

**REVISOR'S REPORT 2019**  
**Chapter 2**

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

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**PART A**

**Sec. A-1. 1 MRSA §150-O**, as enacted by PL 2019, c. 570, §1, is reallocated to 1 MRSA §150-P.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 569 and 570, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-2. 5 MRSA §17851-A, sub-§1, ¶M**, as amended by PL 2019, c. 537, §2; c. 541, §3; and c. 542, §2, is corrected to read:

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; ~~and~~

**EXPLANATION**

This section makes a technical correction.

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**Sec. A-3. 5 MRSA §17851-A, sub-§1, ¶N**, as enacted by PL 2019, c. 541, §4, is reallocated to 5 MRSA §17851-A, sub-§1, ¶O.

**EXPLANATION**

This section corrects a lettering problem created by Public Law 2019, chapters 537, 541 and 542, which enacted 3 substantively different provisions with the same paragraph letter.

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**Sec. A-4. 5 MRSA §17851-A, sub-§1, ¶N**, as enacted by PL 2019, c. 542, §3, is reallocated to 5 MRSA §17851-A, sub-§1, ¶P.

**EXPLANATION**

This section corrects a lettering problem created by Public Law 2019, chapters 537, 541 and 542, which enacted 3 substantively different provisions with the same paragraph letter.

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**Sec. A-5. 5 MRSA §17851-A, sub-§2**, as amended by PL 2019, c. 537, §4; c. 541, §5; and c. 542, §4, is corrected to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any employee identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

### EXPLANATION

This section corrects cross-references.

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**Sec. A-6. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2019, c. 537, §5; c. 541, §6; and c. 542, §5, is corrected to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraphs L and M regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

### EXPLANATION

This section corrects cross-references.

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**Sec. A-7. 5 MRSA §17851-A, sub-§4, ¶A**, as amended by PL 2019, c. 537, §6; c. 541, §7; and c. 542, §6, is corrected to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

### EXPLANATION

This section corrects cross-references.

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**Sec. A-8. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2019, c. 537, §7; c. 541, §8; and c. 542, §7, is corrected to read:

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1,

2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C

to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N to P must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

## EXPLANATION

This section corrects cross-references.

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**Sec. A-9. 5 MRSA §17851-A, sub-§5**, as amended by PL 2019, c. 537, §8; c. 541, §9; and c. 542, §8, is corrected to read:

**5. Contributions.** Notwithstanding any other provision of subchapter 3, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, ~~paragraph~~ paragraphs N

to P, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

#### EXPLANATION

This section corrects cross-references.

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**Sec. A-10. 6 MRSA §102, sub-§2, ¶A**, as amended by PL 2011, c. 610, Pt. A, §2, is corrected to read:

A. All ~~air carrier~~ air carrier and commuter ~~air carrier~~ air carrier airports shall designate a person generally available who has administrative responsibility for operation and management of the airport. All general aviation commercial airports, as defined under chapter 6, shall have at least a part-time airport manager.

#### EXPLANATION

This section corrects clerical errors.

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**Sec. A-11. 7 MRSA §2471**, as enacted by PL 2019, c. 548, §1, is corrected to read:  
**§2471. Tick Laboratory and Pest Management Fund**

The Tick Laboratory and Pest Management Fund, referred to in this chapter as "the fund," is established. The fund is nonlapsing, is administered by the University of Maine at Orono and consists of funds derived from the pesticide container fee under Title 36, section ~~4911~~ 4941, appropriations and allocations to the fund and funds from other public and private sources. The fund, to be accounted within the University of Maine at Orono, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund must be disbursed on a quarterly basis to the University of Maine at Orono.

**Sec. A-12. 7 MRSA §2472, sub-§1**, as enacted by PL 2019, c. 548, §1, is corrected to read:

**1. Pesticide container fee reimbursement.** Funds must be provided for ongoing reimbursement to the State Tax Assessor on a monthly basis by the 15th of the month following collection, to pay for administrative costs not to exceed \$40,000 annually from collection of the pesticide container fee imposed under Title 36, section ~~4911~~ 4941.

#### EXPLANATION

These sections correct cross-references.

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**Sec. A-13. 10 MRSA §1100-AA, sub-§9, ¶A**, as enacted by PL 2019, c. 447, §1, is corrected to read:

A. A loan to any individual for eligible costs may not exceed \$700, but this limit may be adjusted upward at least biannually by the authority to reflect inflation or cost of living or other necessary adjustments;

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-14. 10 MRSA §1100-AA, sub-§9, ¶B**, as enacted by PL 2019, c. 447, §1, is corrected to read:

B. Loans are not subject to interest;

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-15. 11 MRSA §2-103, sub-§(3)**, as amended by PL 2009, c. 324, Pt. B, §3 and affected by §48, is corrected to read:

(3). The following definitions in other Articles apply to this Article:

"Check."	Section <del>3-104</del> <u>3-1104</u> .
"Consignee."	Section 7-1102.
"Consignor."	Section 7-1102.
"Consumer goods."	Section 9-1102.
"Dishonor."	Section 3-1502.
"Draft."	Section <del>3-104</del> <u>3-1104</u> .

#### EXPLANATION

This section corrects cross-references.

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**Sec. A-16. 11 MRSA §2-103, sub-§(3-A)**, as enacted by PL 2009, c. 324, Pt. B, §4 and affected by §48, is corrected to read:

(3-A). "Control" as provided in section 7-1106 and the following definitions in other Articles apply to this Article:

"Check."	Section <del>3-104</del> <u>3-1104</u> .
"Consignee."	Section 7-1102.
"Consignor."	Section 7-1102.
"Consumer goods."	Section 9-1102.
"Dishonor."	Section <del>3-502</del> <u>3-1502</u> .



### EXPLANATION

This section corrects cross-references.

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**Sec. A-17. 12 MRSA §5015, 2nd ¶**, as enacted by PL 1985, c. 105, §1, is corrected to read:

Pursuant to the authority established in section 5012, the commissioner may administer a state grant-in-aid program and may promulgate rules therefor under Title 5, chapter 375, subchapter ~~H~~ 2. The purpose of the program is to assist local governments, river conservation or management groups and landowners in activities that may include the acquisition, establishment and maintenance of access sites, parking areas, ~~picnic~~ picnic areas, campsites and sanitary facilities; encouraging and securing shoreland gifts and conservation easements; financial support for river runners, litter control, signs and educational materials; the restoration and enhancement of anadromous fisheries; improving the natural productivity of inland fisheries; and supervision of recreational use and other similar or associated activities involving the protection of and public access to the State's rivers.

### EXPLANATION

This section corrects a clerical error and updates a cross-reference.

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**Sec. A-18. 12 MRSA §9201, 2nd ¶**, as enacted by PL 1979, c. 545, §3, is corrected to read:

~~Municipal~~ Municipal fire department personnel and equipment shall not be moved within or without municipal limits upon the order of a town forest fire warden or a forest ranger, except with the approval of the fire chief or proper municipal official having authority to grant such approval.

### EXPLANATION

This section corrects a clerical error.

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**Sec. A-19. 17 MRSA §1039, sub-§6**, as enacted by PL 2009, c. 127, §2 and affected by §3, is corrected to read:

**6. Criminal or civil prosecution.** A person may be arrested or detained for a violation of subsection 2 in accordance with the rules of criminal procedure. A person may not be arrested or detained for the civil violation of cruel confinement under Title 7, section ~~1039~~ 4020. The attorney for the State may elect to charge a defendant with a criminal violation under this section or a civil violation under Title 7, section 4020. In making this election,

the attorney for the State shall consider the severity of the cruelty displayed, the number of animals involved, any prior convictions or adjudications of animal cruelty entered against the defendant and such other factors as may be relevant to a determination of whether criminal or civil sanctions will best accomplish the goals of the animal welfare laws in the particular case before the attorney for the State. The election and determination required by this subsection are not subject to judicial review. The factors involved in the election and determination are not elements of the criminal offense or civil violation of cruel confinement and are not subject to proof or disproof as prerequisites or conditions for conviction under this section or adjudication under Title 7, section 4020.

It is not an affirmative defense to prosecution under this section that the sow or calf is kept as part of an agricultural operation and in compliance with best management practices for animal husbandry.

### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-20. 17-A MRSA §1812, sub-§10**, as enacted by PL 2019, c. 113, Pt. A, §2, is corrected to read:

**10. Respecification of place of imprisonment following vacation of suspension of sentence.** Whenever a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify the place of imprisonment for both the portion required to be served and any remaining suspended portion, if necessary, to carry out the intent of section 1805, subsection 1, paragraph D E.

### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-21. 17-A MRSA §1902, sub-§6**, as enacted by PL 2019, c. 316, §2, is corrected to read:

**6. Preferred disposition in prosecution for engaging in prostitution.** A deferred disposition is a preferred disposition in a prosecution for engaging in prostitution under section 853-A, subsection 1, paragraph B.

### EXPLANATION

This section corrects a clerical error.

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**Sec. A-22. 18-C MRSA §9-308, sub-§1, ¶E**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

E. The best interest of the adoptee, described in subsection 2, ~~are~~ is served by the adoption;

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-23. 20-A MRSA §4502, sub-§1-A**, as enacted by PL 2019, c. 508, §5, is corrected to read:

**1-A. Developmentally appropriate educational practices; kindergarten to grade 2.** The commissioner shall adopt rules to address developmentally appropriate educational practices for kindergarten to grade 2. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter ~~275~~ 375, subchapter 2-A.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-24. 22 MRSA §1718-D**, as affected by PL 2017, c. 218, §3 and amended by PL 2019, c. 668, §1, is corrected by correcting the section headnote to read:

**§1718-D. Prohibition on balance billing for surprise bills and bills for out-of-network emergency services; disputes of bills for uninsured patients and persons covered under self-insured health benefit plans; disclosure related to referrals**

#### EXPLANATION

This section corrects a headnote to reflect the changes made by Public Law 2019, chapters 668 and 670.

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**Sec. A-25. 22 MRSA §1718-D, sub-§3**, as enacted by PL 2019, c. 670, §1, is reallocated to 22 MRSA §1718-D, sub-§5.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 668 and 670, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-26. 22 MRSA §1826, sub-§2, ¶I**, as amended by PL 2017, c. 402, Pt. C, §46 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

I. No contract or agreement may contain a provision that provides for the payment of attorney's fees or any other cost of collecting payments from the resident, except that attorney's fees and costs may be collected against any agent under a power of attorney who breaches the agent's duties as set forth in Title 18-C, section 5-914 or against a conservator appointed under Title 18-C, section 5-404 5-401 for breach of the conservator's duties.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-27. 22 MRSA §3762, sub-§3, ¶B**, as amended by PL 2019, c. 485, §3, is further amended by reallocating subparagraph (7-C) to 22 MRSA §3762, sub-§3, ¶B, subparagraph (7-F).

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 484 and 485, which enacted 2 substantively different provisions with the same subparagraph number.

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**Sec. A-28. 24-A MRSA §4316, sub-§2**, as repealed and replaced by PL 2019, c. 289, §2, is corrected to read:

**2. Parity for telehealth services.** A carrier offering a health plan in this State may not deny coverage on the basis that the health care service is provided through telehealth if the health care service would be covered if it ~~was~~ were provided through in-person consultation between an enrollee and a provider. Coverage for health care services provided through telehealth must be determined in a manner consistent with coverage for health care services provided through in-person consultation. If an enrollee is eligible for coverage and the delivery of the health care service through telehealth is medically appropriate, a carrier may not deny coverage for telehealth services. A carrier may offer a health plan containing a provision for a deductible, copayment or coinsurance requirement for a health care service provided through telehealth as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to a comparable service provided through in-person consultation. A carrier may not exclude a health care service from coverage solely because such health care service is provided only through a telehealth encounter, as long as telehealth is appropriate for the provision of such health care service.

#### EXPLANATION

This section corrects a grammatical error.

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**Sec. A-29. 29-A MRSA §1410, sub-§6**, as enacted by PL 1997, c. 437, §40, is corrected to read:

**6. Penalty.** A person who knowingly supplies false information on a an application required under subsection 1 commits a Class D crime. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

#### EXPLANATION

This section corrects a clerical error and updates a cross-reference.

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**Sec. A-30. 30 MRSA §6206, sub-§3, ¶A**, as enacted by PL 2019, c. 621, Pt. A, §1 and affected by §3, is reallocated to 30 MRSA §6206, sub-§3, ¶B.

#### EXPLANATION

This section corrects a lettering problem created by Public Law 2019, chapter 621, Parts A and B, which enacted 2 substantively different provisions of with the same paragraph letter.

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**Sec. A-31. 33 MRSA §2064, sub-§3, ¶B**, as enacted by PL 2019, c. 498, §22, is corrected to read:

B. The date established by subsection 1, paragraph ~~C~~ B.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-32. 34-A MRSA §1208-B, sub-§1, ¶B**, as enacted by PL 2015, c. 335, §22, is corrected by correcting subparagraph (1) to read:

(1) Require reporting of data that indicates average daily population of prisoners, that excludes federal prisoners, that indicates sending and receiving jails for transferred prisoners and that is useful in calculating the distributions to the counties pursuant to section ~~1201-D~~ 1210-D, subsection 4; and

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. A-33. 34-B MRSA §15002, sub-§7**, as amended by PL 2019, c. 343, Pt. DDD, §3, is corrected to read:

**7. Rulemaking.** The departments shall adopt rules to implement this chapter. Rules in effect for care under the authority of the departments, prior to the adoption of rules pursuant to this subsection, remain in effect until the effective date of the new rules. In addition to the rule-making procedures required under Title 5, chapter 375, prior to adoption of a proposed rule, the department shall provide notice of the content of the proposed rule to the joint standing committee of the Legislature having jurisdiction over health and human services matters. When a rule is adopted, the department shall provide copies of the adopted rule to the joint standing committee of the Legislature having jurisdiction over health and human ~~service~~ services matters. Unless otherwise specifically designated, rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. A-34. 36 MRSA §1110**, as repealed and replaced by PL 1977, c. 696, §269, is corrected to read:

#### **§1110. Reclassification**

Land subject to taxes under this subchapter may be reclassified as to land classification by the municipal assessor, chief assessor or State Tax Assessor upon application of the owner with a proper showing of the reasons justifying that reclassification or upon the initiative of the respective municipal assessor, chief assessor or State Tax Assessor where the facts justify the same. In the event that the municipal assessor, chief assessor or State Tax Assessor determines, upon ~~his~~ the municipal assessor's, chief assessor's or State Tax Assessor's own initiative, to reclassify land previously classified under this subchapter, ~~he~~ the municipal assessor, chief assessor or State Tax Assessor shall provide to the owner or owners of the land by certified mail, return receipt requested, notice of ~~his~~ the municipal assessor's, chief assessor's or State Tax Assessor's intention to reclassify that land and the reasons therefor.

#### EXPLANATION

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

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**Sec. A-35. 36 MRSA §1760, sub-§103**, as enacted by PL 2019, c. 550, §1, is reallocated to 36 MRSA §1760, sub-§104.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 550, 551 and 552 which enacted 3 substantively different provisions with the same subsection number, all of which are in conflict with an existing subsection with the same subsection number.

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**Sec. A-36. 36 MRSA §1760, sub-§103**, as enacted by PL 2019, c. 551, §1, is reallocated to 36 MRSA §1760, sub-§105.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 550, 551 and 552 which enacted 3 substantively different provisions with the same subsection number, all of which are in conflict with an existing subsection with the same subsection number.

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**Sec. A-37. 36 MRSA §1760, sub-§103**, as enacted by PL 2019, c. 552, §1, is reallocated to 36 MRSA §1760, sub-§106.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 550, 551 and 552 which enacted 3 substantively different provisions with the same subsection number, all of which are in conflict with an existing subsection with the same subsection number.

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**Sec. A-38. 36 MRSA c. 723**, as enacted by PL 2019, c. 548, §2, is reallocated to 36 MRSA c. 725.

**Sec. A-39. 36 MRSA §4911**, as enacted by PL 2019, c. 548, §2, is reallocated to 36 MRSA §4941.

**EXPLANATION**

These sections correct a numbering problem created by Public Law 2019, chapters 231 and 548, which enacted 2 substantively different provisions with the same chapter number.

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**Sec. A-40. 38 MRSA §480-Q, sub-§2-E**, as enacted by PL 2019, c. 124, §3, is corrected to read:

**2-E. Nonhydropower dams.** Maintenance and repair of an existing nonhydropower dam, as long as:

- A. A long-term maintenance and repair plan for the dam has been submitted to the department prior to the commencement of any maintenance or repair activities;
- B. The maintenance and repair activities do not involve more than 50% of the surface area or volume of the dam;

- C. Erosion control measures are taken to prevent sedimentation of the water on either side of the dam as a result of the maintenance or repair activities;
- D. Resurfacing of the upstream or downstream vertical faces of the dam, retaining walls or associated structures does not exceed 4 inches in thickness;
- E. Precast concrete used for the repair or resurfacing of the dam is cured in air for a minimum of 3 weeks and fresh concrete poured in forms on site used for the repair or resurfacing of the dam is cured in air for a minimum of one week prior to use to prevent impacts to fish and other aquatic organisms from high pH levels associated with concrete;
- F. The maintenance and repair activities do not result in permanent changes to impounded water levels or to downstream flows;
- G. All necessary approvals from state and federal fisheries agencies for any temporary drawdown of the impounded waters needed to accomplish the maintenance and repair activities have been obtained prior to the commencement of those activities; and
- H. Removal of accumulated materials from the upstream side of the dam, including natural sediment buildup, vegetative materials and woody debris, is limited to an area within 6 feet of the dam, measured perpendicularly from its upstream face, and is performed by hand only.

For the purposes of this subsection, "nonhydropower dam" means a water-impounding structure not used for the generation of hydroelectric power and includes any associated wing walls, abutments, spillways, gates and earthen embankments;

### EXPLANATION

This section corrects a clerical error.

**Sec. A-41. 38 MRSA §969, sub-§3**, as enacted by PL 1997, c. 330, §1, is corrected to read:

**3. Assessment on the sale of water.** For purposes of funding its activities, the commission shall impose a fee of 1% on the sale of water and fire protection services by a water utility that draws water either from the Saco River or from a groundwater source under the influence of the Saco River, as determined by the Department of Human ~~Services~~ Services, for sale and distribution to its customers. The fee must be levied on the rates of the water utility as authorized by the Public Utilities Commission to be charged for services provided by the utility. "Water utility" has the same meaning as the term is defined in Title 35-A, section 102, subsection 22.

The fee must be collected by the water utility and remitted quarterly to the commission. Notwithstanding any limitations set forth in Title 35-A regarding a water utility's right to increase its charges to its customers, a water utility with sales subject to this subsection is authorized to increase its overall charges for the purpose of collecting the fee set forth in this subsection.

Each water utility may retain a portion of the total fees collected equivalent to the utility's administrative costs incurred in the collection and remission of the fees, not to exceed 2%



of the total fees collected. For purposes of the Public Utilities Commission's rate-making authority, costs actually incurred by the utility associated with the collection and remission of the fees for the fund are considered just and reasonable for rate-making purposes.

The commission shall adopt rules that are reasonably necessary to carry out the purposes of this section pursuant to section 954-C. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter H-A 2-A.

#### EXPLANATION

This section corrects a clerical error and updates a cross-reference.

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**Sec. A-42. PL 2019, c. 650, §20** is corrected to read:

**Sec. 20. 29-A MRSA §2390, sub-§1**, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended by amending the first paragraph to read:

#### EXPLANATION

This section corrects an amending clause.

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#### PART B

**Sec. B-1. 20-A MRSA §1255, sub-§2**, as amended by PL 1987, c. 395, Pt. A, §54, is corrected to read:

**2. Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, ~~he~~ the commissioner may wait until after the new census figures are available to make a determination.

**Sec. B-2. 20-A MRSA §1255, sub-§9**, as amended by PL 1987, c. 395, Pt. A, §54, is corrected to read:

**9. Failure to gain commissioner approval.** If a plan has not been adopted by the committee or approved by the commissioner within the time limits, ~~he~~ the commissioner shall prepare a suitable plan.

**Sec. B-3. 20-A MRSA §3605, first ¶**, as amended by PL 1983, c. 806, §30, is corrected to read:

The Maine and New Hampshire commissioners of education ~~shall~~ have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee ~~shall consist~~ consists of at least 2 voters from each of a group of 2 or more neighboring member districts. One of the representatives from each member district ~~shall must~~ be a member of its school board, whose term on the planning committee ~~shall be~~ is concurrent with ~~his~~ that member's term as a school board member. The term of each member of a planning committee who is not also a school board member ~~shall expire~~ expires on June 30th of the 3rd year following ~~his or her~~ that member's appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and

appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. ~~No~~ A member of a planning committee may not be disqualified because ~~he or she~~ that member is at the same time a member of another planning board or committee created under this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions ~~hereof of this paragraph~~, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee ~~shall~~ must be filled by the commissioners acting jointly.

**Sec. B-4. 20-A MRSA §3618, first ¶**, as amended by PL 1983, c. 806, §31, is corrected to read:

The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, ~~shall~~ must be given to the clerk of the interstate school district at or before the time of the meeting, and ~~shall~~ must be recorded by ~~him or her~~ the clerk in the records of the interstate school district.

**Sec. B-5. 20-A MRSA §3619, first ¶**, as amended by PL 1983, c. 806, §32, is corrected to read:

The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting ~~shall~~ must be held within 60 days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or ~~his or her~~ that commissioner of education's designate, shall preside in the first instance, and the following business ~~shall~~ must be transacted:

**Sec. B-6. 20-A MRSA §3624, first ¶**, as amended by PL 1983, c. 806, §33, is corrected to read:

The officers of an interstate school district ~~shall be consist of~~ a board of school directors, a ~~chairman~~ chair of the board, a ~~vice-chairman~~ vice-chair of the board, a secretary of the board, a moderator, a clerk, a treasurer and 3 auditors. Except as otherwise specifically provided, they ~~shall be~~ are eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take an oath for the faithful performance of ~~his or her~~ that officer's duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation ~~shall~~ must be fixed by vote of the district. ~~No~~ A person ~~may be~~ is not eligible to hold any district office unless ~~he or she~~ that person is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such ~~shall~~ is not be eligible to hold office as a school director.

**Sec. B-7. 20-A MRSA §3625, sub-§1**, as amended by PL 1983, c. 806, §34, is corrected to read:

**1. How chosen.** Each member district ~~shall~~ must be represented by at least one resident on the board of school directors of an interstate school district. A member district ~~shall be~~ is entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as set forth. ~~No~~ A person may not be disqualified to serve as a member of an interstate board because ~~he or she~~ that person is at the same time a member of the school board of a member district.

**Sec. B-8. 20-A MRSA §3626, first ¶,** as amended by PL 1983, c. 806, §35, is corrected to read:

The ~~chairman~~ chair of the board of interstate school directors ~~shall~~ must be elected by the interstate board from among its members at its first meeting following the annual meeting. The ~~chairman~~ chair shall preside at the meetings of the board and shall perform such other duties as the board may assign to ~~him or her~~ the chair.

**Sec. B-9. 20-A MRSA §3627, first ¶,** as amended by PL 1983, c. 806, §36, is corrected to read:

The ~~vice-chairman~~ vice-chair of the interstate board ~~shall~~ must be elected in the same manner as the ~~chairman~~ chair. ~~He or she shall~~ The vice-chair must represent a member district in a state other than that represented by the ~~chairman~~ chair. ~~He or she~~ The vice-chair shall preside in the absence of the ~~chairman~~ chair and shall perform such other duties as may be assigned to ~~him or her~~ the vice-chair by the interstate board.

**Sec. B-10. 20-A MRSA §3628, first ¶,** as amended by PL 1983, c. 806, §37, is corrected to read:

The secretary of the interstate board ~~shall~~ must be elected in the same manner as the ~~chairman~~ chair. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to ~~his or her~~ the interstate district clerk's other duties. The secretary of the interstate board, or the interstate district clerk, if so appointed, shall keep the minutes of its meetings, shall certify its records, and shall perform such other duties as may be assigned to ~~him or her~~ the secretary by the board.

**Sec. B-11. 20-A MRSA §3629, first ¶,** as amended by PL 1983, c. 806, §38, is corrected to read:

The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order; and make a public declaration of every vote passed. ~~He or she~~ The moderator may prescribe rules of procedure; but such rules may be altered by the district. ~~He or she~~ The moderator may administer oaths to district officers in either state.

**Sec. B-12. 20-A MRSA §3631, first ¶,** as amended by PL 1983, c. 806, §39, is corrected to read:

The treasurer ~~shall have~~ has custody of all of the moneys belonging to the district and shall pay out the same only upon the order of the interstate board. ~~He or she~~ The treasurer shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year ~~he or she~~ the treasurer shall make a report to the interstate district, giving a particular account of all receipts and payments

during the year. ~~He or she~~ The treasurer shall furnish to the interstate directors; statements from ~~his or her~~ the treasurer's books and submit ~~his or her~~ the treasurer's books and vouchers to them and to the district auditors for examination whenever so requested. ~~He or she~~ The treasurer shall make all returns called for by laws relating to school districts. Before entering on ~~his or her~~ the treasurer's duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1st to the following June 30th.

**Sec. B-13. 20-A MRSA §3656, sub-§3, ¶B**, as amended by PL 1983, c. 806, §40, is corrected to read:

B. See that each teacher or professional staff employee selects the retirement system of ~~his or her~~ that teacher's or employee's choice at the time ~~his or her~~ that teacher's or employee's contract is signed;

**Sec. B-14. 20-A MRSA §3656, sub-§3, ¶C**, as amended by PL 1983, c. 806, §40, is corrected to read:

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under ~~his or her~~ that commissioner's jurisdiction so that each may be enrolled in the retirement system of ~~his or her~~ that staff member's preference.

**Sec. B-15. 20-A MRSA §3661, sub-§3, ¶B**, as amended by PL 1983, c. 806, §41, is corrected to read:

B. See that each teacher or professional staff employee selects the retirement system of ~~his or her~~ that teacher's or employee's choice at the time ~~his or her~~ that teacher's or employee's contract is signed;

**Sec. B-16. 20-A MRSA §3661, sub-§3, ¶C**, as enacted by PL 1981, c. 693, §§5 and 8, is corrected to read:

C. Provide the commissioners of education in New Hampshire and in Maine with the names and other pertinent information regarding each staff member under ~~his~~ the commissioner's jurisdiction so that each may be enrolled in the retirement system of ~~his~~ that staff member's preference.

**Sec. B-17. 20-A MRSA §4516, sub-§2**, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is corrected to read:

**2. Advisory committee.** The commissioner, with the approval of the state board, shall appoint an advisory committee of professional and lay people to advise ~~him~~ the commissioner in the adoption of accreditation standards.

**Sec. B-18. 20-A MRSA §6354, sub-§1**, as enacted by PL 1983, c. 661, §8, is corrected to read:

**1. Immunization required.** Except as otherwise provided under this subchapter, every parent shall cause to be administered to ~~his~~ that parent's child an adequate dosage of an immunizing agent against each disease.

**Sec. B-19. 20-A MRSA §10001**, as amended by PL 1983, c. 806, §74, is corrected to read:

**§10001. Hemophiliac Person with hemophilia**

**1. Participation in physical activity.** A post-secondary institution may not require a ~~hemophiliac person with hemophilia~~ to participate in physical activity hazardous to ~~his or her~~ that person's physical health, as a condition or requirement for a degree, unless the physical activity is approved by the state board as an essential prerequisite to that degree.

**2. Admission.** A post-secondary institution may not refuse admission to a ~~hemophiliac person with hemophilia~~ solely because of ~~his or her~~ that person's condition as a hemophiliac, unless that condition would prevent participation in required courses of study of physical activity.

**Sec. B-20. 20-A MRSA §12004, sub-§2**, as amended by PL 1983, c. 806, §89, is corrected to read:

**2. Initial interest.** The loan ~~shall~~ must be granted to the applicant with no interest or principal payments until one year after ~~he or she~~ the applicant has ended ~~his or her~~ attendance at that osteopathic college or university.

**Sec. B-21. 20-A MRSA §12552, sub-§1**, as enacted by PL 1985, c. 472, is corrected to read:

**1. Firefighter.** "Firefighter" means a person who is an active member of a municipal fire department in this State or a volunteer firefighters' association in this State and who aids in the ~~extinguishing~~ extinguishing of fires, regardless of whether ~~he~~ that person has administrative or other duties as a member of the department or association.

**Sec. B-22. 20-A MRSA §12801, first ¶**, as enacted by PL 1987, c. 142, is corrected to read:

Any person who is required to present ~~himself~~ for and submit to registration under the United States Military Selective Services Act, 50 United States Code, Section 451, et seq., and who fails to do so is ineligible to receive any state funded grant, scholarship or loan made available to persons enrolled in post-secondary educational programs.

**Sec. B-23. 20-A MRSA §13003, sub-§2**, as amended by PL 1983, c. 806, §91, is corrected to read:

**2. Penalty.** A person not certified under section 13001 is barred from receiving any salary or fringe benefits if ~~he or she~~ that person teaches or performs any other professional function in a public school and that person:

A. ~~He or she has~~ Has never held the required certificate; or

B. ~~He or she knew~~ Knew or should have known that ~~his or her~~ the person's certificate had expired. Prima facie evidence of that knowledge would be records on file in either the department or the employing school administrative unit that ~~he or she~~ the person was notified that ~~his or her~~ the person's certificate had lapsed or that it would be lapsing on a given date.

The person shall forfeit to the employing school administrative unit any salary or fringe benefits received in violation of this subsection.

**Sec. B-24. 20-A MRSA §13601, sub-§2, ¶B**, as amended by PL 1983, c. 806, §94, is corrected to read:

B. The teacher was eligible to receive sick leave in ~~his or her~~ the teacher's previous position at the time of ~~his or her~~ the teacher's termination of employment.

**Sec. B-25. 20-A MRSA §16104, first ¶**, as amended by PL 1983, c. 806, §102, is corrected to read:

If the owner is aggrieved at the damages awarded ~~him or her~~ that owner under this chapter, ~~he or she~~ the owner may appeal to the Superior Court of the county in which the land or any part of it lies.

**Sec. B-26. 21-A MRSA §1, sub-§5**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**5. Candidate.** "Candidate" means any person who has filed a petition under either sections 335 and 336 or sections 354 and 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given ~~his~~ consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.

**Sec. B-27. 21-A MRSA §2**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**§2. Delegation of authority**

When this Title requires the performance of a duty by an official, ~~he~~ that official may delegate the duty to another under ~~his~~ that official's supervision, if it is ministerial.

**Sec. B-28. 21-A MRSA §23, sub-§2**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Convention certificates.** The Secretary of State shall keep the certificates required by section 322 in ~~his~~ the Secretary of State's office for 2 years.

**Sec. B-29. 21-A MRSA §23, sub-§6**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**6. Election tabulations.** The Secretary of State shall keep election tabulations in ~~his~~ the Secretary of State's office for 10 years.

**Sec. B-30. 21-A MRSA §23, sub-§8**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**8. Certificate of presidential electors.** The Secretary of State shall keep the certificate of the votes of the presidential electors, delivered to ~~him~~ the Secretary of State under section 805, in ~~his~~ the Secretary of State's office for one year.

**Sec. B-31. 21-A MRSA §23, sub-§12**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**12. Certificate of appointment.** The Secretary of State shall keep a certificate of appointment to fill a vacancy under section 363 in ~~his~~ the Secretary of State's office for 2 years.

**Sec. B-32. 21-A MRSA §23, sub-§13**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**13. Miscellaneous.** The official charged with the custody of any record not specifically provided for in this section shall keep it in ~~his~~ that official's office for 2 years.

**Sec. B-33. 21-A MRSA §101, sub-§7**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**7. Office space, expenses and clerical help.** Each municipality shall provide a suitable place in which the registrar may perform ~~his~~ the registrar's duties, and shall pay reasonable expenses for necessary office supplies purchased and clerical help engaged by the registrar.

**Sec. B-34. 21-A MRSA §102, sub-§3**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. Duties.** ~~He~~ The deputy registrar may perform any of the duties of office prescribed by the registrar.

**Sec. B-35. 21-A MRSA §103, sub-§4**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**4. ~~Chairman~~ Chair of the board.** The member nominated by the clerk of the municipality is ~~chairman~~ chair of the board.

**Sec. B-36. 21-A MRSA §121, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Oath may be required.** In making this determination, the registrar may require any person who testifies before ~~him~~ the registrar concerning ~~his~~ the person's qualifications or those of another to swear to the truth of ~~his~~ the person's statements.

**Sec. B-37. 21-A MRSA §129, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Notice.** The voter must give written notice to the registrar of ~~his~~ the voter's new and former names or addresses before the close of registrations prior to election day.

**Sec. B-38. 21-A MRSA §159, sub-§2**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Dual registration.** A person who, having registered in one voting district or municipality within this State, or in another state, knowingly registers in another voting district or municipality within this State without revealing ~~his~~ that person's prior registration to the registrar is guilty of a Class D crime.

**Sec. B-39. 21-A MRSA §314, first ¶**, as enacted by PL 1985, c. 161, §6, is corrected to read:

An enrolled voter of a municipality may challenge the right of another to vote at a municipal caucus. The person challenged may vote at the caucus after ~~he~~ that person has taken the following oath administered by the ~~chairman~~ chair of the caucus.

**Sec. B-40. 21-A MRSA §333**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**§333. Qualification for county office**

A candidate for any county office must be a resident of and a voter in the electoral division ~~he~~ the candidate seeks to represent on the date established for filing primary

petitions in the year ~~he~~ the candidate seeks election. ~~He~~ The elected official must maintain a voting residence in that electoral division during ~~his~~ that elected official's term of office.

**Sec. B-41. 21-A MRSA §335, sub-§1**, as amended by PL 2019, c. 371, §10, is corrected to read:

**1. Content.** A primary petition must contain the name of only one candidate, ~~his~~ and that candidate's place of residence, ~~his~~ party, ~~the~~ office sought and electoral division. A primary petition may contain as many separate papers as necessary and may contain the candidate's consent required by section 336.

A. When 2 United States Senators are to be nominated, the primary petition must contain the term of office sought by the candidate.

**Sec. B-42. 21-A MRSA §335, sub-§3**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. How signed.** The voter must personally sign ~~his~~ that voter's name in such a manner as to satisfy the registrar of ~~his~~ that voter's municipality that ~~he~~ the voter is a registered voter and enrolled in the party named on the petition. Either the voter or the circulator of the petition must print the voter's name.

**Sec. B-43. 21-A MRSA §336, first ¶**, as enacted by PL 1985, c. 161, §6, is corrected to read:

The written consent of each candidate must be filed with ~~his~~ that candidate's primary petition.

**Sec. B-44. 21-A MRSA §338**, as enacted by PL 1985, c. 161, §6, is corrected to read:

### **§338. Write-in candidates**

A person whose name will not appear on the printed primary ballot because ~~he~~ that person did not file a petition and consent under sections 335 and 336, but who fulfills the other qualifications under section 334, may be nominated at the primary election as a write-in candidate in accordance with section 723, subsection 1.

**Sec. B-45. 21-A MRSA §352**, as enacted by PL 1985, c. 161, §6, is corrected to read:

### **§352. Qualification for presidential elector and county office**

A candidate for the office of presidential elector or any county office must be a resident of and a voter in the electoral division ~~he~~ the candidate seeks to represent on the date established for filing nomination petitions in the year ~~he~~ the candidate seeks election. ~~He~~ The elected official must maintain a voting residence in that electoral division during ~~his~~ the elected official's term of office.

**Sec. B-46. 21-A MRSA §354, sub-§3**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. How signed.** The voter must personally sign ~~his~~ that voter's name in such a manner as to satisfy the registrar of ~~his~~ that voter's municipality that ~~he~~ the voter is a registered voter. Either the voter or the circulator of the petition must print the voter's name.



**Sec. B-47. 21-A MRSA §355, first ¶**, as enacted by PL 1985, c. 161, §6, is corrected to read:

The written consent of each candidate must be filed with ~~his~~ that candidate's nomination petition.

**Sec. B-48. 21-A MRSA §361, first ¶**, as enacted by PL 1985, c. 161, §6, is corrected to read:

A vacancy in any federal, state or county office, in the office of an election official, or in any political committee occurs when the incumbent dies, resigns, becomes disqualified or changes ~~his~~ the incumbent's residence to an electoral division other than that from which ~~he~~ the incumbent was elected or when the person elected fails to qualify.

**Sec. B-49. 21-A MRSA §363, sub-§2**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Duties of committee.** The committee shall choose a qualified person to fill the vacancy. The secretary of the committee shall immediately deliver a certificate to the Secretary of State containing the name of the person chosen, ~~his~~ that person's residence, ~~his~~ and political party, the title of the office sought, and the method by which ~~he~~ that person was chosen. The certificate must be signed by the ~~chairman~~ chair of the committee and attested to by the secretary.

A. In an electoral division consisting of more than one municipality, the municipal committee of each municipality shall meet jointly, elect a secretary and a ~~chairman~~ chair for the meeting and then fill the vacancy.

**Sec. B-50. 21-A MRSA §391, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Interim appointment.** Within a reasonable time after the vacancy occurs, the Governor shall appoint a qualified person to fill the vacancy until ~~his~~ that person's successor is elected and qualified.

**Sec. B-51. 21-A MRSA §504, sub-§3**, as amended by PL 1993, c. 447, §9, is corrected to read:

**3. Candidate and certain relatives.** A candidate or member of ~~his~~ the candidate's immediate family, in the electoral division from which the candidate seeks election.

A. This subsection does not apply to a candidate for warden or ward clerk or the immediate family of the candidate for warden or ward clerk.

B. This subsection does not apply to municipalities with a population of less than 500.

**Sec. B-52. 21-A MRSA §628, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Custody during election.** The ballot box is in the custody of the warden of each voting place during an election. ~~He~~ The warden is responsible for requiring that it is attended constantly. ~~He~~ The warden shall return it to the clerk at the close of the election.

**Sec. B-53. 21-A MRSA §628, sub-§2**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Custody at other times.** At other times, the ballot box is in the custody of the clerk. ~~He~~ The clerk shall keep it in good repair and shall provide safe storage for it at the expense of the municipality, subject to the supervision of the Secretary of State.

**Sec. B-54. 21-A MRSA §662, sub-§1,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Enforcement of election law.** ~~He~~ The warden shall enforce the law governing voting and counting procedures at the voting place over which ~~he~~ the warden has jurisdiction on election day.

**Sec. B-55. 21-A MRSA §662, sub-§2,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Order at voting place.** ~~He~~ The warden shall keep order at all times in and around the voting place. ~~He~~ The warden shall direct that any person who creates a disturbance or otherwise violates the law at the voting place be removed from it and, if necessary, confined until the polls are closed.

A. On request of the warden, a peace officer shall remove, confine or arrest a person who creates a disturbance or otherwise violates the law at a voting place.

**Sec. B-56. 21-A MRSA §662, sub-§3,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. Control of election clerk.** The election clerks at the voting place are under the supervision and control of the warden. ~~He~~ The warden may assign their duties for convenience and efficiency and may delegate ~~his~~ the warden's ministerial duties to them.

**Sec. B-57. 21-A MRSA §724-A,** as enacted by PL 1987, c. 188, §7, is corrected to read:

**§724-A. Written notice to Legislature**

At the time the Governor publicly proclaims the result of the vote on any measure referred to the people for approval under the Constitution of Maine, Article IV, Part Third, Section 17 or 18, ~~he~~ the Governor shall also provide written notice of the result of that vote to the President of the Senate, the Speaker of the House and the Revisor of Statutes.

**Sec. B-58. 21-A MRSA §732, sub-§1,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Primary election.** In a primary election, the Secretary of State shall notify each person involved in the tie to be present at ~~his~~ the Secretary of State's office at a certain time. At that time, the Secretary of State shall select the nominee publicly by lot.

**Sec. B-59. 21-A MRSA §812, sub-§2,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**2. Voting limited.** It must permit a voter to vote once and only once for each candidate and each question for whom or on which ~~he~~ that voter is entitled to vote. It must prevent a voter from voting for more persons for an office than there are offices to be filled.

**Sec. B-60. 21-A MRSA §812, sub-§6,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**6. Unauthorized voting prohibited.** It must prevent a voter from voting for any office or upon any question for whom or on which ~~he~~ that voter is not entitled to vote.

**Sec. B-61. 21-A MRSA §812, sub-§7**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**7. Change of vote permitted.** It must permit a voter to change or retract a vote ~~he~~ that voter has attempted to cast for any person, or on any question, before ~~his~~ that voter's vote has been completed and registered.

**Sec. B-62. 21-A MRSA §814, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Storage and maintenance.** ~~He~~ The municipal clerk is responsible for the proper storage and maintenance of each machine.

A. ~~He~~ The municipal clerk shall have each machine locked, sealed and stored in a safe, dry building.

B. ~~He~~ The municipal clerk shall have each machine kept in proper operating condition.

**Sec. B-63. 21-A MRSA §816, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Permission to use machines refused.** The clerk may not permit a voting machine to be used at any voting place, unless ~~he~~ the clerk is satisfied that the election officials at that voting place know how to operate the machine properly and how to instruct a voter in operating it.

**Sec. B-64. 21-A MRSA §821, sub-§3**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. Machines locked.** After the voting machines have been placed in the proper position at the voting place, the clerk shall make certain that each machine is ready for use when the polls open and ~~he~~ the clerk shall then lock each machine.

**Sec. B-65. 21-A MRSA §823**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**§823. Directions for voting**

A voter must follow the same procedure before voting as if paper ballots were being used. ~~He~~ The voter is entitled to the same assistance in voting by machine as by paper ballot.

**Sec. B-66. 21-A MRSA §824**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**§824. Challenge of right to vote**

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting ~~his~~ that voter's vote, but must use an official paper ballot.

**Sec. B-67. 21-A MRSA §825, sub-§1**, as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Primary election.** In a primary election, the warden or, in ~~his~~ the warden's absence, a designated election clerk must activate each voting machine so that a voter can vote only for the candidates of the political party in which ~~he~~ the voter is enrolled.

**Sec. B-68. 21-A MRSA §826, sub-§1,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Counters exposed.** As soon as the polls are closed, the warden shall unlock each machine to prevent further voting. ~~He~~ The warden shall then open the counters on each voting machine so that anyone present can see the totals. If the machine is provided with a device for printing or photographing candidate and question counters, it is not necessary to open the door concealing the counters. The warden and an election clerk from a political party other than that of the warden shall proceed to operate the mechanism provided to produce a record of the votes cast on the candidate and question counters. This record may be considered an official statement or certificate of returns for that machine and may be endorsed, delivered and filed as required by the Secretary of State.

**Sec. B-69. 21-A MRSA §826, sub-§3,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**3. Totals checked.** When all the totals for a voting machine have been read and recorded, the election clerk shall check the totals recorded by ~~him~~ the election clerk with those appearing on the machine. If the totals do not agree, the election clerk shall record the number of the machine at the top of the column of totals recorded from it.

**Sec. B-70. 21-A MRSA §827, sub-§3, ¶A,** as amended by PL 1985, c. 614, §22, is corrected to read:

A. If the occurrence of another election requires the removal of the counter totals within 22 months after an election, the municipal clerk must have them photographed in ~~his~~ the municipal clerk's presence and in the presence of the warden and an election clerk of a party other than that of the warden. The warden must make a statement showing the number and counter totals of each machine as it is photographed. ~~He~~ The warden must sign the statement, have it attested and deliver it to the municipal clerk who shall record it. As soon as the photographs are printed legibly, the municipal clerk shall remove the totals and retain the photographs for the balance of the 22-month period. If the machines were equipped with a device or devices ~~which~~ that had produced a printed or photographed record of the vote shown on the candidate and question counters, the municipal clerk shall remove the totals and retain the printed or photographed record for the balance of the 22-month period.

Notwithstanding the requirements of this paragraph, counter totals for municipal elections conducted under this Title, referenda elections or special legislative elections ~~shall~~ must be kept for 2 months.

**Sec. B-71. 21-A MRSA §843, sub-§5,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**5. Unauthorized voting prohibited.** It must prevent a voter from voting for any office or upon any question for whom or on which ~~he~~ that voter is not entitled to vote.

**Sec. B-72. 21-A MRSA §847, sub-§1,** as enacted by PL 1985, c. 161, §6, is corrected to read:

**1. Permission to use devices refused.** The clerk may not permit a voting device to be used at any voting place unless ~~he~~ the clerk is satisfied that the election officials at that voting place know how to operate the device properly and how to instruct a voter in operating it.

**Sec. B-73. 24 MRSA §2304, first ¶**, as amended by PL 1973, c. 585, §12, is corrected to read:

Application for the authority provided for in section 2305 must be made in the form required by the superintendent and must contain the information ~~he deems~~ the superintendent considers necessary. The application must be accompanied by a copy of each of the following documents:

**Sec. B-74. 24 MRSA §2309, first ¶**, as amended by PL 1973, c. 585, §12, is corrected to read:

Any dispute arising between a corporation subject to this chapter and any provider of health care with which such corporation has a contract for health care may be submitted to the superintendent for ~~his~~ the superintendent's decision with respect thereto. Any decision and findings of the superintendent made under ~~said~~ this chapter ~~shall~~ are not ~~be any~~ a bar to constituted legal procedure for the review of such proceedings in a court of competent jurisdiction.

**Sec. B-75. 24 MRSA §2310, first ¶**, as amended by PL 1973, c. 585, §12, is corrected to read:

Any dissolution or liquidation of a corporation subject to this chapter ~~shall~~ must be conducted under the supervision of the superintendent, who ~~shall have~~ has all power with respect thereto granted to ~~him~~ the superintendent under Title 24-A with respect to the dissolution and liquidation of insurance companies.

**Sec. B-76. 24 MRSA §2320, sub-§1**, as enacted by PL 1977, c. 470, §1, is corrected to read:

**1. Home health care services.** "Home health care services" means those health care services rendered in ~~his~~ a place of residence on a part-time basis to a covered person only if:

A. Hospitalization or confinement in a skilled nursing facility as defined in Title XVIII of the Social Security Act, 42 U.S.C. § 1395, et seq., would otherwise have been required if home health care was not provided; and

B. The plan covering the home health services is established as prescribed in writing by a physician.

There ~~shall~~ may not be ~~no~~ a requirement that hospitalization be an antecedent to coverage under the policy.

**Sec. B-77. 24 MRSA §2322, first ¶**, as repealed and replaced by PL 1979, c. 558, §3, is corrected to read:

If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates ~~shall~~ not be excessive, inadequate or unfairly discriminatory or that the filing violates any of Title 24-A, chapter 23, to the extent it is applicable pursuant to section 2317, ~~he~~ the superintendent shall cause a hearing to be held.

**Sec. B-78. 24 MRSA §2502, sub-§6**, as enacted by PL 1985, c. 804, §§5 and 22, is corrected to read:

**6. Action for professional negligence.** "Action for professional negligence" means any action for damages for injury or death against any health care provider, its agents or employees, or health care practitioner; ~~his or the health care practitioner's~~ agents or employees, whether based upon tort or breach of contract or otherwise, arising out of the provision or failure to provide health care services.

**Sec. B-79. 24 MRSA §2509, sub-§4**, as enacted by PL 1977, c. 492, §3, is corrected to read:

**4. Disclosure to physician.** A physician ~~shall~~ must be provided with a written notice of the substance of any information received pursuant to this chapter and placed in ~~his~~ the physician's individual historical record.

**Sec. B-80. 24 MRSA §2509, sub-§5**, as enacted by PL 1977, c. 492, §3, is corrected to read:

**5. Examination of records by physician; response to information.** A physician or ~~his~~ the physician's authorized representative ~~shall have~~ has the right, upon request, to examine the physician's individual historical record ~~which~~ that the board maintains pursuant to this chapter, and to place into the record a statement of reasonable length of the physician's view of the correctness or relevance of any information existing in the record. The statement ~~shall~~ must at all times accompany that part of the record in contention. This subsection ~~shall~~ does not apply to material submitted to the board in confidence prior to licensure by the board.

**Sec. B-81. 24 MRSA §2606, first ¶**, as enacted by PL 1977, c. 492, §3, is corrected to read:

There ~~shall be~~ is no liability on the part of and a cause of action of any nature ~~shall~~ does not arise against an insurer reporting hereunder or its agents or employees; or the superintendent or ~~his~~ the superintendent's representatives for any action taken by them pursuant to this subchapter.

**Sec. B-82. 24 MRSA §2852, sub-§3**, as enacted by PL 1985, c. 804, §§12 and 22, is corrected to read:

**3. Challenges; replacements.** If any panel member other than the ~~chairman~~ chair is unable or unwilling to serve in any matter or is challenged for cause by any person who is a party to a proceeding before a panel, the party challenging the member shall request a replacement from the lists maintained by the clerk under subsection 1, chosen by the ~~chairman~~ chair who shall so notify the parties. ~~There shall only be~~ Only challenges for cause are allowed. The ~~chairman~~ chair shall inquire as to any bias on the part of a panel member or as requested by any party.

If the ~~chairman~~ chair is challenged for cause by any person who is a party to the proceeding before a panel, the party challenging shall notify the Chief Justice of the Superior Court. If the ~~chief justice~~ Chief Justice finds cause for the challenge, ~~he~~ the Chief Justice shall replace the ~~chairman~~ chair as under subsection 2, paragraph A.

**Sec. B-83. 24 MRSA §2852, sub-§5**, as enacted by PL 1985, c. 804, §§12 and 22, is corrected to read:

**5. Subpoena power.** The panel, through the ~~chairman chair~~, ~~shall have~~ has the same subpoena power as exists for a Superior Court Judge. The ~~chairman shall have~~ chair has sole authority, without requiring the agreement of other panel members, to issue subpoenas.

**Sec. B-84. 24 MRSA §2853, sub-§2**, as enacted by PL 1985, c. 804, §§12 and 22, is corrected to read:

**2. Appearance; filing fee.** Within 20 days of receipt of notice of service upon the clerk, the person or persons accused of professional negligence in the notice or ~~his~~ the person's or persons' representative shall file an appearance before the panel with a copy to the claimant. At the time of filing an appearance, the person or persons accused of professional negligence in the notice shall each pay a filing fee of \$200 per notice filed.

**Sec. B-85. 24 MRSA §2853, sub-§6**, as enacted by PL 1985, c. 804, §§12 and 22, is corrected to read:

**6. Combining hearings.** Except as otherwise provided in this subsection, there ~~shall~~ must be one combined hearing or hearings for all claims under this section arising out of the same set of facts. ~~Where~~ When there is more than one person accused of professional negligence against whom a notice of claim has been filed based on the same facts, the parties may, upon agreement of all parties, require that hearings be separated. The ~~chairman chair~~ may, for good cause, order separate hearings.

**Sec. B-86. 34-B MRSA §1207, sub-§1, ¶A**, as amended by PL 1985, c. 582, is corrected to read:

A. A client, ~~his~~ a client's legal guardian, if any, or, if ~~he~~ the client is a minor, ~~his~~ the client's parent or legal guardian may give ~~his~~ informed written consent to the disclosure of information;

**Sec. B-87. 34-B MRSA §1207, sub-§1, ¶D**, as enacted by PL 1983, c. 459, §7, is corrected to read:

D. Nothing in this subsection precludes disclosure, upon proper inquiry, of information relating to the physical condition or mental status of a client to ~~his~~ that client's spouse or next of kin;

**Sec. B-88. 34-B MRSA §1207, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Statistical compilations and research.** Confidentiality of records used for statistical compilations or research is governed as follows.

A. Persons engaged in statistical compilation or research may have access to treatment records of clients when needed for research, if:

(1) The access is approved by the chief administrative officer of the mental health facility or ~~his~~ the chief administrative officer's designee;

(2) The research plan is first submitted to and approved by the chief administrative officer of the mental health facility, or ~~his~~ the chief administrative officer's designee, where the person engaged in research or statistical compilation is to have access to communications and records; and

(3) The records are not removed from the mental health facility ~~which~~ that prepared them, except that data ~~which~~ that do not identify clients or coded data

may be removed from a mental health facility if the key to the code remains on the premises of the facility.

B. The chief administrative officer of the mental health facility and the person doing the research shall preserve the anonymity of the client and may not disseminate data ~~which that~~ refer to the client by name, number or combination of characteristics ~~which that~~ together could lead to ~~his~~ the client's identification.

**Sec. B-89. 34-B MRSA §1404**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**§1404. Legal actions**

**1. Contract actions.** Actions founded on any contract made with the State Purchasing Agent, or with any official of the department under the authority granted by the State Purchasing Agent, on behalf of any of the state institutions, may be brought by the official making the contract or ~~his~~ that official's successor in office.

**2. Actions for injuries to property.** Actions for injuries to the real or personal property of the State, used by any state institution and under the management of the chief administrative officer of the institution, may be prosecuted in the name of the officer or ~~his~~ that officer's successor in office.

**Sec. B-90. 34-B MRSA §1409, sub-§3**, as amended by PL 1983, c. 701, §6, is corrected to read:

**3. Liable persons.** Each resident, ~~his~~ the resident's spouse, and ~~his~~ the resident's parent are jointly and severally liable for the care and treatment of the resident, whether the resident was committed or otherwise legally admitted, from the date of the resident's admission to a state institution, except that:

A. A parent is not liable for a child resident's care and treatment, unless the child resident was wholly or partially dependent for support upon the parent at the time of admission; and

C. The department may not charge any parent for the care and treatment of a child resident beyond the child's 18th birthday, or beyond 6 months from the date of the child's admission, whichever occurs later.

**Sec. B-91. 34-B MRSA §1409, sub-§6, ¶B**, as enacted by PL 1983, c. 459, §7, is corrected by correcting subparagraph (1) to read:

(1) Any person failing to obey a subpoena may, upon petition of the commissioner to any Justice of the Superior Court, be ordered by the justice to appear and show cause for ~~his~~ that person's disobedience of the subpoena.

**Sec. B-92. 34-B MRSA §1409, sub-§12**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**12. Prohibited acts.** A person is guilty of contempt if ~~he~~ that person fails to obey a subpoena when ordered to do so by a Justice of the Superior Court under subsection 6, upon application by the commissioner to the Superior Court for an order of contempt.

**Sec. B-93. 34-B MRSA §3003, sub-§2, ¶G**, as enacted by PL 1983, c. 459, §7, is corrected to read:



G. Establishment of the right to confidentiality of records and procedures pertaining to a person's right to access to ~~his~~ that person's mental health care records;

**Sec. B-94. 34-B MRSA §3801, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Licensed physician.** "Licensed physician" means a person licensed under the laws of the State to practice medicine or osteopathy or a medical officer of the Federal Government while in this State in the performance of ~~his~~ official duties.

**Sec. B-95. 34-B MRSA §3802, sub-§1**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**1. Rules.** ~~Promulgate~~ Adopt such rules, not inconsistent with this subchapter, as ~~he~~ the commissioner may find to be reasonably necessary for proper and efficient hospitalization of the mentally ill;

**Sec. B-96. 34-B MRSA §3804**, as enacted by PL 1983, c. 459, §7, is corrected to read:

#### **§3804. Habeas corpus**

Any person detained pursuant to this subchapter is entitled to the writ of habeas corpus, upon proper petition by ~~himself~~ the person or by a friend to any justice generally empowered to issue the writ of habeas corpus in the county in which the person is detained.

**Sec. B-97. 34-B MRSA §3805, sub-§1**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**1. Unwarranted hospitalization.** A person is guilty of causing unwarranted hospitalization, if ~~he~~ that person willfully causes the unwarranted hospitalization of any person under this subchapter.

**Sec. B-98. 34-B MRSA §3805, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Denial of rights.** A person is guilty of causing a denial of rights if ~~he~~ that person willfully causes the denial to any person of any of the rights accorded ~~to him~~ by this subchapter.

**Sec. B-99. 34-B MRSA §5461, sub-§6**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**6. Habilitation.** "Habilitation" means a process by which a person is assisted to acquire and maintain skills ~~which~~ that:

A. Enable ~~him~~ that person to cope more effectively with the demands of ~~his~~ that person's own person and of the environment;

B. Raise the level of ~~his~~ that person's physical, mental and social efficiency; and

C. Upgrade ~~his~~ that person's sense of well-being.

**Sec. B-100. 34-B MRSA §5461, sub-§10, ¶A**, as enacted by PL 1983, c. 580, §12, is corrected to read:

A. A person possessing appropriate licensure, certification or registration to practice ~~his~~ that person's discipline in the community; or

**Sec. B-101. 34-B MRSA §5601, sub-§4**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**4. Habilitation.** "Habilitation" means the process by which an individual is assisted to acquire and maintain those life skills ~~which~~ that enable ~~him~~ that individual to cope with the demands of ~~his~~ that individual's own person and environment, to raise the level of ~~his~~ that individual's physical, mental and social efficiency and to upgrade ~~his~~ that individual's sense of well-being, including, but not limited to, programs of formal, structured education and treatment.

**Sec. B-102. 34-B MRSA §6202, sub-§2**, as enacted by PL 1985, c. 503, §12, is corrected to read:

**2. Spiritual treatment.** Nothing in this subchapter may replace or limit the right of any child to treatment in accordance with a recognized religious method of healing, if the treatment is requested by the person or by ~~his~~ the person's parent or guardian.

**Sec. B-103. 34-B MRSA §7005, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Determination prior to issuance of order.** Before an order may be issued, the court shall determine whether the person seeking sterilization or for whom sterilization is sought is able to give informed consent for sterilization and, if so, whether ~~he~~ that person has given informed consent for sterilization.

**Sec. B-104. 34-B MRSA §7007, sub-§3**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**3. Service of notice.** The court shall cause a copy of the petition and notice of hearing to be served on the person seeking sterilization or for whom sterilization is sought and ~~his~~ that person's guardian or custodian, if any, at least 7 days prior to the hearing date. If a guardian or custodian of the person seeking sterilization or for whom sterilization is sought is not a resident of this State, notice may be served by registered mail. If the residence of a guardian or custodian is unknown, an affidavit so stating ~~shall~~ must be filed in lieu of service.

**Sec. B-105. 34-B MRSA §7008, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Appointment of disinterested experts.** For the purpose of determining a person's ability to give informed consent, the court shall appoint not less than 2 disinterested experts experienced in the field of developmental disabilities or mental health, including at least one psychologist or psychiatrist, to examine the person, to report on that examination and to testify at the hearing as to ~~his~~ the person's competency. Other evidence regarding the person's capabilities may be introduced at the hearing by any party.

**Sec. B-106. 34-B MRSA §7008, sub-§3**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**3. Preference of person seeking sterilization or for whom sterilization is sought.** If the person seeking sterilization or for whom sterilization is sought has any preference as to a disinterested expert by whom ~~he~~ that person would prefer to be examined, the court shall make a reasonable effort to accommodate that preference.

**Sec. B-107. 34-B MRSA §7008, sub-§4**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**4. Person's presence at hearing.** The person seeking sterilization or for whom sterilization is sought shall must be present at any hearing regarding ~~his~~ the person's ability to give informed consent for sterilization, unless that right is waived by the person, personally or through ~~his~~ the person's attorney, and that waiver is approved by the court. The court shall inquire at the time of the hearing as to the types and effects of any medications being administered to or taken by the person.

**Sec. B-108. 34-B MRSA §7012**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**§7012. Notice of hearing upon the petition to determine the best interest of a person being considered for sterilization**

Upon the receipt of a petition, the court shall assign a time, not later than 30 days thereafter, and a place for a hearing on the petition. The court may, at its discretion, hold the hearing on the petition at a place within the county other than the usual courtroom; if it would facilitate the presence of the person being considered for sterilization. The court shall cause the petition and notice of the hearing to be served on the person being considered for sterilization and ~~his~~ the person's guardian or custodian at least 20 days prior to the hearing date. The court shall direct that personal service be made upon the person being considered for sterilization and ~~his~~ the person's guardian or custodian. If the guardian or custodian of the person being considered for sterilization is not a resident of this State, notice may be served by registered mail. If the residence of the guardian or custodian of the person being considered for sterilization is unknown, an affidavit so stating shall must be filed in lieu of service.

**Sec. B-109. 34-B MRSA §7013, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Presence of person; counsel; findings.** The person being considered for sterilization shall must be physically present throughout the entire best interest hearing, unless that right is waived by the person, personally or through ~~his~~ the person's attorney, and that waiver is approved by the court. The person being considered for sterilization shall must be represented by counsel and provided the right and opportunity to be confronted with and to cross-examine all witnesses. The right to counsel may not be waived. If the person cannot afford counsel, the court shall appoint an attorney, not less than 20 days before the scheduled hearing, to represent the person at public expense. A reasonable fee shall must be set for appointed counsel by the District Court. Counsel shall represent the person being considered for sterilization in assuring that information and evidence in opposition to sterilization without informed consent is fully represented. All stages of the hearing shall must be recorded by a tape recorder or a court reporter, as the court may direct. In all cases, the court shall issue written findings to support its decision.

**Sec. B-110. 34-B MRSA §7013, sub-§6**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**6. Court order.** If the court finds that sterilization is in the best interest of the person being considered for sterilization, the court shall order that sterilization may be performed. The sterilization procedure used shall must be the most reversible procedure available at

the time when, in the judgment of the physician performing the sterilization, that procedure is not inconsistent with the health or safety of ~~his~~ the patient. If the court finds that sterilization is not in the best interest of the person being considered for sterilization, the court shall order that sterilization may not be performed, unless the order is amended by a District Court to permit sterilization.

**Sec. B-111. 34-B MRSA §7016, sub-§2**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**2. Immunity.** A physician, psychiatrist or psychologist acting nonnegligently and in good faith in ~~his~~ that physician's, psychiatrist's or psychologist's professional capacity under this chapter is immune from any civil liability that might otherwise result from ~~his~~ that physician's, psychiatrist's or psychologist's actions. In a proceeding regarding immunity from liability, there ~~shall be~~ is a rebuttable presumption of good faith.

**Sec. B-112. 34-B MRSA §9003, sub-§1**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**1. Eligibility.** Whenever a person physically present in any party state ~~shall be~~ is in need of institutionalization by reason of mental illness or mental deficiency, ~~he shall be~~ that person is eligible for care and treatment in an institution in that state irrespective of ~~his~~ that person's residence, settlement or citizenship qualifications.

**Sec. B-113. 34-B MRSA §9003, sub-§4**, as enacted by PL 1983, c. 459, §7, is corrected to read:

**4. Priorities.** In the event that the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact ~~shall~~ must receive the same priority as a local patient and ~~shall~~ must be taken in the same order and at the same time that ~~he~~ that interstate patient would be taken if ~~he~~ that interstate patient were a local patient.

## EXPLANATION

Pursuant to Public Law 2019, chapter 475, section 52, this Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Titles 20-A, 21-A, 24 and 34-B and incorporates certain administrative changes and corrections to those statutory units authorized under Title 1, section 93.

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