

REVISOR'S REPORT 2017
Chapter 2

**Submitted to the Joint Standing
Committee on Judiciary
pursuant to the Maine Revised Statutes,
Title 1, chapter 4.**

**Office of the Revisor of Statutes
State House Station 7
Augusta, Maine 04330-0007
(207) 287-1650**

Sec. 1. 5 MRSA §12004-A, sub-§1, as amended by PL 1999, c. 687, Pt. B, §1, is corrected to read:

1.

Board of Accountancy	\$35/Day	32 MRSA §3971 <u>§12213</u>
----------------------	----------	---

EXPLANATION

This section corrects a cross-reference.

Sec. 2. 5 MRSA §12004-I, sub-§78-A, as enacted by PL 1989, c. 811, §1, is corrected to read:

78-A.

State Retirement System	Participating Local District Advisory Committee	Not Authorized	5 MRSA §18802 <u>§18802-A</u>
-------------------------	---	----------------	---

EXPLANATION

This section corrects a cross-reference.

Sec. 3. 20-A MRSA §6301, sub-§2, ¶A, as amended by PL 2017, c. 381, §6, is corrected to read:

A. Inform the student's parent:

- (1) To cleanse the clothing and ~~bodies~~ body of the student; and
- (2) To furnish the student with the required home or medical treatment for the relief of the student's trouble so defined in subsection 1;

EXPLANATION

This section corrects a clerical error.

Sec. 4. 20-A MRSA §7202, sub-§5, as amended by PL 2005, c. 662, Pt. A, §23, is corrected to read:

5. Special education and ~~early intervention services~~. Provide special education for each eligible child with a disability within its jurisdiction;

EXPLANATION

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

Sec. 5. 22 MRSA §1822, as enacted by PL 1971, c. 281, is corrected to read:

§1822. Notice ~~when~~ of voluntary closure of hospital, sanatorium, convalescent home, rest home, nursing home voluntarily closed or similar institution

Any person, including county or local government units, who is conducting, managing or operating any hospital, sanatorium, convalescent home, rest home, nursing home or institution within the meaning of this chapter, and who is properly licensed therefor in accordance with this chapter shall give at least 30 days' advance notice of the voluntary closing of such facility to the patients therein and to those persons, governmental units or institutions who are primarily responsible for the welfare of those patients who are being cared for by said hospital, sanatorium, convalescent home, rest home, nursing home or institution so that adequate preparation may be made for the orderly transfer of said patients to another qualified facility.

Failure to provide such notice shall subject the offender to the same penalties provided in section 1821.

EXPLANATION

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

Sec. 6. 22 MRSA c. 1054-A headnote is corrected to read:

CHAPTER 1054-A

ADDITIONAL SUPPORT FOR PEOPLE IN RETRAINING AND EDUCATION PROGRAM EMPLOYMENT - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

EXPLANATION

This section corrects a chapter headnote to properly reflect the content of the chapter.

Sec. 7. 24 MRSA §2329, sub-§2, ¶C, as amended by PL 2017, c. 407, Pt. A, §94, is corrected to read:

C. "Treatment plan" means a written plan initiated at the time of admission, approved by a Doctor of Medicine, a Doctor of Osteopathy or a Licensed Substance Abuse Counselor employed by a certified or licensed substance use disorder program, including, but not limited to, the patient's medical, and substance use disorder history; record of physical examination; diagnosis; assessment of physical capabilities; mental capacity; orders for

medication, diet and special needs for the patient's health or safety and treatment, including medical, psychiatric, psychological, social services, individual, family and group counseling; and educational, support and referral services.

EXPLANATION

This section corrects a clerical error.

Sec. 8. 24 MRSA §2607, as amended by PL 1993, c. 600, Pt. B, §§21 and 22, is corrected to read:

§2607. Claims paid information

When 3 notices of professional liability claims are made within a 10-year period regarding any person licensed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure and one or more of the claims, following an initial review, potentially may rise to a level of misconduct sufficient to merit board action, the board shall treat that situation as a complaint against the licensee or practitioner and shall initiate a review consistent with Title 32, sections ~~3282~~ 3282-A to 3289. Any claims that lack merit or fail to rise to a level of board action may be dismissed by the board for the purpose of this section.

EXPLANATION

This section corrects a cross-reference.

Sec. 9. 24-A MRSA §2842, sub-§2, ¶C, as amended by PL 2017, c. 407, Pt. A, §95, is corrected to read:

C. "Treatment plan" means a written plan initiated at the time of admission, approved by a Doctor of Medicine, a Doctor of Osteopathy or a Registered Substance Abuse Counselor employed by a certified or licensed substance use disorder program, including, but not limited to, the patient's medical; and substance use disorder history; record of physical examination; diagnosis; assessment of physical capabilities; mental capacity; orders for medication, diet and special needs for the patient's health or safety and treatment, including medical, psychiatric, psychological, social services, individual, family and group counseling; and educational, support and referral services.

EXPLANATION

This section corrects a clerical error.

Sec. 10. 26 MRSA §2173, sub-§1, ¶C, as enacted by PL 1989, c. 408, §3, is corrected to read:

C. The Fair Labor Standards Act, Public Law 1938, No. 7448 718, 52 Stat 1060;

EXPLANATION

This section corrects a cross-reference.

Sec. 11. 28-A MRSA §453-D, sub-§3, as enacted by PL 2017, c. 167, §9, is corrected to read:

3. Agency liquor store input. The bureau shall establish a process by which an agency liquor store in the same municipality as the licensee's proposed relocation may declare support of or objections to a proposed relocation. The bureau shall consider the declarations when considering approval of the relocation application. The process required by this subsection must be established by rule. The bureau shall adopt routine technical rules pursuant to Title 5, chapter 375, ~~subsection~~ subchapter 2-A to implement this subsection.

EXPLANATION

This section corrects a clerical error.

Sec. 12. 28-B MRSA §301, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is corrected to read:

1. Tier 1 cultivation facility license. A tier 1 cultivation facility license, which allows cultivation by a licensee of:

- A. Not more than 30 mature marijuana plants and an unlimited number of immature marijuana plants and seedlings; or
- B. Not more than 500 square feet of plant canopy.

An applicant for a tier 1 cultivation facility license shall designate in its cultivation plan whether the license sought is a plant-count-based tier 1 cultivation facility license under paragraph A or a plant-canopy-based tier 1 cultivation facility license under paragraph B;

EXPLANATION

This section makes a technical correction.

Sec. 13. 30-A MRSA §1659-A, sub-§3, ¶E, as amended by PL 2017, c. 407, Pt. A, §119, is corrected to read:

E. The inmate may not use alcohol or illegal drugs or other illegal substances ~~and~~ or misuse any other legal substance.

EXPLANATION

This section corrects a clerical error.

Sec. 14. 32 MRSA §4853, sub-§3, as enacted by PL 1975, c. 477, §4, is corrected to read:

3. Board. "Board" means the ~~Maine~~ State Board of Veterinary Medicine.

EXPLANATION

This section corrects a reference to the State Board of Veterinary Medicine.

Sec. 15. 36 MRSA §191, sub-§2, ¶EEE, as enacted by PL 2017, c. 361, §1, is reallocated to 36 MRSA §191, sub-§2, ¶GGG.

EXPLANATION

This section corrects a lettering problem created by Public Law 2017, chapters 361 and 375, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. 16. PL 2017, c. 450, §1, sub-§2 is corrected to read:

2. The Department of Corrections shall use the remaining \$287,992 to reimburse county and regional jails for unexpected situations, as documented by the jails to the Department of Corrections, that cause expenditures in fiscal year 2018-19 that are not anticipated by the jails and that are in excess of the budgets of the jails and the amounts listed in ~~paragraph A~~ subsection 1.

EXPLANATION

This section corrects a cross-reference.

Sec. 17. PL 2017, c. 474, Pt. D, §4 is corrected to read:

Sec. D-4. Application. This Part applies to tax years beginning on or after January 1, 2017, except that those portions of those sections of this Part that enact the Maine Revised Statutes, Title 36, section 5200-A, subsection 1, paragraph FF and subsection 2, paragraph EE apply to tax years beginning on or after January 1, 2018.

EXPLANATION

This section corrects an application section.

Sec. 18. P&SL 1981, c. 98, §8 is corrected to read:

Sec. 8. Judicial review and violations. Decisions and actions of the commission, the harbor master or any deputy shall be reviewed pursuant to the Maine Rules of Civil

Procedure, Rule 80B, and shall not be subject to the Maine Administrative Procedure Act, the Revised Statutes, Title 5, chapter 375. The Superior Court may award the ~~penalties~~ penalties provided for violations of this Act or rules made hereunder as part of the adjudication of any action before the court to review or enforce decisions or actions of the commission, the harbor master or any deputy and shall restrain and enjoin violations of this Act and rules lawfully made pursuant thereto. If the court determines that any person, firm or corporation has violated any provision of this Act or any rule issued thereunder, the court shall award the commission all of its costs and expenses incurred in such proceeding, including reasonable attorneys' fees. In addition to such jurisdiction, the District Court shall have jurisdiction to award the penalties for violations of this Act and of rules made pursuant thereto as civil violations. All such penalties shall be for the use of the commission. It is a violation of this Act for any person to obstruct, hinder or delay the harbor master or the deputy in the discharge of the duties of ~~his~~ the office, or to obstruct, hinder or delay any person assisting them under the provisions of this Act. Any person so acting is guilty of a Class E crime, unless the Maine Criminal Code provides a greater punishment classification for the same act, in which case the Maine Criminal Code provisions shall apply.

EXPLANATION

This section corrects a clerical error and removes gender-specific language.
