

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

**REVISOR'S REPORT
2001**

CHAPTER 2

PART A

Sec. A-1. 3 MRSA §2, 3rd ¶, as amended by PL 2001, c. 504, §1, is corrected to read:

Except as provided in this section, each member of the Senate and House of Representatives is entitled to a meal allowance in the amount of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances in an amount up to but not exceeding \$38 per day. Each member of the Senate also receives an annual allowance for constituent services in the amount of \$2,000, \$1,300 in January and \$700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of \$1,500, \$1,005 in January and \$495 in the month following adjournment of the regular session. Notwithstanding this section, during the first regular session of each legislative biennium, a member of the Senate or the House of Representatives may elect to receive the first payment of the annual allowance for constituent services in December following convening of the Legislature by notifying the Executive Director of the Legislative Council in the manner prescribed by the executive director. The Executive Director of the Legislative Council shall inform Legislators of the choice available for payment of the allowance for constituent services in the first year of the legislative biennium and of any tax implications associated with exercising that choice.

~~Notwithstanding this section, during the first regular session of each legislative biennium, a member of the Senate or the House of Representatives may elect to receive the first payment of the annual allowance for constituent services in December following convening of the Legislature by notifying the Executive Director of the Legislative Council in the manner prescribed by~~

~~the executive director. The Executive Director of the Legislative Council shall inform Legislators of the choice available for payment of the allowance for constituent services in the first year of the legislative biennium and of any tax implications associated with exercising that choice.~~

EXPLANATION

This section corrects a formatting error.

Sec. A-2. 4 MRSA §152, sub-§4, as repealed and replaced by PL 2001, c. 471, Pt. A, §1 and affected by §2, is corrected to read:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34-B, chapter 3, subchapter ~~IV~~ 4, mental retardation certification hearings under Title 34-B, chapter 5, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted, ~~youth in need of services actions under Title 22, chapter 1071, subchapter XIV~~ and small claims actions under Title 14, chapter 738;

EXPLANATION

This section removes an obsolete cross-reference and changes a cross-reference in accordance with the Maine Revised Statutes, Title 1, section 71, subsection 11.

Sec. A-3. 5 MRSA §11, 2nd ¶, as amended by PL 1991, c. 824, Pt. A, §3, is corrected to read:

Any payment made in violation of the compensation plan or the rules pertaining thereto or made to a person appointed or established in a position in a manner contrary to chapters 56, ~~60~~, 65, 67, 71 and 372 may be recovered from the appointing authority, the Director of Human Resources or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person. Action for recovery may be maintained by the State Civil Service Appeals Board or any member thereof, any officer or employee of the state service or any citizen of the State. All money recovered under this section must be paid into the State Treasury and credited to the General Fund.

EXPLANATION

This section corrects a cross-reference.

Sec. A-4. 5 MRSA §90-B, sub-§2, ¶E, as enacted by PL 2001, c. 539, §1, is corrected to read:

E. A person who violates this paragraph commits a Class E crime.

(1) An applicant may not file an application knowing that it:

(i) (a) Contains false or incorrect information; or

(ii) (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) (a) Contains false or incorrect information; or

(ii) (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

EXPLANATION

This section corrects a formatting error.

Sec. A-5. 5 MRSA §194, sub-§5, ¶A, as enacted by PL 2001, c. 550, Pt. A, §1, is corrected to read:

A. The Attorney General reasonably believes that a public charity has engaged or is about to engage in one of the following acts or practices:

(1) Consummation of a conversion transaction as defined in section 194-B without compliance with the applicable provisions of sections 194-C through 194-H; or

(2) The application of funds or assets of a public charity:

(i) (a) In violation of statute;

(ii) (b) For noncharitable purposes unrelated to the operations of the public charity; or

(iii) (c) For private inurement or excess benefits provided to directors, officers, disqualified persons or others deemed insiders under applicable federal law for tax-exempt organizations; and

EXPLANATION

This section corrects a formatting error.

Sec. A-6. 5 MRSA §194, sub-§7, ¶E, as enacted by PL 2001, c. 550, Pt. A, §1, is corrected to read:

E. Any documentary material or other information produced by a person pursuant to this subsection and subsection 6 may not, unless otherwise ordered by a court of the State for good cause shown, be disclosed to a person other than ~~are~~ an authorized agent or representative of the Attorney General unless with the consent of the person producing the documentary material.

EXPLANATION

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

Sec. A-7. 5 MRSA §1813-A, sub-§2, as amended by PL 2001, c. 529, §2, is corrected to read:

2. Surplus property. Pursuant to this chapter and rules adopted under section 1813, the Department of ~~Administration~~ Administrative and Financial Services through the Bureau of General Services shall allow private sales of surplus property to homeless shelter sponsors and to educational institutions.

EXPLANATION

This section corrects a department name.

Sec. A-8. 5 MRSA §7036, sub-§19, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

19. Hearings. In the course of any investigations under chapters 56, ~~60~~, 65, 67, 71 and this chapter, hold hearings for the purpose of gathering information. The hearings are not adjudicatory proceedings under the Maine Administrative Proce-

Act, chapter 375. In conjunction with the hearings, ~~he~~ the director may administer oaths and subpoena and require the attendance of witnesses and the production ~~thereby~~ of books, papers, public records and other documentary evidence pertinent to the investigation.

In case of the refusal of any person to comply with any subpoena issued under this subsection or to testify to any matter regarding which ~~he~~ that person may be lawfully interrogated, the Superior Court in any county on application of the commissioner may issue an order requiring that person to comply with the subpoena and to testify; and any failure to obey the order of the court may be punished by the court as a contempt of the court;

EXPLANATION

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

Sec. A-9. 5 MRSA §7039, as corrected by RR 1999, c. 2, §3, is corrected to read:

§7039. Civil Service Law

The Civil Service Law consists of chapters ~~60~~, 65, 67, 68, 69, 71 and this chapter. Whenever reference is made in statute or rule to the Civil Service Law, the chapters delineated in this section apply.

EXPLANATION

This section corrects a cross-reference.

Sec. A-10. 5 MRSA §7054, sub-§2, ¶F, as amended by PL 2001, c. 512, §3, is corrected to read:

F. The natural mother or father of a deceased veteran who lost his or her life under honorable conditions while serving on active duty in any of the Armed Forces who is or was married to the father or mother of the veteran on whose service he or she bases his or her claim; and who is widowed, divorced or separated; or who lives with ~~him~~ his or her totally and permanently disabled husband or wife, either the veteran's father or mother or the husband or wife of his or her marriage, is entitled to a 10-point preference.

EXPLANATION

This section corrects a grammatical error.

Sec. A-11. 5 MRSA §13070-J, sub-§1, ¶D, as repealed and replaced by PL 2001, c. 710, §2 and affected by §4, is corrected to read:

D. "Economic development incentive" means:

- (1) Assistance from Maine Quality Centers under Title 20-A, chapter 431-A;
- (2) The Governor's Training Initiative Program under Title 26, chapter 25, subchapter ~~¶ 4~~;
- (3) Municipal tax increment financing under Title 30-A, chapter ~~207~~ 206;
- (4) The jobs and investment tax credit under Title 36, section 5215;
- (5) The research expense tax credit under Title 36, section 5219-K;
- (6) Reimbursement for taxes paid on certain business property under Title 36, chapter 915;
- (7) Employment tax increment financing under Title 36, chapter 917;
- (8) The shipbuilding facility credit under Title 36, chapter 919; or
- (9) The credit for seed capital investment under Title 36, section 5216-B.

EXPLANATION

This section corrects a cross-reference regarding municipal tax increment financing and changes a cross-reference in accordance with the Maine Revised Statutes, Title 1, section 71, subsection 11.

Sec. A-12. 5 MRSA §18462, first ¶, as enacted by PL 1989, c. 79, §3, is corrected to read:

A participating local district may provide, by filing with the board a duly certified copy of its action, an additional benefit for employees under special plans who transfer to positions not under special plans. The benefits under subsection 2, ~~paragraphs~~ paragraph ~~A and B~~ are not applicable to employees of participating local districts which have not adopted the provisions of section 18453, subsection 10 or 11.

EXPLANATION

This section corrects a cross-reference and changes the word "paragraphs" to "paragraph" to reflect the repeal of paragraph B.

Sec. A-13. 10 MRSA §1100-Y, as enacted by PL 2001, c. 700, §1, is corrected by amending the headnote to read:

§1100-Y. Definitions Educational attainment and recruitment tax credits

EXPLANATION

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

Sec. A-14. 12 MRSA §6421, sub-§5, ¶C, as corrected by RR 1999, c. 1, §16, is corrected to read:

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

Sec. A-15. 12 MRSA §6421, sub-§5, ¶D, as amended by PL 1999, c. 790, Pt. B, §1, is corrected to read:

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; ~~or.~~

EXPLANATION

These sections correct a punctuation error that was created when the Maine Revised Statutes, Title 12, section 6421, subsection 5, paragraph H was repealed by Public Law 2001, chapter 421, Part B, section 20.

Sec. A-16. 13 MRSA §723, sub-§7, ¶B, as enacted by PL 2001, c. 640, Pt. B, §2 and affected by §7, is corrected to read:

B. Any person not listed in ~~subsection~~ paragraph A who is required by state law to have a license as a precondition to engaging in that person's profession.

Sec. A-17. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 13, section 723, subsection 7, paragraph B takes effect July 1, 2003.

EXPLANATION

These sections correct a cross-reference and make that change effective July 1, 2003.

Sec. A-18. 13-C MRSA §833, sub-§2, ¶A, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is corrected to read:

A. ~~A-~~ contribution from every other director who could be held liable under subsection 1 for the unlawful distribution; and

Sec. A-19. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 13-C, section 833, subsection 2, paragraph A takes effect July 1, 2003.

EXPLANATION

These sections correct a clerical error and make that change effective July 1, 2003.

Sec. A-20. 13-C MRSA §871, sub-§3, ¶A, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is corrected to read:

A. The director's spouse, or the parent or sibling of the spouse; the director's ~~—~~ child, grandchild, sibling or parent, or the spouse of that child, grandchild, sibling or parent; an individual having the same home as the director; or a trust or estate of which an individual specified in this paragraph is a substantial beneficiary; or

Sec. A-21. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 13-C, section 871, subsection 3, paragraph A takes effect July 1, 2003.

EXPLANATION

These sections correct a clerical error and make that change effective July 1, 2003.

Sec. A-22. 13-C MRSA §955, sub-§3, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is corrected to read:

3. Conversion by law of foreign jurisdiction.

After the conversion of a foreign unincorporated entity to a domestic business corporation is authorized as required by the laws of the foreign jurisdiction, articles of entity conversion must be executed on behalf of the foreign unincorporated entity by an officer or other duly authorized representative of the corporation. The articles must:

A. Set forth the name of the unincorporated entity immediately before the filing of the articles of entity conversion and the name to which the name of the unincorporated entity is to be

changed, which must be a name that satisfies the requirements of section 401;

B. Set forth the jurisdiction under the laws of which the unincorporated entity was organized immediately before the filing of the articles of entity conversion and the date on which the unincorporated entity was organized in that jurisdiction;

C. Set forth a statement that the conversion of the unincorporated entity was duly approved in the manner required by its organic law; and

D. Either contain all the provisions that section 202, subsection 1 requires to be set forth in articles of incorporation with any other desired provisions that section 202, subsection 2 permits to be included in articles of incorporation or have attached articles of incorporation; except that, in either case, provisions that would not be required by chapter 10 to be included in restated articles of incorporation of a domestic business corporation may be omitted.

~~3.~~ **3-A. File with Secretary of State.** The articles of entity conversion must be delivered to the Secretary of State for filing and take effect at the effective time provided in section 125.

Sec. A-23. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 13-C, section 955, subsection 3 takes effect July 1, 2003.

EXPLANATION

These sections correct a numbering error and make that change effective July 1, 2003.

Sec. A-24. 15 MRSA §3314, sub-§6, as enacted by PL 1995, c. 253, §4, is corrected to read:

6. Forfeiture of firearms. As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393 ~~of~~ Title 17-A, section ~~1105~~ 1105-A, subsection 1, paragraph ~~C~~ C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; or Title 17-A, section 1105-D, subsection 1, paragraph B-1 and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section 1158 if the criminal conduct had been committed by an adult must be forfeited to the State and the juvenile court shall so

order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to Title 17-A, section 1158 govern forfeitures under this subsection.

Sec. A-25. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 15, section 3314, subsection 6 takes effect January 31, 2003.

EXPLANATION

These sections correct a cross-reference and make that change effective January 31, 2003.

Sec. A-26. 17-A MRSA §1158, sub-§1, ¶¶B, D and E, as repealed and replaced by PL 2001, c. 667, Pt. A, §37 and affected by §38, are corrected to read:

B. Section 1105-A, subsection 1, paragraph ~~C~~ C-1;

D. Section 1105-C, subsection 1, paragraph ~~C~~ C-1; or

E. Section 1105-D, subsection 1, paragraph ~~B~~ B-1; or

Sec. A-27. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 17-A, section 1158, subsection 1, paragraphs B, D and E takes effect January 31, 2003.

EXPLANATION

These sections correct cross-references and make those changes effective January 31, 2003.

Sec. A-28. 21-A MRSA §753-B, sub-§5, as enacted by PL 1999, c. 645, §6, is corrected to read:

5. Alternate method of balloting by residents of certain licensed facilities. The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed residential care facility subject to the provisions of Title 22, chapter ~~1665~~ 1664; and ~~certified-congregate~~ assisted housing unit program subject to the provisions of Title 22, chapter ~~1665~~ 1664, in the municipality for the purpose of conduct-

ing absentee voting by residents of these facilities. The licensed residential care facilities referred to in this subsection are those that are licensed as Level II facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

EXPLANATION

This section corrects a cross-reference and changes the term "certified congregate housing unit" to "assisted housing program" to reflect the changes intended by Public Law 2001, chapter 596, Part A, section 1.

Sec. A-29. 22 MRSA §348, as enacted by PL 2001, c. 664, §2, is corrected to read:

§348. Withholding of funds

A health care facility or other provider may be eligible to apply for or receive any reimbursement, payment or other financial assistance from any state agency or other 3rd-party payor, either directly or indirectly, for any capital expenditure or operating costs attributable to any project for which a certificate of need ~~as is~~ is required by this chapter only if the certificate of need has been obtained. For the purposes of this section, the department shall determine the eligibility of a facility to receive reimbursement for all projects subject to the provisions of this chapter.

EXPLANATION

This section corrects a clerical error.

Sec. A-30. 22 MRSA §351, as enacted by PL 2001, c. 664, §2, is reallocated to 22 MRSA §350-A.

Sec. A-31. 22 MRSA §352, as enacted by PL 2001, c. 664, §2, is reallocated to 22 MRSA §350-B.

Sec. A-32. 22 MRSA §353, as enacted by PL 2001, c. 664, §2, is reallocated to 22 MRSA §350-C.

EXPLANATION

These sections correct a numbering problem created by Public Law 2001, chapter 664, which enacted new provisions of law using section numbers that were unavailable for use.

Sec. A-33. 22 MRSA §1708, sub-§3, ¶D, as amended by PL 2001, c. 666, Pt. A, §1, is corrected to read:

D. Ensure that any calculation of an occupancy percentage or other basis for adjusting the rate of reimbursement for nursing facility services to reduce the amount paid in response to a decrease in the number of residents in the facility or the percentage of the facility's occupied beds excludes all beds that the facility has removed from service for all or part of the relevant fiscal period in accordance with section ~~304-F~~ 333. If the excluded beds are converted to residential care beds or another program for which the department provides reimbursement, nothing in this paragraph precludes the department from including those beds for purposes of any occupancy standard applicable to the residential care or other program pursuant to duly adopted rules of the department; and

Sec. A-34. 22 MRSA §1715, sub-§1, ¶A, as enacted by PL 1989, c. 919, §15 and affected by §18, is corrected to read:

A. Is either a direct provider of major ambulatory service, as defined in section 382, subsection 8-A, or is or has been required to obtain a certificate of need under ~~the section 329 or~~ former section 304 or 304-A;

EXPLANATION

These sections correct cross-references to the Maine Revised Statutes, Title 22, chapter 103, which was repealed by Public Law 2001, chapter 664, section 1.

Sec. A-35. 22 MRSA §3161, sub-§1, as enacted by PL 2001, c. 677, §1, is corrected to read:

1. Administrator. "Administrator" means any person who, on behalf of the board, receives or collects charges, contributions or premiums for, or adjusts or settles claims on residents of this State in connection with, any type of health benefit provided under the plan as an alternative to insurance as described in ~~by~~ Title 24-A, sections 702 to 704, other than any person listed in Title 24-A, section 1901, subsection 1, paragraphs A to O.

EXPLANATION

This section corrects a clerical error.

Sec. A-36. 22 MRSA §7801, sub-§1, ¶A-1, as amended by PL 2001, c. 596, Pt. B, §12 and affected by §25, is corrected to read:

A-1. In accordance with subparagraphs (1) and (2), an assisted housing program either directly or by contract providing to its residents any of the following services: personal care assistance, the administration of medication or nursing services.

(1) ~~A~~ An assisted housing program may directly provide to its residents meals, house-keeping and chore assistance, case management and personal care assistance delivered on the site of congregate housing without obtaining a separate license to do so.

(2) An assisted housing program licensee may hold at any one time only one license under this subsection. A qualified assisted housing program may obtain a license for a different category under this subsection, upon application and surrender of the previous license;

EXPLANATION

This section corrects a clerical error.

Sec. A-37. 22 MRSA §8752, sub-§4, ¶A, as enacted by PL 2001, c. 678, §1 and affected by §3, is corrected to read:

A. One of the following that is determined to be unrelated to the natural course of the patient's illness or underlying condition or proper treatment of that illness or underlying condition or that results from the elopement of a hospitalized inpatient who lacks the capacity, as defined in Title 18-A, section 5-801, ~~paragraph C~~ subsection (c), to make decisions:

- (1) An unanticipated death; or
- (2) A major permanent loss of function that is not present when the patient is admitted to the health care facility;

Sec. A-38. Effective date. That section of this Part that corrects the Maine Revised Statutes, Title 22, section 8752, subsection 4, paragraph A takes effect May 1, 2003.

EXPLANATION

This section corrects a cross-reference and makes that change effective May 1, 2003.

Sec. A-39. 24-A MRSA §2113, sub-§1, as amended by PL 1973, c. 585, §12, is corrected to read:

1. Every insured who in this State procures or causes to be procured or continues or renews insurance in an unauthorized foreign insurer, or any self-insurer who in this State so procures or continues excess loss, catastrophe or other insurance, upon a subject of insurance resident, located or to be performed within this State, other than insurance procured through a surplus line broker pursuant to the Surplus Line Law of this State or exempted from tax pursuant to section ~~2002~~ 2002-A, shall within 30 days after the date such insurance was so procured, continued or renewed file a written report of the same with the superintendent on forms designated by the superintendent and furnished to the insured upon request. The report shall show the name and address of the insured or insureds, name and address of the insurer, the subject of the insurance, a general description of the coverage, the amount of premium currently charged therefor, and such additional pertinent information as the superintendent reasonably requests. If the insurance covers also a subject of insurance resident, located or to be performed outside this State a proper pro rata portion of the entire premium payable for all such insurance ~~shall~~ must be allocated to this State for the purposes of this section.

EXPLANATION

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

Sec. A-40. 30-A MRSA §5242, sub-§3, as enacted by PL 2001, c. 669, §1, is corrected to read:

3. **Approval.** Prior to issuing a certificate of approval for any state tax increment financing district, the commissioner must determine that:

A. The economic development described in the development program will not go forward without the approval of the state tax increment financing district. This requirement does not apply to the addition of state tax increment financing provisions to municipal development districts that are created prior to June 30, 1992;

B. The proposed district will make a contribution to the economic growth of the State, the

control of pollution in the State or the betterment of the health, welfare or safety of the inhabitants of the State; and

C. The economic development described in the development program will not result in a substantial detriment to existing businesses in the State. In order to make this determination, the commissioner shall consider, pursuant to Title 5, chapter 375, subchapter ~~H~~ 2, those factors the commissioner determines necessary to measure and evaluate the effect of the proposed district on existing businesses, including:

- (1) Whether a proposed district should be approved if, as a result of the benefits to designated businesses, there will not be sufficient demand within the market area of the State to be served by the project to employ the efficient capacity of existing businesses; and
- (2) Whether any adverse economic effect of the proposed district on existing businesses is outweighed by the contribution described in paragraph B.

~~Upon approval of the state tax increment financing district, the commissioner shall issue a certificate of approval.~~

The municipality has the burden of demonstrating that the proposed district will not result in a substantial detriment to existing businesses in accordance with the requirements of this paragraph, including rules adopted pursuant to this paragraph, except that, when no interested parties object to the proposed district, the requirements of this paragraph are deemed satisfied. Interested parties must be given an opportunity, with or without a hearing at the discretion of the commissioner, to present their objections to the proposed district on grounds that the proposed district will result in a substantial detriment to existing businesses. If any interested party presents objections with reasonable specificity and persuasiveness, the commissioner may divulge any information concerning the economic development described in the development program that the commissioner considers necessary for a fair presentation by the objecting party and an evaluation of those objections. If the commissioner finds that the municipality has failed to meet its burden as specified in this paragraph, the application must be denied.

Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Upon approval of the state tax increment financing district, the commissioner shall issue a certificate of approval.

EXPLANATION

This section corrects a formatting error and changes cross-references in accordance with the Maine Revised Statutes, Title 1, section 71, subsection 11.

Sec. A-41. 32 MRSA §1871-A, sub-§1, as enacted by PL 2001, c. 661, §9, is corrected to read:

1. Procedures; licensing fees. The department shall adopt rules establishing the requirements and procedures for issuance of licenses and annual renewals under this section, including a fee structure. Initial rules adopted pursuant to this subsection are routine technical rules as defined in Title ~~4~~ 5, chapter 375, subchapter ~~H-A~~ 2-A. Rules adopted effective after calendar year 2003 are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A and are subject to review by the joint standing committee of the Legislature ~~have~~ having jurisdiction over business and economic development matters.

EXPLANATION

This section corrects a cross-reference and a grammatical error. It also changes cross-references in accordance with the Maine Revised Statutes, Title 1, section 71, subsection 11.

Sec. A-42. 32 MRSA §2102, sub-§9, as enacted by PL 1991, c. 421, §3, is corrected to read:

9. Maine Registry of Certified Nursing Assistants. "Maine Registry of Certified Nursing Assistants" has the same meaning as in Title 22, section ~~1812-F~~ 1812-G.

EXPLANATION

This section corrects a cross-reference.

Sec. A-43. 34-B MRSA §3863, sub-§4, ¶A, as amended by PL 1997, c. 422, §10, is corrected to read:

A. Upon endorsement of the application and certificate by the judge or justice, a law enforcement officer or other person designated by the judge or justice may take the person into custody and transport that person to the hospital designated in the application. Transportation of an

individual to a hospital under these circumstances must involve the least restrictive form of transportation available that meets the clinical needs of that individual.

EXPLANATION

This section corrects a grammatical error.

Sec. A-44. 37-B MRSA §426, as enacted by PL 1983, c. 460, §3, is corrected to read:

§426. Limitation of charges

A person ~~shall~~ may not be tried by court-martial or punished under section ~~445~~ 415-A if the offense with which ~~he~~ that person is charged was committed more than 2 years before the receipt of sworn charges and specifications by an officer exercising court-martial jurisdiction.

EXPLANATION

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

Sec. A-45. PL 2001, c. 537, §1, amending clause is corrected to read:

Sec. 1. 30-A MRSA §2503, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §~~105~~ 106 and amended by PL 1989, c. 6, c. 9, §2, and c. 104, Pt. C, §§8 and 10, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-46. PL 2001, c. 559, Pt. GG, §17, amending clause is corrected to read:

Sec. GG-17. 36 MRSA §5200-A, sub-§2, ¶K, as ~~amended~~ enacted by PL 1999, c. 708, §41, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-47. PL 2001, c. 568, §1, amending clause is corrected to read:

Sec. 1. 5 MRSA c. ~~379~~ 383, sub-c. III, art. 2-A is enacted to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-48. PL 2001, c. 617, §11, amending clause is corrected to read:

Sec. 11. 17 MRSA §1031, sub-§1, ¶G, as amended by PL 2001, c. 414, §1 and c. 425, §5, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-49. PL 2001, c. 626, §18, amending clause is corrected to read:

Sec. 18. 38 MRSA ~~§1310-E~~ §1310-E-1, sub-§4, as enacted by PL 1993, c. 732, Pt. C, §12, is amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-50. PL 2001, c. 666, Pt. E, §1 is corrected to read:

Sec. E-1. Effective date. ~~Those sections That section~~ of this Act that ~~amend~~ amends the Maine Revised Statutes, Title 22, section 1708, subsection 3 and ~~enact Title 22, section 7902 A, subsection 2-A~~ take effect July 1, 2003.

EXPLANATION

This section removes a reference to a provision of law in an effective date section of a public law because that provision is not affected by the public law.

Sec. A-51. PL 2001, c. 693, §5, amending clause is corrected to read:

Sec. 5. 36 MRSA §2903-B, as amended by PL 1995, c. ~~502~~ 446, Pt. E, §~~30~~ 1, is repealed.

EXPLANATION

This section corrects an amending clause.

Sec. A-52. PL 2001, c. 696, §32, amending clause is corrected to read:

Sec. 32. 22 MRSA §4038, sub-§7-A, as ~~enacted~~ amended by PL 2001, c. 559, Pt. CC, §3, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-53. P&SL 2001, c. 52, in that part relating to "Emergency clause; referendum; effective date" is corrected to read:

Sec. 4. Emergency clause; referendum; effective date. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the City of Calais at a special or regular city meeting or election held prior to July 1, 2002. The election must be called, advertised and conducted according to law. The city clerk shall prepare the required ballots, on which the city clerk shall reduce the subject matter of this Act to the following question:

"Do you favor amending the charter of the Calais School District to accomplish the following:

A. To authorize the Calais School District to lease purchase school administrative space, secured by a mortgage or ground lease and to lease or let such space to a school union that includes the City of Calais; and

B. To increase the debt limit of the Calais School District from \$6,000,000 to 10% of the most recent state valuation of the City of Calais?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the City of Calais and due certificate of the results filed by the city clerk with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters voting at the election.

EXPLANATION

This section corrects a section numbering error.

PART B

Sec. B-1. 3 MRSA §317, sub-§1, ¶J, as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is corrected to read:

J. If the lobbyist is required to make a specific list of items under paragraph I, a list of all original sources of any money received from that employer must be included. If the employer or person who contributes to an employer is a corporation formed under ~~Titles~~ Title 13 or 13-C or former Title 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members or contributors, is listed as the original source.

Sec. B-2. 5 MRSA §86, as amended by PL 1995, c. 373, §1, is corrected to read:

§86. Fees

The Secretary of State shall receive:

For a certificate under the seal of the State, \$5 for a short form and \$10 for a special detailed certificate. For all copies of corporate, limited partnership and mark documents, the rate of \$2 per page; and for all other copies, the rate of 75¢ per page if such copies are prepared by the office of the Secretary of State. The Secretary of State may reduce or waive the fee for other governmental agencies and bodies;

For receiving, filing and recording certificate of organization of officers of a proposed insurance company, and issuing certificates of organization, \$20; for receiving and filing certificate of increase of capital stock of an insurance company, \$10-;

For receiving, filing and recording certificate of officers of a proposed fraternal benefit society and issuing certificate of organization, \$5-;

For filing certificate of organization of a cooperative marketing association, \$10; for filing an amendment thereto, \$2.50-;

For filing, copying, comparing or authenticating any document required or permitted to be filed under ~~Title 13-A~~ 13-C, that fee specified in ~~Title 13-A~~ 13-C, chapter 44- 1, subchapter 2-;

For filing, copying, comparing or authenticating any document required or permitted to be filed under Title 13-B, that fee specified in Title 13-B, chapter 14-; and

For filing and recording a federal tax lien or other federal liens, notices of which under any Act of

Congress or any federal regulation are required or permitted to be filed, \$5.

Sec. B-3. 5 MRSA §13080-B, sub-§1, ¶C, as enacted by PL 1993, c. 474, §1, is corrected to read:

C. Exercise all of the general powers of corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302;

Sec. B-4. 5 MRSA §13080-D, sub-§3, as enacted by PL 1993, c. 474, §1, is corrected to read:

3. Authority for transfers of interest in land to the authority. Notwithstanding any contrary provisions of law, upon the authority's request, on reasonable and fair terms and conditions and without the necessity for advertisement, order of court or action or formality other than the regular and formal action of the authorities concerned, counties, municipalities, public agencies or instrumentalities of the State, public service corporations and special districts may lease, lend, grant or convey to the authority real or personal property or rights in that property that may be necessary or convenient for the effectuation of the authorized purposes of the authority, including real and personal property or rights in that property already devoted to public use. As used in this subsection, the term "public service corporation" includes a public utility as defined in Title 35-A, section 102, subsection 13 and a corporation referred to in Title ~~13-A~~ 13-C.

Sec. B-5. 5 MRSA §13123-A, sub-§16, as enacted by PL 1993, c. 410, Pt. E, §13, is corrected to read:

16. Adoption of bylaws. Adopt bylaws, through the board of directors, consistent with this chapter for the governance of its affairs. The board of directors has the general powers accorded corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302;

Sec. B-6. 9-B MRSA §241, sub-§9, ¶E, as enacted by PL 1995, c. 628, §18, is corrected to read:

E. This subsection does not prohibit the use of any name of a person who was duly qualified to do business as a foreign corporation in that name under former Title 13-A, section 1201 on February 1, 1996.

Sec. B-7. 9-B MRSA §311, as amended by PL 1997, c. 398, Pt. C, §2, is corrected to read:

§311. Applicability of chapter

The provisions of this chapter govern the organization and management of financial institutions operating as corporations, limited liability companies, limited partnerships and limited liability partnerships. Unless otherwise indicated in this Title, the provisions of Title ~~13-A~~ 13-C apply to financial institutions

operating as corporations; Title 31, chapter 11, applies to financial institutions operating as limited partnerships; Title 31, chapter 13 applies to financial institutions operating as limited liability companies and Title 31, chapter 15 applies to financial institutions operating as limited liability partnerships.

Sec. B-8. 9-B MRSA §316-A, first ¶, as enacted by PL 1997, c. 398, Pt. C, §15, is corrected to read:

Except as provided in this section, the management and operations of a financial institution organized under this chapter are governed by Title ~~13-A~~ 13-C; Title 31, chapter 11; Title 31, chapter 13; or Title 31, chapter 15, as appropriate, depending upon the organizational form of the financial institution operating under this chapter. The institution's organizational documents must address the powers and duties of the governing body.

Sec. B-9. 9-B MRSA §317-A, first ¶, as enacted by PL 1997, c. 398, Pt. C, §17, is corrected to read:

Except as provided in this section, the powers and duties of officers of a financial institution organized under this chapter are governed by Title ~~13-A~~ 13-C; Title 31, chapter 11; Title 31, chapter 13; or Title 31, chapter 15, as appropriate, depending upon the organizational form of the financial institution operating under this chapter. The institution's organizational documents must address the powers and duties of officers.

Sec. B-10. 9-B MRSA §326, first ¶, as enacted by PL 1975, c. 500, §1, is corrected to read:

Except as provided in this section and section 327, the management and operations of a financial institution organized under this chapter ~~shall~~ must be pursuant to Title ~~13-A~~ 13-C.

Sec. B-11. 9-B MRSA §326, sub-§1, ¶B, as amended by PL 1975, c. 666, §15-A, is corrected to read:

B. The initial board of directors ~~shall~~ must be elected at the first meeting of the incorporators or the incorporators as provided for in section 323, and the board of directors ~~shall~~ must be elected by a vote of the incorporators or members at each annual meeting thereafter; ~~provided except~~ that the articles of incorporation or bylaws may provide for ~~classification groups~~ of directors in accordance with Title ~~13-A~~ 13-C, section ~~705~~ 806.

Sec. B-12. 9-B MRSA §352, sub-§5, as amended by PL 1997, c. 398, Pt. G, §2, is corrected to read:

5. Rights of dissenting investors. The rights of investors dissenting to the merger or consolidation are those specified in Title ~~13-A~~ 13-C or Title 31, chapter 11, 13 or 15, depending upon the organizational form of the institution. To the extent that dissenters' rights are not addressed in Title 31 or these rights are less beneficial to the dissenting investors than those rights listed in the institution's organizational documents, the organizational documents govern.

Sec. B-13. 9-B MRSA §377, as enacted by PL 1995, c. 628, §20, is corrected to read:

§377. Corporate filing requirements

1. Applicability of Title ~~13-A~~ 13-C. An out-of-state financial institution, federal association or national bank with a home state other than this State that seeks to establish and operate a branch in this State as the result of an interstate combination, branch acquisition or de novo establishment pursuant to this chapter shall comply with the filing requirements for foreign corporations under Title ~~13-A~~ 13-C. The approval of the filing of an out-of-state financial institution, federal association or national bank by the Secretary of State does not authorize the operation of a branch in this State by an out-of-state financial institution, federal association or national bank until the notice required pursuant to subsection 2 has been filed.

2. Notice to the superintendent required. An out-of-state financial institution, federal association or national bank is not authorized to do business in this State pursuant to this chapter until copies of the documents filed with the Secretary of State pursuant to Title ~~13-A~~ 13-C have been received by the superintendent.

Sec. B-14. 9-B MRSA §412, sub-§9, as enacted by PL 1975, c. 500, §1, is corrected to read:

9. To reimburse, indemnify and purchase liability insurance for directors, officers, and employees as provided in Title ~~13-A~~ 13-C, ~~section 719~~ chapter 8, subchapter 5; and

Sec. B-15. 9-B MRSA §813, sub-§1, as enacted by PL 1975, c. 500, §1, is corrected to read:

1. Conformance with law. Other than as provided herein, a credit union ~~shall~~ must be organized in accordance with Title ~~13-A~~ 13-C.

Sec. B-16. 9-B MRSA §841, as enacted by PL 1975, c. 500, §1, is corrected to read:

§841. Management in general

The management and operations of a credit union ~~shall~~ must be conducted in accordance with the

provisions of Title ~~13-A~~ 13-C, except as provided in this chapter and elsewhere in this Part.

Sec. B-17. 9-B MRSA §912, sub-§2, as enacted by PL 1975, c. 500, §1, is corrected to read:

2. Management. Except as otherwise provided in this chapter, the management and operations of an industrial bank ~~shall~~ must be conducted in accordance with the provisions of Title ~~13-A~~ 13-C.

Sec. B-18. 9-B MRSA §915, sub-§3, as enacted by PL 1975, c. 500, §1, is corrected to read:

3. Mergers into other corporations. Nothing contained in ~~subsections~~ subsection 1 or 2 ~~shall~~ may be construed as prohibiting an industrial bank from merging or consolidating with, being acquired by, or selling its assets to a corporation or entity ~~which~~ that is not enumerated in ~~subsections~~ subsection 1 or 2; ~~provided that such~~ as long as the merger, consolidation, acquisition or sale is executed in accordance with the ~~provision~~ provisions of Title ~~13-A~~ 13-C, and timely notice of ~~such~~ that action is given to the superintendent; and ~~provided further that~~ as long as upon the effective date of ~~such~~ the action, ~~said~~ the industrial bank ~~shall~~ forfeits its charter as an industrial bank and ~~cease~~ ceases all activities as an industrial bank, which fact ~~shall~~ must be certified by the superintendent to the Secretary of State.

Sec. B-19. 9-B MRSA §1023, sub-§1, as enacted by PL 1975, c. 500, §1, is corrected to read:

1. Subject to Title ~~13-A~~ 13-C. Except as otherwise provided in this chapter, such a mutual trust investment company ~~shall~~ must be incorporated under and ~~shall be~~ is subject to Title ~~13-A~~ 13-C.

Sec. B-20. 9-B MRSA §1222, sub-§1, as enacted by PL 1997, c. 398, Pt. J, §2, is corrected to read:

1. Organization. A merchant bank must be organized pursuant to chapter 31 and must be managed and governed pursuant to this Title and the applicable provisions of Title ~~13-A~~ 13-C and Title 31, chapters 11, 13 and 15, depending upon the organizational form selected.

Sec. B-21. 9-B MRSA §1317, as enacted by PL 1997, c. 182, Pt. B, §3, is corrected to read:

§1317. Service of process

A foreign bank having a Maine agency, Maine branch or Maine representative office shall maintain a registered office and is subject to service of process in the manner provided for in Title ~~13-A~~ 13-C, chapter ~~12~~ 15.

Sec. B-22. 10 MRSA §684, sub-§6, as enacted by PL 2001, c. 456, §1, is corrected to read:

6. Bylaws. Adopt bylaws that are consistent with this chapter for the governance of the affairs of the center, have the general powers accorded corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302 and do all other things necessary or convenient to carry out the lawful purposes of the center.

Sec. B-23. 10 MRSA §920, sub-§12, as enacted by PL 1977, c. 548, §1, is corrected to read:

12. Bylaws. Adopt bylaws not inconsistent herewith for the governance of its affairs, to have the general powers accorded corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302, and do all other things necessary or convenient to carry out the lawful purposes of the foundation.

Sec. B-24. 10 MRSA §945-E, as enacted by PL 1995, c. 648, §5, is corrected to read:

§945-E. Adoption of bylaws

The center shall adopt bylaws consistent with this chapter for the governance of its affairs and has the general powers accorded corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302. The center shall take all actions necessary or convenient to carry out the lawful purposes of the center under this chapter.

Sec. B-25. 13 MRSA §42, as amended by PL 1971, c. 439, §11, is corrected to read:

§42. Capital stock; record of owners

The capital of corporations incorporated by special Act of the Legislature ~~shall~~ must be fixed and divided into shares. The names of the owners and the number of shares owned by each ~~shall~~ must be entered of record at the first meeting. The capital may be subsequently increased as provided in Title ~~13-A~~ 13-C, chapter 8 10, by an appropriate amendment to its articles of incorporation.

Sec. B-26. 13 MRSA §940, as corrected by RR 1991, c. 2, §41, is corrected to read:

§940. Indemnification

Any domestic corporation organized without capital stock and any corporation located in Maine and chartered by the Commonwealth of Massachusetts prior to the Articles of Separation may, by vote of its directors, trustees or managing board, however designated, or pursuant to bylaw, indemnify its trustees, directors, managing board, officers, employees and agents and may purchase and maintain insurance to indemnify any such person to the extent provided by Title ~~13-A~~ 13-C, ~~section 719~~ chapter 8, subchapter 5, except where inconsistent with any

specific provision of any public law or private and special act applicable thereto. This section ~~shall~~ does not apply to corporations organized under or governed by Title 13-B.

Sec. B-27. 13 MRSA §1743, sub-§§2 and 3, as enacted by PL 1993, c. 300, §1, are corrected to read:

2. Applicability. Except as otherwise provided in this subchapter, cooperative affordable housing corporations in the State are governed by and have all the rights, privileges and powers established in Title ~~13-A~~ 13-C. Without limiting the applicability of federal law to any other corporation or unincorporated association that provides housing on a cooperative basis, it is the intent that cooperative affordable housing corporations governed by this subchapter qualify as cooperative housing corporations under federal law.

3. Election. Any corporation governed by Title ~~13-A~~ 13-C may elect by a vote of 2/3 of the members voting to secure the benefits of and be bound by this subchapter and must then amend its articles of incorporation to conform with this subchapter.

Sec. B-28. 13 MRSA §1747, first ¶, as enacted by PL 1993, c. 300, §1, is corrected to read:

Articles of incorporation of a cooperative affordable housing corporation must contain the following provisions in addition to those required by Title ~~13-A~~ 13-C:

Sec. B-29. 13 MRSA §1753, as enacted by PL 1993, c. 300, §1, is corrected to read:

§1753. Merger; consolidation

A cooperative affordable housing corporation may not consolidate or merge with another corporation other than a cooperative affordable housing corporation. Two or more cooperative affordable housing corporations may consolidate or merge in accordance with Title ~~13-A~~ 13-C, chapter 9 11. Cooperative affordable housing corporations may not engage in mergers or consolidation if such an action is undertaken for the purpose of circumventing section 1754, 1757, 1758 or 1761.

Sec. B-30. 13 MRSA §1973, as enacted by PL 1983, c. 136, is corrected to read:

§1973. Application of other laws

Except as otherwise provided in this subchapter, employee cooperative corporations ~~shall be~~ are governed by Title ~~13-A~~ 13-C, the Maine Business Corporation Act.

Sec. B-31. 13 MRSA §1975, as enacted by PL 1983, c. 136, is corrected to read:

§1975. Formation of employee cooperative corporation; revocation

1. Election. Any corporation organized under ~~former~~ Title 13-A or Title 13-C may elect to be governed as an employee cooperative under this subchapter, by so stating in its articles of incorporation or articles of amendment filed in accordance with ~~Title 13-A~~ Title 13-C.

2. Revocation. An employee cooperative may revoke its election under this subchapter by a vote of 2/3 of the members and through articles of amendment duly filed in accordance with ~~Title 13-A~~ 13-C.

Sec. B-32. 13 MRSA §1981, sub-§2, as enacted by PL 1983, c. 136, is corrected to read:

2. Redemption. The articles of incorporation or bylaws of an employee cooperative may permit the periodic redemption of written notices of allocation and capital stock, and must provide for recall and redemption of the membership share upon termination of membership in the cooperative. No redemption may be made if such redemption would result in the liability of any director or officer of the employee cooperative under ~~Title 13-A~~ 13-C.

Sec. B-33. 13 MRSA §1983, as enacted by PL 1983, c. 136, is corrected to read:

§1983. Revocation of election as employee cooperative corporation

When any employee cooperative revokes its election in accordance with section 1975, the articles of amendment ~~shall~~ must provide for conversion of membership shares and internal capital accounts or their conversions to securities or other property in a manner consistent with ~~Title 13-A~~ 13-C.

Sec. B-34. 13 MRSA §1984, as enacted by PL 1983, c. 136, is corrected to read:

§1984. Mergers

An employee cooperative that has not revoked its election under this subchapter may not consolidate or merge with another corporation other than an employee cooperative. Two or more employee cooperatives may consolidate or merge in accordance with ~~Title 13-A~~ 13-C, chapter 9 ~~11~~.

Sec. B-35. 13-B MRSA §303, sub-§1, as amended by PL 1997, c. 376, §19, is corrected to read:

1. Name registered. Any corporation organized and existing under the laws of any state or territory of the United States may register its corporate name

under this Act, provided its corporate name is not the same as, or deceptively similar to, the name of any domestic business or nonprofit corporation existing under the laws of this State, or the name of any foreign business or nonprofit corporation authorized to carry on activities in this State, or any corporate name reserved or registered under ~~former~~ Title 13-A or ~~Title 13-C~~ or this section or section 302, or any trademark or service mark registered under Title 10, chapter 301-A.

Sec. B-36. 18 MRSA §4162, as reenacted by PL 1979, c. 690, §1, is corrected to read:

§4162. Application

Before qualifying or serving in this State in any fiduciary capacity, as defined in section 4161, ~~such the~~ bank or trust company shall file an application for authority with the Secretary of State in the same form and subject to the same fees as required by ~~Title 13-A~~ 13-C, chapter ~~12~~ 15. ~~Such The~~ application ~~shall~~ must be accompanied by a certificate, made within 90 days of filing, from the official having supervision of banks and trust companies where the bank was organized or is domiciled, indicating that it is duly authorized or presently existing, that it has authority to act in the fiduciary capacity for which it is qualifying and that ~~such the~~ jurisdiction grants authority to serve in like fiduciary capacities to a bank or trust company organized under the laws of this State and authorized to serve in like fiduciary capacities. If the person supervising banks and trust companies cannot certify to reciprocity, it ~~shall~~ must be done by the attorney general of its state of domicile. In addition, ~~such the~~ application ~~shall~~ ~~designate~~ must designate the Secretary of State as the person upon whom all notices and processes issued by or to any court of this State ~~shall~~ must be served in any action or proceeding relating to any trust, estate or matter within this State in which ~~such that~~ bank or trust company is acting in any fiduciary capacity with like effect as personal service on ~~such that~~ bank or trust company, ~~such the~~ designation ~~shall be~~ is irrevocable ~~so~~ as long as any ~~such~~ liability ~~shall remain~~ remains outstanding against ~~such that~~ bank or trust company in this State. Upon receipt of ~~such the~~ notice or process, the Secretary of State shall forthwith forward the same by registered mail to ~~such that~~ bank or trust company at the address stated in the application.

Sec. B-37. 18 MRSA §4163-A, as enacted by PL 1979, c. 690, §2, is corrected to read:

§4163-A. Corporation; application

Nothing in sections 4161 to 4163 or this section ~~shall require~~ requires any corporation to file an application pursuant to sections 4161 to 4163 or this section if the corporation is deemed not to be doing

business in this State under Title ~~13-A~~ 13-C, section ~~1201~~ 1501 and Title 18-A, section 7-105.

Sec. B-38. 20-A MRSA §6905, as enacted by PL 1993, c. 348, §1, is corrected to read:

§6905. Adoption of bylaws

The corporation shall adopt bylaws consistent with this chapter for the governance of its affairs and has the general powers accorded corporations under Title ~~13-A~~ 13-C, section ~~202~~ 302. The corporation shall do all things necessary or convenient to carry out the lawful purposes of the corporation under this chapter.

Sec. B-39. 23 MRSA §1967, sub-§4, as amended by PL 1987, c. 141, Pt. B, §19, is corrected to read:

4. Authority for transfers of interest in land to the authority. All counties, cities, towns and other political subdivisions or municipalities and all public agencies and commissions of the State, and all public service corporations and districts, notwithstanding any contrary provisions of law, may lease, lend, grant or convey to the authority, upon its request, upon such terms and conditions as the proper authorities of the counties, cities, towns, political subdivisions, other municipalities, agencies, commissions, public service corporations and districts deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality other than the regular and formal action of the authorities concerned, any real or personal property or rights therein ~~which~~ that may be necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights therein already devoted to public use. As used in this subsection, the term "public service corporation" includes every public utility as defined in Title 35-A, section 102, subsection 13, and every corporation referred to in Title ~~13-A~~ 13-C.

Sec. B-40. 23 MRSA §5071, first ¶, as enacted by PL 1987, c. 141, Pt. A, §4, is corrected to read:

Every corporation organized under this Title, ~~former~~ Title 13-A, Title 13-C or former Title 35, before commencing the construction of its road, shall present to the Department of Transportation a petition for approval of location, defining its courses, distances and boundaries accompanied with a map of the proposed route; with a profile of the line on the relative scales of profile paper in common use; and with a report and estimate prepared by a skillful engineer from actual survey. The department shall, on presentation of that petition, appoint a day for hearing and the petitioners shall give such notice as the department deems reasonable and proper, in order that

all persons interested may have an opportunity to appear and object. If the department, after hearing the petition, approves the proposed location, the corporation may proceed with the construction, provided they first file with the clerk of the county commissioners of each county through which the road passes a plan of the location of the road, defining its courses, distances and boundaries, and a copy of the plan with the department. The location filed ~~shall~~ may not vary, except to avoid expense of construction, from the route first presented to the department. The location, together with any variation made in that location, ~~shall~~ must be filed within 2 years from the time when the articles of incorporation are filed in the office of the Secretary of State. The Department of Transportation, upon written application, may extend the time of filing the variations in its discretion. No railroad may be made across tide waters where vessels can navigate without first obtaining special permission of the Legislature.

Sec. B-41. 23 MRSA §8118, sub-§3, as enacted by PL 1995, c. 374, §3, is corrected to read:

3. Authority for transfer of interest in land to the authority. Any county, municipality or other political subdivision, any public agency or commission of the State and any public service corporation or district, notwithstanding any contrary provisions of law, may lease, lend, grant or convey to the authority, upon its request and upon such terms and conditions as the proper authorities of the political subdivision, agency, commission, public service corporation or district determine reasonable and fair, any real or personal property or rights in the property that are necessary or convenient to the effectuation of the authorized purposes of the authority, including real and personal property or rights in the property already devoted to public use. As used in the subsection, the term "public service corporation" includes a public utility as defined in Title 35-A, section 102, subsection 13 and a corporation referred to in Title ~~13-A~~ 13-C.

Sec. B-42. 24-A MRSA §1951, sub-§2, as amended by PL 2001, c. 369, §1, is corrected to read:

2. Private purchasing alliance. "Private purchasing alliance" or "alliance" means a corporation licensed pursuant to this section established under ~~former~~ Title 13-A ~~or~~ Title 13-B or Title 13-C to provide health insurance to its members through one or more participating carriers.

Sec. B-43. 24-A MRSA §1953, first ¶, as amended by PL 1997, c. 616, §2, is corrected to read:

In addition to the powers granted in ~~Title 13-A~~ Title 13-B or Title 13-C, an alliance may do any of the following:

Sec. B-44. 24-A MRSA §3489, sub-§2, ¶A, as enacted by PL 1999, c. 656, §5, is corrected to read:

A. The provisions of Title ~~13-A~~ 13-C that are applicable to a mutual insurer apply to a mutual holding company as though it were a mutual insurer.

Sec. B-45. 24-A MRSA §6706, sub-§7, as enacted by PL 1997, c. 435, §1, is corrected to read:

7. Captive insurance company. A captive insurance company formed under this chapter, except for a pure nonprofit captive insurance company, has the privileges granted by and is subject to Title ~~13-A~~ 13-C and this chapter. In the event of conflict between Title ~~13-A~~ 13-C and this chapter, this chapter controls.

Sec. B-46. 24-A MRSA §6716, sub-§1, ¶C, as enacted by PL 1997, c. 435, §1, is corrected to read:

C. Transmitting the following to the Secretary of State for filing:

(1) The articles of redomestication including the filing fee as provided by either ~~Title 13-A, section 1401, subsection 16~~ or Title 13-B, section 1401, subsection 13 or Title 13-C, section 123, subsection 1, paragraph L and this information required by a new domestic or domestic nonprofit corporation on a form prescribed by the Secretary of State;

(2) The certificate of general good issued by the superintendent;

(3) The certificate of good standing duly authenticated by the proper officer of the state or country under the laws of which the foreign or alien captive insurance company is incorporated. The certificate may not be dated earlier than 30 days prior to the filing of the articles of redomestication. If the certificate of good standing is in a foreign language, a translation under oath of the translator must accompany the certificate;

(4) Amendments to the articles of incorporation or other organizational document in compliance with the laws of this State; and

(5) The restatement of the articles of incorporation or other organizational document in its entirety; and

Sec. B-47. 24-A MRSA §6717, sub-§3, as enacted by PL 1997, c. 435, §1, is corrected to read:

3. Contents of notice. The notice of change in domicile, the certificate of transfer issued by the superintendent, the proof of redomestication and the

filing fee of either \$35 in the case of a company governed by Title ~~13-A~~ 13-C or \$5 in the case of a company governed by Title 13-B must be transmitted to the Secretary of State. The notice of the change in domicile must contain the following:

A. Name of the corporation;

B. Dates that notice of the corporation's intent to transfer domicile from this State was published, once in each of 4 successive weeks in 4 publications in a newspaper of general circulation published in this State;

C. Date of the transfer of its domicile; and

D. State or country to which its domicile will be transferred.

Sec. B-48. 31 MRSA §7, as enacted by PL 1971, c. 439, §15, is corrected to read:

§7. Inapplicable to corporations

Sections 1 and 2 do not apply to corporations. A corporation desiring to do business under an assumed name shall proceed as provided in Title ~~13-A~~ 13-C, section ~~307~~ 404.

Sec. B-49. 31 MRSA §403, sub-§1, ¶C, as amended by PL 1995, c. 633, Pt. C, §12, is corrected to read:

C. May not be the same as, or deceptively similar to:

(1) The name of any domestic corporation or limited partnership or limited liability company or registered limited liability partnership organized under the laws of this State or any foreign corporation or foreign limited partnership or foreign limited liability company or foreign limited liability partnership authorized to transact business or to carry on activities in this State;

(2) A name the exclusive right to which is, at the time, reserved under section 404, 604 or 804; ~~former~~ Title 13-A, section 302; ~~or~~ Title 13-B, section 302; or Title 13-C, section 402;

(3) A name that is registered under section 406, 606 or 806; ~~former~~ Title 13-A, section 303; ~~or~~ Title 13-B, section 303; or Title 13-C, section 403;

(4) The assumed name of a corporation or limited partnership or limited liability company or registered limited liability partnership as provided in section 405, 605 or 805; ~~former~~ Title 13-A, section 307; ~~or~~ Title

13-B, section 308; or Title 13-C, section 404; or

(5) A mark registered under Title 10, chapter 301-A.

Sec. B-50. 31 MRSA §603, sub-§1, ¶B, as amended by PL 1995, c. 633, Pt. C, §15, is corrected to read:

B. May not be the same as or deceptively similar to:

(1) The name of any domestic corporation, limited partnership, registered limited liability partnership or limited liability company organized under the laws of this State or any foreign corporation, foreign limited partnership, foreign limited liability partnership or foreign limited liability company authorized to transact business or to carry on activities in this State;

(2) A name the exclusive right to which is, at the time, reserved under sections 404, 604 and 804; former Title 13-A, section 302; and Title 13-B, section 302; and Title 13-C, section 402;

(3) A name that is registered under section 606; former Title 13-A, section 303; Title 13-B, section 303; Title 13-C, section 403; or Title 31, section 406 or 806;

(4) The assumed name of a corporation, limited partnership, limited liability partnership or limited liability company as provided in section 605; former Title 13-A, section 307; Title 13-B, section 308; Title 13-C, section 404; or Title 31, section 405 or 805; or

(5) A mark registered under Title 10, chapter 301-A.

Sec. B-51. 31 MRSA §760, as enacted by PL 1993, c. 718, Pt. A, §1, is corrected to read:

§760. Application to existing foreign limited liability companies; definition

All foreign limited liability companies qualified as foreign corporations or limited partnerships before January 1, 1995 are governed by this Act on and after January 1, 1995. By April 1, 1995 a manager or, if there is no manager, a member of each foreign limited liability company shall file with the Secretary of State an application for authority to do business in this State under this Act and cancel their authority to do business in this State under chapter 11 and former Title 13-A. If the foreign limited liability company fails to file the

new application for authority to do business in this State by April 1, 1995, the Secretary of State may revoke the authority of the limited liability company to do business in this State under section 719.

Sec. B-52. 31 MRSA §803, sub-§1, ¶B, as enacted by PL 1995, c. 633, Pt. B, §1, is corrected to read:

B. May not be the same as or deceptively similar to:

(1) The name of any domestic corporation, limited partnership, limited liability company or registered limited liability partnership organized under the laws of this State or any foreign corporation, foreign limited partnership, foreign limited liability company or foreign limited liability partnership authorized to transact business or to carry on activities in this State;

(2) A name the exclusive right to which is, at the time, reserved under sections 404, 604 and 804; former Title 13-A, section 302; and Title 13-B, section 302; and Title 13-C, section 402;

(3) A name that is registered under sections 406, 606 and 806; former Title 13-A, section 303; or Title 13-B, section 303; or Title 13-C, section 403;

(4) The assumed name of a corporation, limited partnership, limited liability company or limited liability partnership as provided in sections 405, 605 and 805; former Title 13-A, section 307; or Title 13-B, section 308; or Title 13-C, section 404; or

(5) A mark registered under Title 10, chapter 301-A.

Sec. B-53. 31 MRSA §876, as enacted by PL 1995, c. 633, Pt. B, §1, is corrected to read:

§876. Application to existing foreign limited liability partnerships; definition

All foreign limited liability partnerships qualified as foreign corporations or limited partnerships or limited liability companies before September 1, 1996 are governed by this Act on and after September 1, 1996. By December 1, 1996 a partner of each foreign limited liability partnership shall file with the Secretary of State an application for authority to do business in this State under this Act and shall cancel the partnership's authority to do business in this State under chapter 11, chapter 13 or former Title 13-A. If the foreign limited liability partnership fails to file the new application for authority to do business in this

State by December 1, 1996, it must be treated as a general partnership without the status of a limited liability partnership with respect to any business conducted in this State between December 1, 1996 and the date on which it files that application.

Sec. B-54. 35-A MRSA §2101, as amended by PL 1999, c. 398, Pt. A, §29 and affected by §§104 and 105, is corrected to read:

§2101. Organization of certain public utilities

A public utility for the operation of telephones and for the purpose of making, selling, distributing and supplying gas or electric transmission and distribution service or for the operation of water utilities, ferries or public heating utilities in any municipality, or 2 or more adjoining municipalities, within the State, may be organized as a legal entity authorized under the laws of the State, including Title ~~13-A~~ 13-C.

Sec. B-55. 35-A MRSA §3140, sub-§3, ¶¶A and B, as amended by PL 1997, c. 316, §2, are corrected to read:

A. Shall designate and continuously maintain in this State a registered office and a registered agent in accordance with Title ~~13-A~~ 13-C, section ~~1212~~ 1507; and

B. Is subject to service of process, notice or demand as provided in Title ~~13-A~~ 13-C, section ~~1212~~ 1510.

Sec. B-56. 35-A MRSA §4132, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

The agency has all the powers necessary or convenient to carry out this chapter, including, without limitation, those general powers provided a business corporation by the Maine Business Corporation Act, Title ~~13-A~~ 13-C, and including, without limiting the generality of this paragraph, the power:

Sec. B-57. 35-A MRSA §4710, sub-§1, ¶B, as enacted by PL 1999, c. 605, §2 and affected by §3, is corrected to read:

B. The natural gas utility has complied with the provisions of this chapter and in the case of a foreign natural gas utility with Title ~~13-A~~ 13-C, chapter ~~12~~ 15;

Sec. B-58. Effective date. This Part takes effect July 1, 2003.

EXPLANATION

This Part corrects cross-references to the Maine Revised Statutes, Title 13-A, which was repealed by

Public Law 2001, chapter 640, Part A, section 1. It corrects punctuation and makes grammatical changes. It changes the word "classification" to the word "groups" in Title 9-B, section 326, subsection 1, paragraph B to reflect the change of term pursuant to chapter 640. It takes effect July 1, 2003 to reflect the effective date of chapter 640.

PART C

Sec. C-1. 5 MRSA §18, sub-§2, ¶E, as enacted by PL 1979, c. 734, §2, is corrected to read:

E. Any person with whom ~~he~~ the executive employee has been associated as a partner or a fellow shareholder in a professional service corporation pursuant to Title 13, chapter ~~22~~ 22-A, during the preceding year.

Sec. C-2. 31 MRSA §295-A, sub-§3, ¶B, as enacted by PL 1995, c. 633, Pt. A, §4, is corrected to read:

B. A partner in a professional limited liability partnership is liable as set forth in Title 13, section ~~708-A~~ 753 of the Maine Professional Service Corporation Act.

Sec. C-3. 31 MRSA §611, sub-§2, ¶B, as enacted by PL 1995, c. 633, Pt. C, §16, is corrected to read:

B. Corporations, or corporations organized or incorporated under the Maine Professional Service Corporation Act, are deemed to be references to professional limited liability companies;

Sec. C-4. 31 MRSA §645, sub-§3, as corrected by RR 1995, c. 2, §77, is corrected to read:

3. Exceptions. The exceptions under the common law to 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 Maine Professional Service Corporation Act apply to the limited liability of members of a limited liability company.

Sec. C-5. 31 MRSA §811, first ¶, as enacted by PL 1995, c. 633, Pt. B, §1, is corrected to read:

A limited liability partnership may be registered under this Act for any lawful purpose. A professional limited liability partnership, as defined in section 282, subsection 5-A, is subject to the Maine Professional Service Corporation Act except as follows.

Sec. C-6. 32 MRSA §1081, sub-§3, ¶C, as amended by PL 2001, c. 337, §2, is corrected to read:

C. Retains the ownership or control of dental equipment or material or a dental office and makes the same available in any manner for the use by dentists or dental hygienists or other agents, except that nothing in this subsection applies to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A person licensed to practice dentistry may not enter into arrangements with a person who is not licensed to practice dentistry, with the exception of licensed denturists pursuant to the provisions of Title 13, section ~~705~~ 732.

Sec. C-7. Effective date. This Part takes effect July 1, 2003.

EXPLANATION

This Part corrects cross-references to the Maine Revised Statutes, Title 13, chapter 22 which was repealed by Public Law 2001, chapter 640, Part B, section 1. It also makes grammatical corrections. It takes effect July 1, 2003 to reflect the effective date of chapter 640.