

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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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
1995

REVISOR'S REPORT
1993

CHAPTER 2

Sec. 1. 3 MRSA §317, sub-§2, as repealed and replaced by PL 1993, c. 691, §20, is corrected to read:

2. Annual report. Thirty days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and the lobbyist's employer shall file with the commission a joint report that must contain the information required in subsection 1, except that the report must summarize all lobbying activities for the year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The report must include a separate listing of legislative actions for the calendar reported on pursuant to subsection 1, paragraphs H and I. The reports required by subsection 1 must be signed by the person designated by the lobbyist in section 316, subsection 1. The reports required by this subsection must be signed by both the designated person and the employer.

If the date any report required by this section is due falls on a day other than a regular business day, the report is due on the first regular business day next following the due date.

In addition to the amounts identified in subsection 1 as compensation received or expenditure made for the primary purpose of lobbying, this annual report must include the total amount of compensation received by the lobbyist or the lobbying firm, or expended by the employer, except compensation received or expended for purposes not related to lobbying.

EXPLANATION

This section corrects a cross-reference.

Sec. 2. 5 MRSA §51, as enacted by PL 1993, c. 707, Pt. BB, §1, is corrected to read:

§51 52. Departmental Total Quality Management Coordinator; positions established

Notwithstanding any other provision of law, if any position or positions in a department or agency account are determined unnecessary as a direct result of total quality management in accordance with section 50, the personal services savings for one or more of these former positions may be used in the

Personal Services line category within the account where the savings exist or in another account in the same fund and department or agency to establish a total quality management coordinator position for the department or agency following the abolishment of the unnecessary position or positions and the identification of permanent funding.

Sec. 3. PL 1993, c. 707, Pt. BB, §1, first line is corrected to read:

Sec. BB-1. 5 MRSA §51 52 is enacted to read:

EXPLANATION

These sections correct a clerical error created by Public Law 1993, chapters 675 and 707, which enacted substantively different provisions with the same section number.

Sec. 4. 5 MRSA §4594-E, 2nd ¶, as enacted by PL 1993, c. 450, §2, is corrected to read:

A request for a waiver or variance under this ~~subsection~~ section must be processed and may be appealed in the same manner as waivers and variances under section 4594-D, subsections 9 and 10.

EXPLANATION

This section corrects an internal reference.

Sec. 5. 5 MRSA §12004-I, sub-§6-D, as enacted by PL 1993, c. 721, Pt. D, §1 and affected by Pt. H, §1, is corrected to read:

6-D-	Municipal	Not	30-A
Economic	Capital	Authorized	MRSA
Economic	Investment		§5953-C
Development	Advisory		<u>§5953-D</u>
	Commission		

EXPLANATION

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

Sec. 6. 8 MRSA §275-D, sub-§§3 and 4, as enacted by PL 1993, c. 388, §8, are corrected to read:

3. Notice to commercial racetracks; objections. An applicant shall send written notice of its application for an off-track betting license to any commercial racetrack in whose market area the facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. A commercial racetrack shall notify the commission within 30 days of receiving notice if the racetrack objects to the location of the facility based on adverse impact to the commercial track. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from a racetrack in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this section, the market area is the area within a 50-mile radius of the commercial racetrack, except that the market area changes to a 37.5-mile radius on November 1, 1994 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1994 and to a 25-mile radius on November 1, 1995 if the commission has not issued a license for an off-track betting facility in the State by November 1, 1995.

4. Notice to off-track betting facilities; objections. An applicant shall send written notice of its application for an off-track betting license to any existing off-track betting facility in whose market area the proposed facility will be located and shall present proof to the commission that it has provided the notice. The notice must include all information contained in the application except information described in subsection 2, paragraph Q. An existing off-track betting facility shall notify the commission within 30 days of receiving notice if the facility objects to the location of the proposed facility. The commission shall suspend consideration of the application for the 30-day objection period. If the commission receives an objection from an off-track betting facility in whose market area the facility would be located within the 30-day period, the commission shall reject the application. If the commission does not receive an objection within that period, the commission may proceed to consider the application. For purposes of this section, the market area is the area within a 35-mile radius of the off-track betting facility.

EXPLANATION

This section corrects cross-references.

Sec. 7. 8 MRSA §275-I, sub-§3, as amended by PL 1993, c. 646, §1, is corrected to read:

3. Distribution based on ~~race dates~~ wagering days. Payments made under subsections 1 and 2 for distribution in accordance with this subsection must be distributed among licensees conducting live racing in the State in proportion to the number of days each licensee is both licensed to be and is open for wagering during the year in which the payments are made. Payments made for wagers accepted before May 1st must be distributed not later than May 15th among all licensees in proportion to the number of days they are licensed to accept wagers for the entire year. Payments made for wagers accepted after April 30th and before September 1st must be distributed not later than September 15th. Payments made for wagers accepted after August 31st and on or before December 31st must be distributed among licensees so that the total distribution under this subsection to each licensee for the entire year is in proportion to the number of days each licensee was licensed to and did in fact accept wagers.

EXPLANATION

This section corrects a headnote to accurately indicate the intent of Public Law 1993, chapter 646.

Sec. 8. 17 MRSA §2924, sub-§2, ¶B, as enacted by PL 1993, c. 727, §2, is corrected to read:

B. The person knows or has reason to know that the other ~~persons~~ person has not attained the age of 14 years.

EXPLANATION

This section corrects a spelling error.

Sec. 9. 19 MRSA §527, as repealed and replaced by PL 1993, c. 357, §4, is corrected to read:

§527. Refusal of alleged father to submit to blood or tissue tests

If the alleged father denies paternity and subsequently fails to submit to blood testing, the record may be filed in court as a paternity action and the department may seek an adjudication of paternity pursuant to section 277. The alleged father's refusal to submit to a blood test constitutes a refusal to submit under section 277. The filing of the record, along with proof of service pursuant to section 520, constitutes compliance with the Maine Rules of Civil Procedure, Rule 3(1). Notice of the filing of this paternity action and a request under section 277 must be sent by

ordinary mail to the alleged father. Within 20 days of the mailing of this notice, the alleged father may assert any defense, in law or fact. The department shall forward to the alleged father by ordinary mail a copy of any request for a default judgment or an order pursuant to section 277. If the alleged father does not notify the court in writing within 20 days of the date the department's request was mailed that he opposes the relief requested by the department, the court may grant the relief requested without a hearing. Any notice mailed must contain the substance of this ~~subsection~~ section.

EXPLANATION

This section corrects an internal reference.

Sec. 10. 22 MRSA c. 271, sub-c. IV, is enacted by inserting before section 1696-I the following:

SUBCHAPTER IV

HEALTH ADVISORIES

EXPLANATION

This section designates a subchapter for a section improperly placed in a subchapter that was repealed.

Sec. 11. 22 MRSA §1711-B, sub-§6, as enacted by PL 1991, c. 142, §2, is corrected to read:

6. Hospital records. Release of treatment records in a hospital is governed by the provisions of ~~Title 22,~~ section 1711.

EXPLANATION

This section deletes an unnecessary reference to Title 22.

Sec. 12. 22 MRSA §2064, first ¶, as amended by PL 1993, c. 390, §27, is corrected to read:

The authority is authorized to fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with a person, partnership, association or corporation, or other body, public or private, in respect of rates, rents, fees and charges. Such rates, rents, fees and charges must be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues or money available for

the project, if any, to pay the cost of maintaining, repairing and operating the project and each and every portion of the project, to the extent that the payment of such cost has not otherwise been adequately provided for, to pay the principal of and the interest on outstanding bonds or notes of the authority issued in respect of such project as the same become due and payable, and to create and maintain reserves required or provided for in a resolution authorizing, or trust agreement securing, such bonds or notes of the authority. Such rates, rents, fees and charges are not subject to supervision or regulation by a department, commission, board, body, bureau or agency of this State other than the authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of bonds or notes of the authority or in the trust agreement securing the same, must be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund that is pledged to, and charged with, the payment of the principal of and the interest on such bonds or notes as the same become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge is valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other money so pledged and later received by the authority are immediately subject to the lien of such pledge without any physical delivery of the revenues or money or further act, and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice of the lien. Neither the resolution nor a trust agreement nor ~~a~~ any other agreement nor any lease by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of money to the credit of such sinking or other similar fund are subject to the resolution authorizing the issuance of such bonds or notes or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund may be a fund for all such bonds or notes issued to finance projects at a particular participating health care facility or participating institution for higher education without distinction or priority of one over another, provided the authority in any such resolution or trust agreement may provide that such sinking or other similar fund is the fund for a particular project at a participating health care facility or participating institution for higher education and for the bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of bonds having a subordinate lien in respect of the

security authorized in this chapter to other bonds of the authority, and, in such case, the authority may create separate sinking or other similar funds in respect of such subordinate lien bonds.

EXPLANATION

This section corrects a grammatical error.

Sec. 13. 22 MRSA §2617, sub-§1, as amended by PL 1993, c. 678, §2, is corrected to read:

1. Violation of section 2616 or subchapter VII. A person that violates section 2616 or subchapter VII commits a civil violation for which a penalty not to exceed \$5,000 may be adjudged. Each day of operation in violation of section 2616 or subchapter VII constitutes a separate violation. The District Court or the Superior Court has jurisdiction over violations of section 2616 or subchapter VII.

EXPLANATION

This section corrects a subsection headnote to make the headnote accurately reflect the content of the subsection as amended by Public Law 1993, chapter 410, Part DD, section 3.

Sec. 14. 22 MRSA §3104, sub-§10, as amended by PL 1981, c. 136, is corrected to read:

10. Supplemental monthly issuance. Whenever a household receiving food stamps informs the department of a change in circumstances ~~which that~~ will result in an increase in its food stamp allotment, the department shall issue a supplemental food stamp allotment to that household for the month in which the change is reported. The supplemental allotment ~~shall~~ must represent the difference between the amount for which the household was originally certified in that month and the amount for which it is actually eligible as a result of its reported change in circumstances.

~~The department shall mail such supplemental allotment within 5 working days of the date that the change in circumstances was reported.~~

The department shall mail that supplemental allotment within 5 working days of the date that the change in circumstances was reported.

EXPLANATION

This section corrects grammatical errors and a clerical error.

Sec. 15. 24-A MRSA §2772, sub-§5, as enacted by PL 1993, c. 602, §6, is corrected to read:

5 6. Prohibited activities. A medical utilization review entity shall ensure that an employee does not perform medical utilization review services involving a health care provider or facility in which that employee has a financial interest.

Sec. 16. PL 1993, c. 602, §6, first line is corrected to read:

Sec. 6. 24-A MRSA §2772, sub-§5 6 is enacted to read:

EXPLANATION

These sections correct a clerical error created by Public Law 1993, chapters 602 and 645, which enacted substantively different provisions with the same subsection number.

Sec. 17. 29-A MRSA §555, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

§555. Bureau of State Police; enforcement

1. Rulemaking authority. The Bureau of State Police, in this section referred to as "the bureau," may, in accordance with the Maine Administrative Procedure Act, modify or decline to adopt any of the federal regulations or amendments referenced in this section, adopt rules to ensure proper enforcement of this subchapter and to promote the safety of the operation of motor carriers over the highways. This authority includes the right to make rules related to the length of duty of drivers.

2. Adoption of federal regulations. The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. The Maine Administrative Procedure Act does not apply to the adoption by reference of federal regulations under this subsection.

B. A rule adopted under this subsection must contain a brief description of the substance of the federal regulation or amendment and instructions for obtaining a copy or a certified copy of that federal regulation or amendment from the appropriate federal agency.

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

- (a) A certified copy of the rule;
- (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation; and

(2) The bureau shall supply, without cost or at actual cost, copies of each rule to a person who has filed within the past year a written request to be supplied with copies of rules, and to any other person on request. The bureau shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and
- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained;

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of these rules and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments; and

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

2 2-A. Agreement. The bureau may make cooperative agreements with the Interstate Commerce Commission and the United States Department of Transportation to enforce the laws and regulations of the United States and this State concerning highway transportation.

3. Precedence of rules. For vehicles to which this chapter applies, if a conflict exists between these safety rules adopted pursuant to this section and other laws requiring safety equipment, rules adopted pursuant to this section control.

4. Enforcement. The Secretary of State upon request of the bureau may refuse to reissue an identification device for a willful or continued violation of this chapter or a regulation of the United States Department of Transportation. Enforcement is as follows.

A. The bureau may file a complaint in the Administrative Court seeking revocation or suspension of an operating permit.

B. Notwithstanding Title 5, section 10051, the Secretary of State may suspend a license for lack of sufficient insurance.

A suspension continues until the Secretary of State is satisfied that the carrier has obtained adequate insurance.

Notice and an opportunity for hearing are as provided the Maine Administrative Procedure Act.

C. A law enforcement officer must investigate an alleged violation of this subchapter or a rule adopted by the bureau or by the United States Department of Transportation, prosecute violators and aid in the enforcement of the provisions of this subchapter.

EXPLANATION

This section corrects a clerical error created by Public Law 1993, chapter 683, which enacted substantively different provisions with the same subsection number.

Sec. 18. 29-A MRSA §702, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

§702. Perfecting security interest

1. Valid against creditors, transferees and lienholders. A security interest in a vehicle for which a certificate of title is issued is not valid against creditors of the owner or subsequent transferees or

lienholders unless perfected as provided in this subchapter.

2. Method. A security interest is perfected by the delivery to the Secretary of State of:

- A. The certificate of origin or existing certificate of title or certificate of salvage;
- B. An application for a certificate of title containing the name and address of the lienholder and the date of the security agreement; and
- C. The required fee.

3. Date. A security interest is perfected as of the date of its creation if delivery is completed within 20 days after its creation; otherwise, a security interest is perfected as of the time of the delivery.

4. Vehicle brought into State. If a vehicle is subject to a security interest when brought into this State, the validity of the security interest is determined by the law of the jurisdiction in which the vehicle was located when the security interest attached, subject to the following.

A. If the parties understood at the time the security interest attached that the vehicle would be kept in this State and the vehicle was brought into this State within 30 days thereafter, for purposes other than transportation through this State, the validity of the security interest is determined by the law of this State.

B. If the security interest was perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, the following provisions apply.

(1) If the name of the lienholder is shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State.

(2) If the name of the lienholder is not shown on an existing certificate of title issued by that jurisdiction, the security interest continues perfected in this State for 4 months after a first certificate of title is issued in this State, and also thereafter if, within the 4-month period, the security interest is perfected in this State. If the security interest is perfected after the 4-month period, perfection dates from the time of perfection in this State.

C. If the security interest was not perfected under the law of the jurisdiction in which the vehicle was located when the security interest attached, that interest may be perfected in this

State and perfection dates from the time of perfection in this State.

D. A security interest may also be perfected by the lienholder delivering to the Secretary of State a notice of security interest and the required fee.

~~4~~ 5. Vehicles located outside the State and registered in this State. If a vehicle is located outside this State and is not the subject of a valid certificate of title issued by another jurisdiction, upon registration of the vehicle in this State, the provisions of this chapter on perfection of a security interest apply. Notwithstanding Title 11, Article 9, Part 1, perfection under this subchapter remains valid until:

A. The certificate issued by this State is surrendered for retitling in another jurisdiction; or

B. Registration plates issued by this State are removed from the vehicle, the registration issued by this State is surrendered and the vehicle is re-registered in another jurisdiction.

EXPLANATION

This section corrects a clerical error created by Public Law 1993, chapter 683, which enacted substantively different provisions with the same subsection number.

Sec. 19. 29-A MRSA §1251, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

4. Number limited. A person may not have more than one valid license, unless authorized by the Secretary of State. A person may not have more than one commercial license. ~~*[530]~~

EXPLANATION

This section corrects a clerical error.

Sec. 20. 29-A MRSA §1258, sub-§6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

6. Immunity. A member of the board or other person making an examination and report of opinion, recommendation or advice to the Secretary of State in good faith is immune from criminal or civil liability for so doing. A physician or other person who becomes aware of a physical, mental or emotional impairment that appears to present an imminent threat to driving safety and reports this information to the Secretary of State in good faith is immune from

criminal or civil liability for so doing. The immunity for damages under this subsection applies only to the ~~extended extent that~~ this immunity is not in conflict with federal law or regulation.

EXPLANATION

This section corrects a spelling error and corrects a clerical error by adding an omitted word.

Sec. 21. 29-A MRSA §1304, sub-§3, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a bus on a public way. The permit expires one year after the date of issuance.

The permittee must be accompanied by a licensed bus operator who has at least one year of bus driving experience and is at least 22 years of age.

The accompanying operator must occupy a seat in the immediate vicinity of the driver and no other passengers may be allowed on the bus.

EXPLANATION

This section corrects a clerical error by adding an omitted word.

Sec. 22. 29-A MRSA §1408, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

3. Dismissal. A person served with a Violation Summons and Complaint charging a violation of this section may have the complaint dismissed if that person shows satisfactory evidence that the person held a valid license at the time of the alleged violation. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with evidence that the person held a valid license at the time of the alleged violation. If a person files a timely answer of not contested to a Violations Summons and Complaint alleging a violation of this section and that person presents satisfactory evidence to the court at the time of ~~trial~~ trial that the person held a valid license at the time of the alleged violation, the court must dismiss the complaint.

EXPLANATION

This section corrects a clerical error by replacing the word "trail" with the word "trial."

Sec. 23. 29-A MRSA §1759, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

3. Warning. The owner or operator of a vehicle operated with an expired inspection sticker during the first month immediately after expiration may not be issued a summons to court ~~by~~ but may only be issued a warning. This warning must state that the vehicle must be inspected within 2 business days. Failure to comply with a warning is a violation punishable in accordance with section 1768.

EXPLANATION

This section corrects a clerical error by replacing the word "by" with the word "but."

Sec. 24. 29-A MRSA §2364, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

4. ~~Four-tiered~~ Four-tired axles. All axles must be 4-tired axles except the steering axle and axle 2;

EXPLANATION

This section corrects a spelling error.

Sec. 25. 30-A MRSA §2, sub-§1-B, as enacted by PL 1993, c. 653, §2, is corrected to read:

1-B. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

	1993	1994
A. Androscoggin County:		
(1) Commissioners		

(a) Chair	\$6,346	\$6,536	(a) Chair	\$6,090	\$6,090
(b) Members	5,432	5,595	(b) Members	5,250	5,250
(2) Treasurer	20,396	21,007	(2) Treasurer	6,930	6,930
(3) Sheriff	27,141	30,955	(3) Sheriff	29,400	29,400
(4) Judge of Pro- bate	12,319	12,689	(4) Judge of Pro- bate	14,516	14,516
(5) Register of Pro- bate	10,400	10,712	(5) Register of Pro- bate	17,102	17,102
(6) Register of Deeds	23,782	27,495	(6) Register of Deeds	18,900	18,900
C <u>B</u> . Kennebec County:			F <u>E</u> . Somerset County:		
(1) Commissioners			(1) Commissioners		
(a) Chair	\$7,152	\$7,152	(a) Chair	\$5,302	\$5,461
(b) Members	6,744	6,744	(b) Members	4,560	4,697
(2) Treasurer	9,177	9,452	(2) Treasurer	11,284	11,623
(3) Sheriff	33,200	34,196	(3) Sheriff	32,410	33,382
(4) Judge of Pro- bate	17,000	17,510	(4) Judge of Pro- bate	18,244	18,791
(5) Register of Pro- bate	22,360	23,030	(5) Register of Pro- bate	19,253	19,831
(6) Register of Deeds	23,400	24,102	(6) Register of Deeds	19,778	20,371
D <u>C</u> . Penobscot County:			N <u>E</u> . York County:		
(1) Commissioners			(1) Commissioners		
(a) Chair	\$8,128	\$8,496	(a) Chair	\$4,957	\$5,056
(b) Members	7,759	8,109	(b) Members	4,957	5,056
(2) Treasurer	3,536	3,848	(2) Treasurer	5,724	5,838
(3) Sheriff	32,944	37,000	(3) Sheriff	31,110	31,110
(4) Judge of Pro- bate	21,754	22,729	(4) Judge of Pro- bate	13,770	14,320
(5) Register of Pro- bate	22,290	23,299	(5) Register of Pro- bate	22,032	22,583
(6) Register of Deeds	20,386	21,500	(6) Register of Deeds	22,032	22,583
E <u>D</u> . Piscataquis County:					
(1) Commissioners					

EXPLANATION

This section corrects a clerical error in format by relettering the paragraphs to read consecutively.

Sec. 26. 30-A MRSA §4456, as enacted by PL 1993, c. 370, §1, is corrected to read:

§4456. Interlocal agreements

Two or more municipalities may enter into an interlocal agreement under this section to regulate water level regimes and minimum flow requirements for impounded bodies of water and dams that are entirely within the corporate boundaries of those municipalities only if each municipality has adopted an ordinance that has been approved by the Commissioner of Environmental Protection pursuant to this subsection ~~subchapter~~.

EXPLANATION

This section corrects an internal reference.

Sec. 27. 30-A MRSA §5953-C, as enacted by PL 1993, c. 721, Pt. D, §3 and affected by Pt. H, §1, is corrected to read:

~~§5953-C~~ **5953-D. Assistance from Municipal Infrastructure Investment Trust Fund**

Sec. 28. PL 1993, c. 721, Pt. D, §3, first line is corrected to read:

Sec. D-3. 30-A MRSA ~~§5953-C~~ 5953-D is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1993, chapters 605 and 721, which enacted substantively different provisions with the same section number.

Sec. 29. 30-A MRSA §5959, sub-§1, ¶A, as amended by PL 1993, c. 721, Pt. D, §4 and affected by Pt. H, §1, is corrected to read:

A. Implement sections 5953-A, 5953-B, ~~5953-C~~ 5953-D, 6006-A, 6006-B and 6006-D to ensure the self-sustaining nature of the funds created under sections 6006-A and 6006-B and that portion of the fund under section 6006-D determined to be self-sustaining; and

EXPLANATION

This section corrects a cross-reference.

Sec. 30. 30-A MRSA §6006-D, sub-§1, ¶B, as enacted by PL 1993, c. 721, Pt. D, §5 and affected by Pt. H, §1, is corrected to read:

B. The bank shall administer the fund. The fund must be invested in the same manner as permitted for investment of funds belonging to the State or held in the State Treasury. The fund must be established and held separate from any other funds or money of the State or the bank and used and administered exclusively for the purpose of this section and section ~~5953-C~~ 5953-D. The fund consists of the following:

- (1) Sums that are appropriated by the Legislature or transferred to the fund from time-to-time by the Treasurer of State;
- (2) Principal and interest received from the repayment of loans made from the fund;
- (3) Capitalization grants and awards made to the State or an instrumentality of the State by the Federal Government for any of the purposes for which the fund has been established. These amounts must be paid directly into the fund without need for appropriation by the State;
- (4) Interest earned from the investment of fund balances;
- (5) Private gifts, bequests and donations made to the State for any of the purposes for which the fund has been established;
- (6) The proceeds of notes or bonds issued by the State for the purpose of deposit in the fund;
- (7) The proceeds of notes or bonds issued by the bank for the purpose of deposit in the fund; and
- (8) Other funds from any public or private source received for use for any of the purposes for which the fund has been established.

EXPLANATION

This section corrects a cross-reference.

Sec. 31. 30-A MRSA §6006-D, sub-§2, ¶¶A to C, as enacted by PL 1993, c. 721, Pt. D, §5 and affected by Pt. H, §1, are corrected to read:

A. To make grants and loans to municipalities under this section and section ~~5953-C~~ 5953-D;

B. To guarantee or insure, directly or indirectly, the payment of notes or bonds issued or to be issued by a municipality for the purpose of financing the construction of any capital improvement described in section ~~5953-C~~ 5953-D, subsection 1;

C. To guarantee or insure, directly or indirectly, funds established by municipalities for the purpose of financing construction of any capital improvement described in section ~~5953-C~~ 5953-D, subsection 1;

EXPLANATION

This section corrects cross-references.

Sec. 32. 32 MRSA §63-B, sub-§3, as amended by PL 1993, c. 600, Pt. A, §29, is corrected to read:

3. Temporary licenses. The board may by rule determine conditions and procedures by ~~that~~ which it may issue temporary licenses. Temporary licenses may be issued for periods of up to one year. The total length of multiple temporary licenses may not extend beyond one year.

EXPLANATION

This section corrects a grammatical error.

Sec. 33. 32 MRSA §1086, 2nd and 3rd ¶¶, as amended by PL 1993, c. 600, Pt. A, §69, are corrected to read:

A special permit may be issued by the board to a licensed dentist practicing outside this State when the request for the dentist comes from a charitable or social organization within the State and when the purpose for that permit is to provide free dental care for the public when ~~no~~ resident dental service is not available. The board may provide an expiration date for a permit issued, except that a permit may not be valid for more than one year.

The board has the authority, upon presentation of satisfactory proof of academic affiliation and good academic standing, and providing, in the board's judgment, a violation ~~of~~ a provision of this chapter or of the board's rules has not occurred, to issue a permit to a bona fide dental student of a school or university acceptable to the board, after the completion of satisfactory training to perform limited dental service in institutional and public health service programs within the State, commensurate with the student's level of training under the supervision and

control of a licensed dentist or a teaching school. The board must, prior to the issuance of this permit, determine that the supervision and control of the services to be performed by the student are adequate and that the performance of these services by the student ~~add~~ adds to the student's knowledge and skill in dentistry. Permits expire at the end of each month and may be renewed by the board.

EXPLANATION

This section corrects grammatical errors.

Sec. 34. 32 MRSA §14202, sub-§12, as enacted by PL 1993, c. 630, Pt. B, §13, is corrected to read:

12 13. Trainee. "Trainee" means any person who is registered with the board and, under the direct supervision of a person licensed under this chapter in the same category as the training performed and in accordance with board rules, is engaged in learning and acquiring a knowledge of the practice of:

- A. Cosmetology;
- B. Barbering;
- C. Aesthetics; or
- D. Manicuring.

Sec. 35. PL 1993, c. 630, Pt. B, §13, first line is corrected to read:

Sec. B-13. 32 MRSA §14202, sub-§12 13 is enacted to read:

EXPLANATION

These sections correct a clerical error created by Public Law 1993, chapters 630 and 659, which enacted substantively different provisions with the same subsection number.

Sec. 36. 34-B MRSA §3861, sub-§2, as amended by PL 1993, c. 336, §1, is corrected to read:

2. State mental health institute. The chief administrative officer of a state mental health institute:

- A. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3831 or 3863; and
- B. May receive for observation, diagnosis, care and treatment in the hospital any person whose

admission is applied for under section 3864 or is ordered by a court.

Any person contracting with a state mental health institute when admitting, treating or discharging a patient, within the state institute, under the provisions of sections 3863 and 3864 under a contract with the department for purposes of civil liability is deemed to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741.

EXPLANATION

This section corrects a clerical error by adding an omitted word.

Sec. 37. 38 MRSA §342, sub-§7, as enacted by PL 1983, c. 796, §15, is corrected to read:

7. Representation in court. The commissioner may authorize certified employees of the department to serve civil process and represent the department in District Court in the prosecution of violations of those laws enforced by the department and set forth in Title 4, section 152, subsection 6. Certification of these employees shall be provided as under Title ~~30~~ 30-A, section ~~3222~~ 4221, subsection 2.

EXPLANATION

This section changes the cross-reference to reflect the recodification of Title 30, which is now Title 30-A.

Sec. 38. 38 MRSA §2402, sub-§2, as amended by PL 1993, c. 418, §5, is corrected to read:

2. Location of inspection. The inspection must take place at a public ~~or~~ emission inspection station.

EXPLANATION

This section deletes the word "or" after the word public. The Maine Revised Statutes, Title 38, section 2402, subsection 2 originally indicated that the inspection must take place at either a public or fleet emission inspection station. Public Law 1993, chapter 418, section 5 amended the section to remove the option of having an inspection at a fleet emission station but inadvertently left in the word "or."

Sec. 39. P&SL 1985, c. 93, §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. 40. PL 1993, c. 91, §4 is corrected to read:

Sec. 4. 35-A MRSA §3133, sub-§10, as ~~amended~~ enacted by PL 1987, c. 769, Pt. A, §§~~138~~ 139, is repealed.

EXPLANATION

This section corrects an amending clause.

Sec. 41. PL 1993, c. 355, §45 is corrected to read:

Sec. 45. 38 MRSA §1280, as amended by PL 1991, c. 473, §§19 and 20, is further amended to read:

§1280. Standard of acceptable work practice

The board shall adopt rules that establish criteria and procedures of acceptable work practices for licensees and certificate holders and persons exempt from licensing and certification requirements under section 1273, subsection 4 engaged in the following asbestos ~~hazard~~ abatement activities.

1. Removal; demolition; encapsulation; enclosure; repair; handling; transportation; analysis; disposal; storage; design; monitoring; or inspection. For any asbestos activity that involves more than 3 linear feet or 3 square feet of friable

asbestos-containing material, the board shall consider the following:

- A. Proper work practices for the removal of asbestos-containing materials;
- B. Proper work practices for the encapsulation of asbestos-containing materials;
- C. Proper work practices for enclosure of asbestos-containing materials;
- D. Proper work practices for the demolition of a structure or position of a structure which contains structural members or components of or covered by asbestos-containing materials;
- E. Proper work practices for the storage, transport and disposal of asbestos-containing materials;
- F. Administrative penalties and cessation of operations to ensure compliance with this subsection;
- G. Air monitoring, bulk and air sample analysis and criteria governing public access to sites where asbestos abatement activity has occurred; and
- H. Asbestos abatement, monitoring, inspection, design and analysis activities.

In adopting these rules, the board shall consider cost-effective methods and alternatives that do not sacrifice public or worker health or safety.

2. Other activities. For any asbestos project not subject to the specific considerations of subsection 1, reasonable precautions to prevent the release of asbestos to the environment shall be made. At a minimum, the following precautions shall be considered:

- A. Construction of adequate barriers to contain asbestos fibers released within the work area;
- B. Wetting of all asbestos-containing material prior to removal and during collection;
- C. Use of high efficiency particulate air vacuum equipment and wet-cleaning techniques to clean up the work area following abatement until there is no visible residue;
- D. Containing waste in appropriately labeled impermeable containers; and
- E. Proper storage, transfer and disposal to an approved landfill facility in a manner that does not release fibers into the air.

EXPLANATION

This section corrects a clerical error where the Maine Revised Statutes, Title 38, section 1280 was amended and only the first paragraph and subsection 1 were included when the entire section should have been included.

Sec. 42. PL 1993, c. 363, §9, first 3 lines are corrected to read:

Sec. 9. 38 MRSA §568-A, sub-§1, ¶B, as amended by PL 1991, c. 494, ~~§10 and 11,~~ is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 43. PL 1993, c. 410, Pt. L, §39, first 3 lines are corrected to read:

Sec. L-39. 5 MRSA §17852, sub-§4, ¶C-1, as ~~amended enacted~~ by PL 1991, c. 591, Pt. EEE, ~~§§11 and 12~~ and affected by §18, is repealed and the following enacted in its place:

EXPLANATION

This section corrects an amending clause.

Sec. 44. PL 1993, c. 410, Pt. UU, §1, first 3 lines are corrected to read:

Sec. UU-1. 5 MRSA §1543, as ~~repealed and replaced~~ amended by PL 1979, c. 312, §3, is further amended by adding after the first paragraph a new paragraph to read:

EXPLANATION

This section corrects an amending clause.

Sec. 45. PL 1993, c. 446, Pt. A, §18, first 2 lines are corrected to read:

Sec. A-18. 3 MRSA §322, as reenacted by PL 1975, c. ~~725~~ 724, is repealed and the following enacted in its place:

EXPLANATION

This section corrects an amending clause.

Sec. 46. PL 1993, c. 664, §10, first line is corrected to read:

Sec. 10. 22 MRSA §§679-A to 679-C and 679-B are enacted to read:

EXPLANATION

This section corrects an amending clause.

Sec. 47. PL 1993, c. 666, Pt. B, §2 is corrected by inserting a section headnote to read:

§2844. Coordination of benefits**EXPLANATION**

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

Sec. 48. PL 1993, c. 680, Pt. A, §35, first 3 lines are corrected to read:

Sec. A-35. 38 MRSA §482, sub-§5, as amended by PL 1993, c. 366, §§1 to 3 and affected by §4 and amended by c. 383, §17 and affected by §42, is repealed and the following enacted in its place:

EXPLANATION

This section corrects an amending clause.

Sec. 49. P&SL 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 amending clause.

Sec. 50. P&SL 1993, c. 70, §1, first 3 lines are corrected to read:

Sec. 1. P&SL 1849, c. 229, §1, as amended by P&SL 1967, c. 31, §1, is further amended to read:

Sec. 1 1. Amount of real and personal estate that may be held. The trustees

EXPLANATION

This section corrects an amending clause by changing a Roman numeral to an Arabic numeral to be consistent with the numbering in the original Private and Special Law and omits a reference to a nonexistent section number.

Sec. 51. P&SL 1993, c. 100, §2, sub-§5 is corrected to read:

5. Staff assistance. The commission may request staff assistance from the Legislative Council. The fiscal administrator of the unorganized territory, the Bureau of Taxation, the Department of Education and Cultural Services, the Maine Land Use Regulation Commission, the Department of Audit and the Division of Forest Fire Control of the Maine Forest Service shall provide additional staff support upon request of the commission.

EXPLANATION

This section corrects the name of a department.

Sec. 52. RR 1993, c. 1, §143 is stricken.

EXPLANATION

This section strikes section 143 of chapter 1 of the 1993 Revisor's Report due to an error in that section. The correction is made in this chapter of the Revisor's Report under the section correcting Private and Special Law 1985, chapter 93, section 3.

Sec. 53. RR 1993, c. 1, §148 is stricken.

EXPLANATION

This section strikes section 148 of chapter 1 of the 1993 Revisor's Report due to an error in that section. The correction is made in this chapter of the Revisor's Report under the section correcting Private and Special Law 1993, chapter 28, section 5.