the authority or the  
33 full faith and credit of a participating hospitaal health care  
34 facility, of a participating community mental health facility or  
35 of a participating institution for higher education, or any other  
36 lawfully pledged security of a participating hospitaal health care  
37 facility, of a participating community mental health facility or  
38 of a participating institution for higher education.

39           **Sec. 55. 22 MRSA §2053, sub-§6, ¶A**, as amended by PL 1991, c.  
40 50, §4, is further amended to read:

41           **A.** In the case of a participating hospitaal health care  
42 facility or participating community mental health facility,  
43



2 the acquisition, construction, improvement, reconstruction  
or equipping of, or construction of an addition or additions  
4 to, any structure designed for use as a hospital, community  
mental health facility, clinic, nursing home or other health  
6 care or nursing care facility, congregate housing facility,  
laboratory, laundry, nurses or interns residence or other  
8 multi-unit housing facility for staff, employees, patients  
or relatives of patients admitted for treatment in the  
10 hospital, community mental health facility or nursing home,  
doctors office building, administration building, research  
12 facility, maintenance, storage or utility facility or other  
structures or facilities related to any of the foregoing or  
14 required or useful for the operation of the project, or the  
refinancing of existing indebtedness in connection with any  
of the foregoing, including parking and other facilities or  
16 structures essential or convenient for the orderly conduct  
of the hospital, community mental health facility or nursing  
18 home. "Project" also includes all real and personal  
property, lands, improvements, driveways, roads, approaches,  
20 pedestrian access roads, rights-of-way, utilities, easements  
and other interests in land, parking lots, machinery and  
22 equipment, and all other appurtenances and facilities either  
on, above or under the ground which are used or usable in  
24 connection with the structures mentioned in this paragraph,  
and includes landscaping, site preparation, furniture,  
26 machinery and equipment and other similar items necessary or  
convenient for the operation of a particular facility or  
28 structure in the manner for which its use is intended, but  
does not include such items as food, fuel, supplies or other  
30 items which are customarily considered as a current  
operating charge. In the case of a hospital, as defined in  
32 subsection 4, paragraph B, or in the case of a community  
mental health facility as defined in subsection 2-A,  
34 "project" does not include any facilities, structures or  
appurtenances, the use of which is not directly related to  
36 the provision of patient care by its members; and

38 **Sec. 56. 22 MRSA §2055, first ¶,** as amended by PL 1991, c. 50,  
§8, is further amended to read:

40  
42 The purpose of the authority is to assist participating  
hospitals health care facilities, participating community mental  
44 health facilities and participating institutions for higher  
education in the undertaking of projects and the refinancing of  
46 existing indebtedness which are declared to be public purposes  
and for the purposes of this chapter the authority is authorized  
and empowered:

48  
50 **Sec. 57. 22 MRSA §2055, sub-§5,** as amended by PL 1991, c. 50,  
§9, is further amended to read:

2           **5. Projects.** To determine the location and character of  
4 any project to be financed under this chapter, and to acquire,  
6 construct, reconstruct, renovate, improve, replace, maintain,  
8 repair, extend, enlarge, operate, lease, as lessee or lessor, and  
10 regulate the same, to enter into contracts for any or all of such  
12 purposes, to enter into contracts for the management and  
14 operation of a project, and to designate a participating ~~hospital~~  
16 health care facility, a participating community mental health  
18 facility or a participating institution for higher education as  
20 its agent to determine the location and character of a project  
undertaken by the participating ~~hospital~~ health care facility,  
participating community mental health facility or participating  
institution for higher education under this chapter and as the  
agent of the authority, to acquire, construct, reconstruct,  
renovate, improve, replace, maintain, repair, extend, enlarge,  
operate, lease, as lessee or lessor, and regulate the same, and,  
as the agent of the authority, to enter into contracts for any or  
all of such purposes, including contracts for the management and  
operation of such project;

22           **Sec. 58. 22 MRSA §2055, sub-§8,** as amended by PL 1991, c. 50,  
24 §10, is further amended to read:

26           **8. Rules.** To establish rules for the use of a project or  
28 any portion thereof and to designate a participating ~~hospital~~  
30 health care facility, a participating community mental health  
32 facility or a participating institution for higher education as  
its agent to establish rules for the use of a project undertaken  
by the participating ~~hospital~~ health care facility, participating  
community mental health facility or participating institution for  
higher education;

34           **Sec. 59. 22 MRSA §2055, sub-§12,** as amended by PL 1991, c.  
36 584, §4, is further amended to read:

38           **12. Loans.** To make loans to any participating ~~hospital~~  
40 health care facility, participating community mental health  
42 facility, participating institution for higher education, other  
44 entity eligible to use the authority or consortium of entities  
46 eligible to use the authority for the cost of a project in  
accordance with an agreement between the authority and the  
participating entity or entities, provided that no such loan may  
exceed the total cost of the project as determined by the  
participating entity or entities, and approved by the authority;

48           **Sec. 60. 22 MRSA §2055, sub-§13,** as amended by PL 1991, c. 50,  
§11, is further amended to read:

2           **13. Refund.** To make loans to a participating hospital  
3 health care facility, participating community mental health  
4 facility or a participating institution for higher education to  
5 refund outstanding obligations, mortgages or advances issued,  
6 made or given by such participating hospital health care  
7 facility, participating community mental health facility or  
8 participating institution for higher education for the cost of  
the project;

10           **Sec. 61. 22 MRSA §2055, sub-§14**, as amended by PL 1991, c. 50,  
11 §12, is further amended to read:

12           **14. Apportionment.** To charge to and equitably apportion  
13 among participating hospitals health care facilities,  
14 participating community mental health facilities and  
15 participating institutions for higher education its  
16 administrative costs and expenses incurred in the exercise of the  
17 powers and duties conferred by this chapter; and

18           **Sec. 62. 22 MRSA §2055, sub-§15**, as amended by PL 1991, c. 50,  
19 §13, is further amended to read:

20           **15. Other acts.** To do all things necessary or convenient  
21 to carry out the purposes of this chapter. In carrying out the  
22 purposes of this chapter, the authority may undertake a project  
23 for 2 or more participating hospitals health care facilities  
24 jointly, 2 or more participating community mental health  
25 facilities jointly or 2 or more participating institutions for  
26 higher education jointly, and, thereupon, all other provisions of  
27 this chapter apply to and for the benefit of the authority and  
28 such joint participants.

29           **Sec. 63. 22 MRSA §2057**, as amended by PL 1991, c. 50, §14, is  
30 further amended to read:

31           **§2057. Acquisition of property by authority**

32           The authority is authorized and empowered, directly or by  
33 and through a participating hospital health care facility, a  
34 participating community mental health facility or a participating  
35 institution for higher education, as its agent, to acquire by  
36 purchase or by gift or devise such lands, structures, property,  
37 real or personal, rights and air rights, rights-of-way,  
38 franchises, easements and other interests in lands, including  
39 lands lying under water and riparian rights, and air rights,  
40 which are located within or without the State, as it may deem  
41 necessary or convenient for the construction or operation of a  
42 project, upon such terms and at such prices as may be considered  
43 by it to be reasonable and can be agreed upon between it and the  
44 owner thereof, and to take title thereto in the name of the  
45

2 authority or in the name of a participating hospital health care  
3 facility, a participating community mental health facility or a  
4 participating institution for higher education as its agent.

6 **Sec. 64. 22 MRSA §2058**, as amended by PL 1991, c. 50, §15, is  
7 further amended to read:

8 **§2058. Conveyance of title to participating institutions**

10 When the principal of and interest on bonds of the authority  
11 issued to finance the cost of a particular project or projects  
12 for a participating hospital health care facility, a  
13 participating community mental health facility or a participating  
14 institution for higher education, including any refunding bonds  
15 issued to refund and refinance such bonds, have been fully paid  
16 and retired or when adequate provision has been made to fully pay  
17 and retire the same, and all other conditions of the resolution  
18 or trust agreement authorizing and securing the same have been  
19 satisfied and the lien of such resolution or trust agreement has  
20 been released in accordance with the provisions thereof, the  
21 authority shall promptly do such things and execute such deeds  
22 and conveyances as are necessary and required to convey title to  
23 such project or projects to such participating hospital health  
24 care facility, participating community mental health facility or  
25 participating institution for higher education, free and clear of  
26 all liens and encumbrances, all to the extent that title to such  
27 project or projects is not, at the time, vested in such  
28 participating hospital health care facility, participating  
29 community mental health facility or participating institution for  
30 higher education.

32 **Sec. 65. 22 MRSA §2060, sub-§2**, as amended by PL 1991, c. 50,  
33 §16, is further amended to read:

34 **2. General obligations.** Except as may otherwise be  
35 expressly provided by the authority, every issue of its bonds,  
36 notes or other obligations are general obligations of the  
37 authority payable from any revenues or moneys of the authority  
38 available therefor and not otherwise pledged, subject only to any  
39 agreements with the holders of particular bonds, notes or other  
40 obligations pledging any particular revenues or moneys and  
41 subject to any agreements with any participating hospital health  
42 care facility, participating community mental health facility or  
43 participating institution for higher education. Notwithstanding  
44 that such bonds, notes or other obligations may be payable from a  
45 special fund, they are and must be deemed to be for all purposes  
46 negotiable instruments within the meaning of and for all the  
47 purposes of the Uniform Commercial Code, Article 8, subject only  
48 to the provisions of such bonds, notes or other obligations for  
49 registration.  
50

2           **Sec. 66. 22 MRSA §2060, sub-§4, ¶A**, as amended by PL 1991, c.  
30, §17, is further amended to read:

4  
5           A. Pledging the full faith and credit of the authority, the  
6 full faith and credit of a participating ~~hospital~~ health  
7 care facility, a participating community mental health  
8 facility or a participating institution of higher education,  
9 all or any part of the revenues of a project or any  
10 revenue-producing contract or contracts made by the  
11 authority with any individual, partnership, corporation or  
12 association or other body, public or private, to secure the  
13 payment of the bonds or of any particular issue of bonds,  
14 subject to such agreements with bondholders as may then  
15 exist;

16           **Sec. 67. 22 MRSA §2063**, as amended by PL 1991, c. 50, §21, is  
17 further amended to read:

18  
19           **§2063. Credit of State not pledged**

20  
21           Bonds and notes issued under this chapter do not constitute  
22 or create any debt or debts, liability or liabilities on behalf  
23 of the State or of any political subdivision thereof other than  
24 the authority or a loan of the credit of the State or a pledge of  
25 the faith and credit of the State or of any such political  
26 subdivision other than the authority, but are payable solely from  
27 the funds provided therefor. All such bonds and notes must  
28 contain on the face thereof a statement to the effect that  
29 neither the State nor any political subdivision thereof is  
30 obligated to pay the same or the interest thereon, except from  
31 revenues of the project or the portion thereof for which they are  
32 issued and that neither the faith and credit nor the taxing power  
33 of the State or of any political subdivision thereof is pledged  
34 to the payment of the principal of or the interest on such bonds  
35 or notes. The issuance of bonds or notes under this chapter may  
36 not directly or indirectly or contingently obligate the State or  
37 any political subdivision thereof to levy or to pledge any form  
38 of taxation whatever therefor or to make any appropriation for  
39 their payment. Nothing in this section contained may prevent nor  
40 be construed to prevent the authority from pledging its full  
41 faith and credit or the full faith and credit of a participating  
42 ~~hospital~~ health care facility, a participating community mental  
43 health facility or participating institution for higher education  
44 to the payment of bonds or notes or issue of notes or bonds  
45 authorized pursuant to this chapter.

46  
47           **Sec. 68. 22 MRSA §2064**, as amended by PL 1991, c. 50, §22, is  
48 further amended to read:

49  
50

**§2064. Rents and charges**

2  
4 The authority is authorized to fix, revise, charge and  
6 collect rates, rents, fees and charges for the use of and for the  
8 services furnished or to be furnished by each project and to  
10 contract with any person, partnership, association or  
12 corporation, or other body, public or private, in respect  
14 thereof. Such rates, rents, fees and charges must be fixed and  
16 adjusted in respect of the aggregate of rates, rents, fees and  
18 charges from such project so as to provide funds sufficient with  
20 other revenues or moneys available therefor, if any, to pay the  
22 cost of maintaining, repairing and operating the project and each  
24 and every portion thereof, to the extent that the payment of such  
26 cost has not otherwise been adequately provided for, to pay the  
28 principal of and the interest on outstanding bonds or notes of  
30 the authority issued in respect of such project as the same  
32 become due and payable, and to create and maintain reserves  
34 required or provided for in any resolution authorizing, or trust  
36 agreement securing, such bonds or notes of the authority. Such  
38 rates, rents, fees and charges are not subject to supervision or  
40 regulation by any department, commission, board, body, bureau or  
42 agency of this State other than the authority. A sufficient  
44 amount of the revenues derived in respect of a project, except  
46 such part of such revenues as may be necessary to pay the cost of  
48 maintenance, repair and operation and to provide reserves and for  
50 renewals, replacements, extensions, enlargements and improvements  
as may be provided for in the resolution authorizing the issuance  
of any bonds or notes of the authority or in the trust agreement  
securing the same, must be set aside at such regular intervals as  
may be provided in such resolution or trust agreement in a  
sinking or other similar fund which is hereby pledged to, and  
charged with, the payment of the principal of and the interest on  
such bonds or notes as the same become due, and the redemption  
price or the purchase price of bonds retired by call or purchase  
as therein provided. Such pledge is valid and binding from the  
time when the pledge is made; the rates, rents, fees and charges  
and other revenues or other moneys so pledged and thereafter  
received by the authority are immediately subject to the lien of  
such pledge without any physical delivery thereof or further act,  
and the lien of any such pledge is valid and binding as against  
all parties having claims of any kind in tort, contract or  
otherwise against the authority, irrespective of whether such  
parties have notice thereof. Neither the resolution nor any trust  
agreement nor any other agreement nor any lease by which a pledge  
is created need be filed or recorded except in the records of the  
authority. The use and disposition of moneys to the credit of  
such sinking or other similar fund are subject to the resolution  
authorizing the issuance of such bonds or notes or of such trust  
agreement. Except as may otherwise be provided in such resolution  
or such trust agreement, such sinking or other similar fund may

2 be a fund for all such bonds or notes issued to finance projects  
3 at a particular participating ~~hospital~~ health care facilities,  
4 participating community mental health facility or participating  
5 institution for higher education without distinction or priority  
6 of one over another, provided the authority in any such  
7 resolution or trust agreement may provide that such sinking or  
8 other similar fund is the fund for a particular project at a  
9 participating ~~hospital~~ health care facility, participating  
10 community mental health facility or participating institution for  
11 higher education and for the bonds issued to finance a particular  
12 project and may, additionally, permit and provide for the  
13 issuance of bonds having a subordinate lien in respect of the  
14 security herein authorized to other bonds of the authority, and,  
15 in such case, the authority may create separate sinking or other  
16 similar funds in respect of such subordinate lien bonds.

17 **Sec. 69. 22 MRSA §2072**, as amended by PL 1979, c. 680, §21,  
18 is further amended to read:

19 **§2072. Agreement of the State**

20  
21 The State does hereby pledge to and agree with the holders  
22 of any bonds, notes and other obligations issued under this  
23 chapter, and with those parties who may enter into contracts with  
24 the authority pursuant to this chapter, that the State will not  
25 limit, alter, restrict or impair the rights hereby vested in the  
26 authority and the participating ~~hospitals~~ health care facilities  
27 and the participating institutions for higher education to  
28 acquire, construct, reconstruct, maintain and operate any project  
29 as defined in this chapter or to establish, revise, charge and  
30 collect rates, rents, fees and other charges as may be convenient  
31 or necessary to produce sufficient revenues to meet the expenses  
32 of maintenance and operation thereof and to fulfill the terms of  
33 any agreements made with the holders of bonds, notes or other  
34 obligations authorized and issued by this chapter, and with the  
35 parties who may enter into contracts with the authority pursuant  
36 to this chapter, or in any way impair the rights or remedies of  
37 the holders of such bonds, notes or other obligations of such  
38 parties until the bonds, notes and such other obligations,  
39 together with interest thereon, with interest on any unpaid  
40 installment of interest and all costs and expenses in connection  
41 with any action or proceeding by or on behalf of the bondholders,  
42 are fully met and discharged and such contracts are fully  
43 performed on the part of the authority. Nothing in this chapter  
44 precludes such limitation or alteration if and when adequate  
45 provision is made by law for the protection of the holders of  
46 such bonds, notes or other obligations of the authority or those  
47 entering into such contracts with the authority. The authority is  
48 authorized to include this pledge and undertaking for the State  
49 in such bonds, notes or other obligations or contracts.  
50

2           **Sec. 70. 22 MRSA §3758, sub-§1**, as enacted by PL 1975, c. 441,  
§1, is amended to read:

4           **1. Carrying account for unexpended balances.**  
6 Notwithstanding any other provision of law and ~~except as funds~~  
are ~~necessary to carry out section 2 of this Act~~, funds  
8 appropriated for the aid to families with dependent children  
account shall may not be transferred from such account and shall  
10 may not lapse at the end of a fiscal year, but shall must be  
carried forward from year to year to be expended for the same  
12 purpose. All unexpended balances of the account shall must be  
expended pursuant to subsections 3 and 4.

14           **Sec. 71. 24-A MRSA §2848**, as repealed and replaced by PL  
16 1991, c. 695, §6 and c. 824, Pt. A, §52, is repealed and the  
following enacted in its place:

18           **§2848. Definitions**

20           As used in this chapter, unless the context otherwise  
22 indicates, the following terms have the following meanings.

24           **1. Evidence of individual insurability.** "Evidence of  
26 individual insurability" means medical information or other  
information that indicates health status, such as whether the  
28 individual is actively at work, used to determine whether  
coverage of an individual within the group is to be limited or  
excluded.

30           **2. Group.** "Group" means any of the types of groups under  
32 sections 2804 to 2808.

34           **3. Preexisting condition exclusion.** "Preexisting condition  
36 exclusion" means an exclusion of benefits for a specified or  
indefinite period of time on the basis of one or more physical or  
38 mental conditions for which, preceding the effective date of  
enrollment:

40           A. A person experienced symptoms that would cause an  
42 ordinarily prudent person to seek diagnosis, care or  
treatment; or

44           B. A provider of health care services recommended or  
46 provided medical advice or treatment to the person.

48           **4. Subgroup.** "Subgroup" means an employer covered under a  
contract issued to a multiple employer trust or to an association.

50           **5. Waiting period.** "Waiting period" means a period of time  
after the effective date of enrollment during which a health



2 insurance plan excludes coverage for the diagnosis or treatment  
3 of any or all medical conditions.

4 **Sec. 72. 24-A MRSA §2849**, as repealed and replaced by PL  
5 1991, c. 695, §7 and c. 824, Pt. A, §53, is repealed and the  
6 following enacted in its place:

8 **§2849. Continuity on replacement of group policy**

10 **1. Policies subject to this section.** Notwithstanding any  
11 other provision of law, this section applies to all group medical  
12 insurance policies, except group long-term care policies as  
13 defined in section 5051 or group long-term disability policies,  
14 issued by insurers or health maintenance organizations to  
15 policyholders who are obtaining coverage for a group or subgroup  
16 to replace coverage under a different contract or policy issued  
17 by any nonprofit hospital or medical service organization,  
18 insurer or health maintenance organization. For purposes of this  
19 section, the group policy issued to replace the prior contract or  
20 policy is the "replacement policy." The group contract or policy  
21 being replaced is the "replaced contract or policy."

22 **2. Persons provided continuity of coverage under this**  
23 **section.** This section provides continuity of coverage to persons  
24 who were covered under the replaced contract or policy at any  
25 time during the 90 days before the discontinuance of the replaced  
26 contract or policy.

28 **3. Prohibition against discontinuity.** In a replacement  
29 policy subject to this section, an insurer or health maintenance  
30 organization may not, for any person described in subsection 2:

31 **A.** Request that the person provide or otherwise seek to  
32 obtain evidence of individual insurability. This in no way  
33 limits the insurer's right to require information concerning  
34 the health of the individuals in the group to determine  
35 whether the group as a whole is insurable or to determine  
36 rates for the group as a whole;

37 **B.** Decline to enroll the person on the basis of evidence of  
38 insurability if the person is otherwise eligible for  
39 coverage; or

40 **C.** Impose a preexisting condition exclusion period or  
41 waiting period on that person, except as provided in this  
42 section.

43 **4. Persons covered for fewer than 90 continuous days.**  
44 Notwithstanding subsection 3, a person who was covered under the  
45 replaced contract or policy for fewer than 90 continuous days may  
46

2 be subject to a preexisting condition exclusion or waiting period  
4 in the replacement policy, provided the period is not longer than  
6 90 days and credit is given for satisfaction or partial  
8 satisfaction of the same or similar provisions under the replaced  
10 contract or policy.

12 5. Liability after discontinuance. The nonprofit hospital  
14 or medical service organization, insurer or health maintenance  
16 organization that issued the replaced contract or policy is  
18 liable after discontinuance of that contract or policy only to  
20 the extent of its accrued liabilities and extensions of benefits.

22 Sec. 73. 25 MRSA §2901, as amended by PL 1991, c. 837, Pt. B,  
24 §6 and c. 841, §4, is repealed and the following enacted in its  
26 place:

28 §2901. Department; commissioner

30 There is created and established the Department of Public  
32 Safety to coordinate and efficiently manage the law enforcement  
34 and public safety responsibilities of the State, to consist of  
36 the Commissioner of Public Safety, in this chapter called  
38 "commissioner," who is appointed by the Governor, subject to  
40 review by the joint standing committee of the Legislature having  
42 jurisdiction over state and local government matters and to  
44 confirmation by the Legislature, to serve at the pleasure of the  
46 Governor, and the following: the Bureau of State Police, the  
48 Bureau of Liquor Enforcement, the Office of the State Fire  
50 Marshal, the Maine Criminal Justice Academy, the Maine Highway  
Safety Commission, the Bureau of Highway Safety and the Maine  
Drug Enforcement Agency.

Sec. 74. 25 MRSA §2902, sub-§4, as repealed and replaced by PL  
1991, c. 824, Pt. A, §54; c. 837, Pt. B, §7; and c. 841, §5, is  
repealed and the following enacted in its place:

4. Maine Highway Safety Commission. The Maine Highway  
Safety Commission, as authorized by Title 5, section 12004-I,  
subsection 83, is under the direction of the commissioner and  
advisory to the Governor. The commission consists of not more  
than 25 members selected by the Governor from state, civic and  
industrial organizations and individuals with interests related  
to highway safety. The commissioner, the Commissioner of  
Transportation, the Commissioner of Human Services, the  
Commissioner of Education, the Secretary of State and the  
Attorney General serve as ex officio members. The ex officio  
members shall appoint persons in major policy-influencing  
positions as their designees to represent them at meetings of the  
commission with voting privileges. The commission members serve  
at the pleasure of the Governor and are entitled to compensation

2 in accordance with Title 5, chapter 379. The commission shall  
4 stimulate active support for highway safety measures and programs  
6 and advise the Department of Public Safety regarding these  
8 issues. The commission shall report annually its findings and  
recommendations, including any necessary implementing legislation  
to the Governor and to the joint standing committee of the  
Legislature having jurisdiction over state and local government  
matters;

10 **Sec. 75. 25 MRSA §2902, sub-§6**, as amended by PL 1991, c. 837,  
12 Pt. B, §8 and repealed by c. 841, §6, is repealed.

14 **Sec. 76. 27 MRSA §111, sub-§1**, as amended by PL 1989, c. 700,  
16 Pt. B, §26, is further amended by amending the first paragraph to  
18 read:

20 **1. Maine Library Commission.** There is created the Maine  
22 Library Commission, as established by Title 5, section 12004-G,  
24 subsection 7-E. It shall--~~consist~~ consists of 15 members  
26 appointed by the Governor. The library commission shall must be  
28 broadly representative of the state's State's libraries and shall  
consist of a representative from public, school, academic,  
special, institutional and handicapped libraries, a trustee  
representative, one representative from each of the library  
districts as they are formed and 3 representatives from the State  
at large of whom one shall must be a representative of the  
disadvantaged.

30 **Sec. 77. 29 MRSA §102-A, sub-§2**, as amended by PL 1991, c.  
32 793, §3 and c. 837, Pt. A, §62, is repealed and the following  
enacted in its place:

34 **2. Method of establishing evidence of insurance.** A person  
36 establishes insurance by showing the vehicle insurance  
38 identification card, as defined by section 781, subsection 1,  
40 paragraph A-2, to either the municipal agent or the Bureau of  
Motor Vehicles, except that a person registering the vehicle for  
the first time may establish insurance by presenting a letter  
from an insurance company or agent showing that the vehicle is  
covered by a liability insurance policy.

42 **Sec. 78. 29 MRSA §192, first ¶**, as amended by PL 1991, c. 758,  
44 §3 and c. 793, §4 and affected by §13, is repealed and the  
following enacted in its place:

46 The Secretary of State is authorized to design and to issue,  
48 under such regulations as the secretary determines appropriate,  
initial type registration plates or combination of initials and  
50 numeric type registration plates to be used on passenger motor  
vehicles or motor vehicles of the station wagon type or taxicabs,

2 or limousines, pickup trucks or motorcycles or motor homes or  
4 trailers not to exceed 2,000 pounds, whether semitrailers or  
6 4-wheeled type or camp trailers, as defined in section 1,  
8 subsection 1-G, in lieu of other numeric type registration  
plates. These plates must be of such design and bear such  
letters or letters and numbers as the Secretary of State  
prescribes, but may not exceed 7 characters and there may be no  
duplication of identification.

10 **Sec. 79.** 29 MRSA §1312, sub-§9, as amended by PL 1989, c. 784,  
12 §3; c. 866, Pt. B, §10 and affected by §26; and as amended by c.  
921, Pt. F, is repealed and the following enacted in its place:

14 **9. Payment for tests.** Persons authorized to take specimens  
16 of blood at the direction of a law enforcement officer and  
18 persons authorized to perform blood-alcohol tests by analysis of  
blood or breath must be paid from the Highway Fund.

20 **Sec. 80.** 29 MRSA §2300, sub-§1-B, as renumbered by RR 1991, c.  
22 2, §112 and enacted by PL 1991, c. 549, §13 and affected by §17,  
is repealed.

24 **Sec. 81.** 29 MRSA §2300, sub-§1-C is enacted to read:

26 **1-C. Form of Violation Summons and Complaint.** Every law  
28 enforcement agency in this State shall use traffic summonses for  
30 traffic infractions in the form known as the Violation Summons  
32 and Complaint, which must be uniform throughout the State and  
34 must be issued in books with summonses in no less than  
36 quadruplicate and meeting the requirements of this chapter. The  
38 form must include, at a minimum, the signature of the officer, a  
40 brief description of the alleged offense, the time and place of  
the alleged offense and the date on or before which the person is  
to file a written answer with the violations bureau. The  
Violation Summons and Complaint must also include a statement  
that signing the summons does not constitute an admission or plea  
of guilty and that refusal to sign after having been ordered to  
do so by a law enforcement officer is a separate Class E crime.  
The form of the Violation Summons and Complaint must be approved  
by the Chief Judge of the District Court prior to its use.

42 **Sec. 82.** 29 MRSA §2300, sub-§2, ¶A, as amended by PL 1991, c.  
44 549, §13 and affected by §17 and amended by c. 593, §2, is  
repealed and the following enacted in its place:

46 **A.** The District Court is responsible for printing all  
48 copies of the Violation Summons and Complaint forms. The  
50 Department of Public Safety is responsible for printing all  
copies of the Uniform Summons and Complaint forms issuing  
both types to law enforcement agencies or others.



2           **4-A. Supervision.** One apprentice electrician or one helper  
3 electrician may work with and under the supervision of each  
4 master electrician, limited electrician or journeyman  
5 electrician. A master electrician, who teaches an electrical  
6 course at a Maine regional---vocational-technical applied  
7 technology center, a Maine vocational applied technology region  
8 or a Maine technical college, may have a maximum of 12 helper  
9 electricians under direct supervision while making electrical  
10 installations which that are a part of the instructional program  
11 of the school, provided that the total value of each installation  
12 does not exceed \$1,000. No electrical installation may be  
13 commenced pursuant to this subsection without the prior approval  
14 of the director or president of the school at which the master  
15 electrician is an instructor. These installations are limited to  
16 those done in buildings or facilities owned or controlled by:

17           **Sec. 87. 32 MRSA §1202, sub-§1, ¶A,** as repealed and replaced  
18 by PL 1989, c. 878, Pt. A, §91, is amended by amending  
19 subparagraph (2) to read:  
20

21                           (2) Be a graduate of an accredited regional vocational  
22 applied technology high school 2-year electrical  
23 program, have worked for 8,000 hours in the field of  
24 electrical installations under the supervision of a  
25 master electrician or the equivalent and have completed  
26 a course of not less than 45 hours in the current  
27 National Electrical Code, the course to be approved by  
28 the board;  
29

30           **Sec. 88. 34-B MRSA §1214, sub-§3,** as amended by PL 1989, c.  
31 700, Pt. A, §163; and c. 729; and PL 1991, c. 780, Pt. DDD, §21,  
32 is repealed and the following enacted in its place:  
33

34                           **3. Membership.** The council is composed of 5 members: the  
35 Commissioner of Corrections; the Commissioner of Education; the  
36 Commissioner of Human Services; the Commissioner of Mental Health  
37 and Mental Retardation; and the Director of the Bureau of Child  
38 and Family Services.  
39

40           **Sec. 89. 34-B MRSA §3861, sub-§1, ¶A,** as enacted by PL 1989,  
41 c. 906, is amended to read:  
42

43                           A. The state or nonstate institution, any person  
44 contracting with the institution and any of its employees  
45 when admitting, treating or discharging a patient under the  
46 provisions of sections 3863 and 3864 under a contract with  
47 the department, for purposes of civil liability, must be  
48 deemed to be a governmental entity or an employee of a  
49 governmental entity under the Maine Tort Claims Act, Title  
50 14, chapter 741.

2           **Sec. 90. 34-B MRSA §3902**, as repealed by PL 1991, c. 622, Pt.  
S, §34 and amended by c. 781, Pt. A, §3, is repealed.

4           **Sec. 91. 35-A MRSA §706, sub-§6**, as enacted by PL 1987, c.  
6 141, Pt. A, §6, is amended to read:

8           **6. Subsequent purchaser takes title free of lien.** Any  
person who is a bona fide purchaser for value of rental property  
10 shall take title to that property free of the lien established  
under subsection 3 unless, before the purchaser's deed is  
12 recorded, the utility has filed the certificate set out in  
subsection 4. The interest of any mortgagee of rental property  
14 shall ~~be~~ is not affected by the lien established unless, before  
the mortgage is recorded, the utility has filed the certificate  
16 set out in subsection 4.

18           **Sec. 92. 36 MRSA §151, first and 2nd ¶¶**, as repealed and  
replaced by PL 1991, c. 824, Pt. B, §10 and c. 873, §3, are  
20 repealed and the following enacted in their place:

22           Any person who is subject to an assessment by the State Tax  
Assessor or entitled by law to receive notice of a determination  
24 of the State Tax Assessor and who is aggrieved as a result of  
that action may request in writing, within 30 days after receipt  
26 of notice of the assessment or the determination, reconsideration  
by the State Tax Assessor of the assessment or the determination.

28           If a request for reconsideration is filed within the  
30 specified time period, the State Tax Assessor shall reconsider  
the assessment or the determination. If the petitioner has so  
32 requested in the petition, the State Tax Assessor shall hold an  
informal conference with the petitioner to receive additional  
34 information and to hear arguments regarding the protested  
assessment or determination. The State Tax Assessor shall give  
36 the petitioner 10 working days' notice of the time and place of  
the conference. However, the conference may be held with less  
38 than 10 working days' notice if a mutually convenient time and  
place can be arranged between the petitioner and the State Tax  
40 Assessor. The reconsideration, with or without an informal  
conference, is not an "adjudicatory proceeding" within the  
42 meaning of that term in the Maine Administrative Procedure Act.

44           **Sec. 93. 36 MRSA §653, sub-§1, ¶E**, as amended by PL 1989, c.  
501, Pt. Z and c. 502, Pt. A, §128, is repealed and the following  
46 enacted in its place:

48           E. The word "veteran" as used in this subsection means any  
person, male or female, who was in active service in the  
50 Armed Forces of the United States during any federally

2 recognized war period, the Korean Campaign or the Vietnam  
4 War and who, if discharged, retired or separated from the  
6 Armed Forces of the United States, was discharged, retired  
8 or separated under other than dishonorable conditions. A  
10 veteran of the Vietnam War must have served on active duty  
12 for a period of more than 180 days, any part of which  
14 occurred after August 4, 1964 and before May 7, 1975, except  
16 that if the veteran died in service or was discharged for a  
18 service-connected disability after that date. The "Vietnam  
20 War" means that period between August 5, 1964 and May 7,  
22 1975.

24 **Sec. 94. 36 MRSA §1760, sub-§23,** as repealed and replaced by  
26 PL 1991, c. 788, §6 and amended by c. 846, §21, is repealed and  
28 the following enacted in its place:

30 **23. Certain vehicles purchased by nonresidents.** Sales of  
32 the following vehicles purchased by a nonresident and intended to  
34 be driven or transported outside the State immediately upon  
36 delivery by the seller:

38 A. Motor vehicles, except all-terrain vehicles as defined  
40 in Title 12, section 7851 and snowmobiles as defined in  
42 Title 12, section 7821;

44 B. Semitrailers;

46 C. Aircraft;

48 D. Truck bodies and trailers manufactured in the State; and

50 E. Camper trailers, including truck campers.

If a vehicle is registered for use in the State within 12 months  
of the date of purchase, the person seeking registration is  
liable for use tax on the basis of the original purchase price;

**Sec. 95. 36 MRSA §5200-A, sub-§1, ¶H,** as repealed and replaced  
by PL 1991, c. 824, Pt. D, §6, is amended to read:

H. The absolute value of the amount of any net operating  
loss arising from tax years beginning on or after January 1,  
1989 but before January 1, 1993 that, pursuant to the United  
States Internal Revenue Code, Section 172, is being carried  
back for federal income tax purposes to the taxable year by  
the taxpayer; and

**Sec. 96. 36 MRSA §6251, sub-§1,** as amended by PL 1989, c. 713,  
§2 and c. 875, Pt. E, §50, is repealed and the following enacted  
in its place:



2        1. Filing claim. Subject to section 6252, an individual,  
4        or 2 or more individuals jointly, may elect to defer the property  
6        taxes on their homestead by filing a claim for deferral with the  
8        municipal assessor for property tax years beginning on or after  
         April 1, 1991. The claim must be filed after January 1st and on  
         or before April 1st of the first year in which deferral is  
         claimed if:

10        A. The individual or, in the case of 2 or more individuals  
12        filing a claim jointly, each individual is 65 years of age  
14        or older on April 1st of the year in which the claim is  
         filed; and

16        B. The individual or, in the case of 2 or more individuals  
18        filing a claim jointly, all the individuals together have  
20        household income, as defined in section 6201, subsection 7,  
         of less than \$32,000 for the calendar year immediately  
         preceding the calendar year in which the claim is filed.

22        The municipal assessor shall forward each claim filed under this  
24        subsection to the bureau within 30 days of receipt, which  
         determines if the property is eligible for deferral.

26        **Sec. 97. 38 MRSA §349, sub-§1, as amended by PL 1989, c. 820,**  
         **§9, is further amended to read:**

28        **1. Criminal penalties.** Any person who violates any  
30        provisions of the laws administered by the department, including,  
32        without limitation, a violation of the terms or conditions of any  
34        order, rule, license, permit, approval or decision of the board  
36        or commissioner, or who disposes of more than 500 pounds or more  
38        than 100 cubic feet of litter for a commercial purpose, in  
         violation of Title 17, section 2264, is guilty of a Class E crime  
         and may be punished accordingly, except notwithstanding Title  
         17-A, section 1301, subsection 1 1-A, paragraph C, or Title 17-A,  
         section 1301, subsection 3, paragraph E, the fine for such a  
         violation may not be less than \$100 nor more than \$25,000 for  
         each day of the violation.

40        This subsection does not apply to actions subject to the criminal  
42        penalties set forth in section 1319-T.

44        **Sec. 98. 38 MRSA §2310, sub-§2, as repealed by PL 1991, c.**  
46        **804, Pt. C, §4 and repealed and replaced by c. 824, Pt. A, §89,**  
         **is repealed.**

48        **Sec. 99. PL 1989, c. 875, Pt. E, §62 is repealed.**

50        **Sec. 100. PL 1991, c. 591, Pt. I, §4 is repealed and the following**  
         **enacted in its place:**



2 Section 4 corrects a conflict created by Public Law 1991,  
3 chapters 780, 837 and 841 that amended the same section of law.  
4 This section corrects the conflict by repealing and replacing  
5 Title 5, section 7-B with a new version incorporating changes  
6 made in all 3 public laws.

7 Section 5 deletes a cross-reference to a subsection that is  
8 repealed by this bill to correct a conflict that was created when  
9 2 public laws both created the Mining Excise Tax Trust Fund Board  
10 of Trustees.

11 Section 6 corrects a cross-reference by incorporating a  
12 reference that was enacted by Public Law 1989, chapter 585, Part  
13 A, section 4.

14 Section 7 corrects a conflict by incorporating the changes  
15 made by Public Law 1989, chapters 700 and 893. Public Law 1989,  
16 chapter 700 made a technical change to Title 5, section 1507,  
17 subsection 5-A. Public Law 1989, chapter 893 made technical  
18 changes and also added a requirement that a certain amount of  
19 money in fiscal year 1989-90 be used for immediate job training  
20 to assist displaced workers.  
21

22 Section 8 corrects a grammatical error by removing a hyphen  
23 and replacing it with the word "and."  
24

25 Section 9 corrects a clerical error by reformatting the last  
26 lettered paragraph of Title 5, section 3358, subsection 2 into a  
27 blocked paragraph of the whole subsection.  
28

29 Section 10 removes an extra word to correct a grammatical  
30 error.  
31

32 Section 11 corrects grammatical errors by changing  
33 hyphenation.  
34

35 Section 12 corrects an error made when 2 chaptered laws both  
36 created the Mining Excise Tax Trust Fund Board of Trustees.  
37 Public Law 1991, chapter 799 enacted a new Title 5, section  
38 12004-G, subsection 33-B and chapter 883 reenacted Title 5,  
39 section 12004-G, subsection 33-A. This section repeals the new  
40 subsection 33-B that was enacted by Public Law 1991, chapter 799.  
41

42 Section 13 corrects a conflict created by Public Law 1991,  
43 chapters 780 and 844 that amended the same section of law.  
44 Public Law 1991, chapter 780 made technical corrections to the  
45 law and Public Law 1991, chapter 844 made substantive and  
46 technical corrections to the same section of law and added a new  
47 subsection 2 to Title 5, section 12006 regarding the legislative  
48 repeal of inactive boards. This section corrects the conflict by  
49  
50

2 repealing and replacing Title 5, section 12006 with a new version  
incorporating changes made in both laws.

4 Section 14 corrects a conflict incorporating the changes  
made by Public Law 1989, chapters 857 and 875. Public Law 1989,  
6 chapter 857 made technical changes and added new paragraphs H and  
I to Title 5, section 13058, section 5. Public Law 1989, chapter  
8 875 made technical changes and provided that the Maine Small  
Business Commission conduct the evaluation and review with  
10 respect to small business programs.

12 Section 15 resolves a conflict created by Public Law 1989,  
chapters 700 and 915 that affected the same section of law.  
14 Public Law 1989, chapter 700 changed the title of the former  
Commissioner of Education and Cultural Services to the  
16 Commissioner of Education. Public Law 1989, chapter 915 made the  
same change to the commissioner's title and added language  
18 concerning the committee being comprised of members from various  
agencies of State Government.

20 Section 16 corrects an error created by 2 public laws  
22 amending the same paragraph. Public Law 1989, chapter 710  
changed a word so that a subparagraph read properly. Public Law  
24 1989, chapter 907 deleted a reference to an internal reference.

26 Section 17 corrects an error created by 2 public laws  
amending the same subsection. Public Law 1989, chapter 709,  
28 section 1 repealed Title 5, section 17754, subsection 1,  
paragraph F and put its contents in Title 5, section 17764.  
30 Public Law 1989, chapter 710 made corrections to Title 5, section  
17754, subsection 1, paragraph F and subsection 2. The  
32 corrections made to subsection 2 by Public Law 1989, chapter 710  
are incorporated in Title 5, section 17764.

34 Section 18 deletes a cross-reference to a paragraph that is  
36 repealed by this bill to correct a conflict that was created when  
2 public laws amended the same paragraph.

38 Section 19 corrects an error created by 2 public laws  
40 amending the same subsection. Public Law 1989, chapter 709,  
section 2 repealed Title 5, section 17763, subsection 2 and  
42 placed the substantive contents of that subsection in Title 5,  
section 17764. Public Law 1989, chapter 710 made corrections to  
44 Title 5, section 17763, subsection 2, paragraph C. Those  
corrections were incorporated substantively in the new Title 5,  
46 section 17764, subsection 4.

48 Section 20 makes technical changes.

2 Section 21 corrects a conflict created when Public Law 1991,  
3 chapters 792 and 850 corrected a conflict created by 2 prior  
4 public laws amending the same paragraph. Both chaptered laws  
5 made the same changes except Public Law 1991, chapter 850 added  
6 an internal reference and added community-based service providers  
7 to the list of facilities for which the Director of the Office of  
8 Substance Abuse must establish operating and treatment standards.

10 Section 22 corrects a conflict created by Public Law 1989,  
11 chapters 841 and 878 amending the same section of law. Both  
12 public laws changed the agency that administers the Maine  
13 Pesticide Control Act of 1975 from the Commissioner of  
14 Agriculture, Food and Rural Resources to the Board of Pesticides  
15 Control. Public Law 1989, chapter 841 also made a grammatical  
16 change.

18 Section 23 corrects an error created when 2 public laws  
19 amended the same paragraph. Public Law 1989, chapter 879,  
20 sections 1, 2 and 4 affected Title 8, section 372, subsection 2,  
21 paragraph I. Public Law 1991, chapter 780 enacted a new  
22 paragraph J and amended paragraph I accordingly. Public Law  
23 1991, chapter 796 repealed the changes made by Public Law 1989,  
24 chapter 879 but did not take into account the enacted paragraph J  
25 by Public Law 1991, chapter 780. This section incorporates the  
26 changes made by chapter 796 and makes technical changes to take  
27 into account the new paragraph J enacted by chapter 780.

28 Section 24 corrects a clerical error by supplying the  
29 correct name of a state office.

30 Section 25 corrects a conflict created by Public Law 1991,  
31 chapters 780 and 837 that enacted a new Title 10, section  
32 1526-A. The sections enacted substantively duplicative  
33 provisions regarding a \$5 fee for information requests provided  
34 by the Secretary of State.

36 Section 26 corrects a conflict by incorporating the  
37 provisions of Public Law 1991, chapters 636, 805 and 812 that  
38 amended the same section of law.

40 Section 27 corrects an error created by 2 public laws  
41 amending the same section of law. Public Law 1991, chapter 883  
42 made technical changes. Public Law 1991, chapter 918 made  
43 technical changes, directed that the fees collected be credited  
44 to the Whitewater Rafting Fund and also corrected a reference.

46 Section 28 corrects an error created when 2 different parts  
47 of the same public law amended the same paragraph. Public Law  
48 1991, chapter 913, Part A, section 11 repealed Title 12, section  
49 7552, subsection 5, paragraph D. Public Law 1991, chapter 913,  
50

2 Part B, section 8 added the word "and" at the end of Title 12,  
3 section 7552, subsection 5, paragraph D. In researching Title  
4 12, section 7552, subsection 5, it appears that it was not  
5 necessary to add the word "and" at the end of paragraph D and,  
6 since that was the only correction, it would seem that paragraph  
7 D was intended to be repealed.

8 Sections 29 and 30 make punctuation changes to Title 12,  
9 section 7792, subsections 3 to 5 to allow for the addition of  
10 Title 12, section 7792, subsection 7. Title 12, section 7792,  
11 subsection 6 was repealed by Public Law 1991, chapter 784,  
12 section 12, making the punctuation changes to these subsections  
13 necessary.

14 Section 31 corrects a conflict created by Public Law 1991,  
15 chapters 784 and 838 that made changes to the same subsection of  
16 law. Public Law 1991, chapter 784 repealed Title 12, section  
17 7792, subsection 6 and Public Law 1991, chapter 838 made a  
18 punctuation change to that subsection to provide the correct  
19 format for Title 12, section 7792, subsection 7 to be added.

22 Section 32 corrects a conflict created by Public Law 1991,  
23 chapter 780, Part U, section 5 and chapter 837, Part A, section  
24 31 that enacted a new Title 13, section 906. The sections  
25 enacted substantively duplicative provisions regarding a \$5 fee  
26 for information requests provided by the Secretary of State.

28 Section 33 corrects a conflict created by Public Law 1991,  
29 chapter 780, Part U, section 8 and chapter 837, Part A, section  
30 32 by repealing both sections and replacing them with the changes  
31 made by Public Law 1991, chapter 780. Public Law 1991, chapter  
32 837 made a technical correction to provide correct formatting for  
33 an additional subsection to be included in Title 13-A, section  
34 1401. Public Law 1991, chapter 780 made the same technical  
35 correction as Public Law 1991, chapter 837 and also replaced  
36 archaic language to provide clarity to the subsection.

38 Section 34 corrects a technical error.

40 Section 35 corrects a conflict created by Public Law 1991,  
41 chapters 780 and 837 that enacted substantively duplicative  
42 provisions in different subsections of Title 13-A, section 1401  
43 regarding a fee for information requests provided by the  
44 Secretary of State. The text of the fee provision is reflected  
45 in Title 13-A, section 1401, subsection 38 as enacted by Public  
46 Law 1991, chapter 780, Part U, section 10.

48 Section 36 corrects a conflict created by Public Law 1991,  
49 chapter 780, Part U, section 16 and chapter 837, Part A, section  
50 37 and Revisors's Report 1991, chapter 2, section 48 by repealing

2 and replacing Title 13-B, section 1301 with a new version  
incorporating changes made by these laws.

4 Section 37 corrects a conflict created by Public Law 1991,  
chapters 780 and 837 by repealing and replacing Title 13-B,  
6 section 1302 with a new version incorporating changes made by  
both public laws.

8 Section 38 corrects a conflict created by Public Law 1991,  
10 chapters 780 and 837 that affected the same section of law.

12 Section 39 corrects a conflict created by Public Law 1991,  
chapters 780 and 837 that enacted substantively duplicative  
14 provisions in different subsections of Title 13-B, section 1401  
regarding a fee for information requests provided by the  
16 Secretary of State. The text of the fee provision is reflected  
in Title 13-B, section 1401, subsection 33 as enacted by Public  
18 Law 1991, chapter 780, Part U, section 23.

20 Section 40 corrects a conflict by incorporating the changes  
made by Public Law 1991, chapters 729 and 837. Public Law 1991,  
22 chapter 729 amended Title 16, section 614, subsection 1 to change  
the standard for maintaining confidentiality of certain  
24 intelligence and investigative records and included the  
Department of Corrections within the confidentiality provisions  
26 of the subsection. Public Law 1991, chapter 837 included the  
Maine Drug Enforcement Agency within the confidentiality  
28 provisions of the subsection.

30 Section 41 consolidates technical changes in Title 17,  
section 2264, subsection 5 that were made in Public Law 1991,  
32 chapters 733 and 837.

34 Section 42 corrects a conflict incorporating the changes  
made by Public Law 1989, chapters 872 and 924. Public Law 1989,  
36 chapter 872 made technical changes, added expenses of an  
emergency response by any public agency as an economic loss and  
38 added a definition for expense of an emergency response. Public  
Law 1989, chapter 924 made technical changes, added environmental  
40 clean-up expense as an economic loss and added a definition for  
environmental clean-up expense.

42 Sections 43 and 44 consolidate changes in Title 18-A,  
44 section 5-209 that were made in Public Law 1991, chapters 614 and  
719.

46 Sections 45 and 46 reorganize Title 19, section 761-A,  
48 subsection 2 into 2 subsections to correct a grammatical error.

50 Section 47 replaces the word "vocational" with the words  
"applied technology" as directed by Public Law 1991, chapter 716.

2 Section 48 deletes an obsolete reference.

4 Section 49 corrects a conflict by incorporating the changes  
made by Public Law 1989, chapters 700 and 899. Public Law 1989,  
6 chapter 700 made a technical change. Public Law 1989, chapter  
899 added the Department of Labor and the Department of  
8 Corrections to the list of departments that coordinate their  
programs for youths.

10 Section 50 corrects a conflict by incorporating the changes  
made by Public Law 1989, chapters 700 and 899. Public Law 1989,  
12 chapter 700 made technical changes. Public Law 1989, chapter 899  
14 added the Department of Labor and the Department of Corrections  
to the Interdepartmental Committee on Transition.

16 Section 51 corrects a conflict by incorporating the changes  
made by Public Law 1991, chapters 518 and 548. Public Law 1991,  
18 chapters 518 and 548 made technical changes to the law and also  
20 added an omitted conjunction.

22 Section 52 corrects an error created by 2 public laws  
amending the same section. Public Law 1991, chapter 591 made  
24 technical changes and added language that limits the available  
funding for 1991-92 and 1992-93 to the level of 1990-91. Public  
26 Law 1991, chapter 518 made technical changes and added language  
that indicates state reimbursement is based on local program cost  
28 adjustment to the equivalent of the year prior to the year of  
allocation.

30 Section 53 makes grammatical corrections and corrects a  
clerical error by correcting the name of a bureau. It also  
32 deletes references to a committee and a commission that no longer  
exist.

34 Sections 54 to 69 change references from "participating  
hospital" to "participating health care facility" as established  
36 in Public Law 1991, chapter 584, section 3.

38 Section 70 removes a reference to Public Law 1975, chapter  
40 441, section 2 and makes technical corrections.

42 Section 71 consolidates changes in Title 24-A, section 2848  
44 that were made in Public Law 1991, chapters 695 and 824.

46 Section 72 incorporates the changes made to Title 24-A,  
section 2849 that were made by Public Law 1991, chapters 695 and  
48 824.

50 Section 73 consolidates changes in Title 25, section 2901  
that were made in Public Law 1991, chapters 837 and 841.



2           Section 74 corrects a conflict created by Public Law 1991,  
4 chapters 824, 837 and 841, which affected the same subsection of  
law.

6           Section 75 repeals Title 25, section 2902, subsection 6 as  
8 amended by Public Law 1991, chapter 837. Public Law 1991,  
chapter 841 repealed subsection 6 and enacted a new subsection  
10 6-A incorporating the changes made by Public Law 1991, chapter  
837.

12           Section 76 corrects obvious clerical and grammatical errors.

14           Section 77 corrects an error created by 2 public laws.  
16 Public Law 1991, chapters 793 and 837 amended the same  
subsection. Public Law 1991, chapter 837 changed the name of the  
18 Division of Motor Vehicles to the Bureau of Motor Vehicles.  
Public Law 1991, chapter 793 deleted the word "insured" and  
20 replaced it with the words "covered by a liability insurance  
policy." This section combines the changes.

22           Section 78 consolidates changes in Title 29, section 192 in  
24 the first paragraph that were made in Public Law 1991, chapters  
793 and 758.

26           Section 79 corrects a conflict by incorporating the changes  
28 made by Public Law 1989, chapters 784, 866 and 921. Public Law  
1989, chapters 866 and 921 made the same technical changes and  
30 changed the fund from which payment to persons performing  
blood-alcohol tests would come from the General Fund to the  
32 Highway Fund. Public Law 1989, chapter 784 made a technical  
change and left payment to come from the General Fund.

34           Sections 80 and 81 correct an error that was created when  
36 Revisor's Report 1991, chapter 2, section 112 renumbered Title  
29, section 2300, subsection 1-A, as enacted by Public Law 1991,  
38 chapter 593, section 1, as Title 29, section 2300, subsection 1-B  
and Public Law 1991, chapter 549, section 13 also enacted a new  
subsection 1-B. This section repeals the version of subsection  
40 1-B enacted by Public Law 1991, chapter 549, section 13 and  
incorporates it in a new subsection 1-C.

42           Section 82 corrects a conflict created by 4 public laws  
44 amending the same section. Public Law 1991, chapter 56 enacted  
Title 29, section 2300, subsection 4-A. Public Law 1991, chapter  
46 459 changed the name of a Uniform Traffic Ticket and Complaint to  
a Uniform Summons and Complaint throughout the section and  
48 incorporated the new Title 29, section 2300, subsection 4-A, as  
enacted by Public Law 1991, chapter 56. Public Law 1991, chapter  
50 549 created a new form to be used for traffic infractions to be

2 known as the Violation Summons and Complaint form and  
3 incorporated all changes made by Public Law 1991, chapter 459.  
4 Public Law 1991, chapter 593 enacted a new Title 29, section  
5 2300, subsection 1-A, making the Commissioner of Public Safety  
6 responsible for creating the Uniform Traffic Ticket and Complaint  
7 form and amended Title 29, section 2300, subsection 2, paragraph  
8 A by making the Commissioner of Public Safety responsible for all  
9 Uniform Traffic Tickets and Complaints issued to law enforcement  
10 agencies. The responsibility belonged to the District Court.  
11 Public Law 1991, chapter 593 did not make reference to changes  
12 made by any of the other chapters. The Uniform Traffic Ticket  
and Complaint is no longer known by that name.

14 Section 83 corrects the salary for the Treasurer of  
15 Washington County. Public Law 1991, chapter 852 enacted the  
16 salaries for all county officers. Resolve 1991, chapter 66  
17 authorized the laying of county taxes and expenditures of  
18 Washington County for the year 1992. The correct salary for the  
19 Treasurer of Washington County is the figure that appears in  
20 Resolve 1991, chapter 66. The salary in the resolve is the  
21 amount that Washington County voted to pay the Treasurer of  
22 Washington County.

24 Section 84 corrects an error created when 2 public laws  
25 amended the same paragraph. Public Law 1991, chapter 722 made a  
26 grammatical change and Public Law 1991, chapter 838 added "; and"  
27 at the end of paragraph I because a new paragraph J was enacted.  
28 This section incorporates the changes from both public laws.

30 Section 85 corrects a technical error.

32 Sections 86 and 87 replace the word "vocational" with the  
33 words "applied technology" as directed by Public Law 1991,  
34 chapter 716. Section 86 also removes the term  
35 "vocational-technical," which is obsolete.

36 Section 88 corrects an error created when Public Law 1989,  
37 chapters 700 and 729 amended the same subsection. Public Law  
38 1989, chapter 700 corrected the name of an office. Public Law  
39 1989, chapter 729 changed the number of members on the  
40 Interdepartmental Council by adding the Director of the Division  
41 of Community Services. Public Law 1991, chapter 780 changed that  
42 division to the Bureau of Child and Family Services.

44 Section 89 adds words that were omitted when the law was  
45 enacted.

48 Section 90 corrects a conflict created by 2 public laws  
49 amending the same section. Public Law 1991, chapter 622 repealed  
50 all of Title 34-B, section 3902 and chapter 781 amended Title

2 34-B, section 3902, subsection 9. This section corrects the error by repealing Title 34-B, section 3902, subsection 9.

4 Section 91 adds language that appeared in Public Law 1985, chapter 563, section 2 but was inadvertently omitted when the public utilities laws were recodified by Public Law 1987, chapter 141.

8  
10 Section 92 corrects a conflict created when 2 public laws, Public Law 1991, chapters 824 and 873, repealed and replaced the same section. Both public laws tried to correct a conflict that was created by 2 public laws that were enacted in 1989. The Public Law 1991, chapter 873 version is being used because the amendment to the original bill was a committee amendment from the taxation committee.

16  
18 Section 93 incorporates the changes made to Title 36, section 653, subsection 1, paragraph E that were made by Public Law 1991, chapters 501 and 502.

20  
22 Section 94 corrects a conflict created by Public Law 1991, chapter 788, which repealed and replaced Title 36, section 1760, subsection 23, and Public Law 1991, chapter 846, which amended Title 36, section 1760, subsection 23. Public Law 1991, chapter 788 listed the vehicles that are exempt from tax if they are transported out of state immediately. Public Law 1991, chapter 846 listed the types of vehicles that are taxable.

28  
30 Section 95 corrects a punctuation error.

32 Section 96 corrects a conflict by incorporating the changes made by Public Law 1989, chapters 713 and 875. Both chapters made the same changes, except that Public Law 1991, chapter 875 added language that states that the claim for deferral of taxes begins with the 1991 tax year.

36  
38 Section 97 corrects a cross-reference error.

40 Section 98 repeals Title 38, section 2310, subsection 2 to correct a conflict that was created when Public Law 1991, chapter 824 repealed and replaced the subsection. This subsection had already been repealed by Public Law 1991, chapter 804.

44 Section 99 corrects a conflict created when 2 public laws, Public Law 1989, chapters 875 and 907, enacted a new section 8 to Part F of Public Law 1989, chapter 702.

48 Section 100 corrects the history in an amending clause.

2 Section 101 corrects inconsistencies created by the  
enactment of Public Law 1991, chapter 622, Part S, section 30 and  
4 Part QQ, section 3 by repealing Public Law 1991, chapter 622,  
Part QQ, section 3.

6 Section 102 repeals Public Law 1991, chapter 655, section  
8. The changes that were made to Title 20-A, section 8401 by  
8 Public Law 1991, chapter 655 were already made by Public Law  
1991, chapter 518, section 11.

10 Section 103 corrects an amending clause.

12 Section 104 deletes a reference to a repealed section of law.

14 Section 105 repeals Public Law 1991, chapter 824, Part A,  
16 sections 96 and 97 to resolve a conflict between 4 different  
sections of Public Law 1991, chapter 824 that added effective  
18 date and retroactivity sections to Public Law 1991, chapter 597.  
Public Law 1991, chapter 824, Part B, sections 15 and 16 reflect  
20 the correctly allocated effective date and retroactivity sections.

22 Section 106 corrects an erroneous statutory reference and a  
grammatical error.