

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**REVISOR'S REPORT**

**1991**

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**Sec. 1. 3 MRSA §227, first ¶**, as amended by PL 1989, c. 503, Pt. B, §3, is corrected to read:

The Maine-Canadian Legislative Advisory Commission, as authorized by Title 5, section 12004-K, subsection 10, shall consist of 8 members, all of whom shall be citizens of this State. The Speaker of the House shall appoint 4 members, 2 for a term of one year and 2 who must be members of the House of Representatives who shall each hold office from the date of appointment until the term of election to the Legislature expires. The President of the Senate shall appoint ~~3~~ 4 members, 2 for a term of one year and 2 who must be Senators who shall each hold office from the date of appointment until the term of election to the Legislature expires. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House shall be fluent in the French language. In the event of the death or resignation of any member, the vacancy shall be filled for the remainder of the term in the same manner as the original appointment.

**EXPLANATION**

This section corrects an obvious clerical error by changing a figure to be consistent with the total number of members as authorized in the law.

**Sec. 2. 3 MRSA §927, sub-§3, ¶B**, as amended by PL 1991, c. 376, §7, is corrected to read:

B. Independent agencies:

- (1) Maine State Pilotage Commission;
- (2) State Board of Registration for Professional Engineers;
- (3) State Board of Registration for Land Surveyors;
- (4) Local Government Records Board;
- (5) State Planning Office;
- (6) Maine High-Risk Insurance ~~Organizations~~ Organization;
- (7) Capitol Planning Commission;
- (8) State Lottery Commission; and
- (9) Driver Education Evaluation Programs.

**EXPLANATION**

This section corrects a misspelling.

**Sec. 3. 5 MRSA §1654, sub-§4, ¶C**, as amended by PL 1985, c. 792, §5, is corrected by amending division (c) to read:

(c) Individual final grant statements of revenue, expense and balance prepared for each contract or grant. These individual grant statements must:

(i) Be prepared in accordance with the uniform state policies and in accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. Any deviations from these ~~Americian~~ American Institute of Certified Public Accountants' standards shall include the necessary disclosures;

~~(iii)~~ (ii) Be reconciled with the financial statements prepared by the outside public accounting firm;

~~(iv)~~ (iii) Be filed with the department's grantor and be accompanied by the auditor's comments and recommendations on internal control and management practices, if any; and

~~(v)~~ (iv) Be dated and signed by an authorized and appropriate representative of the community agency;

**EXPLANATION**

This section corrects a spelling error and renumbers the subdivisions to read consecutively.

**Sec. 4. 5 MRSA §1659**, as enacted by PL 1991, c. 591, Pt. II, §1, is corrected by amending the headnote to read:

~~§1659:~~ **§1660-B. Limitations on department funding of administrative costs**

**Sec. 5. PL 1991, c. 591, Pt. II, §1, first line** is corrected to read:

**Sec. II-1. 5 MRSA §~~1659~~ §1660-B** is enacted to read:

## EXPLANATION

These sections correct a renumbering conflict created by Public Law 1991, chapters 591 and 611, which enacted the same section.

**Sec. 6. 5 MRSA §1768**, as enacted by PL 1991, c. 481, §1, is corrected by amending the headnote to read:

~~§1768. §1769. Outdoor lighting~~

**Sec. 7. PL 1991, c. 481, §1, first line** is corrected to read:

**Sec. 1. 5 MRSA ~~§1768~~ §1769** is enacted to read:

## EXPLANATION

These sections correct a renumbering problem created by Public Law 1991, chapters 246 and 481 enacting the same section.

**Sec. 8. 5 MRSA §1812-E**, as enacted by PL 1991, c. 246, §3, is corrected by amending the headnote to read:

~~§1812-E. §1812-F. Water conservation devices; purchase and installation~~

**Sec. 9. PL 1991, c. 246, §3, first line** is corrected to read:

**Sec. 3. 5 MRSA ~~§1812-E~~ §1812-F** is enacted to read:

## EXPLANATION

These sections correct a numbering problem created by Public Law 1991, chapters 207 and 246 enacting the same section.

**Sec. 10. 5 MRSA §3311-A, first ¶**, as enacted by PL 1985, c. 595, §2, is corrected to read:

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

## EXPLANATION

This section corrects an obvious clerical error.

**Sec. 11. 5 MRSA c. 383, sub-c. II, art. 3**, as enacted by PL 1989, c. 914, §2, is corrected by amending the headnotes to read:

## Article 3 5

## COMMISSION ON INVESTMENT CAPITAL

~~§13064. §13070-F. Commission on Investment Capital~~

~~§13065. §13070-G. Duties and responsibilities of the commission~~

~~§13066. §13070-H. Agency cooperation~~

~~§13067. §13070-I. Sunset~~

**Sec. 12. PL 1989, c. 914, §2, first 2 lines** are corrected to read:

**Sec. 2. 5 MRSA c. 383, sub-c. II, art. 3 5** is enacted to read:

## EXPLANATION

These sections correct a numbering problem created by Public Law 1989, chapters 875 and 914 enacting the same section and article numbers.

**Sec. 13. 5 MRSA §13068**, as enacted by PL 1991, c. 591, Pt. III, §21, is corrected by amending the headnote to read:

~~§13068. §13066-A. Impulse Traveler Program~~

**Sec. 14. PL 1991, c. 591, Pt. III, §21** is corrected to read:

**Sec. III-21. 5 MRSA ~~§13068~~ §13066-A** is enacted to read:

## EXPLANATION

These sections correct a numbering conflict created by Public Law 1991, chapter 591.

**Sec. 15. 5 MRSA §17852, sub-§10, ¶C**, as amended by PL 1991, c. 591, Pt. EEE, §13 and affected by §18, is corrected to read:

C. For members who qualify under section 17851, subsection H 11, paragraph B, and who retire before reaching the age of 55, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1, is reduced by applying to that amount the percentage that a life annuity due at age 55 bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement is used.

This paragraph applies to members who, on December 1, 1991, have 7 years of creditable service.

**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 16. 7 MRSA §720, sub-§7**, as enacted by PL 1971, c. 77, §1, is corrected to read:

**7. Results.** The results of all analyses of official samples shall be forwarded by the ~~comimssioner~~ commissioner to the person named on the label and to the purchaser, if known, and the distributor of the feed. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded, and upon request within 30 days following receipt of the analysis, the commissioner shall furnish to the registrant a portion of the sample concerned.

**EXPLANATION**

This section corrects spelling and punctuation errors.

**Sec. 17. 7 MRSA §2954, sub-§13**, as enacted by PL 1991, c. 376, §27, is corrected to read:

~~13.~~ **15. Exception.** Notwithstanding subsection 7, a purchaser of milk at retail may tender a coupon or any item of value if the coupon or item of value is not brand specific and is redeemable for cash by the retailer and if the total value tendered by the purchaser is not less than the minimum retail price established by the commission.

**Sec. 18. PL 1991, c. 376, §27, first line** is corrected to read:

**Sec. 27. 7 MRSA §2954, ~~sub-§13~~ sub-§15** is enacted to read:

**EXPLANATION**

These sections correct a numbering problem created by Public Law 1991, chapters 376 and 526 enacting the same subsection.

**Sec. 19. 11 MRSA §9-411, sub-§2**, as enacted by PL 1991, c. 465, §13, is corrected to read:

**2. Funds Fund; fees deposited.** All fees collected pursuant to this section must be deposited in a fund for use by the Secretary of State for the purpose of replacing and updating publications offered in accordance with this Part and for funding new publications.

**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 20. 12 MRSA §7001, sub-§1-A, ¶V**, as enacted by PL 1991, c. 443, §2, is corrected to read:

V. American eel (*Anquilla rostrata*).

**EXPLANATION**

This section corrects a punctuation error.

**Sec. 21. 15 MRSA c. 515, first 2 lines** are corrected to read:

**PART 7**  
**ASSET FORFEITURE**  
  
**CHAPTER 515**  
**ASSET FORFEITURE**

**EXPLANATION**

This section designates a Part for sections improperly placed in a Part already existing.

**Sec. 22. 19 MRSA §692-A, sub-§2, ¶C**, as enacted by PL 1991, c. 482, §2, is corrected to read:

C. A preliminary injunction:

(1) Does not prejudice the rights of the parties or any child that are to be adjudicated at subsequent hearings in the proceeding and does not limit the power of the court to issue other injunctive relief that may be proper under the circumstances; and

(2) Terminates when:

(+) (a) The court revokes or modifies it;

(ii) (b) A final divorce judgment or decree of judicial separation is entered; or

(iii) (c) The action is dismissed.

### EXPLANATION

This section corrects an obvious clerical error by renumbering the divisions to correct the format.

**Sec. 23. 19 MRSA §773, sub-§3**, as amended by PL 1981, c. 470, Pt. A, §47, is corrected to read:

**3. Disclosure hearing.** The court may make an order under ~~section~~ subsection 1 without a separate disclosure hearing, if the court has already determined the person's ability to pay and his receipt of money from a source other than a source that is otherwise exempt from trustee process, attachment and execution.

### EXPLANATION

This section corrects an obvious clerical error.

**Sec. 24. 19 MRSA §1001**, as enacted by PL 1991, c. 414, is corrected to read:

#### §1001. Short title

This chapter is known and may be cited as the "The Grandparents Visitation Act."

### EXPLANATION

This section corrects an obvious clerical error.

**Sec. 25. 20-A MRSA §4708**, as enacted by PL 1991, c. 292, §1, is corrected by amending the headnote to read:

#### ~~§4708: §4709. Blind students; instruction in Braille~~

**Sec. 26. PL 1991, c. 292, §1, first line** is corrected to read:

**Sec. 1. 20-A MRSA ~~§4708~~ §4709** is enacted to read:

### EXPLANATION

These sections correct a numbering problem created by Public Law 1991, chapters 248 and 292 enacting the same section.

**Sec. 27. 22 MRSA §819**, as enacted by PL 1989, c. 487, §11, is corrected to read:

#### §819. Exercise of rights

Any individual subject to a court order issued pursuant to section 812, subsection 1, paragraph F or G shall have the rights set forth in Title 34-B, section 3803, unless the exercise of any of those rights poses a threat to the health or safety of other individuals. Any restriction imposed upon the exercise of an individual's rights as stated in Title 34-B, section 3803, and the reasons for that restriction, shall be made a part of the clinical record of that individual.

### EXPLANATION

This section corrects an obvious clerical error by supplying a correct internal cross-reference.

**Sec. 28. 22 MRSA §1672-A, sub-§3**, as enacted by PL 1989, c. 314, is corrected to read:

**3. Shopping centers; food or beverage service areas.** Smoking in any part of an enclosed common area where food or beverages are served and tables provided shall be governed by ~~subsection~~ section 1579-A.

### EXPLANATION

This section corrects an obvious clerical error.

**Sec. 29. 22 MRSA §3174, 3rd ¶**, as amended by PL 1991, c. 591, Pt. P, §12, is corrected to read:

The income factor of eligibility is met if, after reducing all income received by or available to the applicant by the liabilities for the kinds of goods and services provided for in this section, the residual income does not exceed 100% of an amount equal to the Aid ~~for~~ to Families with Dependent Children payment standards applicable to the applicant in the case of a family of 2 or more, or does not exceed 100% of an amount equal to the Aid ~~for~~ to Families with Dependent Children full-need standard for a unit of one in the case of an individual.

### EXPLANATION

This section corrects an obvious clerical error by correcting a program name.

**Sec. 30. 22 MRSA §3273, sub-§3, ¶B**, as enacted by PL 1973, c. 790, §3, is corrected to read:

B. In the unfortunate and unlikely event that such an agreement cannot be effected to provide the individual sufficient income as specified in subsection 1, paragraph B, the department may provide a special grant whenever the benefit pursuant to subsection 1, ~~subsection~~ paragraph B, is insufficient to meet the rate set for a boarding home. The department shall make such special grant preferably via a vendor payment system or via payment to a payee designated by the individual, or if necessary, via payment to the individual. Noting the intent of Title XVI of the United States Social Security Act, as amended, the administrative efficiencies, and the substantial cost savings to Maine taxpayers, it is the intent of the Legislature that the department shall take any and all reasonable action to obtain the approval of the secretary for a system of vendor payments for such special grants.

**EXPLANATION**

This section corrects an obvious clerical error by supplying a correct internal cross-reference.

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**Sec. 31. 23 MRSA §707**, as enacted by PL 1991, c. 481, §2, is corrected by amending the headnote to read:

**§707. §708. Highway lighting**

**Sec. 32. PL 1991, c. 481, §2, first line** is corrected to read:

**Sec. 2. 23 MRSA §707 §708** is enacted to read:

**EXPLANATION**

These sections correct a numbering problem created by Public Law 1991, chapters 401 and 481 enacting the same section.

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**Sec. 33. 23 MRSA §§7171 to 7181**, as enacted by PL 1991, c. 587, are corrected to read:

**§7171. Short Title: title**

This subchapter may be known and cited as the "Passenger Rail Service Act."

**§7172. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

**1. Department.** "Department" means the Department of Transportation and any successors to that ~~Department~~ department.

**2. Government Agency agency.** "Government Agency agency" includes any department, agency, commission, bureau, authority, instrumentality and political subdivision of:

- A. The Federal Government;
- B. The State;
- C. Any other state; and
- D. The Dominion of Canada and any of its provinces.

**3. Person.** "Person" includes individuals, corporations, ~~Government Agencies~~ government agencies, partnerships, joint ventures, business trusts, trusts, associations and all other legal entities.

**4. Railroad Line line.** "Railroad line" or "lines" means the right-of-way, track, track appurtenances, ties, bridges, station houses and other appurtenant structures.

**§7173. Initiation and establishment of passenger rail service:**

**1. Establishment of Service service.** The ~~Department~~ department is directed to take all actions that are reasonably necessary to initiate, establish or reinstate regularly scheduled passenger rail service between points within this State and points within and outside this State. These actions may include, but are not limited to, the acquisition, holding, use, operation, repair, construction, reconstruction, rehabilitation, modernization, rebuilding, relocation, maintenance and disposition of railroad lines, railway facilities, rollingstock, machinery and equipment, trackage rights, real and personal property of any kind whatsoever, and any rights in or related to that property.

**2. Acquisition of properties; ; rights.** The ~~Department~~ department may acquire any of the properties or rights listed in subsection 1 through purchase, lease, lease-purchase, gift, devise or otherwise. In making these acquisitions the ~~Department~~ department may exercise the power of eminent domain following the same procedure set forth in section 7154, subsection 5, except that any notice of condemnation must be filed in the registry of deeds for the county or counties, or registry division or divisions, in which the property is located, in the case of real property, and with the Uniform Commercial Code division of the office of the Secretary of State in the case of personal property.



**§7174. Contracts; ~~Studies studies~~**

In order to implement section 7173 and the purposes of this subchapter, the ~~Department department~~ is hereby directed to:

**1. Conduct ~~Studies studies~~.** Conduct, or cause to be conducted, any studies that the ~~Department department~~ determines necessary or proper;

**2. Enter into contracts.** Enter into and fulfill any contracts and agreements which the ~~Department department~~ determines necessary or proper;

**3. Acquire property.** Acquire property, including, but not limited to, railroad lines, both within and outside of this State; and

**4. Cooperate with ~~Government Agencies govern-~~ment agencies.** Cooperate and enter into agreements, contracts and compacts with any ~~Government Agency government agency~~, the National Railroad Passenger Corporation, and any other person, public or private.

**§7175. Initial ~~Funding: funding~~**

**1. Funds for implementation.** The ~~Department department~~ is directed to seek and use funds necessary for the implementation of this subchapter, in an amount not less than \$40,000,000, exclusive of any interest or other debt service or expenses which are paid for funds borrowed through bond issues or otherwise.

**2. Expenditure of ~~Funds funds~~.** These funds must be spent first to reinstate, on or before June 1, 1993, regularly scheduled passenger rail service between Portland, Maine and Boston, Massachusetts, and points between. Any funds that exceed those necessary to reinstate service between those points must be spent by the ~~Department department~~ to extend, to the extent practicable, regularly scheduled passenger rail service to other points within and outside of this State, which passenger rail service must connect with the service between Portland, Maine and Boston, Massachusetts.

**§7176. Additional ~~Funding: funding~~**

The ~~Department department~~ is directed to use all revenues received from the operation of the passenger rail service established pursuant to this subchapter to pay the operational expenses of that service. The ~~Department department~~ is directed to seek and use funds necessary to pay all operational expenses of this passenger rail service that are not met by fares and other funds or revenues. For the purposes of this section, "operational expenses" include, but are not limited to, all additional capital expenses necessary to maintain the passenger rail service.

**§7177. Federal ~~Funds: funds~~**

The ~~Department department~~ may take all actions consistent with this subchapter that may be necessary to qualify for, accept and disburse any money that the ~~federal government Federal Government~~ may grant or loan to this State to fund any actions required of the ~~Department department~~ under the terms of this subchapter.

**§7178. Municipalities:**

Any political subdivision of this State may appropriate money and take other actions that may aid in the implementation of this subchapter. The ~~Department department~~ is authorized to provide funds, including loans and matching grants, to political subdivisions in order to encourage their participation in implementing this subchapter.

**§7179. Reasonable fares:**

Fares for the passenger rail service established pursuant to this subchapter must be set at reasonable levels to encourage use of this service.

**§7180. Satisfaction of operating deficits:**

The ~~Department department~~ is directed to obtain all additional funds, through borrowing, revenues or other means, necessary to satisfy operating deficits arising from expenses, including capital expenditures, necessary to ensure the continuation of passenger rail service established pursuant to this subchapter.

**§7181. Rules of construction:**

This subchapter must be construed liberally to effectuate the purposes of this subchapter. Any amount set forth in this subchapter is intended to represent a minimum amount that may be spent to effect those purposes. The State may appropriate and expend additional amounts for those purposes.

**EXPLANATION**

This section corrects punctuation, capitalization and clerical errors. This section also provides the correct statutory format for the law.

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**Sec. 34. 26MRSA §774, sub-§4**, as repealed and replaced by PL 1991, c. 544, §5, is corrected to read:

**4. Exemptions.** Work performed in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances or any occupation

that does not offer continuous, year-round employment is exempt from this section, provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Director of the Bureau of Labor Standards. Work performed in the taking or catching of lobsters, fish or other marine organisms by any methods or means, or in the operating of ferries or excursion boats, is exempt from subsection 1, paragraphs A and C.

**EXPLANATION**

This section corrects an obvious clerical error by supplying the correct name for a state position.

**Sec. 35. 26 MRSA §1043, sub-§5, ¶B,** as amended by PL 1987, c. 570, §1, is corrected to read:

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, 6-A or 6-B, who has exhausted his benefit year within 30 months of his enrollment in the training program, shall be entitled to the product of his most recent weekly benefit amount multiplied by the number of weeks in which that person is in an approved training program, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

~~(1-A)~~ (1) Until the person has exhausted benefits for which that person is eligible under any unemployment insurance benefit program funded in whole or in part by the State Government or Federal Government;

~~(2)~~ (2) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; or

~~(3)~~ (3) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this para-

graph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.

**EXPLANATION**

This section makes a clerical correction by renumbering subparagraphs to correct the format.

**Sec. 36. 28-A MRSA §72-A, sub-§8,** as enacted by PL 1991, c. 376, §49, is corrected to read:

**8. Certify revenues and expenses.** Certify monthly to the Treasurer of State, the commission and the commissioner a complete statement of the revenues and expenses for licenses and liquor sales for the preceding month; and, subject to the approval of the ~~commissioner~~ commission and the commissioner, submit an annual report that includes a complete statement of the revenues and expenses for licenses and liquor sales to the Governor and the Legislature, together with recommendations for changes in this Title; and

**EXPLANATION**

This section corrects erroneous punctuation and an obvious clerical error.

**Sec. 37. 28-A MRSA §2085,** as enacted by PL 1989, c. 526, §§25 and 28, is corrected by amending the headnote to read:

**§2085. False statement by retail employer employee**

**EXPLANATION**

This section corrects an erroneous headnote.

**Sec. 38. 30-A MRSA c. 3, sub-c. I, art. 9,** as enacted by PL 1991, c. 513, is corrected by amending the article headnote to read:

**ARTICLE 9 Article 10**

**SAGADAHOC COUNTY BUDGET  
ADVISORY COMMITTEE**

**Sec. 39. 30-A MRSA c. 3, sub-c. I, art. 9,** as enacted by PL 1991, c. 204, §2, is corrected by amending the headnotes to read:

**Article 9 11  
OXFORD COUNTY BUDGET COMMITTEE**

~~§871.~~ §891. Budget; appropriations and approval

~~§872.~~ §892. Advisory committee

~~§873.~~ §893. Budget process

~~§874.~~ §894. Officers' salaries

**Sec. 40.** PL 1991, c. 204, §2, first line is corrected to read:

**Sec. 2.** 30-A MRSA c. 3, sub-c. I, art. 9 11 is enacted to read:

**Sec. 41.** PL 1991, c. 513, first line after the enacting clause is corrected to read:

**30-A MRSA c. 3, sub-c. I, art. 9 10** is enacted to read:

### EXPLANATION

These sections correct a numbering conflict created by Public Law 1991, chapters 204, 495 and 513, which enacted the same article, and correct duplication of section numbers.

**Sec. 42.** 30-A MRSA §5045, sub-§1, ¶B, as enacted by PL 1991, c. 610, §20, is corrected to read:

B. Five members are appointed jointly by the President of the Senate and the Speaker of the House of Representatives to serve 3-year terms, except that 2 of the initial appointees are appointed for terms of 2 years or less as determined by the appointing authorities. Members appointed by the presiding officers of the Legislature may be reappointed. All members shall serve until their successors are appointed by the presiding officers. Vacancies must by be filled by the appointing authorities for the remainder of the terms.

### EXPLANATION

This section corrects a typographical error.

**Sec. 43.** 31 MRSA §524, sub-§1, as enacted by PL 1991, c. 552, §2 and affected by §4, is corrected to read:

**1. Exemptions from requirements of chapter.** Except as provided in subsection 2, all limited partnerships formed before January 1, 1992 and all foreign limited partnerships having obtained the authority to do business

in this State before January 1, 1992 are governed by this Act on and after January 1, 1992, except that:

A. The provisions of law in former chapter 7 governing distributions to a withdrawing partner, rather than the provisions of section 464, and distribution of assets upon the winding up of a limited partnership, rather than the provisions of section 484, apply to a limited partnership formed before January 1, 1992;

B. The provisions of section 403, subsection 1, paragraph A requiring that the name of all limited partnerships contain the words "Limited Partnership" do not apply to a limited partnership formed before January 1, 1992 or a foreign limited partnership having obtained the authority to do business in this State before January 1, 1992 until such time as the limited partnership has filed an amendment to its certificate of limited partnership or application for authority to do business as a foreign limited partnership pursuant to subsection 2;

C. The provisions of section 407, subsection 1 and section 494, subsection 2 requiring that all limited partnerships have and maintain in this State a registered office and a registered agent for service of process apply to limited partnerships formed before January 1, 1992 and foreign limited partnerships that obtain authority to do business in this State before January 1, 1992 as follows.

(1) By April 1, 1992 a general partner of each limited partnership shall pay a fee of \$40 and file with the Secretary of State:

(a) If the limited partnership does not have a registered agent and registered office, a certificate designating the registered agent and registered office for the limited partnership; or

(b) If the limited partnership has a registered agent and registered office, a certificate confirming that the name and address of its current registered agent and registered office are correct.

A limited partnership that files a certificate of limited partnership, an application for authority to do business in this State or a restated certificate under section 422, subsection 6 after January 1, 1992 but before April 1, 1992 is not required to file a certifi-

cate or pay the fee required under this subparagraph.

(2) Until a registered agent and a registered office are designated under subparagraph (1), the general partner first named in the partnership's certificate of limited partnership and having an address within this State is deemed the partnership's registered agent and that general partner's address as stated in the certificate is deemed the partnership's registered office.

(3) If the limited partnership has not filed a certificate designating a registered agent and registered office by April 1, 1992, the Secretary of State may suspend the limited partnership under section 408 or revoke the authority of the limited partnership to do business in this State under section 498; and

~~D. The provisions of law in former section 163 governing loans by and transactions with limited partners continue to apply for the benefit of any creditors of any limited partnership whose claims arise before January 1, 1992.~~

D. The provisions of law in former section 163 governing loans by and transactions with limited partners continue to apply for the benefit of any creditors of any limited partnership whose claims arise before January 1, 1992.

**EXPLANATION**

This section corrects an obvious clerical error by correcting a format problem.

**Sec. 44. 32 MRSA §220**, as amended by PL 1991, c. 396, §11, is corrected by amending the headnote to read:

**§220. Practice forbidden unless registered; qualifications Licensing requirements**

**EXPLANATION**

This section corrects a section headnote to properly reflect the substance of the section.

**Sec. 45. 32 MRSA §1658-A, sub-§2**, as amended by PL 1991, c. 509, §6, is corrected to read:

**2. License for business organization.** Any corporation, partnership, trust, association or other like organization engaged in the business of selling or offering for sale hearing aids at retail in the State shall apply to the board for a license to engage in that business. No business entity may so engage in the business of selling or offering for sale hearing aids without a license to do so. The board shall issue a license upon payment by the business entity of a fee of \$185 and upon filing of a sworn statement from a person with authority from the business entity. That sworn statement must list the names and addresses of all hearing aid dealers and fitters directly or indirectly employed by the entity and must certify that the entity employs only hearing aid dealers and fitters who are duly licensed by the State. Licenses expire annually on January 31st or on such other date as the Commissioner of Professional and Financial Regulation determines. Licenses may be renewed annually by each such business engaged in the fitting and sale of hearing aids by filing an application for a renewal of its license accompanied by a fee of \$185. A license may be renewed up to 90 days after the date of its expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any application for renewal submitted more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter. The commissioner may establish dates for the renewal of licenses.

**EXPLANATION**

This section corrects a misspelled word.

**Sec. 46. 32 MRSA §2313-A, last ¶**, as enacted by PL 1991, c. 198, §12, is corrected to read:

Any chimney or fireplace installer who fails to provide a disclosure to a consumer prior to the installation of a chimney ~~of or~~ fireplace commits a civil violation for which a forfeiture of not less than \$500 may be adjudged.

**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 47. 32 MRSA §14211, sub-§1**, as enacted by PL 1991, c. 397, §6, is corrected to read:

**1. Membership.** The Board of Barbering and Cosmetology, as established by Title 5, section 12004-A, subsection 6, consists of 11 members who must be citizens of this State and have practiced in their respective fields for at least 3 years immediately prior to their appointment. Of the members, 4 must be licensed as cosmetologists, ~~1~~ one must be licensed as a cosmetologist and instructor of cosmetology, 4 must be licensed as barbers and 2 must be representatives of the public.

The members of the board are appointed by the Governor for terms of 3 years. None of the members are eligible to serve more than 3 consecutive 3-year terms or to serve more than 9 years consecutively; for this purpose only, a period actually served that exceeds 1/2 of the 3-year term is deemed a full term. Upon expiration of a member's term, that member shall serve until a successor is qualified and appointed. The successor's term is 3 years from the date of the expiration, regardless of the date of appointment. During their membership on the board, the cosmetologist and barber members must hold valid licenses and be actively engaged in their practices. A board member may be removed by the Governor for cause.

Any vacancy in the board must be filled by the appointment by the Governor of a person with the same qualifications as the board member being replaced to hold office for the remainder of the unexpired term.

A person operating or employed by a school of cosmetology or school of barbering may not be appointed as a member of the board. If a member of the board, after appointment, becomes affiliated in any way with such a school, that person's membership on the board immediately terminates and the unexpired term of that member must be filled by the Governor.

#### EXPLANATION

This section corrects an obvious clerical error.

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**Sec. 48. 34-A MRSA §3047, sub-§2, ¶B**, as amended by PL 1991, c. 314, §52, is corrected to read:

B. Has, on the date of parole or discharge, more than \$500 in personal assets; ;

#### EXPLANATION

This section corrects erroneous punctuation.

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**Sec. 49. 35-A MRSA §6111**, as enacted by PL 1991, c. 221, §2, is corrected by amending the headnote to read:

~~§6111. §6112. Contingency reserve fund~~

**Sec. 50. PL 1991, c. 221, §2, first line** is corrected to read:

**Sec. 2. 35-A MRSA ~~§6111~~ §6112** is enacted to read:

#### EXPLANATION

These sections correct the numbering of a section that was enacted by Public Law 1991, chapters 136 and 221.

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**Sec. 51. 36 MRSA §1952-A**, as amended by PL 1991, c. 586, §6, is corrected to read:

**§1952-A. Payment of tax on vehicles and watercraft**

The tax imposed by chapters 211 to 225 on the sale or use of any vehicle or watercraft must, except where the dealer thereof has collected such tax in full, be paid by the purchaser or other person seeking registration of the vehicle or watercraft at the time and place of registration of such vehicle or watercraft. In the case of vehicles except snowmobiles and all-terrain vehicles, the tax must be collected by the Secretary of State and transmitted to the Treasurer of State as provided by Title 29, chapter 5, subchapter ~~1-A~~ 1-A. In the case of watercraft, snowmobiles and all-terrain vehicles, the tax must be collected by the Commissioner of Inland Fisheries and Wildlife and transmitted to the Treasurer of State as provided by Title 12, sections 7793-A to 7793-E, 7824-A to 7824-E or 7854-A to 7854-E.

#### EXPLANATION

This section corrects an obvious clerical error.

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**Sec. 52. 36 MRSA §1955-C**, as amended by PL 1991, c. 376, §56, is corrected to read:

**§1955-C. Assessment for vehicles**

Certificates forwarded to the State Tax Assessor under Title 29, section 204 or Title 12, section 7793-C, 7824-C or 7854-C, must be treated as returns filed under this Title for purposes of section 141.

#### EXPLANATION

This section corrects an obvious clerical error.

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**Sec. 53. 36 MRSA §2521-B**, as enacted by PL 1991, c. 591, Pt. PPP, §3 and affected by §§4 and 5, is corrected by amending the headnote to read:

~~§2521-B. §2521-C. Returns; payment of tax~~

**Sec. 54. PL 1991, c. 591, Pt. PPP, §3, first line** is corrected to read:

**Sec. PPP-3. 36 MRSA ~~§2521-B~~ §2521-C** is enacted to read:

**Sec. 55. PL 1991, c. 591, Pt. PPP, §4** is corrected to read:

**Sec. PPP-4. Effective date; statutory.** That section of this Part that enacts the Maine Revised Statutes, Title 36, section ~~2521-B~~ 2521-C takes effect January 1, 1994.

**EXPLANATION**

These sections correct a numbering problem created when Public Law 1991, chapter 591 enacted a statutory section that had been previously repealed.

**Sec. 56. 36 MRSA §2801-A, sub-§4**, as enacted by PL 1991, c. 591, Pt. Q, §8, is corrected to read:

**4. Basis of assessments; reporting.** The Bureau of Taxation shall base each hospital's final assessment on the final decision and order of the Maine Health Care Finance Commission issued after the close of a payment year to determine compensation by a hospital with its revenue limits and the final obligations of its payors according to Title 22, section 396-I. The commission shall promptly report ~~is its~~ final decision to the Bureau of Taxation. Upon notice, the Bureau of Taxation shall promptly report to the affected hospital the Maine Health Care Finance Commission's final decision and order as it affects the final assessment of the hospital under this section for the payment year involved.

If the estimated assessment paid exceeds the actual liability, a refund must be authorized by the Bureau of Taxation in the amount of the excess payment. The refund must be paid from the Medical Care - Payments to Providers Special Revenue Account.

If the estimated assessment paid is less than the actual liability, the underpayment must be assessed and payment to the Bureau of Taxation is due within 30 days of notice.

**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 57. 38 MRSA §480-U, sub-§2, ¶A**, as enacted by PL 1991, c. 214, §2, is corrected by amending subparagraph (5) to read:

(5) Contains any of the following resources:

(i) (a) Habitat for species appearing on the official state or federal lists of

endangered or threatened species when there is evidence that the species is present;

(ii) (b) As defined by rule by the Commissioner of Inland Fisheries and Wildlife, whether or not the resource has been mapped, high-value and moderate-value deer wintering areas; deer travel corridors; high-value and moderate-value waterfowl or wading bird habitats, including nesting and feeding areas; shorebird nesting, feeding or staging areas; or seabird nesting islands; or

(iii) (c) Critical spawning and nesting areas for Atlantic sea run salmon as defined by rule by the Atlantic Sea Run Salmon Commission whether or not mapped;

**EXPLANATION**

This section corrects an obvious clerical error by correcting the designation of divisions within a subparagraph.

**Sec. 58. 39 MRSA §52, first ¶**, as amended by PL 1991, c. 615, Pt. C, §4, is corrected to read:

An employee sustaining a personal injury arising out of and in the course of that employee's employment or disabled by occupational disease is entitled to reasonable and proper medical, surgical and hospital services, nursing, medicines, and mechanical, surgical aids, as needed, paid for by the employer. An injured employee has the right to select a physician or surgeon authorized to practice as such under the laws of the State. Initially the employee may select the employee's own health care provider. Once an employee selects a health care provider, the employee may not change health care providers more than once without seeking approval from an independent medical examiner or the employer. This provision does not limit an employee's right to be treated by a specialist when a referral is made by the employee's health care provider. Once an employee has begun treatment with the specialist, the employee may not seek treatment from a different specialist in the same specialty without prior approval from an independent medical examiner or the employer.

**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 59. 39 MRSA §92-A**, as enacted by PL 1991, c. 615, Pt. D, §19, is corrected by amending the headnote to read:

**§92-A. §92-B. Independent medical examiners**

**Sec. 60. PL 1991, c. 615, Pt. D, §19, first line** is corrected to read:

**Sec. D-19. 39 MRSA §92-A §92-B** is enacted to read:

**EXPLANATION**

These sections correct a numbering problem created by Public Law 1991, chapters 591 and 615 enacting the same section of law.

**Sec. 61. PL 1991, c. 376, §65, first 2 lines** are corrected to read:

**Sec. 65. 37-B; MRSA §704, 3rd ¶**, as amended by PL 1987, c. 370, §15, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 62. PL 1991, c. 466, §12, first 2 lines** are corrected to read:

**Sec. 12. 21-A MRSA §171, sub-§7 sub-§1, ¶G**, as amended by PL 1985, c. 614, §13, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 63. PL 1991, c. 526, §5, the 3rd line from the end** is corrected to read:

<b>TOTAL</b>	\$176,00	<u>\$176,000</u>	\$192,000
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**EXPLANATION**

This section corrects an obvious clerical error.

**Sec. 64. PL 1991, c. 544, §15** is corrected to read:

**Sec. 15. Posting of notice.** Notwithstanding the Maine Revised Statutes, Title 26, section 701, the Bureau

of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the law resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary, due to an insufficient supply of such notices or future changes in the law, to print additional notices.

**EXPLANATION**

This section corrects an obvious clerical error by supplying the correct name of the bureau.

**Sec. 65. PL 1991, c. 546, §18** is corrected to read:

**Sec. 18. 36 MRSA §1760, sub-§8-C sub-§8, ¶C**, as enacted by PL 1983, c. 852, §3, is repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 66. PL 1991, c. 601, §32, sub-§6** is corrected to read:

6. All positions in the Department of Human Services, Office of Alcohol and Drug Abuse Prevention, with the exception of the Director of the Office of Alcohol and Drug Abuse and Prevention, are transferred to the Office of Substance Abuse. The director is reclassified as a Comprehensive Health Planner II and assigned to the Department of Human Services in order to maintain the department's ability to provide prevention services and intervene with or treat the persons served by the department who are affected by alcohol and other drugs.

**EXPLANATION**

This section corrects an obvious clerical error by correcting the name of the office.

**Sec. 67. PL 1991, c. 615, Pt. D, §14** is corrected to read:

**Sec. D-14. 39 MRSA §84, sub-§1**, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

**1. Applicability.** This section applies to all employers in the State ~~which that maintain, on January 1, 1986,~~ a certified rehabilitation counselor on premises to provide rehabilitation services that meet the requirements of this subchapter. These services ~~must~~ may be provided only to their own employees.

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In-house providers of rehabilitation services under this section must be approved by the rehabilitation administrator under section 82, subsection 3, paragraph E. For the purposes of this section, the term "employer" does not include an insurance carrier.

### EXPLANATION

This section corrects an obvious clerical error by inserting a blocked paragraph of the subsection that was inadvertently left out, and deletes an obsolete date.

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**Sec. 68. P&SL 1991, c. 69, Pt. A, §10, next to last ¶** is corrected to read:

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted ~~or~~ and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Part, the Governor shall proclaim the result without delay, and the Part becomes effective 30 days after the date of the proclamation.

### EXPLANATION

This section corrects an obvious clerical error.

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