

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**ERRATA:**  
**The following**  
**Revisor's Report**  
**should be headed**  
**"1995" instead of "1997."**

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**REVISOR'S REPORT**  
**1997**

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**CHAPTER 2**

**Sec. 1. 5 MRSA §8-C, first ¶**, as amended by PL 1977, c. 190 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

All commissary-type facilities operated by state departments for the sale of food and food supplies to any person ~~shall~~ must be eliminated. Purchasing of food and food supplies for any person by requisition or otherwise, is prohibited, except that the Department of Inland Fisheries and Wildlife and Bureau of Forestry may requisition food supplies for emergency use or special duty assignments. Meals purchased and prepared for institutional or school use may be sold to employees or to visitors based on the actual total cost of purchasing, preparing and serving such food or food supplies. In the case of institutions and schools operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services, income derived from the sale of meals ~~shall accrue~~ accrues to the General Fund. With the approval of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services and the head of the institution involved, no charge ~~shall~~ may be made for the provision of meals to any state employee who eats such meals within the scope of ~~his~~ that employment and in doing so serves a function of ~~his~~ that employment. If such approval is given, the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services shall establish standards ~~which shall~~ that must be applied uniformly at all institutions within the department.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 2. 5 MRSA §48**, as amended by PL 1995, c. 560, Pt. F, §1, is corrected by amending the headnote to read:

**§48. Interpreter service for the deaf and ~~hard-of-hearing~~ hard-of-hearing**

**Sec. 3. 5 MRSA §48, sub-§1, ¶A-1**, as amended by PL 1995, c. 426, §1, is corrected to read:

A-1. "Client" means a person who is deaf, ~~hard of hearing~~ hard-of-hearing or hearing ~~and~~ who is rendered interpreting services by a privileged interpreter.

**EXPLANATION**

These sections correct a clerical error and a headnote.

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**Sec. 4. 5 MRSA §1507, sub-§1**, as amended by PL 1981, c. 493, §2 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

**1. Institutions.** The Governor may allocate funds from such account, when need exists and only upon the written request of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services and upon consultation with the State Budget Officer, to those institutions administered by the Department of Mental Health, Mental Retardation and Substance Abuse Services where actual average population in a fiscal year exceeds the basic estimates of population upon which the budget was approved and where such relief ~~cannot~~ can not be absorbed within regular legislative appropriations.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 5. 5 MRSA §1660-D, sub-§3**, as enacted by PL 1995, c. 402, Pt. C, §2, is corrected to read:

**3. Commissioner.** "Commissioner" means the Commissioner of Human Services and the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services, who share joint responsibility for the administration of this chapter.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 6. 5 MRSA §7041, sub-§2, ¶C**, as amended by PL 1991, c. 780, Pt. Y, §99, is corrected to read:

C. The Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services or a designee;

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 7. 5 MRSA §7503, sub-§4**, as enacted by PL 1995, c. 54, §1, is corrected to read:

**4. Preselect programs and prepare applications.** Preselect national service programs as defined in the National Service Trust Act, 42 United States Code, Section ~~42502~~ 12501, et seq. and prepare a grant application to the Corporation for National and Community Service;

**EXPLANATION**

This section corrects a cite to the United States Code.

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**Sec. 8. 5 MRSA §8052, sub-§1**, as amended by PL 1995, c. 463, §1, is corrected to read:

**1. Notice; public hearing.** Prior to the adoption of any rule, the agency shall give notice as provided in section 8053 and may hold a public hearing, provided that a public hearing is held if otherwise required by statute or requested by any 5 interested persons.

A public meeting or other public forum held by an agency for any purpose that includes receiving public comments on a proposed agency rule is a public hearing and is subject to all the provisions of this subchapter regarding public hearings. This ~~paragraph~~ subsection does not require compliance with this subchapter when an agency holds an informal meeting for the purpose of gathering public input prior to developing or deciding whether to proceed with development of a proposed rule.

**EXPLANATION**

This section corrects an internal reference.

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**Sec. 9. 5 MRSA §12004-I, sub-§57-B**, as enacted by PL 1995, c. 609, §1, is reallocated to 5 MRSA §12004-I, sub-§57-C.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 595 and 609, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 10. 5 MRSA §12004-I, sub-§§87 and 88**, as amended by PL 1995, c. 560, Pt. B, §1, are corrected to read:

<b>87.</b> Tourism	Maine Tourism Commission	Expenses Only	5 MRSA <del>§13080-R</del> <u>§13090-F</u>
<b>88.</b> Video and Film	Maine State Film Commission	Expenses Only	5 MRSA <del>§13080-T</del> <u>§13090-H</u>

**EXPLANATION**

This section corrects cross-references.

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**Sec. 11. 5 MRSA c. 383, sub-c. III, art. 1-C, §§13080-O to 13080-U**, as enacted by PL 1995, c. 560, Pt. B, §11, are reallocated to 5 MRSA c. 383, sub-c. III, art. 5-B, §§13090-C to 13090-I as follows:

<b>Article 1-C</b>	<b>Article 5-B</b>
§13080-O	§13090-C
§13080-P	§13090-D
§13080-Q	§13090-E
§13080-R	§13090-F
§13080-S	§13090-G
§13080-T	§13090-H
§13080-U	§13090-I

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 560 and 644, which enacted 2 substantively different provisions with the same article number.

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**Sec. 12. 5 MRSA §13080-R, sub-§1**, as enacted by PL 1995, c. 560, Pt. B, §11, is corrected to read:

**1. Maine Tourism Commission.** The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism and Community Development to achieve its purpose under section ~~13080-O~~ 13090-C. The commission consists of 9 members of major tourism trade associations and 8 public members who must represent their respective regions and have experience in the field or have demonstrated concern for the travel industry. The terms of the members are for 4 years each, except that, for the members first appointed, 4 members are appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms

of 2 years and 5 members for terms of one year. The members are appointed by the Governor, who shall fill a vacancy in the membership for the unexpired term. The commissioner, director or a designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; the Bureau of Public Improvements; and the Canadian Affairs Coordinator. A chair and vice-chair must be elected annually from the appointed membership.

**Sec. 13. 5 MRSA §13080-R, sub-§2, ¶A,** as enacted by PL 1995, c. 560, Pt. B, §11, is corrected to read:

A. Recommend rules for the implementation of section ~~13080-S~~ 13090-G and make recommendations on the award of matching funds to the commissioner and the Director of the Office of Tourism and Community Development;

**Sec. 14. 5 MRSA §13080-T, sub-§2, ¶B,** as enacted by PL 1995, c. 560, Pt. B, §11, is corrected to read:

B. To advise and assist the Director of the Maine State Film Office and the Director of the Office of Tourism and Community Development with respect to this section and section ~~13080-U~~ 13090-I;

#### EXPLANATION

These sections correct cross-references.

**Sec. 15. 5 MRSA §19111, sub-§2,** as amended by PL 1993, c. 738, Pt. B, §3 and affected by §9, is corrected to read:

**2. Membership.** The council is composed of 6 members: the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services, the Commissioner of Mental Health ~~and~~, Mental Retardation ~~and~~ Substance Abuse Services, the Director of the Office of Substance Abuse and the chair, who is appointed by the Governor pursuant to subsection 3.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 16. 5 MRSA §19505, sub-§5,** as enacted by PL 1989, c. 837, §1, is corrected to read:

**5. Report.** The agency shall prepare an annual report for submission to the Governor, the Legislature, the Commissioner of Mental Health ~~and~~, Mental Retardation ~~and~~ Substance Abuse Services and the Secretary of the United States Department of Health and Human Services. The report must describe the activities, accomplishments and expenditures of the agency during the most recently completed fiscal year.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 17. 7 MRSA §2993, sub-§3,** as amended by PL 1995, c. 693, §9 and affected by §25, is corrected to read:

**3. Books and records.** Shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. An independent certified public ~~accountant~~ accountant shall conduct an annual audit of the financial records of the board and report the results of the audit to the board, the commissioner, the Treasurer of State and the Legislature;

#### EXPLANATION

This section corrects a clerical error.

**Sec. 18. 9-A MRSA §8-208, sub-§1, ¶B,** as repealed and replaced by PL 1995, c. 614, Pt. A, §12, is corrected to read:

B. In an individual action:

(i) Twice the amount of any finance charge in connection with the transaction; ~~or~~

(ii) In the case of a consumer lease, 25% of the total amount of monthly payments under the lease;

Liability under this paragraph may not be less than \$100 nor greater than \$1,000; except that in the case of a credit transaction not under an open-end credit plan that is secured by real property or a dwelling, liability under this paragraph may not be less than \$200 nor greater than \$2,000;

**EXPLANATION**

This section corrects punctuation errors and corrects a clerical error by adding the word "or" between subparagraphs (i) and (ii).

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**Sec. 19. 10 MRSA §918, sub-§3**, as amended by PL 1993, c. 349, §24, is corrected to read:

**3. Ex officio corporators.** Ex officio corporators consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine System. State department and agency heads include the following:

- Treasurer of State;
- Director of the State Planning Office;
- Commissioner of Economic and Community Development;
- Commissioner of Agriculture, Food and Rural Resources;
- Commissioner of Professional and Financial Regulation;
- Commissioner of Conservation;
- Commissioner of Education;
- Commissioner of Environmental Protection;
- Commissioner of Administrative and Financial Services;
- Commissioner of Human Services;
- Commissioner of Inland Fisheries and Wildlife;
- Commissioner of Labor;
- Commissioner of Marine Resources;
- Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services;
- Commissioner of Transportation;
- Chief Executive Officer of the Finance Authority of Maine;
- Executive Director of the Maine Municipal Bond Bank; and
- Executive Director of the Maine State Housing Authority.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 20. 12 MRSA §602, first ¶**, as amended by PL 1971, c. 537, §1 and PL 1995, c. 502, Pt. E, §30, is corrected to read:

The Bureau of Parks and Lands within the Department of Conservation, ~~hereinafter~~ in this Title called the "bureau," is ~~hereby~~ established and shall exercise ~~such the~~ powers and perform ~~such the~~ duties ~~as are~~ set forth in this Title. The Bureau of Parks and Lands within the Department of Conservation ~~shall consist~~ consists of a Director of Parks and ~~Recreation Lands, hereinafter in this Title~~ called the "director," and such official and clerical staff as are provided for. The Maine State Park and Recreation Commission is ~~hereby~~ abolished and all the powers, duties, rights, responsibilities, liabilities and functions of any kind or nature, which have been, until January 1, 1972, reposed in the Maine State Park and Recreation Commission by any public or private law or by any lease, grant, contract or other legal transaction, are ~~hereby~~ vested in the director.

**EXPLANATION**

This section corrects a bureau name to reflect changes made by Public Law 1995, chapter 502, Part E, section 30 and makes grammatical changes.

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**Sec. 21. 12 MRSA §6078, sub-§4**, as repealed and replaced by PL 1995, c. 609, §2, is corrected to read:

**4. Expenditures; purpose.** The commissioner may make expenditures from the fund to develop effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data and process lease applications. In developing a program of expenditures, the commissioner shall consult with the Maine Salmon Aquaculture Advisory Council established under Title 5, section 12004-I, subsection ~~57-B~~ 57-C. The commissioner may contract for services privately or under memoranda of agreement with other state agencies.

**Sec. 22. 12 MRSA §6078, sub-§7**, as enacted by PL 1995, c. 609, §2, is corrected to read:

**7. Additional revenues.** The commissioner may expend annual revenues in excess of the operating expenses of a program under subsection 4 to address matters that the commissioner determines are

of an emergency nature to the State's salmon aquaculture industry, to address matters that the commissioner determines are of long-term interest to the State's salmon aquaculture industry or to rebate revenues to all those persons who paid fees under subsection 3. A rebate must be in the same proportion to the total of all rebates as the recipient's fees for that period are to the total of all fees levied for that period. The commissioner shall consult with the Maine Salmon Aquaculture Advisory Council established under Title 5, section 12004-I, subsection ~~57-B~~ 57-C when determining expenditures under this subsection.

**Sec. 23. 12 MRSA §6080, sub-§1**, as enacted by PL 1995, c. 609, §3, is corrected to read:

**1. Appointment; composition.** The Maine Salmon Aquaculture Advisory Council, referred to in this section as the "council" and established by Title 5, section 12004-I, subsection ~~57-B~~ 57-C, consists of 4 members. The commissioner or the commissioner's designee is a nonvoting, ex officio member of the council. The commissioner shall appoint 3 members from the State's salmon aquaculture industry. No more than 2 of the appointed members may represent similar segments of the State's salmon aquaculture industry.

#### EXPLANATION

These sections correct cross-references to a subsection that is reallocated in this report.

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**Sec. 24. 13-A MRSA §301, sub-§5**, as amended by PL 1995, c. 458, §2, is corrected to read:

**5.** Any corporation may grant to any domestic corporation or any foreign corporation authorized to transact business in this State, or to any person, by executing and filing with the Secretary of State, as provided in sections 104 and 106, proof of a resolution of its board of directors making such grant, the exclusive right thereafter to authorize the use of a name similar to that of the granting corporation by any other corporation or corporations, or person for use as a name or as a ~~trade mark~~ trademark or service mark as defined in Title 10, chapter 301-A. Any such resolution is revocable unless by its terms it is irrevocable. Proof of a subsequent resolution by the board of directors of the granting corporation may not thereafter be required under subsection 1, paragraph B, until and unless the granting corporation, in the case of a revocable resolution, revokes the grant by executing and filing in the manner provided under this section proof of a further resolution of its board of directors revoking the grant.

If proof of a resolution is not appropriate, then the Secretary of State may accept without a filing fee a

letter from the entity controlling use of the corporation name or mark in this State. The letter must state that a franchise relationship exists and must be dated and signed by an officer. If no franchise relationship exists, then the letter must demonstrate how the corporation attempting to file is affiliated with the controlling entity.

#### EXPLANATION

This section corrects a spelling error.

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**Sec. 25. 15 MRSA §101-B, sub-§3**, as amended by PL 1989, c. 621, §1, is corrected to read:

**3. Availability of reports.** The court may order that observations, interviews and investigative reports regarding the behavior of the defendant made by law enforcement officials be made available to the designated psychiatrist and licensed clinical psychologist of the State Forensic Service for the limited purpose of this examination. If the defendant is incarcerated, an initial examination to determine whether commitment to the custody of the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services is necessary ~~shall~~ must be made within 90 days. If the defendant is incarcerated and it is determined that no long-term observation for the purpose of diagnosis is needed, the defendant's examinations ~~shall~~ must be completed within 30 days. If the examination by the designees can be completed without admission, a report of the results of the completed examination ~~shall~~ must be forwarded to the court without delay. If the designated examiners of the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services determine that admission to an appropriate institution for the mentally ill or mentally retarded is necessary for complete examination, the examiners shall so notify the court, which may order the defendant committed to the custody of the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded, to be there detained and observed by the superintendent, or the superintendent's delegate, and professional staff for a period of time not to exceed 60 days, for the purpose of ascertaining the mental condition of the defendant. When further detention for observation is ~~deemed~~ determined no longer necessary by the State Forensic Service, the commissioner shall report this fact to the court. The court shall then order the person returned to the appropriate court for disposition; if the court ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of the sheriff's deputies shall execute the remand order upon advice from the commissioner



of completion of the observation. A report of the results of the observation ~~shall~~ must be forwarded promptly to the court by the commissioner. Subsection 1 governs the distribution of reports of examination pursuant to this subsection.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 26. 15 MRSA §101-B, sub-§4, ¶A,** as amended by PL 1989, c. 621, §2, is corrected to read:

A. Commit the defendant to the custody of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. The commitment ~~shall~~ may not exceed one year in duration. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and shall receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate authorities who may institute civil commitment procedures for the individual; or

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects a grammatical error.

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**Sec. 27. 15 MRSA §103,** as amended by PL 1995, c. 286, §1, is corrected to read:

**§103. Commitment of persons acquitted on basis of mental disease or defect**

When a respondent is found not criminally responsible by reason of mental disease or mental defect the verdict and judgment must so state. In ~~such~~ that case the court shall order ~~such~~ the person committed to the custody of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for care and treatment. Upon placement in ~~such~~ the appropriate institution and in the event of transfer from one ~~such~~ institution to another of persons committed under this section, notice ~~thereof~~ of the placement or transfer must be given by the commissioner to the committing court.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 28. 15 MRSA §104-A, sub-§1,** as amended by PL 1993, c. 410, Pt. CCC, §3 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

**1. Release and discharge.** The term "release," as used in this section, means termination of institutional in-patient residency and return to permanent residency in the community. The head of the institution in which a person is placed, under section 103, shall, annually, forward to the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services a report containing the opinion of a staff psychiatrist as to the mental conditions of that person, stating specifically whether ~~he~~ the person may be released or discharged without likelihood that ~~he~~ the person will cause injury to ~~himself~~ that person or to others due to mental disease or mental defect. The report ~~shall~~ must also contain a brief statement of the reasons for the opinion. The commissioner shall ~~forthwith~~ immediately file the report in the Superior Court for the county in which the person is hospitalized. The court shall review each report and, if it is made to appear by the report that any person may be ready for release or discharge, the court shall set a date for and hold a hearing on the issue of the person's readiness for release or discharge. The court shall give notice of the hearing and mail a copy of the report to the Attorney General, offices of the district attorney ~~which~~ that prosecuted the criminal charges

for which the person was acquitted by reason of insanity and the offices of the district attorneys in whose district the release petition was filed or in whose district release may occur. At the hearing, the court shall receive the testimony of at least one psychiatrist who has treated the person and a member of the State Forensic Service who has examined the person, the testimony of any independent psychiatrist or licensed clinical psychologist who is employed by the prosecutor and has examined the person and any other relevant testimony. If, after hearing, the court finds that the person may be released or discharged without likelihood that ~~he~~ the person will cause injury to ~~himself that person~~ or to others due to mental disease or mental defect, the court shall order, as applicable:

A. Release from the institution, provided that:

(1) The order for release may include conditions ~~deemed~~ determined appropriate by the court, including, but not limited to, out-patient treatment and supervision by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Division of Mental Health; and

(2) The order for release includes the condition that the person must be returned to the institution ~~forthwith~~ immediately upon the order of the commissioner whenever the person fails to comply with other conditions of release ordered by the court; or

B. Discharge from the custody of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services.

Release from the institution ~~shall be~~ is subject to annual review by the court and, except for return as ordered by the commissioner under paragraph A, subparagraph (1), ~~shall must~~ continue until terminated by the court. Each person released under this section shall remain in the custody of the commissioner. The Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services shall inform the public safety officer of the municipality or the sheriff's office of the county into which the person is released of the release.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 29. 15 MRSA §104-A, sub-§2,** as amended by PL 1985, c. 796, §4, is corrected to read:

**2. Modified release treatment.** Any individual hospitalized pursuant to section 103; may petition the Superior Court for the county in which that person is hospitalized for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time. The petition ~~shall~~ must contain a report from the institutional staff, including at least one psychiatrist, and the report ~~shall~~ must define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change; and the estimated duration of the treatment program before further change. This petition ~~shall~~ must be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program. If the court considers that the individual being off the grounds, as described in the treatment plan, is inappropriate, it shall notify the hospital that the plan is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall give notice of the receipt of this program by mailing a copy to the office of the district attorney ~~which that~~ prosecuted the criminal charges of which the person was acquitted by reason of insanity, the offices of the district attorneys in whose district the release petition was filed or in whose district release may occur and the Attorney General; who may file objections and request a hearing on the matter. Representatives of the Attorney General and the office that prosecuted the person may appear at any hearing on the matter. At the hearing, the court shall receive the testimony of a member of the State Forensic Service who has examined the person, any independent psychiatrist or licensed clinical psychologist who is employed by the prosecutor and has examined the person and any other relevant testimony. If the court does not respond within 60 days to the proposed treatment plan and no objections and request for hearing are filed by the district attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan. The Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services shall inform the public safety officer of the municipality or the sheriff's office of the county in which the person will spend any unsupervised time under the release treatment program of that program.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

**Sec. 30. 15 MRSA §104-A, sub-§3**, as enacted by PL 1985, c. 131, §1, is corrected to read:

**3. Other provisions concerning initial release or discharge.** A report ~~shall~~ **must** be forwarded and filed and hearings ~~shall~~ **must** be held in accordance with subsection 1, without unnecessary delay when, at any time, it is the opinion of a staff psychiatrist that a patient hospitalized under section 103, may be released or discharged without likelihood that ~~he~~ **the patient** will cause injury to ~~himself that patient~~ or to others due to mental disease or mental defect.

A person hospitalized under section 103, or ~~his~~ **the person's** spouse or next of kin, may petition the Superior Court for the county in which that person is hospitalized for a hearing under subsection 1. Upon receiving the petition, the court shall request and **must** be furnished by the Commissioner of Mental Health ~~and~~ **Mental Retardation and Substance Abuse Services** a report on the mental condition of that person, as described in subsection 1. A hearing ~~shall~~ **must** be held on each petition, and release or discharge, if ordered, ~~shall~~ **must** be in accordance with subsection 1. If release or discharge is not ordered, a petition ~~shall~~ **may** not be filed again for the release or discharge of that person for 6 months. Any person released under subsection 1 or ~~his~~ **the person's** spouse or next of kin may at any time after 6 months from the release petition the Superior Court for the county in which ~~he~~ **that person** was hospitalized for ~~his~~ **that person's** discharge under subsection 1. If discharge is not ordered, a petition for discharge may not be filed again for 6 months.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 31. 15 MRSA §104-B**, as repealed and replaced by PL 1985, c. 131, §2 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

**§104-B. Failure of patient to return**

If any patient committed to the Department of Mental Health, Mental Retardation and Substance Abuse Services for care and treatment, under section 103 or 105, is ordered to return to the hospital by the Commissioner of Mental Health ~~and~~ **Mental Retardation and Substance Abuse Services**, law enforcement personnel of the State or of any of its subdivisions shall, upon request of the commissioner, assist in the return of the patient to the hospital.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 32. 15 MRSA §2124, sub-§1-A**, as enacted by PL 1995, c. 286, §3, is corrected to read:

**1-A. Present or future restraint by commitment to the Commissioner of Mental Health and Mental Retardation and Substance Abuse Services.** Present restraint or impediment as a direct result of commitment to the custody of the Commissioner of Mental Health ~~and~~ **Mental Retardation and Substance Abuse Services** pursuant to section 103 imposed as a result of being found not criminally responsible by reason of mental disease or defect, that is challenged, or future restraint or impediment as a result of such an order of commitment that is challenged when a sentence involving imprisonment is or will be served first.

A claim for postconviction review is not allowed under this subsection relative to any court proceeding or administrative action that affects release or discharge pursuant to section 104-A;

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 33. 16 MRSA §612-A, sub-§2**, as enacted by PL 1983, c. 377, is corrected to read:

**2. Time and method of recording.** The record required by this section ~~shall~~ **must** be made immediately upon delivery of the person concerned to the agency for detention. It ~~shall~~ **must** be made upon serially numbered cards or sheets or on the pages of a permanently bound volume, made and maintained in chronological order, and ~~shall~~ **must** be part of the permanent records of the agency making it. The record required by this section may be combined with the record required by Title 34 ~~30-A~~, section ~~958~~ **1505**.

**EXPLANATION**

This section corrects a cross-reference and makes grammatical changes.

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**Sec. 34. 20-A MRSA §7802, sub-§6**, as enacted by PL 1989, c. 899, §4, is corrected to read:

**6. Commissioners.** "Commissioners" means the Commissioner of Human Services, the Commissioner of Mental Health ~~and~~, Mental Retardation ~~and~~ Substance Abuse Services, the Commissioner of ~~Educational and Cultural Services Education~~, the Commissioner of Labor and the Commissioner of Corrections.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1991, chapter 716, Part B, section 48 and Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 35. 21-A MRSA §1013-A, sub-§1, ¶A,** as amended by PL 1995, c. 483, §4, is corrected to read:

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection ~~2-A~~ 2, ~~paragraph A~~ shall appoint a treasurer. The candidate may serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 36. 21-A MRSA §1017, sub-§7-A, ¶B,** as enacted by PL 1995, c. 483, §8, is corrected to read:

B. The notice provided to the commission under paragraph A may be revoked. Prior to revocation, the candidate must appoint a treasurer. The candidate may not accept contributions, make expenditures or incur obligations before the appointment of a treasurer and the filing of a revocation notice are accomplished. A revocation notice must be in the form of an amended registration, which must be filed with the commission no later than 10 days after the appointment of a treasurer. The candidate and the candidate's treasurer, as of the date the revocation notice is filed with the commission, may accept contributions, make expenditures and incur obligations associated with the candidate's candidacy. Any candidate who fails to file a timely revocation notice is subject to the penalties prescribed in section 1020-A, subsection ~~3~~ 4, up to a maximum of \$5,000. Lateness is calculated from the day a contribution is received, an expenditure is made or an obligation is incurred, whichever is earliest.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 37. 21-A MRSA §1017-A, sub-§5,** as amended by PL 1995, c. 483, §9, is corrected to read:

**5. Penalties.** A party committee is subject to the penalties in section 1020-A, subsection ~~3~~ 4.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 38. 21-A MRSA §1020-A, sub-§6,** as enacted by PL 1995, c. 483, §15, is corrected to read:

**6. Request for a commission determination.** Within 3 days following the filing deadline, a notice must be forwarded to a candidate and treasurer whose registration or campaign finance report is not received by 5 p.m. on the deadline date, informing them of the basis for calculating penalties under subsection ~~3~~ 4 and providing them with an opportunity to request a commission determination. The notice must be sent by certified United States mail. Any request for a determination must be made within 10 calendar days of receipt of the commission's notice. The 10-day period during which a determination may be requested

begins on the day a recipient signs for the certified mail notice of the proposed penalty. If the certified letter is refused or left unclaimed at the post office, the 10-day period begins on the day the post office indicates it has given first notice of a certified letter. A candidate or treasurer requesting a determination may either appear in person or designate a representative to appear on the candidate's or treasurer's behalf or submit a notarized written explanation of the mitigating circumstances for consideration by the commission.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. 39. 22 MRSA §6-A, last ¶**, as repealed and replaced by PL 1995, c. 502, Pt. D, §1, is corrected to read:

To the greatest extent practicable, the commissioner shall coordinate regional service delivery with the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services to maximize the efficiency and effectiveness of services.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 40. 22 MRSA §2660-E, sub-§2**, as amended by PL 1995, c. 581, §4, is corrected to read:

**2. Collection and disposition of fees.** Fees adopted under this section cover the period beginning July 1, 1993 and must be collected by each public water system in monthly, quarterly or annual increments. Fees collected by public water systems under this section are state fees. The department shall establish schedules for the collection and transfer of fees to the State with the advice of the commission.-

**EXPLANATION**

This section corrects a clerical error.

**Sec. 41. 22 MRSA §3472, sub-§4**, as amended by PL 1989, c. 329, §4, is corrected to read:

**4. Commissioner.** "Commissioner" means the Commissioner of Human Services or a designated representative in the geographical area in which the person resides or is present or, in the case of mentally retarded adults, the Commissioner of Mental Health

~~and~~, Mental Retardation and Substance Abuse Services or a designated representative in the geographical area in which the person resides or is present.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 42. 22 MRSA §3739, sub-§2, ¶C**, as enacted by PL 1993, c. 158, §2 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

C. One employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services, Bureau of Children with Special Needs, appointed by the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services;

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 43. 22 MRSA §3789-B**, as enacted by PL 1995, c. 418, Pt. A, §36, is corrected to read:

**§3789-B. Interdepartmental Welfare Reform Committee**

The Interdepartmental Welfare Reform Committee, referred to in this section as the "committee," is established. The committee consists of the Commissioner of Education, the Commissioner of Labor, the President of the Maine Technical College System, the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services, the Director of the Office of Substance Abuse, the Commissioner of Corrections or a designee from the Maine Youth Center and the Commissioner of Human Services, who serves as chair. The committee shall monitor the efforts of the state departments involved in welfare reform and ensure cooperation among those departments.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 44. 22 MRSA §3883, sub-§6**, as enacted by PL 1993, c. 600, Pt. A, §16, is corrected to read:

**6. Advice and consultation.** The Commissioner of Human Services, the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services, the Commissioner of Education, the Commissioner of Corrections and the Commissioner of Public Safety, upon request, shall provide the board with technical information, assistance and advice.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 45. 22 MRSA §7924, sub-§§1 and 3**, as amended by PL 1981, c. 493, §2, are corrected to read:

**1. Alleged violations reported and investigated.** Any person who believes that any of those regulations governing the licensure of long-term care facilities duly promulgated by the Department of Human Services pertaining to residents' rights and conduct of resident care has been violated may report the alleged violation to the protection and advocacy agency designated pursuant to Title 5, section 3554-19501; ~~the Maine Committee on Aging pursuant to section 5112, subsection 2~~ the long-term care ombudsman pursuant to section 5106, subsection 11-C and section 5107-A; the Office of Advocacy pursuant to Title 34 34-A, section 4-A 1203; and any other agency or person whom the Commissioner of Human Services and the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services may designate.

**3. Written report of findings.** Any agency or person investigating a situation pursuant to subsection 1 or 2 shall submit a written report of the findings and results of the investigation to the administrator of the long-term care facility in which the residents' rights allegedly have been violated; to the Commissioner of Human Services; and, if the resident is mentally ill or mentally retarded or has a related condition, to the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82, changes an obsolete agency reference and corrects cross-references.

**Sec. 46. 22 MRSA §8104, sub-§1**, as amended by PL 1991, c. 824, Pt. A, §49, is corrected to read:

**1. Interagency licensing method.** The Commissioner of Education, the Commissioner of Human Services and the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services, or their designees, shall jointly establish a method for interagency licensing of residential child care facilities subject wholly or partly to licensing by at least 2 of the departments. The method must provide for the following:

- A. Development of common licensing rules;
- B. Periodic review of licensing rules;
- C. Delegation of departmental responsibilities; and
- D. Determination of licensing fees.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 47. 23 MRSA §4209, sub-§§1 and 2**, as amended by PL 1987, c. 428, §1, are corrected to read:

**1. Geographic regions.** The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of ~~state administered~~ state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency ~~shall~~ must be selected from each region to formulate a biennial regional operations plan. Selection ~~shall~~ must be by the Department of Transportation with the consent of the ~~Departments~~ Department of Human Services and ~~the Department of~~ the Department of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services. The Department of Transportation shall establish a schedule for submittal of the biennial regional operations plan and shall reference these plans in its biennial transportation improvement plan submitted to the Legislature.

**2. Biennial regional operations plan.** The biennial regional operations plan submitted by each regional public transportation agency ~~shall~~ must provide for the following:

- A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region;

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to ~~low-income~~ low-income, elderly and handicapped residents;

C. Participation of private transit operators in the service, to the greatest extent possible; and

D. Conformity with general operations requirements as may be prescribed by the commissioner.

In years in which no biennial plan is required, amendments to the effective operations may be submitted. Approval of each regional operations plan ~~shall~~ must be by the Department of Transportation with the consent of the ~~Departments~~ Department of Human Services and and the Department of Mental Health and Mental Retardation and Substance Abuse Services. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan ~~shall become~~ are eligible to receive funds administered by the Department of Transportation.

**EXPLANATION**

This section corrects a department name to reflect changes made by Public Law 1995, chapter 560, Part K, section 82 and makes grammatical changes.

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**Sec. 48. 23 MRSA §4209, sub-§4,** as amended by PL 1987, c. 428, §3 and PL 1995, c. 560, Pt. K, §82 and affected by §83, is corrected to read:

**4. Human services assistance; priorities.** Liaison appointed by the ~~Departments~~ Department of Human Services and the Department of Mental Health and Mental Retardation and Substance Abuse Services shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved biennial regional operations plan, priorities established by the ~~Departments~~ Department of Human Services and the Department of Mental Health and Mental Retardation ~~shall~~ and Substance Abuse Services determine the priority clients that ~~shall~~ must be initially served by human services' funds. Each department and its agents shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services shall ~~assure~~ ensure that any

new service to be provided ~~be~~ is adequately funded to cover the costs of the transportation component of the program.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 49. 24 MRSA §2332-F,** as enacted by PL 1995, c. 617, §2 and affected by §6, is reallocated to 24 MRSA §2332-G.

**Sec. 50. Effective date.** That section of this report that reallocates the Maine Revised Statutes, Title 24, section 2332-F takes effect January 1, 1997.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 592 and 617, which enacted 2 substantially different provisions with the same section number.

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**Sec. 51. 24-A MRSA §423-C, sub-§2, ¶B,** as enacted by PL 1995, c. 375, Pt. A, §1, is corrected to read:

B. "Material reinsurance transaction" means:

(1) A transaction involving property and casualty business, including accident and health business written by a property and casualty insurer, that involves more than 50% of either the insurer's total ceded written premium or the insurer's total ceded indemnity and loss adjustment reserves;

(2) A transaction involving life, annuity or accident and health business that causes a change, either positive or negative, in the current total reserve credit taken for all life, annuity and accident and health business of more than 50% from the total reserve credit taken for such business in the insurer's most recent annual statement. "Total reserve credit" includes reserve credit taken for unearned premiums, reserve credit taken other than for unearned premiums and amounts recoverable on paid and unpaid losses for all reinsurance ceded;

(3) Any transaction in which either:

(a) An authorized reinsurer representing more than 10% of the insurer's total reserve credit for business ceded is

replaced by one or more unauthorized reinsurers; or

(b) Previously established collateral requirements have been reduced or waived for one or more unauthorized reinsurers representing collectively more than 10% of the insurer's total reserve credit for business ceded; or

(4) Transactions otherwise falling within the scope of this paragraph do not need to be reported if:

(a) In the case of a property and casualty insurer, the insurer's total ceded written premium represents, on an annualized basis, less than 10% of its total written premium for direct and assumed business;

(b) In the case of a life, annuity and accident and health insurer, the total reserve credit taken for business ceded represents, on an annualized basis, less than 10% of the statutory reserve requirement before any cession; or

~~(c) The transaction falls within the scope of a previously reported reinsurance agreement.~~

(c) The transaction falls within the scope of a previously reported reinsurance agreement.

**EXPLANATION**

This section corrects a formatting error.

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**Sec. 52. 24-A MRSA §2393, sub-§2, ¶D,** as amended by PL 1995, c. 619, §§2 to 6 and affected by §8, is corrected by amending subparagraph (2), division (g) to read:

(g) A successor self-insured employer is subject to surcharge on the same basis as the predecessor employer would be if still actively doing business and self-insured. If a self-insured employer is the successor to more than one employer, then the successor employer's self-insured employer adjustment is the sum of each predecessor employer's self-insured employer adjustment multiplied by the ratio of the employer's surchargeable premium for the 12-month period immediately preceding the succession transaction to the combined surchargeable pre-

mium of all predecessor employers for that 12-month period.

(i) If one or more of the predecessor employers was insured at the time of the succession transaction, its self-insured employer adjustment is calculated pursuant to division (c), (h) or (i) as if it had become self-insured at the time of the succession transaction.

(ii) If business operations that were covered under a single workers' compensation policy or certificate of self-insurance authority are subsequently separately owned by virtue of any succession ~~transaction~~ transaction, dissolution, reincorporation or other transaction or series of transactions, for purposes of this subparagraph each business is treated as a distinct employer, subject to surcharge as either an insured employer or a self-insured employer.

(iii) If substantial changes in operations during the 12-month period immediately preceding the succession transaction make the 12-month surchargeable premium an inappropriate measure of a predecessor employer's workers' compensation exposure prior to the transaction, the board may adopt procedures for calculating an annualized premium in a manner consistent with the intent of this subparagraph.

**EXPLANATION**

This section corrects a spelling error.

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**Sec. 53. 24-A MRSA §4240,** as enacted by PL 1995, c. 617, §5, is reallocated to 24-A MRSA §4242.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 592 and 617, which enacted 2 substantively different provisions with the same section number.

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**Sec. 54. 24-A MRSA §6203, sub-§3, ¶B**, as amended by PL 1995, c. 452, §17, is corrected to read:

B. A provider who has been issued a preliminary certificate of authority may advertise, solicit and collect deposits of not less than 10% nor more than 50% of the entrance fee, if:

(1) The provider furnishes the prospective subscriber a signed deposit agreement stating that:

(a) The provider has a preliminary certificate of authority and the deposit is received subject to the issuance by the superintendent to the provider of a final certificate of authority;

(b) Both the proposed continuing care agreement and the disclosure statement are subject to change;

(c) The provider will refund the prospective subscriber's deposit with interest earned on it:

(i) Within one month of notification of the superintendent's decision not to issue the final certificate of authority;

(ii) At the request of the prospective subscriber any time 3 years or more after the deposit was paid, if the community has not become operational;

(iii) If the prospective subscriber requests a refund due to a material difference between the proposed continuing care agreement furnished at the time the deposit is paid and the agreement as finally approved by the superintendent;

(iv) In the event of the death of the prospective subscriber prior to the execution of the continuing care agreement, unless the surviving spouse is also a prospective subscriber and still wishes to occupy the unit; or

(v) If the provider determines that the subscriber is ineligible for entrance into the facility because of the subscriber's physical, mental or financial condition;

(d) The provider will refund the deposit, without interest, if the community becomes operational and the subscriber chooses not to join for any reason other than that listed in division (c) and the refund will be paid on the receipt by the provider of the same percentage deposit of the entrance fee from another subscriber for a residential unit that is the same as or similar to the residential unit to which the cancelled deposit agreement applied;

(e) There is a nonrefundable application fee and the amount of that fee; and

(f) The subscriber may cancel the deposit agreement by written notice to the provider within 10 days from the date on which the subscriber signed the deposit agreement, in which event the provider will refund the prospective subscriber's deposit in full together with any interest earned on the deposit; and

~~(2) At least 10 days prior to collecting a preliminary deposit, the provider furnishes the prospective subscriber:~~

(2) At least 10 days prior to collecting a preliminary deposit, the provider furnishes the prospective subscriber:

(a) A copy of the proposed continuing care agreement;

(b) A copy of the proposed disclosure statement described in section 6209;

(c) An unsigned copy of the preliminary deposit agreement described in subparagraph (1); and

(d) A copy of the escrow agreement required by paragraph E.

**EXPLANATION**

This section corrects a formatting error.

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**Sec. 55. 24-A MRSA §6203, sub-§3, ¶C**, as amended by PL 1995, c. 452, §18, is corrected to read:

C. After the community is operational, the provider may advertise, solicit and collect deposits of not less than 10% of the entrance fee and not to exceed 50% of the entrance fee, provided that:

(1) The provider shall furnish the prospective subscriber a signed deposit agreement stating that:

(a) The provider will refund the deposit, without interest, if the subscriber chooses not to join for any reason other than those listed in division (b), and the refund will be paid on the receipt by the provider of the same percentage deposit of the entrance fee from another subscriber for a residential unit that is the same as or similar to the residential unit to which the cancelled deposit agreement applied;

(b) The provider will refund the deposit with interest earned on it:

(i) In the event of the death of the prospective subscriber prior to the execution of the final continuing care agreement, unless the surviving spouse is also a subscriber and still wishes to occupy the unit; or

(ii) If the provider determines, prior to occupation by the subscriber, that the subscriber is ineligible for entrance into the facility because of the subscriber's physical, mental or financial condition;

(c) There is a nonrefundable application fee and the amount of that fee; and

(d) The subscriber may cancel the deposit agreement by written notice to the provider within 10 days from the date on which the subscriber signed the deposit agreement, in which event the provider will refund the prospective subscriber's deposit in full together with any interest earned on the deposit; and

~~(2) At least 10 days prior to collecting a deposit, the provider furnishes the prospective subscriber:~~

(2) At least 10 days prior to collecting a deposit, the provider furnishes the prospective subscriber:

(a) A copy of the continuing care agreement;

(b) A copy of the disclosure statement described in section 6209;

(c) An unsigned copy of the deposit agreement described in subparagraph (1); and

(d) A copy of the escrow agreement required by paragraph E.

**EXPLANATION**

This section corrects a formatting error.

**Sec. 56. 25 MRSA §2351** is corrected to read:

**§2351. Inspector; compensation; jurisdiction; deputy**

In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town ~~shall so vote~~ votes at a town meeting, and in each village corporation, if such a corporation ~~shall so vote~~ votes at the annual meeting thereof, the municipal officers shall annually in the month of April appoint an inspector of buildings, who ~~shall must~~ be a man person skilled in the construction of buildings, and shall determine ~~his~~ the inspector's compensation. The municipal officers shall define the limits within which the inspector of buildings ~~shall have~~ has jurisdiction, which ~~shall include~~ includes the thickly settled portion of each such city or of each village in each such city or town. Whenever the inspector of buildings ~~shall become~~ becomes incapacitated, the municipal officers may appoint or authorize the inspector of buildings to appoint a deputy inspector of buildings who shall serve until removed by the municipal officers, but in no event beyond the term for which the inspector of buildings was appointed. ~~Such~~ The deputy inspector shall perform such duties as may be required of ~~him~~ the deputy inspector by the inspector. ~~His compensation shall be~~ The compensation of the deputy inspector is determined by the municipal officers.

**EXPLANATION**

This section corrects grammatical errors and corrects gender-specific language.

**Sec. 57. 26 MRSA §2**, as amended by PL 1975, c. 717, §1, is corrected to read:

**§2. Reports of deaths and injuries**

The person in charge of any workplace as defined in section 1 provided by the State, state agency,

county, municipal corporation, school district, or other public corporation or political subdivision shall, within 48 hours, exclusive of weekends and holidays, after the occurrence, report in writing or by telephone to the Director of the Bureau of Labor Standards all deaths or serious physical injuries requiring immediate hospitalization sustained by any person ~~therein in the workplace~~ or on the premises, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with ~~such~~ other or further information relative ~~thereto as to the death or injury that~~ may be required by ~~said~~ the director, who may investigate the causes ~~thereof of the death or injury~~ and require such precautions to be taken as will prevent the recurrence of similar happenings. ~~No~~ A statement contained in any such report ~~shall be~~ is not admissible in evidence in any action arising out of the death or accident reported. The term "serious physical injuries," as used in this section, ~~shall~~ must be construed to mean every accident ~~which that~~ results in death, amputation, loss or fracture of any body part, or ~~which that~~ necessitates immediate hospitalization.

**Sec. 58. 26 MRSA §7**, as repealed and replaced by PL 1977, c. 694, §440, is corrected to read:

**§7. Appeals**

Any order by a board created and established under this Title, or any rule, regulation, determination or declaration formulated by the board or by the Director of the Bureau of Labor ~~shall be~~ Standards is subject to review by the Superior Court, pursuant to Title 5, section 8058 or section 11001 et seq.

**Sec. 59. 26 MRSA §122, sub-§1**, as amended by PL 1975, c. 59, §3, is corrected to read:

**1. Bureau.** ~~Bureau shall mean~~ "Bureau" means the Bureau of Labor Standards within the Department of ~~Manpower Affairs~~ Labor.

**Sec. 60. 26 MRSA §136**, as enacted by PL 1975, c. 336, is corrected to read:

**§136. Liaison for Federal Flammable Fabrics Act**

The Bureau of Labor Standards shall serve as a liaison to the United States Consumer Product Safety Commission, act as a channel of information between the Federal Government and the citizens of Maine concerning federal laws on consumer products with emphasis on flammable fabrics and children's sleepwear and promote public awareness of federal flammable fabrics legislation and enforcement.

**Sec. 61. 26 MRSA §965, sub-§3, ¶B**, as repealed and replaced by PL 1975, c. 564, §17, is corrected to read:

B. If the parties do not jointly agree to call upon the Maine Labor Relations Board or to pursue some other procedure, either party to the controversy may request the executive director to assign a fact-finding panel. If so requested, the executive director shall appoint a fact-finding panel, ordinarily of 3 members, in accordance with rules and procedures prescribed by the board for making ~~such~~ the appointment. The fact-finding panel shall be appointed from a list maintained by the board and drawn up after consultation with representatives of state and local government administrators, agencies with industrial relations and personnel functions and representatives of employee organizations and of employers. Any person who has actively participated as the mediator in the immediate proceedings for which fact-finding has been called ~~shall~~ may not sit on that fact-finding panel. The panel shall hear the contending parties to the controversy. ~~It~~ The panel may request statistical data and reports on its own initiative in addition to the data regularly maintained by the Bureau of Labor ~~and Industry~~ Standards, and ~~shall have~~ has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them. The members of the fact-finding panel shall submit their findings and recommendations only to the parties and to the Executive Director of the Maine Labor Relations Board.

**EXPLANATION**

These sections correct references to the Department of Labor and the Bureau of Labor Standards and make technical changes.

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**Sec. 62. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1995, c. 587, §§1 and 2 and c. 612, §§1 and 2, is corrected by amending subparagraphs (37) and (38) to read:

(37) Services performed by an individual as a home stitcher as long as that employment is not subject to federal unemployment tax; ~~and~~

(38) Services performed by a person licensed as a guide as required by Title 12, section 7311, as long as that employment is not subject to federal unemployment tax; ~~and~~

~~(38)~~ (39) Services performed by a direct seller as defined in 26 United States Code, Section 3508, Subsection (b), Paragraph

(2). This subparagraph does not include a person selling major improvements or renovations to the structure of a home, business or property.

**Sec. 63. PL 1995, c. 612, §2, amending clause** is corrected to read:

**Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 1995, c. 204, §§1 and 2, is further amended by adding a new subparagraph ~~(38)~~ (39) to read:

#### EXPLANATION

These sections correct a punctuation error and correct a clerical error by deleting the "and" after subparagraph (37) and by adding the word "and" after subparagraph (38). These sections also correct a numbering problem created by Public Law 1995, chapters 587 and 612, which enacted substantively different provisions with the same subparagraph number.

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**Sec. 64. 26 MRSA c. 15, first 2 lines** are corrected to read:

#### CHAPTER 15

#### PREFERENCE TO MAINE WORKMEN WORKERS AND CONTRACTORS

**Sec. 65. 26 MRSA §1304, sub-§5**, as amended by PL 1975, c. 59, §3, is corrected to read:

**5. Fair minimum wage.** "Fair minimum wage" ~~shall be means~~ the prevailing wage as determined by the Director of the Bureau of Labor Standards according to section 1306.

**Sec. 66. 26 MRSA §1306, first ¶**, as amended by PL 1975, c. 59, §3, is corrected to read:

The public authority shall, before advertising for bids for a public contract, ascertain from the Director of the Bureau of Labor Standards the fair minimum rate of wages to be paid by the successful bidder to the laborers, ~~workmen~~ workers or mechanics employed in the performance of the contract. A schedule of minimum wages ~~shall must~~ be attached to and made a part of the specifications for the construction and ~~shall must~~ be included in the bidding documents. The "fair minimum rate of wages," for the intent and purposes of sections 1304 to 1313, ~~shall be is~~ the prevailing ~~wages~~ wage paid in the locality in like construction. The director or a delegated member of that bureau shall assemble the data as to wages paid by contractors employing 5 or more construction workers in the State during the 2nd and 3rd week of September of each year. From these data, the fair minimum wage for the

following calendar year ~~shall must~~ be determined by the director. ~~No A~~ minimum wage ~~shall may not~~ be established for any trade or occupation if ~~less fewer~~ than 10 workers are employed in such trade or occupation in the State in the 2nd and 3rd week of September.

**Sec. 67. 26 MRSA §1308, sub-§1**, as amended by PL 1975, c. 59, §3, is corrected to read:

**1. Determination of wage rates.** The Bureau of Labor Standards shall investigate and determine the prevailing hourly rate paid in the construction industry in this State during the 2nd and 3rd week of September of each year. In determining such prevailing rates, the bureau may ascertain and consider the applicable wage rates established by collective bargaining agreements, if any, and ~~such those~~ rates ~~as that~~ are paid generally in the locality where the construction of the public works is to be performed.

**Sec. 68. 26 MRSA §1315**, as amended by PL 1975, c. 59, §3, is corrected to read:

#### §1315. Cooperation with the United States Department of Labor

The Bureau of Labor Standards may exchange wage finding information with the United States Department of Labor where the Secretary of Labor is required to establish the minimum wage rates as defined in section 1314.

**Sec. 69. 26 MRSA c. 19, first 2 lines** are corrected to read:

#### CHAPTER 19

#### DEPARTMENT OF MANPOWER AFFAIRS LABOR

#### EXPLANATION

These sections correct references to the Department of Labor and the Bureau of Labor Standards and make technical changes.

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**Sec. 70. 29-A MRSA §107**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

#### §107. Officers authorized to ~~serviee~~ serve process or notice

A person authorized to serve civil process may serve a process or notice required by this Title.

#### EXPLANATION

This section corrects a section headnote to make the headnote reflect the content of the section.

**Sec. 71. 29-A MRSA §2251, sub-§2,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

**2. Report required.** A reportable accident must be reported immediately by the quickest means of communication to a state police officer, or to the nearest state police field office, or to the ~~sheriff's~~ sheriff's office, or to a deputy sheriff, within the county in which the accident occurred, or to the office of the police department, or to an officer, of the municipality in which the accident occurred. The accident must be reported by:

- A. The operator of an involved vehicle;
- B. A person acting for the operator; or
- C. If the operator is unknown, the owner of an involved vehicle having knowledge of the accident.

**EXPLANATION**

This section corrects a spelling error.

**Sec. 72. 29-A MRSA §2360, sub-§11,** as affected by PL 1995, c. 65, Pt. A, §153 and enacted by Pt. C, §10 and affected by §15, is corrected to read:

**11. Prima facie evidence.** Operation of a vehicle is prima facie evidence that the operation was ~~cause~~ caused by the person holding the operating authority license from the Secretary of State.

**EXPLANATION**

This section corrects a grammatical error.

**Sec. 73. 29-A MRSA §2481, sub-§1, ¶D,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is corrected to read:

D. If a person fails to submit to a test, the law enforcement officer's report may be limited to a written statement under oath stating that the officer had probable cause to believe that the person violated the terms of a conditional driver's license, commercial driver's license or provisional license, or committed ~~a~~ an OUI offense and failed to submit to a test.

**EXPLANATION**

This section corrects a grammatical error by replacing the word "a" with the word "an."

**Sec. 74. 31 MRSA §403, sub-§2, ¶B,** as amended by PL 1993, c. 316, §47, is corrected to read:

B. If a foreign limited partnership seeking to file under the same or deceptively similar name executes and files with the Secretary of State proof that it will not do business in this State under that same or deceptively similar name but instead will do business under an assumed name as provided in section 405; or

**EXPLANATION**

This section corrects a clerical error by inserting the word "or" between paragraphs.

**Sec. 75. 31 MRSA §603, sub-§1, ¶A,** as repealed and replaced by PL 1995, c. 633, Pt. C, §14, is corrected to read:

A. Must contain the words "Limited Liability Company," or the abbreviation "L.L.C.," or the designation "LLC," unless filing a registration of name under section 606. If the words "Limited Liability Company" or "Limited Liability Company, Chartered" or "Limited Liability Company, Professional Association" or "Limited Liability Company, P.A." or any of the designations used in the paragraph without commas are used, a limited liability company may also use the abbreviation "L.L.C." or the designation "LLC" without filing an assumed name under section 605; and

**EXPLANATION**

This section corrects a clerical error by inserting the word "and" between paragraphs.

**Sec. 76. 31 MRSA §609, sub-§1, ¶C,** as enacted by PL 1993, c. 718, Pt. A, §1, is corrected to read:

C. ~~a~~ A liquidating trustee of the limited liability company.

**EXPLANATION**

This section corrects a clerical error.

**Sec. 77. 31 MRSA §645, sub-§3,** as enacted by PL 1993, c. 718, Pt. A, §1, is corrected to read:

**3. Exceptions.** The exceptions under the common law to a the limited liability of shareholders of a business corporation organized under the Maine Business Corporation Act and shareholders of a professional corporation organized under the Professional Service Corporation Act apply to the limited liability of members of a limited liability company.

**Sec. 78. 31 MRSA §712, sub-§3, ¶I,** as enacted by PL 1993, c. 718, Pt. A, §1, is corrected to read:

I. The address of the registered or principal office of a the limited liability company in the jurisdiction of its organization.

#### EXPLANATION

These sections correct a clerical error by replacing the word "a" with the word "the."

**Sec. 79. 32 MRSA §1062-A, sub-§1,** as enacted by PL 1993, c. 600, Pt. A, §55, is corrected to read:

**1. Penalties.** A person who practices or falsely claims legal authority to practice dentistry, dental hygiene, ~~denture technology (denturism)~~ denturism or dental radiography in this State without first obtaining a license as required by this chapter, or after the license has expired, has been suspended or revoked or has been temporarily suspended or revoked, commits a Class E crime.

#### EXPLANATION

This section corrects a term to reflect changes made by Public Law 1995, chapter 590, section 11.

**Sec. 80. 32 MRSA §12512, sub-§1, ¶A,** as enacted by PL 1995, c. 671, §13, is corrected to read:

A. Be at least 21 years of age; and

#### EXPLANATION

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

**Sec. 81. 34-A MRSA §1209, sub-§3, ¶D,** as amended by PL 1989, c. 700, Pt. A, §160, is corrected to read:

D. The Commissioner of Corrections, Commissioner of Education, Commissioner of Human Services, Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse

Services and Commissioner of Public Safety are ex officio, voting members of the group.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 82. 34-B MRSA §1001, sub-§8, ¶G,** as enacted by PL 1995, c. 550, §2, is reallocated to 34-B MRSA §1001, sub-§8, ¶H.

#### EXPLANATION

This section corrects a lettering problem created by Public Law 1995, chapters 550 and 560 which enacted 2 substantively different provisions with the same paragraph letter.

**Sec. 83. 34-B MRSA §1201, sub-§2,** as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Commissioner.** The department is under the control and supervision of the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 84. 34-B MRSA §1202, sub-§1,** as enacted by PL 1983, c. 459, §7, is corrected to read:

**1. Appointment.** The Governor shall appoint the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services subject to review by the joint standing committee of the Legislature having jurisdiction over health and institutional services and to confirmation by the Senate, to serve at the pleasure of the Governor.

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

**Sec. 85. 34-B MRSA §1212, sub-§1,** as amended by PL 1989, c. 621, §9, is corrected to read:

**1. Establishment and membership.** The Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services shall establish a State Forensic Service and appoint its members. Members ~~shall~~ must be psychiatrists and licensed clinical psychologists experienced in forensic service and may not be directly involved in the treatment of persons committed to the department under Title 15, chapter 5. These psychiatrists and psychologists may be employed by the department directly or as independent contractors.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects grammatical errors.

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**Sec. 86. 34-B MRSA §1231, sub-§1,** as enacted by PL 1987, c. 176, is corrected to read:

**1. Trust established.** There is created the Self-sufficiency Trust Fund. The State Treasurer, ex officio, ~~shall be~~ is the custodian of the trust fund and the comptroller shall direct payments from the trust fund upon vouchers properly certified by the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services. The treasurer shall credit interest on the trust fund to the trust fund and the commissioner shall allocate that interest pro rata to the respective accounts of the named beneficiaries of the trust fund.

A. For the purposes of this section, the term "self-sufficiency trust" means a trust created by a nonprofit corporation which is a 501-C-3 organization under the United States Internal Revenue Code of 1954 and which was organized under the Nonprofit Corporation Act, Title 13-B, for the purpose of providing for the care or treatment of one or more developmentally disabled persons or persons otherwise eligible for department services.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects a grammatical error.

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**Sec. 87. 34-B MRSA §3009,** as enacted by PL 1995, c. 697, §1, is reallocated to 34-B MRSA §3010.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 665 and 697 which

enacted 2 substantively different provisions with the same section number.

---

**Sec. 88. 34-B MRSA §5475, sub-§6,** as repealed and replaced by PL 1985, c. 397, §2, is corrected to read:

**6. Period of certification.** If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (1), the court shall order the certification to remain in effect for a period of not more than 2 years from the day the certification order was issued.

If the court finds that the petitioner has proved eligibility in accordance with subsection 4, paragraph C, subparagraph (2), the court shall order the certification to remain in effect only until an opening exists in a facility providing a less restrictive alternative, consistent with the best interest of the client, at which time the client ~~shall~~ must be placed in that alternative setting or for not more than 6 months from the day the certification order was issued, whichever first occurs. If the client is not placed in such an alternative setting by the time this certification expires, no subsequent petition may be filed unless it contains a written report of the Commissioner of Mental Health ~~and~~, Mental Retardation and Substance Abuse Services detailing the actions taken by the department to find or develop an alternative setting for that client.

**EXPLANATION**

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82. It also corrects a grammatical error.

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**Sec. 89. 36 MRSA §191, sub-§2, ¶S,** as amended by PL 1995, c. 625, Pt. A, §48, is corrected to read:

S. The disclosure to an authorized representative of the Department of Human Services of the names and social security numbers of applicants for the Maine Residents Property Tax Relief Program for the purpose of identifying those who are not eligible for that program pursuant to section 6207, subsection 3. The Department of Human Services may not disclose names or social security numbers to any person, agency or organization, other than the Bureau of Taxation, nor may those names and social security numbers be used for any purpose other than the purpose stated in this paragraph; ~~and~~

**Sec. 90. 36 MRSA §191, sub-§2, ¶T**, as enacted by PL 1995, c. 625, Pt. A, §49, is corrected to read:

T. The disclosure to an authorized representative of the Department of Human Services of information in the possession of the bureau identifying the location of an interest-bearing account in the name and social security number of a delinquent payor of child support as requested by the Department of Human Services;

**Sec. 91. 36 MRSA §191, sub-§2, ¶T**, as enacted by PL 1995, c. 639, §6, is reallocated to 36 MRSA §191, sub-§2, ¶U.

**Sec. 92. 36 MRSA §191, sub-§2, ¶T**, as enacted by PL 1995, c. 657, §8, is reallocated to 36 MRSA §191, sub-§2, ¶V.

#### EXPLANATION

These sections correct a lettering problem created by Public Law 1995, chapters 625, 639 and 657 which enacted 3 substantively different provisions with the same paragraph letter and corrects punctuation.

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**Sec. 93. 36 MRSA §652, sub-§1, ¶A**, as amended by PL 1995, c. 366, §1, is corrected to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State, and none of these may be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

(1) Any such institution that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine is entitled to an exemption not to exceed \$50,000 of current just value only when the total amount of any stipends or charges that it makes or takes during any tax year, as defined by section 502, for its services, benefits or advantages divided by the total number of persons receiving such services, benefits or advantages during the same tax year does not result in an average rate in excess of \$30 per week when said weekly rate is computed by dividing the average yearly charge per person by the total number of weeks in a tax year during which such institution is in fact conducted or operated principally for the benefit of persons who are not residents of Maine.

No such institution that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine and makes charges that result in an average weekly rate per person, as computed under this subparagraph, in excess of \$30 may be entitled to tax exemption. This subparagraph does not apply to institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or its successor, nonprofit community mental health service facilities licensed by the Commissioner of Mental Health ~~and~~ Mental Retardation and Substance Abuse Services, pursuant to Title 34-B, chapter 3 and nonprofit child care centers incorporated by this State as benevolent and charitable institutions. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501(c)(3) of the Code;

#### EXPLANATION

This section reflects changes to a department name made by Public Law 1995, chapter 560, Part K, section 82.

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**Sec. 94. 36 MRSA §1760, sub-§2**, as amended by PL 1983, c. 519, §24, is corrected to read:

**2. State and political subdivisions.** Sales to the State or any political subdivision, or to the Federal Government, or to any unincorporated agency or instrumentality of either of them or to any incorporated agency or instrumentality of them wholly owned by them. This exemption ~~shall~~ does not apply where title is held or taken as security for any financing ~~arrangement~~ arrangement.

#### EXPLANATION

This section corrects a spelling error and a grammatical error.

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**Sec. 95. 36 MRSA §1760, sub-§47-A**, as enacted by PL 1995, c. 625, Pt. B, §14, is corrected to read:



**47-A. Emergency shelter and feeding organizations.** Beginning October 1, 1996, sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for ~~underprivileged~~ underprivileged individuals in this State;

**EXPLANATION**

This section corrects a spelling error.

**Sec. 96. 37-B MRSA §792, sub-§1, ¶C,** as enacted by PL 1989, c. 464, §3, is corrected to read:

C. The Director of ~~the Office of Maine Emergency Medical Services, Department of Human Services~~ Public Safety, or the director's permanent designee;

**EXPLANATION**

This section corrects references to an office and a department. Public Law 1991, chapter 588 changed the name of the Office of Emergency Medical Services to Maine Emergency Medical Services and relocated Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety.

**Sec. 97. 38 MRSA §488, sub-§15,** as enacted by PL 1995, c. 90, §1, is corrected to read:

**15. Exemption for former military bases.** Development on a military base at the time ownership of the military base is acquired by a state or local development authority is exempt from review under this article. Subsequent transfer of ownership of a former military base or any portion of a former military base by a state or local development authority to another entity does not affect the exemption granted under this subsection. Development proposed or occurring on a former military base after ownership of the military base is acquired by a state or local development authority is subject to review under this article.

~~For purposes of this subsection, "military base" means all property under the ownership or control of a federal military authority prior to the acquisition of ownership by a state or local development authority; the ownership of which is subsequently acquired by a state or local development authority. For purposes of this subsection, "ownership" means a fee interest or leasehold interest in property.~~

For purposes of this subsection, "military base" means all property under the ownership or control of a federal military authority prior to the acquisition of ownership by a state or local development authority,

the ownership of which is subsequently acquired by a state or local development authority. For purposes of this subsection, "ownership" means a fee interest or leasehold interest in property.

**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 38, section 488. The paragraph should be blocked because it refers and relates to the subsection only and not to the entire section.

**Sec. 98. 38 MRSA §488, sub-§19,** as enacted by PL 1995, c. 625, Pt. A, §54, is reallocated to 38 MRSA §488, sub-§21.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 1995, chapters 625 and 704 which enacted 2 substantively different provisions with the same subsection number.

**Sec. 99. 38 MRSA §489-C, sub-§3, ¶C,** as enacted by PL 1995, c. 493, §9, is corrected to read:

C. There will be no additional mining for borrow, clay or topsoil by the permittee or any transferee at any time as provided by deed ~~covenants~~ covenants enforceable by the department.

**EXPLANATION**

This section corrects a spelling error.

**Sec. 100. PL 1991, c. 885, Pt. E, §22** is corrected to read:

**Sec. E-22. 24 MRSA §2330, sub-§11,** as amended by PL 1989, c. 447, §1, is further amended to read:

**11. Continued group coverage; certain circumstances.** Notwithstanding this section, if the termination of an individual's group insurance coverage is a result of the member or employee being temporarily laid off or losing employment because of an injury or disease that the employee claims to be compensable under former Title 39 or Title 39-A, the insurer shall allow the member or employee to elect, within the time period prescribed by paragraph B, to continue coverage under the group policy at no higher level than the level of benefits or coverage received by

the employee immediately before termination and at the member's or employee's expense or, at the member's or employee's option, to convert to a policy of individual coverage without evidence of insurability in accordance with this section.

A. For the purposes of this subsection, the term "member or employee" includes only those persons who have been a member or employee for at least 6 months.

B-1. The member or employee ~~shall have~~ has 31 days from the termination of coverage in which to elect and make the initial payment under this subsection.

C. An insurer is not required to continue coverage under a group policy if the member or employee meets the conditions set out in subsection 3, paragraph A.

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

E. At the option of the member or employee, the continued group coverage may cover the member or employee, the member or employee and any dependents or only the dependents of the member or employee; provided that, in the latter 2 cases, the dependents have been covered for a period of at least 3 months under the group policy, unless the dependents were not eligible for coverage until after the beginning of the 3-month period.

F. Except as provided in paragraph G, coverage provided under this section ~~shall continue~~ continues and may not be terminated until one year from the last day of work.

G. Coverage provided under this section may be terminated sooner than provided under paragraph F if:

- (1) The member or employee fails to make timely payment of a required premium amount;
- (2) The member or employee becomes eligible for coverage under another group policy; or
- (3) The Workers' Compensation ~~Commission~~ Board determines that the injury or disease ~~which that~~ which entitled the employee to continue coverage under this section is not compensable under Title ~~39~~ 39-A.

H. At the expiration of any continued group coverage obtained under this subsection, the member or employee has the same conversion privileges as otherwise granted under this section.

I. This subsection shall not be construed to:

- (1) Prevent members or employees from negotiating for or receiving greater continued coverage of group insurance than is provided in this subsection;
- (2) Require coverage beyond the time limits set in paragraph F; or
- (3) Permit an employee to increase the level of benefits or coverage that the employee received immediately before the termination of the employee's coverage.

J. This subsection does not apply to any group policy subject to the United States Consolidated Omnibus Budget Reconciliation Act, Public Law 99-272, Title X, Private Health Insurance Coverage, Sections 10001 to 10003.

#### EXPLANATION

This section corrects an error that was created when the Maine Revised Statutes, Title 24, section 2330, subsection 11, paragraphs H to J were not included in Public Law 1991, chapter 885, Part E, section 22.

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**Sec. 101. PL 1995, c. 65, Pt. A, §50, amending clause** is corrected to read:

**Sec. A-50. 15 MRSA §5823, sub-§3**, as enacted by PL 1987, c. 428 ~~420~~, §2, is amended to read:

#### EXPLANATION

This section corrects an amending clause.

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**Sec. 102. PL 1995, c. 130, emergency clause** is corrected to read:

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect ~~when approved~~ July 1, 1995.

#### EXPLANATION

This section corrects a technical error.

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**Sec. 103.** PL 1995, c. 161, §1, 2nd amending clause is corrected to read:

**Sec. 1-A.** 32 MRSA §82, sub-§1, as amended by PL 1991, c. 588, §1, is further amended to read:

**EXPLANATION**

This section corrects a clerical error by renumbering a section of the chaptered law.

**Sec. 104.** PL 1995, c. 289, §1, amending clause is corrected to read:

**Sec. 1.** 10 MRSA §963-A, sub-§10, ¶N, as amended by PL 1995, c. 4, §1, §2, is further amended to read:

**Sec. 105.** PL 1995, c. 289, §2, amending clause is corrected to read:

**Sec. 2.** 10 MRSA §963-A, sub-§10, ¶O, as enacted by PL 1995, c. 4, §1, §3, is amended to read:

**Sec. 106.** PL 1995, c. 289, §6, amending clause is corrected to read:

**Sec. 6.** 10 MRSA §1053, sub-§6, as amended by PL 1995, c. 120, §1, and affected by §5, is repealed and the following enacted in its place:

**EXPLANATION**

These sections correct amending clauses.

**Sec. 107.** PL 1995, c. 407, §6, amending clause is corrected to read:

**Sec. 6.** 24-A MRSA §2843, sub-§5-C, as amended by PL 1995, c. 19, §1, §2, is repealed and the following enacted in its place:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 108.** PL 1995, c. 462, Pt. A, §11, amending clause is corrected to read:

**Sec. A-11.** 5 MRSA §13058, sub-§10, ¶B, as enacted by PL 1987, c. 769, Pt. A, §19, is repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 109.** PL 1995, c. 462, Pt. A, §21, amending clause is corrected to read:

**Sec. A-21.** 10 MRSA c. 208-A, as enacted by PL 1993, c. 683, Pt. B, §1 and affected by §5, is repealed.

**EXPLANATION**

This section corrects an amending clause.

**Sec. 110.** PL 1995, c. 462, Pt. A, §33, amending clause is corrected to read:

**Sec. A-33.** 12 MRSA §7076, sub-§1, as amended by PL 1993, c. 24, §1 and affected by §7 and amended by c. 574, §7, is repealed and the following enacted in its place:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 111.** PL 1995, c. 462, Pt. A, §76, amending clause is corrected to read:

**Sec. A-76.** 38 MRSA §1303-C, sub-§39, as amended by PL 1993, c. 424, §2 and affected by §3 and amended by c. 732, Pt. A, §8, is repealed and the following enacted in its place:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 112.** PL 1995, c. 502, Pt. D, §9, amending clause is corrected to read:

**Sec. D-9.** 22 MRSA §3940 §3740, as enacted by PL 1993, c. 158, §2, is amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 113.** PL 1995, c. 502, Pt. F, §23, amending clause is corrected to read:

**Sec. F-23.** 34-A MRSA §3266, sub-§1, as enacted by PL ~~1993~~ 1983, c. 459, §6, is amended to read:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 114.** PL 1995, c. 502, Pt. H, §2 is corrected to read:

**Sec. H-2.** 9-A MRSA §6-103, first ¶, as amended by PL 1995, c. 309, §6, is further amended to read:

**EXPLANATION**

This section corrects an amending clause

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**Sec. 115.** PL 1995, c. 504, Pt. C, §8, amending clause is corrected to read:

**Sec. C-8.** 23 MRSA §4206, sub-§1, ¶M, as amended enacted by PL 1983, c. 477 310, Pt. E, sub-pt. 26, §8 §4, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 116.** PL 1995, c. 505, §4, amending clause is corrected to read:

**Sec. 4.** 10 MRSA §8001, sub-§10, as repealed and replaced by PL 1991, c. 548, Pt. B, §1; and repealed by PL 1995, c. 397, §5; and amended by c. 402, Pt. A, §3, is repealed.

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 117.** PL 1995, c. 505, §5, amending clause is corrected to read:

**Sec. 5.** 20-A MRSA §8702, as amended by PL 1989 1995, c. 721 402, §4 Pt. A, §47, is repealed and the following enacted in its place:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 118.** PL 1995, c. 560, Pt. F, §9, amending clause is corrected to read:

**Sec. F-9.** 20-A MRSA §203, sub-§1, ¶¶G and H, as amended by PL 1993, c. 684, §2 and c. 708, Pt. J, §7, are further amended to read:

**Sec. 119.** PL 1995, c. 560, Pt. F, §10, amending clause is corrected to read:

**Sec. F-9.** 20-A MRSA §203, sub-§1, ¶I, as enacted by PL 1993, c. 684, §2 and c. 708, Pt. J, §7, is repealed.

**EXPLANATION**

These sections correct amending clauses.

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**Sec. 120.** PL 1995, c. 560, Pt. L, §2, amending clause is corrected to read:

**Sec. L-2.** 5 MRSA §20002 §20003, sub-§3-B is enacted to read:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 121.** PL 1995, c. 625, Pt. A, §33, amending clause is corrected to read:

**Sec. A-33.** 29-A MRSA §588 §558, sub-§1-A is enacted to read:

**EXPLANATION**

This section corrects an amending clause.

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**Sec. 122.** PL 1995, c. 665, Pt. Q, §§1 and 2 are corrected to read:

**Sec. Q-1.** PL 1995, c. 560, Pt. K, §83 is enacted to read:

**Sec. K-83.** Effective date. Part K, sections 1, 3 to 9, 15, 28, 31, 37, 47, 68 and 82 are effective July 1, 1996.

**Sec. Q-2.** PL 1995, c. 560, Pt. L, §16 is enacted to read:

**Sec. L-16.** Effective date. This Part is effective July 1, 1996.

**EXPLANATION**

This section corrects a technical error by under-scoring new language to reflect that a new section is being added to existing unallocated law.

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**Sec. 123.** PL 1995, c. 691, §3, amending clause is corrected to read:

**Sec. 3.** 34-B MRSA §1204, sub-§2, paragraph ¶C, as repealed and replaced by PL 1995,

c. 560, Pt. K, §15 and affected by §83, is amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 124. PL 1995, c. 696, Pt. B, §1, amending clause** is corrected to read:

**Sec. B-1. 22 MRSA §3174-I, sub-§1, ¶E**, as amended by PL 1995, c. 170, §2, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.

**Sec. 125. PL 1995, c. 700, §31** is corrected to read:

**Sec. 31. 38 MRSA §490-J**, as enacted by PL 1993, c. 350, §5, is amended to read:

**§490-J. Fees**

The owner or operator of ~~a medium borrow pit operating an excavation being operated~~ under this article must pay the regulator:

**1. Initial fee.** A fee of \$250 upon filing a notice of intent to comply under section 484-A or 490-C;

**2. Annual fee.** By March 1st of each year, an annual fee of:

A. ~~Two~~ Three hundred and fifty dollars for ~~borrow pits that will have an excavation from which~~ 2,500 cubic yards or more of material will be extracted during that year; and

B. Fifty dollars, for all other ~~borrow pits excavations~~. To be eligible for the annual fee under this paragraph, the owner or operator must include with the payment of this fee a signed statement certifying that ~~the fewer~~ less than 2,500 cubic yards of material will be extracted during that year;

**3. Variance fee.** A fee of \$250 for each variance requested under section 490-E; ~~and, except for the following:~~

A. A fee of \$500 for a variance to excavate below the seasonal high water table;

B. A fee of \$500 for a variance to create an externally drained pit; and

C. A fee of \$125 for a variance to waive the topsoil salvage requirement; and

**4. Notice of intent to expand.** A fee of \$250 upon filing a notice of intent to expand under section 490-F.

Notwithstanding any other provision of this section, the total for all fees paid under subsections 1 and 2 for one borrow ~~pit, clay, topsoil or silt excavation~~ in one calendar year may not exceed ~~\$250~~ \$350.

Payment of the annual fee under subsection 2 is no longer required after reclamation is complete as determined by the department. The department shall inspect the site before making this determination.

**EXPLANATION**

This section corrects a format error by correctly indenting the last paragraph of the section because it relates to the entire section.

**Sec. 126. PL 1995, c. 704, Pt. A, §1, amending clause** is corrected to read:

**Sec. A-1. 38 MRSA §352, sub-§5-A, Table I**, as amended by PL 1995, c. 493, §1, is further amended to read:

**EXPLANATION**

This section corrects an amending clause.