

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2083

H.P. 1577

House of Representatives, January 18, 2002

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

(EMERGENCY)

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Reported by Representative LAVERDIERE for the Revisor of Statutes pursuant to Maine Revised Statutes, Title 1, section 94.

Reference to the Joint Standing Committee on Judiciary suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

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. 4 MRSA §157, sub-§1, ¶A,** as amended by PL 1999, c.  
26 547, Pt. A, §2 and Pt. B, §7 and affected by §80, is repealed and  
the following enacted in its place:

28           A. The Governor, subject to review by the joint standing  
30 committee of the Legislature having jurisdiction over  
32 judiciary matters and to confirmation by the Legislature,  
34 shall appoint to the District Court 33 judges. At least one  
36 judge must be appointed from each district who is a resident  
38 of a county in which the district lies, except that in  
40 District 3 there must be 2 judges appointed who are  
residents of a county in which the district lies; in  
District 6 there must be 2 judges appointed who are  
residents of a county in which the district lies; and in  
District 9 there must be 2 judges appointed who are  
residents of a county in which the district lies. Each  
District Court Judge has a term of office of 7 years.

42           To be eligible for appointment as a District Judge, a person  
44 must be a member of the bar of the State. The term  
46 "District Judge" includes the Chief Judge and Deputy Chief  
Judge.

48           **Sec. 2. 5 MRSA §142, first and 2nd ¶¶,** as amended by PL 1973, c.  
50 585, §11, are further amended to read:

2 The Treasurer of State, with the approval of the Governor  
and the ~~Bank Superintendent of Financial Institutions~~, shall from  
4 time to time as funds appropriated for any sinking fund  
established by law are received into the treasury, invest the  
6 same, with the income thereof as it accrues, in any bonds of  
Maine, of any other New England state or in the bonds of the  
8 United States. ~~As-such~~ When the bonds fall due and are paid, the  
proceeds ~~thereof-shall~~ from the bonds must be reinvested in like  
manner.

10  
12 The Treasurer of State, with the approval of the Governor  
and the ~~Bank Superintendent of Financial Institutions~~, shall ~~have~~  
has the power to enter into a contract or agreement with any  
14 national bank, trust company or safe deposit company located in  
New England or New York City for custodial care and the servicing  
16 of the negotiable securities belonging to any sinking fund of the  
State. ~~Such~~ The services shall consist of the safekeeping of  
18 said ~~the~~ negotiable securities in the vaults of the bank or safe  
deposit company, preparation of coupons for collection, the  
20 actual collection of ~~such~~ the coupons, periodical checks of the  
portfolio deposited for safekeeping to determine all calls for  
22 redemption, in whole or in part, of any bonds owned by ~~such~~ the  
funds, and any other fiscal service ~~which~~ that is normally  
24 covered in a custodial contract or agreement.

26 **Sec. 3. 5 MRSA §1975, sub-§1, ¶A**, as enacted by PL 2001, c.  
388, §14, is amended to read:

28  
30 A. Purchases data processing equipment, software or  
services in noncompliance with this chapter; or

32 **Sec. 4. 5 MRSA §13103, sub-§9**, as enacted by PL 1999, c. 731,  
Pt. SSS, §1, is repealed.

34  
36 **Sec. 5. 5 MRSA §17857, sub-§3, ¶B**, as amended by PL 1999, c.  
731, Pt. CC, §11, is further amended to read:

38 B. If the member was a retiree restored to service subject  
to subsection 2, former paragraph B:

40  
42 (1) If applicable, the portion of the retirement  
benefit based upon creditable service earned before the  
44 member's initial retirement must be reduced in  
accordance with section 17852, subsection 10, paragraph  
46 C or, if the member was covered under section 17851-A,  
the portion of the retirement benefit based upon  
48 creditable service earned before the member's initial  
retirement must be reduced as provided in that section;  
and

50

2 (2) The portion of the retirement benefit based upon  
4 creditable service earned after being restored to  
service must be reduced in accordance with section  
17852, subsection 3.

6 **Sec. 6. 5 MRSA §17857, sub-§3-A, ¶B**, as amended by PL 1999, c.  
731, Pt. CC, §12, is further amended to read:

8 B. If the member was a retiree restored to service subject  
10 to subsection 2, former paragraph B:

12 (1) If applicable, the portion of the retirement  
14 benefit based upon creditable service earned before the  
member's initial retirement must be reduced in  
16 accordance with section 17852, subsection 10, paragraph  
C-1 or, if the member was covered under section  
17851-A, the portion of the retirement benefit based  
18 upon creditable service earned before the member's  
initial retirement must be reduced as provided in that  
20 section; and

22 (2) The portion of the retirement benefit based upon  
24 creditable service earned after being restored to  
service must be reduced in accordance with section  
17852, subsection 3-A.

26 **Sec. 7. 9-B MRSA §161, sub-§1**, as amended by PL 2001, c. 44,  
28 §6 and affected by §14 and repealed by c. 262, Pt. B, §1, is  
repealed.

30 **Sec. 8. 10 MRSA §1344, sub-§4**, as enacted by PL 1991, c. 296,  
32 is amended to read:

34 **4. Jurisdiction.** A principal who is not a resident of this  
State that contracts with a sales representative to solicit  
36 orders in this State is declared to be transacting business in  
this State for purposes of the exercise of personal jurisdiction  
38 over nonresidents under ~~chapter~~ Title 14, section 704-A.

40 **Sec. 9. 12 MRSA §6748, sub-§5**, as enacted by PL 2001, c. 421,  
Pt. B, §46 and affected by Pt. C, §1, is reallocated to 12 MRSA  
42 §6748, sub-§6.

44 **Sec. 10. 12 MRSA §6748-A, sub-§1**, as repealed and replaced by  
PL 2001, c. 327, §5 and affected by §21 and amended by c. 421,  
46 Pt. B, §47 and affected by Pt. C, §1, is repealed and the  
following enacted in its place:  
48

2 1. License required. It is unlawful for a person to engage  
3 in the activities authorized under this section without a current  
4 sea urchin dragging license.

6 **Sec. 11. 12 MRSA §7077, sub-§1-A, ¶G,** as repealed by PL 2001,  
7 c. 269, §1 and c. 331, §1 and amended by c. 421, Pt. B, §68 and  
8 affected by Pt. C, §1, is repealed.

10 **Sec. 12. 12 MRSA §7154, sub-§3, ¶¶A and B,** as repealed by PL  
11 1989, c. 493, §19 and repealed and replaced by PL 1995, c. 455,  
12 §12, are repealed.

14 **Sec. 13. 12 MRSA §7154, sub-§3, ¶¶C and D** are enacted to read:

16 C. For weigh-in tournaments, \$24 per day; and

18 D. For catch and release tournaments, \$5 per day.

20 **Sec. 14. 12 MRSA §7457, sub-§1, ¶A,** as repealed and replaced  
21 by PL 2001, c. 296, §1, is amended to read:

22 A. Except as otherwise provided in this section, sections  
23 7102-A, 7102-B and 7107-A or by rule adopted by the  
24 commissioner pursuant to this section, there is an open  
25 season for deer in each calendar year in all counties of the  
26 State between September 15th and December 15th annually. In  
27 any year that the regular season extends beyond November  
28 30th, the regular season must start no later than the 4th  
29 Monday preceding Thanksgiving.

30 **Sec. 15. 12 MRSA §7901, sub-§1,** as amended by PL 2001, c. 387,  
31 §44 and repealed by c. 421, Pt. B, §87 and affected by Pt. C, §1,  
32 is repealed.

34 **Sec. 16. 12 MRSA §7901, sub-§2-A,** as amended by PL 2001, c.  
35 387, §45 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
36 C, §1, is repealed.

38 **Sec. 17. 12 MRSA §7901, sub-§18,** as amended by PL 2001, c.  
39 387, §46 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
40 C, §1, is repealed.

42 **Sec. 18. 12 MRSA §7901, sub-§20, ¶C-1,** as enacted by PL 2001,  
43 c. 387, §47 and repealed by c. 421, Pt. B, §87 and affected by  
44 Pt. C, §1, is repealed.

46 **Sec. 19. 12 MRSA §7901, sub-§20, ¶¶D-1 to D-4,** as repealed by PL  
47 2001, c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted by  
48 c. 471, Pt. G, §1, are repealed.

2           **Sec. 20. 12 MRSA §7901, sub-§20, ¶¶E-1 and E-2**, as enacted by  
PL 2001, c. 387, §48 and repealed by c. 421, Pt. B, §87 and  
4 affected by Pt. C, §1, are repealed.

6           **Sec. 21. 12 MRSA §7901, sub-§20, ¶¶F-1 and F-2**, as enacted by PL  
2001, c. 387, §49 and repealed by c. 421, Pt. B, §87 and affected  
8 by Pt. C, §1, are repealed.

10           **Sec. 22. 12 MRSA §7901, sub-§20, ¶¶H-1 and H-2**, as repealed by  
PL 2001, c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted  
12 by c. 471, Pt. G, §2, are repealed.

14           **Sec. 23. 12 MRSA §7901, sub-§20, ¶P**, as amended by PL 2001, c.  
387, §50 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
16 C, §1, is repealed.

18           **Sec. 24. 12 MRSA §7901, sub-§20, ¶Q**, as amended by PL 2001, c.  
387, §50 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
20 C, §1, is repealed.

22           **Sec. 25. 12 MRSA §7901, sub-§20, ¶Q-1**, as repealed by PL 2001,  
c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted by c.  
24 471, Pt. G, §3, is repealed.

26           **Sec. 26. 12 MRSA §7901, sub-§20, ¶¶R and S**, as enacted by PL  
2001, c. 387, §51 and repealed by c. 421, Pt. B, §87 and affected  
28 by Pt. C, §1, are repealed.

30           **Sec. 27. 12 MRSA §7901, sub-§20, ¶¶T and U**, as repealed by PL  
2001, c. 421, Pt. B, §87 and affected by Pt. C, §1 and amended by  
32 c. 471, Pt. G, §4, are repealed.

34           **Sec. 28. 12 MRSA §7901, sub-§20, ¶V**, as repealed by PL 2001,  
c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted by c.  
36 471, Pt. G, §5, is repealed.

38           **Sec. 29. 12 MRSA §7901, sub-§21, ¶¶Q and R**, as repealed by PL  
2001, c. 421, Pt. B, §87 and affected by Pt. C, §1 and amended by  
40 c. 471, Pt. G, §6, are repealed.

42           **Sec. 30. 12 MRSA §7901, sub-§21, ¶¶S to U**, as repealed by PL  
2001, c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted by  
44 c. 471, Pt. G, §7, are repealed.

46           **Sec. 31. 12 MRSA §7901, sub-§22, ¶L**, as amended by PL 2001, c.  
387, §52 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
48 C, §1, is repealed.

2           **Sec. 32. 12 MRSA §7901, sub-§22, ¶L-1**, as repealed by PL 2001,  
c. 421, Pt. B, §87 and affected by Pt. C, §1 and enacted by c.  
471, Pt. G, §8, is repealed.

4           **Sec. 33. 12 MRSA §7901, sub-§22, ¶M**, as amended by PL 2001, c.  
6 387, §52 and repealed by c. 421, Pt. B, §87 and affected by Pt.  
C, §1, is repealed.

8           **Sec. 34. 12 MRSA §7901, sub-§22, ¶¶N and O**, as enacted by PL  
10 2001, c. 387, §53 and repealed by c. 421, Pt. B, §87 and affected  
by Pt. C, §1, are repealed.

12           **Sec. 35. 12 MRSA §7901-A, sub-§11, ¶D**, as enacted by PL 2001,  
14 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

16           D. Chapter 713, subchapter IV violations:

18                   (1) Keeping a wild animal in captivity as described in  
section ~~7736~~ 7235-D, subsection 1;

20                   (2) Hunting on a state game farm as described in  
22 section ~~7736~~ 7406, subsection 2 22; and

24                   (3) Hunting in a licensed wildlife exhibit as  
described in section ~~7736~~ 7406, subsection 3 23; and

26           **Sec. 36. 12 MRSA §7901-A, sub-§12, ¶A**, as amended by PL 2001,  
28 c. 471, Pt. G, §§9 and 10 and affected by §13, is further amended  
by amending subparagraph (34) to read:

30                   (34) Unlawfully renting or leasing a personal  
32 watercraft as described in section 7801, subsection 37-  
40;

34           **Sec. 37. 15 MRSA §1102**, as amended by PL 1995, c. 65, Pt. A,  
36 §44 and affected by §153 and Pt. C, §15, is further amended to  
read:

38           **§1102. Detention of juveniles charged as adults**

40           Unless they have attained their 18th birthday, persons who  
42 are arrested for crimes defined under Title 12 or Title 29-A,  
that are not juvenile crimes as defined in section 3103, may not  
44 be detained unless a juvenile ~~caseworker~~ community corrections  
officer has been notified within 2 hours after the person's  
46 arrest and has approved the detention. Section 3203-A,  
subsection 7, paragraphs A and B, governing the facilities in  
48 which juveniles may be detained, apply to any detention of such  
juveniles following arrest.



2           **Sec. 38. 15 MRSA §3502, sub-§1, ¶A**, as amended by PL 1985, c.  
439, §19, is further amended to read:

4  
6           A. The Department of Corrections shall provide for a  
placement referral service, staffed by juvenile ~~caseworkers~~  
8           community corrections officers for 24 hours a day. This  
referral service shall make emergency detention or  
10           conditional release decisions pursuant to chapter 505 for  
all juveniles referred to the department by law enforcement  
12           officers.

14           **Sec. 39. 17 MRSA §2263, first ¶**, as enacted by PL 1975, c. 739,  
§3, is amended to read:

16           As used in this ~~section~~ chapter, unless the context  
18           otherwise indicates, the following ~~words--shall~~ terms have the  
following meanings+.

20           **Sec. 40. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2001, c.  
439, Pt. 000, §1, is further amended by amending subparagraph (9)  
22           to read:

24                     (9) A violation of a condition of probation when  
26                     requested by a probation officer or juvenile ~~caseworker~~  
community corrections officer;

28           **Sec. 41. 17-A MRSA §1108, sub-§1**, as amended by PL 2001, c.  
383, §128 and affected by §156 and amended by c. 419, §19, is  
30           repealed and the following enacted in its place:

32           1. A person is guilty of acquiring drugs by deception if,  
34           as a result of deception, the person obtains or exercises control  
over a prescription for a scheduled drug or what the person knows  
36           or believes to be a scheduled drug, which is in fact a scheduled  
drug, and the drug is:

38                     A. A schedule W drug. Violation of this paragraph is a  
Class C crime;

40                     B. A schedule X drug. Violation of this paragraph is a  
42                     Class C crime;

44                     C. A schedule Y drug. Violation of this paragraph is a  
46                     Class C crime; or

48                     D. A schedule Z drug. Violation of this paragraph is a  
Class D crime.

2           **Sec. 42. Effective date.** That section of this Act that repeals  
and replaces the Maine Revised Statutes, Title 17-A, section  
1108, subsection 1 takes effect January 31, 2003.

4  
6           **Sec. 43. 17-A MRSA §1112, sub-§1,** as amended by PL 2001, c.  
383, §142 and affected by §156 and amended by c. 419, §22, is  
repealed and the following enacted in its place:

8  
10           1. A laboratory that receives a drug or substance from a  
law enforcement officer or agency for analysis as a scheduled  
drug shall, if it is capable of so doing, analyze the same as  
requested by a method designed to accurately determine the  
composition of the substance, including by chemical means or  
visual examination or both, and shall issue a certificate stating  
the results of the analysis. The certificate, when duly signed  
and sworn to by a person certified as qualified for this purpose  
by the Department of Human Services under certification standards  
set by that department, is admissible in evidence in a court of  
the State and gives rise to a permissible inference under the  
Maine Rules of Evidence, Rule 303 that the composition, quality  
and quantity of the drug or substance are as stated in the  
certificate, unless, with 10 days' written notice to the  
prosecution, the defendant requests that a qualified witness  
testify as to the composition, quality and quantity.

26           **Sec. 44. Effective date.** That section of this Act that repeals  
and replaces the Maine Revised Statutes, Title 17-A, section  
1112, subsection 1 takes effect January 31, 2003.

30           **Sec. 45. 17-A MRSA §1158,** as amended by PL 2001, c. 348, §3  
and repealed and replaced by c. 383, §149 and affected by §156,  
is repealed and the following enacted in its place:

34           **§1158. Forfeiture of firearms**

36           As part of every judgment of conviction and sentence  
imposed, a firearm must be forfeited to the State if that firearm:

38           1. Constitutes the basis for conviction under:

40           A. Title 15, section 393;

42           B. Section 1105-A, subsection 1, paragraph C;

44           C. Section 1105-B, subsection 1, paragraph C;

46           D. Section 1105-C, subsection 1, paragraph C; or

48           E. Section 1105-D, subsection 1, paragraph B; or

50

2 2. Is used by the defendant or an accomplice during the  
3 commission of any murder or Class A, Class B or Class C crime or  
4 any Class D crime defined in chapter 9, 11 or 13.

5 The court shall order the forfeiture of the firearm unless  
6 another person can satisfy the court prior to the judgment and by  
7 a preponderance of the evidence that another person had a right  
8 to possess the firearm, to the exclusion of the defendant, at the  
9 time of the offense. The Attorney General shall adopt rules in  
10 accordance with Title 5, chapter 375 governing the disposition to  
11 state, county and municipal agencies of firearms forfeited under  
12 this section.

13 A confiscated or forfeited handgun that was confiscated or  
14 forfeited because it was used to commit a homicide must be  
15 destroyed by the State unless the handgun was stolen and the  
16 rightful owner was not the person who committed the homicide, in  
17 which case the handgun must be returned to the owner if  
18 ascertainable. For purposes of this section, "handgun" means a  
19 firearm, including a pistol or revolver, designed to be fired by  
20 use of a single hand.

21 **Sec. 46. Effective date.** That section of this Act that repeals  
22 and replaces the Maine Revised Statutes, Title 17-A, section 1158  
23 takes effect January 31, 2003.

24 **Sec. 47. 17-A MRSA §1252, sub-§4-A,** as amended by PL 2001, c.  
25 383, §150 and affected by §156 and amended by c. 439, Pt. 000,  
26 §4, is repealed and the following enacted in its place:

27 4-A. If the State pleads and proves that, at the time any  
28 crime, excluding murder, under chapter 9, 11, 13 or 27 was  
29 committed, the defendant had been convicted of 2 or more crimes  
30 violating chapter 9, 11, 13 or 27 or essentially similar crimes  
31 in other jurisdictions, the sentencing class for the crime is one  
32 class higher than it would otherwise be. In the case of a Class  
33 A crime, the sentencing class is not increased, but the prior  
34 record must be given serious consideration by the court when  
35 imposing a sentence. Section 9-A governs the use of prior  
36 convictions when determining a sentence.

37 **Sec. 48. Effective date.** That section of this Act that repeals  
38 and replaces the Maine Revised Statutes, Title 17-A, section  
39 1252, subsection 4-A takes effect January 31, 2003.

40 **Sec. 49. 18-A MRSA §1-701, sub-§(c),** as enacted by PL 2001, c.  
41 163, §1, is amended to read:

42 (c) The judge shall make and preserve a record of the name  
43 change. If the judge limited the notice required under  
44

2 subsection (2) (b), the judge may seal the records of the name  
change.

4 **Sec. 50. 20-A MRSA §4706, first ¶**, as amended by PL 2001, c.  
403, §1 and repealed and replaced by c. 454, §19, is repealed and  
6 the following enacted in its place:

8 American history and Maine studies must be taught as  
10 specified in the system of learning results established in  
section 6209.

12 **Sec. 51. 21-A MRSA §1002**, as amended by PL 2001, c. 430, §7  
and c. 470, §4, is repealed and the following enacted in its  
14 place:

16 **§1002. Meetings of commission**

18 The commission shall meet in Augusta for the purposes of  
20 this chapter at least once per month in any year in which primary  
and general elections are held and every 2 weeks in the 60 days  
22 preceding an election. In the 28 days preceding an election, the  
commission shall meet in Augusta within one calendar day of the  
24 filing of any complaint or question with the commission. Agenda  
items in the 28 days preceding an election must be decided within  
26 24 hours of the filing unless all parties involved agree  
otherwise. Meetings may be held over the telephone if necessary,  
28 as long as the commission office remains open for attendance by  
complainants, witnesses and other members of the public.  
30 Notwithstanding Title 1, chapter 13, telephone meetings of the  
commission are permitted only during the 28 days prior to an  
32 election when the commission is required to meet within 24 hours  
of the filing of any complaint or question with the commission.  
34 The commission office must be open with adequate staff resources  
available to respond to inquiries and receive complaints from 8  
36 a.m. until at least 5:30 p.m. on the Saturday, Sunday and Monday  
immediately preceding an election and from 8 a.m. until at least  
38 8 p.m. on election day. The commission shall meet at other times  
on the call of the Speaker of the House, the President of the  
40 Senate, the chair or a majority of the members of the commission,  
as long as all members are notified of the time, place and  
42 purpose of the meeting at least 24 hours in advance.

44 **Sec. 52. 25 MRSA §1542-A, sub-§3, ¶G**, as enacted by PL 1999,  
c. 260, Pt. B, §11 and affected by §18, is amended to read:

46 G. The law enforcement agency that has primary  
48 responsibility for the investigation and prosecution of the  
juvenile offense shall take or cause to be taken the  
fingerprints of the person named in subsection 1, paragraph  
50 H. If the juvenile is arrested, fingerprints must be taken

2 prior to that person's being released from custody. If a  
juvenile court proceeding is commenced against a person  
4 without a juvenile arrest having been made, fingerprints  
must be taken within 5 days of the filing of the petition at  
6 a time and place specified by the responsible agency after  
consulting with the juvenile ~~caseworker~~ community  
corrections officer. The juvenile shall appear at the  
8 specified time and place and shall submit to the process.

10 **Sec. 53. 29-A MRSA §101, sub-§64-A**, as enacted by PL 2001, c.  
145, §2; c. 197, §3 and c. 360, §1, is repealed and the following  
12 enacted in its place:

14 **64-A. School.** "School" has the same meaning as in Title  
20-A, section 6353, subsection 7.

16 **Sec. 54. 29-A MRSA §101, sub-§64-C** is enacted to read:

18 **64-C. Scooter.** "Scooter" means a device upon which a  
20 person may ride consisting of a footboard between 2 end wheels,  
controlled by an upright steering handle attached to the front  
22 wheel and propelled by human power or a motor.

24 **Sec. 55. 29-A MRSA §523, sub-§3**, as amended by PL 2001, c.  
444, §1 and c. 453, §1 and affected by §4, is repealed and the  
26 following enacted in its place:

28 **3. Special veterans registration plates.** The Secretary of  
State, on application and upon evidence of payment of the excise  
tax required by Title 36, section 1482 and the registration fee  
required by section 501, shall issue a registration certificate  
and a set of special veterans registration plates to be used in  
lieu of regular registration plates for a vehicle with a  
registered gross weight of not more than 9,000 pounds to any  
person who has served in the United States Armed Forces and who  
has been honorably discharged. If a veteran is the primary  
driver of 3 vehicles, the Secretary of State may issue in  
accordance with this section a set of special veterans  
registration plates for each vehicle.

40 Each application must be accompanied by the applicant's Armed  
Forces Report of Transfer or Discharge, DD Form 214, or  
certification from the United States Veterans Administration or  
the appropriate branch of the United States Armed Forces  
verifying the applicant's military service and honorable  
discharge.

48 All surplus revenue collected for issuance of the special  
registration plates is retained by the Secretary of State to  
50 maintain and support this program.

2           **Sec. 56. 30-A MRSA §82, sub-§4**, as amended by PL 2001, c. 107,  
§1 and repealed by c. 349, §2, is repealed.

4           **Sec. 57. 30-A MRSA §1559, sub-§6**, as enacted by PL 1987, c.  
6 737, Pt. A, §2 and Pt. C, §106; amended by PL 1989, c. 6; c. 9,  
§2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

8           **6. Administration of medication not a violation.** The  
10 administration of medication to prisoners, as provided in this  
section, is not a violation of Title 32, section 2102, subsection  
12 2, paragraph D F, or Title 32, section 3270, or any other law.

14           **Sec. 58. 30-A MRSA §5953-D, sub-§3, ¶D**, as amended by PL 2001,  
c. 90, §4 and c. 406, §16, is repealed and the following enacted  
16 in its place:

18           D. In the case of a public service infrastructure grant or  
20 loan, the Department of Economic and Community Development  
affirms that the applicant has met the conditions of this  
paragraph.

22                   (1) A municipality is eligible to receive a grant or a  
24 loan, or a combination of both, if that municipality  
26 has adopted a local growth management program certified  
under section 4347-A that includes a capital  
improvement program composed of the following elements:

28                           (a) An assessment of all public facilities and  
30 services, such as, but not limited to, roads and  
32 other transportation facilities, sewers, schools,  
parks and open space, fire and police;

34                           (b) An annually reviewed 5-year plan for the  
36 replacement and expansion of existing public  
38 facilities or the construction of such new  
facilities as are required to meet expected growth  
40 and economic development. The plan must include  
projections of when and where those facilities  
will be required; and

42                           (c) An assessment of the anticipated costs for  
44 replacement, expansion or construction of public  
46 facilities, an identification of revenue sources  
available to meet these costs and recommendations  
for meeting costs required to implement the plan.

48                   (2) A municipality is eligible to receive a loan if  
50 that municipality:

2                   (a) Has adopted a comprehensive plan that is  
3                   determined by the Executive Department, State  
4                   Planning Office to be consistent with section  
5                   4326, subsections 1 to 4.

6                   (3) A municipality is eligible to receive a loan if  
7                   that municipality is a service center community.

8  
9                   Subject to the limitations of this subsection, 2 or more  
10                   municipalities that each meet the requirements of  
11                   subparagraph (1) or (2) may jointly apply for assistance  
12                   under this section; and

13                   **Sec. 59. 32 MRSA §15117, first ¶,** as amended by PL 2001, c.  
14                   323, §43, is further amended to read:

15  
16                   Each boiler or pressure vessel used or proposed for use  
17                   within this State, except boilers or pressure vessels exempt  
18                   under section 15102, must be thoroughly inspected by the chief  
19                   inspector or one of the deputy inspectors or authorized  
20                   inspectors, as to its design, construction, installation,  
21                   condition and operation. The board shall adopt rules pursuant to  
22                   the Maine Administrative Procedure Act specifying the method and  
23                   frequency of inspection. When any boiler or pressure vessel  
24                   inspected as specified by the board is found to be suitable and  
25                   to conform to the rules of the board, the chief inspector shall  
26                   issue to the owner or user of that boiler or pressure vessel,  
27                   upon payment of a fee to the board, an inspection certificate for  
28                   each boiler or pressure vessel. The fee under section 15109,  
29                   subsection 9 must be set by the director. Inspection  
30                   certificates must specify the maximum pressure that the boiler or  
31                   pressure vessel inspected is allowed to carry. The inspection  
32                   certificate may be valid for not more than 14 months from its  
33                   date in the case of boilers and 38 months from its date in the  
34                   case of pressure vessels and must be posted under glass in the  
35                   engine or boiler room containing the boiler or pressure vessel or  
36                   an engine operated by it or, in the case of a portable boiler, in  
37                   the office of the plant where it is temporarily located. The  
38                   board may adopt rules setting forth criteria by which a temporary  
39                   extension of an inspection certificate beyond 14 months in the  
40                   case of boilers and beyond 38 months in the case of pressure  
41                   vessels may be authorized. Rules adopted pursuant to this  
42                   section are routine technical rules pursuant to Title 5, chapter  
43                   375, subchapter II-A.

44  
45                   **Sec. 60. 34-A MRSA §1001, sub-§15-A,** as enacted by PL 1997, c.  
46                   464, §8, is amended to read:

47  
48                   **15-A. Regional correctional administrator.** "Regional  
49                   correctional administrator" means the supervisor of adult  
50

2 probation and parole and intensive supervision services or the  
3 supervisor of juvenile ~~easewerker~~ community corrections officer  
4 services for a region.

6 **Sec. 61.** 37 MRSA §216 is repealed.

8 **Sec. 62.** PL 2001, c. 197, §4, amending clause is amended to read:

10 **Sec. 4.** 29-A MRSA §501, sub-§2-A, as amended by PL 1999, c.  
11 790, Pt. C, §4 and affected by Pt. C, §19, is further amended to  
12 read:

14 **Sec. 63.** PL 2001, c. 314, §4 is repealed.

16 **Sec. 64.** PL 2001, c. 439, Pt. KK, §2 is amended to read:

18 **Sec. KK-2. Application.** This Act Part applies to tax years  
beginning on or after January 1, 2001.

20 **Sec. 65.** PL 2001, c. 439, Pt. OOO, §16 is amended to read:

22 **Sec. OOO-16. Nonseverability.** Notwithstanding the provisions  
23 of the Maine Revised Statutes, Title 1, section 71, if any  
24 provision of this Act Part or its application is held invalid, it  
25 is the intent of the Legislature that the entire Act Part is  
26 invalidated.

28 **Emergency clause.** In view of the emergency cited in the  
29 preamble, this Act takes effect when approved, except as  
30 otherwise indicated.

## 32 SUMMARY

34  
35 Section 1 corrects an error that was created by Public Law  
36 1999, chapter 547, Part A, section 2 and Part B, section 7, which  
37 both amended the same provision of law. Public Law 1999, chapter  
38 547, Part B, section 7 had a future effective date. This section  
39 corrects the conflict by repealing the provision of law and  
40 replacing it with the Public Law 1999, chapter 547, Part B,  
41 section 7 version.

42  
43 Section 2 changes the term "Bank Superintendent" to  
44 "Superintendent of Financial Institutions" to reflect the intent  
45 of the revision clause contained in Public Law 2001, chapter 44,  
46 section 11. This section also makes grammatical changes.

48  
49 Section 3 corrects an error that was created when a  
50 conjunction was omitted between 2 paragraphs. This section  
corrects that error by inserting the word "or" at the end of the



2 Maine Revised Statutes, Title 5, section 1975, subsection 1,  
paragraph A.

4 Section 4 removes the rule-making authority of the  
Department of Economic and Community Development with respect to  
6 the Maine Biomedical Research Program. Public Law 2001, chapter  
196 transferred the administration of this program to the Maine  
8 Biomedical Research Board.

10 Sections 5 and 6 amend cross-references to reflect the  
repeal of the Maine Revised Statutes, Title 5, section 17857,  
12 subsection 2, paragraph B.

14 Section 7 corrects a conflict created by Public Law 2001,  
chapter 44, which changed the name of a bureau in the Maine  
16 Revised Statutes, Title 9-B, section 161, subsection 1 and  
chapter 262, Part B, section 1 which repealed that subsection.  
18 This section corrects the conflict by repealing the subsection.

20 Section 8 corrects a cross-reference.

22 Section 9 corrects a numbering conflict created by Public  
Law 2001, chapters 327 and 421, which enacted 2 substantively  
24 different provisions with the same subsection number.

26 Section 10 corrects a conflict created by Public Law 2001,  
chapters 327 and 421, which affected the same provision of law.  
28 This section repeals the provision and replaces it with the  
Public Law 2001, chapter 327 version.

30 Section 11 corrects a conflict created by Public Law 2001,  
32 chapters 269 and 331, which repealed the Maine Revised Statutes,  
Title 12, section 7077, subsection 1-A, paragraph G and Public  
34 Law 2001, chapter 421, which amended the same provision. This  
section corrects the conflict by repealing the provision.

36 Sections 12 and 13 correct an error created by Public Law  
38 1989, chapter 493, which repealed the Maine Revised Statutes,  
Title 12, section 7154, subsection 3, paragraphs A and B, and  
40 Public Law 1995, chapter 455, which repealed the same provision  
and enacted new paragraphs A and B. These sections correct the  
42 error by repealing paragraphs A and B and enacting new paragraphs  
C and D.

44 Section 14 supplies an omitted cross-reference.

46 Section 15 corrects a conflict created by Public Law 2001,  
48 chapter 387, which amended the Maine Revised Statutes, Title 12,  
section 7901, subsection 1, and Public Law 2001, chapter 421,  
50 which repealed the entire section. Public Law 2001, chapter 421

2 enacts section 7901-A, which incorporates the provisions of  
section 7901, subsection 1. This section corrects that conflict  
by repealing the subsection.

4  
6 Section 16 corrects a conflict created by Public Law 2001,  
chapter 387, which amended the Maine Revised Statutes, Title 12,  
8 section 7901, subsection 2-A, and Public Law 2001, chapter 421,  
which repealed the entire section. Public Law 2001, chapter 421  
10 enacts section 7901-A, which incorporates the provisions of  
section 7901, subsection 2-A. This section corrects that  
12 conflict by repealing the subsection.

14 Section 17 corrects a conflict created by Public Law 2001,  
chapter 387, which corrected a cross-reference in the Maine  
16 Revised Statutes, Title 12, section 7901, subsection 18, and  
Public Law 2001, chapter 421, which repealed the entire section.  
18 Public Law 2001, chapter 421 enacts section 7901-A, which  
incorporates the provisions of section 7901, subsection 18. This  
20 section corrects that conflict by repealing the subsection.

22 Section 18 corrects a conflict created by Public Law 2001,  
chapter 387, which enacted the Maine Revised Statutes, Title 12,  
24 section 7901, subsection 20, paragraph C-1, and Public Law 2001,  
chapter 421, which repealed the entire section. Public Law 2001,  
26 chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 20, paragraph C-1. This  
28 section corrects that conflict by repealing the paragraph.

30 Section 19 corrects a conflict created by Public Law 2001,  
chapter 471, which enacted the Maine Revised Statutes, Title 12,  
32 section 7901, subsection 20, paragraphs D-1 to D-4, and Public  
Law 2001, chapter 421, which repealed the entire section. Public  
34 Law 2001, chapter 421 enacts section 7901-A, which incorporates  
the provisions of section 7901, subsection 20, paragraphs D-1 to  
36 D-4. This section corrects that conflict by repealing the  
paragraphs.

38 Section 20 corrects a conflict created by Public Law 2001,  
chapter 387, which enacted the Maine Revised Statutes, Title 12,  
40 section 7901, subsection 20, paragraphs E-1 and E-2, and Public  
Law 2001, chapter 421, which repealed the entire section. Public  
42 Law 2001, chapter 421 enacts section 7901-A, which incorporates  
the provisions of section 7901, subsection 20, paragraphs E-1 and  
44 E-2. This section corrects that conflict by repealing the  
46 paragraphs.

48 Section 21 corrects a conflict created by Public Law 2001,  
chapter 387, which enacted the Maine Revised Statutes, Title 12,  
50 section 7901, subsection 20, paragraphs F-1 and F-2, and Public  
Law 2001, chapter 421, which repealed the entire section. Public

2 Law 2001, chapter 421 enacts section 7901-A, which incorporates  
the provisions of section 7901, subsection 20, paragraphs F-1 and  
4 F-2. This section corrects that conflict by repealing the  
paragraphs.

6 Section 22 corrects a conflict created by Public Law 2001,  
chapter 471, which enacted the Maine Revised Statutes, Title 12,  
8 section 7901, subsection 20, paragraphs H-1 and H-2, and Public  
Law 2001, chapter 421, which repealed the entire section. Public  
10 Law 2001, chapter 421 enacts section 7901-A, which incorporates  
the provisions of section 7901, subsection 20, paragraphs H-1 and  
12 H-2. This section corrects that conflict by repealing the  
paragraphs.

14 Section 23 corrects a conflict created by Public Law 2001,  
chapter 387, which made punctuation changes to the Maine Revised  
16 Statutes, Title 12, section 7901, subsection 20, paragraph P, and  
Public Law 2001, chapter 421, which repealed the entire section.  
18 Public Law 2001, chapter 421 enacts section 7901-A, which  
incorporates the provisions of section 7901, subsection 20,  
20 paragraph P. This section corrects that conflict by repealing  
the paragraph.

24 Section 24 corrects a conflict created by Public Law 2001,  
chapter 387, which made punctuation changes to the Maine Revised  
26 Statutes, Title 12, section 7901, subsection 20, paragraph Q, and  
Public Law 2001, chapter 421, which repealed the entire section.  
28 Public Law 2001, chapter 421 enacts section 7901-A, which  
incorporates the provisions of section 7901, subsection 20,  
30 paragraph Q. This section corrects that conflict by repealing  
the paragraph.

32 Section 25 corrects a conflict created by Public Law 2001,  
chapter 471, which enacted the Maine Revised Statutes, Title 12,  
34 section 7901, subsection 20, paragraph Q-1, and Public Law 2001,  
chapter 421, which repealed the entire section. Public Law 2001,  
36 chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 20, paragraph Q-1. This  
38 section corrects that conflict by repealing the paragraph.

40 Section 26 corrects a conflict created by Public Law 2001,  
chapter 387, which enacted the Maine Revised Statutes, Title 12,  
42 section 7901, subsection 20, paragraphs R and S, and Public Law  
2001, chapter 421, which repealed the entire section. Public Law  
44 2001, chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 20, paragraphs R and S.  
46 This section corrects that conflict by repealing the paragraphs.

48 Section 27 corrects a conflict created by Public Law 2001,  
50 chapter 471, which amended the Maine Revised Statutes, Title 12,

2 section 7901, subsection 20, paragraphs T and U, and Public Law  
2001, chapter 421, which repealed the entire section. Public Law  
4 2001, chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 20, paragraphs T and U.  
6 This section corrects that conflict by repealing the paragraphs.

8 Section 28 corrects a conflict created by Public Law 2001,  
chapter 471, which enacted the Maine Revised Statutes, Title 12,  
10 section 7901, subsection 20, paragraph V, and Public Law 2001,  
chapter 421, which repealed the entire section. The provisions  
12 of section 7901, subsection 20, paragraph V are incorporated in  
section 7901-A. This section corrects that conflict by repealing  
14 the paragraph.

16 Section 29 corrects a conflict created by Public Law 2001,  
chapter 471, which made punctuation changes to the Maine Revised  
18 Statutes, Title 12, section 7901, subsection 21, paragraphs Q and  
R, and Public Law 2001, chapter 421, which repealed the entire  
20 section. Public Law 2001, chapter 421 enacts section 7901-A,  
which incorporates the provisions of section 7901, subsection 21,  
22 paragraphs Q and R. This section corrects that conflict by  
repealing the paragraphs.

24 Section 30 corrects a conflict created by Public Law 2001,  
chapter 471, which enacted the Maine Revised Statutes, Title 12,  
26 section 7901, subsection 21, paragraphs S to U, and Public Law  
2001, chapter 421, which repealed the entire section. Public Law  
28 2001, chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 21, paragraphs S to U.  
30 This section corrects that conflict by repealing the paragraphs.

32 Section 31 corrects a conflict created by Public Law 2001,  
chapter 387, which made punctuation changes to the Maine Revised  
34 Statutes, Title 12, section 7901, subsection 22, paragraph L, and  
Public Law 2001, chapter 421, which repealed the entire section.  
36 Public Law 2001, chapter 421 enacts section 7901-A, which  
incorporates the provisions of section 7901, subsection 22,  
38 paragraph L. This section corrects that conflict by repealing  
the paragraph.

40 Section 32 corrects a conflict created by Public Law 2001,  
42 chapter 471, which enacted the Maine Revised Statutes, Title 12,  
section 7901, subsection 22, paragraph L-1, and Public Law 2001,  
44 chapter 421, which repealed the entire section. Public Law 2001,  
chapter 421 enacts section 7901-A, which incorporates the  
46 provisions of section 7901, subsection 22, paragraph L-1. This  
section corrects that conflict by repealing the paragraph.

48 Section 33 corrects a conflict created by Public Law 2001,  
50 chapter 387, which made punctuation changes to the Maine Revised

2 Statutes, Title 12, section 7901, subsection 22, paragraph M, and  
Public Law 2001, chapter 421, which repealed the entire section.  
4 Public Law 2001, chapter 421 enacts section 7901-A, which  
incorporates the provisions of section 7901, subsection 22,  
6 paragraph M. This section corrects that conflict by repealing  
the paragraph.

8 Section 34 corrects a conflict created by Public Law 2001,  
chapter 387, which enacted the Maine Revised Statutes, Title 12,  
10 section 7901, subsection 22, paragraphs N and O, and Public Law  
2001, chapter 421, which repealed the entire section. Public Law  
12 2001, chapter 421 enacts section 7901-A, which incorporates the  
provisions of section 7901, subsection 22, paragraphs N and O.  
14 This section corrects that conflict by repealing the paragraphs.

16 Section 35 corrects cross-references.

18 Section 36 corrects a cross-reference.

20 Sections 37 and 38 correct clerical errors by replacing  
"juvenile caseworker" with "juvenile community corrections  
22 officer," a terminology change that was made in part by Public  
Law 1999, chapter 583.

24 Section 39 corrects the scope of the definition section for  
26 the Maine Revised Statutes, Title 17, chapter 80 to indicate that  
the definitions apply to the entire chapter. It also makes a  
28 technical correction.

30 Section 40 corrects a clerical error by replacing "juvenile  
caseworker" with "juvenile community corrections officer," a  
32 terminology change that was made in part by Public Law 1999,  
chapter 583.

34 Section 41 corrects a conflict created by Public Law 2001,  
36 chapters 383 and 419, which affected the same provision of law,  
by incorporating the changes made by both laws. Section 42  
38 provides an effective date of January 31, 2003.

40 Section 43 corrects a conflict created by Public Law 2001,  
chapters 383 and 419, which affected the same provision of law,  
42 by incorporating the changes made by both laws. Section 44  
provides an effective date of January 31, 2003.

44 Section 45 corrects a conflict created by Public Law 2001,  
46 chapters 348 and 383, which affected the same provision of law,  
by incorporating the changes made by both laws. Section 46  
48 provides an effective date of January 31, 2003.

2 Section 47 corrects a conflict created by Public Law 2001,  
3 chapters 383 and 439, which affected the same provision of law.  
4 This section repeals the provision and replaces it with the  
5 chapter 383 version. Section 48 provides an effective date of  
6 January 31, 2003.

8 Section 49 corrects a cross-reference.

10 Section 50 corrects a conflict created by Public Law 2001,  
11 chapters 403 and 454, which both affected the same provision of  
12 law. Chapter 403 made technical changes. Chapter 454 made  
13 substantive changes. This section corrects the conflict by  
14 repealing the provision and replacing it with the chapter 454  
15 version.

16 Section 51 corrects a conflict created by Public Law 2001,  
17 chapters 430 and 470, which affected the same provision of law,  
18 by incorporating the changes made by both laws.

20 Section 52 corrects a clerical error by replacing "juvenile  
21 caseworker" with "juvenile community corrections officer," a  
22 terminology change that was made in part by Public Law 1999,  
23 chapter 583.

24 Sections 53 and 54 correct a numbering problem created by  
25 Public Law 2001, chapters 145, 197 and 360, which enacted  
26 substantively different provisions with the same subsection  
27 number.

30 Section 55 corrects a conflict created by Public Law 2001,  
31 chapters 444 and 453, which affected the same provision of law,  
32 by incorporating the changes made by both laws.

34 Section 56 corrects a conflict created by Public Law 2001,  
35 chapter 107, which made a grammatical change and changed the word  
36 "administrator" to "manager" in the Maine Revised Statutes, Title  
37 30-A, section 82, subsection 4, paragraph B, and Public Law 2001,  
38 chapter 349, which repealed the entire subsection. This section  
39 corrects the conflict by repealing the subsection.

40 Section 57 corrects a cross-reference.

42 Section 58 corrects a conflict created by Public Law 2001,  
43 chapters 90 and 406, which affected the same provision of law, by  
44 incorporating the changes made by both laws. This section also  
45 makes a grammatical change.

48 Section 59 corrects a cross-reference.

2           Section 60 corrects a clerical error by replacing "juvenile  
caseworker" with "juvenile community corrections officer," a  
4 terminology change that was made in part by Public Law 1999,  
chapter 583.

6           Section 61 repeals the Maine Revised Statutes, Title 37,  
section 216, which is the only section of law left in Title 37.  
8 The contents of section 216 are located in Title 37-B, section  
507-A. The rest of Title 37 that dealt with veterans' services  
10 is also located in Title 37-B.

12           Section 62 corrects an amending clause.

14           Section 63 repeals the retroactivity clause in Public Law  
2001, chapter 314 because the law took effect on May 30, 2001 and  
16 therefore the retroactivity clause is unnecessary.

18           Section 64 clarifies that the application section of Public  
Law 2001, chapter 439, Part KK applies only to that Part and not  
20 to the entire public law.

22           Section 65 clarifies that the nonseverability provision of  
Public Law 2001, chapter 439, Part OOO applies only to that Part  
24 and not to the entire public law.