

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1805

H.P. 1292

House of Representatives, March 2, 2010

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(EMERGENCY)

Reported by Representative PRIEST of Brunswick for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 services provided in the converted beds unless approved by the department pursuant
2 to the provisions of sections 333-A and 334-A;

3 B. Capital expenditures in the case of a natural disaster, major accident or equipment
4 failure;

5 C. Replacement equipment, other than major medical equipment as defined in
6 section 328, subsection 16;

7 D. Information systems, communication systems, parking lots and garages; and

8 E. Certain energy-efficient improvements, as described in section 334-A, subsection
9 4.

10 **Sec. 36. 22 MRSA §1555-C, sub-§2, ¶E**, as enacted by PL 2003, c. 444, §2, is
11 amended to read:

12 E. A person who violates this subsection after having been previously adjudicated as
13 violating this subsection or subsection 1, 3 or 4 commits a civil violation for which a
14 fine of not less than \$1,000 and not more than \$5,000 may be adjudged.

15 **Sec. 37. 22 MRSA §5107-J**, as amended by PL 2009, c. 299, Pt. A, §4 and
16 repealed by c. 369, Pt. A, §32, is repealed.

17 **Sec. 38. 22 MRSA §7301, sub-§2, ¶F**, as enacted by PL 2009, c. 279, §2 and c.
18 420, §1, is repealed and the following enacted in its place:

19 F. To establish the most efficient, innovative and cost-effective system for delivering
20 a broad array of long-term care services.

21 **Sec. 39. 22 MRSA §7302, sub-§5**, as amended by PL 2009, c. 279, §3 and c.
22 420, §2, is repealed and the following enacted in its place:

23 **5. In-home and community support services.** "In-home and community support
24 services" means health and social services and other assistance required to enable adults
25 with long-term care needs to remain in their places of residence. These services include,
26 but are not limited to, self-directed care services; medical and diagnostic services;
27 professional nursing; physical, occupational and speech therapy; dietary and nutrition
28 services; home health aide services; personal care assistance services; companion and
29 attendant services; handyman, chore and homemaker services; respite care; hospice care;
30 counseling services; transportation; small rent subsidies; various devices that lessen the
31 effects of disabilities; and other appropriate and necessary social services.

32 **Sec. 40. 24-A MRSA §4303, sub-§1**, as amended by PL 2009, c. 357, §1, is
33 further amended to read:

34 **1. Demonstration of adequate access to providers.** Except as provided in
35 paragraphs A, B and C, a carrier offering or renewing a managed care plan shall provide
36 to its members reasonable access to health care services in accordance with standards
37 developed by rule by the superintendent. These standards must consider the geographical
38 and transportational problems in rural areas. All managed care plans covering residents

SUMMARY

1
2 Section 1 corrects a reference to the biennial report of the Land and Water Resources
3 Council.

4 Section 2 repeals a reference to the Baxter Compensation Authority, which was
5 eliminated on July 1, 2007.

6 Section 3 corrects a conflict created by Public Law 2009, chapter 211, which changed
7 the name of the Junior Maine Guides and Trip Leaders Curriculum Advisory Board in the
8 Maine Revised Statutes, Title 5, section 12004-I, subsection 24, and chapter 369, which
9 repealed Title 5, section 12004-I, subsection 24. This section corrects the conflict by
10 repealing Title 5, section 12004-I, subsection 24.

11 Section 4 corrects the name of a commission.

12 Section 5 removes a reference to an annual report that is no longer required to be
13 prepared.

14 Section 6 corrects a conflict created by Public Law 2009, chapters 213 and 343,
15 which affected the same provision of law, by incorporating the changes made by both
16 laws.

17 Section 7 corrects a conflict created by Public Law 2009, chapters 324 and 325,
18 which affected the same provision of law, by incorporating the changes made by both
19 laws. Section 8 makes the changes retroactive to February 15, 2010.

20 Section 9 corrects a conflict created by Public Law 2009, chapters 324 and 325,
21 which affected the same provision of law, by incorporating the changes made by both
22 laws. Section 10 makes the changes retroactive to February 15, 2010.

23 Section 11 corrects a conflict created by Public Law 2009, chapter 324, which
24 repealed Title 11, article 7-A and chapter 325, which corrected a cross-reference in Title
25 11, section 7-102, subsection (1), paragraph (e), which is in the repealed article. This
26 section corrects the conflict by repealing Title 11, section 7-102. Section 12 makes the
27 change retroactive to February 15, 2010.

28 Section 13 corrects a conflict created by Public Law 2009, chapters 151 and 394,
29 which affected the same provision of law, by incorporating the changes made by both
30 laws.

31 Section 14 corrects a conflict created by Public Law 2009, chapters 340 and 369,
32 which affected the same provision of law, by incorporating the changes made by both
33 laws.

34 Section 15 corrects a conflict created when Public Law 2009, chapter 369 repealed
35 the Maine Revised Statutes, Title 12, section 10154 and chapter 211 amended the section.
36 This section corrects the conflict by repealing Title 12, section 10154.

1 Section 16 corrects a conflict created by Public Law 2009, chapters 213 and 340,
2 which affected the same provision of law, by incorporating the changes made by both
3 laws.

4 Section 17 corrects a conflict created by Public Law 2009, chapters 211 and 369,
5 which affected the same provision of law, by incorporating the changes made by both
6 laws.

7 Section 18 corrects a cross-reference, and section 19 adds an effective date.

8 Section 20 corrects a cross-reference.

9 Section 21 corrects a conflict created by Public Law 2009, chapters 268 and 391,
10 which affected the same provision of law, by incorporating the changes made by both
11 laws.

12 Section 22 corrects a cross-reference.

13 Section 23 corrects a conflict created by Public Law 2009, chapters 1 and 213, which
14 affected the same provision of law. This section repeals the provision and replaces it with
15 the chapter 213 version.

16 Section 24 corrects a conflict created when Public Law 2009, chapter 190 amended
17 Title 21-A, section 1011, 2nd paragraph and Public Law 2009, chapter 366 repealed the
18 paragraph. This section corrects the conflict by repealing the paragraph.

19 Section 25 corrects a conflict created by Public Law 2009, chapters 183 and 190,
20 which affected the same provision of law, by incorporating the changes made by both
21 laws.

22 Section 26 corrects a conflict created by Public Law 2009, chapters 190 and 366,
23 which affected the same provision of law. This section repeals the provision and replaces
24 it with the chapter 190 version.

25 Section 27 corrects a conflict created by Public Law 2009, chapters 190 and 366,
26 which affected the same provision of law. This section repeals the provision and replaces
27 it with the chapter 190 version.

28 Section 28 corrects a conflict created by Public Law 2009, chapters 190 and 366,
29 which affected the same provision of law, by incorporating the changes made by both
30 laws.

31 Section 29 corrects a conflict created when Public Law 2009, chapter 302 repealed
32 Title 21-A, section 1125, subsection 8 and Public Law 2009, chapters 286 and 363
33 amended that subsection. This section corrects the conflict by repealing the subsection.
34 Section 30 provides an effective date of September 1, 2011.

35 Section 31 corrects a conflict created by Public Law 2009, chapters 302 and 363,
36 which affected the same provision of law. This section repeals the provision and replaces

1 it with the chapter 302 version. Section 32 provides an effective date of September 1,
2 2011.

3 Section 33 corrects a conflict created by Public Law 2009, chapters 302 and 363,
4 which affected the same provision of law, by incorporating the changes made by both
5 laws. Section 34 provides an effective date of September 1, 2011.

6 Section 35 corrects a conflict created by Public Law 2009, chapters 429 and 430,
7 which affected the same provision of law. This section repeals the provision and replaces
8 it with the chapter 430 version.

9 Section 36 corrects a cross-reference.

10 Section 37 corrects a conflict created when Public Law 2009, chapter 299 amended
11 Title 22, section 5107-J, subsection 2, paragraph C and chapter 369 repealed Title 22,
12 section 5107-J. This section corrects the conflict by repealing the section.

13 Section 38 corrects a conflict created by Public Law 2009, chapters 279 and 420,
14 which affected the same provision of law. This section repeals the provision and replaces
15 it with the chapter 420 version.

16 Section 39 corrects a conflict created by Public Law 2009, chapters 279 and 420,
17 which both substantively affected the same provision of law. This section corrects the
18 conflict by incorporating the changes made by both laws.

19 Section 40 corrects a cross-reference.

20 Sections 41 and 42 correct a conflict created by Public Law 2009, chapters 77 and
21 118, which both substantively affected the same provisions of law. Sections 41 and 42
22 correct the conflict by incorporating the changes made by both laws.

23 Section 43 corrects a conflict created by Public Law 2009, chapters 261 and 344,
24 which both substantively affected the same provision of law. This section corrects the
25 conflict by incorporating the changes made by both laws and makes a grammatical
26 correction.

27 Sections 44 and 45 correct clerical errors.

28 Sections 46 and 47 correct a conflict created by Public Law 2009, chapters 336 and
29 451, which both substantively affected the same provision of law. Sections 46 and 47
30 correct the conflict by incorporating the changes made by both laws.

31 Section 48 corrects the name of a commission.

32 Section 49 corrects the name of a commission.

33 Section 50 corrects punctuation and a clerical error by adding a word that was
34 inadvertently omitted.

1 Section 51 corrects a conflict created by Public Law 2009, chapters 438 and 459,
2 which both substantively affected the same provision of law, by incorporating the
3 changes made by both laws.

4 Section 52 corrects a numbering problem created by Public Law 2009, chapters 438
5 and 459, which enacted 2 substantively different provisions of law with the same section
6 number.

7 Section 53 corrects a conflict created by Public Law 2009, chapters 50 and 55, which
8 affected the same provision of law, by incorporating the changes made by both laws.

9 Section 54 corrects a cross-reference.

10 Sections 55, 57 and 58 correct a conflict created when Public Law 2009, chapter 250
11 amended Title 32, section 2402-A and chapter 344 repealed the section. These sections
12 correct the conflict by repealing the section and adding the substance of the change made
13 by chapter 250 to the laws governing the Maine Fuel Board, which were enacted by
14 chapter 344.

15 Section 56 corrects a cross-reference.

16 Section 59 corrects the name of a commission.

17 Section 60 corrects a clerical error by adding a word that was inadvertently omitted.

18 Sections 61 to 63 correct punctuation errors.

19 Section 64 corrects a conflict created by Public Law 2009, chapters 413 and 434,
20 which affected the same provision of law, by incorporating the changes made by both
21 laws. Section 65 makes the changes retroactive to July 18, 2008.

22 Section 66 corrects a conflict created by Public Law 2009, chapters 413 and 434,
23 which affected the same provision of law, by incorporating the changes made by both
24 laws.

25 Section 67 corrects a conflict created by Public Law 2009, chapters 213 and 434,
26 which affected the same provision of law, by incorporating the changes made by both
27 laws.

28 Section 68 corrects a conflict created by Public Law 2009, chapters 213 and 434,
29 which affected the same provision of law. This section repeals the provision and replaces
30 it with the chapter 213 version and makes a technical correction.

31 Section 69 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ,
32 section 6 and Part BBBB, section 10, which affected the same provision of law. This
33 section repeals the provision and replaces it with the chapter 213, Part BBBB, section 10
34 version.

35 Sections 70 and 71 correct a numbering problem created by Public Law 2009, chapter
36 213, Part ZZZ, section 8 and Part BBBB, section 12, which enacted 2 substantively
37 different provisions with the same paragraph letter, and make a technical change.

1 Section 72 corrects a conflict created by Public Law 2009, chapter 213, Part ZZZ,
2 section 11 and Part BBBB, section 13, which affected the same provision of law. This
3 section repeals the provision and replaces it with the chapter 213, Part BBBB, section 13
4 version and makes a technical correction.

5 Sections 73 to 75 correct a numbering problem created by Public Law 2009, chapter
6 213, Part ZZZ, section 13 and Part BBBB, section 15, which enacted 2 substantively
7 different provisions with the same paragraph letter, make a technical change, correct a
8 cross-reference and add an application section.

9 Section 76 corrects a conflict created by Public Law 2009, chapters 434 and 461,
10 which affected the same provision of law, by incorporating the changes made by both
11 laws.

12 Section 77 corrects a conflict created by Public Law 2009, chapters 299 and 406,
13 which affected the same provision of law, by incorporating the changes made by both
14 laws.

15 Section 78 corrects a conflict created by Public Law 2009, chapters 200 and 372,
16 which affected the same provision of law, by incorporating the changes made by both
17 laws with a technical correction.

18 Section 79 corrects a conflict created by Public Law 2009, chapters 200 and 372,
19 which affected the same provision of law. This section repeals the provision and replaces
20 it with the chapter 372 version.

21 Section 80 corrects the name of a commission.

22 Section 81 corrects an application section to make it clear to what years the changes
23 to the Maine Revised Statutes, Title 36, section 683, subsection 1 apply.

24 Section 82 repeals a retroactivity section in a public law that referred to a section of
25 statute that was not included in the public law.

26 Section 83 corrects a reference in a retroactivity section.