

MAINE STATE LEGISLATURE

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OF THE
STATE OF MAINE

AS PASSED BY THE

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J.S. McCarthy Company
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**REVISOR'S REPORT
2001**

CHAPTER 1

Sec. 1. 1 MRSA §139, as enacted by PL 2001, c. 7, §1, is reallocated to 1 MRSA §141.

Sec. 2. 1 MRSA §139, as enacted by PL 2001, c. 19, §1, is reallocated to 1 MRSA §142.

Sec. 3. 1 MRSA §139, as enacted by PL 2001, c. 36, §1, is reallocated to 1 MRSA §143.

Sec. 4. 1 MRSA §139, as enacted by PL 2001, c. 100, §1, is reallocated to 1 MRSA §144.

EXPLANATION

These sections correct a numbering problem created by Public Law 2001, chapters 5, 7, 19, 36 and 100, which enacted 5 substantively different provisions with the same section number.

Sec. 5. 1 MRSA §140, as enacted by PL 2001, c. 304, §1, is reallocated to 1 MRSA §145.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 68 and 304, which enacted 2 substantively different provisions with the same section number.

Sec. 6. 1 MRSA §1012, sub-§7, as amended by PL 2001, c. 430, §5, is corrected to read:

7. Income. "Income" means economic gain to a person from any source, including, but not limited to, compensation for services, including fees, commissions and payments in kind; income derived from business; gains derived from dealings in property, rents and royalties; income from investments including interest, capital gains and dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; prizes; and grants, but does not include gifts. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. "Income" does not include;

A. Alimony and separate maintenance payments; or

B. Campaign contributions recorded and reported as required by Title 21-A, chapter 13.

EXPLANATION

This section corrects a punctuation error.

Sec. 7. 5 MRSA §285, sub-§1, ¶A-1, as enacted by PL 2001, c. 374, §1, is reallocated to 5 MRSA §285, sub-§1, ¶A-2.

EXPLANATION

This section corrects a lettering problem created by Public Law 2001, chapters 239 and 374, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 8. 5 MRSA §1581, 3rd ¶, as enacted by PL 1999, c. 420, §1, is corrected to read:

The Centers for Innovation program, established under section ~~13124~~ 13141, must be a separate appropriation not included under any other department or agency in the General Fund appropriation bill.

EXPLANATION

This section corrects a cross-reference.

Sec. 9. 5 MRSA §1826-A, first ¶, as enacted by PL 1985, c. 359, §3, is corrected to read:

The Legislature finds that the goal of ~~integrating~~ integrating disabled persons into all aspects of community life is enhanced by providing expanded markets for products and services of work centers. The Legislature further believes that work centers provide a valuable means of transitional employment for the State's disabled population and for some, such as the most severely disabled persons, they may offer the

only opportunities available for long-term, gainful employment.

EXPLANATION

This section corrects a spelling error.

Sec. 10. 5 MRSA 1881, as repealed and replaced by PL 2001, c. 388, §5, is corrected to read:

§1881. Mission

The mission of the Bureau of Information Services is to provide high-quality, responsive, cost-effective information technology services to the agencies of State Government. These services include, but are not limited to, voice and data computer and networking services, applications development and maintenance and desktop support. The bureau also provides centralized geographic information systems and data and security advice to customers.

EXPLANATION

This section provides a headnote.

Sec. 11. 5 MRSA §4682, sub-§1, as repealed and replaced by PL 2001, c. 50, is reallocated to 5 MRSA §4682, sub-§1-A.

EXPLANATION

This section corrects a numbering error.

Sec. 12. 5 MRSA §13063-D, sub-§2, as enacted by PL 1999, c. 731, Pt. VVV, §1, is corrected to read:

2. Fund. "Fund" means the Maine Microenterprise Initiative Fund established in section ~~13063-E~~ 13063-K.

EXPLANATION

This section corrects a cross-reference.

Sec. 13. 5 MRSA §19503, sub-§3, ¶C, as amended by PL 2001, c. 357, §6, is corrected to read:

C. Results in substantial functional limitations in 3 or more of the following areas of major life activity:

- (1) Self care;
- (2) Receptive and expressive language;
- (3) Learning;
- (4) Mobility;
- (5) Self direction;
- (6) Capacity for independent living; and
- (7) Economic self-sufficiency;

A person from birth through 9 years of age who has a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting 3 of the criteria stated in this subsection if there is a high probability that the person will meet those criteria later in life if services and supports are not provided to the person; and

EXPLANATION

This section corrects a punctuation error.

Sec. 14. 9-A MRSA §9-310, as enacted by PL 2001, c. 262, Pt. A, §2, is corrected to read:

§9-310. Privacy of consumer financial information

A creditor shall comply with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the applicable implementing federal Privacy of Consumer Information regulations, as adopted by the Office of the Comptroller of the Currency, 12 Code of Federal Regulations, Part 40 (2001); the Board of Governors of the Federal Reserve System, 12 Code of Federal Regulations, Part 216 (2001); the Federal Deposit Insurance Corporation, 12 Code of Federal Regulations, Part 332 (2001); the Office of Thrift Supervision, 12 Code of Federal Regulations, Part 573 (2001); the National Credit Union Administration, 12 Code of Federal Regulations, Part 716 (2001); the Federal Trade Commission, 16 Code of Federal Regulations, Part 313 (2001); or the Securities and Exchange Commission, 17 Code of Federal Regulations, Part 248 (2001), if the creditor is a financial institution as defined in those regulations. This section is not

intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

EXPLANATION

This section corrects a clerical error.

Sec. 15. 9-B MRSA §241, sub-§12, as enacted by PL 2001, c. 262, Pt. B, §7, is reallocated to 9-B MRSA §241, sub-§13.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 211 and 262, which enacted 2 substantively different provisions with the same subsection number.

Sec. 16. 12 MRSA §7801, sub-§37, as enacted by PL 2001, c. 387, §34, is reallocated to 12 MRSA §7801, sub-§40.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 387 and 434, which enacted 2 substantively different provisions with the same subsection number.

Sec. 17. 14 MRSA §4651-A, sub-§8, as enacted by PL 2001, c. 275, Pt. A, §2, is reallocated to 14 MRSA §4651-A, sub-§9.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 117 and 275, which enacted 2 substantively different provisions with the same subsection number.

Sec. 18. 17 MRSA §1031, sub-§1, ¶H, as amended by PL 2001, c. 414, §2 and c. 425, §6, is corrected to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; ~~or~~

Sec. 19. 17 MRSA §1031, sub-§1, ¶I, as enacted by PL 2001, c. 414, §3, is corrected to read:

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

- (1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;
- (2) Coerces anyone to engage in a sexual act with an animal;
- (3) Engages in a sexual act with an animal in the presence of a minor;
- (4) Uses any part of the person's body or an object to sexually stimulate an animal;
- (5) Videotapes a person engaging in a sexual act with an animal; or
- (6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry; or

Sec. 20. 17 MRSA §1031, sub-§1, ¶I, as enacted by PL 2001, c. 425, §7, is reallocated to 17 MRSA §1031, sub-§1, ¶J.

EXPLANATION

These sections correct a lettering problem created by Public Law 2001, chapters 414 and 425, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 21. 18-A MRSA §9-304, sub-§(a-1), ¶(2), as enacted by PL 2001, c. 52, §3, is corrected to read:

(2) The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

(i) The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of Maine conviction data.

(ii) The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

(iii) Each prospective parent who is not the biological parent of the child shall submit to having fingerprints taken. The State Police, upon receipt of the fingerprint card, may charge the court for the expenses incurred in processing state and national criminal history record checks. The State Police shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police for purposes of this paragraph must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

(iv) The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 620.

(v) State and federal criminal history record information may be used by the court for the purpose of screening prospective adoptive parents in determining

whether the adoption is in the best interests of the child.

(vi) Information obtained pursuant to this paragraph is confidential. The results of background checks received by the court are for official use only and may not be disseminated outside the court except as required under Title 22, section ~~4011~~ 4011-A.

(vii) The expense of obtaining the information required by this paragraph is incorporated in the adoption filing fee established in section 9-301. The Probate Court shall collect the total fee and transfer the appropriate funds to the Department of Public Safety and the department.

EXPLANATION

This section corrects a cross-reference.

Sec. 22. 20-A MRSA §2703, sub-§1, ¶D, as amended by PL 2001, c. 454, §8, is corrected to read:

D. Must be ratified by a majority vote of each of the governing bodies party to the contract; and

Sec. 23. 20-A MRSA §2703, sub-§1, ¶E, as amended by PL 2001, c. 454, §9, is corrected to read:

E. Must meet any additional requirements set forth in rules established by the commissioner and must be filed with the commissioner. Contracts with private schools must be approved by the commissioner; ~~and~~.

EXPLANATION

These sections correct clerical and punctuation errors.

Sec. 24. 20-A MRSA §5103, sub-§5, ¶A, as repealed and replaced by PL 1989, c. 415, §29, is corrected to read:

- A. The dropout prevention committee shall:
 - (1) Study the problem of dropouts, habitual truancy and need for alternative programs, kindergarten to grade 12;
 - (2) Make recommendations for addressing the problems; and

(3) Submit a plan of action to the school board, in accordance with section 4502, subsection 5, paragraph ~~L-1~~.

EXPLANATION

This section corrects a cross-reference.

Sec. 25. 21-A MRSA §1017, sub-§3-B, as repealed and replaced by PL 2001, c. 470, §6, is corrected to read:

3-B. Accelerated reporting schedule. Additional reports are required from nonparticipating Maine Clean Election Act candidates pursuant to this subsection.

A. In addition to other reports required by law, any candidate for Governor, State Senate or State House of Representatives who is not certified as a Maine Clean Election Act candidate under chapter 14 and who receives, spends or obligates more than 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race shall file by any means acceptable to the commission, within 48 hours of that event, a report with the commission detailing the candidate's total campaign contributions, obligations and expenditures to date.

B. A nonparticipating candidate with a Maine Clean Election Act opponent shall file the following additional reports detailing the candidate's total campaign contributions, obligations and expenditures to date, unless that candidate signs an affidavit by the date the report is due, attesting that the candidate has not received, spent or obligated an amount sufficient to require a report under paragraph A:

(1) A report filed not later than 5 p.m. on the 42nd day before the date on which an election is held and complete as of the 49th day before that date;

(2) A report filed no later than 5 p.m. on the 21st day before the date on which an election is held and complete as of the 28th day before that date; and

(3) A report filed no later than 5 p.m. on the 12th day before the date on which an election is held and complete as of the 19th day before that date.

~~The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.~~

The commission shall provide forms to facilitate compliance with this subsection. The commission shall notify a candidate within 48 hours if an amount reported on any report under paragraph B exceeds 1% in excess of the primary or general election distribution amounts for a Maine Clean Election Act candidate in the same race and no report has been received under paragraph A.

EXPLANATION

This section corrects a formatting error.

Sec. 26. 22 MRSA §1711-C, sub-§6, ¶A, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7, is corrected to read:

A. To another health care practitioner or facility for diagnosis, treatment or care of individuals or to complete the responsibilities of a health care practitioner or facility that provided diagnosis, treatment or care of individuals, as provided in this paragraph.

(1) For a disclosure within the office, practice or organizational affiliate of the health care practitioner or facility, no authorization is required.

(2) For a disclosure outside of the office, practice or organizational affiliate of the health care practitioner or facility, authorization is not required, except that in none-emergency circumstances authorization is required for health care information derived from mental health services provided by:

(a) A clinical nurse specialist licensed under the provisions of Title 32, chapter 31;

(b) A psychologist licensed under the provisions of Title 32, chapter 56;

(c) A social worker licensed under the provisions of Title 32, chapter 83;

(d) A counseling professional licensed under the provisions of Title 32, chapter 119; or

(e) A physician specializing in psychiatry licensed under the provisions of Title 32, chapter 36 or 48.

~~This subparagraph does not prohibit the disclosure of health care information between a licensed pharmacist and a health care practitioner or facility providing mental health services for the purpose of dispensing medication to an individual;~~

This subparagraph does not prohibit the disclosure of health care information between a licensed pharmacist and a health care practitioner or facility providing mental health services for the purpose of dispensing medication to an individual;

EXPLANATION

This section corrects a formatting error.

Sec. 27. 22 MRSA §3192, as enacted by PL 2001, c. 450, Pt. B, §2, is reallocated to 22 MRSA §3193.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 439 and 450, which enacted 2 substantively different provisions with the same section number.

Sec. 28. 23 MRSA §562, sub-§9, as enacted by PL 2001, c. 314, §2 and affected by §4, is corrected to read:

9. Maintenance. "Maintenance" means the work necessary to preserve a structure's existing structural or functional capacity and integrity and to abate deterioration of its components. Maintenance is not intended to increase or fully restore structural or functional capacity. Maintenance is performed to ensure safety of a user of the structure or the structure in response to vehicular accident damage, flood damage ~~of~~ or ice damage or unanticipated component failure. Maintenance normally is scheduled for

routine operations or to address limited deficiencies found in periodic inspections.

EXPLANATION

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

Sec. 29. 23 MRSA §602, as enacted by PL 1985, c. 480, §§5 and 10, is corrected to read:

§602. Finding of fact

The Legislature finds that it is in the best interest of the State that bridges with historic significance be maintained or improved as necessary by the State. These bridges are of historic importance due to their unique construction combined with their antiquity. Should it become necessary to bypass any of these structures or to replace them with modern structures, the Legislature further finds that the provisions of subchapter I and subchapter ~~VH~~ IV-A shall apply.

EXPLANATION

This section corrects a cross-reference.

Sec. 30. 24-A MRSA §2736-C, sub-§3, ¶A, as amended by PL 2001, c. 258, Pt. E, §2, is corrected to read:

A. Coverage must be guaranteed to all residents of this State other than those eligible without paying a premium for Medicare Part A. On or after January 1, 1998, coverage must be guaranteed to all legally domiciled federally eligible individuals, as defined in section 2848, regardless of the length of time they have been legally domiciled in this State. Except for federally eligible individuals, coverage need not be issued to an individual whose coverage was terminated for nonpayment of premiums during the previous 91 days or for fraud or intentional misrepresentation of material fact during the previous 12 months. When a managed care plan, as defined by section ~~4304~~ 4301-A, provides coverage a carrier may:

- (1) Deny coverage to individuals who neither live nor reside within the approved service area of the plan for at least 6 months of each year; and

(2) Deny coverage to individuals if the carrier has demonstrated to the superintendent's satisfaction that:

- (a) The carrier does not have the capacity to deliver services adequately to additional enrollees within all or a designated part of its service area because of its obligations to existing enrollees; and
- (b) The carrier is applying this provision uniformly to individuals and groups without regard to any health-related factor.

A carrier that denies coverage in accordance with this paragraph may not enroll individuals residing within the area subject to denial of coverage or groups or subgroups within that area for a period of 180 days after the date of the first denial of coverage.

EXPLANATION

This section corrects a cross-reference.

Sec. 31. 24-A MRSA §2759, as enacted by PL 2001, c. 423, §2 and affected by §5, is reallocated to 24-A MRSA §2760.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 358 and 423, which enacted 2 substantively different provisions with the same section number.

Sec. 32. 24-A MRSA §2808-B, sub-§4, ¶A, as amended by PL 2001, c. 258, Pt. D, §1, is corrected to read:

A. Any small group health plan offered to any eligible group or subgroup must be offered to all eligible groups that meet the carrier's minimum participation requirements, which may not exceed 75%, to all eligible employees and their dependents in those groups. In determining compliance with minimum participation requirements, eligible employees and their dependents who have existing health care coverage may not be considered in the calculation. If an

employee declines coverage because the employee has other coverage, any dependents of that employee who are not eligible under the employee's other coverage are eligible for coverage under the small group health plan. A carrier may deny coverage under a managed care plan, as defined by section ~~4304~~ 4301-A:

- (1) To employers who have no employees who live, reside or work within the approved service area of the plan; and
- (2) To employers if the carrier has demonstrated to the superintendent's satisfaction that:

(a) The carrier does not have the capacity to deliver services adequately to additional enrollees within all or a designated part of its service area because of its obligations to existing enrollees; and

(b) The carrier is applying this provision uniformly to individuals and groups without regard to any health-related factor.

A carrier that denies coverage in accordance with this subparagraph may not enroll individuals residing within the area subject to denial of coverage, or groups or subgroups within that area for a period of 180 days after the date of the first denial of coverage.

EXPLANATION

This section corrects a cross-reference.

Sec. 33. 24-A MRSA §2847-J, as enacted by PL 2001, c. 423, §3 and affected by §5, is reallocated to 24-A MRSA §2847-K.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 358 and 423, which enacted 2 substantively different provisions with the same section number.

Sec. 34. 24-A MRSA §2850-B, sub-§3, ¶E, as enacted by PL 1997, c. 445, §30 and affected by §32, is corrected to read:

E. With respect to a managed care plan, as defined in section ~~4301~~ 4301-A, if there is no longer an insured who lives, resides or works in the service area;

EXPLANATION

This section corrects a cross-reference.

defined in section ~~4301~~ 4301-A, the analysis of the insurer's operations may include an analysis of its contractual relationships with providers and the ability of the providers to fulfill their contractual obligations. The fees, costs and expenses relating to consultants must be borne by the affected insurer or such other party as directed by the superintendent.

EXPLANATION

This section corrects a cross-reference.

Sec. 35. 24-A MRSA §4222-B, sub-§15, as enacted by PL 2001, c. 432, §8, is reallocated to 24-A MRSA §4222-B, sub-§20.

EXPLANATION

This section corrects a numbering problem created by Public Law 2001, chapters 88 and 432, which enacted 2 substantively different provisions with the same section number.

Sec. 39. 26 MRSA §781, sub-§1-A, ¶A, as enacted by PL 2001, c. 46, §1, is corrected to read:

A. A violation of the limits on the time that work may begin or end under section 774, subsection 1, paragraph F or G or section ~~744~~ 774, subsection 2, paragraph F, as long as the violation is no greater than 10 minutes per day;

EXPLANATION

This section corrects a cross-reference.

Sec. 36. 24-A MRSA §4249, as enacted by PL 2001, c. 358, Pt. LL, §4 and affected by §5, is reallocated to 24-A MRSA §4250.

Sec. 37. 24-A MRSA §4249, as enacted by PL 2001, c. 423, §4 and affected by §5, is reallocated to 24-A MRSA §4251.

EXPLANATION

These sections correct a numbering conflict created by Public Law 2001, chapters 347, 358 and 423, which enacted 3 substantively different provisions with the same section number.

Sec. 40. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 2001, c. 274, §1, is corrected by amending subparagraph (43) to read:

- (43) Services of an author in furnishing text or other material to a publisher who:
 - (a) Does not control the author's work except to propose topics or to edit material submitted;
 - (b) Does not restrict the author from publishing elsewhere;
 - (c) Furnishes neither a place of employment nor equipment for the author's use;
 - (d) Does not direct or control the time devoted to the work; and
 - (e) Pays only for material that is accepted for publication; ~~and~~.

This exception does not apply if the employment is subject to federal unemployment tax; ~~and~~

Sec. 38. 24-A MRSA §6454, sub-§4, as amended by PL 1999, c. 113, §29, is corrected to read:

4. Consultants. The superintendent may retain actuaries, investment experts and other consultants as may be necessary in the judgment of the superintendent to review the insurer's risk-based capital plan or revised risk-based capital plan; examine or analyze the assets, liabilities and operations of the insurer; and formulate the corrective order with respect to the insurer. For insurers offering managed care plans as

EXPLANATION

This section corrects an error in the placement of a conjunction between 2 subparagraphs.

Sec. 41. 32 MRSA §7053, sub-§3-A, ¶A, as enacted by PL 2001, c. 316, §3, is corrected to read:

A. Requirements for a conditional license for a licensed bachelor social worker include:

- (1) Documented proof of a bachelor's degree in social work or social welfare from an institution in candidacy for accreditation from the Council on Social Work Education or a successor organization;
- (2) Three letters of professional recommendation written within one year of receipt by the board, 2 of which are provided by licensed social workers from any state;
- (3) Evidence of employment in a social service delivery field;
- (4) Evidence of an arrangement of consultation to be provided by one of the following:
 - (a) A licensed social worker with at least 5 years' experience;
 - (b) A licensed master social worker;
 - (c) A licensed clinical social worker; or
 - (d) A certified social worker - independent practice;
- (5) Payment of the application and license fee; and
- (6) Demonstration to the satisfaction of the board adherence to the ethics of the social worker profession.

EXPLANATION

This section corrects an error in punctuation.

Sec. 42. 32 MRSA §14006, as enacted by PL 2001, c. 421, Pt. B, §104 and affected by Pt. C, §1, is corrected to read:

§14006. Violation; injunction

A person who violates any ~~provision~~ provision of this chapter for which a penalty has not been prescribed commits a civil violation for which a forfeiture of not more than \$1,000 may be adjudged. The State may bring action in Superior Court to enjoin a person from violating this chapter, regardless of whether other administrative, civil or criminal proceedings have been or may be instituted.

EXPLANATION

This section corrects an error in spelling.

Sec. 43. 34-A MRSA §1214, as enacted by PL 2001, c. 458, §3, is reallocated to 34-A MRSA §1215.

EXPLANATION

This section corrects a numbering conflict created by Public Law 2001, chapters 439 and 458, which enacted 2 substantively different provisions with the same section number.

Sec. 44. 35-A MRSA §314, sub-§4, as enacted by PL 2001, c. 201, §1, is corrected to read:

4. Lines constructed in the public way. Nothing in this section or rules adopted under this section limits the application of section ~~2305~~ 2305-B to any line constructed in a public way.

EXPLANATION

This section corrects a cross-reference.

Sec. 45. 36 MRSA §1760, sub-§84, as enacted by PL 2001, c. 439, Pt. III, §1 and affected by §2, is reallocated to 36 MRSA §1760, sub-§85.

EXPLANATION

This section corrects a numbering conflict created by Public Law 2001, chapters 95 and 439, which

enacted 2 substantively different provisions with the same subsection number.

Sec. 46. 36 MRSA §6661, as enacted by PL 2001, c. 396, §49, is reallocated to 36 MRSA §6663.

EXPLANATION

This section corrects a numbering conflict created by Public Law 2001, chapters 392 and 396, which enacted 2 substantively different provisions with the same subsection number.

Sec. 47. 39-A MRSA §612, sub-§10, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is corrected to read:

10. Restriction on liability. Compensation is not ~~be~~ payable for temporary disability for loss of hearing due to exposure to injurious noise in employment.

EXPLANATION

This section corrects a clerical error by removing the word "be" after the word "not."

Sec. 48. PL 2001, c. 232, §21, sub-§2 is corrected to read:

2. The person who on the effective date of this Act is ~~representing~~ representing public water systems serving at least 3,301 but not more than 10,000 people is appointed for the remainder of that person's term as the member representing public water systems serving from 1,001 to 10,000 people.

EXPLANATION

This section corrects a spelling error.

Sec. 49. PL 2001, c. 323, §6, amending clause is corrected to read:

Sec. 6. 9 MRSA §5008, sub-§1, as repealed and replaced by PL 1999, c. 790, Pt. A, §9, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 50. PL 2001, c. 344, §10, amending clause is corrected to read:

Sec. 10. 20-A MRSA §15603, sub-§26 sub-§26-A, ¶D, as enacted by PL 1993, c. 410, Pt. F, §15, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. 51. PL 2001, c. 383, §23, 2nd line is corrected to read:

~~§255. §255-A. Unlawful sexual contact~~

EXPLANATION

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

Sec. 52. PL 2001, c. 388, §13 is corrected to read:

Sec. 13. 5 MRSA §1896, as corrected by RR 1995, c. 1, §4, is amended to read:

§1896. Appeals

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

1. Appeal. A state agency may appeal the decision or action of the ~~deputy commissioner or Office of Information Services~~ Chief Information Officer to:

- A. The Information Services Policy Board.

2. Appeal to the Governor. In the event that an agency is aggrieved by the decision of the Information Services Policy Board, the agency may appeal to the Governor to alter the decision or action and the decision of the Governor is final.

3. Written decisions. In responding to a state agency, the person or organization to whom the appeal has been made shall provide the decision in writing. If the decision fails to uphold the state agency appeal, the decision shall explain the specific reasons for the decision.

EXPLANATION

This section corrects a clerical error.

Sec. 53. PL 2001, c. 439, Pt. J, §5, amending clause is corrected to read:

Sec. J-5.J-5. 34-B MRSA §1202, sub-§2, ¶D, as enacted by PL 1995, c. 395, Pt. C, §3, is amended to read:

EXPLANATION

This section corrects a section numbering error.

Sec. 54. PL 2001, c. 471, Pt. B, §7, amending clause is corrected to read:

Sec. B-7.B-7. 13-A MRSA §525, as repealed and replaced by PL 1977, c. 707, §4, is amended to read:

Sec. 55. PL 2001, c. 471, Pt. B, §8, amending clause is corrected to read:

Sec. B-8.B-8. 13-A MRSA §1121, first ¶, as repealed and replaced by PL 1977, c. 707, §5, is amended to read:

EXPLANATION

These sections correct section numbering errors.
