

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

REVISOR'S REPORT
1993

CHAPTER 1

Sec. 1. 3 MRSA §314, 3rd ¶, as enacted by PL 1979, c. 632, §1, is corrected to read:

If termination is ~~affected~~ effected prior to December 31st, no further reports are required, except that the lobbyist and employer are required to file an annual report pursuant to section 317, subsection 2.

EXPLANATION

This section corrects a grammatical error.

Sec. 2. 3 MRSA §321, as amended by PL 1993, c. 446, Pt. B, §15, is corrected by amending the headnote to read:

§321. Powers and duties of the ~~Secretary of State~~ commission

EXPLANATION

This section corrects a section headnote to make the headnote accurately reflect the content of the section as amended by Public Law 1993, chapter 446, Part B, section 15.

Sec. 3. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1991, c. 824, Pt. B, §1, is corrected to read:

2. Licensing jurisdiction. Except as provided in Title 5, section ~~4004~~ 10004; Title 8, section 279-B; Title 10, section 8003, subsection 5; Title 20-A, sections 10712 and 10713; Title 29; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court has exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency and has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The Administrative Court has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, a licensing agency may not reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

EXPLANATION

This section corrects a cross-reference.

Sec. 4. 5 MRSA c. 13, first 2 lines are corrected to read:

CHAPTER 13
DEPARTMENT OF ~~FINANCE~~
ADMINISTRATIVE AND FINANCIAL
SERVICES

Sec. 5. 5 MRSA c. 13-A, first 2 lines are corrected to read:

CHAPTER 13-A
DEPARTMENT OF ~~FINANCE AND~~
ADMINISTRATION-ADMINISTRATIVE AND
FINANCIAL SERVICES

EXPLANATION

These sections correct references to a department in chapter headings.

Sec. 6. 5 MRSA §287-A, as amended by PL 1985, c. 785, Pt. A, §32 and Pt. B, §17, is corrected to read:

§287-A. Department of ~~Administration~~ Administrative and Financial Services designated as state agency to receive and distribute federal surplus property

The Department of ~~Administration~~ Administrative and Financial Services is designated as the state agency to receive and distribute federal surplus property which may become available for distribution to eligible recipients within this State. The department is authorized and empowered, through the Bureau of ~~Purchases~~ General Services, to acquire, warehouse, allocate and distribute surplus government property to all recipients within Maine who have been or who

may later be designated as eligible to receive such surplus property by the Congress of the United States or any other federal official empowered to make such determination. The commissioner is authorized and empowered to enter into cooperative agreements with any duly authorized federal official to carry out the purposes of this section.

Upon transfer of surplus property to an eligible recipient, the commissioner shall charge and receive from that recipient money sufficient to cover the acquisition, warehousing, handling, administrative and delivery costs chargeable to that property. The department shall employ and assign such supervisory and clerical personnel as may be necessary to carry out this section, subject to the Civil Service Law.

EXPLANATION

This section corrects the names of a department and a bureau.

Sec. 7. 5 MRSA §786, as amended by PL 1985, c. 388, §2, is corrected to read:

§786. Training for job opportunities

All educational and vocational-guidance counseling programs and all apprenticeship and on-the-job training programs conducted, supervised or funded by the State or ~~state-related state-related~~ agency ~~shall~~ must be conducted to encourage the fullest development of interest and aptitudes without regard to race, color, religious creed, sex, national origin, ancestry, age, physical handicap or mental handicap, unless sex or age relates to a bona fide job requirement. In the event that any such programs are conducted in conjunction with private employers or private educational institutions, the supervising or contracting department or agency shall insure that the provisions of this ~~subchapter chapter~~ chapter are complied with fully by such private employer or private educational institution.

EXPLANATION

This section corrects grammatical errors and an internal reference.

Sec. 8. 5 MRSA §931, sub-§2, ¶E, as enacted by PL 1985, c. 785, Pt. A, §45, is corrected to read:

E. During the 12-month period defined in paragraph C, the appointing authority may temporarily appoint a person to the position under the ~~Personnel~~ Civil Service Law, provided that

funds are available for the appointment and that the appointment is consistent with the law.

EXPLANATION

This section replaces "Personnel Law" with "Civil Service Law" to correct an inconsistency created by the passage of Public Law 1985, chapter 785, Part B, which reorganized the former Department of Personnel and created the Civil Service Law.

Sec. 9. 5 MRSA §934, as enacted by PL 1983, c. 729, §4, is corrected to read:

§934. Department of ~~Business, Occupational and Professional and Financial~~ Regulation

1. Major policy-influencing positions. The following positions are major policy-influencing positions within the Department of ~~Business, Occupational and Professional and Financial~~ Regulation. Notwithstanding any other provision of law, these positions and their successor positions ~~shall be~~ are subject to this chapter:

- A. Superintendent, Bureau of Banking;
- B. Superintendent, Bureau of Consumer Credit Protection;
- C. Superintendent, Bureau of Insurance; and
- D. Assistant to the Commissioner.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects a grammatical error.

Sec. 10. 5 MRSA §12004-G, sub-§26-A, as enacted by PL 1993, c. 381, §5, is corrected to read:

26-A.	Atlantic Sea	\$25/Day	12 MRSA
26-B.	Marine Run Salmon	Plus	§6251-A
	Resources	Commission	Expenses

Sec. 11. PL 1993, c. 381, §5, first line is corrected to read:

Sec. 5. 5 MRSA §12004-G, sub-§§21-A and ~~26-A~~ 26-B are enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 381 and 392,

which enacted substantively different provisions with the same subsection number.

Sec. 12. 5 MRSA §12004-I, sub-§6-B, as enacted by PL 1989, c. 914, §1, is corrected to read:

6-B. Economic Development	Commission on Invest- ment Capital	Expenses Only	5 MRSA §13064- <u>§13070-F</u>
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EXPLANATION

This section corrects a cross-reference error.

Sec. 13. 5 MRSA §12004-I, sub-§18-A, as amended by PL 1989, c. 698, §§2 and 76, is corrected to read:

18-A. Education: Financial Aid	Maine Edu- cation As- sistance Board	Legislative Per Diem for Guber- natorial Appointees Only	10 MRSA §1014- <u>§1016</u>
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EXPLANATION

This section corrects a cross-reference error.

Sec. 14. 5 MRSA §12004-J, sub-§2, as enacted by PL 1987, c. 756, §5, is corrected to read:

2. Envi- ronment	Radioactive Waste Advisory Commission	Expenses all mem- bers, public and legislative members \$25/Day	48 38 MRSA- §1454- <u>§1453</u>
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EXPLANATION

This section corrects a cross-reference error.

Sec. 15. 5 MRSA §12005-A, as amended by PL 1991, c. 844, §1, is corrected to read:

§12005-A. Report to Secretary of State

Every board listed in this chapter is required to appoint a clerk of the board who is responsible for submitting reports to the Secretary of State as required by this chapter. This clerk shall submit an

annual report to the Secretary of State on forms provided by the Secretary of State. This report must be submitted no later than December 15th of each calendar year and must include information required by this section and any other information deemed necessary by the Secretary of State to fulfill the purposes of this chapter. This information must include:

1. Clerk of board. The name, address and telephone number of the clerk of the board;

2. Names and addresses of members. The names and current addresses of each member of the board;

3. Date of appointment and expiration. The date of appointment of each member and the date of expiration of the term of each member;

4. Dates and locations of all meetings. The dates and locations of all meetings of the board during the calendar year for which the report is prepared.

A. In the event that a board reports no meetings for the calendar year of the report, the clerk shall indicate the last meeting of the board;

5. Attendance at and length of meetings. The number of members attending each meeting and the length of each meeting;

6. Compensation. The total per diem compensation, if any, received by the board for each meeting and the total received for the calendar year;

7. Expenses. The total expenses for which the board is reimbursed, if any, for each meeting and the total expenses for which all board members were reimbursed for the calendar year; and

8. Vacancies. The number of vacancies on the board on December 15th and the term of the vacancy.

~~The Secretary of State may not waive the requirements of this section.~~

The Secretary of State may not waive the requirements of this section.

EXPLANATION

This section corrects a format error by indenting a paragraph that was originally enacted as a blocked paragraph to Title 5, section 12005-A, subsection 8. The paragraph should be indented because it refers to the entire section and not just the subsection.

Sec. 16. 5 MRSA §13065, sub-§2, ¶C, as enacted by PL 1989, c. 875, Pt. M, §§6 and 13, is corrected to read:

C. Encourage the development of travel product facilities and activities by locating potential developers, providing market and feasibility analysis, assisting developers in complying with applicable laws and rules and providing technical assistance to local decision making, including ~~decision~~ decisions regarding site selection, financing and utilities;

EXPLANATION

This section corrects a clerical error.

Sec. 17. 7 MRSA §2956, 3rd ¶, as amended by PL 1983, c. 573, §3, is corrected to read:

Each licensed dealer shall pay to the commission an annual license fee of \$1 and the sum of 6 1/2¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. Two and one-half cents per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter ~~shall is not be~~ subject to such sums of 6 1/2¢ per hundredweight. Of the amount paid by each dealer, 1 1/2¢ per hundredweight ~~shall~~ must be paid by the commission to the Maine Dairy and Nutrition Council for the purposes authorized by ~~Title 36, section 4524~~ 2999.

EXPLANATION

This section deletes a reference to a repealed section of law and replaces it with the correct reference and corrects grammatical errors.

Sec. 18. 8 MRSA §385, as enacted by PL 1987, c. 505, §2, is corrected to read:

§385. Persons under 18 years; payment of prizes

If the person entitled to a prize or any winning ticket is under the age of 18 years and the prize is less than \$5,000, the director may direct payment of the prize by delivery of a check or draft payable to the order of the minor to an adult member of the minor's family or a guardian of the minor. If the person entitled to a prize or any ticket is under the age of 18 years and the prize is \$5,000 or more, the director may direct payment to the minor by depositing the amount of the prize in any bank to the credit of an adult member of the minor's family or guardian as custodian for the minor. The person named as custodian has the same duties and powers as a person

designated as a custodian in a manner prescribed by the "Maine Uniform ~~Gifts~~ Transfers to Minors Act." For purposes of this section, the terms "adult member of a minor's family," "guardian of a minor" and "bank" ~~shall~~ have the same meanings as set out in that Act. The director ~~shall be~~ is relieved of all further liability upon payment of a prize to a minor pursuant to this section.

EXPLANATION

This section corrects a cross-reference to a named Act and corrects grammatical errors.

Sec. 19. 9 MRSA §5016, as amended by PL 1983, c. 553, §46, is corrected to read:

§5016. Fees credited to the department

All fees collected under this chapter ~~shall must~~ be credited to the Department of ~~Business, Occupa-~~ Business, Occupational and Professional and Financial Regulation to carry out the purposes of this chapter.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects a grammatical error.

Sec. 20. 9-A MRSA §6-104, sub-§1, ¶G, as amended by PL 1985, c. 785, Pt. B, §53, is corrected to read:

G. With the approval of the Commissioner of ~~Business, Occupational and Professional and Fi-~~ Business, Occupational and Professional and Financial Regulation, appoint any necessary hearing examiners, clerks and other employees and agents and fix their compensation, subject to the Civil Service Law; and

Sec. 21. 9-A MRSA §6-104, sub-§3, as amended by PL 1975, c. 767, §7, is corrected to read:

3. On or before August 1st each year, the administrator shall report to the Commissioner of ~~Busi-~~ Business Professional and Financial Regulation for the preceding fiscal year ending June 30th on the operation of ~~his the administrator's~~ office, on the use of consumer credit in the State and on the problems of persons of small means obtaining credit from persons regularly engaged in extending sales or loan credit. For the purpose of making the report, the administrator is authorized to conduct research and make appropriate studies. The report ~~shall must~~ include a description of the examination and investigation procedures and policies of ~~his the administrator's~~

office, a statement of policies followed in deciding whether to investigate or examine the offices of credit suppliers subject to this Act, a statement of the number and percentages of offices ~~which that~~ are periodically investigated or examined, a statement of the types of consumer credit problems of both creditors and consumers ~~which that~~ have come to ~~his the ad-~~ministrator's attention through ~~his the administrator's~~examinations and investigations and the disposing of them under existing law, and a general statement of the activities of ~~his the administrator's~~ office and of others to promote the purposes of this Act.

EXPLANATION

These sections correct a department name to reflect changes made by Public Law 1987, chapter 395, change gender-specific language and correct grammatical errors.

Sec. 22. 9-A MRSA §8-304, as enacted by PL 1993, c. 135, §1, is corrected by amending the headnote to read:

~~§8-304. §8-305.~~ **Recurring charges to credit or charge cards**

Sec. 23. PL 1993, c. 135, §1, first line is corrected to read:

Sec. 1. 9-A MRSA ~~§8-304~~ §8-305 is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 86 and 135, which enacted substantively different provisions with the same section number.

Sec. 24. 9-B MRSA §131, sub-§9, as amended by PL 1983, c. 553, §46, is corrected to read:

9. Commissioner. "Commissioner" means the Commissioner of the Department of ~~Business, Occupational and Professional and Financial~~ Regulation.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 25. 9-B MRSA §212, sub-§1, ¶B, as amended by PL 1983, c. 553, §46, is corrected to read:

B. The superintendent shall designate one of the deputy superintendents to perform the duties of the superintendent whenever the latter ~~shall be is~~ absent from the State, whenever the deputy superintendent ~~shall be is~~ directed to do so by the superintendent, whenever there ~~shall be is~~ a vacancy in the office of superintendent or whenever the superintendent ~~shall be is~~ incapacitated by illness. In the event of a vacancy in the office of the superintendent, ~~his the superintendent's~~ incapacitating illness or absence from the State at a time when there is no deputy superintendent, the Commissioner of the Department of ~~Business, Occupational and Professional and Financial~~ Regulation may designate a special deputy superintendent to perform the duties of the superintendent for a period not to exceed 6 months.

Sec. 26. 9-B MRSA §212, sub-§2, ¶A, as enacted by PL 1975, c. 500, §1, is corrected to read:

A. The superintendent may employ as many examiners, other professional employees and clerical personnel as the business of the bureau may require, subject to the commissioner's approval and in accordance with the ~~Personnel laws~~ Civil Service Law of this State; provided that the qualifications of such personnel reflect the needs and responsibilities relating to the bureau's regulatory functions pursuant to this Title.

EXPLANATION

These sections correct a department name to reflect changes made by Public 1987, chapter 395, replace "Personnel laws" with "Civil Service Law" to correct an inconsistency created by Public Law 1985, chapter 785, Part B, section 38 and correct grammatical errors.

Sec. 27. 9-B MRSA §728, sub-§1, as enacted by PL 1975, c. 500, §1, is corrected to read:

1. Deposits in associations as legal investments. Subject to the application of the prudent man rule, administrators, executors, custodians, guardians, conservators, trustees and other fiduciaries of every kind and nature; insurance companies, business and manufacturing companies, banks, credit unions, and all other types of financial institutions; charitable, educational, eleemosynary and public corporations and organizations; municipalities and other public corporations and bodies; and public officials are

specifically authorized and empowered to invest funds held by them in share accounts or deposits of any association operating pursuant to this Title. With respect to investments by custodians, associations ~~hereby~~ are deemed to be "banks" within the meaning of that term as used in the Maine Gift Transfers to Minors Act of this State.

EXPLANATION

This section corrects a cross-reference to a named Act and also takes out obsolete language.

Sec. 28. 10 MRSA §9066, sub-§1, ¶E, as amended by PL 1983, c. 553, §46, is corrected to read:

E. Fail to establish and maintain such records, make such reports and provide such information as the Department of ~~Business, Occupational and Professional and Financial~~ Regulation may reasonably require, to enable it to determine whether there is compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974; or fail to permit, upon request of a person duly authorized by the commissioner, inspection of appropriate books, papers, records and documents relative to determining whether a manufacturer, distributor or dealer has acted or is acting in compliance with this Act or with the National Manufactured Housing Construction and Safety Standards Act of 1974; or

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 29. 11 MRSA §2-1219, sub-§(2), ¶(c), as enacted by PL 1991, c. 805, §4, is corrected to read:

(c) In any case not within ~~subsection~~ paragraph (a) or (b), the risk of loss passes to the lessee on the lessee's receipt of the goods if the lessor, or, in the case of a finance lease, the supplier, is a merchant; otherwise the risk passes to the lessee on tender or delivery.

EXPLANATION

This section corrects an internal reference.

Sec. 30. 11 MRSA §4-212, sub-§(1), as amended by PL 1993, c. 293, Pt. B, §33, is corrected to read:

(1) If a collecting bank has made provisional settlement with its customer for an item and fails by reason of dishonor, suspension of payments by a bank or otherwise to receive settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the item, if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. If the return or notice is delayed beyond the bank's midnight deadline or a longer reasonable time after it learns the facts, the bank may revoke the settlement, charge back the credit or obtain refund from its customer, but it is liable for any loss resulting from the delay. These rights to revoke, charge back and obtain refund terminate if, and when a settlement for the item received by the bank is or becomes final.

EXPLANATION

This section corrects an error in punctuation.

Sec. 31. 11 MRSA §4-406, sub-§(1-C), as enacted by PL 1993, c. 293, Pt. B, §43, is corrected to read:

(1-C) If a bank sends or makes available a statement of account or items pursuant to subsection (1-A), the customer must exercise reasonable promptness in examining the statement or the items to determine whether any payment was not authorized because of an ~~alternation~~ alteration of an item or because a purported signature by or on behalf of the customer was not authorized. If, based on the statement or items provided, the customer should reasonably have discovered the unauthorized payment, the customer must promptly notify the bank of the relevant facts.

EXPLANATION

This section corrects a spelling error.

Sec. 32. 12 MRSA §1, as amended by PL 1965, c. 190, §1, is corrected to read:

§1. Short title

This chapter may be known and cited as the "Soil and Water Conservation ~~Districts~~ Districts Law."

EXPLANATION

This section corrects an error in punctuation and capitalization.

Sec. 33. 12 MRSA §685-A, sub-§3, ¶D-1, as enacted by PL 1973, c. 569, §10, is corrected to read:

~~D-I~~ **D-1.** Provide for safe and appropriate loading, parking and circulation of land, air and water traffic;

EXPLANATION

This section corrects a clerical error by changing a Roman numeral to an Arabic numeral.

Sec. 34. 12 MRSA §908, sub-§3, as enacted by PL 1989, c. 68, Pt. C, §2, is corrected to read:

3. Certain approval unnecessary unnecessary; construction or improvement. Notwithstanding any other provision of law, the construction or reconstruction of roads and buildings or any other improvements by the Baxter State Park Authority ~~shall does~~ not need the approval of the Department of ~~Administration~~ Administrative and Financial Services through the Bureau of ~~Public Improvements~~ General Services.

EXPLANATION

This section corrects a department name and bureau name to reflect changes made by Public Law 1991, chapter 780, Part Y and corrects a spelling error and a grammatical error.

Sec. 35. 12 MRSA §7102-A, sub-§6, ¶C, as enacted by PL 1993, c. 24, §3, is corrected by amending the first paragraph to read:

C. The commissioner shall by rule establish a special archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the special archery season on deer, the following restrictions apply: .

EXPLANATION

This section corrects a punctuation error.

Sec. 36. 12 MRSA §7377, sub-§7, as enacted by PL 1979, c. 420, §1, is corrected to read:

7. Breeding or rearing wild birds. Notwithstanding section 7371 as it applies to section ~~7236~~ 7235-A, section 7371 ~~shall~~ does not apply to migratory game birds, partridge, grouse or pheasant owned by the department.

EXPLANATION

This section corrects a cross-reference and a grammatical error.

Sec. 37. 12 MRSA §9405-A, sub-§1, ¶¶G and I, as enacted by PL 1993, c. 271, §2, are corrected to read:

G. "Forest, brush and grass-covered land" means land covered wholly or in part by timber, trees, brush, shrubs, grass, including grain and hay, and other natural vegetation. Cultivated agricultural land planted to crops other than grain or hay ~~are~~ is not included.

I. "Railroad-caused fire" means a preventable fire resulting from operations upon a railroad right-of-way. It does not mean unpreventable fires such as those caused by wrecks, bombs or natural causes such as lightning or controlled burning for the purpose of destroying flammable materials.

Sec. 38. 12 MRSA §9405-A, sub-§3, as enacted by PL 1993, c. 271, §2, is corrected to read:

3. Communications. The bureau shall inform annually a railroad company operating within the State of the 5-year fire-start areas and the areas that are high-value property along its right-of-way. In addition, the bureau shall notify a railroad company of new forest fire ~~occurrence~~ occurrences and changes in high-value property as they are observed.

A railroad company shall notify the bureau of the name and mailing address of its authorized railroad representative on the effective date of this section and thereafter whenever the name or mailing address changes.

EXPLANATION

These sections correct grammatical errors.

Sec. 39. 13 MRSA §903, as amended by PL 1991, c. 465, §14, is corrected to read:

§903. Recording certificate

The incorporators shall prepare, sign and make oath to a certificate setting forth the name, location, officers and directors, trustees or managing board and purposes of the corporation. The certificate must clearly state that the corporation is not organized for profit and that no property or profit of the corporation inures to the benefit of any person, partnership or corporation except in furtherance of the benevolent or nonprofit purposes of the corporation. After the certificate has been examined by the Secretary of State and certified to be properly drawn and signed and to be conformable to the Constitution and laws, it must be recorded in the registry of deeds in the county where said corporation is located, in a book kept for that purpose. Within 90 days after approval of said certificate, a copy certified by the register must be filed in the Office of Secretary of State, who shall enter the date of filing on the copy and on the original certificate to be kept by the corporation and shall record said copy in a book kept for that purpose and the corporation may commence business. The Secretary of State receives for filing such certificate or amendment; a fee of \$5 in advance and registers of deeds receive for recording such certificate or amendment; the fee of \$8.

EXPLANATION

This section corrects punctuation errors.

Sec. 40. 13-A MRSA §613, sub-§6, as enacted by PL 1971, c. 439, §1, is corrected to read:

6. Shares held by a person as custodian for a minor under the Maine Uniform ~~Gifts Transfers~~ to Minors Act, ~~Title 33, chapter 19~~ or a similar Act of any other state may be voted by the custodian subject to applicable provisions of that Act.

EXPLANATION

This section corrects a cross-reference to a named Act.

Sec. 41. 18-A MRSA §7-302, sub-§(a), as enacted by PL 1979, c. 540, §1, is corrected to read:

(a) Except as otherwise provided by the terms of the trust, the trustee shall observe the standards in dealing with the trust; assets that would be observed by a prudent person dealing with the property of another, and if the trustee has special skills or is named trustee on the basis of representations of spe-

cial skills or expertise, ~~he~~ the trustee is under a duty to use those skills.

EXPLANATION

This section corrects a punctuation error and changes gender-specific language.

Sec. 42. 19 MRSA §777-C, as enacted by PL 1993, c. 472, §6, is corrected by amending the headline to read:

~~§777-C, §777-D.~~ **Duty to report**

Sec. 43. PL 1993, c. 472, §6, first line is corrected to read:

Sec. 6. 19 MRSA ~~§777-C~~ §777-D is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 410 and 472, which enacted substantively different provisions with the same section number.

Sec. 44. 20-A MRSA §1, sub-§26, as amended by PL 1987, c. 98, §1, is corrected to read:

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it ~~shall~~ does not include a ~~vocational~~ an applied technology region.

EXPLANATION

This section replaces the word "vocational" with the words "applied technology" as directed by Public Law 1991, chapter 716 and corrects a grammatical error.

Sec. 45. 20-A MRSA §6051, sub-§1, ¶E, as enacted by PL 1985, c. 797, §36, is corrected to read:

E. A determination as to whether the school administrative unit has complied with applicable provisions of the ~~Maine~~ School Finance Act of 1985; and

EXPLANATION

This section corrects a reference to a named Act.

Sec. 46. 20-A MRSA §7728, sub-§2, as enacted by PL 1991, c. 843, §3, is corrected to read:

2. Program and policy compliance. Provide training and technical assistance in the policies and procedures necessary to meet all federal and state guidelines required by this chapter: :

EXPLANATION

This section corrects an error in punctuation.

Sec. 47. 20-A MRSA §7734, sub-§2, ¶C, as enacted by PL 1991, c. 843, §3, is corrected to read:

C. State and other funds granted to a regional site for fiscal year 1992-93 must be awarded based on a method developed jointly by the commissioner and the boards of directors with advice from the Interdepartmental Coordinating ~~Committee~~ Council for Early Intervention and must include a base allocation for operations. The funding method must be in place by April 30, 1992.

EXPLANATION

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

Sec. 48. 20-A MRSA c. 313, first 2 lines are corrected to read:

**CHAPTER 313
SECONDARY VOCATIONAL APPLIED
TECHNOLOGY EDUCATION**

EXPLANATION

This section replaces the words "secondary vocational" with the words "applied technology" as directed by Public Law 1991, chapter 716.

Sec. 49. 20-A MRSA §8705, as enacted by PL 1985, c. 797, §45, is corrected to read:

§8705. Departmental personnel

The commissioner shall employ necessary personnel, subject to the terms of the ~~Personnel~~ Civil Service Law, to implement this chapter.

EXPLANATION

This section replaces "Personnel Law" with "Civil Service Law" to correct an inconsistency created by the passage of Public Law 1985, chapter 785, Part B, which reorganized the former Department of Personnel and created the Civil Service Law.

Sec. 50. 20-A MRSA §9706, as enacted by PL 1987, c. 827, §1, is corrected to read:

§9706. Rule-making authority

The commissioner shall adopt rules to implement this chapter and the funding scheme under the School Finance Act of 1985.

EXPLANATION

This section corrects a reference to a named Act.

Sec. 51. 20-A MRSA §13506, sub-§3-A, ¶B, as enacted by PL 1985, c. 505, §7, is corrected to read:

B. The impact on local communities of the School Finance Act of 1985 and of implementing increased curriculum and graduation requirements, including recommended ways to meet increased local needs. The commissioner shall estimate projected local costs, including catastrophic costs, and propose alternative methods for meeting those costs, including recommendations for additional state funding of education costs; and

EXPLANATION

This section corrects a reference to a named Act.

Sec. 52. 22 MRSA §1579, sub-§1, as amended by PL 1993, c. 301, §1, is corrected to read:

1. Sale and distribution; penalty. No person may knowingly sell, furnish, give away or offer to sell, furnish or give away cigarettes, cigarette paper or any other tobacco product to any person under the age of 18 years. No person in the business of selling or otherwise distributing cigarettes, cigarette paper or

other tobacco products for profit nor an employee or agent of that ~~a~~ person may, in the course of that person's business, distribute free any cigarette, cigarette paper or other tobacco product to any person under the age of 18 years in any place, including, but not limited to, a public way or sidewalk, public park or playground, public school or other public building, or an entranceway, lobby, hall or other common area of a private building, shopping center or mall.

Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$25 nor more than \$200 may be adjudged for any one offense. Any person who employs a person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 nor more than \$1,000 may be adjudged. In all cases of violations, the court shall impose a forfeiture that may not be suspended, except pursuant to Title 15, section 3314.

It is an affirmative defense to prosecution under this subsection that the defendant sold cigarettes, cigarette paper or any other tobacco product to a person under the age of 18 years who furnished fraudulent proof of age.

EXPLANATION

This section corrects a clerical error.

Sec. 53. 22 MRSA §3174-L, as enacted by PL 1993, c. 410, Pt. I, §10, is corrected by amending the headnote to read:

~~§3174-L.~~ §3174-M. Medicaid drug formulary

Sec. 54. PL 1993, c. 410, Pt. I, §10, first line is corrected to read:

Sec. I-10. 22 MRSA ~~§3174-L~~ §3174-M is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 393 and 410, which enacted substantively different provisions with the same section number.

Sec. 55. 24-A MRSA §206, sub-§1, as amended by PL 1985, c. 785, Pt. B, §106, is corrected to read:

1. The superintendent, with the approval of the Commissioner of ~~the Department of Business, Occupational and Professional and Financial Regulation,~~ may employ, subject to the Civil Service Law, a first

deputy superintendent and may employ one or more additional deputies.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 56. 24-A MRSA §731-B, sub-§4-A, ¶B, as enacted by PL 1991, c. 828, §18, is corrected to read:

B. Is ~~regulated~~ regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies.

EXPLANATION

This section corrects a spelling error.

Sec. 57. 24-A MRSA §1162-A, as enacted by PL 1993, c. 313, §31, is corrected by adding a headnote to read:

§1162-A. Definitions

EXPLANATION

This section provides the correct statutory format by adding the omitted section number and headnote.

Sec. 58. 24-A MRSA §1162-A, sub-§7, as enacted by PL 1993, c. 313, §31, is corrected to read:

7. **Investment grade obligation.** "Investment grade obligation" means an obligation that at the time of acquisition by the insurer is rated 1 or 2 by the Securities Valuation Office of the National Association of Insurance Commissioners. If not valued by the Securities Valuation Office of the National Association of Insurance Commissioners, "investment grade obligation" means an obligation that at the time of acquisition by the insurer is rated the equivalent of 1 or 2 by one of the following nationally recognized independent rating agencies: Moody's Investors Service, Inc., Standard and Poor's Corporation, Fitch Investors Service, Inc., or Duff and Phelps, Inc.

EXPLANATION

This section corrects a punctuation error.

Sec. 59. 24-A MRSA §2386-A, 2nd ¶, as enacted by PL 1991, c. 885, Pt. B, §12 and affected by §13, is corrected to read:

In making the determinations required by this section, the superintendent shall apply statutory insurance accounting standards and utilize sound actuarial principles. In making these determinations, losses for policies issued prior to January 1, 1988, may not be considered. Each review must be on a policy-year basis and apply to the policy year prior to the year in which the review is being made and all other prior policy years beginning on or after January 1, 1988. The calculations and determinations required of the superintendent must be made on a cumulative basis for each policy year under consideration such that each year's determination must be based on all available data relating to a given policy year. For each year under review, the superintendent shall determine the following.

EXPLANATION

This section corrects an obvious clerical error by adding a word that was inadvertently omitted.

Sec. 60. 24-A MRSA §2533-A, as enacted by PL 1983, c. 346, §16, is corrected to read:

§2533-A. Additional provisions for policies issued after January 1, 1987

1. This section, in addition to all other applicable sections of the Standard Nonforfeiture Law for ~~life insurance~~ Life Insurance, shall ~~apply~~ applies to all policies issued on or after January 1, 1987. Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary shall must be in an amount ~~which that~~ does not differ by more than 2/10ths of 1% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years, from the sum of:

- A. The greater of zero and the basic cash value ~~hereinafter~~ specified in subsection 2; and
- B. The present value of any existing paid-up additions less the amount of any indebtedness to the company under the policy.

2. The basic cash value ~~shall be~~ is equal to the present value, on that anniversary, of the future guaranteed benefits ~~which that~~ would have been provided for by the policy, excluding any existing paid-up additions and before deduction of any indebtedness to the insurer, if there had been no default, less the then present value of the nonforfeiture factors, as ~~hereinaf-~~

~~ter~~ defined in subsection 3, corresponding to premiums ~~which that~~ would have fallen due on and after that anniversary, ~~provided except~~ that the effects on the basic cash value of supplemental life insurance or annuity benefits or of family coverage, as described in section 2530 or 2532, whichever is applicable, shall must be the same as are the effects specified in section 2530 or 2532, whichever is applicable on the cash surrender values defined in that section.

3. The nonforfeiture factor for each policy year shall must be an amount equal to a percentage of the adjusted premium for the policy year, as defined in section 2532 or 2532-A, whichever is applicable. Except as is required by subsection 4, that percentage:

- A. Must be the same percentage for each policy year between the 2nd policy anniversary and the later of the 5th policy anniversary and the first policy anniversary at which there is available under the policy a cash surrender value in an amount, before including any paid-up additions and before deducting any indebtedness, of at least 2/10ths of 1% of either the amount of insurance, if the insurance be uniform in amount, or the average amount of insurance at the beginning of each of the first 10 policy years; and
- B. Must be such that no percentage after the later of the 2 policy anniversaries, specified in paragraph A, may apply to fewer than 5 consecutive policy years.

4. No basic cash value may be less than the value ~~which that~~ would be obtained if the adjusted premiums for the policy, as defined in section 2532 or 2532-A, whichever is applicable, were substituted for the nonforfeiture factors in the calculation of the basic cash value.

5. All adjusted premiums and present values referred to in this section shall are for a particular policy ~~be~~ calculated on the same mortality and interest bases as are used in demonstrating the policy's compliance with the other sections of the Standard Nonforfeiture Law for ~~life insurance~~ Life Insurance. The cash surrender values referred to in this section shall must include any endowment benefits provided for by the policy.

6. Any cash surrender value available other than in the event of default in a premium payment due on a policy anniversary, and the amount of any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment shall must be determined in manners consistent with the manners specified for determining the analogous minimum amounts in sections 2529 to 2532-A and section 2533. The amounts of any cash surrender values and of any paid-up nonforfeiture benefits

granted in connection with additional benefits such as those listed in section 2533, subsections 1 to 6, ~~shall~~ must conform with the principles of this section.

EXPLANATION

This section corrects clerical errors by capitalizing words in a named Act and corrects grammatical errors.

Sec. 61. 24-A MRSA §2534, as repealed and replaced by PL 1983, c. 346, §17, is corrected to read:

§2534. Exceptions

Sections 2529 to 2534 ~~shall~~ do not apply to any of the following:

1. Reinsurance;
2. Group insurance;
3. Pure endowment;
4. Annuity or reversionary annuity contract;
5. Any term policy of uniform amount, which provides no guaranteed nonforfeiture or endowment benefits, or renewal thereof, of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy;
6. Any term policy of decreasing amount, which provides no guaranteed nonforfeiture or endowment benefits, on which each adjusted premium, calculated as specified in sections 2532 and 2532-A, is less than the adjusted premium so calculated, on a term policy of uniform amount, or renewal thereof, which provides no guaranteed nonforfeiture or endowment benefits, issued at the same age and for the same initial amount of insurance and for a term of 20 years or less expiring before age 71, for which uniform premiums are payable during the entire term of the policy;
7. Any policy, which provides no guaranteed nonforfeiture or endowment benefits, for which no cash surrender value, if any, or present value of any paid-up nonforfeiture benefit, at the beginning of any policy year, calculated as specified in sections 2530 to 2532-A, exceeds 2 1/2% of the amount of insurance at the beginning of the same policy year; or
8. Any policy ~~which shall be~~ that is delivered outside this State through an agent or other representative of the insurer issuing the policy.

~~For purposes of the Standard Nonforfeiture Law for life insurance, the age at expiry for a joint term life~~

~~insurance policy shall be the age at expiry of the oldest life.~~

For purposes of the Standard Nonforfeiture Law for Life Insurance, the age at expiry for a joint term life insurance policy is the age at expiry of the oldest life.

EXPLANATION

This section corrects a format error by indenting a paragraph that was originally enacted as a blocked paragraph. The paragraph should be indented to indicate that it refers to the entire section and not just the subsection. It also corrects grammatical errors.

Sec. 62. 24-A MRSA §2902-D, as enacted by PL 1993, c. 93, §1, is corrected by amending the headnote to read:

~~§2902-D. Family exclusions prohibited~~

§2902-E. Limitation on surcharge

Sec. 63. PL 1993, c. 93, §1, first line is corrected to read:

Sec. 1. 24-A MRSA ~~§2902-D~~ §2902-E is enacted to read:

EXPLANATION

This section corrects a numbering conflict created by Public Law 1993, chapters 69 and 93, which enacted substantively different provisions with the same section number.

Sec. 64. 24-A MRSA §3703, sub-§8, as enacted by PL 1991, c. 885, Pt. C, §3, is corrected to read:

8. Annual report. In addition to any other reports required by this ~~title~~ Title, the company shall submit an annual report to the Governor and to the joint standing committee of the Legislature having jurisdiction over insurance matters that discloses the business transacted by the company during the previous year and states the resources and liabilities of the company together with other pertinent information considered appropriate by the board. The report must contain, at a minimum, a summary of the latest annual statement filing required to be filed under this Title with the Superintendent of Insurance prepared on a basis of statutory accounting precepts. Any variations between the annual statement and the annual report must be reconciled to clearly show variances and the basis for any different values.

EXPLANATION

This section corrects a clerical error.

Sec. 65. 24-A MRSA §3712, sub-§5, as enacted by PL 1991, c. 885, Pt. C, §8, is corrected to read:

5. Functions not specifically granted. All functions not specifically granted to the division's governing boards are functions of the board of the company. The following functions must be conducted by the company board of directors, which shall contract or hire personnel to administer these functions for the benefit of the divisions:

- ~~(1) Investments;~~
- ~~(2) Accounting and auditing;~~
- ~~(3) Legal services;~~
- ~~(4) Actuarial services;~~
- ~~(5) Overall rate level decisions; and~~
- ~~(6) Authorization for assessments to employers and access to surplus funds.~~

A. Investments;

B. Accounting and auditing;

C. Legal services;

D. Actuarial services;

E. Overall rate level decisions; and

F. Authorization for assessments to employers and access to surplus funds.

EXPLANATION

This section provides the correct statutory format for the law.

Sec. 66. 24-A MRSA §3714, sub-§6, ¶A, as enacted by PL 1991, c. 885, Pt. C, §8, is corrected to read:

A. Deficits up to 100% of the earned premium for the fiscal year of the deficit is are levied on all policyholders that purchased coverage through the company in the high-risk division in the year of the deficit.

EXPLANATION

This section corrects a grammatical error.

Sec. 67. 24-A MRSA §4204, sub-§2-A, ¶D, as amended by PL 1993, c. 313, §32, is corrected to read:

D. The health maintenance organization is financially responsible, complies with the minimum surplus requirements of this section 4204 and, among other factors, can reasonably be expected to meet its obligations to enrollees and prospective enrollees.

~~(1) In a determination of minimum surplus requirements, the following terms have the following meanings:~~

(1) In a determination of minimum surplus requirements, the following terms have the following meanings.

(a) "Admitted assets" means assets as defined in section 901. For purposes of this chapter, the asset value is that contained in the annual statement of the corporation as of December 31st of the year preceding the making of the investment or contained in any audited financial report, as defined in section 221-A, of more current origin.

(b) "Reserves" means those reserves held by corporations subject to this chapter for the protection of subscribers. For purposes of this chapter, the reserve value is that contained in the annual statement of the corporation as of December 31st of the preceding year or any audited financial report, as defined in section 221-A, of more current origin.

~~(3)~~ (2) In making the determination whether the health maintenance organization is financially responsible, the superintendent may also consider:

(a) The financial soundness of the health maintenance organization's arrangements for health care services and the schedule of charges used;

(b) The adequacy of working capital;

(c) Any agreement with an insurer, a nonprofit hospital or medical service corporation, a government or any

other organization for insuring or providing the payment of the cost of health care services or the provision for automatic applicability of an alternative coverage in the event of discontinuance of the plan;

(d) Any agreement with providers for the provision of health care services that contains a covenant consistent with subsection 6; and

(e) Any arrangements for insurance coverage or an adequate plan for self-insurance to respond to claims for injuries arising out of the furnishing of health care services.

EXPLANATION

This section provides the correct statutory format for the law and corrects a clerical error.

Sec. 68. 24-A MRSA §6056, as enacted by PL 1987, c. 542, Pt. H, §§5 and 8, is corrected to read:

§6056. Assessments

Each hospital's assessment ~~shall be~~ is determined annually by the board based on annual statements and other reports ~~deemed~~ determined necessary by the board and filed by the hospital with it.

If assessments exceed actual losses and administrative expenses, the excess ~~shall~~ must be held at interest and used by the board to offset future losses or to reduce premiums. As used in this ~~subsection~~ section, "future losses" includes reserves for incurred but not reported claims.

EXPLANATION

This section corrects grammatical errors and corrects an internal reference.

Sec. 69. 26 MRSA §1029, sub-§7, as amended by PL 1993, c. 90, §7, is corrected to read:

7. Court review. Either party may seek a review by the Superior Court in Kennebec County of a decision or order of the Maine Labor Relations Board by filing a complaint in accordance with the Maine Rules of Civil Procedure, Rule 80C, provided the complaint is filed within 15 days of the date of issuance of the decision. The complaint must be served upon the board and all parties to the board proceeding

by certified mail, return receipt requested. Upon the filing of the complaint, the court shall set the complaint down for hearing at the earliest possible time and shall cause all interested parties and the board to be notified. Pending review and upon application of any party in interest, the court may grant such temporary relief or restraining order and may impose such terms and conditions as it determines just and proper; except that the board's decision or order is not stayed except when it is clearly shown to the satisfaction of the court that substantial and irreparable injury will be sustained. The executive director shall forthwith file in the court the record in the proceeding certified by the executive director or a member of the board. The record must include all documents filed in the proceeding and the transcript, if any. After hearing, which must be held not less than 7 days after notice ~~thereof of the hearing~~, the court may enforce, modify, enforce as so modified, or set aside in whole or in part the decision of the board, except that the finding of the board on questions of fact is final unless shown to be clearly erroneous. Any appeal to the Law Court must be the same as an appeal from an interlocutory order under ~~subsection~~ section 6.

EXPLANATION

This section corrects grammatical errors and corrects a cross-reference.

Sec. 70. 26 MRSA §1229, as amended by PL 1983, c. 351, §34, is corrected to read:

§1229. Collection by civil action

If any employer fails to make any payment of contributions, interest or penalties after notice of an assessment under section 1225, subsection 1, and after the assessment has become final as to law and fact, in addition to or alternatively to any other method of collection prescribed in this chapter, the amount due may be collected by civil action in the name of the commissioner and the employer shall pay the costs of those actions. Civil actions brought under this section to collect contributions and interest, or penalties due thereon, from an employer ~~shall~~ must be heard by the court at the earliest possible date and ~~shall be~~ are entitled to preference upon the calendar of the court over all other civil actions, except petitions for judicial review under this chapter and cases arising under the Maine Workers' Compensation Act of this State 1992. The foregoing remedies ~~shall be~~ are in addition to all other existing remedies against the employer or ~~his~~ the employer's successor.

EXPLANATION

This section changes "Workers' Compensation Act" to "Maine Workers' Compensation Act of 1992" to reflect the change made by Public Law 1991, chapter 885. It also corrects grammatical errors and changes gender-specific language.

Sec. 71. 28-A MRSA §751, sub-§1, ¶C, as amended by PL 1993, c. 266, §18, is corrected to read:

C. The fact that the licensee paid by cash or check for all liquor bought by the licensee at the time of or before delivery of the liquor as ~~evidenced~~ evidenced by invoices, which must be retained by the licensee;

EXPLANATION

This section corrects a spelling error.

Sec. 72. 28-A MRSA §1407, sub-§2, as enacted by PL 1987, c. 45, Pt. a, §4, is corrected to read:

2. Unfair trade practice. A violation of this section shall be considered a violation of the Maine Unfair Trade Practices Act and all remedies provided by that Act are available for a violation of this section.

EXPLANATION

This section corrects a reference to a named Act.

Sec. 73. 29 MRSA §252-J, as enacted by PL 1993, c. 465, §2, is corrected by amending the head-note to read:

~~§252-J. §252-K. University of Maine System; special registration plates~~

Sec. 74. PL 1993, c. 465, §2, first line is corrected to read:

Sec. 2. 29 MRSA ~~§252-J~~ §252-K is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 410 and 465, which enacted substantively different provisions with the same section number.

Sec. 75. 30-A MRSA §4358, sub-§2, ¶D, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is corrected to read:

D. Municipalities ~~shall~~ may not prohibit manufactured housing, regardless of its date of manufacture, solely on the basis of a date of manufacture before June 14, 1976, or the failure of a unit to have been manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted by this section to all manufactured housing, regardless of its date of manufacture, and may apply reasonable safety standards to manufactured housing built before June 15, 1976, or not built in accordance with the National ~~Manufactured~~ Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

Sec. 76. 30-A MRSA §4358, sub-§3, ¶D, as enacted by PL 1989, c. 506, §3, is corrected to read:

D. Notwithstanding ~~paragraph~~ paragraph C, a municipality may require that mobile homes on lots adjacent to a public road be set back from the public road according to requirements applicable to other residential developments.

EXPLANATION

These sections correct spelling errors and a grammatical error.

Sec. 77. 30-A MRSA §4452, sub-§7, as enacted by PL 1993, c. 23, §2, is corrected to read:

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the Commissioner of Human Services under section 4221 as familiar with court procedures, may enforce the provisions of the natural resources protection laws, Title 38, chapter 3, subchapter 4 I, article 5-A, by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

EXPLANATION

This section corrects a clerical error.

Sec. 78. 30-A MRSA §5274, sub-§1, ¶J, as enacted by PL 1991, c. 886, §1 and affected by §2, is corrected to read:

J. Enter into ~~contacts~~ contracts with the ~~federal government~~ Federal Government, with the State or any agency or instrumentality of the ~~federal government~~ Federal Government or the State, or with any other municipality, district private corporation, partnership, association or individual providing for or relating to the DFAS project, its development and financing.

EXPLANATION

This section corrects a spelling error and grammatical errors.

Sec. 79. 30-A MRSA §5274, sub-§5, as enacted by PL 1991, c. 886, §1 and affected by §2, is corrected to read:

5. Remedies. Any holder of bonds issued under this chapter or of any of the coupons appertaining to the bonds and the trustee under any resolution, trust agreement or indenture pursuant to which those bonds are issued, except to the extent the rights given may be restricted by the resolution authorizing the issuance of the bonds or a trust agreement or indenture applicable ~~thereto~~ to the bonds, may, by action, mandamus or other proceeding, protect and enforce any rights under the laws of the State where granted under this chapter or under the resolution, trust agreement, indenture or financing documents relating to such bonds, including the appointment of a receiver of pledged amounts or any property pledged, mortgaged or otherwise subjected to a lien in favor of bondholders, and may enforce and compel the performance of all duties required by this chapter or by the resolution, trust agreement or financing documents to be performed by the municipality, including the collection of DFAS revenues, any other rates, rents, fees and charges as may be applicable with respect to the DFAS project, or otherwise, and the performance of the municipality's obligations with respect to any capital reserve fund established for the bonds pursuant to this section ~~§274~~. Any suit, action or proceeding brought pursuant to this subsection must be brought for the benefit of all of the holders of bonds issued under this chapter.

EXPLANATION

This section corrects grammar and an internal reference.

Sec. 80. 31 MRSA §498, sub-§2, ¶B, as amended by PL 1993, c. 316, §63, is corrected to read:

B. The authority of a foreign limited partnership may be revoked only after:

(1) The Secretary of State has mailed to the partnership's last registered office in this State and to its last registered or principal office in its jurisdiction ~~of~~ of organization as filed with the Secretary of State at least 30 days' notice of pending revocation of its authority to do business in this State. The notice must specify the default; and

(2) The partnership has not, prior to revocation, removed the ground of default specified in the notice.

EXPLANATION

This section corrects a clerical error.

Sec. 81. 31 MRSA §499, sub-§1, as repealed and replaced by PL 1993, c. 316, §64, is corrected to read:

1. Signature on document. Documents must be signed by at ~~least~~ least one general partner, except as otherwise provided.

EXPLANATION

This section corrects a spelling error.

Sec. 82. 32 MRSA §1308, 2nd ¶, as repealed and replaced by PL 1983, c. 413, §46, is corrected to read:

Not later than August 1st of each year, the board shall submit to the Commissioner of ~~Business Professional and Financial~~ Business Professional and Financial Regulation a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to ~~him~~ the commissioner a complete statement of the receipts and expenditures of the board, attested by affidavits of its ~~chairman~~ chair and its secretary.

Sec. 83. 32 MRSA §1308, 5th ¶, as amended by PL 1983, c. 758, §6, is corrected to read:

The board shall submit to the Commissioner of ~~Business, Occupational and Professional and Financial~~ Business, Occupational and Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665.

EXPLANATION

These sections correct a department name to reflect changes made by Public Law 1987, chapter 395 and correct gender-specific language.

Sec. 84. 32 MRSA §1658, sub-§2-A, as enacted by PL 1981, c. 703, Pt. A, §49, is corrected to read:

2-A. Commissioner. "Commissioner" means the Commissioner of ~~Business, Occupational and Professional~~ Financial Regulation.

Sec. 85. 32 MRSA §1658, sub-§4, as amended by PL 1983, c. 553, §46, is corrected to read:

4. Department. "Department" means the Department of ~~Business, Occupational and Professional~~ and Financial Regulation.

EXPLANATION

These sections correct a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 86. 32 MRSA §1660-D, as amended by PL 1983, c. 553, §46, is corrected to read:

§1660-D. Disposition of receipts; Hearing Aid Account

All moneys received by the board ~~shall~~ must be paid to the Treasurer of State and credited to the Department of ~~Business, Occupational and Professional~~ and Financial Regulation Hearing Aid Account to be used for carrying out the purposes of this chapter. Any balance of the funds ~~shall~~ may not lapse, but ~~shall~~ must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 87. 32 MRSA §2272, sub-§§2 and 3, as enacted by PL 1983, c. 746, §2, are corrected to read:

2. Commissioner. "Commissioner" means the Commissioner of ~~Business, Occupational and Professional~~ and Financial Regulation.

3. Department. "Department" means the Department of ~~Business, Occupational and Professional~~ and Financial Regulation.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 88. 32 MRSA §3824, sub-§4, as amended by PL 1983, c. 553, §46, is corrected to read:

4. Assistants; contracts. The board may employ, with the approval of the Commissioner of ~~Business, Occupational and Professional~~ and Financial Regulation, such assistants as are necessary to carry on its activities, within the limits of the funds available to the board, and enter into contracts to carry out its responsibilities under this chapter.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 89. 32 MRSA §4682, as amended by PL 1985, c. 763, Pt. A, §85, is corrected to read:

§4682. State registration

Every person including the self-employed, or those who employ one or more transient sellers of consumer merchandise shall apply to the Department of ~~Business, Occupational and Professional~~ and Financial Regulation and acquire a state registration in the manner set forth in section 4684 before engaging in sales of consumer merchandise in this State.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 90. 32 MRSA §4682-A, sub-§1, as amended by PL 1985, c. 763, Pt. A, §86, is corrected to read:

1. Issuance. The Department of ~~Business, Occupational and Professional and Financial~~ Regulation shall issue to each transient seller and employee of that transient seller a registration which, among other things, ~~shall~~ must indicate that the person whose name appears ~~thereon~~ on the registration is a registered seller or employee of a registered seller under this chapter.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects grammatical errors.

Sec. 91. 32 MRSA §4682-B, as amended by PL 1985, c. 763, Pt. A, §87, is corrected to read:

§4682-B. Disclosure of registration number and permanent place of business

1. Registration number and permanent place of business disclosed in advertisements. Every time a transient seller of consumer merchandise advertises in this State for the sale of merchandise, whether in print or electronic media, the advertisement ~~shall~~ must disclose the transient seller's registration number in the following manner: "State Department of ~~Business, Occupational and Professional and Financial~~ Regulation Transient Seller's Registration Number: (Fill in number)" and ~~shall~~ must disclose the address of the seller's permanent place of business.

2. Registration number and place of business disclosed in written receipt. Every time a transient seller of consumer merchandise sells merchandise to a consumer in this State, ~~he~~ the transient seller shall provide the purchaser with a written receipt, at the time of sale, disclosing the transient seller's registration number in the following manner: "State Department of ~~Business, Occupational and Professional and Financial~~ Regulation Transient Seller's Registration Number: (Fill in number)" and disclosing the transient seller's name and permanent place of business.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects gender-specific and grammatical errors.

Sec. 92. 32 MRSA §4684, first ¶, as amended by PL 1985, c. 763, Pt. A, §89, is corrected to read:

Each application for a transient seller of consumer merchandise registration ~~shall~~ must be made upon a form prescribed by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation ~~and shall~~ must be sworn ~~thereto~~ to and ~~shall~~ must include:

Sec. 93. 32 MRSA §4684, sub-§5, as amended by PL 1985, c. 590, §1, is corrected to read:

5. Security deposits. Name and address of the person to whom security ~~deposit~~ deposits made with the Department of ~~Business, Occupational and Professional and Financial~~ Regulation pursuant to this chapter ~~shall be~~ are returned; and

Sec. 94. 32 MRSA §4684, 2nd ¶, as amended by PL 1983, c. 553, §46, is corrected to read:

The applicant shall promptly notify the Department of ~~Business, Occupational and Professional and Financial~~ Regulation of all changes or additions in the above required information upon a form prescribed by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation.

EXPLANATION

These sections correct a department name to reflect changes made by Public Law 1987, chapter 395 and correct grammatical errors.

Sec. 95. 32 MRSA §4684-A, as amended by PL 1983, c. 553, §46, is corrected to read:

§4684-A. Renewal application

A renewal application made upon a form prescribed by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation ~~shall~~ must be filed by the applicant on October 31st or at such other times as the Commissioner of ~~Business Professional and Financial~~ Regulation may designate. The renewal application ~~shall~~ must include all changes or additions in the information required by section 4684. Notice ~~shall~~ must be mailed to each person's last known address 30 days in advance of ~~his~~ the expiration date of the person's registration. The renewal application ~~shall~~ must be accompanied by a renewal fee, as provided in section 4685.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395, corrects grammatical errors and corrects gender-specific language.

Sec. 96. 32 MRSA §4685, as amended by PL 1991, c. 714, §12, is corrected to read:

§4685. Registration fee and security deposit

1. Fee. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall pay to the Department of Professional and Financial Regulation the following fees at the time an application is made for the registration or renewal.

A. The application fee for a transient seller and an employee of a registered transient seller is \$25. The fee is nonrefundable.

B. For an original or renewal transient seller's registration, the fee is \$75. The fee is refundable if the application is denied.

C. For a registration of each employee of transient sellers and for a registration renewal, the fee is \$25. The fee is refundable if the application is denied.

2. Dedicated revenues. All fees received under this chapter shall ~~must~~ be paid to the Treasurer of State to be used for carrying out this chapter. Any balance of these fees shall ~~may~~ not lapse, but shall ~~must~~ be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

3. Security deposit. Every person, including the self-employed or those who employ one or more transient sellers of consumer merchandise, shall also make a security deposit of \$10,000 or of a sum equal to the anticipated yearly gross revenues in this State, whichever is less, with the Department of ~~Business, Occupational and Professional and Financial~~ Regulation for the protection of consumers as described in section 4687. The security deposit may be made by a bond as drawn by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation and as secured by a surety approved by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation. Only one security deposit shall ~~be~~ is required of each business entity engaged in transient sales of consumer merchandise.

4. Registration issued. The Department of ~~Business, Occupational and Professional and Financial~~ Regulation shall issue to a transient seller of consumer merchandise and to employees of that transient seller a registration upon receipt of a completed application in proper form, appropriate fees and a security deposit.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects grammatical errors.

Sec. 97. 32 MRSA §4685-B, first ¶, as amended by PL 1983, c. 553, §46, is corrected to read:

The authorized person within the Department of ~~Business, Occupational and Professional and Financial~~ Regulation shall rescind the right of a transient seller of consumer merchandise to waive a security deposit upon occurrence of any of the following:

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395.

Sec. 98. 32 MRSA §4686, sub-§1, as amended by PL 1985, c. 763, Pt. A, §92, is corrected to read:

1. Registrations. Registrations issued under section 4685 shall expire:

A. On the date that the registrant establishes a permanent place of business and surrenders ~~his~~ the registrant's registration to the Department of ~~Business, Occupational and Professional and Financial~~ Regulation;

B. When the registrant fails to file a renewal application as required by section 4684-A; or

C. Upon the surrender of the registration for cancellation.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects a grammatical error and an error in gender-specific language.

Sec. 99. 32 MRSA §4687, as amended by PL 1985, c. 763, Pt. A, §93, is corrected to read:

§4687. Security deposit subject to claims; order of preference; return of security deposit

Each security deposit made under section 4685 shall ~~be~~ is subject, so long as it remains in the hands

of the Department of ~~Business, Occupational and Professional and Financial~~ Regulation, to the attachment and execution in behalf of consumers whose claims arise in connection with the transient sale of consumer merchandise in this State. The Department of ~~Business, Occupational and Professional and Financial~~ Regulation may be impleaded as a trustee in any civil action brought against any registrant, and shall pay over, under order of court, such sum of money as the Department of ~~Business, Occupational and Professional and Financial~~ Regulation may be found chargeable. The security deposit ~~shall be~~ is subject to the payment of any and all fines and penalties incurred by the registrant through any of the provisions of this chapter, and the clerk of the court in which such fine or penalty is imposed shall ~~thereupon~~ notify the Department of ~~Business, Occupational and Professional and Financial~~ Regulation of the name of the registrant against whom such fine or penalty is adjudged and of the amount of such fine or penalty. The Department of ~~Business, Occupational and Professional and Financial~~ Regulation, if they have in their hands a sufficient sum deposited by such registrant, shall pay the sum so specified to the clerk. If the Department of ~~Business, Occupational and Professional and Financial~~ Regulation ~~shall~~ does not have a sufficient sum so deposited, they shall make payment of so much as they have in their hands. All claims upon the deposit ~~shall~~ must be satisfied after judgment, fine and penalty, in the order in which the order of court is entered in the respective suits, until all claims are satisfied or the security deposit is exhausted. ~~No~~ A security deposit ~~shall may not~~ be paid over by the Department of ~~Business, Occupational and Professional and Financial~~ Regulation to a registrant so long as there are any outstanding claims or notices of claims ~~which that~~ are subject of suit against the registrant, in which case the Department of ~~Business, Occupational and Professional and Financial~~ Regulation shall retain only such sum of the security deposit as is subject of claim.

The security deposit ~~shall~~ must be returned to the person so designated in the registrant's application for registration 12 months following the expiration of the registration.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects grammatical errors.

Sec. 100. 32 MRSA §4689, as amended by PL 1983, c. 553, §46, is corrected to read:

§4689. Service of process

The Department of ~~Business, Occupational and Professional and Financial~~ Regulation ~~shall be~~ is an agent of each person, including the self-employed, who employs one or more transient sellers of consumer merchandise for service of any process, notice or demand required or permitted by law to be served and this service ~~shall be~~ is binding upon the person. Service of any such process, notice or demand ~~shall~~ must be made as provided by Rule 4(d)(b) of the Maine Rules of Civil Procedure, as ~~the same has been~~ or may hereafter be amended.

EXPLANATION

This section corrects a department name to reflect changes made by Public Law 1987, chapter 395 and corrects grammatical errors.

Sec. 101. 33 MRSA c. 10, sub-c. I, first 2 lines are corrected to read:

SUBCHAPTER ~~4 I~~

UNIT OWNERSHIP

EXPLANATION

This section corrects a clerical error by using a Roman numeral.

Sec. 102. 33 MRSA §589-C, as enacted by PL 1985, c. 390, is corrected to read:

§589-C. Violation

1. Violation. Any violation of this chapter is a violation of Title 5, chapter 10.

2. Intentional violation. Any intentional violation of this subchapter is a Class E crime.

3. Subsequent violations. Any violation of this subchapter constitutes a civil violation for which a forfeiture not to exceed \$100 may be adjudged in the case of a first violation and a forfeiture not to exceed \$500 may be adjudged in the case of 2nd and subsequent violations.

EXPLANATION

This section corrects a clerical error by adding headnotes that were inadvertently omitted.

Sec. 103. 35-A MRSA §2522, as enacted by PL 1993, c. 399, §1, is corrected to read:

§2522. Maintenance of utility facilities

Notwithstanding any other provision of law, an electric utility or telephone utility may trim, cut or remove by cutting trees located within the public right-of-way of a public way and may trim or cut portions of trees encroaching upon the public right-of-way when necessary to ensure safe and reliable service if:

1. Notice to applicable licensing authority. Notice is provided by the utility to the applicable licensing authority, as defined in section 2502, at least 30 days before the trimming, cutting or removal of trees;

2. Consultation with applicable licensing authority. Upon request of the applicable licensing authority, the utility consults with the applicable licensing authority before the trimming, cutting or removal of trees. Notice must be sent to each municipality in which trimming, cutting or removal of trees is to be conducted and the utility shall consult with the applicable municipal licensing authority or, if none, the municipal officers before commencing operations. The municipal licensing authority or, if none, the municipal officers may elect to hold a public hearing on the utility's proposal and, if so, the utility may not commence operations until after the public hearing has been held;

3. Public notice. Public notice is placed in at least 2 newspapers with circulation in the area where trimming, cutting or removal of trees is scheduled to occur at least 30 days before the trimming, cutting or removal of those trees. The notice must state that customers may request to be placed on the list, required under subsection 4, of persons who have requested to be personally consulted before the trimming, cutting or removal of trees;

4. Customer notice list. Before the trimming, cutting or removal of trees, the utility confers with any person who requests personal consultation concerning the trimming, cutting or removal of trees on property in which the person has a legal interest. The utility shall keep a list of persons who have requested personal consultation under this subsection. The utility shall notify annually, in the form of a bill insert, all of the utility's customers of the opportunity to be on the list required under this subsection; and

5. Shade and ornamental trees. Before removing a shade or ornamental tree, the utility consults with the owner of the land upon which the tree is located. For purposes of this subsection, "owner" includes a person who owns the underlying fee interest in land encumbered with a public easement.

~~This section does not apply to trimming, cutting or removal of trees undertaken in emergency situations.~~

This section does not apply to trimming, cutting or removal of trees undertaken in emergency situations.

EXPLANATION

This section provides the correct statutory format for the law. The last paragraph of the section should be indented not blocked as it relates to the entire section and not simply to subsection 5.

Sec. 104. 35-A MRSA §3171, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

~~This chapter shall~~ subchapter may be known and ~~may be~~ cited as the "Older Citizens Electric Service Policy."

EXPLANATION

This section corrects an internal reference, a grammatical error and a punctuation error.

Sec. 105. 35-A MRSA §7507, sub-§1, ¶¶A, B and C, as enacted by PL 1993, c. 31, §1, are corrected to read:

A. ~~Critical incident.~~ "Critical incident" means a situation in which there is probable cause to believe that a person is holding a hostage while committing a crime or who is barricaded and resisting apprehension through the use or threatened use of force.

B. ~~Commanding law enforcement officer.~~ "Commanding law enforcement officer" means a law enforcement officer who has jurisdiction and is in charge at a critical incident.

C. ~~Law enforcement officer.~~ "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders and to make arrests for crimes.

EXPLANATION

This section corrects clerical errors by taking out unnecessary headnotes.

Sec. 106. 36 MRSA §198, sub-§4, as amended by PL 1989, c. 508, §7, is corrected to read:

4. Group 4. Tax expenditures ~~which that~~ are contained in the following provisions of law ~~shall~~ must be reviewed by January 1, 1989, and every 4 years thereafter:

- A. Section 5122;
- ~~B. Section 5127;~~
- ~~C. Section 5130;~~
- E. Section 5200-A;
- F. Section 5202-A;
- G. Section 5215;
- ~~H. Section 5216;~~
- I. Section 5216-B;
- J. Section 5217;
- K. Section 5217-A;
- L. Section 5218;
- ~~M. Section 5219;~~
- N. Section 5219-A; and
- O. Section 5219-B.

EXPLANATION

This section deletes references to repealed sections of law and corrects errors in grammar.

Sec. 107. 36 MRSA §1603, sub-§1, ¶A, as enacted by PL 1977, c. 698, §8, is corrected to read:

- A. The cost of education, as would be determined by the Maine School Finance Act ~~in Title 20 of 1985~~ if the unorganized territory were a municipality;

EXPLANATION

This section corrects an internal cross-reference and a reference to a named Act.

Sec. 108. 36 MRSA §4603, sub-§9, as enacted by PL 1985, c. 753, §§14 and 15, is corrected to read:

9. Staff. The board shall appoint an executive director who ~~shall be~~ is the board's chief administrative officer and who ~~shall serve~~ serves at the pleasure of the board. The executive director shall employ such additional staff as the board directs and the staff shall serve at the pleasure of the executive director. ~~No staff~~ Staff of the board is not subject to the ~~Personnel~~ Civil Service Law. The salary paid to the executive director and other staff of the board ~~shall~~ must be fixed by the board, subject to the approval of the Governor. The board may delegate to its staff the power to execute the board's policies and programs, subject to regular oversight of the board.

EXPLANATION

This section replaces "Personnel Law" with "Civil Service Law" to correct an inconsistency created by the passage of Public Law 1985, chapter 785, Part B, which reorganized the former Department of Personnel and created the Civil Service Law. It also corrects grammatical errors.

Sec. 109. 36 MRSA §6201, sub-§10, as amended by PL 1993, c. 395, §29, is corrected to read:

10. Property taxes accrued. "Property taxes accrued" means property taxes exclusive of special assessment, delinquent interest and charges for service levied on a claimant's homestead in this State as of April 1, 1972, or any tax year thereafter. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant and the claimant's household. If a claimant and spouse own their homestead for part of the preceding tax year and rent it or a different homestead for part of the same tax year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied by the claimant on April 1st, multiplied by the percentage of 12 months that such property was owned and occupied by the household as its homestead during the preceding tax year. When a household owns and occupies 2 or more different homesteads in this State in the same tax year, property taxes accrued relate only to that property occupied by the household as a homestead on April 1st. If a homestead is an integral part of a larger unit such as a farm, or a multipurpose or multidwelling building, property taxes accrued are that percentage of the total property taxes accrued that the value of the homestead is of the total value, except that property taxes accrued do not include any portion of taxes claimed as a

business expense for federal income tax purposes. For purposes of this chapter, "unit" refers to the parcel of property separately assessed of which the homestead is a part.

EXPLANATION

This section corrects a clerical error.

Sec. 110. 37-B MRSA §822, as enacted by PL 1983, c. 460, §3, is corrected to read:

§822. Immunity

Neither the State nor any of its agencies or political subdivisions, including a voluntary and uncompensated grantor of a permit for the use of ~~his~~ the grantor's premises as a civil emergency preparedness shelter, may, while engaged in any civil emergency preparedness activities and while complying with or attempting to comply with this chapter or any rule ~~promulgated~~ adopted pursuant to this chapter, be liable for the death of or injury to any person, or damage to property, as a result of those activities. This section ~~shall~~ does not affect the right of any person to receive benefits to which ~~he~~ that person would otherwise be entitled under this chapter, under the Maine Workers' Compensation Act of 1992, under any pension law or under any act of Congress.

EXPLANATION

This section changes "Workers' Compensation Act" to "Maine Workers' Compensation Act of 1992" to reflect the change made by Public Law 1991, chapter 885. It also corrects gender-specific language and grammar.

Sec. 111. 38 MRSA §342-B, sub-§6, as enacted by PL 1993, c. 355, §4, is corrected to read:

6. Exempt person as party. Notwithstanding the exemption from liability provided by this section, a fiduciary may be named as a party in an administrative enforcement proceeding or civil action brought by the State pursuant to this Title for purposes of requiring the submission of information or documents relating to an uncontrolled hazardous substance site, for purposes of proceeding against the assets of the estate or trust for reimbursement, fines or penalties or for purposes of compelling the expenditure of assets of the estate or trust by the fiduciary to abate, clean up or mitigate threats or hazards posed by a discharge or release, or to comply with state environmental laws and regulations or the terms of a department order of enforcement proceeding. This subsection does not

require the fiduciary to expend its own funds or to make the fiduciary personally liable for compliance pursuant to an order or enforcement proceeding except as provided in section 568, ~~section~~ subsection 4, paragraph B or section 1365, subsection 6.

EXPLANATION

This section corrects a cross-reference.

Sec. 112. 38 MRSA §448, as enacted by PL 1989, c. 403, §15, is corrected by amending the headnote to read:

§448. Municipalities establish ~~commercial~~ commercial fishing and maritime activity zones

EXPLANATION

This section corrects a spelling error.

Sec. 113. 38 MRSA §464, sub-§4, ¶A, as amended by PL 1993, c. 40, §1, is corrected to read:

A. Notwithstanding section 414-A, the department may not issue a water discharge license for any of the following discharges:

- (1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that discharges into these waters that were licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist;
- (2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;
- (3) Any discharge into a tributary of GPA waters that by itself or in combination with other activities causes water quality degradation that would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters;
- (4) Discharge of pollutants to waters of the State that imparts color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class;
- (5) Discharge of pollutants to any water of the State that violates sections 465, 465-A and 465-B, except as provided in section 451; causes the "pH" of fresh waters to fall

outside of the 6.0 to 8.5 range; or causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range; and

(6) New discharges of domestic pollutants to the surface waters of the State that are not conveyed and treated in municipal or quasi-municipal sewage facilities. For the purposes of this subparagraph, "new discharge" means any overboard discharge that was not licensed as of June 1, 1987, except those discharges that were in continuous existence for the 12 months preceding June 1, 1987, as demonstrated by the applicant to the department with clear and convincing evidence. For purposes of licensing, the department shall treat an increase in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge will take place as a new discharge of domestic pollutants.

Notwithstanding subparagraph (6), the department may issue a wastewater discharge license allowing for an increase in the volume or quantity of discharges of domestic pollutants from any university, college or school administrative unit sewage facility, provided that the university, college or school administrative unit has a wastewater discharge license valid on the effective date of this paragraph and the increase in discharges ~~do~~ does not violate the conditions of subparagraphs (1) to (5) or other applicable laws.

EXPLANATION

This section corrects a grammatical error.

Sec. 114. 38 MRSA §464, sub-§11, as enacted by PL 1991, c. 813, Pt. C, §1, is corrected to read:

11. Downstream stretches affected by existing hydropower projects. Hydropower projects in existence on the effective date of this subsection that are located on water bodies referenced in section 467, subsection 4, paragraph A, subparagraphs ~~(1-A)~~ (1) and ~~(5-A)~~ (7), and section 467, subsection 12, paragraph A, subparagraphs ~~(6-B)~~ (7) and ~~(6-D)~~ (9) are subject to the provisions of this subsection.

For the purposes of water quality certification of hydropower projects under the Federal Water Pollution Control Act, Public Law 92-500, Section 401, as amended, and licensing of modifications to these hydropower projects under section 636, the habitat

characteristics and aquatic life criteria of Class A are deemed to be met in the waters immediately downstream of and measurably affected by the projects listed in this subsection if the criteria contained in section 465, subsection 4, paragraph C are met.

EXPLANATION

This section corrects cross-references.

Sec. 115. 38 MRSA §467, sub-§12, ¶A, as amended by PL 1991, c. 813, Pt. E, §3, is corrected to read:

A. Saco River, main stem.

(1) From the Maine-New Hampshire boundary to its confluence with the impoundment of the Swan's Falls Dam - Class A.

(2) From its confluence with the impoundment of the Swan's Falls Dam to a point located 1,000 feet below the Swan's Falls Dam - Class A.

(3) From a point located 1,000 feet below the Swan's Falls Dam to its confluence with the impoundment of the Hiram Dam - Class AA.

(4) From its confluence with the impoundment of the Hiram Dam to a point located 1,000 feet below the Hiram Dam - Class A.

(5) From a point located 1,000 feet below the Hiram Dam to its confluence with the Little Ossipee River - Class AA.

~~(6-A)~~ (6) From its confluence with the Little Ossipee River to the West Buxton Dam, including all impoundments - Class A.

~~(6-B)~~ (7) From the West Buxton Dam to its confluence with the impoundment formed by the Bar Mills Dam - Class A.

~~(6-C)~~ (8) From its confluence with the impoundment formed by the Bar Mills Dam to the confluence with the impoundment formed by the Skelton Dam - Class A.

~~(6-D)~~ (9) From Skelton Dam to its confluence with the impoundment formed by the Cataract Project Dams - Class A.

~~(6-E)~~ (10) From the confluence with the impoundment formed by the Cataract Proj-

ect Dams to its confluence with Swan Pond Stream, including all impoundments - Class A.

(7) (11) From its confluence with Swan Pond Stream to tidewater - Class B.

EXPLANATION

This section rennumbers subparagraphs to read consecutively.

Sec. 116. 38 MRSA §467, sub-§12, ¶B, as repealed and replaced by PL 1989, c. 764, §13, is corrected to read:

B. Saco River, tributaries, those waters lying within the State - Class B unless otherwise specified.

(1) All tributaries entering above the confluence of the ~~Ossipee~~ Ossipee River lying within the State and not otherwise ~~classified~~ classified - Class A.

(2) Wards Brook (Fryeburg) - Class C.

EXPLANATION

This section corrects spelling errors.

Sec. 117. 38 MRSA §480-Q, sub-§13, as enacted by PL 1993, c. 215, §3, is corrected to read:

~~13.~~ **14. Lawful harvesting of marine organisms or vegetation in coastal wetlands.** A person lawfully engaged in the harvesting of marine organisms or vegetation under the provisions of Title 12, chapter 605 is not required to obtain a permit to engage in those activities in a coastal wetland. Within a coastal wetland, the removal of vegetation or displacement of soil associated with or authorized by those lawful activities is not a violation of this article: and

Sec. 118. PL 1993, c. 215, §3, first line is corrected to read:

Sec. 3. 38 MRSA §480-Q, sub-§13 sub-§14 is enacted to read:

Sec. 119. 38 MRSA §480-Q, sub-§13, as enacted by PL 1993, c. 296, §6, is corrected to read:

~~13.~~ **15. Subsurface wastewater disposal systems.** Installation, removal or repair of a subsurface wastewater disposal system, as long as the system complies with all requirements of the subsurface

wastewater disposal rules adopted by the Department of Human Services under Title 22, section 42, subsection 3.

Sec. 120. PL 1993, c. 296, §6, first line is corrected to read:

Sec. 6. 38 MRSA §480-Q, sub-§13 sub-§15 is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1993, chapters 187, 215 and 296, which enacted 3 substantively different provisions with the same subsection number.

Sec. 121. 38 MRSA §490, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §103, is corrected to read:

2. Bonds. The department may require a bond payable to the State with sureties satisfactory to the department or such other security as the department may determine will adequately secure compliance with this chapter, conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules of the board. Other security may include a security deposit with the State, an escrow account and agreement, insurance or an irrevocable trust. In ~~determining~~ determining the amount of the bond or the security, the department shall take into consideration the character and nature of the overburden, the future suitable use of the land involved and the cost of grading and reclamation to be required. All proceeds of forfeited bonds or other security must be expended by the department for the reclamation of the area for which the bond was posted, and any remainder returned to the operator.

EXPLANATION

This section corrects a spelling error.

Sec. 122. 38 MRSA §490-A, as enacted by PL 1993, c. 383, §29, is corrected by amending the headnote to read:

~~§490-A. Rescission~~ **§489-C. Rescission**

Sec. 123. PL 1993, c. 383, §29, first line is corrected to read:

Sec. 29. 38 MRSA §490-A §489-C is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1993, chapters 350 and 383, which enacted substantively different provisions with the same section number and corrects a spelling error.

Sec. 124. 38 MRSA §490-A, sub-§2, as enacted by PL 1993, c. 350, §5, is corrected to read:

~~2.~~ **2-A. Natural buffer strip.** "Natural buffer strip" means an undisturbed area or belt of land that is covered with trees or other vegetation.

EXPLANATION

This section corrects an error that was created when Public Law 1993, chapter 350 enacted 2 different subsections 2 of Title 38, section 490-A.

Sec. 125. 38 MRSA §551, sub-§7, ¶C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §123, is corrected to read:

C. An act of God, which means an ~~unforeseeable~~ unforeseeable act exclusively occasioned by the violence of nature without the interference of any human agency.

EXPLANATION

This section corrects a spelling error.

Sec. 126. 38 MRSA §570-I, as enacted by PL 1991, c. 66, Pt. C, §2, is corrected to read:

§570-I. Budget approval

The commissioner shall submit budget recommendations for disbursements from the fund in accordance with section ~~569~~ 569-B, subsection 5, paragraphs A, C, F and G for each biennium. The budget must be submitted in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures from the fund as approved by the commissioner. Expenditures pursuant to section ~~569~~ 569-B, subsection 5, paragraphs B, D and E may be made as authorized by the State Controller following approval by the commissioner.

This section is effective December 31, 1999.

EXPLANATION

This section corrects references to a repealed section of law.

Sec. 127. 38 MRSA §584-C, sub-§1, ¶B, as enacted by PL 1979, c. 381, §7, is corrected to read:

B. An increase in concentration for any 24-hour period at any location not to exceed 37 micrograms per cubic meter; ~~and~~

Sec. 128. 38 MRSA §584-C, sub-§2, ¶C, as enacted by PL 1979, c. 381, §7, is corrected to read:

C. An increase in concentration for any 3-hour period at any location not to exceed 512 micrograms per cubic meter; ~~and~~

EXPLANATION

These sections correct clerical errors.

Sec. 129. 38 MRSA §584-D, sub-§1, ¶B, as enacted by PL 1979, c. 381, §7, is corrected to read:

B. An increase in concentration for any 24-hour period at any location not to exceed 75 micrograms per cubic meter; ~~and~~

Sec. 130. 38 MRSA §584-D, sub-§2, ¶C, as enacted by PL 1979, c. 381, §7, is corrected to read:

C. An increase in concentration for any 3-hour period at any location not to exceed 700 micrograms per cubic meter; ~~and~~

EXPLANATION

These sections correct clerical errors.

Sec. 131. 38 MRSA §1303-C, sub-§21, as enacted by PL 1989, c. 585, Pt. E, §4, is corrected to read:

21. Recycle. "Recycle" means to recover, separate, collect and reprocess waste materials for sale or reuse other than use as a fuel for the generation of heat, steam or ~~electricity~~ electricity.

EXPLANATION

This section corrects a spelling error.

Sec. 132. 38 MRSA §1516, sub-§1, as amended by PL 1989, c. 480, §3, is corrected to read:

1. Justification report; evaluation and analysis. For purposes of the Maine Sunset Act, Title 3, chapter 23, the authority ~~shall be~~ is considered an independent agency, with its first justification report in accordance with Title 3, section ~~504 924~~, due no later than October 31, 1996, and the evaluation and analysis in accordance with Title 3, section ~~505 925~~, by the joint standing committee of the Legislature having jurisdiction over audit and program review due no later than December 31, 1997, but notwithstanding Title 3, sections ~~506 926~~ and ~~507 927~~, the authority ~~shall~~ does not terminate.

EXPLANATION

This section corrects references to repealed sections of law and corrects grammar.

Sec. 133. 38 MRSA §1542, as amended by PL 1991, c. 762, §7, is corrected to read:

§1542. Supplemental fee

If the costs of post-closure care, authority liability for actual damages under section 1540-A, including a contribution action under section 1540-A, subsection 3, and long-term institutional control, including mitigation of any environmental problems that may develop at the site, exceed the funds available to the authority, including enforcement of an existing judgment, federal assistance and the reserve for unforeseen contingencies provided in sections 1535 and 1536, the authority may assess generators of low-level radioactive waste a supplemental fee to cover those costs, in proportion to the volume and curie content, calculated in the same manner as user fees under section 1536, subsection 2, of the waste shipped to the low-level radioactive waste storage or disposal facility. In the event that a generator has insufficient assets at that time, the owners of that generator are jointly and severally liable for the supplemental fee of that generator. If any owner pays more than the owner's proportional share of the costs under this ~~subsection~~ section, that owner has a cause of action to recover that excess from other owners who paid less than their share.

EXPLANATION

This section corrects an internal reference.

Sec. 134. 38 MRSA §1702, sub-§3, as enacted by PL 1983, c. 820, §2, is corrected to read:

3. Furtherance of Maine Hazardous Waste, Septage and Solid Waste Management Act. It is the policy of the State to encourage the development of refuse disposal districts that further the policy of the Maine Hazardous Waste, Septage and Solid Waste Management Act as it pertains to nonhazardous solid waste programs.

EXPLANATION

This section corrects a reference to a named Act.

Sec. 135. 38 MRSA §1754, sub-§5, as enacted by PL 1993, c. 11, §6, is corrected to read:

5. Changes in method for sharing liability apply prospectively. The fractional share of liability among member municipalities in effect at the time a guaranteed note or bond is issued is the fractional share of liability in effect for the term of that note or bond. An article authorizing a district to issue guaranteed notes or bonds may be amended to change the method used by that district to allocate liability for bonds and notes only by submitting that question to the inhabitants of the district in the same manner as that prescribed in ~~the Maine Revised Statutes, Title 38, section 1754~~ this section. If a change in the method used to allocate liability for bonds and notes is approved by the inhabitants of the district, the new method of allocation is effective only for notes or bonds issued after the date the change is approved by the inhabitants of the district.

EXPLANATION

This section corrects an internal reference.

Sec. 136. 38 MRSA §2125, as enacted by PL 1993, c. 298, §1, is corrected by amending the headnote to read:

§2125. Evaluation of municipal implementation of solid waste management hierarchy

EXPLANATION

This section corrects a headnote by inserting a word that was inadvertently omitted.

Sec. 137. 38 MRSA §2175-A, as amended by PL 1993, c. 310, Pt. B, §9, is corrected to read:

§2175-A. Property value offset

Owners of property ~~whose~~, the value of which has been affected by a solid waste disposal facility, are eligible for reimbursement from the agency for loss in property value directly attributable to the construction and operation of the facility. The agency shall adopt rules to establish the formula and procedure for reimbursement, including, without limitation, definition of the impact area, a process for establishing baseline real estate values, a time frame within which the property value offset program will be in effect and an accounting of real estate trends in the area.

EXPLANATION

This section corrects a clerical error.

Sec. 138. 38 MRSA §2236, as enacted by PL 1991, c. 676, §1, is corrected to read:

§2236. Limitation

Nothing in ~~the~~ this subchapter may be construed to create or expand any agency authority over financial, organizational or rate regulation of incineration facilities.

EXPLANATION

This section corrects a clerical error.

Sec. 139. 39-A MRSA §310, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is corrected to read:

2. Exception. This section does not apply to agreements for the payment of compensation made pursuant to ~~the~~ this Act or to the admissibility of statements to show compliance with the notice requirements of sections 301 and 302.

EXPLANATION

This section corrects a clerical error by removing an unnecessary word.

Sec. 140. 39-A MRSA §358, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is corrected to read:

2. Workers' compensation system. The Director of the Bureau of Labor Standards, the Superin-

tendent of Insurance and the board's executive director shall meet at least 3 times a year with appropriate staff and other state agencies to review the areas of data collection pertaining to the workers' compensation system, as well as interpret and coordinate appropriate data collection programs. The Director of the Bureau of Labor Standards shall chair this group. The group shall submit an annual report to the Governor and the Legislature as to the results of its data collection as well as a profile of the workers' compensation system, including costs, administration, adequacy and timeliness of benefits and an evaluation of the entire workers' compensation system.

The Director of the Bureau of Labor Standards, the Superintendent of Insurance and the ~~boards's~~ board's executive director shall provide any further occasional reports through their joint or individual efforts that they consider necessary to the improved function and administration of ~~the~~ this Act and the occupational disease laws.

EXPLANATION

This section corrects a clerical error and a spelling error.

Sec. 141. 39-A MRSA §403, sub-§8, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is corrected to read:

A. The bond or security deposit required of an individual self-insurer must be at least an amount determined by the following formula or \$50,000, whichever is larger. The bond or security deposit must be in an amount equal to the loss and loss adjustment expense portion of the annual standard premium for the prospective fiscal coverage period or the outstanding loss reserves minus recoveries from all excess carriers and subrogation reduced to net collections plus 25% of annual standard premiums for the prospective fiscal coverage period, whichever is larger. The percentage factor used to determine the portion of annual standard premium allocated for loss and loss adjustment expenses must be acceptable to the Superintendent of Insurance. For the purposes of this paragraph, "annual standard premium" means the annual premium produced by applying the manual rates, rating rules, excluding any premium discount, and the experience rating procedure approved by the superintendent for the Safety Pool of the residual market mechanism, as described in Title 24-A, section 2386, to the exposure and experience of the individual self-insurer.

For individual self-insurers who have a net worth equal to or in excess of \$10,000,000; who have had positive net earnings demonstrated by certified statements of financial condition audited by a certified public accountant for at least 3 of the 5 latest fiscal years, including one of the 2 most recent years; and whose mean annual earnings for the 5 latest fiscal years are at least equal to the normal annual premium for the prospective fiscal coverage period, the minimum security deposit or bond must be an amount determined by the formula in this paragraph or as adjusted for applicable levels of working capital funds.

An employer meeting the standards of this paragraph may deduct from the penal value of its surety bond or from the market value of securities deposited an amount not exceeding demonstrated working capital in such current statement of financial condition; the bond or deposit must be at least \$100,000.

Self-insurers that are unable to meet the preceding standards shall deposit acceptable funds or a surety bond in that amount produced by the formula described in this paragraph ~~—~~ written by a corporate surety that meets the qualifications prescribed by rules adopted by the superintendent.

Within 30 days after notice by the superintendent, the self-insurer shall post the deposit indicated. This deadline may be extended by the superintendent for good cause, but in no event may exceed one year from the deadline for compliance as stated in the notice given to the self-insurer.

A bond or security deposit in excess of the amount prescribed by this subsection may be required if the superintendent determines that the self-insurer has experienced a deterioration in financial condition that adversely affects the self-insurer's ability to pay expected losses.

No judgment creditor other than claimants for benefits under this Act has a right to levy upon the self-insurer's assets held in deposit pursuant to this paragraph.

EXPLANATION

This section corrects an internal reference.

Sec. 142. 39-A MRSA §609, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is corrected to read:

§609. Compensation limits

Compensation for partial or total incapacity or death from occupational disease is payable as provided in sections 212, 213 and 215. Compensation is not payable for incapacity by reason of occupational diseases unless the incapacity results within 3 years after the last injurious exposure to the occupational disease in the employment.

~~The 3 year limitation under this section does not apply to a full time firefighter who files a claim for an occupationally related cancer under this chapter and whose last injurious exposure to a carcinogen in the employer's employment occurred after January 1, 1985. For the purposes of this subsection, "full time firefighter" means a regular full time member, active or retired, of a municipal fire department if that person has aided in the extinguishment of fires, whether or not that person had administrative duties or other duties as a member of the municipal fire department.~~

The 3-year limitation under this section does not apply to a full-time firefighter who files a claim for an occupationally related cancer under this chapter and whose last injurious exposure to a carcinogen in the employer's employment occurred after January 1, 1985. For the purposes of this section, "full-time firefighter" means a regular full-time member, active or retired, of a municipal fire department if that person has aided in the extinguishment of fires, whether or not that person had administrative duties or other duties as a member of the municipal fire department.

EXPLANATION

This section provides the correct statutory format for the law by indenting the last paragraph of the section rather than blocking it. It also corrects an internal reference within the paragraph to the section.

Sec. 143. PL 1985, c. 94, §3 is corrected to read:

Sec. 3. Approval and validation. Notwithstanding the provisions of Private and Special Law ~~1977~~ 1979, chapter 45, section 6, requiring that the method of voting by members of the school committee shall be in accordance with Method B: Weighted Votes of the Maine Revised Statutes, Title 20, section 301, the votes of the school committee of the Wells-Ogunquit Community School District prior to the effective date of this Act are approved and validated. The votes of the school committee which are approved and validated include, without limitation:

1. All votes relating to the calling and conducting of a district meeting referendum on September 17, 1985, for the purpose of voting on a school construction project and the related issuance of debt; and

2. All votes relating to the issuance of bonds or notes in the name of the district for the purpose of financing the school construction project.

EXPLANATION

This section corrects a reference to a Private and Special Law.

Sec. 144. P&SL 1985, c. 107, Pt. A, §3, first line is corrected to read:

Sec. 3. P&SL ~~1987~~ 1887, c. 260 is repealed.

EXPLANATION

This section corrects a clerical error.

Sec. 145. PL 1991, c. 193, §1, first 3 lines are corrected to read:

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL ~~1987, c. 769, Pt. A, §106~~ 1991, c. 173, is further amended by amending subparagraph (21), division (i) to read:

EXPLANATION

This section corrects an amending clause.

Sec. 146. PL 1991, c. 836, §1 is corrected to read:

Sec. 1. 3 MRSA §927, sub-§2, ¶B, as amended by PL 1991, c. 376, §5, is further amended to read:

B. Independent agencies:

- (1) Maine Blueberry Commission;
- (2) Blueberry Advisory Committee;
- (3) Seed Potato Board;
- (4) Maine Milk Commission;
- (5) State Harness Racing Commission;
- (6) Maine Agricultural Bargaining Board;

(7) State Board of Veterinary Medicine;

(8) Maine Dairy and Nutrition Council;

(9) Board of Pesticides Control;

(10) Maine Dairy Promotions Board;

(11) State Board of Property Tax Review;

(12) Maine Technical College System;

~~(13) Maine Commission for Women;~~

~~(14)~~ (13) Maine Human Rights Commission; and

~~(15)~~ (14) Educational Leave Advisory Board; and

(15) Petroleum Advisory Committee.

EXPLANATION

This section underlines new language in Title 3, section 927, subsection 2, paragraph B, subparagraph (15). The underlining was inadvertently omitted.

Sec. 147. PL 1991, c. 885, Pt. B, §1, first 2 lines are corrected to read:

Sec. B-1. 24-A MRSA §2302, sub-§3, as amended by PL 1987, c. 559, Pt. A, §1, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 148. PL 1993, c. 28, §5, first line is corrected to read:

Sec. 5. P&SL ~~1969~~ 1967, c. 92, §17 is enacted to read:

EXPLANATION

This section corrects an enacting clause.

Sec. 149. PL 1993, c. 207, §3, first 2 lines, as they affected 32 MRSA §3840, are corrected to read:

Sec. ~~3~~ 4. 32 MRSA §3840, as amended by PL 1989, c. 700, Pt. A, §148, is repealed.

EXPLANATION

This section corrects a numbering error.

Sec. 150. PL 1993, c. 335, §1, first 2 lines are corrected to read:

Sec. 1. ~~38~~ 12 MRSA §8003, sub-§3, ¶M, as amended by PL 1987, c. 308, §10, is further amended to read:

EXPLANATION

This section corrects an amending clause by supplying a correct statutory reference.

Sec. 151. PL 1993, c. 373, §2, first 2 lines are corrected to read:

Sec. 2. 14 MRSA §6323, as repealed and replaced by PL ~~483~~ 1983, c. 447, §4, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 152. PL 1993, c. 410, Pt. AAA, §13, first 2 lines, as they affected 22 MRSA §4323, are corrected to read:

Sec. ~~AAA-13.~~ AAA-14. 22 MRSA §4323, first ¶, as enacted by PL 1983, c. 577, §1, is amended to read:

EXPLANATION

This section corrects a numbering error.