

REVISOR'S REPORT 2019
Chapter 1

**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**

PART A

Sec. A-1. 1 MRSA §1024, sub-§1, as amended by PL 2019, c. 57, §1, is corrected to read:

1. Actions precluded beginning with the 127th Legislature. Beginning with the convening of the 127th Legislature, a person who has served as a Legislator may not engage in activities that would require registration as a lobbyist or lobbyist associate as defined by Title 3, section 312-A, subsections 10 and 10-A, respectively, until one year after that person's term as a Legislator ends. This subsection may not be construed to prohibit uncompensated lobbying by a former Legislator during the one-year period following the end of that Legislator's most recent term in office.

This subsection is repealed December 1, 2020.

EXPLANATION

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

Sec. A-2. 3 MRSA §41, 2nd ¶, as amended by PL 2019, c. 475, §15, is corrected to read:

In case of vacancy in the office of the clerk, or the clerk's absence or inability to perform the duties, ~~the~~ the clerk's assistant shall perform the duties.

EXPLANATION

This section corrects a clerical error.

Sec. A-3. 4 MRSA §1555, as amended by PL 2017, c. 402, Pt. C, §11 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

§1555. Appointment of guardians ad litem in Title ~~18-A~~ 18-C and Title 19-A cases

1. Appointment of guardian ad litem. In proceedings to determine parental rights and responsibilities and guardianship of a minor under Title 18-C and in contested proceedings pursuant to Title 19-A, section 904, 1653 or 1803 in which a minor child is involved, the court may appoint a guardian ad litem for the child when the court has reason for special concern as to the welfare of the child. The court may appoint a guardian ad litem on the court's own motion, on the motion of one of the parties or upon agreement of the parties.

A. A court may appoint, without any findings, any person listed on the roster. In addition, when a suitable guardian ad litem included on the roster is not available for appointment, a court may, for good cause shown and after consultation with the parties, appoint an attorney admitted to practice in this State who, after consideration by the court

of all of the circumstances of the particular case, in the opinion of the appointing court has the necessary skills and experience to serve as a guardian ad litem. For the purposes of this paragraph, good cause may include the appointment of a guardian ad litem on a pro bono basis.

B. In determining whether to make an appointment, the court shall consider:

- (1) The wishes of the parties;
- (2) The age of the child;
- (3) The nature of the proceeding, including the contentiousness of the hearing;
- (4) The financial resources of the parties;
- (5) The extent to which a guardian ad litem may assist in providing information concerning the best interests of the child;
- (6) Whether the family has experienced a history of domestic abuse;
- (7) Abuse of the child by one of the parties; and
- (8) Other factors the court determines relevant.

2. Order. An appointment of a guardian ad litem must be by court order.

A. The appointment order must be written on a court-approved form and must specify the guardian ad litem's length of appointment, the specific duties for the particular case, including the filing of a written report, and fee arrangements.

B. The guardian ad litem has no authority to perform and may not be expected to perform any duties beyond those specified in the appointment order, unless subsequently ordered to do so by the court.

C. If, in order to perform any specified duties, the guardian ad litem needs information concerning the child or parents, the court may order the parents to sign an authorization form allowing the release of the necessary information. The court order may specify that the guardian ad litem must be allowed access to the child by the caretakers of the child, whether the caretakers are individuals, authorized agencies or child care providers.

D. When appointment of the guardian ad litem or the fee arrangements for payment of the guardian ad litem are not agreed to by the parties, the court shall state in the appointment order its findings, based on the criteria stated in this section, supporting the appointment of the guardian ad litem and the fee payment order.

3. Payment for services; fees and billing; enforcement. The order under subsection 2 must specify that payment for the services of the guardian ad litem is the responsibility of the parties, with the terms of payment specified in the order.

A. The fee arrangements in the order must specify hourly rates or a flat fee, the timing of payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court. If the payments ordered to be made before the guardian ad litem commences the investigation, if any, are not paid as ordered, the guardian ad litem shall notify the court, and the court may vacate the appointment order or take such other action it determines appropriate under the circumstances.

B. In determining the responsibility for payment, the court shall consider:

- (1) The income of the parties;

- (2) The marital and nonmarital assets of the parties;
- (3) The division of property made or anticipated as part of the final divorce or separation;
- (4) Which party requested appointment of a guardian ad litem; and
- (5) Other factors considered relevant by the court, which must be stated with specificity in the appointment order.

C. The guardian ad litem shall use standardized billing, itemization requirements and time reporting processes as established by the division. The guardian ad litem may collect fees, if a collection action is necessary, pursuant to Title 14 and may not pursue collection in the action in which the guardian ad litem is appointed.

4. Best interests of the child. In performance of duties specified in the appointment order, the guardian ad litem shall use the standard of the best interests of the child.

5. Wishes of the child. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed them, regardless of the recommendation of the guardian ad litem.

6. Report. The guardian ad litem shall provide a copy of each report ordered by the court to the parties and the court at least 14 days before each report is due. A guardian ad litem shall provide a copy of the final written report to the parties and the court at least 14 days in advance of the final hearing. Reports are admissible as evidence and subject to cross-examination and rebuttal, whether or not objected to by a party. Any objections to a report must be filed at least 7 days before the applicable hearing.

EXPLANATION

This section corrects a section headnote to reflect the repeal of the Maine Revised Statutes, Title 18-A and enactment of Title 18-C pursuant to Public Law 2017, chapter 402 and Public Law 2019, chapter 417.

Sec. A-4. 5 MRSA §200-K, as enacted by PL 2019, c. 410, §1, is reallocated to 5 MRSA §200-L.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 410 and 435, which enacted 2 substantively different provisions with the same section number.

Sec. A-5. 5 MRSA §4553, sub-§8-E, as enacted by PL 2019, c. 464, §1, is reallocated to 5 MRSA §4553, sub-§8-F.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 464 and 490, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-6. 5 MRSA §4572-A, sub-§2-A, ¶C, as enacted by PL 2019, c. 490, §2, is corrected to read:

C. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to, providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604.

EXPLANATION

This section corrects a clerical error.

Sec. A-7. 5 MRSA §12004-I, sub-§74-J, as enacted by PL 2019, c. 435, §2, is reallocated to 5 MRSA §12004-I, sub-§74-K.

Sec. A-8. 5 MRSA §12004-I, sub-§74-J, as enacted by PL 2019, c. 446, §6, is reallocated to 5 MRSA §12004-I, sub-§74-L.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 435, 446 and 457, which enacted 3 substantively different provisions with the same subsection number.

Sec. A-9. 5 MRSA §13080-S, sub-§3, ¶A, as enacted by PL 2019, c. 356, §1, is corrected to read:

A. At any time during the 12 months preceding the July 31, 2020 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2020 or, in the event of an overpayment, must be deducted from the final payment due by July 31, 2021.

This paragraph is repealed August 1, 2021.

EXPLANATION

This section corrects a clerical error.

Sec. A-10. 8 MRSA §288, as enacted by PL 1997, c. 528, §46, is corrected to read:

§288. Payment to Sire Stakes Fund share

Amounts calculated as ~~Sires~~ Sire Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281.

EXPLANATION

This section corrects a clerical error.

Sec. A-11. 12 MRSA §12808, sub-§1, ¶D, as amended by PL 2019, c. 267, §1, is corrected to read:

D. Feed or, set bait for any endangered or threatened species. A person who violates this paragraph commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.

EXPLANATION

This section corrects a clerical error.

Sec. A-12. 12 MRSA §12808, sub-§1-A, ¶D, as amended by PL 2019, c. 267, §2, is corrected to read:

D. Feed or, set bait for any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

EXPLANATION

This section corrects a clerical error.

Sec. A-13. 14 MRSA §6000, sub-§2-A, as enacted by PL 2019, c. 351, §1, is corrected to read:

2-A. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. "Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

EXPLANATION

This section corrects a clerical error.

Sec. A-14. 14 MRSA §6321-A, sub-§11, as amended by PL 2019, c. 363, §2, is corrected to read:

11. Parties to mediation. A mediator shall include in the mediation process under this section any person the mediator determines is necessary for effective mediation. Mediation and appearance in person is are mandatory for:

- A. The mortgagee, who has the authority to agree to a proposed settlement, loan modification or dismissal of the action, except that the mortgagee may participate by telephone or electronic means as long as that mortgagee is represented with authority to agree to a proposed settlement;
- B. The defendant;
- C. Counsel for the plaintiff; and
- D. Counsel for the defendant, if represented.

A mortgage servicer as defined in section 6113, subsection 1, paragraph B participating in the mediation process submits to the jurisdiction of the court with respect to the power of the court to sanction parties who fail to participate in the mediation process in good faith as required by section 6113, subsection 2.

EXPLANATION

This section corrects a grammatical error.

Sec. A-15. 17 MRSA §1021, sub-§3-A, as enacted by PL 2019, c. 237, §2, is corrected to read:

3-A. Emergency euthanasia. If an animal in the possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

EXPLANATION

This section corrects a clerical error.

Sec. A-16. 18-C MRSA §2-704, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

2. **Does not impair a ~~maternal~~ material purpose.** The powerholder's manner of attempted exercise does not impair a material purpose of the donor in imposing the requirement.

EXPLANATION

This section corrects a clerical error.

Sec. A-17. 20-A MRSA §6358, sub-§1, as amended by PL 2019, c. 154, §4, is corrected to read:

1. **Rules authorized.** The commissioner and the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. The rules may not include any provision governing medical exemptions. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

EXPLANATION

This section corrects a clerical error.

Sec. A-18. 20-A MRSA §6602, sub-§1, ¶D, as enacted by PL 2019, c. 428, §1, is reallocated to 20-A MRSA §6602, sub-§1, ¶E.

EXPLANATION

This section corrects a lettering problem created by Public Law 2019, chapters 343 and 428, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-19. 20-A MRSA §12306, as enacted by PL 2019, c. 102, §8, is corrected to read:

§12306. Stakeholder consultation

In administering the program and assessing its effectiveness, the chief executive officer may consult stakeholders from the dental community, including, but not limited to, representatives of dental education and practitioner communities in the State and organizations representing the interests of low-income ~~eommunities~~ communities in the State.

EXPLANATION

This section corrects a clerical error.

Sec. A-20. 22 MRSA §1471-C, sub-§3, as enacted by PL 1975, c. 397, §2, is corrected to read:

3. Board. "Board" means the State Board of Pesticides Control as established in section 1471-B.

EXPLANATION

This section corrects a clerical error.

Sec. A-21. 22 MRSA §2157, sub-§14, ¶C, as amended by PL 2019, c. 528, §9, is corrected to read:

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, is identified by a sign contiguous to the specific produce; ~~or~~

Sec. A-22. 22 MRSA §2157, sub-§15, as enacted by PL 2019, c. 455, §1, is reallocated to 22 MRSA §2157, sub-§16.

Sec. A-23. 22 MRSA §2157, sub-§15, as enacted by PL 2019, c. 528, §10, is corrected to read:

15. Hemp or cannabidiol derived from hemp. If it contains hemp or cannabidiol derived from hemp unless:

A. The package in which the food, food additive or food product is offered for sale conspicuously bears a label or stamp that:

- (1) Indicates that the food, food additive or food product contains hemp or cannabidiol derived from hemp;
- (2) Describes the cannabidiol content by weight or volume;
- (3) Includes the source of the hemp from which the cannabidiol was derived;
- (4) In the case of extracts or tinctures, indicates the batch number; and
- (5) Includes a disclosure statement that the food, food additive or food product has not been tested or evaluated for safety; or

B. In the case of food, food additives or food products sold, offered for sale or served for consumption unpackaged:

- (1) A conspicuous label or sign indicating that the food, food additive or food product contains cannabidiol is placed on or immediately next to the food, food additive or food product or immediately next to the food's listing on the menu or in an open manner where the food order or food product is served; and

(2) The retail store, hotel, restaurant or other public eating place conspicuously displays a directory for use by customers that contains information on the contents of all unpackaged products sold, offered for sale or served that contain cannabidiol derived from hemp.

For the purposes of this subsection, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D-; or

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 455 and 528, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

Sec. A-24. 22 MRSA §3174-AAA, as enacted by PL 2017, c. 421, §1, is reallocated to 22 MRSA §3174-CCC.

EXPLANATION

This section corrects a numbering problem created by Public Law 2017, chapters 421 and 454, which enacted 2 substantively different provisions with the same section number.

Sec. A-25. 22 MRSA §3174-BBB, as enacted by PL 2019, c. 165, §3, is reallocated to 22 MRSA §3174-DDD.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 130 and 165, which enacted 2 substantively different provisions with the same section number.

Sec. A-26. 24-A MRSA §4320-M, as enacted by PL 2019, c. 295, §1, is reallocated to 24-A MRSA §4320-N.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 274 and 295, which enacted 2 substantively different provisions with the same section number.

Sec. A-27. 25 MRSA §2804-C, sub-§2-E, as enacted by PL 2019, c. 410, §3, is reallocated to 25 MRSA §2804-C, sub-§2-F.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 410 and 411, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-28. 25 MRSA c. 411, as enacted by PL 2019, c. 80, §1, is reallocated to 25 MRSA c. 413.

Sec. A-29. 25 MRSA §3851, as enacted by PL 2019, c. 80, §1, is reallocated to 25 MRSA §3871.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 80 and 221, which enacted 2 substantively different provisions with the same chapter and section numbers.

Sec. A-30. 26 MRSA §637, as enacted by PL 2019, c. 350, §1, is reallocated to 26 MRSA §638.

Sec. A-31. 26 MRSA §637, as enacted by PL 2019, c. 461, §1, is reallocated to 26 MRSA §639.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 156, 350 and 461, which enacted 3 substantively different provisions with the same section number.

Sec. A-32. 26 MRSA §979-T, as enacted by PL 2019, c. 393, §1, is reallocated to 26 MRSA §979-U.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 389 and 393, which enacted 2 substantively different provisions with the same section number.

Sec. A-33. 26 MRSA c. 43, as enacted by PL 2019, c. 278, §2, is reallocated to 26 MRSA c. 45.

Sec. A-34. 26 MRSA §3501, as enacted by PL 2019, c. 278, §2, is reallocated to 26 MRSA §3601.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 278 and 347, which enacted 2 substantively different provisions with the same chapter and section numbers.

Sec. A-35. 29-A MRSA §2301, sub-§5-C, as enacted by PL 2019, c. 318, §2, is reallocated to 29-A MRSA §2301, sub-§5-D.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 318 and 413, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-36. 30-A MRSA §4301, sub-§1-B, as enacted by PL 2019, c. 145, §1, is reallocated to 30-A MRSA §4301, sub-§1-C.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 38 and 145, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-37. 30-A MRSA §4312, sub-§3, ¶L, as enacted by PL 2019, c. 38, §4, is corrected to read:

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities;

Sec. A-38. 30-A MRSA §4312, sub-§3, ¶L, as enacted by PL 2019, c. 145, §4, is reallocated to 30-A MRSA §4312, sub-§3, ¶M.

Sec. A-39. 30-A MRSA §4312, sub-§3, ¶L, as enacted by PL 2019, c. 153, §3, is reallocated to 30-A MRSA §4312, sub-§3, ¶N.

EXPLANATION

These sections correct a lettering problem created by Public Law 2019, chapters 38, 145 and 153, which enacted 3 substantively different provisions with the same paragraph letter, and make a technical correction.

Sec. A-40. 30-A MRSA §4326, sub-§3-A, ¶K, as amended by PL 2019, c. 38, §8 and c. 145, §8, is corrected to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in

downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

Sec. A-41. 30-A MRSA §4326, sub-§3-A, ¶L, as enacted by PL 2019, c. 38, §9, is corrected to read:

L. Ensure that land use policies encourage aging in place and appropriate housing options for older residents and address issues of special concern to older adults, including transportation to and accessibility and availability of needed services; and

Sec. A-42. 30-A MRSA §4326, sub-§3-A, ¶L, as enacted by PL 2019, c. 145, §9, is reallocated to 30-A MRSA §4326, sub-§3-A, ¶M.

EXPLANATION

These sections correct a lettering problem created by Public Law 2019, chapters 38 and 145, which enacted 2 substantively different provisions with the same paragraph letter, and make technical corrections.

Sec. A-43. 32 MRSA §1528-A, sub-§1, as amended by PL 2019, c. 284, §17, is corrected to read:

1. Limited interpreters. A holder of a limited interpreter ~~licensed license~~ under former section 1524 or limited deaf interpreter license under former section 1524-A must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

EXPLANATION

This section corrects a clerical error.

Sec. A-44. 32 MRSA §2600-D, as enacted by PL 2019, c. 317, §1, is reallocated to 32 MRSA §2600-F.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

Sec. A-45. 32 MRSA §3300-G, as enacted by PL 2019, c. 317, §2, is reallocated to 32 MRSA §3300-I.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

Sec. A-46. 32 MRSA §7006, as enacted by PL 2019, c. 317, §5, is reallocated to 32 MRSA §7007.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

Sec. A-47. 32 MRSA §13866, as enacted by PL 2019, c. 317, §6, is reallocated to 32 MRSA §13867.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

Sec. A-48. 33 MRSA §2101, sub-§1, as enacted by PL 2019, c. 498, §22, is corrected to read:

1. Notice to apparent owner. Subject to subsection 2, the holder of property presumed abandoned shall send to the apparent owner notice by first class United States mail that complies with section 2102 in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under section 2091 if:

- A. The holder has in its records an address for the apparent owner that the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first class United States mail to the apparent owner; and
- B. The value of the property held for an owner in aggregate is \$50 or more.

EXPLANATION

This section corrects a clerical error.

Sec. A-49. 35-A MRSA §3106, as enacted by PL 2019, c. 88, §1, is reallocated to 35-A MRSA §3107.

Sec. A-50. 35-A MRSA §3106, as enacted by PL 2019, c. 104, §1, is reallocated to 35-A MRSA §3108.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 81, 88 and 104, which enacted 3 substantively different provisions with the same section number.

Sec. A-51. 35-A MRSA §3209-B, sub-§1, ¶C, as enacted by PL 2019, c. 478, Pt. A, §4, is corrected to read:

C. "Distributed generation resource" has the same meaning as in section 3209-A, subsection 1, paragraph B.

EXPLANATION

This section corrects a clerical error.

Sec. A-52. 35-A MRSA §3484, sub-§3, ¶G, as enacted by PL 2019, c. 478, Pt. B, §1, is corrected to read:

G. If no contracts are awarded under paragraph E, the commission shall:

- (1) Conduct another competitive solicitation under this subsection with the bid acceptance period to open approximately 12 months after the bid acceptance period determined in paragraph B; and
- (2) Examine the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the ~~legislature~~ Legislature having jurisdiction over energy matters.

EXPLANATION

This section corrects a clerical error.

Sec. A-53. 35-A MRSA §4151, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

6. Bonds or notes secured. In the discretion of the agency, the bonds, notes or other evidences of indebtedness may be secured by a trust indenture by and between the agency and a corporate trustee, which may be any trust company or bank having the power of a trust company inside or outside the State. The trust indenture may contain provisions for protecting and enforcing the rights and remedies of the noteholders or bondholders that may be reasonable and proper and not in violation of law, including ~~covenants~~ covenants setting forth the duties of the agency in relation to the exercise of its corporate powers and the custody, safeguarding and application of all money. The agency may provide by the trust indenture for the payment of the proceeds of the bonds or notes and the revenue to the trustee under the trust indenture or other depository and for the method of disbursement, with safeguards and restrictions as it may determine. All expenses incurred in carrying out the trust indenture may be treated as a part of the operating expense of the agency. If the bonds or notes are secured by a trust indenture, the trust indenture may provide that the noteholders and bondholders may not appoint a separate trustee to represent them.

EXPLANATION

This section corrects a clerical error.

Sec. A-54. 35-A MRSA §10124, as enacted by PL 2019, c. 258, §1, is reallocated to 35-A MRSA §10126.

Sec. A-55. 35-A MRSA §10124, as enacted by PL 2019, c. 347, §3, is reallocated to 35-A MRSA §10127.

EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 169, 258 and 347, which enacted 3 substantively different provisions with the same section number.

Sec. A-56. 36 MRSA §191, sub-§2, ¶HHH, as enacted by PL 2019, c. 401, Pt. E, §1, is reallocated to 36 MRSA §191, sub-§2, ¶JJJ.

EXPLANATION

This section corrects a lettering problem created by Public Law 2019, chapters 386 and 401, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-57. 36 MRSA §1752, sub-§6-E, as enacted by PL 2019, c. 231, Pt. A, §7, is reallocated to 36 MRSA §1752, sub-§6-H.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 231 and 441, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-58. 36 MRSA §1752, sub-§6-F, as enacted by PL 2019, c. 231, Pt. A, §8, is reallocated to 36 MRSA §1752, sub-§6-I.

EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 231 and 441, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-59. 36 MRSA §1760, sub-§9-B, as repealed and replaced by PL 2011, c. 673, §1, is corrected to read:

9-B. Residential electricity. Sale and delivery of residential electricity as follows:

A. The first 750 kilowatt hours of residential electricity per month; and

B. Off-peak residential electricity used for space heating or water heating by means of an electric thermal storage device. For the purpose of this paragraph, "off-peak residential electricity" means the off-peak delivery of residential electricity pursuant to tariffs on file with the Public Utilities Commission and the electricity supplied.

For the purpose of this subsection, "residential electricity" means electricity furnished to buildings designed and used for both human habitation and sleeping, with the exception of hotels. When residential electricity is furnished through one meter to more than one residential unit and when the transmission and distribution utility applies its tariff on a per unit basis, the furnishing of electricity is considered a separate sale for each unit to which the tariff applies. For the purpose of this subsection, "delivery" means transmission and distribution.

EXPLANATION

This section makes a technical correction.

Sec. A-60. 36 MRSA §1760, sub-§12-A, ¶B, as enacted by PL 1995, c. 634, §1 and affected by §2, is corrected to read:

B. Persons for use in packing, packaging or shipping tangible personal property sold by them or on which they have performed the service of cleaning, pressing, dyeing, washing, repairing or reconditioning in their regular course of business that are transferred to the possession of the purchaser of that tangible personal property.

EXPLANATION

This section makes a technical correction.

Sec. A-61. 36 MRSA §1760, sub-§33, as amended by PL 2017, c. 211, Pt. B, §1, is corrected to read:

33. Diabetic supplies. All equipment and supplies, whether medical or otherwise, used in the diagnosis or treatment of human diabetes.

EXPLANATION

This section makes a technical correction.

Sec. A-62. 36 MRSA §1760, sub-§47-A, as amended by PL 2017, c. 288, Pt. A, §46, is corrected to read:

47-A. Emergency shelter and feeding organizations. Sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this State;

EXPLANATION

This section makes a technical correction.

Sec. A-63. 36 MRSA §1760, sub-§51, as repealed and replaced by PL 1985, c. 737, Pt. A, §95, is corrected to read:

51. Veterans' Memorial Cemetery Associations. Sales to incorporated nonprofit Veterans' Memorial Cemetery Associations;

EXPLANATION

This section makes a technical correction.

Sec. A-64. 36 MRSA §1760, sub-§52, as enacted by PL 1985, c. 737, Pt. A, §96, is corrected to read:

52. Railroad track materials. Railroad track materials purchased and installed on railroad lines located within the boundaries of the State. The track materials shall include rail, ties, ballast, joint bars and associated materials, such as bolts, nuts, tie plates, spikes, culverts, steel, concrete or stone, switch stands, switch points, frogs, switch ties, bridge ties and bridge steel.

In order for a taxpayer to qualify for an exemption under this subsection, the taxpayer may not require any landowner to pay any fee or charge for maintenance or repair or to assume liability for crossings or rights-of-way if the landowner was not required to do so prior to July 1, 1981, and the taxpayer must continue to maintain crossings and rights-of-way ~~which~~ that it was required to maintain on that date and may not remove the crossings if there is any objection to their being removed; ~~and~~.

EXPLANATION

This section makes grammatical changes and a technical correction.

Sec. A-65. 36 MRSA §1760, sub-§56, as amended by PL 1989, c. 533, §7, is corrected to read:

56. Nonprofit youth organizations. Sales to nonprofit youth organizations whose primary purpose is to provide athletic instruction in a nonresidential setting, or to councils and local units of incorporated nonprofit national scouting organizations;

EXPLANATION

This section makes a technical correction.

Sec. A-66. 36 MRSA §1760, sub-§69, as enacted by PL 1989, c. 533, §8, is corrected to read:

69. Vietnam veteran registries. Sales to incorporated, nonprofit organizations whose sole purpose is to create, maintain and update a registry of Vietnam veterans;

EXPLANATION

This section makes a technical correction.

Sec. A-67. 36 MRSA §1760, sub-§102, as enacted by PL 2017, c. 445, §1 and affected by §5, is reallocated to 36 MRSA §1760, sub-§103.

EXPLANATION

This section corrects a numbering problem created by Public Law 2017, chapters 399 and 445, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-68. 36 MRSA §5122, sub-§1, ¶LL, as enacted by PL 2017, c. 474, Pt. C, §2, is corrected to read:

LL. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph PP TT.

Sec. A-69. 36 MRSA §5122, sub-§2, ¶PP, as enacted by PL 2017, c. 474, Pt. C, §3, is reallocated to 36 MRSA §5122, sub-§2, ¶TT.

EXPLANATION

These sections correct a lettering problem created by Public Law 2017, chapters 452 and 474, which enacted 2 substantively different provisions with the same paragraph letter, and correct a cross-reference.

Sec. A-70. 36 MRSA §5122, sub-§2, ¶QQ, as enacted by PL 2019, c. 527, Pt. A, §2, is reallocated to 36 MRSA §5122, sub-§2, ¶RR.

Sec. A-71. 36 MRSA §5122, sub-§2, ¶QQ, as enacted by PL 2019, c. 530, Pt. C, §1, is reallocated to 36 MRSA §5122, sub-§2, ¶SS.

EXPLANATION

These sections correct a lettering problem created by Public Law 2019, chapters 348, 527 and 530, which enacted 3 substantively different provisions with the same paragraph letter.

Sec. A-72. 36 MRSA §5200-A, sub-§1, ¶DD, as enacted by PL 2017, c. 474, Pt. C, §6, is corrected to read:

DD. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph ~~BB~~ GG.

Sec. A-73. 36 MRSA §5200-A, sub-§2, ¶BB, as enacted by PL 2017, c. 474, Pt. C, §7, is reallocated to 36 MRSA §5200-A, sub-§2, ¶GG.

EXPLANATION

These sections correct a lettering problem created by Public Law 2017, chapters 452 and 474, which enacted 2 substantively different provisions with the same paragraph letter, and correct a cross-reference.

Sec. A-74. 37-B MRSA §158, first ¶, as amended by PL 2017, c. 114, §3, is corrected to read:

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Adjutant General is authorized to distribute money from the fund to state military welfare societies that the Adjutant General has designated in accordance with section 3, subsection 1, paragraph D, subparagraph ~~(22)~~ (23) for the purpose of providing emergency relief to members of the state military forces and their families in accordance with this section and rules adopted in accordance with this section. The Adjutant General shall require that funds distributed to a designated military welfare society must be segregated from all other funds administered by the society and shall require regular reports on how the society distributed the funds. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

EXPLANATION

This section corrects a cross-reference.

Sec. A-75. 38 MRSA §467, sub-§15, ¶E, as amended by PL 2019, c. 463, §12, is corrected to read:

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

(a) From the outlet of Meduxnekeag Lake to the international boundary - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.

(2) Meduxnekeag River, tributaries - Class B unless otherwise specified.

(a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C, R.2, W.E.L.S. boundary - Class A.

(a-1) The North Branch of the Meduxnekeag River and its tributaries, including Dead Stream, from the source in T.8 R.3 W.E.L.S. to the international boundary are subject to a sustenance fishing designated use pursuant to section 466-A.

(b) Moose Brook and its tributaries, upstream of the Ludlow Road in Ludlow - Class A.

(c) South Branch of the Meduxnekeag River and its tributaries, upstream of the Oliver Road in Cary - Class A.

(d) Captain Ambrose Bear Stream and tributaries upstream of the Burnt Brow Bridge in Hammond - Class A.

(e) All tributaries from the outlet of Meduxnekeag Lake to the international boundary are subject to a sustenance fishing designated use pursuant to section 466-A.

EXPLANATION

This section corrects clerical errors.

Sec. A-76. PL 2019, c. 432, §4 is corrected to read:

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

STATEWIDE ACTIVITIES LEGISLATURE

Legislature 0081

Initiative: Deappropriates funds as a result of reducing the number of legislative members on the Substance Use Disorder Services Commission from 6 to 4.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$550)	(\$550)
All Other	(\$1,680)	(\$1,680)
GENERAL FUND TOTAL	(\$2,230)	(\$2,230)

EXPLANATION

This section makes a technical correction.

Sec. A-77. PL 2019, c. 453, §1 is corrected to read:

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Land Management and Planning 0239 Z239**

Initiative: Establishes one Chief Planner position and one Planning and Research Associate II position in the Bureau of Land Management and Planning.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$169,110	\$177,230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$169,110	\$177,230

EXPLANATION

This section makes a technical correction.

Sec. A-78. PL 2019, c. 475, §1 is corrected to read:

Sec. 1. 1 MRSA §8, as amended by PL 1981, c. 456, Pt. A, §1, is further amended to read:

§8. Transfer of legislative jurisdiction

1. Notice. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in the Constitution of the United States, Article I, Section 8, Clause 17 over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, ~~which that~~ may be vested in the United States; the United States acting through a duly authorized department, agency or officer; shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies ~~thereof of the notice~~ to meet the recording requirements of subsection 3, with the Governor. The notice ~~shall~~ **must** contain a description adequate to

permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy ~~thereof~~ of the notice and shall request ~~his~~ the Attorney General's comments and recommendations ~~thereon~~ on the notice.

2. Legislative approval of transfer of jurisdiction. The Governor shall transmit ~~said~~ the notice filed pursuant to subsection 1 together with ~~his~~ the Governor's comments and recommendations, if any, and the comments and recommendations of the Attorney General, if any, to the next session of the Legislature ~~which shall be~~ that is constitutionally competent to consider the ~~same~~ transfer of jurisdiction. Unless prior to the expiration of the legislative session to which ~~said~~ the notice is transmitted ~~as provided~~, the Legislature ~~has adopted~~ adopts an Act approving the transfer of legislative jurisdiction as proposed in ~~said~~ the notice, the ~~said~~ transfer shall not be effective does not take effect.

3. Recordation. The Governor shall cause a duly authenticated copy of the notice and Act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction ~~shall take~~ takes effect. If the land or other area ~~shall be~~ is situated in more than one county, a duly authenticated copy of the notice and Act ~~shall~~ must be recorded in the registry of deeds of each such county.

EXPLANATION

This section corrects a clerical error.

PART B

Sec. B-1. 37-B MRSA §103, as enacted by PL 1983, c. 460, §3, is corrected to read:

§103. Commander in Chief

The Governor ~~shall be~~ is the constitutional Commander in Chief of the military forces of the State, except for components ~~thereof which~~ of the military forces of the State that may, at times, be in the service of the United States. It ~~shall be~~ is the duty of the Governor as Commander in Chief to prescribe orders, rules and other administrative procedures necessary to maintain the standard of organization and armament for the state military forces required by the laws and regulations of the United States. Subject to regulations prescribed by the federal military establishment, the Governor shall establish administrative procedures necessary to insure that adequate numbers of officers, warrant officers and enlisted ~~men~~ personnel are appointed, commissioned and enlisted into the state military forces.

Sec. B-2. 37-B MRSA §141, first ¶, as enacted by PL 1983, c. 460, §3, is corrected to read:

All military accounts, unless otherwise specially provided by law, ~~shall~~ must be approved by the person authorized to contract the accounts and transmitted to the Adjutant General for ~~his~~ the Adjutant General's examination and approval. They ~~shall~~ must then be presented to the State Controller.

Sec. B-3. 37-B MRSA §144, as repealed and replaced by PL 1983, c. 594, §5, is corrected to read:

§144. Civilian employees

The Commander in Chief may authorize the employment of civilian personnel in organizations in which there are vacancies of necessary personnel when the organizations are on duty under ~~his~~ the Commander in Chief's orders or are called upon in aid of civil authorities. These civilian personnel, during this employment, are subject to the laws and regulations for the government of the state military forces and ~~shall~~ must receive pay commensurate with these duties.

Sec. B-4. 37-B MRSA §145, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. Bond. The United States property and fiscal officer shall give a bond to the United States for the faithful performance of ~~his~~ the officer's duties and for the safekeeping and proper disposition of federal property and funds entrusted to ~~his~~ the officer's care. The amount of the bond ~~shall be~~ is determined by the United States Secretary of the Army or the United States Secretary of the Air Force.

Sec. B-5. 37-B MRSA §146, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Conflict of interest. No officer authorized to make purchases or sales of military property may be personally interested, directly or indirectly, in the purchase or sale of the

property; nor may an officer take pay other than that allowed by law for negotiating or transacting the business of ~~his~~ the officer's office.

Sec. B-6. 37-B MRSA §149, as enacted by PL 1983, c. 460, §3, is corrected to read:

§149. New organizations

When authorized by the national military establishment, new organizations may be raised on petition to the Governor, or by ~~his~~ the Governor's order. When the minimum number of persons required by law has been enlisted and notice thereof given to the Governor, ~~he~~ the Governor shall order an inspection to be made by an officer of the National Guard, and if it is found that the condition contemplated by law for federal recognition can be met by the new organization, the Governor shall appoint commissioned officers for the new unit and request an inspection to be made by an officer of the national military establishment with a view to federal recognition.

Sec. B-7. 37-B MRSA §187, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Fixing the limits. Every A commanding officer on duty may fix necessary bounds and limits to ~~his~~ the commanding officer's camp or parade. In doing so, ~~he~~ the commanding officer may not prevent passage along a through road. By order of the Governor, the commanding officer may, as described in subsection 2, restrict use or passage through an extended area not more than 1/2 mile around the camp. The owners of land within that surrounding security area and their agents ~~shall~~ may not be prevented from using, occupying or improving their land in the same manner as they were accustomed to do at the time the camp was occupied.

Sec. B-8. 37-B MRSA §187, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. Confinement of intruders. Any person who intrudes within the fixed limits after being forbidden, or resists a sentinel attempting to put or keep ~~him~~ the person out of those limits, or disturbs, interrupts or otherwise hinders the passage of troops or the discharge of their duty, may be confined under guard for up to 14 hours at the discretion of the commanding officer.

Sec. B-9. 37-B MRSA §221, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Organization. When necessary to provide for the adequate protection of the State, the Governor as Commander in Chief may organize as components of the state military forces an adequate number of Army and Navy units for the length of time ~~which he~~ that the Governor directs. Those components ~~shall~~ consist of the militia, the naval militia and the Maine State Guard.

Sec. B-10. 37-B MRSA §221, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. Duties. In the event of the organization of other forces described in subsection 1, those units may be ordered by the Governor to perform duties ~~which he~~ that the Governor directs, including duties that the National Guard would be called to perform, consistent with this chapter and other applicable laws.

Sec. B-11. 37-B MRSA §223, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. Administration. The Commander in Chief may organize the forces prescribed in subsection 1 as ~~he deems~~ the Commander in Chief considers proper. When in ~~his~~ the Commander in Chief's judgment the efficiency of the naval militia will be increased thereby, or whenever public interest may demand it, ~~he~~ the Commander in Chief may alter, reorganize or disband any or all of the naval militia. ~~He~~ The Commander in Chief may, at any time, change the organization of the naval militia so as to conform to any organization, or system of drill or instruction adopted for the United States Navy, and increase and decrease for that purpose the number of officers, warrant officers, chief petty officers, petty officers and enlisted ~~men~~ personnel and to change their grades, titles and designations.

The system of administration, drill and instruction of the naval militia ~~shall~~ must conform, as nearly as practicable, to that of the United States Navy.

Sec. B-12. 37-B MRSA §224, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Composition. When activated, the Maine State Guard ~~shall~~ must be composed of those persons enlisted, appointed or commissioned from the militia and other able-bodied citizens of the State and such other able-bodied soldiers and sailors who have previously served honorably in the United States Armed Services or the National Guard. A person may not become a member of the Maine State Guard, if ~~he~~ the person is a member of the National Guard or any component of the United States Armed Forces, active or reserve.

Sec. B-13. 37-B MRSA §224, sub-§2, as enacted by PL 1983, c. 460, §3, is corrected to read:

2. Administration; rules. The Governor may from time to time prescribe rules not inconsistent with this section, for the enlistment, designation and location of units, and the organization, administration, equipment, maintenance, training and discipline of the Maine State Guard. The organization ~~shall~~ may not conflict with the laws of the United States or of this State as applicable to the state military forces, generally. These rules, insofar as the Governor ~~deems~~ considers practicable and desirable, ~~shall~~ must conform to existing laws, rules and regulations pertaining to the National Guard. The oath to be taken by officers and enlisted ~~men~~ personnel in the Maine State Guard ~~shall~~ must be substantially the same as that prescribed for officers and enlisted ~~men~~ personnel of the National Guard. The words "Maine State Guard" ~~shall~~ must be substituted where necessary. The term of service of officers or enlisted ~~men~~ personnel in the Maine State Guard ~~shall~~ must be the same as that prescribed for officers and enlisted ~~men~~ personnel of the National Guard.

Sec. B-14. 37-B MRSA §224, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Officers; appointment; authority. The Governor, acting by and through the Adjutant General, shall appoint officers for such units and organizations of the Maine State Guard as ~~he~~ the Governor may establish in conformance with applicable federal regulations, and these officers shall, subject to removal by the Commander in Chief, exercise the same military authority over their several commands as officers of the National Guard.

Sec. B-15. 37-B MRSA §224, sub-§5, as enacted by PL 1983, c. 460, §3, is corrected to read:

5. Requisitions. For the use of the Maine State Guard, the Governor may requisition from the United States Secretary of the Army arms, ammunition, clothing and equipment ~~which that~~ the United States Secretary of the Army in ~~his~~ the secretary's discretion, and under regulations determined by ~~him~~ the secretary, may issue and may make available to the Maine State Guard the facilities of state armories and their equipment and other state premises and property ~~which that~~ are available.

Sec. B-16. 37-B MRSA §224, sub-§7, as enacted by PL 1983, c. 460, §3, is corrected to read:

7. Federal service. Nothing in this subsection may be construed as authorizing the Maine State Guard or any part thereof, to be called, ordered or in any manner drafted as a unit into the military service of the United States. No person may, by reason of ~~his~~ the person's enlistment or commission in the Maine State Guard, be exempted from military service under any law of the United States.

Sec. B-17. 37-B MRSA §225, as enacted by PL 1983, c. 460, §3, is corrected to read:

§225. Enrollment other than National Guard

1. Citizen enrollment; penalty for noncompliance. Each citizen who is more than 18 years of age and less than 45 years of age, unless exempted by order of the Governor, who is a resident of this State, ~~shall~~ must, whenever the Governor ~~deems~~ considers it necessary, be enrolled with the militia. Each citizen ~~shall~~ must be enrolled in the municipality in which ~~he~~ the citizen resides by the assessor or assessors for that municipality according to rules ~~which that~~ the Governor may prescribe.

Any person knowingly refusing to give required information concerning ~~himself~~ that person or another person who is required to be enrolled, or giving false information to an assessor making the enrollment, is for each act of concealment, refusal or falsification guilty of a Class E crime. Within 10 days, the assessor making the enrollment shall report all persons violating this subsection to the Adjutant General.

2. Exemptions. The Vice-President of the United States; judicial and executive officers of the government of the United States and of the several states and territories; persons in the military or naval service of the United States; customs clerks; persons employed by the United States in the transmission of the mail, artificers and ~~workmen~~ workers employed in the armories, arsenals and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, ~~shall be~~ are exempt from militia duty without regard to age. All persons, who because of religious belief, claim exemption from militia service, if the conscientious holding of that belief by that person ~~shall be~~ is established under regulations prescribed by the President, ~~shall be~~ are exempted from militia service in a combatant capacity. A person exempted because of religious beliefs ~~shall be~~ is not exempt from militia service in a capacity that the President declares to be noncombatant.

3. Burden of proof in exemption. Any person claiming exemption shall satisfy the assessor of ~~his~~ the person's right to the exemption. In case of doubt, the burden of proof ~~shall be~~ is upon the person claiming exemption. The assessor may require ~~him~~ the person to submit to examination under oath and may administer the oath.

4. Responsibilities of assessor and clerk; penalty for failure to perform. On the roll, opposite the name of each person who is exempt from duty under subsection 2, or who is serving in the active state or federal military forces, or who is unable by reason of physical disability to perform military duty, the assessor shall write the word "exempt" and state in each case the cause of the exemption. The assessor shall subscribe the list and make oath that the list is true to the best of ~~his~~ the assessor's knowledge and belief, and shall immediately file the list with the clerk of the municipality. Within 10 days, the clerk shall make a certified statement of the total number enrolled, the number marked exempt with the reason for exemption and the number in active service. The clerk shall forward the statement to the Military Bureau. Any assessor neglecting or refusing faithfully to perform the enrolling duties required by law, making a false entry upon the rolls or committing any other related fraud and any clerk neglecting to make and forward the statement required is guilty of a Class E crime.

Sec. B-18. 37-B MRSA §266, sub-§1, ¶B, as enacted by PL 1987, c. 208, §1, is corrected to read:

B. In case an officer or enlisted ~~man~~ person of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property ~~which that~~ that has been issued for ~~his~~ that officer's or enlisted person's use, the Adjutant General shall retain, out of the pay, allowances or money due the officer or enlisted ~~man~~ person for any military services an amount equal to the value of the property lost or destroyed. That portion of the money ~~which that~~ that is for state property ~~shall must~~ shall be turned in to the Treasurer of State and credited to the Military Fund. That portion ~~which that~~ that is for United States property ~~shall must~~ shall be turned ~~into~~ in to the United States Treasury and credited to the State on its property returns.

Sec. B-19. 37-B MRSA §266, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Uniform forbidden to unauthorized persons. It is unlawful for any person not an officer or enlisted ~~man~~ person in the federal or state military forces to wear the duly prescribed uniform of any military forces or any distinctive part of the uniform, or a uniform any part of which is similar to a distinctive part of a prescribed uniform. This subsection ~~shall may~~ shall not be construed to prevent authorized persons from wearing the uniforms. The term "distinctive part of the uniform" in this subsection ~~shall must~~ shall be construed to mean such parts of the uniform as may be designated as "distinctive" by the regulations of the federal military establishment. Violation of this subsection is a Class E crime.

Sec. B-20. 37-B MRSA §342, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Enlistment of minors into the military. Any person who knowingly enlists, or causes or induces, a person under ~~the age of~~ 18 years of age to enlist into the state military forces without written consent of ~~his~~ the parent or guardian of the person under 18 years of age is guilty of a Class E crime.

Sec. B-21. 37-B MRSA §342, sub-§4, as enacted by PL 1983, c. 460, §3, is corrected to read:

4. Obstruction of the right-of-way. The commander of any part of the state military forces parading or performing any military duty in any street or highway may require any or

all persons to yield the right-of-way to ~~his~~ the commander's troops, ~~provided that as long as~~ the transport of the United States mail, the legitimate functions, progress and operations of police, ambulances, firefighters and other authorized emergency vehicles ~~shall~~ are not be interfered with by the troops.

Anyone who hinders, delays or obstructs any portion of the state military forces when parading or performing their military duty, or who attempts to do so, is guilty of a Class E crime.

Sec. B-22. 37-B MRSA §382, first ¶, as enacted by PL 1983, c. 460, §3, is corrected to read:

Whenever a state of war exists or is imminent between the United States and a foreign country, the Governor may by proclamation direct every citizen or subject of that foreign country within this State to personally appear within 24 hours after the proclamation or within 24 hours after ~~his~~ the citizen's or subject's arrival in this State, whichever is later, before the public authorities named by the Governor in the proclamation. At that time the citizen or subject of the foreign country shall register ~~his~~ the citizen's or subject's name, residence, business, length of stay and other information ~~which~~ that the Governor may prescribe in the proclamation.

Sec. B-23. 37-B MRSA §406, sub-§3, as amended by PL 1983, c. 594, §21, is corrected to read:

3. By civil authority. Any civil officer having authority to apprehend offenders under the laws of this State may apprehend a deserter or a member of the military forces absent without leave and deliver ~~him~~ the deserter or member into the custody of the appropriate component of the military force. Without limiting the authority granted in this subsection, upon written certification from the Adjutant General that a member is absent without leave from military duty, the civil officer, upon the Adjutant General's request, shall apprehend the member and deliver ~~him~~ the member to duty in accordance with the request.

Sec. B-24. 37-B MRSA §407, sub-§1, ¶A, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. "Arrest" is the restraint of a person by an order directing ~~him~~ the person to remain within certain specified limits and ~~which~~ that is not imposed as a punishment for an offense.

Sec. B-25. 37-B MRSA §410, as enacted by PL 1983, c. 460, §3, is corrected to read:

§410. Information on charges; speedy trial

When any person subject to this Code is arrested or confined prior to trial, immediate steps ~~shall~~ must be taken to inform ~~him~~ the person of the specific wrong of which ~~he~~ the person is accused and to try ~~him~~ the person or to dismiss the charges and release ~~him~~ the person.

Sec. B-26. 37-B MRSA §412, as enacted by PL 1983, c. 460, §3, is corrected to read:

§412. Receiving prisoners

When an officer of the military forces delivers a prisoner and furnishes a statement of the offense charged against that prisoner to a provost marshal, commander of the guard, warden,

keeper or officer of a city or county jail or other correctional center designated under section 408, that official shall commit the prisoner to ~~his~~ the official's charge.

Sec. B-27. 37-B MRSA §413, as enacted by PL 1983, c. 460, §3, is corrected to read:

§413. Report of persons held

Every provost marshal, commander of the guard, warden, keeper or officer of a city or county jail or other correctional center designated under section 408 to whose charge a prisoner is committed shall, within 24 hours after such commitment or as soon as ~~he~~ the official is relieved from guard, report to ~~his~~ the official's commanding officer the name of the prisoner, the offense charged against ~~him~~ the prisoner and the name of the person who ordered or authorized commitment.

Sec. B-28. 37-B MRSA §420, sub-§4, as enacted by PL 1983, c. 460, §3, is corrected to read:

4. Rank or grade. Except where it cannot be avoided, a member of the military forces shall may not be tried by a court-martial any member of which is junior ~~to him~~ in rank or grade to the member being tried. When convening a court-martial, the convening authority shall detail persons in the military forces who, in ~~his~~ the convening authority's opinion, are qualified for the duty by reason of age, education, training, experience, length of service and judicial temperament. No member of the military forces may serve as a member of a court-martial when ~~he~~ the member is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

Sec. B-29. 37-B MRSA §421, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Accuser or witness ineligible. No person is eligible to act as military judge in a case if ~~he~~ the person is the accuser or a witness for the prosecution or has acted as investigation officer or a counsel in the same case.

Sec. B-30. 37-B MRSA §421, sub-§4, as enacted by PL 1983, c. 460, §3, is corrected to read:

4. Duties. A commissioned officer who is certified to be qualified for duty as a military judge of a court-martial may perform those duties only when ~~he~~ the commissioned officer is assigned and directly responsible to the Adjutant General. ~~He~~ The commissioned officer may perform duties of a judicial or nonjudicial nature other than those relating to ~~his~~ the commissioned officer's duty as a military judge of a court-martial when those duties are assigned to ~~him~~ the commissioned officer by or with the approval of the state judge advocate. The military judge of a court-martial may not consult with the members of the court, except in the presence of the accused, trial counsel and defense counsel, nor may ~~he~~ the military judge vote with the members of the court.

Sec. B-31. 37-B MRSA §422, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Appointment. For each court-martial, the authority convening the court shall detail trial counsel and defense counsel, and such assistants as ~~he~~ the authority considers appropriate. No person who has acted as investigating officer, military judge or court member in any case may act later as trial counsel, assistant trial counsel, or unless expressly

requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

Sec. B-32. 37-B MRSA §431, as enacted by PL 1983, c. 460, §3, is corrected to read:

§431. Approval of findings and sentence

In acting on the findings and sentence of a court-martial, the convening authority may approve only such findings of guilty, and the sentence or such part or amount of the sentence, as ~~he~~ the convening authority finds correct in law and fact and as ~~he~~ the convening authority in ~~his~~ the convening authority's discretion determines should be approved. Unless ~~he~~ the convening authority indicates otherwise, approval of the sentence is approval of the findings and sentence.

Sec. B-33. 37-B MRSA §432, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Rehearing. A rehearing ~~shall~~ must be ordered as follows.

A. If the convening authority disapproves of the findings and sentence, ~~he~~ the convening authority shall state the reasons for disapproval, and ~~he~~ may order a rehearing, except where there is lack of sufficient evidence in the record to support the findings. If ~~he~~ the convening authority disapproves the findings and sentence and does not order a rehearing, ~~he~~ the convening authority shall dismiss the charges.

B. Each rehearing ~~shall~~ must take place before a court-martial composed of members who were not members of the court-martial ~~which~~ that first heard the case. Upon a rehearing, the accused may not be tried for any offense of which ~~he~~ the accused was found not guilty by the first court-martial. No sentence more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

Sec. B-34. 37-B MRSA §435, as enacted by PL 1983, c. 460, §3, is corrected to read:

§435. Approval by the Governor

No court-martial sentence may be executed until approved by the Governor. The Governor shall approve the sentence or such part, amount or commuted form of the sentence as ~~he~~ the Governor sees fit, and may suspend the execution of the sentence or any part of the sentence.

Sec. B-35. 37-B MRSA §436, as amended by PL 1983, c. 594, §30, is corrected to read:

§436. New trial

At any time after approval by the convening authority of a court-martial sentence, the accused may petition the state judge advocate for a new trial on the grounds of newly discovered evidence or fraud on the court. The state judge advocate shall review the petition, the record and such other evidence as ~~he~~ deems the state judge advocate considers appropriate and report to the convening authority ~~his~~ the state judge advocate's

recommendation to grant or deny a new trial. If a new trial is recommended, the convening authority shall order a rehearing as provided in section 432, subsection 3. Upon filing of the petition for a new trial, any proceedings pending upon appeal or review of sentence shall must be dismissed.

Sec. B-36. 37-B MRSA §441, sub-§1, as enacted by PL 1983, c. 460, §3, is corrected to read:

1. Acts constituting. Any member of the military forces who commits any of the following acts is guilty of desertion:

- A. Without authority, goes or remains absent from ~~his~~ the member's unit, organization or place of duty with intent to remain away permanently;
- B. Quits ~~his~~ the member's unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or
- C. Being a commissioned officer of the military forces who, after tender of ~~his~~ the member's resignation and before notice of ~~his~~ acceptance, quits ~~his~~ the member's post or proper duties without leave and with intent to remain away permanently.

Sec. B-37. 37-B MRSA §442, as enacted by PL 1983, c. 460, §3, is corrected to read:

§442. Absent without leave

Any member of the military forces who, without authority, fails to go to ~~his~~ the member's appointed place of duty at the time prescribed, or goes from that place, or ~~absents himself~~ leaves or remains absent from ~~his~~ the member's unit, organization or place of duty at which ~~he~~ the member is required to be at the time prescribed, shall must be punished as a court-martial may direct.

Sec. B-38. 37-B MRSA §443, as enacted by PL 1983, c. 460, §3, is corrected to read:

§443. Missing movement

Any person subject to this Code who through neglect or design misses the movement of a ship, aircraft or unit with which ~~he~~ the person is required in the course of duty to move shall must be punished as a court-martial may direct.

Sec. B-39. 37-B MRSA §447, as enacted by PL 1983, c. 460, §3, is corrected to read:

§447. Failure to obey order

Any person subject to this Code who violates or fails to obey any lawful general order or regulation, or having knowledge of any other lawful order issued by a member of the military forces, ~~which that it is~~ his the person's duty to obey, fails to obey the order, or is derelict in the performance of ~~his~~ the person's duties, shall must be punished as a court-martial may direct.

Sec. B-40. 37-B MRSA §448, sub-§1, ¶A, as enacted by PL 1983, c. 460, §3, is corrected to read:

- A. With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do ~~his~~ the person's duty or creates any violence or disturbance is guilty of mutiny;

Sec. B-41. 37-B MRSA §448, sub-§1, ¶C, as enacted by PL 1983, c. 460, §3, is corrected to read:

C. Fails to do his the person's utmost to prevent and suppress a mutiny or sedition being committed in his the person's presence, or fails to take all reasonable means to inform his the person's superior commissioned officer or commanding officer of a mutiny or sedition ~~which he~~ that the person knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

Sec. B-42. 37-B MRSA §451, as enacted by PL 1983, c. 460, §3, is corrected to read:

§451. Sentinels

Any sentinel or lookout who is found sleeping upon his the sentinel's or lookout's post or who leaves it before he the sentinel or lookout is regularly relieved ~~shall~~ must be punished as a court-martial may direct.

Sec. B-43. 37-B MRSA §507-A, as enacted by PL 1983, c. 594, §31, is corrected to read:

§507-A. Custodian to provide copies

When a copy of any public record is required by the United States Veterans' Administration to be used in determining the eligibility of any person to participate in benefits made available by the United States Veterans' Administration, the official custodian of that public record shall, without charge, provide the applicant for these benefits, or any person acting on his the applicant's behalf or the authorized representative of the United States Veterans' Administration, with a certified copy of that record.

Sec. B-44. 37-B MRSA §604, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Selection of officers. At its first annual meeting, which ~~shall~~ must be held in July each year, the board shall elect a ~~chairman~~ chair and secretary for that fiscal year.

Sec. B-45. 37-B MRSA §743, sub-§1, as enacted by PL 1983, c. 594, §34, is corrected to read:

1. Proclamation by Governor. Whenever the Governor is satisfied that a disaster or civil emergency no longer exists, ~~he~~ the Governor shall terminate the emergency proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. That proclamation ~~shall~~ must be published in newspapers of the State and posted in places ~~which~~ that the Governor ~~deems~~ considers appropriate.

Sec. B-46. 37-B MRSA §744, sub-§1, ¶A, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. Accept a grant of financial assistance from the Federal Government, subject to such terms and conditions as may be imposed upon the grant and upon his the Governor's determination that financial assistance is essential to meet necessary expenses or serious needs of individuals or families caused by the disaster ~~which~~ that cannot otherwise adequately be met;

Sec. B-47. 37-B MRSA §744, sub-§2-A, ¶B, as enacted by PL 1985, c. 794, Pt. A, §5, is corrected to read:

B. If the President of the United States declares that a major disaster exists in the State, the Governor may:

- (1) Apply for a loan from the Federal Government on behalf of a unit of local government if ~~he~~ the Governor determines that the unit will suffer a substantial loss of tax and other revenues as a result of a major disaster and has demonstrated a need for financial assistance to perform its governmental functions;
- (2) Receive and disburse the proceeds of any approved loan to an applicant local government;
- (3) Determine the amount needed by any applicant local government to restore or resume its governmental functions and certify the amount to the Federal Government, ~~provided~~ except that no application amount may exceed 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs; and
- (4) Recommend to the Federal Government, based upon ~~his~~ the Governor's review, the cancellation of all or any part of repayment when, after 3 full fiscal years following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional municipal expenses related to the disaster.

Sec. B-48. 37-B MRSA §744, sub-§3, ¶A, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. Whenever the Governor has proclaimed a disaster emergency under the laws of this State, or the President has declared an emergency or a major disaster to exist in this State, the Governor may:

- (1) Enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and make these units available to any political subdivision of the State;
- (2) Assist any political subdivision of the State, in which is located temporary housing for disaster victims, acquire sites necessary for the temporary housing and do all things required to prepare the sites to accommodate temporary housing units. This may be accomplished by advancing or lending funds available to the Governor from any appropriation made by the Legislature or from any other source, and "passing through" funds made available by any agency, public or private; or by becoming a partner with the political subdivision for the execution and performance of any temporary housing project for disaster victims. For those purposes, the Governor may pledge the credit of the State on terms ~~which he deems~~ that the Governor considers appropriate, having due regard for current debt transactions of the State; and
- (3) Suspend or modify a state health, safety, zoning, transportation or other requirement of law or rule when ~~he deems~~ the Governor considers suspension or modification necessary to provide temporary housing for disaster victims. That suspension or modification shall must be in accordance with rules adopted by the Governor and shall may not exceed 60 days' duration.

Sec. B-49. 37-B MRSA §821, first ¶, as enacted by PL 1983, c. 460, §3, is corrected to read:

When the Governor has issued a proclamation in accordance with section 742 and, when in ~~his~~ the Governor's judgment for the protection and welfare of the State and its inhabitants, the situation requires it as a matter of public necessity or convenience, ~~he~~ the Governor may take possession of any real or personal property located within the State for public uses in furtherance of this chapter.

Sec. B-50. 37-B MRSA §821, sub-§3, as enacted by PL 1983, c. 460, §3, is corrected to read:

3. Compensation. The Governor shall award reasonable compensation to the owners of the property ~~which he~~ that the Governor takes under this section and for its use and for any injury thereto or destruction thereof caused by that use.

Sec. B-51. 37-B MRSA §821, sub-§4, as enacted by PL 1983, c. 460, §3, is corrected to read:

4. Appeal. The owner of property of which possession has been taken under this section and to whom no award has been made or who is dissatisfied with the amount awarded ~~him~~ the owner as compensation may bring an action in the Superior Court in the county in which ~~he~~ the owner lives or has a usual place of business or in the County of Kennebec to have the amount of damages to which ~~he~~ the owner is entitled determined. The plaintiff may bring the action within 6 years after the date when possession of the property was taken under this section, except that, if the owner of the property is in the military service of the United States at any time during which ~~he~~ the owner should otherwise have brought ~~his~~ the action, ~~he~~ the owner may bring the action within 6 years after ~~his~~ the owner's discharge from that military service. The plaintiff and the State ~~shall~~ severally have the right to have the damages assessed by a jury.

Sec. B-52. 37-B MRSA §821, sub-§5, as enacted by PL 1983, c. 460, §3, is corrected to read:

5. Continuation of right of action. In the event the owner of property seized under this section dies, preventing ~~him~~ the owner from bringing or continuing the action provided in subsection 4, ~~his~~ the owner's executor or administrator may bring or continue the action.

Sec. B-53. 37-B MRSA §1007, as enacted by PL 1983, c. 460, §3, is corrected to read:

§1007. Conspirators

If 2 or more persons conspire to commit any crime defined by this chapter, each of those persons is guilty of conspiracy, which ~~shall be~~ is a crime of the same class as the crime ~~which~~ that those persons conspired to commit, whether or not any act was done in furtherance of the conspiracy. It ~~shall~~ does not constitute a defense or a ground of suspension of judgement, sentence or punishment on behalf of a person prosecuted under this section that any of ~~his~~ the person's fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Sec. B-54. 37-B MRSA §1010, as enacted by PL 1983, c. 460, §3, is corrected to read:

§1010. Questioning and detaining suspected persons

Any peace officer or any person employed as ~~watchman~~, guard or in a supervisory capacity on premises posted, as provided in section 1009, may stop any person found on any premises to which entry without permission is forbidden by section 1009 and may detain ~~him~~ the person for the purpose of questioning and may question ~~him~~ the person with respect to ~~his~~ the person's name, address and business in that place. If the peace officer or employee has reason to believe from the answers of the person so interrogated that the person has no right to be in that place, the peace officer shall forthwith either release that person or arrest the person without a warrant on the charge of violating section 1009. The employee shall forthwith release the person or turn ~~him~~ the person over to a peace officer, who may arrest ~~him~~ the person without a warrant on the charge of violating section 1009.

EXPLANATION

Pursuant to Public Law 2019, chapter 475, this Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 37-B and incorporates certain administrative changes and corrections authorized under Title 1, section 93 to those statutory units.
