

MAINE STATE LEGISLATURE

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STATE OF MAINE

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J.S. McCarthy Company
Augusta, Maine
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REVISOR'S REPORT
1995

CHAPTER 1

Sec. 1. 5 MRSA §1549, as enacted by PL 1993, c. 385, §1, is corrected to read:

§1549. Contractors to notify State of job openings

The Department of Administrative and Financial Services, Bureau of Accounts and Control, shall ensure that a contract with a nonstate contractor that is approved under section 1541 requires the contractor to notify the Additional Support for People in Retraining and ~~Education~~ Employment Program within the Department of Human Services when the contractor has an employment opening for which members of the public may apply.

EXPLANATION

This section corrects a reference to a program name that was changed by Public Law 1995, chapter 418 to the Additional Support for People in Retraining and Employment Program.

Sec. 2. 5 MRSA §1890-A, as enacted by PL 1985, c. 785, Pt. A, §78, is corrected to read:

§1890-A. Internal services fund accounts

The ~~Office~~ Bureau of Information Services may establish internal services fund accounts. These funds include, but are not limited to, appropriations made to the ~~office~~ bureau, funds transferred to the ~~office~~ bureau from within the department and funds received for data processing and telecommunications planning services rendered to state agencies.

Sec. 3. 5 MRSA §1893, sub-§5, ¶B, as amended by PL 1991, c. 291, §5, is corrected to read:

B. The schedule of charges for services rendered by the ~~Office~~ Bureau of Information Services through its internal services fund accounts; and

Sec. 4. 5 MRSA §1896, first ¶, as amended by PL 1989, c. 857, §43, is corrected to read:

Any state agency or semiautonomous state agency disagreeing with an action or decision of the ~~Office~~ Bureau of Information Services or the deputy commissioner as it affects that agency may appeal the decision in accordance with the provisions of this section.

EXPLANATION

These sections correct a reference to an office name that was changed by Public Law 1991, chapter 780 to the Bureau of Information Services.

Sec. 5. 5 MRSA §19205, as amended by PL 1995, c. 404, §§18 and 19, is corrected by amending the headnote to read:

§19205. Coordination of services to persons with HIV or AIDS, ~~AIDS Related complex and viral positivity~~

EXPLANATION

This section corrects a section headnote to accurately reflect the content of the section as amended by Public Law 1995, chapter 404, sections 18 and 19.

Sec. 6. 10 MRSA §1126, sub-§2, as enacted by PL 1979, c. 483, is corrected to read:

2. Fees. Any form of agreement submitted to the ~~bureau office~~ under this section ~~shall~~ must be accompanied by a fee of \$25. The period within which the ~~bureau office~~ must act under this section ~~shall~~ commence ~~commences~~ upon receipt of the fee. The fees received under this section are to be used by the ~~superintendent~~ director for the purposes of this chapter. The balance of any fees so received ~~shall~~ does not lapse.

Sec. 7. Effective date. Section 6, which corrects the Maine Revised Statutes, Title 10, section 1126, subsection 2, takes effect January 1, 1996.

EXPLANATION

This section corrects references to the Bureau of Consumer Credit Protection and the title of the superintendent of that office. The changes, which take effect January 1, 1996, are changes required by Public Law 1995, chapter 309.

Sec. 8. 21-A MRSA §122, sub-§3, as repealed and replaced by PL 1985, c. 614, §6, is corrected to read:

3. Notice of new registration. When an applicant states in ~~his~~ the application that ~~he~~ the applicant last voted in another municipality in this State or any other state, the registrar shall immediately send a notice of the applicant's new registration to the registrar of that municipality. The notice ~~shall~~ must contain the following:

- A. The voter's name;
- B. The name under which registered, if changed;
- C. Date of birth; and
- D. Former street and mailing address.

The registrar who receives the notice shall remove the name from the voting list if ~~he~~ the registrar is satisfied as to the identity of the person and ~~he~~ the registrar need not send the notice required by ~~section 462~~ 162-A.

EXPLANATION

This section corrects a cross-reference, changes gender-specific language and corrects grammatical errors.

Sec. 9. 21-A MRSA §629, sub-§4, as amended by PL 1993, c. 695, §29, is corrected to read:

4. Booth for the visually impaired. The clerk shall equip at least one of the voting booths at the voting place with an enlarged instruction poster, a magnifying device and an adjustable lamp for improved lighting. The clerk may also equip the voting booth with an enlarged specimen ballot at the clerk's own discretion.

EXPLANATION

This section corrects an error in punctuation.

Sec. 10. 21-A MRSA §1020-A, sub-§§2 and 7, as enacted by PL 1995, c. 483, §15, are corrected to read:

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission before 5 p.m. on the date

it is due. Except as provided in subsection ~~6~~ 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid personal emergency such as a personal illness or death in the immediate family;
- B. An error by the commission staff; or
- C. Failure to receive notice of the filing deadline.

7. Final notice of penalty. After a commission meeting, notice of the commission's final determination and the penalty, if any, imposed pursuant to this subchapter must be sent to the candidate, treasurer and the Secretary of State.

If no determination is requested, the commission staff shall calculate the penalty as prescribed in subsection ~~3~~ 4 and shall mail final notice of the penalty to the candidate and treasurer. A detailed summary of all notices must be provided to the commission and to the Secretary of State.

EXPLANATION

This section corrects cross-reference errors.

Sec. 11. 22 MRSA §3741-E, sub-§1, as amended by PL 1991, c. 528, Pt. F, §4 and affected by Pt. RRR; and amended by c. 591, Pt. F, §4, is corrected to read:

1. First priority given to targeted recipients who volunteer. Recipients of federal Aid to Families with Dependent Children who are within one of the target populations of the federal Job Opportunity and Basic Skills training program, or JOBS, or are eligible on the basis of unemployed parent status and who volunteer to participate in the Additional Support for People in Retraining and ~~Education program~~ Employment Program, or ASPIRE-JOBS, must be given first consideration for services. The federal JOBS target populations are individuals who:

- A. Have received federal Aid to Families with Dependent Children for any 36 of the preceding 60 months;
- B. Are custodial parents under 24 years of age who:

(1) Have not completed a high school education and are not enrolled in high school at the time of application; or

(2) Had little or no work experience in the preceding year; or

C. Are members of families in which the youngest child because of age is within 2 years of being ineligible for federal Aid to Families with Dependent Children.

EXPLANATION

This section corrects a reference to a program name that was changed by Public Law 1995, chapter 418 to the Additional Support for People in Retraining and Employment Program.

Sec. 12. 23 MRSA §708, sub-§1, as enacted by PL 1991, c. 481, §2, is corrected to read:

1. Definitions. All definitions in Title 5, section ~~1768~~ 1769, subsection 1 apply in this section. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Transportation.

B. "Roadway lighting" means lighting that is specifically intended to illuminate roadways for automobiles but does not mean lighting intended to illuminate roadways only for pedestrian purposes.

EXPLANATION

This section corrects a cross-reference.

Sec. 13. 24 MRSA §2320-C, as enacted by PL 1995, c. 369, §1, is corrected by amending the headnote to read:

~~§2320-C. §2320-D.~~ **Medical food coverage for inborn error of metabolism**

Sec. 14. PL 1995, c. 369, §1, first line is corrected to read:

Sec. 1. 24 MRSA ~~§2320-C~~ §2320-D is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1995, chapters 295 and 369,

which enacted 2 substantively different provisions with the same section number.

Sec. 15. 24-A MRSA §2745-C, as enacted by PL 1995, c. 369, §2, is corrected by amending the headnote to read:

~~§2745-C. §2745-D.~~ **Medical food coverage for inborn error of metabolism**

Sec. 16. PL 1995, c. 369, §2, first line is corrected to read:

Sec. 2. 24-A MRSA ~~§2745-C~~ §2745-D is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1995, chapters 295 and 369, which enacted 2 substantively different provisions with the same section number.

Sec. 17. 24-A MRSA §2837-C, as enacted by PL 1995, c. 369, §3, is corrected by amending the headnote to read:

~~§2837-C. §2837-D.~~ **Medical food coverage for inborn error of metabolism**

Sec. 18. PL 1995, c. 369, §3, first line is corrected to read:

Sec. 3. 24-A MRSA ~~§2837-C~~ §2837-D is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1995, chapters 295 and 369, which enacted 2 substantively different provisions with the same section number.

Sec. 19. 24-A MRSA §4237, as enacted by PL 1995, c. 369, §4, is corrected by amending the headnote to read:

~~§4237. §4238.~~ **Medical food coverage for inborn error of metabolism**

Sec. 20. PL 1995, c. 369, §4, first line is corrected to read:

Sec. 4. ~~24-A MRSA §4237~~ §4238 is enacted to read:

Sec. 21. ~~24-A MRSA §4237~~, as enacted by PL 1995, c. 418, Pt. C, §4, is corrected by amending the headnote to read:

~~§4237.~~ §4239. **Medical child support**

Sec. 22. ~~PL 1995, c. 418, Pt. C, §4, first line~~ is corrected to read:

Sec. C-4. ~~24-A MRSA §4237~~ §4239 is enacted to read:

EXPLANATION

These sections correct a numbering problem created by Public Law 1995, chapters 295, 369 and 418, which enacted 3 substantively different provisions with the same section number.

Sec. 23. ~~26 MRSA §1192, sub-§12~~, as enacted by PL 1995, c. 222, §1, is corrected to read:

12. Participation in reemployment services. The individual who has been referred to reemployment services, pursuant to a profiling system established by the commissioner, participates in those services or similar services unless it is determined that the individual has completed those services or there is good cause for the individual's failure to participate.

~~For purposes of this subsection, "good cause" means all circumstances described in the definition of good cause in Chapter 1 of the rules governing the administration of the Employment Security Law, including child care emergencies and transportation emergencies.~~

For purposes of this subsection, "good cause" means all circumstances described in the definition of good cause in Chapter 1 of the rules governing the administration of the Employment Security Law, including child care emergencies and transportation emergencies.

EXPLANATION

This section corrects a format error by blocking a paragraph that was originally enacted as an indented paragraph to the Maine Revised Statutes, Title 26, section 1192. The paragraph should be blocked because it refers to the subsection only and not the entire section.

Sec. 24. ~~26 MRSA §2013, sub-§9-A~~, as amended by PL 1993, c. 385, §23, is corrected to read:

9-A. Coordination with Additional Support for People in Retraining and ~~Education~~ Employment - Job Opportunities and Basic Skills Training Program. Coordination with the Additional Support for People in Retraining and ~~Education~~ Employment - Job Opportunities and Basic Skills Training Program established in Title 22, chapter 1054-A; and

Sec. 25. ~~26 MRSA §2171, sub-§3~~, as amended by PL 1993, c. 385, §25, is corrected to read:

3. Additional Support for People in Retraining and ~~Education~~ Employment - Job Opportunities and Basic Skills Training Program. The Additional Support for People in Retraining and ~~Education~~ Employment - Job Opportunities and Basic Skills Training Program under Title 22, chapter 1054-A;

EXPLANATION

These sections correct references to a program name that was changed by Public Law 1995, chapter 418 to the Additional Support for People in Retraining and Employment - Job Opportunities and Basic Skills Training Program.

Sec. 26. ~~29-A MRSA §2395, sub-§1~~, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

1. Right of the Department of Transportation. The Department of Transportation may restrict the weight or passage of any vehicle over any way when, ~~it~~ in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title may be construed to restrict or abridge this right.

EXPLANATION

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

Sec. 27. ~~32 MRSA §11051~~, as amended by PL 1989, c. 502, Pt. A, §116, is corrected to read:

§11051. Investigation, suspension and revocation of licenses

The ~~Bureau of Consumer Credit Protection~~ Office of Consumer Credit Regulation may investigate the records and practices of a licensee in accordance

with Title 9-A, section 6-106, and may charge for expenses incurred pursuant to Title 9-A, section 6-106, subsection 6. The ~~superintendent~~ director may file a complaint with the Administrative Court to suspend or revoke a license issued pursuant to this chapter, if, after investigation or hearing, or both, the ~~superintendent~~ director has reason to believe that the licensee has violated any provisions of this chapter or any administrative rules issued pursuant to this chapter, or has failed to maintain its financial condition sufficient to qualify for a license on an original application.

Sec. 28. Effective date. Section 27, which corrects the Maine Revised Statutes, Title 32, section 11051, takes effect January 1, 1996.

EXPLANATION

This section corrects references to a bureau and a superintendent. Public Law 1995, chapter 309, which takes effect January 1, 1996, changes the name of the Bureau of Consumer Credit Protection to the Office of Consumer Credit Regulation and the title of the superintendent of that office to the director.

Sec. 29. 35-A MRSA §116, sub-§1, ¶C, as amended by PL 1991, c. 343, §1, is corrected to read:

C. Gas utilities subject to the jurisdiction of the commission solely with respect to safety are not ~~be~~ subject to any assessment.

EXPLANATION

This section corrects a grammatical error.

Sec. 30. 35-A MRSA §7505, sub-§1, as amended by PL 1993, c. 708, Pt. J, §11, is corrected to read:

1. State buildings. The Department of Administrative and Financial Services shall require the installation and maintenance of telecommunication devices for communication for the deaf, hard-of-hearing and speech-impaired who rely on those devices for telephone communications in locations accessible to the public in state buildings where a primary function is the delivery of service to the general public in accordance with a plan developed by the Department of Administrative and Financial Services, ~~Office~~ Bureau of Information Services and the Department of Education, Office of Rehabilitation Services.

EXPLANATION

This section corrects references to the Office of Information Services whose name was changed to the Bureau of Information Services by Public Law 1991, chapter 780.

Sec. 31. 38 MRSA §480-Q, sub-§17, as enacted by PL 1995, c. 493, §4, is corrected to read:

~~17.~~ **19. Displacement or bulldozing of sediment within a lobster pound.** Displacement or bulldozing of sediment within a lobster pound, provided the sediment is not removed from the area inundated as a result of the impoundment.

Sec. 32. PL 1995, c. 493, §4, first line is corrected to read:

Sec. 4. 38 MRSA §480-Q, sub-§17 sub-§19 is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1995, chapters 460 and 493, which enacted substantially different provisions with the same subsection number.

Sec. 33. 38 MRSA §1310-AA, as enacted by PL 1995, c. 314, §1, is corrected by amending the headnote to read:

~~§1310-AA~~ **§1310-BB. Use of unauthorized tire management site or facility**

Sec. 34. PL 1995, c. 314, §1, first line is corrected to read:

Sec. 1. 38 MRSA ~~§1310-AA~~ §1310-BB is enacted to read:

EXPLANATION

These sections correct a numbering conflict created by Public Law 1995, chapters 314 and 465, which enacted substantively different provisions with the same section number.

Sec. 35. PL 1993, c. 582, §1, first line is corrected to read:

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 12 is enacted to read:

EXPLANATION

This section corrects an amending clause.

Sec. 36. PL 1995, c. 105, §1, first 2 lines are corrected to read:

Sec. 1. 39-A MRSA §314, sub-§7, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 and 11, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 37. PL 1995, c. 332, Pt. A, §11 is corrected to read:

Sec. A-11. 24-A MRSA §2809-A, sub-§3-A is enacted to read:

3-3-A. Policies issued or renewed on or after January 1, 1996. An insurer that offers individual health plans pursuant to section 2736-C is permitted, but not required, to include a conversion privilege in group policies issued or renewed on or after January 1, 1996. If the insurer does include a conversion privilege in those policies, individuals exercising these rights must be offered a choice of any individual health plan offered by the insurer. An insurer that does not offer individual health plans pursuant to section 2736-C may not include a conversion privilege in group policies issued or renewed on or after January 1, 1996.

EXPLANATION

This section corrects the subsection number to reflect the action indicated in the amending clause.

Sec. 38. PL 1995, c. 332, Pt. G, §1, first 2 lines are corrected to read:

Sec. G-1. 24 MRSA §2325-A, sub-§5-C, ¶B, as amended by PL 1993, c. 586, §1, is further amended to read:

Sec. 39. PL 1995, c. 332, Pt. G, §2, first 2 lines are corrected to read:

Sec. G-2. 24-A MRSA §2843, sub-§5-C, ¶B, as amended by PL 1993, c. 586, §1, is further amended to read:

EXPLANATION

These sections correct errors in 2 amending clauses. The section symbols were omitted in the original public law chapters.

Sec. 40. PL 1995, c. 367, §1, first 2 lines are corrected to read:

Sec. 1. 5 MRSA §17852, sub-§4, ¶C-2, as amended enacted by PL 1993, c. 626, §1, is further amended by amending the last paragraph to read:

EXPLANATION

This section corrects an amending clause.

Sec. 41. PL 1995, c. 402, Pt. C, §11, first 2 lines are corrected to read:

Sec. ~~C-11~~ C-3. 5 MRSA §12004-I, sub-§29, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 42. PL 1995, c. 402, Pt. C, §12, first line is corrected to read:

Sec. ~~C-12~~ C-4. Consolidation of audit services

EXPLANATION

These sections correct a section numbering error.

Sec. 43. PL 1995, c. 488, §5, first 2 lines are corrected to read:

Sec. 5. 38 MRSA §1453-A, sub-§7, as enacted by PL 1993, c. 664, §15 and affected by §21, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 44. Resolve 1995, c. 16, §2, first ¶ is corrected to read:

Sec. 2. Appointment of members. Resolved: That the council consists of ~~13~~ 14 members. The Governor shall appoint one person from each of the following: the Department of

Conservation, the Department of Economic and Community Development, the Department of Environmental Protection, the Department of Transportation, the University of Maine System, an electric utility, a railroad, organized labor and the environmental community; and 3 members from the paper industry. The President of the Senate shall appoint one Senator and the Speaker of the House of Representatives shall appoint one Representative.

EXPLANATION

This section corrects an obvious clerical error.
