

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2000

**REVISOR'S REPORT
1999**

CHAPTER 1

Sec. 1. 3 MRSA §851, sub-§§2 and 2-A, as amended by PL 1993, c. 410, Pt. L, §3-A, are corrected to read:

2. Early retirement; 10 years of creditable service on July 1, ~~1994~~ 1993. Any member in service who has completed at least 25 years of creditable service, may retire any time before the member's 60th birthday. Creditable service as a member of the Maine State Retirement System after service as a member of the Maine Legislative Retirement System is used in determining the completion of 25 years of creditable service. The retirement allowance is determined in accordance with section 852, except that it is reduced by multiplying the retirement allowance by a fraction that represents the ratio of the amount of a life annuity due at age 60 years to the amount of a life annuity due at the age of retirement. The tables of annuities in effect at the date of retirement are used for this purpose.

This subsection applies to members who, on July 1, 1993, have 10 years of creditable service.

2-A. Early retirement; less than 10 years creditable service on July 1, ~~1994~~ 1993. Any member in service who has completed at least 25 years of creditable service may retire any time before the member's 62nd birthday. Creditable service as a member of the Maine State Retirement System after service as a member of the Maine Legislative Retirement System is used in determining the completion of 25 years of creditable service. The retirement allowance is determined in accordance with section 852, except that it is reduced by 6% for each year that the member's age precedes age 62. The tables of annuities in effect at the date of retirement are used for this purpose.

This subsection applies to members who, on July 1, 1993, do not have 10 years of creditable service.

EXPLANATION

This section corrects 2 headnotes to accurately reflect the contents of the subsections.

Sec. 2. 5 MRSA §1513, sub-§1-L, as enacted by PL 1999, c. 505, Pt. A, §1, is reallocated to 5 MRSA §1513, sub-§1-P.

EXPLANATION

This section corrects a numbering problem created when Public Law 1999, chapter 127 reallocated and Public Law 1999, chapter 505 enacted 2 substantively different provisions with the same subsection number.

Sec. 3. 6 MRSA §105, as enacted by PL 1999, c. 131, §17, is corrected to read:

§105. Aviation fueling facilities

1. Aircraft fuel servicing operations. Airports may, at their option, provide aircraft fuel servicing. The operations must meet the following minimum standards.

A. Aviation fuel must be stored in National Fire Protection Association approved facilities.

B. Aircraft fuel servicing must be conducted in accordance with accepted standards and requirements established by the National Fire Protection Association.

C. There must be fire extinguishers of adequate size, type and numbers in locations as recommended by the National Fire Protection Association.

EXPLANATION

This section corrects a formatting error by inserting a headnote.

Sec. 4. 7 MRSA §2902-A, sub-§3, as enacted by PL 1987, c. 700, §2, is corrected to read:

3. Permit granted; requirements; suspension. A permit ~~shall~~ must be granted upon the express condition that the permittee ~~shall~~ at all times ~~conduct his conducts the~~ operation and ~~maintain his maintains the~~ facilities in accordance with the requirements of state law and any rules adopted under this chapter ~~and chapter 609~~. Any violation ~~which~~ that results in a health or safety hazard may lead to suspension of a permit in accordance with Title 5, chapter 375, section 10004 for a period of up to 30 days. A suspension or revocation of a permit for longer than 30 days, or a

refusal to renew a permit, ~~shall~~ must be in accordance with Title 5, chapter 375, subchapter V.

EXPLANATION

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

Sec. 5. 7 MRSA §2173, sub-§1, as enacted by PL 1999, c. 84, §3, is corrected to read:

1. Arborist. "Arborist" means a person who, for compensation, takes down or fells, ~~diagnoses~~ diagnoses or evaluates the condition of shade or ornamental trees; solicits, recommends or supervises the treatment of those trees; or in any manner or for any purpose treats or cares for those trees.

EXPLANATION

This section corrects an error in spelling.

Sec. 6. 7 MRSA §4205, sub-§3, as enacted by PL 1999, c. 530, §4, is corrected to read:

3. Provisional permit. The commissioner may issue a provisional permit to an operation that is not in compliance with the farm's nutrient management plan at the time of inspection. In issuing a provisional permit, the commissioner shall consider existing nutrient management practices on the farm, the protection of groundwater and surface water, the cost of implementing the plan and the availability of financial assistance to implement the plan. A provisional permit must state the date by which the farm must be in compliance with the plan and may not be issued for a period of more than one year. Upon inspection and determination of compliance, the commissioner shall issue a permit in accordance with subsection ~~3~~ 2 and the provisional permit expires. The commissioner shall adopt rules in accordance with Title 5, chapter 375 to establish a process for application review and issuing of provisional permits. Rules adopted in accordance with this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

EXPLANATION

This section corrects a cross-reference.

Sec. 7. 10 MRSA §963-A, sub-§10, ¶Q, as amended by PL 1999, c. 484, §2 and c. 513, §2, is corrected to read:

Q. Any clean fuel vehicle project; ~~and~~

Sec. 8. 10 MRSA §963-A, sub-§10, ¶R, as enacted by PL 1999, c. 484, §3, is corrected to read:

R. Any paper industry job retention project; and

Sec. 9. 10 MRSA §963-A, sub-§10, ¶R, as enacted by PL 1999, c. 513, §3, is reallocated to 10 MRSA §963-A, sub-§10, ¶S.

EXPLANATION

These sections correct a lettering problem created by Public Law 1999, chapters 484 and 513, which enacted 2 substantively different provisions with the same paragraph letter. These sections also make technical changes and correct punctuation errors.

Sec. 10. 10 MRSA §963-A, sub-§42-C, as enacted by PL 1999, c. 505, Pt. A, §2, is reallocated to 10 MRSA §963-A, sub-§42-D.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 484 and 505, which enacted 2 substantively different provisions with the same subsection number.

Sec. 11. 10 MRSA §963-A, sub-§49-G, as enacted by PL 1999, c. 513, §4, is reallocated to 10 MRSA §963-A, sub-§49-H.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 505 and 513, which enacted 2 substantively different provisions with the same subsection number.

Sec. 12. 10 MRSA §1023-L, sub-§2, ¶E, as enacted by PL 1999, c. 505, Pt. A, §7, is corrected to read:

E. Money transferred from the available balance in the Maine Rainy Day Fund pursuant to Title 5, section 1513, subsection ~~4-L~~ 1-P; and

EXPLANATION

This section makes a change to a cross-reference to Title 5, section 1513, subsection 1-L that is reallocated in this report to be subsection 1-P.

Sec. 13. 10 MRSA §1023-L, sub-§3, as enacted by PL 1999, c. 505, Pt. A, §7, is corrected to read:

3. Eligibility to participate in loan program.

The authority may use money in the fund to carry out any power of the authority under this section or under section ~~1026-Q~~ 1026-R, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the waste oil disposal site clean-up project when the authority determines that:

- A. The applicant is determined to be a responsible party with respect to the waste oil disposal site and the applicant is domiciled or has a principal place of business in the State;
- B. If the applicant is not a unit of local government, the applicant demonstrates financial need for the assistance;
- C. There is a reasonable likelihood that the applicant will be able to repay the loan; and
- D. An agreement has been reached with an entity that has assumed liability for total response costs at the Wells waste oil disposal site.

The authority, pursuant to Title 5, chapter 375, subchapter II, shall adopt rules for determining eligibility, feasibility, terms, conditions, security and fees for the loans, including deferred loans. The authority may not issue deferred loans for eligible parties who have received payments under subsection 8. The authority shall adopt rules that provide for a simplified loan application process for loan requests of under \$2000. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The authority may charge an interest rate as low as 0% or up to a maximum rate equal to the prime rate of interest as published in The Wall Street Journal, depending on the financial ability of the applicant to pay as determined by the authority. The maximum the authority may loan, or issue as a deferred loan, to any one borrower, including related entities as determined by the authority, is \$50,000. Money in the fund not needed currently to meet the obligations of the

authority as provided in this section may be invested as permitted by law. Any costs incurred by the authority in administering this fund may be taken from interest from all sources of the fund.

EXPLANATION

This section makes a change to a cross-reference to Title 5, section 1026-Q that is reallocated in this report to be section 1026-R.

Sec. 14. 10 MRSA §1026-Q, as enacted by PL 1999, c. 505, Pt. A, §8, is reallocated to 10 MRSA §1026-R.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 401 and 505, which enacted 2 substantively different provisions with the same section number.

Sec. 15. 12 MRSA §683, first ¶, as amended by PL 1999, c. 333, §3, is corrected to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, for staggered 4-year terms. Appointees to the commission must be familiar with the needs and issues affecting the commission's jurisdiction. All appointees must reside in the commission's jurisdiction; work in the commission's jurisdiction; be a former resident or be retired after working within the commission's jurisdiction for a minimum of 5 years; or have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they affect the commission's jurisdiction. In selecting appointees, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and to persons residing on unorganized coastal islands. At least 2 members must be residents within the commission's jurisdiction. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible

office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

EXPLANATION

This section corrects a punctuation error.

Sec. 16. 12 MRSA §6421, sub-§5, ¶C, as amended by PL 1999, c. 330, §1, is corrected to read:

C. Meets the requirements of the apprentice program under section 6422 or section 6475; ~~or~~

EXPLANATION

This section corrects a clerical error created when 2 public laws affected the same subsection of law.

Sec. 17. 12 MRSA §6803, sub-§4, as enacted by PL 1999, c. 501, §3, is corrected to read:

4. Disposition of fees. All fees collected under this section accrue to the Seaweed Management Fund established in section ~~6804~~ 6806.

EXPLANATION

This section makes a change to a cross-reference to Title 12, section 6804 that is reallocated in this report to be section 6806.

Sec. 18. 12 MRSA §6804, as enacted by PL 1999, c. 501, §4, is reallocated to 12 MRSA §6806.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 491 and 501, which enacted 2 substantively different provisions with the same section number.

Sec. 19. 12 MRSA §6805, as enacted by PL 1999, c. 501, §4, is reallocated to 12 MRSA §6807.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 491 and 501, which enacted 2 substantively different provisions with the same section number.

Sec. 20. 12 MRSA §7001, sub-§1-E, as enacted by PL 1999, c. 401, Pt. BB, §4, is reallocated to 12 MRSA §7001, sub-§1-F.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 401 and 402, which enacted 2 substantively different provisions with the same subsection number.

Sec. 21. 12 MRSA §7035, sub-§19, as enacted by PL 1999, c. 447, §3, is reallocated to 12 MRSA §7035, sub-§20.

EXPLANATION

This section corrects a numbering problem created by Public Law, chapters 326 and 447, which enacted 2 substantively different provisions with the same subsection number.

Sec. 22. 12 MRSA §7101, sub-§7-A, as enacted by PL 1999, c. 134, §2, is corrected to read:

7-A. Restrictions. Any resident or nonresident hunter 10 years of age or older and under 16 years of age may hunt with firearms only in the presence of:

~~1. Parent or guardian. That hunter's parent or guardian; or~~

~~2. Certain adults. A person at least 18 years of age approved by that hunter's parent or guardian who either holds a valid Maine hunting license or has successfully completed a hunter safety course acceptable under the provisions of sections 7035 and 7071.~~

A. That hunter's parent or guardian; or

B. A person at least 18 years of age approved by that hunter's parent or guardian who either holds a valid Maine hunting license or has successfully completed a hunter safety course ac-

ceptable under the provisions of sections 7035 and 7071.

For the purposes of this subsection, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including binoculars and citizen band radios. A hunter who is 16 years of age and who is hunting with a junior hunting license prior to hunting without the adult supervision required by this section must complete a hunter safety course.

EXPLANATION

This section corrects a formatting error.

Sec. 23. 12 MRSA §7553, sub-§1, ¶C, as amended by PL 1999, c. 403, §28, is corrected to read:

C. At the so-called ice control dam on the Naraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

EXPLANATION

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

Sec. 24. 15 MRSA §5826, sub-§7, as enacted by PL 1999, c. 408, §4, is reallocated to 15 MRSA §5826, sub-§8.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 395 and 408, which enacted 2 substantively different provisions with the same subsection number.

Sec. 25. 20-A MRSA §4772-A, sub-§1, as enacted by PL 1999, c. 495, §1, is corrected to read:

1. Enrolled as ~~sophomore~~ junior. Is enrolled in grade 11 or higher in the student's school unit;

EXPLANATION

This section corrects a subsection headnote to accurately reflect the content of the subsection.

Sec. 26. 20-A MRSA §10006, sub-§2, as enacted by PL 1999, c. 511, §1, is corrected to read:

2. Treasurer of State authority for deposit of state funds; interest earned on the endowment fund; disbursement of endowment funds. The Treasurer of State is responsible for the custodial care of the endowment fund and may deposit state funds pursuant to Title 5, section 135. Interest earned on the investment of the endowment fund must be credited to the respective postsecondary entity or its qualified institutionally related foundation. The Treasurer of State is responsible for disbursement of the endowment fund, upon certification by the Chancellor of the University of Maine System, the President of the Maine Technical College System and the President of the Maine Maritime Academy; that the criteria established in subsection 3 are met.

EXPLANATION

This section corrects a punctuation error.

Sec. 27. 22 MRSA §254, sub-§8, as amended by PL 1999, c. 401, Pt. KKK, §1 and affected by §10, is corrected to read:

8. Drug rebate program. Effective May 1, 1992, payment must be denied for drugs from manufacturers that do not enter into a rebate agreement with the department for prescription drugs included in the list of approved drugs under this program. Each agreement must provide that the pharmaceutical manufacturer make rebate payments for both the basic and supplemental components of the program to the department according to the following schedule.

A. For the period beginning May 1, 1992 and ending September 30, 1992, the rebate percentage is equal to 11% of the manufacturer's wholesale price for the total number of dosage units of each form and strength of a prescription drug that the department reports as reimbursed to providers of prescription drugs, provided payments are not due until 30 days following the manufacturer's receipt of utilization data supplied by the department, including the number of dosage units reimbursed to providers of prescription drugs during the period for which payment is due.

B. For the quarters beginning October 1, 1992, the rebate percentage is equal to the percentage recommended by the federal Health Care Financing Administration of the manufacturer's wholesale price for the total number of dosage units of each form and strength of a prescription drug that the department reports as reimbursed to

providers of prescription drugs, provided payments are not due until 30 days following the manufacturer's receipt of utilization data supplied by the department, including the number of dosage units reimbursed to providers of prescription drugs during the period for which payments are due.

C. Beginning October 1, 1998, the department shall seek to achieve an aggregate rebate amount from all rebate agreements that is 6 percentage points higher than that required by paragraph B of this subsection, provided such rebates result in a net increase in the rebate revenue available to the elderly low-cost drug program. In the event the department is not able to achieve the rebate amount required by this paragraph without compromising the best interest of recipients of the elderly low-cost drug program, it shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs in the First Regular Session of the 119th Legislature.

Upon receipt of data from the department, the pharmaceutical manufacturer shall calculate the quarterly payment. If a discrepancy is discovered, the department may, at its expense, hire a mutually agreed-upon independent auditor to verify the pharmaceutical manufacturer's calculation. If a discrepancy is still found, the pharmaceutical manufacturer shall justify its calculation or make payment to the department for any additional amount due. The pharmaceutical manufacturer may, at its expense, hire a mutually agreed-upon independent auditor to verify the accuracy of the utilization data provided by the department. If a discrepancy is discovered, the department shall justify its data or refund any excess payment to the pharmaceutical manufacturer.

If the dispute over the rebate amount is not resolved, a request for a hearing with supporting documentation must be submitted to the Administrative Hearings Unit. Failure to resolve the dispute may be cause for terminating the drug rebate agreement and denying payment to the pharmaceutical manufacturer for any drugs.

All prescription drugs of a pharmaceutical manufacturer who enters into an agreement pursuant to this subsection that appear on the approved list of drugs must be immediately available and the cost of the drugs must be reimbursed and is not subject to any restrictions or prior authorization requirements. Any prescription drug of a manufacturer that does not enter into an agreement is not reimbursable unless the department determines the prescription drug is essential;

EXPLANATION

This section corrects a punctuation error.

Sec. 28. 22 MRSA §3174-U, as enacted by PL 1999, c. 329, §1, is reallocated to 22 MRSA §3174-W.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 301 and 329, which enacted 2 substantively different provisions with the same section number.

Sec. 29. 22 MRSA §4031, sub-§3, as amended by PL 1995, c. 694, Pt. D, §41 and affected by Pt. E, §2, is corrected to read:

3. Scope of authority. The court shall consider and act on child protection petitions regardless of other decrees regarding a child's care and custody. The requirements and provisions of Title 19-A, chapter ~~57~~ 58 do not apply to child protection proceedings. If custody is an issue in another pending proceeding, the proceedings may be consolidated in the District Court with respect to the custody issue. In any event, the court shall make an order on the child protection petition in accordance with this chapter. That order takes precedence over any prior order regarding the child's care and custody.

EXPLANATION

This section corrects a cross-reference.

Sec. 30. 24 MRSA §2332-J, as enacted by PL 1999, c. 396, §1 and affected by §7, is reallocated to 24 MRSA §2332-K.

Sec. 31. 24 MRSA §2332-J, as enacted by PL 1999, c. 412, §1, is reallocated to 24 MRSA §2332-L.

EXPLANATION

These sections correct a numbering problem created by Public Law 1999, chapters 341, 396 and 412, which enacted 3 substantively different provisions with the same section number.

Sec. 32. 24-A MRSA §2756, as enacted by PL 1999, c. 396, §2 and affected by §7, is reallocated to 24-A MRSA §2757.

Sec. 33. 24-A MRSA §2756, as enacted by PL 1999, c. 412, §2, is reallocated to 24-A MRSA §2758.

EXPLANATION

These sections correct a numbering problem created by Public Law 1999, chapters 341, 396 and 412, which enacted 3 substantively different provisions with the same section number.

Sec. 34. 24-A MRSA §2847-G, as enacted by PL 1999, c. 396, §3 and affected by §7, is reallocated to 24-A MRSA §2847-H.

Sec. 35. 24-A MRSA §2847-G, as enacted by PL 1999, c. 412, §3, is reallocated to 24-A MRSA §2847-I.

EXPLANATION

These sections correct a numbering problem created by Public Law 1999, chapters 341, 396 and 412, which enacted 3 substantively different provisions with the same section number.

Sec. 36. 24-A MRSA §3487, sub-§4, as enacted by PL 1999, c. 113, §23, is corrected to read:

4. Filing with Secretary of State. Each insurer that transfers its domicile to this State shall file with the Secretary of State a long-form certificate of good standing or its equivalent, duly certified by the proper official of the previous state of domicile and an application for redomestication to become a Maine insurer in a form prescribed by the Secretary of State and approved by the superintendent. Each foreign insurer qualified to do business in this State that transfers its domicile to a state other than Maine shall file with the Secretary of State a notification by a foreign insurer of redomestication in a form prescribed by the Secretary of State and approved by the superintendent. Each domestic insurer that ~~transfer~~ **transfers** its domicile to another state shall file with the Secretary of State a notification of redomestication in a form prescribed by the Secretary of State and approved by the superintendent.

EXPLANATION

This section corrects a clerical error.

Sec. 37. 24-A MRSA §4245, as enacted by PL 1999, c. 341, §4 and affected by §5, is reallocated to 24-A MRSA §4247.

Sec. 38. 24-A MRSA §4245, as enacted by PL 1999, c. 396, §4 and affected by §7, is reallocated to 24-A MRSA §4248.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 256, 341 and 396, which enacted 3 substantively different provisions with the same section number.

Sec. 39. 29-A MRSA §2085, as enacted by PL 1999, c. 183, §12, is reallocated to 29-A MRSA §2086.

Sec. 40. 29-A MRSA §2085, as enacted by PL 1999, c. 254, §26, is reallocated to 29-A MRSA §2087.

Sec. 41. 29-A MRSA §2085, as enacted by PL 1999, c. 311, §1, is reallocated to 29-A MRSA §2088.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 171, 183, 254 and 311, which enacted 4 substantively different provisions with the same section number.

Sec. 42. 29-A MRSA c. 20 is corrected by repealing the chapter headnote and enacting the following in its place:

CHAPTER 20

BICYCLE SAFETY EDUCATION ACT

EXPLANATION

This section corrects a chapter heading to make the heading reflect the content of the chapter.

Sec. 43. 30-A MRSA §2504, as enacted by PL 1989, c. 92, §2, is corrected to read:

§2504. Circulation of petitions for local initiative

No municipality may enact any charter provision or ordinance prohibiting the circulation of petitions for

any local initiative. A petition related to any local initiative, including, without limitation, petitions filed under section 2522, section 2528, subsection 5, the Constitution of Maine, Article IV, Part Third, ~~Article IV~~, Section 21, or a municipal charter provision authorizing local initiatives, may be circulated as provided in Title 21-A, section 903-A.

EXPLANATION

This section corrects a reference to the Constitution of Maine.

Sec. 44. 32 MRSA §1353, first ¶, as amended by PL 1995, c. 355, §12, is corrected to read:

Application for registration as a professional engineer or certification as an engineer-intern is on a form prescribed and furnished by the board; contains statements made under oath, showing the applicant's education and a detailed summary of the applicant's technical experience, and contains references as set forth in section ~~4352~~ 1352-A, none of whom may be members of the board. An application fee and an examination fee may be established by the board in amounts that are reasonable and necessary for their respective purposes.

EXPLANATION

This section corrects a cross-reference.

Sec. 45. 32 MRSA §6154, sub-§1, ¶C, as enacted by PL 1999, c. 229, §2, is corrected to read:

C. The name, address and 24-hour toll-free telephone number where a customer may direct ~~in-~~quires inquiries or complaints;

EXPLANATION

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

Sec. 46. 32 MRSA §13702, sub-§10-A, as enacted by PL 1999, c. 42, §2, is reallocated to 32 MRSA §13702, sub-§10-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapter 42 and 130, which

enacted 2 substantively different provisions with the same subsection number.

Sec. 47. 32 MRSA §14055, sub-§2, ¶B, as enacted by PL 1991, c. 468, §4, is corrected to read:

B. When workers' compensation coverage is provided by means of insurance maintained by the employee leasing company through the residual market mechanism, the rules may further provide for the application of experience modification factors, premium surcharges and deductibles consistent with Title 24-A, section ~~2366~~ 2386. To the extent that a workers' compensation insurance policy is issued to an employee leasing company, experience modification factors applicable to a company that becomes a client company of the employee leasing company after the effective date of this section are calculated by using the client company's experience modification factor:

- (1) Throughout the term of the employee leasing arrangement; or
- (2) For no more than the first 3 years of the employee leasing arrangement if the requirements of the rules adopted by the superintendent are met.

EXPLANATION

This section corrects a cross-reference.

Sec. 48. 36 MRSA §1760, sub-§80, as enacted by PL 1999, c. 414, §22 and affected by §55, is reallocated to 36 MRSA §1760, sub-§82.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 286 and 414, which enacted 2 substantively different provisions with the same subsection number.

Sec. 49. 36 MRSA §1760, sub-§81, as enacted by PL 1999, c. 521, Pt. A, §7 and affected by §11, is reallocated to 36 MRSA §1760, sub-§83.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapters 521 and 530, which

enacted 2 substantively different provisions with the same subsection number.

Sec. 50. 36 MRSA §5219-Q, as enacted by PL 1999, c. 401, Pt. RRR, §1 and affected by §2, is reallocated to 36 MRSA §5219-R.

EXPLANATION

This section corrects a numbering problem created by Public Law 1999, chapter 401, Part NNN, section 6 and Part RRR, section 1, which enacted 2 substantively different provisions with the same section number.

Sec. 51. 36 MRSA §5287, sub-§1, as enacted by PL 1999, c. 526, §1 and affected by §3, is corrected to read:

1. Innocent spouses. A spouse who meets the qualifications for relief under ~~section~~ Section 6015 of the Code; or

EXPLANATION

This section corrects a cross-reference to make it clear that the section that is referenced is a section of the United States Internal Revenue Code and not a section of the Maine Revised Statutes.

Sec. 52. 38 MRSA §99-A, as enacted by PL 1999, c. 355, §21, is corrected to read:

§99-A. Pilot liability

1. Acts or omissions of another pilot; no liability. A pilot is not liable directly or as a member of an organization of pilots for a claim that arises from an act or omission of another pilot or organization of pilots or that relates directly or indirectly to pilot services.

2. Limitation on liability. A pilot providing pilot services is not liable for more than \$5,000 in damages or loss caused by any negligent act or omission in the performance of pilot services. A pilot providing piloting services is liable for:

A. Damages or loss arising from the intentional, willful or reckless misconduct of the pilot; or

B. Liability for exemplary damages for intentional, willful or reckless conduct of the pilot for

which no other person is jointly or severally liable.

~~Nothing in this section may be construed to exempt an owner or operator of a vessel from liability for damage or loss caused by that vessel.~~

Nothing in this section may be construed to exempt an owner or operator of a vessel from liability for damage or loss caused by that vessel.

EXPLANATION

This section corrects a formatting error.

Sec. 53. 38 MRSA §100-A, sub-§2, ¶G, as enacted by PL 1999, c. 355, §22, is corrected to read:

G. To the person investigated on that ~~person's~~ person's request. The commissioner may refuse to disclose part or all of any investigative information, including the fact of an investigation, when the commissioner determines that disclosure would prejudice the investigation. The authority of the commissioner to make such a determination may not be delegated.

EXPLANATION

This section corrects a spelling error.

Sec. 54. PL 1993, c. 707, Pt. S, §1, amending clause is corrected to read:

Sec. S-1. P&SL 1967, c. ~~244~~ 58, §10-A, is enacted to read:

EXPLANATION

This section corrects an amending clause.

Sec. 55. PL 1999, c. 55, §1 is corrected to read:

Sec. 1. 26 MRSA §625-B, sub-§3, as enacted by PL 1979, c. 663, §157, is amended to read:

3. Mitigation of severance pay liability. There ~~shall be~~ is no liability under this section for severance pay to an eligible employee if:

A. Relocation or termination of a covered establishment is necessitated by a physical calamity;

B. The employee is covered by an express contract providing for severance pay that is equal to or greater than the severance pay required by this section;

C. That employee accepts employment at the new location; or

D. That employee has been employed by the employer for less than 3 years.

EXPLANATION

This section amends public law to accurately reflect the conjunction in existing law.

Sec. 56. PL 1999, c. 184, §20, amending clause is corrected to read:

Sec. 20. 32 MRSA §~~1102~~ 11002, sub-§6, as amended by PL 1993, c. 126, §1, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 57. PL 1999, c. 287, §1, amending clause is corrected to read:

Sec. 1. 10 MRSA §~~907~~ §9097, sub-§12 is enacted to read:

EXPLANATION

This section corrects an amending clause.

Sec. 58. PL 1999, c. 386, Pt. W, §1, amending clause is corrected to read:

Sec. W-1. 5 MRSA §12004-A, sub-§7, as amended by PL 1995, c. 560, Pt. H, §14 §1 and affected by §17, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 59. PL 1999, c. 401, Pt. J, §6 is corrected to read:

Sec. J-6. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Northern Maine Regional Juvenile Detention Facility" appear or reference is made to that entity or those words, they are amended to read and mean "Northern Maine Juvenile Facility," or "facility" as appropriate and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

EXPLANATION

This section corrects a clerical error.

Sec. 60. PL 1999, c. 447, §4 is corrected to read:

Sec. 4. Report to the Legislature. By January 15, 2001, the Department of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters that provides an accounting of all funds deposited into a dedicated account created by the Commissioner of Inland Fisheries and Wildlife pursuant to the Maine Revised Statutes, Title 12, section 7035, subsection ~~19~~ 20 and the impact this account has had on the promotion of activities described in Title 12, section 7035, subsection 11.

EXPLANATION

This section makes a change to a cross-reference to Title 12, section 7035, subsection 19 that is reallocated in this report to be subsection 20.

Sec. 61. P&SL 1999, c. 18, §1 is corrected to read:

Sec. 1. P&SL 1987, c. 144, §9, first ¶ is amended to read:

Sec. 9. Trustees; how elected; first board; meeting; officers. All of the affairs of the district ~~shall be~~ are managed by a board of trustees composed of 3 members, all of whom ~~shall~~ must be residents of the district and reside in a household to which the district's service is provided, and elected as provided in the Maine Revised Statutes, Title 35-A, chapter ~~63~~ 64 and this section.

EXPLANATION

This section corrects a cross-reference.