

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1381

H.P. 936

House of Representatives, April 30, 2015

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(EMERGENCY)

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

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Robert B. Hunt

ROBERT B. HUNT
Clerk

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

3 **Whereas,** acts of this and previous Legislatures have resulted in certain technical
4 errors and inconsistencies in the laws of Maine; and

5 **Whereas,** these errors and inconsistencies create uncertainties and confusion in
6 interpreting legislative intent; and

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

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

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

14 **Sec. 1. 8 MRSA §658,** as amended by PL 2013, c. 595, Pt. U, §5, is further
15 amended to read:

16 **§658. Unincorporated places**

17 County commissioners within their counties and counties within their limits shall
18 respectively exercise over unincorporated places all the powers of municipal officers and
19 towns under chapters 3, 7 and ~~18~~ 20 to 25.

20 **Sec. 2. 8 MRSA §701,** as amended by PL 2013, c. 595, Pt. U, §6, is further
21 amended to read:

22 **§701. Jurisdiction**

23 All penalties provided in chapters 3, 7 and ~~18~~ 20 to 25 must be recovered by
24 complaint for the use of the town where incurred.

25 **Sec. 3. 12 MRSA §6728, sub-§3,** as repealed and replaced by PL 2007, c. 557, §9
26 and repealed by c. 607, Pt. A, §10, is repealed.

27 **Sec. 4. 12 MRSA §6728, sub-§3-A,** as enacted by PL 2007, c. 607, Pt. A, §11, is
28 amended to read:

29 **3-A. Violation.** ~~A~~ Notwithstanding section 6174, a person who violates this section
30 commits a civil violation. The following penalties apply:

31 A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on
32 board may be seized; ~~and~~

33 B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on
34 board may be seized; and

1 C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all
2 scallops on board may be seized and the scallop dragging license may be suspended
3 for one year. ~~This~~ The penalty is imposed pursuant to this paragraph is in addition to
4 the penalty imposed under section 6728-B.

5 **Sec. 5. 20-A MRSA §2902, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8, is
6 amended to read:

7 **1. Immunization.** Comply with the immunization provisions under ~~section 6351~~
8 chapter 223, subchapter 2;

9 **Sec. 6. 20-A MRSA §5161, sub-§§1, 3, 5, 7 and 8**, as enacted by PL 2007, c.
10 451, §6, are repealed.

11 **Sec. 7. 22 MRSA §1714-E, sub-§§1 and 7**, as reallocated by RR 2011, c. 2,
12 §25, are amended to read:

13 **1. Suspension of payments.** The department shall suspend payment in whole or in
14 part to a MaineCare provider when a suspension is necessary to comply with Section
15 6402(h)(2) of the federal Patient Protection and Affordable Care Act ~~of 2010~~, Public Law
16 111-148 and 42 Code of Federal Regulations, Part 455.

17 **7. Repeal.** This section is repealed if Section 6402(h)(2) of the federal Patient
18 Protection and Affordable Care Act ~~of 2010~~, Public Law 111-148 and 42 Code of Federal
19 Regulations, Part 455 are invalidated by the United States Supreme Court.

20 **Sec. 8. 22 MRSA §2511, sub-§41-A**, as enacted by PL 2013, c. 252, §2 and c.
21 323, §1, is repealed and the following enacted in its place:

22 **41-A. Registered establishment.** "Registered establishment" means a person
23 registered under section 2514-A.

24 **Sec. 9. 22 MRSA §2514, sub-§1, ¶G-1**, as enacted by PL 2013, c. 252, §3 and c.
25 323, §3, is repealed.

26 **Sec. 10. 22 MRSA §2514-A**, as enacted by PL 2013, c. 252, §4, is amended to
27 read:

28 **§2514-A. Registration**

29 **1. Registration permitted.** A person that is not licensed under section 2514 may
30 engage in intrastate commerce in the business of buying, selling, preparing, processing,
31 packing, storing, transporting or otherwise handling meat, meat food products or poultry
32 products if that person is registered under this section. A person may register under this
33 section if the person is a:

34 A. Custom slaughterer, except that itinerant custom slaughterers who slaughter
35 solely at a customer's home or farm and who do not own, operate or work at a
36 slaughtering plant are exempt from the registration provisions of this section;

37 B. Custom processor;

1 C. Poultry producer who processes fewer than 1,000 birds annually under section
2 2517-C; and

3 D. Person in any other category that the commissioner may by rule establish.

4 **Sec. 11. 22 MRSA §2515**, as enacted by PL 2013, c. 323, §4, is repealed.

5 **Sec. 12. 22 MRSA §2517-C**, as amended by PL 2013, c. 304, §§5 to 7; c. 323, §5;
6 and c. 567, §1, is repealed and the following enacted in its place:

7 **§2517-C. Slaughter and inspection; producer exemptions for poultry**

8 **1. Exemption for processing fewer than 1,000 birds annually.** Notwithstanding
9 section 2512 and whether or not the poultry are intended for human consumption,
10 inspection is not required for the slaughter of poultry or the preparation of poultry
11 products as long as the poultry are slaughtered by the producer that raised the poultry and
12 the poultry products are prepared on the farm where the poultry were raised and:

13 A. Fewer than 1,000 birds are slaughtered annually on the farm;

14 B. No birds are offered for sale or transportation in interstate commerce;

15 C. Any poultry products sold are sold only as whole birds;

16 D-1. The poultry producer is registered under section 2514-A;

17 F. The poultry producer assigns a lot number to all birds sold and maintains a record
18 of assigned lot numbers and the point of sale;

19 G. The poultry are sold in accordance with the restrictions in subsection 2;

20 H. The poultry are sold at the farm on which the poultry were raised or delivered to a
21 consumer's home by the poultry producer; and

22 I. The poultry products are labeled with:

23 (1) The name of the farm, the name of the poultry producer and the address of
24 the farm including the zip code;

25 (2) The statement "Exempt under the Maine Revised Statutes, Title 22, section
26 2517-C NOT INSPECTED"; and

27 (3) Safe handling and cooking instructions as follows: "SAFE HANDLING
28 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or
29 microwave. Keep raw poultry separate from other foods. Wash working
30 surfaces, including cutting boards, utensils and hands, after touching raw poultry.
31 Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit
32 maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers
33 immediately or discard."

34 **1-A. Exemption for processing fewer than 20,000 birds annually.** A poultry
35 producer may slaughter and process that producer's own poultry without an inspector
36 being present during processing if all the following criteria are met; a producer that does
37 not meet these criteria does not qualify for this exemption and shall seek state or United
38 States Department of Agriculture inspection of poultry products intended to be sold:

1 A. The producer is licensed as a commercial processor pursuant to section 2514;

2 B. The producer's facilities conform to the rules of the department governing food
3 processing and manufacturing, including a:

4 (1) Separate area for slaughter, bleeding and defeathering;

5 (2) Separate area for evisceration and cooling; and

6 (3) Water supply that is tested twice annually for nitrates, nitrites and coliforms;

7 C. The producer raises, slaughters and processes, on that producer's premises, no
8 more than 20,000 poultry in a calendar year. The producer must declare to the
9 Department of Agriculture, Conservation and Forestry that it is exempt under this
10 subsection at the beginning of each calendar year. Records must demonstrate
11 numbers of birds raised. A producer that does not maintain accurate records does not
12 qualify for the exemption under this subsection;

13 D. The producer's facility is not used to slaughter or process poultry by any other
14 person or business without prior approval from the commissioner in accordance with
15 the requirements of the federal Food Safety and Inspection Service Administrator;

16 E. The producer does not purchase birds for resale that have been processed under
17 any exemption under this section;

18 F. Poultry are healthy when slaughtered;

19 G. Slaughter and processing are conducted using sanitary standards, practices and
20 procedures to produce poultry products that are not adulterated;

21 H. The producer does not engage in Internet or interstate sales;

22 I. The shipping containers of the poultry bear the following labeling:

23 (1) Producer's name, address and zip code;

24 (2) Common name of product or list of ingredients;

25 (3) Weight of product in shipping container or immediate container;

26 (4) Lot number, which must consist of a coded number in some combination of
27 the number of the day of the year on which the poultry was slaughtered;

28 (5) The statement "Exempt P.L. 90-492"; and

29 (6) Safe handling and cooking instructions as follows: "SAFE HANDLING
30 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or
31 microwave. Keep raw poultry separate from other foods. Wash working
32 surfaces, including cutting boards, utensils and hands, after touching raw poultry.
33 Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit
34 maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers
35 immediately or discard."

36 The producer may further process poultry carcasses into parts and other products. The
37 producer may sell retail poultry products to the household consumer and may sell
38 wholesale poultry products to retail stores, hotels, restaurants and institutions, with the
39 appropriate licenses.

1 **1-B. Small enterprise exemption.** A small enterprise may slaughter, dress and cut
2 up poultry without an inspector being present during processing if all the following
3 criteria are met; a small enterprise that does not meet these criteria does not qualify for
4 the exemption and shall seek state or United States Department of Agriculture inspection
5 of poultry products intended to be sold:

6 A. The small enterprise is licensed as a commercial processor pursuant to section
7 2514;

8 B. The small enterprise's facilities conform to the rules of the department governing
9 food processing and manufacturing, including a:

10 (1) Separate area for slaughter, bleeding and defeathering;

11 (2) Separate area for evisceration and cooling; and

12 (3) Water supply that is tested twice annually for nitrates, nitrites and coliforms;

13 C. The small enterprise raises, slaughters and dresses poultry, or purchases live
14 poultry to slaughter and dress, or purchases dressed poultry, in a combination of no
15 more than 20,000 birds in a calendar year. The small enterprise must declare to the
16 Department of Agriculture, Conservation and Forestry that it is exempt under this
17 subsection at the beginning of each calendar year. Records must show numbers of
18 birds raised, purchased or purchased as dressed. A small enterprise that does not
19 maintain accurate records does not qualify for the exemption under this subsection;

20 D. The small enterprise's further processing is limited to whole and cut up poultry
21 only;

22 E. The facility is not used to slaughter or process poultry by any other person or
23 business without prior approval from the commissioner in accordance with the
24 requirements of the federal Food Safety and Inspection Service Administrator;

25 F. Slaughter and processing are conducted using sanitary standards, practices and
26 procedures to produce poultry products that are not adulterated;

27 G. Poultry are healthy when slaughtered;

28 H. The small enterprise does not engage in Internet or interstate sales;

29 I. The small enterprise does not cut up and distribute poultry products to a business
30 operating under any exemption under this section;

31 J. The shipping or immediate containers of the poultry bear the following labeling:

32 (1) Business name, address and zip code;

33 (2) Common name of product;

34 (3) Weight of product in shipping container or immediate container;

35 (4) Lot number, which must consist of a coded number in some combination of
36 the number of the day of the year on which the poultry was slaughtered;

37 (5) The statement "Processed by a Licensed Commercial Food Processor/Small
38 Enterprise Exempt from state or United States Department of Agriculture
39 continuous bird-by-bird inspection"; and

1 (6) Safe handling and cooking instructions as follows: "SAFE HANDLING
2 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or
3 microwave. Keep raw poultry separate from other foods. Wash working
4 surfaces, including cutting boards, utensils and hands, after touching raw poultry.
5 Cook thoroughly to an internal temperature of at least 165 degrees Fahrenheit
6 maintained for at least 15 seconds. Keep hot foods hot. Refrigerate leftovers
7 immediately or discard."

8 The small enterprise may sell poultry products wholesale to hotels, restaurants and
9 institutions, prepackaged products to retail stores and retail products to household
10 consumers, with the appropriate licenses.

11 **2. Restrictions on point of sale.** Except as provided in subsections 1-A and 1-B,
12 poultry products sold under this section may be sold only by the poultry producer and in
13 the following locations or manner:

14 A. At the farm on which the poultry were raised;

15 B. At a farmers' market as defined in Title 7, section 415;

16 C. Delivered to a consumer's home by the poultry producer whose name and address
17 appear on the label under subsection 1 or whose name and license number appear on
18 the label under subsection 1-A or 1-B;

19 D. Received by a person who is a member of a community supported agriculture
20 farm that has a direct marketing relationship with the poultry producer. For the
21 purposes of this section, "community supported agriculture" means an arrangement
22 whereby individual consumers have agreements with a farmer to be provided with
23 food or other agricultural products produced on that farm;

24 E. To a locally owned grocery store; or

25 F. To a locally owned restaurant.

26 **3. Labeling requirements for sales at farmers' markets, locally owned grocery**
27 **stores and locally owned restaurants.** A poultry producer may not sell poultry products
28 that have not been inspected at a farmers' market, to a locally owned grocery store or a
29 locally owned restaurant pursuant to subsections 1 and 2 unless the poultry products are
30 labeled with:

31 A. The name of the farm, the name of the poultry producer and the address of the
32 farm including the zip code;

33 B. The number of the license issued to the poultry producer in accordance with
34 section 2514 and the lot number for the poultry products pursuant to subsection 1,
35 paragraph F;

36 C. The statement "Exempt under the Maine Revised Statutes, Title 22, section
37 2517-C NOT INSPECTED." The statement must be prominently displayed with such
38 conspicuousness that it is likely to be read and understood; and

39 D. Safe handling and cooking instructions as follows: "SAFE HANDLING
40 INSTRUCTIONS: Keep refrigerated or frozen. Thaw in refrigerator or microwave.
41 Keep raw poultry separate from other foods. Wash working surfaces, including

1 cutting boards, utensils and hands, after touching raw poultry. Cook thoroughly to an
2 internal temperature of at least 165 degrees Fahrenheit maintained for at least 15
3 seconds. Keep hot foods hot. Refrigerate leftovers immediately or discard."

4 **4. Rules.** The commissioner shall adopt rules to establish requirements for the
5 physical facilities and sanitary processes used by poultry producers whose products are
6 exempt from inspection under this section. Rules adopted under this subsection are major
7 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

8 **5. Enforcement.** The commissioner shall enforce the provisions of this section.

9 **6. Violation; penalty.** A person who violates this section is subject to penalties
10 under section 2524.

11 **Sec. 13. 22 MRSA §2518,** as amended by PL 2013, c. 252, §6 and c. 323, §6, is
12 repealed and the following enacted in its place:

13 **§2518. Periodic review of noninspected licensed and registered establishments**

14 **1. Review by inspector.** The commissioner may require establishments that are
15 required to be licensed under section 2514 or registered under section 2514-A but are
16 exempt from inspection under section 2512, subsection 2, paragraph K to be periodically
17 reviewed by inspectors to ensure that the provisions of this chapter and the rules adopted
18 under this chapter are satisfied and that the public health, safety and welfare are
19 protected. The commissioner shall require establishments that are required to be licensed
20 under section 2514 or registered under section 2514-A but are exempt from inspection
21 under section 2517-C to be reviewed annually by inspectors to ensure that the provisions
22 of this chapter and the rules adopted under this chapter are satisfied and that the public
23 health, safety and welfare are protected.

24 **2. Review of certain slaughter or preparation establishments.** Inspection may
25 not be provided under this chapter at any establishment for the slaughter of livestock or
26 poultry or the preparation of any livestock products or poultry products that are not
27 intended for use as human food, but these products must, prior to their offer for sale or
28 transportation in intrastate commerce, unless naturally inedible by humans, be denatured
29 or otherwise identified, as prescribed by rules of the commissioner, to deter their use for
30 human food. These licensed or registered establishments are subject to periodic review.

31 **3. Subject to review.** A periodic review under this section must include an
32 examination of:

33 A. The licensed or registered establishment's sanitation practices;

34 B. Sanitation in the areas where meat and poultry products are prepared, stored and
35 displayed;

36 C. The adequacy of a refrigeration system used for meat food products and poultry
37 products;

38 D. Labeling; and

39 E. Meat food products or poultry products for wholesomeness or adulteration.

1 In addition, the inspector conducting the periodic review may conduct any other
2 examination necessary to ensure compliance with this chapter and the rules adopted
3 pursuant to this chapter.

4 **4. Access.** For purposes of a periodic review of a licensed or registered
5 establishment, inspectors have access during normal business hours to every part of a
6 licensed or registered establishment required to have inspection under this chapter,
7 whether the licensed or registered establishment is operated or not.

8 **Sec. 14. 24 MRSA §2317-B, sub-§7**, as amended by PL 1999, c. 790, Pt. A, §27,
9 is further amended to read:

10 **7. Title 24-A, section 2729.** Renewability, Title 24-A, section ~~2729-A~~ 2729;

11 **Sec. 15. 24-A MRSA §2604-A, first ¶**, as enacted by PL 1981, c. 150, §5 and c.
12 175, §2, is repealed and the following enacted in its place:

13 The lives of a group of individuals may be insured under a policy issued to a creditor
14 or its parent holding company or to a trustee or trustees or agent designated by 2 or more
15 creditors, which creditor, holding company, affiliate, trustee, trustees or agent is
16 considered the policyholder, to insure debtors of the creditor or creditors, subject to the
17 following requirements.

18 **Sec. 16. 25 MRSA §2803-B, sub-§1, ¶D**, as amended by PL 2011, c. 640, Pt. D,
19 §1 and c. 680, §4, is repealed and the following enacted in its place:

20 **D. Domestic violence, which must include, at a minimum, the following:**

21 (1) A process to ensure that a victim receives notification of the defendant's
22 release from jail;

23 (2) A process for the collection of information regarding the defendant that
24 includes the defendant's previous history, the parties' relationship, whether the
25 commission of an alleged crime included the use of strangulation as defined in
26 Title 17-A, section 208, subsection 1, paragraph C, the name of the victim and a
27 process to relay this information to a bail commissioner before a bail
28 determination is made;

29 (3) A process for the safe retrieval of personal property belonging to the victim
30 or the defendant that includes identification of a possible neutral location for
31 retrieval, the presence of at least one law enforcement officer during the retrieval
32 and giving the victim the option of at least 24 hours' notice to each party prior to
33 the retrieval;

34 (4) Standard procedures to ensure that protection from abuse orders issued under
35 Title 19-A, section 4006 or 4007 are served on the defendant as quickly as
36 possible; and

37 (5) A process for the administration of a validated, evidence-based domestic
38 violence risk assessment recommended by the Maine Commission on Domestic
39 and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and
40 approved by the Department of Public Safety and the conveyance of the results of

1 that assessment to the bail commissioner, if appropriate, and the district attorney
2 for the county in which the domestic violence occurred.

3 **Sec. 17. 26 MRSA §1043, sub-§24**, as repealed and replaced by PL 1979, c. 515,
4 §5-A, is amended to read:

5 **24. Insured worker.** An "insured worker" is an individual who has been paid wages
6 of at least \$250 for insured work in each of 2 different quarters in ~~his~~ that individual's
7 base period and has been paid total wages of at least \$900 in ~~his~~ the base period for
8 insured work. For each individual establishing a benefit year on or after January 1, 1980,
9 an "insured worker" is an individual who has been paid wages equal to or exceeding 2
10 times the annual average weekly wage for insured work in each of 2 different quarters in
11 ~~his~~ that individual's base period and has been paid total wages equal to or exceeding 6
12 times the annual average weekly wage in ~~his~~ the base period for insured work. The annual
13 average weekly wage amount to be used for purposes of this subsection ~~shall~~ must be that
14 which is applicable at the time the individual files a request for determination of ~~his~~
15 insured status.

16 **Sec. 18. 26 MRSA §1329**, as amended by PL 2011, c. 559, Pt. A, §30 and
17 repealed by c. 565, §1, is repealed.

18 **Sec. 19. 29-A MRSA §2451, sub-§3**, as amended by PL 2013, c. 459, §5 and c.
19 604, §4, is repealed and the following enacted in its place:

20 **3. Suspension period.** Unless a longer period of suspension is otherwise provided
21 by law and imposed by the court, the Secretary of State shall suspend the license of a
22 person convicted of OUI for the following minimum periods:

23 A. One hundred fifty days, if the person has one OUI conviction within a 10-year
24 period;

25 B. Three years, if the person has 2 OUI offenses within a 10-year period;

26 C. Six years, if the person has 3 OUI offenses within a 10-year period; or

27 E. Eight years, if the person has 4 or more OUI offenses within a 10-year period.

28 For the purposes of this subsection, a conviction or suspension has occurred within a 10-
29 year period if the date of the new conduct is within 10 years of a date of suspension or
30 imposition of sentence.

31 **Sec. 20. 30-A MRSA §1671, sub-§3, ¶A**, as amended by PL 2007, c. 653, Pt. A,
32 §18, is further amended to read:

33 A. Developing and adopting a mission statement consistent with the purposes of the
34 State Board of Corrections ~~established in~~ under Title 34-A, section ~~4209-A~~ 1801;

35 **Sec. 21. 34-A MRSA §3406**, as amended by PL 1995, c. 502, Pt. E, §30 and PL
36 2011, c. 657, Pt. W, §§5 and 7; and PL 2013, c. 405, Pt. A, §24, is further amended to
37 read:

1 **§3406. Land grants to the Department of Agriculture, Conservation and Forestry**

2 The following lands of the former Women's Correctional Center at Skowhegan are
3 granted to ~~the divisions of~~ the Department of Agriculture, Conservation and Forestry,
4 Bureau of Parks and Lands as follows:

5 **1. Land grant to Bureau of Parks and Lands.** All of the open land and timberland
6 north of Norridgewock Avenue, excluding the land immediately adjacent to the
7 institutional buildings, is transferred to the Bureau of Parks and Lands, which shall
8 actively manage the timberlands as a working forest; and

9 **2. Land grant to Bureau of Parks and Lands.** All the land lying between
10 Norridgewock Avenue and the Kennebec River, with the exception of the ~~sewerage~~
11 sewage treatment plant and access thereto, is transferred to the Bureau of Parks and
12 Lands to be managed by the ~~division~~ bureau.

13 **Sec. 22. 34-A MRSA §5802, sub-§2,** as amended by PL 2013, c. 508, §9, is
14 further amended to read:

15 **2. Custody and control.** While on parole, the parolee is under the custody of the
16 warden of the institution from which the parolee was released, but under the immediate
17 supervision of and subject to the rules of the ~~division~~ department or any special
18 conditions of parole imposed by the board.

19 **Sec. 23. 34-B MRSA §1207, sub-§1, ¶B,** as amended by PL 2013, c. 132, §1
20 and c. 434, §7, is repealed and the following enacted in its place:

21 B. Information may be disclosed if necessary to carry out the statutory functions of
22 the department; the hospitalization provisions of chapter 3, subchapter 4; the
23 provisions of section 1931; the purposes of section 3608; the purposes of Title 5,
24 section 19506; the purposes of United States Public Law 99-319, dealing with the
25 investigatory function of the independent agency designated with advocacy and
26 investigatory functions under United States Public Law 88-164, Title I, Part C or
27 United States Public Law 99-319; the investigation and hearing pursuant to Title 15,
28 section 393, subsection 4-A; or the provision of mental health services by the
29 Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B.
30 This paragraph is repealed August 1, 2017;

31 **Sec. 24. 34-B MRSA §1207, sub-§1, ¶B-3,** as enacted by PL 2013, c. 434, §8, is
32 amended to read:

33 B-3. Information may be disclosed if necessary to carry out the statutory functions of
34 the department; the hospitalization provisions of chapter 3, subchapter 4; the
35 provisions of section 1931; the purposes of ~~sections 3607-A and~~ section 3608; the
36 purposes of Title 5, section 19506; the purposes of United States Public Law 99-319,
37 dealing with the investigatory function of the independent agency designated with
38 advocacy and investigatory functions under United States Public Law 88-164, Title I,
39 Part C or United States Public Law 99-319; or the investigation and hearing pursuant
40 to Title 15, section 393, subsection 4-A. This paragraph takes effect August 1, 2017;

Sec. 25. 38 MRSA §451-A, sub-§2, as amended by PL 1975, c. 700, §1, is further amended to read:

2. Exemptions. Any person, other than a municipality, maintaining a discharge subject to the requirements of ~~section~~ sections 413, 414 and 414-A ~~shall be~~ is exempt from the requirements of section 414-A, subsection 1, paragraph D, ~~Effluent Limitations and Best Practicable Treatment~~, if, by July 1, 1976 or on the commencement of a licensed discharge, whichever occurs later, such discharger presents to the Department of Environmental Protection and receives approval of a contract agreeing to connect to the existing or planned municipal sewage system immediately upon completion of construction and commencement of operation of such treatment plant. Such contract must insure that, in the case of a new discharge, such new discharge will not cause serious water quality problems, including but not limited to downgrading the receiving waters so as to make them unsuitable for currently existing uses. For the purpose of this section, a "new discharge" is a discharge ~~which~~ that commences or a discharge ~~which~~ that changes characteristics or increases licensed volume by more than 10% on or after ~~the effective date of this Act~~ October 1, 1975.

Sec. 26. PL 2013, c. 368, Pt. YY, §1, as amended by PL 2013, c. 538, §42 and c. 595, Pt. I, §1 and affected by §2, is repealed and the following enacted in its place:

Sec. 1. Transfer of funds from Carrying Balances - Inland Fisheries and Wildlife, General Fund account. Notwithstanding any other provision of law, the State Controller shall transfer \$150,000 on or before August 1, 2013 from the Carrying Balances - Inland Fisheries and Wildlife, General Fund account to the Administrative Services - Inland Fisheries and Wildlife, General Fund account to fund permitting and development costs related to the construction of a new headquarters facility in Gray.

Sec. 27. Retroactivity. That section of this Act that repeals and replaces Public Law 2013, chapter 368, Part YY, section 1 applies retroactively to June 26, 2013.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

Sections 1 and 2 correct cross-references.

Sections 3 and 4 correct a conflict created when Public Law 2007, chapter 557 repealed and replaced the Maine Revised Statutes, Title 12, section 6728, subsection 3 and Public Law 2007, chapter 607 repealed Title 12, section 6728, subsection 3 and enacted a subsection 3-A. These sections correct the conflict by repealing subsection 3 and incorporating the changes made by both laws into subsection 3-A.

Section 5 corrects a cross-reference.

Section 6 removes obsolete definitions.

Section 7 corrects a clerical error.

1 Section 8 corrects a conflict created by Public Law 2013, chapters 252 and 323,
2 which affected the same provision of law. This section repeals the provision and replaces
3 it with the chapter 252 version.

4 Section 9 repeals Title 22, section 2514, subsection 1, paragraph G-1, which was
5 enacted by Public Law 2013, chapters 252 and 323. Public Law 2013, chapter 304
6 enacted Title 22, section 2514, subsection 1, paragraph M with the same language as is
7 contained in paragraph G-1. This section repeals paragraph G-1 to eliminate the
8 redundancy.

9 Sections 10 and 11 correct an error created when Public Law 2013, chapters 252 and
10 323 enacted substantially similar provisions with different section numbers by amending
11 Title 22, section 2514-A to include language from section 2515 and repealing section
12 2515.

13 Section 12 corrects a conflict created by Public Law 2013, chapters 304, 323 and 567,
14 which affected the same provision of law, by incorporating changes made by all 3 of the
15 laws. This section also corrects a cross-reference and grammatical errors.

16 Section 13 corrects a conflict created by Public Law 2013, chapters 252 and 323,
17 which affected the same provision of law, by incorporating the changes made by both
18 laws and providing appropriate cross-references.

19 Section 14 corrects a cross-reference.

20 Section 15 corrects a conflict created by Public Law 1981, chapters 150 and 175,
21 which enacted the same provision of law, but with a difference in punctuation. This
22 section corrects the conflict by repealing the provision and replacing it with the chapter
23 175 version.

24 Section 16 corrects a conflict created by Public Law 2011, chapters 640 and 680,
25 which affected the same provision of law, by incorporating the changes made by both
26 laws.

27 Section 17 corrects a clerical error by adding the word "paid," which was omitted in
28 the enacting law, makes a grammatical change and removes gender-specific language.

29 Section 18 corrects a conflict created when Public Law 2011, chapter 559 amended
30 Title 26, section 1329, subsection 6 and Public Law 2011, chapter 565 repealed Title 26,
31 chapter 16, which contained Title 26, section 1329, subsection 6. This section corrects the
32 conflict by repealing section 1329.

33 Section 19 corrects a conflict created by Public Law 2013, chapters 459 and 604,
34 which affected the same provision of law, by incorporating the changes made by both
35 laws.

36 Section 20 corrects a cross-reference.

1 Section 21 makes technical corrections consistent with the consolidation of 2
2 departments into the Department of Agriculture, Conservation and Forestry and corrects a
3 clerical error.

4 Section 22 corrects a reference to the Department of Corrections, Division of
5 Probation and Parole to reflect the elimination of the division.

6 Section 23 corrects a conflict created by Public Law 2013, chapters 132 and 434,
7 which affected the same provision of law, by incorporating the changes made by both
8 laws.

9 Section 24 removes a reference to a repealed provision of law.

10 Section 25 corrects a clerical error, a reference to a date and a cross-reference and
11 makes grammatical changes.

12 Sections 26 and 27 correct a conflict created by Public Law 2013, chapters 538 and
13 595, which amended the same provision of law, by repealing the section and replacing it
14 with the chapter 595 version.