

REVISOR'S REPORT 2021

Chapter 1

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

**Office of the Revisor of Statutes
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PART A

Sec. A-1. 4 MRSA §1603, sub-§7, as amended by PL 2021, c. 398, Pt. SSSS, §4, is corrected to read:

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility, state office or state activity space and intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government. The structure may include facilities for the use of related agencies of state, county or local government. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all fixtures, appurtenances and facilities either on, above or under the ground that are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" also includes the acquisition, construction, improvement, reconstruction or repair of any equipment, device, technology, software or other personal property intended to be used primarily by the State, any agency, instrumentality or department of the State or by any branch of State Government or any related agency of state, county or local government. For the purpose of implementing section ~~1610-M~~ 1610-N, "project, projects or part of any project" also includes equipment purchases for career and technical education centers and career and technical education regions. The exact scope of each project, projects or part of any project, other than those for the Judicial Branch and the Legislative Branch, must be set forth in a written designation by the Commissioner of Administrative and Financial Services to the authority and the exact scope of each project, projects or part of any project for the Judicial Branch must be set forth in a written designation by the State Court Administrator to the authority. The scope of each project for the Legislative Branch must receive a majority vote of the Legislative Council and be set forth in a written designation by the Executive Director of the Legislative Council to the authority. "Project, projects or part of any project" does not include such items as fuel, supplies or other items that are customarily considered as a current operating charge.

EXPLANATION

This section corrects a cross-reference.

Sec. A-2. 4 MRSA §1610-M, as enacted by PL 2021, c. 398, Pt. SSSS, §6, is reallocated to 4 MRSA §1610-N.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapter 398, Parts D and SSSS, which enacted 2 substantively different provisions with the same section number.

Sec. A-3. 5 MRSA §1591, sub-§6, as enacted by PL 2021, c. 398, Pt. EEEE, §1, is reallocated to 5 MRSA §1591, sub-§7.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapter 398, Parts EEE and EEEE, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-4. 5 MRSA §1957, as enacted by PL 2021, c. 234, §2, is reallocated to 5 MRSA §1958.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 231 and 234, which enacted 2 substantively different provisions with the same section number.

Sec. A-5. 5 MRSA §12004-G, sub-§33-G, as enacted by PL 2021, c. 364, §1, is reallocated to 5 MRSA §12004-G, sub-§33-H.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 356 and 364, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-6. 5 MRSA §12004-J, sub-§19, as enacted by PL 2021, c. 398, Pt. MMMM, §1, is reallocated to 5 MRSA §12004-J, sub-§20.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 398 and 436, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-7. 7 MRSA §219-B, sub-§4, as enacted by PL 2021, c. 468, §1, is corrected to read:

4. Rules. The department may adopt routine technical rules as defined in Title 5, chapter 375, subchapter ~~2-A~~ 2-A to carry out the purposes of the fund, including application criteria and procedures for recipients, disbursement of funds to recipients and for outreach and administration purposes and reporting and audit procedures for recipients.

EXPLANATION

This section makes a technical correction.

Sec. A-8. 8 MRSA §1017, sub-§4, as amended by PL 2021, c. 22, §5, is corrected to read:

4. Application for renewal. Application for renewal of a license issued under this chapter must be made no less than 60 days prior to the expiration of the current license. Before submitting an application for renewal of a slot machine operator license under this subsection, the slot machine operator must comply with section 1012. Before submitting an application for renewal of a casino operator license under this subsection, the casino operator must comply with section ~~1012-A~~ 1012-A.

EXPLANATION

This section makes a technical correction.

Sec. A-9. 12 MRSA §13104, sub-§4, as amended by PL 2021, c. 104, §1, is corrected to read:

4. Fee. Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

- A. For residents, \$55. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year; and
- B. For nonresidents:
 - (1) Seventy-four dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season;
 - (2) One hundred and nineteen dollars for a seasonal registration; and
 - (3) Ninety-nine dollars for a 10-consecutive-day registration. A person may purchase more than one 10-day registration in any season.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Ten dollars from each resident registration fee and \$15 from each nonresident registration fee collected pursuant to this subsection must be transferred to a special fund administered by the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry. The funds must be used to assist any entity that has a snowmobile trail grooming contract with the Bureau of Parks and Lands in the

purchase of trail-grooming equipment. The funds also may be used for the repair or overhaul of trail-grooming equipment.

Seventeen dollars from each resident snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

Sixteen dollars from each nonresident 3-day snowmobile registration fee, \$16 from each nonresident 10-day snowmobile registration fee and \$21 from each nonresident seasonal snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands.

Five dollars from each ~~non-resident~~ nonresident 3-day snowmobile registration fee and 10-day snowmobile registration fee must be transferred to the Snowmobile Enforcement Fund established under section 10258.

EXPLANATION

This section corrects a clerical error.

Sec. A-10. 14 MRSA §173, as enacted by PL 2021, c. 214, §1, is reallocated to 14 MRSA §174.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 178 and 214, which enacted 2 substantively different provisions with the same section number.

Sec. A-11. 14 MRSA §173, sub-§3, as enacted by PL 2021, c. 178, §1, is corrected to read:

3. Immunity of distributor. Notwithstanding any other provision of law, a bona fide charitable or nonprofit organization and any employee or volunteer of that organization who in good faith receive and ~~distributes~~ distribute menstrual products that are apparently usable at the time they are distributed are immune from civil or criminal liability arising from an injury or death due to the condition of the menstrual products, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the organization, employee or volunteer.

EXPLANATION

This section corrects clerical errors.

Sec. A-12. 17-A MRSA §18, as enacted by PL 2021, c. 447, §1, is reallocated to 17-A MRSA §19.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 393 and 447, which enacted 2 substantively different provisions with the same section number.

Sec. A-13. 17-A MRSA §2102, sub-§1, ¶F-1, as enacted by PL 2021, c. 174, §6, is corrected to read:

F-1. The termination of probation pursuant to section 1804, subsection 6; ~~and~~

EXPLANATION

This section makes a technical correction.

Sec. A-14. 17-A MRSA §2102, sub-§1, ¶F-1, as enacted by PL 2021, c. 330, §6, is reallocated to 17-A MRSA §2102, sub-§1, ¶F-2.

EXPLANATION

This section corrects a lettering problem created by Public Law 2021, chapters 174 and 330, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-15. 20-A MRSA §1001, sub-§21, as enacted by PL 2021, c. 471, §1, is reallocated to 20-A MRSA §1001, sub-§22.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 281 and 471, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-16. 20-A MRSA §3626, as corrected by RR 2019, c. 2, Pt. B, §8, is corrected by correcting the section headnote to read:

§3626. ~~Chairman~~ Chair of the board

EXPLANATION

Pursuant to Public Law 2019, chapter 475, section 52, this section corrects a gender-specific reference.

Sec. A-17. 20-A MRSA §3627, as corrected by RR 2019, c. 2, Pt. B, §9, is corrected by correcting the section headnote to read:

§3627. ~~Vice-chairman~~ Vice-chair of the board of directors

EXPLANATION

Pursuant to Public Law 2019, chapter 475, section 52, this section corrects a gender-specific reference.

Sec. A-18. 20-A MRSA §4730, as enacted by PL 2021, c. 190, §4, is reallocated to 20-A MRSA §4731.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 75 and 190, which enacted 2 substantively different provisions with the same section number.

Sec. A-19. 20-A MRSA §6556, as enacted by PL 2021, c. 398, Pt. HH, §1, is reallocated to 20-A MRSA §6557.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 156 and 398, which enacted 2 substantively different provisions with the same section number.

Sec. A-20. 20-A MRSA §15674, sub-§1, ¶D, as enacted by PL 2021, c. 428, §3, is corrected to read:

D. Beginning in fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A, except that if a school administrative unit experiences a decline in total school administrative unit student enrollment of 10% or more in the most recent year, the pupil counts for October 1st of the 3 most recent calendar years prior to the year of funding must be used unless that count is less than the average of the October 1st pupil counts of the 2 most recent calendar years.

EXPLANATION

This section corrects a clerical error.

Sec. A-21. 22 MRSA §3174-FFF, as enacted by PL 2021, c. 438, §1, is reallocated to 22 MRSA §3174-GGG.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 398, 438 and 467, which enacted 3 substantively different provisions with the same section number.

Sec. A-22. 22 MRSA §3174-FFF, as enacted by PL 2021, c. 467, §1, is reallocated to 22 MRSA §3174-HHH.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 398, 438 and 467, which enacted 3 substantively different provisions with the same section number.

Sec. A-23. 24-A MRSA §4320-P, as enacted by PL 2021, c. 39, §1, is reallocated to 24-A MRSA §4320-Q.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 28 and 39, which enacted 2 substantively different provisions with the same section number.

Sec. A-24. 25 MRSA §1542-A, sub-§1, ¶V, as enacted by PL 2021, c. 400, §2, is reallocated to 25 MRSA §1542-A, sub-§1, ¶Y.

EXPLANATION

This section corrects a lettering problem created by Public Law 2021, chapters 293 and 400, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-25. 25 MRSA §1542-A, sub-§3, ¶U, as enacted by PL 2021, c. 400, §3, is reallocated to 25 MRSA §1542-A, sub-§3, ¶X.

EXPLANATION

This section corrects a lettering problem created by Public Law 2021, chapters 293 and 400, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-26. 32 MRSA §2287, as enacted by PL 2021, c. 291, Pt. B, §5, is reallocated to 32 MRSA §2276-A.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 291 and 324, which enacted 2 substantively different provisions with the same section number.

Sec. A-27. 32 MRSA c. 56, sub-c. 4, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA c. 56, sub-c. 5.

Sec. A-28. 32 MRSA §3841, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA §3850-E.

Sec. A-29. 32 MRSA §3842, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA §3850-F.

Sec. A-30. 32 MRSA §3843, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA §3850-G.

Sec. A-31. 32 MRSA §3844, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA §3850-H.

Sec. A-32. 32 MRSA §3845, as enacted by PL 2021, c. 291, Pt. B, §11, is reallocated to 32 MRSA §3850-I.

EXPLANATION

These sections correct a numbering problem created by Public Law 2021, chapters 291 and 331, which enacted 2 substantively different subchapters with the same subchapter and section numbers.

Sec. A-33. 32 MRSA §3850, sub-§2, ¶E, as enacted by PL 2021, c. 331, §1, is corrected to read:

E. All meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rule-making provisions in section ~~3850-A~~ 3850-A.

EXPLANATION

This section makes a technical correction.

Sec. A-34. 32 MRSA §13868, as enacted by PL 2021, c. 302, §3, is reallocated to 32 MRSA §13869.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 291 and 302, which enacted 2 substantively different provisions with the same section number.

Sec. A-35. 32 MRSA §18371, sub-§1, ¶O, as enacted by PL 2021, c. 134, §6, is corrected to read:

O. Administer botulinum ~~toxins~~ toxin or dermal fillers to a patient with a diagnosed dental condition or when that administration is identified as part of a patient's dental treatment plan. A dentist who has successfully completed postgraduate training and certification in oral and maxillofacial surgery from a program accredited by the American Dental Association Commission on Dental Accreditation or its successor organization may administer botulinum toxin or dermal fillers in the course of treatment for oral or maxillofacial disease, disfigurement or disjunction.

EXPLANATION

This section corrects a clerical error.

Sec. A-36. 35-A MRSA §717, as enacted by PL 2021, c. 347, §1, is reallocated to 35-A MRSA §718.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 154 and 347, which enacted 2 substantively different provisions with the same section number.

Sec. A-37. 35-A MRSA §3209-A, sub-§5, as enacted by PL 2021, c. 370, §1, is reallocated to 35-A MRSA §3209-A, sub-§7.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 107 and 370, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-38. 35-A MRSA §3210-H, as enacted by PL 2021, c. 380, §1, is reallocated to 35-A MRSA §3210-I.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 327 and 380, which enacted 2 substantively different provisions with the same section number.

Sec. A-39. 35-A MRSA §10104, sub-§13, as enacted by PL 2021, c. 358, §1, is corrected to read:

13. Maine Clean Energy and Sustainability Accelerator. The trust shall administer the Maine Clean Energy and Sustainability Accelerator under section ~~40128~~ 10129.

EXPLANATION

This section corrects a cross-reference.

Sec. A-40. 35-A MRSA §10128, as enacted by PL 2021, c. 358, §2, is reallocated to 35-A MRSA §10129.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 199 and 358, which enacted 2 substantively different provisions with the same section number.

Sec. A-41. 36 MRSA §191, sub-§2, ¶MMM, as enacted by PL 2021, c. 253, Pt. A, §1, is reallocated to 36 MRSA §191, sub-§2, ¶PPP.

EXPLANATION

This section corrects a lettering problem created by Public Law 2021, chapters 253 and 473, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-42. 36 MRSA §191, sub-§2, ¶MMM, as enacted by PL 2021, c. 473, §1, is corrected to read:

MMM. The disclosure to the Supreme Judicial Court of information required to make the report required under section ~~5219-YY~~ 5219-ZZ, subsection 5.

EXPLANATION

This section corrects a cross-reference.

Sec. A-43. 36 MRSA §1760, sub-§107, as enacted by PL 2021, c. 399, §1, is reallocated to 36 MRSA §1760, sub-§108.

Sec. A-44. 36 MRSA §1760, sub-§107, as enacted by PL 2021, c. 416, §1 and affected by §2, is reallocated to 36 MRSA §1760, sub-§109.

Sec. A-45. 36 MRSA §1760, sub-§107, as enacted by PL 2021, c. 417, §1, is reallocated to 36 MRSA §1760, sub-§110.

Sec. A-46. 36 MRSA §1760, sub-§107, as enacted by PL 2021, c. 440, §1, is reallocated to 36 MRSA §1760, sub-§111.

EXPLANATION

These sections correct a numbering problem created by Public Law 2021, chapters 398, 399, 416, 417 and 440, which enacted 5 substantively different provisions with the same subsection number.

Sec. A-47. 36 MRSA §2513-C, sub-§1, as enacted by PL 2021, c. 354, §18, is corrected to read:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Blanket travel insurance" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 2.

B. "Cancellation fee waiver" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 3.

C. "Primary certificate holder" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 9.

D. "Primary policyholder" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 10.

E. "Travel assistance services" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 13.

F. "Travel insurance" has the same meaning as in Title 24-A, section ~~7052-A 7052-A~~, subsection 14.

EXPLANATION

This section makes technical corrections.

Sec. A-48. 36 MRSA §5219-YY, as enacted by PL 2021, c. 473, §2, is reallocated to 36 MRSA §5219-ZZ.

EXPLANATION

This section corrects a numbering problem created by Public Law 2021, chapters 473 and 482, which enacted 2 substantively different provisions with the same section.

Sec. A-49. 37-B MRSA §791, sub-§2, ¶A, as enacted by PL 1989, c. 464, §3, is corrected to read:

A. "CERCLA hazardous substance" means a substance on the list defined in the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, Section 101(14), as amended.

EXPLANATION

This section corrects a clerical error.

Sec. A-50. 37-B MRSA §798, sub-§1, as enacted by PL 1989, c. 464, §3, is corrected to read:

1. Immediate notification. In the event of an unlicensed release from any facility where a CERCLA hazardous substance or an extremely hazardous substance is produced, used or stored, that requires reporting under the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Section ~~103(a)~~ 103(a) or the federal Superfund Amendments and Reauthorization Act of 1986, Title III, Section 304(a), the owner or operator of the facility at which the release occurs must immediately contact the local fire department with jurisdiction over the site, the State Police as the designated agent for the commission and the community emergency coordinator. This oral notification must contain, to the extent known at the time of notice and so long as no delay in responding to the emergency results, information included in the Maine Emergency Management Agency's AR-1 form including:

- A. The specific location of the release;
- B. Identification of the chemical released and the estimated quantity released;
- C. The time and duration of the release;
- D. The environmental media into which the chemical was released;
- E. Any known or anticipated acute or chronic health risks;
- F. Any precautions that should be taken, including evacuation or medical surveillance; and
- G. The names and telephone numbers of parties to be contacted for further information.

EXPLANATION

This section corrects clerical errors and references to federal law.

Sec. A-51. 38 MRSA §1319, sub-§1, ¶A, as amended by PL 1997, c. 364, §40, is corrected to read:

A. Any substance designated as hazardous by the United States Environmental Protection Agency in proposed or final regulations under the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 United States Code, Section 9602, and any substance identified as hazardous waste under section 1319-O may be identified by rule as hazardous matter by the board.

EXPLANATION

This section corrects a clerical error.

Sec. A-52. 38 MRSA §1362, sub-§1, ¶C, as amended by PL 1985, c. 746, §32, is corrected to read:

C. Any substance designated pursuant to the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Public Law 96-510, Sections 101 and 102 (Superfund);

EXPLANATION

This section corrects a clerical error.

Sec. A-53. 38 MRSA §1612, as enacted by PL 2021, c. 192, §1, is reallocated to 38 MRSA §1613.

Sec. A-54. 38 MRSA §1612, as enacted by PL 2021, c. 477, §1, is reallocated to 38 MRSA §1614.

EXPLANATION

These sections correct a numbering problem created by Public Law 2021, chapters 94, 192 and 477, which enacted 3 substantively different provisions with the same section number.

Sec. A-55. 38 MRSA §1805, sub-§5, as enacted by PL 2021, c. 424, §1, is corrected to read:

5. Report. On or before March 1, 2024, and biennially thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environmental and natural resources matters a report summarizing the data collected and maps produced and updated under this section and including an analysis, if available, of the changes to the eelgrass beds and salt marsh vegetation within the State that are demonstrated by the data collected and maps produced under this section.

EXPLANATION

This section corrects a clerical error.

Sec. A-56. PL 2021, c. 234, §3 is amended to read:

Sec. 3. Policy review. The Board of Trustees of the Maine Public Employees Retirement System shall review its "Environmental, Social and Governance Policy"

adopted January 8, 2015 and shall make any changes necessary to its policy to conform to the requirements of the Maine Revised Statutes, Title 5, section ~~1957~~ 1958. The board shall submit its report of the review of the policy and any amendments adopted by the board to the Joint Standing Committee on Labor and Housing by January 1, 2022.

EXPLANATION

This section corrects a cross-reference.

Sec. A-57. PL 2021, c. 327, §3, first sentence is corrected to read:

Within ~~in~~ 9 months of receiving a petition from New England Aqua Ventus, LLC or its designated affiliate for a long-term contract for capacity, energy or renewable energy credits to be generated from a floating offshore wind research array project, as defined in the Maine Revised Statutes, Title 35-A, section 3210-H and referred to in this section as “the research array,” with a capacity of up to 144 megawatts designed, permitted and operated by New England Aqua Ventus, LLC in accordance with the terms of a lease in federal waters from the federal Department of the Interior, Bureau of Ocean Energy Management, the Public Utilities Commission shall order the negotiation of, and direct an investor-owned transmission and distribution utility to enter into, a long-term contract for at least 20 years with New England Aqua Ventus, LLC or its designated affiliate if the commission determines the contract furthers the objectives of this Act and is in the public interest.

EXPLANATION

This section corrects a clerical error.

Sec. A-58. PL 2021, c. 438, §§2 and 3 are corrected to read:

Sec. 2. Rulemaking; national standards. In developing rules pursuant to the Maine Revised Statutes, Title 22, section ~~3174-FFF~~ 3174-GGG, subsection 2, the Department of Health and Human Services shall consider national standards such as the Clinical Practice Guidelines for Quality Palliative Care developed by the National Coalition for Hospice and Palliative Care.

Sec. 3. State plan amendment. The Department of Health and Human Services shall submit to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services any state plan amendments necessary to implement the requirements of the Maine Revised Statutes, Title 22, section ~~3174-FFF~~ 3174-GGG.

Sec. A-59. PL 2021, c. 467, §2 is corrected to read:

Sec. 2. Ostomy equipment reimbursement rules. By January 1, 2022, the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapter II, Section 60 to implement the Maine Revised Statutes, Title 22, section ~~3174-FFF~~ 3174-HHH and this section. The department shall reimburse for ostomy equipment and supplies at no less than 85% of the 2021 federal Medicare reimbursement

rate for the equipment and supplies as long as the rate is no lower than the rate reimbursed by the department as of January 1, 2021.

EXPLANATION

These sections correct cross-references.

Sec. A-60. PL 2021, c. 483, Pt. I, §1, 3rd initiative is corrected to read:

Initiative: Provides one-time funding to establish the clean energy innovation program of the clean energy partnership to fund programs that advance innovation in the clean energy sector, including but not limited to providing grants in coordination with the Maine Technology Institute, as well as supporting partnerships with the private sector, education ~~intutions~~ institutions and others. The programs will support innovation of advanced technologies and services that contribute to the achievement of the State's clean energy and climate goals. Funding may also be used for research and analysis of clean energy finance development tools.

EXPLANATION

This section corrects a clerical error.

Sec. A-61. Resolve 2021, c. 6, §1 is corrected to read:

Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not directed, to convey certain land occupied by the Maine Veterans' Home located at the corner of Cony Road and Piggery Road in Augusta, Maine.

Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may, subject to the requirements of subsection 2, convey, by quitclaim deed without covenant for an appraised fair market value that is the higher of 2 appraisals or the highest of more than 2 appraisals, one appraisal paid for by the Bureau of Parks and Lands and the second paid for by the Maine Veterans' Homes, and on such other terms and conditions as the director may direct, a certain parcel of land with a total of approximately 8.9 acres, being the property that the veterans' home was constructed on, referred to in this resolve as "the property," situated at the corner of Cony Road and Piggery Road in Augusta, County of Kennebec, together with all appurtenant rights and easements located on that property, to the Maine Veterans' Homes. In addition, the Director of the Bureau of Parks and Lands may grant approval, as required by Resolve 1989, chapter 29 and the deed conveying the property to the Maine Veterans' Homes, dated October 3, 1989 and recorded in the Kennebec County Registry of Deeds in Book 3626, page 281, to the Maine Veterans' Homes to sell its structure with the land it is located on at the corner of Cony Road and Piggery Road in Augusta, County of Kennebec.

EXPLANATION

This section corrects a clerical error.

Sec. A-62. Resolve 2021, c. 120, §1 is corrected to read:

Sec. 1. Identification of stigmatizing language; substitution of respectful language. Resolved: That the Revisor of Statutes shall review the Maine Revised Statutes, Titles 22, ~~22-A 22-A~~, 25 and ~~34-A 34-A~~ for stigmatizing language in the laws governing the Department of Health and Human Services, the Department of Public Safety and the Department of Corrections. The Revisor of Statutes shall report to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2022 and shall provide draft legislation to amend the laws of the 3 departments in the Titles identified to change stigmatizing language as described in this section to respectful language. The Revisor of Statutes shall recommend editing the laws as necessary to accommodate singular and plural forms, masculine and feminine forms and adult and minor forms and, when possible, shall use so-called person-first language. The stigmatizing language to be changed includes "prisoner," "inmate" and "convict," which must be changed to "resident of a correctional facility" or "resident of a jail"; "drug user," which must be changed to "person who uses drugs"; "probationer," which must be changed to "client of the Department of Corrections"; and "mentally ill person," which must be changed to "person with a mental illness."

EXPLANATION

This section makes technical corrections.

Sec. A-63. Resolve 2021, c. 120, §2 is corrected to read:

Sec. 2. Legislation. Resolved: That, based on the report from the Revisor of Statutes pursuant to section 1, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to change stigmatizing language in the Maine Revised Statutes, Titles 22, ~~22-A 22-A~~, 25 and ~~34-A 34-A~~ to respectful language and direct the Department of Health and Human Services, Department of Public Safety and Department of Corrections to amend their rules, policies, procedures, forms and publications to conform to the respectful language that is adopted by the Legislature.

EXPLANATION

This section corrects a technical and a clerical error.

PART B

Sec. B-1. 4 MRSA §4, sub-§3, ¶B, as enacted by PL 1983, c. 853, Pt. C, §§4 and 18, is corrected to read:

B. Each justice of the court ~~shall~~ must be reimbursed by the State, upon presentation to the State Controller of a detailed statement, for clerical assistance, postage,

stationery, express and telephone tolls and any other reasonably necessary expenses actually and reasonably incurred by ~~him~~ that justice.

Sec. B-2. 4 MRSA §10 is corrected to read:

§10. Facsimile signature of clerk

A facsimile of the signature of the clerk of the Supreme Judicial Court imprinted by or at ~~his~~ the clerk's direction upon any writ, summons, subpoena, order or notice or order of attachment, except executions and criminal process, ~~shall have~~ has the same validity as ~~his~~ the clerk's written signature.

Sec. B-3. 4 MRSA §52 is corrected to read:

§52. Justice not to sit in review of case tried before ~~him~~ that justice

~~No~~ A justice ~~shall~~ may not sit in the law court upon the hearing of any cause tried before ~~him~~ that justice or take any part in the decision ~~thereof~~ of that cause.

Sec. B-4. 4 MRSA §157, sub-§6, as repealed and replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is corrected to read:

6. Full-time duties. A District Court Judge shall devote full time to ~~his~~ that District Court Judge's judicial duties. During ~~his~~ that District Court Judge's term of office, ~~he~~ that judge ~~may~~ not practice law, ~~nor shall he~~ or be the partner or associate of any person in the practice of law.

Sec. B-5. 4 MRSA §171, as amended by PL 1987, c. 758, §3, is corrected to read:

§171. Duty on receipt of complaints

When complaint is made to the proper officer of the District Court charging a person with the commission of a criminal offense, ~~he~~ that officer shall issue a warrant for ~~his~~ the person's arrest or a summons in such form and under such circumstances as the Supreme Judicial Court ~~shall~~ may by rule provide.

~~He~~ The officer may, and on complaint shall, cause to be arrested persons found within ~~his~~ the officer's county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with offenses and crimes, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace.

A district judge may try those brought before ~~him~~ that judge for offenses within ~~his~~ that judge's jurisdiction, although the penalty or fine accrues wholly or partly to ~~his~~ that judge's town.

Warrants issued by the proper officer of the District Court in criminal cases ~~shall~~ must be signed by that officer at the time they are issued.

Sec. B-6. 4 MRSA §173, sub-§1, as amended by PL 1975, c. 731, §§5 to 7, is corrected to read:

1. Definitions and limitations. This section applies only to costs and fees arising from the criminal and civil violation proceedings in the District Court. When any criminal or civil violation case is appealed from such court to the Superior Court, the latter may tax

and impose costs from its proceeding, which may not include any fees or costs arising from the proceedings or arrest in the lower court.

~~Nothing in this~~ This section shall ~~may not~~ be interpreted to prohibit a court from filing a case upon payment of costs without a conviction or adjudication; ~~provided except~~ that upon motion at any time by either party, the court shall bring a filed case forward and proceed to a disposition of the pending complaint.

~~Nothing in this~~ This section shall ~~may not~~ be interpreted to deprive a law enforcement officer of compensation for ~~his that officer's~~ services and expenses, but this section may shift the responsibility for providing such compensation.

The term "law enforcement officer" shall ~~mean~~ means any person who by virtue of ~~his that~~ person's public employment is vested by law with a duty to enforce any criminal law of this State by making arrests, whether that duty extends to all crimes or is limited to specific crimes, or with a duty to enforce any law of this State establishing a civil violation.

Sec. B-7. 4 MRSA §180, sub-§6, as enacted by PL 1975, c. 753, is corrected to read:

6. Compensation for damages. The owner of land subject to a survey or test shall ~~have~~ has the right to be compensated for any actual damage caused as a result of the surveys and tests. Upon request of the landowner within 30 days after entry on ~~his the~~ the landowner's premises, the governmental unit shall hold a public hearing to determine whether ~~he the~~ the landowner is entitled to compensation for actual damages caused by the testing. The governmental unit shall publish a notice of the time and place of hearing in a newspaper having general circulation in its area at least 7 days before the hearing. The governmental unit shall pay the landowner forthwith the amount of compensation to which it determines ~~he the~~ the landowner is entitled. If the landowner is aggrieved by the decision of the governmental unit, ~~he the~~ the landowner may appeal to the Superior Court as provided in Rule 80B of the Maine Rules of Civil Procedure.

Sec. B-8. 4 MRSA §302 is corrected to read:

§302. Officers execute processes and attend courts

Sheriffs, their deputies and constables shall execute all legal processes directed to them by any such judge of probate, who may, when necessary, require such officer, when not in attendance upon any other court, to attend during the sitting of the probate court, for which ~~he shall that officer must~~ be paid as in other courts for similar services.

Sec. B-9. 4 MRSA §304 is corrected to read:

§304. Equity and contested cases; time and place of hearing

Judges of probate may hold hearings for matters in equity and contested cases at such time and place in the county as the judge of probate may appoint and make all necessary orders and decrees relating thereto, and when hearings are held at other places than those fixed for holding the regular terms of court, the judge ~~shall be~~ is allowed, in addition to ~~his that~~ judge's regular salary, \$5 per day and actual expenses, which shall ~~must~~ be paid by the State unless otherwise provided by law.

Sec. B-10. 4 MRSA §306, as amended by PL 1965, c. 513, §5-A, is corrected to read:

§306. Interchange of judicial duties; expenses

During the sickness, absence from the State or inability of any judge of probate to hold the regular terms of ~~his~~ that judge's court, such terms, at ~~his~~ the judge's request or that of the register of the county, may be held by the judge of any other county. The judges may interchange service or perform each others' duties when they find it necessary or convenient, and in case of a vacancy in the office of a judge, all necessary terms of the probate court for the county may, at the request of the register, be held by the judge of another county until the vacancy is filled. The orders, decrees and decisions of the judge holding such terms have the same force and validity as if made by the judge of the county in which such terms are held.

When any judge of probate holds court or a hearing in any probate matter, or in equity, in any county other than the one in which ~~he~~ that judge resides, ~~such~~ that judge shall must be reimbursed by the county in which such court or hearing is held for ~~his~~ that judge's expenses actually and reasonably incurred, upon presentation to the county commissioners of ~~said~~ that county of a detailed statement of such expenses.

Sec. B-11. 4 MRSA §307, as amended by PL 1991, c. 697, §1, is corrected to read:

§307. Conflict of interest; transfer of case

When a judge or register of probate is interested in ~~his~~ that judge's or register of probate's own right, trust, or in any other manner, or is within the degree of kindred, by which in law ~~he~~ that judge or register of probate may, by possibility, be heir to any part of the estate of the person deceased, or is named as executor, trustee or guardian of minor children in the will of any deceased resident of the county, such estate ~~shall~~ must be settled in the probate court of any adjoining county, which ~~shall have~~ has as full jurisdiction thereof as if the deceased had died ~~therein in that adjoining county~~. If ~~his~~ the judge's or register of probate's interest arises after jurisdiction of such estate has been regularly assumed or existed at the time of ~~his~~ the judge's or register of probate's appointment to office, and in all cases where an executor, administrator, guardian or trustee, whose trust is not fully executed, becomes judge or register of probate for the county in which ~~his~~ that judge's or register of probate's letters were granted, further proceedings ~~therein shall in that county~~ must be transferred to the probate court in any adjoining county and there remain ~~thru~~ until completed, as if such court had had original jurisdiction thereof, unless said disability is removed before that time. Whenever in any case within this section the disability of the judge or register is removed before the proceedings have been fully completed, the proceedings ~~shall~~ must then be transferred to the probate court in the county of original jurisdiction or to the probate court ~~which~~ that otherwise would have had jurisdiction. In all such cases the register in such adjoining county shall transmit copies of all records relating to such estate to the probate office of the county where such estate belongs, to be there recorded.

~~Nothing in this~~ This section ~~shall be deemed~~ may not be construed to require removal to another county by reason of the judge or register of probate having been named as executor, trustee or guardian of minor children in a will, ~~provided he receives no~~ as long as the judge or register of probate does not receive a benefit from the will and the record of the court discloses the filing of ~~his~~ the judge's or register of probate's declination to act as such executor, trustee or guardian, if no objection is raised by any interested party at the hearing on the petition for probate of the will.

A judge is considered to be interested in an estate or other probate proceeding, including adoptions, if the judge or a person with whom the judge practices law represents a party in the proceeding. When such representation begins, the judge shall transfer the matter as provided in this section, after which transfer the judge or the person with whom the judge practices law may continue such representation, except that, after a formal probate proceeding has been initiated before a judge, that judge is forever barred from assuming representation of a party in that same proceeding without regard to whether or not the proceeding has been transferred. A petition requesting a transfer and the petition related to the matter being transferred filed simultaneously are not considered formal probate proceedings for the purposes of this paragraph.

Sec. B-12. 4 MRSA §308 is corrected to read:

§308. Certification of unfinished acts of predecessor judge

Every judge, upon entering on the duties of ~~his~~ that judge's office, shall examine the records, decrees, certificates and all proceedings connected therewith ~~which his that the~~ judge's predecessor left unsigned or unauthenticated. If ~~he~~ the judge finds them correct, ~~he~~ the judge shall sign and authenticate them and they ~~shall~~ are then be as valid to all intents and purposes as if such duty had been done by ~~his~~ the judge's predecessor while in office.

Sec. B-13. 4 MRSA §309 is corrected to read:

§309. Judge not to counsel or draft documents

~~No~~ A judge of probate ~~shall~~ may not have a voice in judging and determining ~~nor~~ or be attorney or counselor in or out of court in any civil action or matter ~~which that~~ depends on or relates to any sentence or decree made by ~~him~~ that judge of probate in ~~his that judge~~ of probate's office, ~~nor~~ or in any civil action for or against any executor, administrator, guardian or trustee under any last will and testament, as such, within ~~his that judge of~~ probate's county. Any process or proceeding commenced by ~~him~~ a judge of probate in the probate court for ~~his that judge of probate's~~ county in violation of this section is void, and ~~he~~ that judge of probate is liable to the party injured in damages. ~~No~~ A judge of probate ~~shall~~ may not draft or aid in drafting any document or paper ~~which he that the judge of~~ probate is by law required to pass upon.

Sec. B-14. 4 MRSA §471, as amended by PL 1977, c. 544, §11, is corrected to read:

§471. Judicial Conference of Maine

There ~~shall be~~ is a Judicial Conference of Maine, referred to in this section as "the conference," composed of judges and justices who shall advise and consult with the Supreme Judicial Court and the Chief Justice on matters affecting the administration of the Judicial Department, who shall review and discuss proposals from the Chief Justice and the State Court Administrator ~~which that~~ affect the administration of the Judicial Department and who shall meet at least once each year for that purpose.

~~No~~ A member of ~~said the~~ the conference ~~shall~~ may not receive any compensation for ~~his~~ that member's services, but ~~said the~~ the conference and the several members thereof ~~shall be~~ are allowed, out of judicial appropriation, such expenses for clerical and other services and travel incidentals as the State Court Administrator ~~shall approve~~ approves.

Sec. B-15. 4 MRSA §557 is corrected to read:

§557. Receipt and discharge of fines and costs voluntarily paid

The clerk shall receive all fines, forfeitures and bills of costs imposed or accruing to the use of the State when paid or tendered to ~~him~~ the clerk before a precept is issued to enforce collection, give discharges therefor and enter them of record.

Sec. B-16. 4 MRSA §561, as repealed and replaced by PL 1977, c. 696, §24, is corrected to read:

§561. Taking illegal fees

A clerk who exacts or receives more than ~~his~~ that clerk's lawful fees commits a civil violation for which a ~~forfeiture~~ fine of \$50 may be adjudged.

Sec. B-17. 4 MRSA §567, as amended by PL 1977, c. 696, §25, is corrected to read:

§567. No recording officer to be attorney or sue in own court nor draft nor aid in drafting paper to be recorded

~~No~~ A clerk, register or recording officer of any court of the State ~~shall~~ may not be attorney or counselor in any civil action or matter pending in that court; neither ~~shall he~~ may that person commence actions to be entered therein, ~~nor or~~ draft ~~nor or~~ aid in drafting any document or paper ~~which he~~ that that person is by law required to record, in full or in part. Violation of this section is a civil violation for which a ~~forfeiture~~ fine not to exceed \$100 may be adjudged. Notwithstanding provisions of this section, clerks may aid litigants in the preparation of small claims filings. Nothing ~~shall prevent~~ prevents the clerk from rendering assistance of a general nature to the bar or the public.

Sec. B-18. 4 MRSA §654 is corrected to read:

§654. Death or disability

When in any criminal case any material part of a transcript of the evidence taken by the Official Court Reporter cannot be obtained because of ~~his~~ that court reporter's death or disability, the justice who presided at the trial of the case shall on motion, after notice and hearing, if it is evident that the lack of such transcript prejudices the respondent in prosecuting ~~his~~ that respondent's exceptions or appeal, set aside any verdict rendered in the case and grant a new trial at any time within one year after it was returned.

Sec. B-19. 4 MRSA §751 is corrected to read:

§751. Duties of reporters

The judge of any court of probate or court of insolvency may appoint a reporter to report the proceedings at any hearing or examination in ~~his~~ that judge's court, whenever ~~such~~ that judge deems considers it necessary or advisable. Such reporter ~~shall~~ must be sworn to a faithful discharge of ~~his~~ that reporter's duty and, under the direction of the judge, shall take full notes of all oral testimony at such hearing or examination and such other proceedings at such hearing or examination as the judge directs; and when required by the judge shall furnish for the files of the court a correct typewritten transcript of ~~his~~ that reporter's notes of the oral testimony of any person testifying at such hearing or submitting to such examination, and in making ~~said~~ that transcript the reporter shall transcribe ~~his~~ said that reporter's notes in full by questions and answers.

Sec. B-20. 4 MRSA §752 is corrected to read:

§752. Reading and signing transcript of testimony

In cases ~~where~~ when the person testifying or submitting to examination is required by law to sign ~~his~~ that person's testimony or examination, the transcript made as provided in section 751 ~~shall~~ must be read to the person whose testimony or examination it is, at a time and place to be appointed by the judge, unless such person or ~~his~~ that person's counsel in writing waives such reading. If it is found to be accurate, or if it contains errors or mistakes or alleged errors or mistakes and such errors or mistakes are either corrected or the proceedings had in relation to the same as provided, such transcript ~~shall~~ must be signed by the person whose testimony or examination it is. When the reading of a transcript is waived as provided by this section, such transcript ~~shall~~ must be ~~deemed~~ considered correct. In all other cases the transcript need not be signed but ~~shall~~ must be ~~deemed~~ considered to be complete and correct without signing and ~~shall have~~ has the same effect as if signed.

Sec. B-21. 4 MRSA §754 is corrected to read:

§754. Correction of mistakes in transcript

Manifest errors or mistakes in any transcript may be corrected, under the direction of the judge, according to the facts. When an error or mistake is alleged by the party conducting the hearing or examination or by ~~his~~ that party's counsel, or by the person testifying or submitting to examination or by ~~his~~ that person's counsel, and ~~said those~~ parties cannot agree whether or not there is such an error or mistake as alleged, or what correction should be made, the judge shall decide whether or not such an error or mistake exists, and may allow or disallow a correction according as ~~he~~ the judge may find the fact. In such case the judge shall annex to the transcript a certificate signed by ~~him~~ the judge stating the alleged error or mistake and by whom alleged, and the correction allowed or disallowed. In case ~~the said~~ such parties mutually agree that there is an error or mistake in the transcript, and in like manner agree what the correction should be, the transcript may be corrected according to such agreement, but such correction ~~shall~~ must be stated and made in the presence of the judge. ~~No changes~~ Changes or alterations ~~shall~~ may not be made in any transcript except in the presence of the judge or the person appointed by the judge to take the examination.

Sec. B-22. 4 MRSA §803, as amended by PL 1987, c. 395, Pt. A, §12, is corrected to read:

§803. Qualifications for taking bar examination

1. Evidence of graduation. Before taking the examination for admission to the bar of the State, each applicant shall produce to a board of bar examiners satisfactory evidence that ~~he~~ the applicant graduated with a bachelor's degree from an accredited college or university or that ~~he~~ the applicant successfully completed at least 2 years' work as a candidate for that degree at an accredited college or university.

2. Further qualifications. Each applicant shall produce to a board of bar examiners satisfactory evidence that ~~he~~ the applicant:

A. Graduated from a law school accredited by the American Bar Association;

B. Graduated from a law school accredited by the United States jurisdiction in which it is located, that ~~he~~ the applicant has been admitted to practice by examination in one

or more jurisdictions within the United States and has been in active practice there for at least 3 years;

C. Graduated from a foreign law school with a legal education ~~which~~ that, in the board's opinion, is equivalent to that provided in those law schools accredited by the American Bar Association; or

D. Successfully completed 2/3 of the requirements for graduation from a law school accredited by the American Bar Association and then pursued the study of law in the office of an attorney within the State for at least one year.

3. Eligibility for examination. When an applicant has satisfied a board of bar examiners that these requirements have been fulfilled and has paid a fee fixed by the Supreme Judicial Court, ~~he~~ that applicant is eligible to take the examinations prepared or adopted by the board to determine if ~~he~~ that applicant has the qualifications required by this chapter for admission to the bar.

Sec. B-23. 4 MRSA §805-A, as amended by PL 1993, c. 643, §1, is corrected to read:

§805-A. Qualifications for admission to practice

1. Certificate of qualification; admission. Any person who produces a certificate of qualification from the board recommending ~~his~~ that person's admission to the bar may be admitted to practice as an attorney in the courts of this State on motion in open court. ~~No~~ A person may not be denied the opportunity to qualify for admission because of race, creed, color, national origin or sex.

2. Issuance of certificate of qualification. A board of bar examiners shall issue a certificate of qualification stating that the applicant is a person of good moral character and possesses sufficient learning in the law to practice as an attorney in the courts of this State to each applicant who:

A. Produces satisfactory evidence of good moral character.

(1) The fact that an applicant has been convicted as an adult of a crime that is punishable by imprisonment of one year or more in this State or in another state or jurisdiction of the United States raises a presumption that the applicant has not met this requirement. This presumption may be rebutted by proof that a lawful pardon has been obtained, that extraordinary circumstances surrounded the commission of the crime or that a reasonable amount of time has passed since the applicant's conviction and completion of sentence and there is evidence of complete rehabilitation based on the applicant's subsequent history.

(2) Nothing in subparagraph (1) precludes the board or the Supreme Judicial Court from considering a conviction as a basis for disqualification under this paragraph;

B. Attains the passing grades established by the board on those examinations required by the board; and

C. Establishes that ~~he~~ the applicant attended and observed any legal proceedings required by the board.

3. Admission within one year of passing bar examination. The applicant must be admitted to practice within one year from the time that ~~he~~ the applicant has been notified

of ~~his~~ that applicant's passing of the bar examination. This one-year period may be enlarged by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the period.

Sec. B-24. 4 MRSA §806-A, as enacted by PL 1985, c. 124, §7, is corrected to read:

§806-A. License to practice subject to condition

Each person who is admitted to practice as an attorney in this State must complete, within 18 months after ~~his~~ that person's license is issued, any practical skills course approved by the board. This period may be enlarged by a Justice of the Supreme Judicial Court on motion for good cause shown during that period.

If an attorney fails to complete this course within the time allowed, the board shall notify the Supreme Judicial Court and the Board of Overseers of the Bar that the attorney's license is invalid and continued practice of law is unauthorized under section 807.

An attorney who loses ~~his~~ that attorney's license under this section ~~shall~~ must be readmitted after notifying the Supreme Judicial Court and the Board of Overseers of the Bar of ~~his~~ that attorney's later compliance with this section.

Sec. B-25. 4 MRSA §808, as enacted by PL 1965, c. 92, §2, is corrected to read:

§808. Action for injunction

Upon ~~his~~ the Attorney General's own information or upon complaint of any person, including any judge or any organized bar association in this State, the Attorney General may maintain an action for injunctive relief in the Superior Court against any person who renders, offers to render or ~~holds himself out as~~ professes to be rendering any service ~~which~~ that constitutes the unauthorized practice of the law. Any organized bar association in this State may intervene in the action, at any stage of the proceeding, for good cause shown.

The action may be maintained by any organized bar association in this State.

Sec. B-26. 4 MRSA §851, as amended by PL 1965, c. 309, §1, is corrected to read:

§851. Information against attorney

Whenever an information is filed in the office of the clerk of courts in any county by the Attorney General, or by a committee of the State Bar Association, or by a committee of the bar or bar association of such county, charging that an attorney at law has conducted ~~himself~~ that attorney's self in a manner unworthy of an attorney, or has become and is disqualified for the office of attorney and counselor at law, for reasons specified in the information, any Justice of the Supreme Judicial Court may, in the name of the State, issue a rule requiring the attorney informed against to appear on a day fixed to show cause why ~~his~~ that attorney's name should not be struck from the roll of attorneys, or such other disciplinary measures imposed as the justice ~~deems~~ considers appropriate, which rule, with an attested copy of the information, ~~shall~~ must be served upon such attorney in such manner as the justice directs at least 14 days before the return day, and ~~shall~~ must be made returnable either in the county where such attorney resides or where it is charged that the misconduct was committed.

Sec. B-27. 4 MRSA §853, as amended by PL 1965, c. 309, §2, is corrected to read:

§853. Proceedings on default or hearing

If such attorney fails to file ~~his~~ that attorney's denial, the facts set forth in the information ~~shall~~ must be taken as confessed. If the justice finds that the facts so confessed are sufficient to disqualify the respondent from holding the office of attorney and counselor at law, or if, in case of denial, the justice upon hearing finds that any of the charges specified are true and that the acts proved are sufficient to disqualify the respondent, ~~he~~ the justice shall give judgment accordingly, and shall enter a decree that the respondent be removed from the office of attorney and counselor at law in all the courts of the State and that ~~his~~ the respondent's name be struck from the roll of attorneys.

If the justice upon the facts so confessed, or, in the case of denial, upon hearing, finds that any of the charges specified are true but that the acts proved are not sufficient to disqualify the respondent permanently from holding the office of attorney and counselor at law, ~~he~~ the justice shall give judgment accordingly and may suspend such respondent from the practice of law for such period as the justice may ~~deem~~ consider appropriate, or impose such other disciplinary measures as the justice ~~deems~~ considers appropriate.

Sec. B-28. 4 MRSA §854 is corrected to read:

§854. Judgment final unless appealed

The judgment of such justice ~~shall be~~ is final unless the respondent within one week files ~~his~~ an appeal therefrom to the law court by entering ~~his~~ the respondent's claim therefor upon the docket.

Sec. B-29. 4 MRSA §855 is corrected to read:

§855. Appeals

The appeal ~~shall~~ must be heard upon printed copies of the case furnished by the respondent at the next law term. If the case is not argued, it ~~shall~~ must be decided upon the record, and if the respondent fails to enter ~~his~~ an appeal with the printed copies of the case during the first 3 days of said law term, the counsel for the prosecution shall enter the appeal with an attested copy of the judgment and decree, whereupon the same ~~shall~~ must be affirmed by the law court.

Sec. B-30. 4 MRSA §858 is corrected to read:

§858. Resignation and reinstatement of attorneys

Any member of the bar of this State may resign from the office of attorney and counselor at law by submitting ~~his~~ that member's resignation to any Justice of the Supreme Judicial Court, who may or may not, in ~~his~~ that justice's discretion, in the name of the State of Maine accept such resignation and order that such attorney's name be stricken from the roll of attorneys of the State. ~~No~~ A person whose resignation from ~~his~~ the office of attorney and counselor at law has been accepted by a Justice of the Supreme Judicial Court ~~shall~~ may not be readmitted to the practice of law in any of the courts of the State or entitled to practice law within ~~said~~ this State unless and until ~~he~~ that person has been reinstated as an attorney and counselor at law by a Justice of the Supreme Judicial Court. The procedure for such reinstatement ~~shall~~ must be the same as in the case of attorneys who have been disbarred.

Sec. B-31. 4 MRSA §859, as repealed and replaced by PL 1977, c. 696, §28, is corrected to read:

§859. False advertising or representation to be an attorney-

If ~~any~~ a person who has not been admitted to practice law in this State or whose name has been struck from the roll of attorneys advertises as or represents ~~himself~~ that person to be an attorney or counselor at law, ~~he shall be~~ that person is guilty of a Class E crime.

Sec. B-32. 4 MRSA §952 is corrected to read:

§952. Protests of losses; record and copies

When requested, every notary public shall enter on record all losses or damages sustained or apprehended by sea or land, and all averages and such other matters as, by mercantile usage, appertain to ~~his~~ the notary public's office, grant warrants of survey on vessels, and all facts, extracts from documents and circumstances so noted ~~shall~~ must be signed and sworn to by all the persons appearing to protest. ~~He~~ The notary public shall note, extend and record the protest so made, and grant authenticated copies thereof, under ~~his~~ the notary public's signature and notarial seal, to those who request and pay for them.

Sec. B-33. 4 MRSA §953, as amended by PL 1981, c. 456, Pt. A, §8, is corrected to read:

§953. Demand and notice on bills and notes

Any notary public may, in behalf of any person interested, present any bill of exchange or other negotiable paper for acceptance or payment to any party liable therefor, notify indorsers or other parties thereto, record and certify all contracts usually recorded or certified by notaries, and, in general, do all acts ~~which~~ that may be done by notaries public according to the usages of merchants and authorized by law. ~~He~~ The notary public shall record all mercantile and marine protests by ~~him~~ the notary public noted and done in ~~his~~ the notary public's official capacity.

Sec. B-34. 4 MRSA §954 is corrected to read:

§954. Acts of notary who is interested in corporation

Any notary public who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgement of any party to any written instrument executed to or by such corporation, or may administer an oath to any other stockholder, director, officer, employee or agent of such corporation, or may protest for nonacceptance or nonpayment bills of exchange, drafts, checks, notes and other negotiable instruments ~~which~~ that may be owned or held for collection by such bank or other corporation. It ~~shall be~~ is unlawful for any notary public to take the acknowledgment of an instrument by or to a bank or other corporation of which ~~he~~ the notary public is a stockholder, director, officer or employee ~~where~~ when such notary is a party to such instrument, either individually or as a representative of such bank or other corporation, or to protest any negotiable instrument owned or held for collection by such bank or other corporation, ~~where~~ when such notary is individually a party to such instrument.

Sec. B-35. 4 MRSA §955, as amended by PL 1981, c. 456, Pt. A, §9, is corrected to read:

§955. Copies; evidence

The protest of any foreign or inland bill of exchange, promissory note or order, and all copies or certificates ~~by him~~ granted ~~shall~~ by the notary public must be under ~~his~~ the notary

public's hand and shall be received in all courts as legal evidence of the transactions and as to the notice given to the drawer or indorser and of all facts therein contained.

Sec. B-36. 4 MRSA §958 is corrected to read:

§958. Fees for protest and appropriation of penalties

For each protest of a bill or note, notifying parties, making ~~his~~ a certificate thereof in due form and recording ~~his~~ the proceedings, a notary public shall ~~must~~ receive \$1.50. All penalties provided in ~~sections 956 and~~ section 957 accrue 1/2 to the State and 1/2 to the prosecutor.

Sec. B-37. 4 MRSA §1011, sub-§4, as enacted by PL 1969, c. 364, is corrected to read:

4. Officer in Armed Forces. A commissioned officer in active service with the Armed Forces of the United States and any other person authorized by regulation of the Armed Forces to perform notarial acts if the notarial act is performed for one of the following or ~~his dependents~~ a dependent of one of the following: A merchant seaman of the United States, a member of the Armed Forces of the United States or any other person serving with or accompanying the Armed Forces of the United States; or

Sec. B-38. 4 MRSA §1012, as enacted by PL 1969, c. 364, is corrected to read:

§1012. Authentication of authority of officer

1. Proof. If the notarial act is performed by any of the persons described in section 1011, subsections 1 to 4, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of ~~his~~ that person's authority is not required.

2. ~~other~~ Person authorized by foreign country. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

A. Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act;

B. The official seal of the person performing the notarial act is affixed to the document; or

C. The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

3. ~~other~~ Other authorized persons. If the notarial act is performed by a person other than one described in subsections 1 and 2, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to ~~his~~ that person's authority to perform the notarial act.

4. Signature and title. The signature and title of the person performing the act are prima facie evidence that ~~he~~ the person is a person with the designated title and that the signature is genuine.

Sec. B-39. 4 MRSA §1013, sub-§1, as enacted by PL 1969, c. 364, is corrected to read:

1. Appearance. The person acknowledging appeared before ~~him~~ the person taking the acknowledgment and acknowledged ~~he executed~~ executing the instrument; and

Sec. B-40. 4 MRSA §1015, sub-§1, ¶B, as enacted by PL 1969, c. 364, is corrected to read:

B. That ~~he~~ the person acknowledging acknowledged ~~he executed~~ executing the instrument;

Sec. B-41. 4 MRSA §1015, sub-§1, ¶C, as enacted by PL 1969, c. 364, is corrected to read:

C. That, in the case of:

(1) A natural person, ~~he~~ the person executed the instrument for the purposes therein stated;

(2) A corporation, the officer or agent acknowledged ~~he~~ the officer or agent held the position or title set forth in the instrument and certificate, ~~he~~ the officer or agent signed the instrument on behalf of the corporation by proper authority; and the instrument was the act of the corporation for the purpose therein stated;

(3) A partnership, the partner or agent acknowledged ~~he~~ the partner or agent signed the instrument on behalf of the partnership by proper authority and ~~he~~ the partner or agent executed the instrument as the act of the partnership for the purposes therein stated;

(4) A person acknowledging as principal by an attorney in fact, ~~he~~ the person executed the instrument by proper authority as the act of the principal for the purposes therein stated;

(5) A person acknowledging as a public officer, trustee, administrator, guardian or other representative, ~~he~~ the person signed the instrument by proper authority and ~~he~~ executed the instrument in the capacity and for the purposes therein stated; and

Sec. B-42. 4 MRSA §1016, sub-§1, as enacted by PL 1969, c. 364, is corrected to read:

1. Individual. For an individual acting in ~~his~~ that individual's own right:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged).

(Signature of person taking acknowledgment)

(Title or rank)
(Serial number, if any)

Sec. B-43. 4 MRSA §1054 is corrected to read:

§1054. Surety bonds authorized in civil and criminal cases

In any civil or criminal action or mesne process or other process ~~where~~ when a bail bond, recognizance or personal sureties or other obligation is required, or whenever any person is arrested and is required or permitted to recognize with sureties for ~~his~~ that person's appearance in court, the court official or other authority authorized by law to accept and approve the same shall accept and approve in lieu thereof, when offered, a good and sufficient surety bond duly executed by a surety company authorized to do business in this State.

Sec. B-44. 4 MRSA §1301, as amended by PL 2009, c. 415, Pt. A, §2, is corrected to read:

§1301. Membership

Every judge serving on the court on or after December 1, 1984 must be a member of the Judicial Retirement Program as a condition of employment.

A member ~~shall cease~~ ceases to be a member when ~~he~~ that member withdraws ~~his~~ that member's contributions, becomes a beneficiary as a result of ~~his~~ that member's own retirement or dies.

The State Court Administrator shall submit to the board a statement showing the name, title, compensation, sex, date of birth and length of service of each member and any other information as the board may require at such times as the board may require.

Sec. B-45. 4 MRSA §1353, sub-§4, as amended by PL 2021, c. 277, §9, is corrected to read:

4. Continuance. Payment of a disability retirement allowance ~~shall~~ must continue subject to subsection 7 and the following conditions.

A. During the first 2 years, the allowance continues as long as the beneficiary ~~can not~~ cannot perform the duties of a judge.

B. After that period, the allowance ~~shall continue~~ continues only if the beneficiary is unable to engage in any substantially gainful activities for which ~~he~~ the beneficiary is qualified by training, education or experience.

C. The executive director may require the beneficiary to undergo annual medical examinations or tests for the purpose of determining whether the beneficiary is incapacitated. These examinations or tests must be conducted by a health care provider, mutually agreed upon by the executive director and beneficiary, at a place also mutually agreed upon, and the costs of the examination or tests must be paid by the Maine Public Employees Retirement System. If the beneficiary refuses to submit to an examination or tests, the beneficiary's disability allowance ceases until the beneficiary agrees to the examination or tests. If the beneficiary's refusal continues for one year, all rights to any further benefits under this section terminate.

D. For purposes of this subsection, the disability beneficiary's average final compensation at retirement ~~shall~~ must be used to determine ~~his~~ the beneficiary's

earning capacity in the relation to ~~his~~ the beneficiary's ability to engage in a substantially gainful activity. It ~~shall~~ must be adjusted by the same percentage, if any, as applied to the beneficiary's retirement allowance under section 1358.

Sec. B-46. 4 MRSA §1401, sub-§1, as amended by PL 1983, c. 863, Pt. B, §§38 and 45, is corrected to read:

1. Currently effective annual salary. "Currently effective annual salary" means the annual salary on June 30, 1984, of the position from which the judge retired, or if ~~he~~ the judge died in office, the position ~~he~~ that judge held at death, increased on July 1, 1984, and each succeeding July 1st, by 6% of the salary, as adjusted, on the immediately preceding June 30th.

Sec. B-47. 4 MRSA §1405, as amended by PL 1983, c. 863, Pt. B, §§40 and 45, is corrected to read:

§1405. Disability benefits

Any judge who, prior to ~~his~~ that judge's retirement age, was unable, by reason of failing health, to perform ~~his~~ that judge's duties and who was retired by majority of the justices of the court upon which ~~he~~ that judge was sitting when retired ~~shall~~ must receive annually during the remainder of ~~his~~ that judge's life a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which ~~he~~ that judge retired were paid prior to July 1, 1984.

Sec. B-48. 4 MRSA §1606, sub-§4, as enacted by PL 1987, c. 438, §1, is corrected to read:

4. Form of securities. The securities of each issue ~~shall~~ must be dated, ~~shall~~ mature at such time or times not exceeding 40 years from their date or dates and ~~shall~~ bear interest at such rate or rates, including variable, floating or adjustable rates, as may be authorized by the authority. These securities may be made redeemable, callable or subject to purchase or tender before maturity, at such price or prices and under such terms and conditions as may be provided for by the authority prior to the issuance of the securities. The authority shall determine the form of the securities, including any interest coupons to be attached to the securities, if any, and the manner of execution of the securities and shall fix the denomination or denominations of the securities and the place or places of payment of principal and interest, which may be at any bank, national banking association or trust company within or without the State. Securities ~~shall~~ must be executed in the name of the authority by the manual or facsimile signature of such official or officials as may be authorized in the resolution to execute those securities. Coupons, if any, attached to securities, ~~shall~~ must be executed with the facsimile signature of the official or officials designated in the resolution. If any official whose signature or a facsimile of whose signature appears on any securities or coupons ceases to be an official before the delivery of the securities, the signature or the facsimile ~~shall be~~ is valid and sufficient for all purposes, with the same effect as if ~~he~~ the official had remained in office until the delivery.

Notwithstanding any of the other provisions of this Act or any recitals in any securities issued under this Act, all such securities ~~shall be~~ are deemed to be negotiable instruments issued under the laws of the State. The securities may be issued in coupon or registered form, or both, as the authority may determine. Provisions may be made for the registration of any coupon securities as to principal alone and as to both principal and interest, and for

the reconversion into coupon securities of any securities registered as to both principal and interest. The authority may sell the securities in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the authority.

Sec. B-49. 7 MRSA §2, first ¶, as amended by PL 1979, c. 731, §5, is corrected to read:

The commissioner is the chief executive charged with the enforcement of all statutes delegating responsibility to ~~him~~ the commissioner or the department and shall be vigilant in discovering violations thereof and making complaint to the proper authorities. ~~He~~ The commissioner shall by personal observation, investigation and correspondence ~~acquaint himself~~ become acquainted with the methods and wants of practical husbandry, the means of fertilization and the adaptation of various products to the soils and climate of the State and with the progress of scientific and practical agriculture elsewhere, with a view to the more complete development of the natural resources of the State. ~~He~~ The commissioner shall gather statistics of information concerning agriculture and publish the same annually. ~~He~~ The commissioner shall assist the farmers of the State, in so far as is practicable, to secure farm help and to promote increased production of farm crops through the selection, the growing and the dissemination of superior strains of seeds. ~~He~~ The commissioner shall make and preserve a full record of all rules and regulations promulgated under this Title, and all payments and expenses incurred hereunder, and all other transactions performed by ~~him~~ the commissioner in the discharge of ~~his~~ the commissioner's duties. ~~He~~ The commissioner shall collect the legal and usual fees payable to ~~him~~ the commissioner by virtue of ~~his~~ the office and shall pay them over forthwith to the Treasurer of State.

Sec. B-50. 7 MRSA §2, 2nd ¶, as enacted by PL 1971, c. 594, §2, is corrected to read:

The commissioner ~~shall be~~ is the chief administrative officer of the department. ~~He shall have~~ The commissioner has the following duties in addition to those specified in this section:

Sec. B-51. 7 MRSA §2, 5th ¶, as enacted by PL 1983, c. 10, §1, is corrected to read:

The commissioner may prepare and distribute printed and audio-visual materials on matters within ~~his~~ the commissioner's statutory jurisdiction. There is established within the department a revolving fund to cover the printing and distribution costs of these materials. The commissioner shall fix the prices at which publications of the department may be sold or delivered. The department shall retain, without charge, an appropriate number of each publication for complimentary distribution. Income from the sale of publications that were charged to the revolving fund and any other ~~moneys~~ money the commissioner may receive, from whatever source, consistent with the purposes of this section, ~~shall~~ must be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of the revolving funds.

Sec. B-52. 7 MRSA §3, first ¶, as repealed and replaced by PL 1979, c. 731, §8, is corrected to read:

The commissioner may establish and organize such bureaus and divisions in the department as ~~he deems~~ the commissioner considers necessary and may incorporate the commissions, boards and committees of the department within these bureaus and divisions.

The commissioner may issue such administrative orders as ~~he deems~~ the commissioner considers necessary to carry out the functions of the department.

Sec. B-53. 7 MRSA §4 is corrected to read:

§4. Rules of construction

The word "person" as used in this Title ~~shall~~ must be construed to import both the singular and the plural, as the case demands, and ~~shall include~~ includes corporations, companies, societies and associations. When construing and enforcing this Title, the act, omission or failure of any officer, agent or other person acting for or empowered by any corporation, company, society or association within the scope of ~~his~~ the officer's, agent's or other person's employment or office, ~~shall~~ must in every case be deemed to be the act, omission or failure of such corporation, company, society or association as well as that of the person.

Sec. B-54. 7 MRSA §9, first ¶, as amended by PL 1973, c. 44, is corrected to read:

The commissioner may enter into agreements or cooperative arrangements with a state or federal agency or with any person, firm or corporation for the purpose of controlling diseases of plants and domestic animals, advertising and increasing the sale and consumption of Maine food products or disseminating information concerning the grade, quality or condition of same, and supplying inspection and grading services with respect to such food products. ~~He~~ The commissioner may receive, administer and disburse any funds or contributions from such state or federal agency, person, firm or corporation, either independently or in conjunction with state funds allocated to said purpose. Funds so contributed ~~shall do~~ not lapse at the end of any fiscal year but ~~shall be~~ are carried forward to be used for the purpose originally intended.

Sec. B-55. 7 MRSA §11, first ¶ is corrected to read:

The commissioner shall render on the first day of July of each year a detailed and itemized account of all expenses of ~~his~~ the commissioner's office, of all institutes held and of all ~~moneys~~ money paid out for employees under the provisions hereof, all sums of money paid for prizes on exhibits and for all other purposes. For this purpose ~~he~~ the commissioner shall keep necessary books in which an account of all ~~moneys~~ money received and expended ~~shall be~~ is entered, which books ~~shall~~ must be open to public inspection.

Sec. B-56. 7 MRSA §12, first ¶, as amended by PL 1983, c. 308, §§3 and 14, is corrected to read:

The commissioner shall adopt, consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, rules for carrying out this Title and all other statutes delegating responsibility to ~~him~~ the commissioner or the department. ~~He~~ The commissioner may fix standards of purity, quality or strength when such standards are not specified or fixed by law, and shall publish them together with such other information concerning articles of commercial feeding stuff, commercial fertilizer, drug or food as ~~he~~ the commissioner may ~~deem~~ consider to be of public benefit.

Sec. B-57. 7 MRSA §13, as amended by PL 1983, c. 308, §§4 and 14, is corrected to read:

§13. Enforcement

The commissioner shall diligently enforce all provisions of this Title and all other statutes delegating responsibility to ~~him~~ the commissioner or the department and ~~shall be~~ is entitled to and ~~shall~~ must receive the assistance of the Attorney General and of the several county attorneys. ~~He~~ The commissioner may recover the penalties imposed for violations of this Title and Title 32, chapter 27 in a civil action brought in ~~his~~ the commissioner's own name, the venue to be as in other civil actions, and if ~~he~~ the commissioner prevails in any such action, ~~shall recover~~ recovers full costs, or ~~he~~ the commissioner may prosecute for violations hereof by complaint or indictment, and such prosecution ~~shall~~ must be commenced in the county in which the offense was committed.

For the purposes of chapter 103, subchapter ~~X~~ 10, notwithstanding the provisions of the District Court Civil Rules, Rule 80E, paragraph (b), the commissioner may obtain an administrative inspection warrant upon demonstrating the statutory or other authority pursuant to which ~~he~~ the commissioner is authorized to conduct inspections, the premises to be inspected, the purpose of the inspection and that the inspection sought is reasonable and represents a minimal intrusion in furtherance of a legitimate governmental obligation of the department. This demonstration ~~shall be~~ is deemed to be a demonstration of probable cause.

Sec. B-58. 7 MRSA §17, 2nd ¶, as enacted by PL 1973, c. 541, is corrected to read:

When in the opinion of the commissioner such adverse effects are evident, ~~he~~ the commissioner shall bring such fact to the attention of the appropriate individuals and agencies empowered to restrain such practices and equipped to provide assistance ~~which~~ that may bring about necessary improvements in the operation, method or practice cited. The cost of such investigation ~~shall~~ must be borne by the State.

Sec. B-59. 7 MRSA §32, sub-§3, as enacted by PL 1983, c. 396, §1 and amended by PL 2011, c. 657, Pt. W, §6, is corrected to read:

3. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or ~~his~~ the commissioner's authorized agents.

Sec. B-60. 7 MRSA §401 is corrected to read:

§401. Methods and costs

The commissioner is authorized and directed, through such agents as ~~he~~ the commissioner may appoint for the purpose and in cooperation with such agricultural corporations or associations as ~~he may deem~~ the commissioner considers proper, to investigate the existing methods and costs of marketing farm products and purchasing farm supplies and to secure improvement therein.

Sec. B-61. 7 MRSA §402, as amended by PL 1985, c. 785, Pt. B, §43, is corrected to read:

§402. Advertising of products

The commissioner may enter into agreements or cooperative arrangements with any person, firm or corporation for the purpose of advertising and increasing the sale and consumption of Maine farm products or disseminating information concerning Maine farm products. ~~He~~ The commissioner may receive, administer and disburse any funds or contributions from these persons, firms or corporations, either independently or in conjunction with state funds allocated to the purpose, ~~provided that~~ as long as funds so

contributed ~~shall be~~ are used only for the purposes set forth. ~~He~~ The commissioner may employ such agents and assistants, subject to the Civil Service Law, and make such purchases as may be necessary in the proper performance of ~~his~~ the commissioner's duties.

Sec. B-62. 7 MRSA §402-A, sub-§4, as enacted by PL 1981, c. 705, Pt. I, §1, is corrected to read:

4. Rule-making authority. The commissioner may adopt such rules as ~~he~~ the commissioner considers necessary to achieve the purposes of this chapter including, but not limited to, rules requiring registration of persons wishing to identify products as Maine products under a logo or trademark adopted by the department and requiring verification of the origin of those products.

Sec. B-63. 7 MRSA §413, as enacted by PL 1977, c. 505 and amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §5, is corrected to read:

§413. Distribution

The commissioner shall develop suitable means to distribute information compiled under section 412 to all Maine farmers. If the commissioner considers the cost of distributing any research or instructional publication prohibitive, ~~he~~ the commissioner shall, by whatever means appropriate, notify farmers of the availability of the information. Distribution may be accomplished by means currently within the Department of Agriculture, Conservation and Forestry.

Sec. B-64. 7 MRSA §423, sub-§2, as enacted by PL 1981, c. 154, §1 and amended by PL 2011, c. 657, Pt. W, §6, is corrected to read:

2. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or ~~his~~ the commissioner's designee.

Sec. B-65. 7 MRSA §424, sub-§2, as enacted by PL 1981, c. 154, §1, is corrected to read:

2. Considerations. In carrying out the purposes of this subchapter the commissioner shall consider any and all facts available to ~~him~~ the commissioner with respect to the following economic factors:

- A. The quality of an agricultural commodity available for distribution as well as the quantity of the agricultural commodity ~~which~~ that would normally be required by consumers;
- B. The cost of producing an agricultural commodity, the purchasing power of consumers, and the level of prices of commodities, services and articles ~~which~~ that producers commonly buy;
- C. The level of prices of other commodities ~~which~~ that compete with or are utilized as substitutes for an agricultural commodity; and
- D. Such other factors as the nature of the location, volume and marketing structure of production of the agricultural commodity.

Sec. B-66. 7 MRSA §425, sub-§1, as enacted by PL 1981, c. 154, §1, is corrected to read:

1. Market orders. To carry out the purposes of this subchapter, the commissioner may issue, administer and adopt orders regulating the marketing of any agricultural commodity or designated portion of that commodity. Before issuing a proposed market order or market agreement under this subsection, the commissioner shall, by rule, define the commodity, area and persons proposed to be affected and may, to the extent ~~he~~ the commissioner considers necessary, establish by rule, the procedures for adopting and implementing that proposal. Such market orders ~~shall~~ must be proposed and adopted after public hearing, in a manner consistent with the rulemaking provisions of the Maine Administrative Procedure Act. All testimony at the hearings ~~shall~~ must be received under oath.

Sec. B-67. 7 MRSA §425, sub-§4, as enacted by PL 1981, c. 154, §1, is corrected to read:

4. Coexistence of market orders and market agreements. The commissioner may, in ~~his~~ the commissioner's discretion, hold concurrent hearings upon proposed market agreements and proposed market orders. The commissioner may issue a market order without executing a market agreement or may execute a market agreement without issuing a market order covering the same commodity. The execution of a market agreement ~~shall~~ in no manner ~~affect~~ affects the issuance, administration or enforcement of any market order for the same agricultural commodity.

Sec. B-68. 7 MRSA §426, sub-§6, as enacted by PL 1981, c. 154, §1, is corrected to read:

6. Other sales. Provisions for requiring that no handler or processor of any agricultural commodity for which standards are established pursuant to subsection 4 may, except as otherwise provided in the market agreement or order, have in ~~his~~ the handler's or processor's possession, sell, offer for sale, process, distribute or otherwise handle any such commodity produced within or without the State, not meeting or complying with the established standards;

Sec. B-69. 7 MRSA §447, as amended by PL 1977, c. 696, §58, is corrected to read:

§447. Access for inspection purposes

The commissioner, in person or by deputy, ~~shall have~~ has free access at all reasonable hours to any building or other place wherein it is reasonably believed that farm products are marked, branded or labeled in accordance with official grades established and promulgated by the ~~said~~ commissioner or are being marketed or held for commercial purposes. ~~He shall have~~ The commissioner has power in person or by deputy to open any bags, crates or other containers containing ~~said~~ such farm products and examine the contents thereof and may, upon tendering the market price, take samples therefrom. Whoever obstructs or hinders the commissioner or any of ~~his~~ the commissioner's duly qualified assistants in the performance of ~~his~~ the commissioner's duties under this subchapter commits a civil violation for which a ~~forfeiture~~ fine of not less than \$10 nor more than \$100 ~~shall~~ must be adjudged.

Sec. B-70. 7 MRSA §455, sub-§3, as enacted by PL 1981, c. 139, is corrected to read:

3. Qualifications of applicant. The applicant shall satisfy the commissioner of ~~his~~ the applicant's character, financial responsibility and good faith in seeking to engage in the

business. The commissioner may issue a license to the applicant if ~~he~~ the commissioner is satisfied as to the applicant's qualifications. When the license is issued, the applicant may act in the capacity described in the license for a period of one year from the date of issuance.

Sec. B-71. 7 MRSA §455, sub-§4, as enacted by PL 1981, c. 139, is corrected to read:

4. Bond. In order to insure the licensee's financial responsibility and to protect producers of licensed commodities, the commissioner shall require the licensee to file a bond in a form and amount satisfactory to the commissioner, but in any event not less than \$5,000 nor more than \$100,000, payable to the commissioner in ~~his~~ the commissioner's official capacity and conditioned on the full and prompt payment for all licensed commodities received or purchased from producers or other licensees during the effective period of the license.

Sec. B-72. 7 MRSA §455, sub-§5, as enacted by PL 1981, c. 139 and amended by PL 2011, c. 657, Pt. W, §5, is corrected to read:

5. License fees. Each license ~~shall~~ must plainly state the name and business address or addresses of the licensee and ~~shall~~ must be posted in a conspicuous place in each office where the business is transacted. The fee for each license is \$50. If the licensee desires to carry on business in more than one place within the State, ~~he~~ the licensee shall procure additional copies of the license, certified by the commissioner, for each place where business is to be conducted. The fee for each certification is \$10. All fees collected under this subchapter ~~shall~~ must be paid forthwith to the Treasurer of State and credited to the Department of Agriculture, Conservation and Forestry for the administration of this subchapter and other expenses incident to the administration of the department, and ~~shall~~ must be expended by the commissioner for the purposes for which the department is created. If any fees are not expended during the year in which they are collected, the unexpended balance ~~shall~~ does not lapse, but ~~shall be~~ is carried as a continuing account available for the purposes specified, until expended.

Sec. B-73. 7 MRSA §456, as enacted by PL 1981, c. 139, is corrected to read:

§456. Complaints; investigation; hearings

The commissioner or ~~his~~ the commissioner's duly authorized agent may investigate, upon the complaint of any interested person, or on ~~his~~ the commissioner's or the agent's own motion, the conduct and activities of any person applying for or holding a license under this subchapter and, for that purpose, may examine the books and papers of any applicant or licensee and may require testimony and affidavits thereon under oath. The commissioner may, in a manner consistent with the Maine Administrative Procedure Act, conduct such hearings as ~~he deems~~ the commissioner considers necessary pursuant to this subchapter. ~~He shall have~~ The commissioner has full power to subpoena such witnesses and documents as ~~he deems~~ the commissioner considers necessary.

Sec. B-74. 7 MRSA §457, sub-§1, as enacted by PL 1981, c. 139, is corrected to read:

1. Acts enumerated. The commissioner or ~~his~~ the commissioner's duly authorized agent may refuse to grant a license, after notice and opportunity for a hearing is provided in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings, upon a finding that any of the following acts have occurred:

- A. That fraudulent charges or returns have been made by the applicant or licensee for the handling, sale or storage of licensed commodities or for the rendering of any service in connection with the handling, sale or storage of licensed commodities;
- B. That the applicant or licensee has failed or refused to render a true account of sales, or to make a settlement thereon, within the time and in the manner required by this subchapter or has failed to or refused to pay for licensed commodities purchased by the applicant or licensee within 30 days after acceptance of the licensed commodities;
- C. That the applicant or licensee has knowingly made any false material statement as to the condition, quality or quantity of licensed commodities received, handled, sold, purchased or stored by ~~him~~ the applicant or licensee;
- D. That the applicant or licensee has knowingly made any substantial misrepresentation as to the condition of the market for licensed commodities;
- E. That the applicant or licensee has defrauded or attempted to defraud a producer;
- F. That the applicant or licensee to whom any consignment is made has reconsigned the consignment to another dealer, processor, broker or agent and has received, collected or charged by such means more than one commission for making the sale for the consignor without previously obtaining the written consent of the consignor;
- G. That the applicant or licensee knowingly made any false material statements in the procurement of a license under this subchapter;
- H. That the applicant or licensee has not accounted promptly and properly to the producer with regard to any claim settled or collected by ~~him~~ the applicant or licensee for the producer;
- I. That the applicant or licensee has failed or refused, upon demand, to permit the commissioner or ~~his~~ the commissioner's agents to make the investigations, examinations or audits as provided in this subchapter or that the applicant or licensee has removed or sequestered any books, records or papers necessary to any such investigations, examinations or audits or has otherwise obstructed the same;
- J. That the applicant or licensee has failed or refused to keep and maintain the records as required by this subchapter; or
- K. That the applicant or licensee has committed any act or conduct with regard to the handling, sale or storage of licensed commodities, whether of the same or different character than specified in this subsection, ~~which that~~ constitutes or demonstrates bad faith, incompetency, untrustworthiness or dishonest, fraudulent or improper dealings.

Sec. B-75. 7 MRSA §457, sub-§3, ¶A, as enacted by PL 1981, c. 139, is corrected to read:

- A. The commissioner or ~~his~~ the commissioner's agent, upon notification by a producer of insufficient payment or nonpayment, shall immediately investigate the complaint and shall, in a manner consistent with the provisions of the Maine Administrative Procedure Act, hold a hearing. The person accused of nonpayment, the respondent, shall provide the commissioner with a copy of the contract, if any, and all other materials and information necessary to enable the commissioner to carry out this section. Upon finding that the respondent has violated the contract or other obligation, express or implied, the commissioner shall require the respondent to post a bond

sufficient to cover the debt owed to the producer or producers. Failure to post the bond ~~shall~~ must be considered a violation of this subchapter and each day failure continues ~~shall~~ must be considered a separate violation;

Sec. B-76. 7 MRSA §457, sub-§3, ¶B, as enacted by PL 1981, c. 139, is corrected to read:

B. The commissioner may require the licensee, accused of or found after a hearing to be in default of payment to a producer, to submit a payment schedule to the commissioner. In the event that the schedule of payment proposed is not satisfactory to the commissioner, ~~he~~ the commissioner may establish the schedule of payment; and

Sec. B-77. 7 MRSA §460, 2nd ¶, as enacted by PL 1981, c. 139, is corrected to read:

The commissioner may recover the penalties imposed for violations in a civil action brought in ~~his~~ the commissioner's own name and, if ~~he~~ the commissioner prevails in that action, ~~he~~ the commissioner may recover full costs. The District Court and the Superior Court ~~shall~~ have concurrent jurisdiction of the actions. The Attorney General and the several district attorneys shall provide assistance to the commissioner.

Sec. B-78. 7 MRSA §502, sub-§1, as enacted by PL 1965, c. 65 and amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is corrected to read:

1. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry and ~~his~~ the commissioner's agents.

Sec. B-79. 7 MRSA §502, sub-§15, as enacted by PL 1965, c. 65, is corrected to read:

15. Toxic. "Toxic" means any substance other than a radioactive substance, ~~which~~ that has the inherent capacity to produce bodily injury or illness to ~~man~~ humans through ingestion, inhalation or absorption through any body surface.

Sec. B-80. 7 MRSA §503, as enacted by PL 1965, c. 65, is corrected to read:

§503. Submission of names and amounts

The commissioner, when ~~he deems~~ the commissioner considers it necessary in the administration of this subchapter, may require the submission of the names and amounts of any hazardous ingredients in any hazardous substance.

Sec. B-81. 7 MRSA §506, sub-§1, as amended by PL 1977, c. 694, §50, is corrected to read:

1. "Withdrawal from sale" orders. When the commissioner finds by inspection or examination of a hazardous substance that it is being sold or distributed in violation of any of the provisions of this subchapter, ~~he~~ the commissioner may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the hazardous substance in any manner until written permission is given by the commissioner or the court. The issuance of such an order ~~shall~~ may not be considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act. The commissioner shall release the hazardous substance so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal

have been paid. If compliance is not obtained within 30 days, the commissioner may begin proceedings for condemnation.

Sec. B-82. 7 MRSA §507, 2nd ¶, as enacted by PL 1965, c. 65, is corrected to read:

If the commissioner finds that, because of the size of the package involved or because of the minor hazard presented by the substance contained therein, or for other good and sufficient reasons, full compliance with the labeling requirements otherwise applicable under this subchapter is impracticable or is not necessary for the adequate protection of the public health and safety, the commissioner shall promulgate regulations exempting such substance from these requirements to the extent ~~he~~ the commissioner determines to be consistent with adequate protection of the public health and safety, or if the commissioner finds that the requirements of this section are not adequate for the protection of the public health and safety in view of the special hazard presented by any particular hazardous substance, ~~he~~ the commissioner may by regulation establish such reasonable variations or additional label requirements as ~~he~~ the commissioner finds necessary for the protection of the public health and safety; and any container of such hazardous substance, intended or suitable for household use, ~~which~~ that fails to bear a label in accordance with such regulations ~~shall be~~ is a misbranded package of a hazardous substance.

Sec. B-83. 7 MRSA §507, 3rd ¶, as enacted by PL 1965, c. 65, is corrected to read:

Whenever in the judgment of the commissioner, such action will promote the objectives of this subchapter by avoiding or resolving uncertainty as to its application, the commissioner may by regulation declare to be a hazardous substance, for the purposes of this subchapter, any substance or mixture of substances ~~which~~ that the commissioner finds meets the requirements of section 502, subsection 5.

Sec. B-84. 7 MRSA §508, sub-§2, as enacted by PL 1965, c. 65, is corrected to read:

2. Use of information. For any person to use for ~~his~~ the person's own advantage or to reveal, other than to the commissioner, or officials or employees of the commissioner or officials or employees of the United States Department of Agriculture, or other federal agencies, or to the courts in response to a subpoena, or to physicians, and in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, in accordance with such directions as the commissioner may prescribe, any information relative to formulas of products acquired by authority of this subchapter;

Sec. B-85. 7 MRSA §508, sub-§3, as enacted by PL 1965, c. 65, is corrected to read:

3. Interference. For any person to oppose or interfere in any way with the commissioner or ~~his~~ the commissioner's duly authorized agents in carrying out the duties imposed by this subchapter;

Sec. B-86. 7 MRSA §509, sub-§1, as enacted by PL 1965, c. 65, is corrected to read:

1. Carrier. Any carrier, while lawfully engaged in transporting a hazardous substance within this State, if such carrier shall, upon request, permit the commissioner or ~~his~~ the commissioner's designated agent to copy all records showing the transactions in and movements of the articles;

Sec. B-87. 7 MRSA §509, 2nd ¶, as enacted by PL 1965, c. 65, is corrected to read:

The commissioner may exempt from the requirements established by or pursuant to this subchapter any container of a hazardous substance with respect to which ~~he~~ the commissioner finds adequate requirements satisfying the purposes of this subchapter have been established by or pursuant to and in compliance with any other federal or state law.

Sec. B-88. 7 MRSA §537 is corrected to read:

§537. Sale and movement of apples

~~No~~ A person, firm or corporation ~~shall~~ may not within this State sell, distribute, transport, offer or expose for sale, distribution or transportation any apples that do not conform to the apple grades established in section 533. ~~Nothing in this~~ This section ~~shall~~ does not apply to any person, firm or corporation supplying apples consigned to a processing plant for use therein. ~~No provisions of this~~ This subchapter ~~shall~~ may not be construed to prevent a grower or shipper of apples from delivering the same to a packing house for grading or to a processing plant or cold storage plant where apples are stored and prepared for market. Apples ~~which~~ that do not meet the established grades or classifications as provided by section 533 may be sold as culls ~~provided as long as~~ as long as the package or container is conspicuously marked with the word "Culls". The commissioner shall diligently enforce this section and in person or by deputy ~~shall have~~ has free access, ingress and egress at all reasonable hours to any place or any building wherein apples are stored, transported, sold, offered or exposed for sale or for transportation. ~~He~~ The commissioner may in person or by deputy upon tendering the market price take samples of apples therefrom.

Sec. B-89. 7 MRSA §538, as amended by PL 1977, c. 696, §63, is corrected to read:

§538. Guaranty bar to prosecution

~~No~~ A person ~~shall be~~ is not subject to suit under this subchapter, if ~~he~~ the person can establish a guaranty, signed by the person from whom ~~he~~ the person received any such article, to the effect that the same is not adulterated or misbranded within the meaning of section 531. ~~Said~~ Such guaranty, to afford protection, ~~shall~~ must contain the name and address of the party or parties making the sale or such article to such dealer, and in such case ~~said~~ such party or parties ~~shall~~ must be amenable to the suits, forfeitures and other penalties ~~which~~ that would attach, in due course, to the dealer under this subchapter.

Sec. B-90. 7 MRSA §542, first ¶ is corrected to read:

A record on a form approved by the commissioner ~~shall~~ must be kept at a convenient location adjacent to ~~said~~ such room or storage building from the day of sealing to the day of opening of ~~said~~ such room or storage building, and ~~shall be~~ is subject to review by the commissioner or ~~his~~ the commissioner's authorized agents at any time for a period of at least one year. It ~~shall~~ must include the owner or operator's name and address, room number, date of sealing, date of opening, capacity in bushels, lot identification, number of bushels within each lot, daily air components determination recordings showing date of test, time of test, percentage of carbon dioxide, percentage of carbon dioxide and oxygen, percentage of oxygen, temperature and comments.

Sec. B-91. 7 MRSA §543 is corrected to read:

§543. Access

The commissioner, in person or by deputy, ~~shall have~~ has free access, ingress and egress at all reasonable hours to any place or any building wherein apples are packed, stored, transported, sold, offered or exposed for sale or for transportation. ~~He~~ The commissioner may, in person or by deputy, open any box or other container and may, upon tendering the market price, take samples therefrom.

Sec. B-92. 7 MRSA §642 is corrected to read:

§642. Contents of invoice

Whenever any person, firm or corporation within this State ships or delivers to a purchaser within this State any shell eggs ~~which that~~ have been in storage or processed, such person, firm or corporation shall deliver to the purchaser an invoice or bill showing thereon the character of such eggs. All containers of shell eggs deposited in cold storage ~~shall~~ must be marked plainly with date of receipt and date of withdrawal by the officer, or ~~his~~ the officer's agents, in charge of the cold storage plant.

Sec. B-93. 7 MRSA §712, sub-§7, as enacted by PL 1971, c. 77, §1, is corrected to read:

7. Drug. "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than ~~man~~ humans and articles other than feed intended to affect the structure or any function of the animal body.

Sec. B-94. 7 MRSA §712, sub-§13, as enacted by PL 1971, c. 77, §1, is corrected to read:

13. Official sample. "Official sample" means a sample of feed taken by the commissioner or ~~his~~ the commissioner's agent in accordance with section 720, subsections 3, 5 or 6.

Sec. B-95. 7 MRSA §715, sub-§1, ¶D, as enacted by PL 1971, c. 77, §1, is corrected to read:

D. The common or usual name of each ingredient used in the manufacture of the commercial feed:

The commissioner by regulation may permit the use of a collective term for a group of ingredients ~~which that~~ perform a similar function, or ~~he~~ the commissioner may exempt such commercial feeds or any group thereof, from this requirement of an ingredient statement, if ~~he~~ the commissioner finds that such statement is not required in the interest of consumers;

Sec. B-96. 7 MRSA §717, sub-§4, as enacted by PL 1971, c. 77, §1, is corrected to read:

4. Contains drug but does not conform to regulations. If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirement of this Act as to safety and has the identity and strength and meets the quality and purity characteristics ~~which that~~ it purports or is represented to possess. In promulgating such regulations, the commissioner shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug

and Cosmetic Act, unless ~~he~~ the commissioner determines that they are not appropriate to the conditions ~~which~~ that exist in this State;

Sec. B-97. 7 MRSA §719, sub-§1, as amended by PL 1977, c. 694, §70, is corrected to read:

1. Promulgation. The commissioner is authorized to promulgate, in a manner consistent with the Maine Administrative Procedure Act, such rules and regulations for commercial feeds and pet foods as are specifically authorized in this subchapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this subchapter. In the interest of uniformity the commissioner shall by regulation adopt, unless ~~he~~ the commissioner determines that they are inconsistent with this subchapter or are not appropriate to conditions ~~which~~ that exist in this State, the following:

A. The official definitions of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization; and

B. Any regulation promulgated pursuant to the authority of the Federal Food, Drug and Cosmetic Act U.S.C. Sec. 301, et seq., ~~provided that~~ as long as the commissioner would have the authority under this subchapter to promulgate such regulations.

Sec. B-98. 7 MRSA §720, sub-§3, as enacted by PL 1971, c. 77, §1, is corrected to read:

3. Receipt of sample. If the officer or employee making such inspection of a factory, warehouse or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises ~~he~~ the officer or employee shall give to the owner, operator or agent in charge a receipt describing the samples obtained.

Sec. B-99. 7 MRSA §720, sub-§4, as enacted by PL 1971, c. 77, §1, is corrected to read:

4. Warrant. If the owner of any factory, warehouse or establishment described in subsection 1, or ~~his~~ the owner's agent, refuses to admit the commissioner or ~~his~~ the commissioner's agent to inspect in accordance with subsections 1 and 2, the commissioner is authorized to obtain from any state court a warrant directing such owner or ~~his~~ owner's agent to submit the premises described in such warrant to inspection.

Sec. B-100. 7 MRSA §720, sub-§5, as enacted by PL 1971, c. 77, §1, is corrected to read:

5. Entry. For the purpose of the enforcement of this subchapter, the commissioner or ~~his~~ the commissioner's duly designated agent is authorized to enter upon any public or private premises, including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

Sec. B-101. 7 MRSA §721, sub-§1, as amended by PL 1977, c. 694, §72, is corrected to read:

1. Withdrawal from distribution. When the commissioner or ~~his~~ the commissioner's authorized agent has reasonable cause to believe any lot of commercial feed is being

distributed in violation of any of the provisions of this subchapter or of any of the prescribed regulations under this subchapter, ~~he~~ the commissioner or the commissioner's authorized agent may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the commissioner or the court. The commissioner shall release the lot of commercial feed so withdrawn when ~~said~~ such provisions and regulations have been complied with. The issuance of such an order ~~shall~~ may not be considered licensing or an adjudicatory proceeding, as defined by the Maine Administrative Procedure Act. If compliance is not obtained within 30 days, the commissioner may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

Sec. B-102. 7 MRSA §742, sub-§5, as amended by PL 1979, c. 541, Pt. A, §54 and c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is corrected to read:

5. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or ~~his~~ the commissioner's authorized agent.

Sec. B-103. 7 MRSA §748, sub-§1, as amended by PL 1977, c. 694, §76, is corrected to read:

1. "Withdrawal from sale" orders. When the commissioner has reasonable cause to believe a commercial fertilizer is being distributed in violation of any of the provisions of this subchapter, or of any of the prescribed regulations under this subchapter, ~~he~~ the commissioner may issue and enforce a written or printed "withdrawal from sale" order warning the distributor not to dispose of the fertilizer in any manner until written permission is given by the commissioner or the court. The commissioner shall release the commercial fertilizer so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. The issuance of such an order ~~shall~~ may not be considered licensing or an adjudicatory proceeding, as defined by the Maine Administrative Procedure Act. If compliance is not obtained within 30 days, the commissioner may begin proceedings for condemnation.

Sec. B-104. 7 MRSA §763, sub-§5, as enacted by PL 1987, c. 425, §§1 and 3, is corrected to read:

5. Rule concerning calcium and magnesium content. When the commissioner finds, after a public hearing held in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, that the requirement for expressing the calcium and magnesium in elemental form will not impose an economic hardship on distributors and users of agricultural liming materials by reason of conflicting labeling requirements among the states, ~~he~~ the commissioner may require that the minimum percentage of calcium carbonate and magnesium carbonate be expressed in the following form:

Total calcium (Ca) percent

Total magnesium (Mg)..... percent

The effective date of the rule ~~shall~~ may be not less than 6 months following the issuance of the rule and, for a period of 2 years following the effective date of the rule, the equivalent of calcium and magnesium may also be shown in the form of calcium carbonate and magnesium carbonate.

Sec. B-105. 7 MRSA §767, sub-§1, as enacted by PL 1987, c. 425, §§1 and 3, is corrected to read:

1. Commissioner shall inspect, analyze, test. The commissioner, or ~~his~~ the commissioner's authorized agent, shall sample, inspect, analyze and test the agricultural liming materials distributed within this State to determine whether the agricultural liming materials are in compliance with this subchapter. The commissioner, individually or through ~~his~~ the commissioner's agent, may enter upon any public or private premises or carriers during regular business hours in order to have access to agricultural liming materials subject to this subchapter and rules adopted under this subchapter and to the records relating to their distribution.

Sec. B-106. 7 MRSA §777, 3rd ¶, as enacted by PL 1979, c. 491, §1, is corrected to read:

The commissioner may require proof of claims made for any plant or soil amendment. If no claims are made ~~he~~ the commissioner may request statements of usefulness and value of the plant or soil amendment. For verification of claims or statements the commissioner may rely on experimental data, evaluations or advice supplied from such sources as the Director of the Maine Agricultural Experiment Station. The verification ~~shall~~ must be related to Maine conditions for which the product is intended.

Sec. B-107. 7 MRSA §778, first ¶, as enacted by PL 1979, c. 491, §1, is corrected to read:

Each separately identified plant or soil amendment product ~~shall~~ must be registered by the distributor before being distributed in this State. The application for registration ~~shall~~ must be submitted to the commissioner on the form approved by ~~him~~ the commissioner and ~~shall~~ must be accompanied by a fee of \$25 per product. Upon approval by the commissioner a copy of the approved registration ~~shall~~ must be furnished to the applicant. All registrations ~~shall~~ expire on December 31st of each year. A registrant shall submit to the commissioner a copy of labels and advertising literature with the registration request for each soil amendment.

Sec. B-108. 7 MRSA §780, first ¶, as enacted by PL 1979, c. 491, §1, is corrected to read:

The commissioner shall sample, inspect, analyze and test plant and soil amendment distributed within the State as ~~he may deem~~ the commissioner considers necessary to determine whether the plant or soil amendments are in compliance with this subchapter. The commissioner may enter upon any public or private premises or carriers during regular business hours in order to have access to plant or soil amendments subject to this subchapter and to the records relating to their distribution.

Sec. B-109. 7 MRSA §781, 2nd ¶, as enacted by PL 1979, c. 491, §1, is corrected to read:

The commissioner may adopt rules establishing tolerable deficiencies for guaranteed analyses. ~~He~~ The commissioner may also establish a schedule of assessments for exceeding the tolerable deficiencies. The assessments ~~shall~~ must be against the registrant of a soil or plant amendment. The assessments ~~shall~~ must bear a reasonable relationship to the commercial value of the deficiency.

Sec. B-110. 7 MRSA §784, first ¶, as enacted by PL 1979, c. 491, §1, is corrected to read:

Any person who violates any provision of this subchapter commits a civil violation for which a ~~forfeiture~~ fine of not less than \$200 ~~shall~~ must be adjudged. ~~Nothing in this~~ This subchapter ~~shall~~ may not be construed as ~~requiring to require~~ the commissioner to sue or to issue an order as a result of minor violations of this subchapter, when ~~he~~ the commissioner believes that the public interest will best be served by a suitable written warning. In such a case the commissioner shall issue a written warning.

Sec. B-111. 7 MRSA §787, first ¶, as enacted by PL 1979, c. 491, §1 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is corrected to read:

Consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, the commissioner may refuse registration of any brand of plant or soil amendment if ~~he~~ the commissioner finds the brand of plant or soil amendment violates this subchapter, and may investigate whether the registration of any plant or soil amendment should be cancelled, in which case ~~he~~ the commissioner may apply to the District Court for cancellation.

Sec. B-112. 7 MRSA §897, first ¶, as amended by PL 1977, c. 696, §76, is corrected to read:

The commissioner shall diligently enforce all of the provisions of sections 891 to 898. ~~He~~ The commissioner, either in person or by a duly authorized representative, ~~shall have~~ has free access, ingress and egress to any place or building, store, gift shop or any building wherein maple or maple products are packed, stored, transported, sold or offered or exposed for sale or for transportation. ~~He~~ The commissioner may also in person, or by a duly authorized representative, open any container and may upon tendering market price, take samples therefrom. ~~He~~ The commissioner may recover forfeitures imposed for violation of those sections in a civil action brought in ~~his~~ the commissioner's own name and if ~~he~~ the commissioner prevails in that action, ~~shall recover~~ recovers full costs.

Sec. B-113. 7 MRSA §897, 2nd ¶, as repealed and replaced by PL 1977, c. 696, §77, is corrected to read:

All money and forfeitures received by the commissioner for violations of sections 891 to 898 ~~shall~~ must be paid by ~~him~~ the commissioner to the Treasurer of State and ~~shall~~ must be appropriated for carrying out those sections.

Sec. B-114. 7 MRSA §952, as amended by PL 1985, c. 5 and c. 655, §1, is corrected to read:

§952. Branding

It ~~shall be~~ is unlawful for any person, firm, association, organization or corporation, or agent, representative or assistant to any person, firm, association, organization or corporation to expose for sale, or sell, at wholesale or retail, to ship, deliver or consign or have in possession potatoes prepared for market unless in containers ~~which~~ that have been legibly and conspicuously tagged, branded, labeled or stenciled with the name and address of the person or persons responsible for packing and the name of the grade, net weight and the word "potatoes." All potatoes packed in this State must be packed in containers ~~which~~ that conspicuously bear the name of the country where the potatoes were grown. The person or persons responsible for grading ~~shall be~~ are as follows: If the violation is discovered in

the packing house then the person or persons packing the potatoes ~~shall be~~ are responsible; if the violation is discovered at any other place, then the person or persons whose name appears on the container ~~shall be~~ are responsible. Each lot of potatoes sold at wholesale ~~shall~~ must be accompanied by a bill of lading or invoice stating grade, name and address of packer, name and address of the consignor, name and address of the consignee, date of loading and name of loading point. The bill of lading or invoice ~~shall be~~ is prima facie evidence in any court of the person or persons packing potatoes. It ~~shall be~~ is conclusive evidence that potatoes are exposed for sale when packed in containers for delivery or transit, or when the same are in the process of delivery or transit, or are located at a depot, station, warehouse, packing house, boat dock or any place where potatoes are held in storage, or loaded on a boat, truck, trailer or railroad car, for immediate or future sale or transit. For the purposes of this section only, potatoes located at warehouses, or packing houses at point of origin, ~~shall~~ are not ~~be deemed~~ considered exposed for sale until they are loaded or are in the process of being loaded in vehicles of transportation. When a violation of this section occurs, it is deemed to have taken place at the loading point or where such violation first became evident to the commissioner or ~~his~~ the commissioner's duly authorized representative. Upon request and submission of proof to the Department of Agriculture, Food and Rural Resources by a packer that ~~he~~ the packer has on hand a supply of bags that do not meet the requirement that the bags conspicuously bear the name of a country where the potatoes were grown, and those bags were purchased or contracted for before September 23, 1983, the Commissioner of Agriculture, Food and Rural Resources shall exempt the packer from that requirement until January 1, 1986. The commissioner, at ~~his~~ the commissioner's discretion and upon unusual circumstances, may grant packers extended waivers until January 1, 1987.

Sec. B-115. 7 MRSA §956, 3rd ¶, as repealed and replaced by PL 1979, c. 541, Pt. B, §6, is corrected to read:

All fees received under sections 951 to 957 by the commissioner and all money and forfeitures received by ~~him~~ the commissioner under those sections ~~shall~~ must be paid by ~~him~~ the commissioner to the Treasurer of State and ~~shall~~ must be appropriated for carrying out those sections. The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, establish such rules as may be needed for the proper enforcement of sections 951 to 957.

Sec. B-116. 7 MRSA §1012, sub-§12, as enacted by PL 1971, c. 366, is corrected to read:

12. Verified complaint. "Verified complaint" means a writing signed by a person, who, under oath, swears that ~~he~~ the person has reason to believe that a person required to be licensed under this Article has violated one or more of the provisions of this Article or of the rules and regulations promulgated thereunder, setting forth a short and plain statement of the allegations ~~which~~ that are the basis for such belief.

Sec. B-117. 7 MRSA §1018, as repealed and replaced by PL 1977, c. 694, §109, is corrected to read:

§1018. Hearings

The commissioner shall conduct hearings pursuant to this Article in a manner consistent with the Maine Administrative Procedure Act and has full power to subpoena such witnesses and documents as ~~he deems~~ the commissioner considers necessary. The

Superior Court, on the petition of the commissioner, may issue summary process to enforce the lawful orders of the commissioner in these actions.

Sec. B-118. 7 MRSA §1036, sub-§1, as amended by PL 1987, c. 99, §17, is corrected to read:

1. Packing and inspection. ~~No~~ A person may not pack potatoes in a Maine bag, unless ~~he~~ the person has given notice of intent to pack to the department, in such form as the department may require.

Sec. B-119. 7 MRSA §1037, sub-§1, as enacted by PL 1981, c. 513, §§10, 12, is corrected to read:

1. License. The commissioner may establish standards for licensing potato inspectors for the purposes of this subchapter, conduct examinations to license and license successful applicants; ~~provided~~ except that the commissioner may determine not to license such private inspectors if ~~he~~ the commissioner finds that the volume of potatoes inspected by the federal-state inspection service is insufficient to reasonably and efficiently sustain the availability at the federal-state inspection service in the State. The commissioner shall charge a fee of \$10 for taking the examination and \$15 for a license. A license ~~shall be~~ is for 2 years and may be renewed.

Sec. B-120. 7 MRSA §1042, sub-§4 is corrected to read:

4. Noxious-weed seeds. "Noxious-weed seeds" shall must be divided into 2 classes, primary noxious-weed seeds and secondary noxious-weed seeds. The commissioner may, through promulgation of regulations, add to or subtract from the list of seeds included under either definition whenever ~~he~~ the commissioner finds, after public hearing, that such additions or subtractions are within the respective definitions.

Sec. B-121. 7 MRSA §1045, 2nd ¶, as repealed and replaced by PL 1977, c. 696, §87, is corrected to read:

~~No~~ A person ~~shall be deemed~~ is not in violation of this subchapter for having sold or offered or exposed for sale in this State any agricultural vegetable or tree and shrub seed ~~which~~ that were incorrectly labeled or represented as to kind, variety, type or origin, which seeds cannot be identified by examination thereof, unless ~~he~~ the person has failed to obtain an invoice or grower's declaration giving kind, or kind and variety, or kind and type, and origin if required, and to take such other precautions as may be necessary to ~~insure~~ ensure the identity to be that stated.

Sec. B-122. 7 MRSA §1046, as amended by PL 1977, c. 694, §113, is corrected to read:

§1046. Duties of commissioner

It ~~shall be~~ is the duty of the commissioner, who may act through ~~his~~ the commissioner's authorized agents:

1. Inspection. To sample, inspect, cause to be analyzed or tested, agricultural, vegetable or tree and shrub seeds transported, sold or offered or exposed for sale within this State for sowing purposes, at such time and place and to such extent as ~~he may deem~~ the commissioner considers necessary to determine whether said agricultural, vegetable or

tree and shrub seeds are in compliance with this subchapter, and to notify promptly of any violation, the person who transported, sold, offered or exposed the seed for sale;

2. Rules and regulations. To prescribe and, in a manner consistent with the Maine Administrative Procedure Act, to adopt rules and regulations governing the methods of sampling, inspecting, analysis, test and examination of agricultural, vegetable or tree and shrub seeds, and the tolerances to be followed, which ~~shall~~ must be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as may be necessary to secure the efficient enforcement of this subchapter.

Sec. B-123. 7 MRSA §1047, first ¶ is corrected to read:

For the purpose of carrying out this subchapter, the commissioner or ~~his~~ the commissioner's duly authorized agents ~~shall~~ have authority:

Sec. B-124. 7 MRSA §1701, as amended by PL 1985, c. 785, Pt. B, §45, is corrected to read:

§1701. Animal husbandry expert

The commissioner is authorized to employ an animal husbandry expert. ~~He~~ The commissioner may employ such assistants as ~~he deems~~ the commissioner considers necessary, subject to the Civil Service Law. Such expenses in connection therewith ~~shall~~ must be paid as the commissioner may approve.

Sec. B-125. 7 MRSA §1705, as amended by PL 1977, c. 78, §28, is corrected to read:

§1705. Expenses

The actual and necessary traveling expenses of the commissioner and ~~his~~ the commissioner's employees, any and all expense of prevention, control and eradication of disease, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out chapters 201, 207, 301, 303 and 305 ~~shall~~ must be paid out of such amounts as the Legislature may appropriate.

Sec. B-126. 7 MRSA §1751, sub-§1, as amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is corrected to read:

1. Commissioner. "Commissioner" ~~shall mean~~ means the Commissioner of Agriculture, Conservation and Forestry or ~~his~~ the commissioner's duly authorized agent.

Sec. B-127. 7 MRSA §1757, sub-§4, as enacted by PL 1983, c. 747, §2, is corrected to read:

4. Reversion. When, in the judgment of the commissioner, the immediate threat of the introduction of a contagious or infectious poultry disease into the State no longer exists and no federal poultry quarantine is in effect in the State, ~~he~~ the commissioner may direct that ~~monies~~ money remaining in the Poultry Disease Control Fund revert to contributors on a pro rata basis according to the amount of contributions made since the establishment of the fund or since the most recent reversion of the fund, whichever has last occurred.

Sec. B-128. 7 MRSA §1802, as amended by PL 1977, c. 694, §123, is corrected to read:

§1802. Condemnation of diseased animals

The commissioner may, when ~~he deems~~ the commissioner considers it necessary, condemn and take possession of diseased or exposed domestic animals, or domestic animals suspected of being diseased or exposed, for diagnostic purposes, and may pay the owner for the same, health, condition and market value being considered. This condemnation ~~shall~~ may not be considered licensing or an adjudicatory proceeding, as defined by the Maine Administrative Procedure Act.

Sec. B-129. 7 MRSA §1815 is corrected to read:

§1815. —~~disposal~~ Disposal of infected animals

Any animal infected with or exposed to foot and mouth disease ~~shall~~ must be killed, buried, destroyed, rendered, processed or otherwise disposed of under the direct supervision of the commissioner or ~~his~~ the commissioner's duly authorized agent.

Sec. B-130. 7 MRSA §1816 is corrected to read:

§1816. Tests and equipment

The commissioner or ~~his~~ the commissioner's agent is authorized to conduct approved diagnostic tests, procure necessary animals, personnel, equipment and facilities and take other necessary precautions for the suppression and eradication of any disease among domestic animals.

Sec. B-131. 7 MRSA §2103, as amended by PL 1977, c. 696, §90, is corrected to read:

§2103. Certificates and counterfeits

The commissioner may issue a certificate or tag ~~which shall~~ that must be attached to each container or package in which certified seed ~~shall be~~ is offered or exposed for sale. Such tag or certificate ~~shall~~ must indicate the name of the grower, the shipping station or depot, the name of the inspector making the final inspection, the variety of the seed and ~~shall~~ bear the imprint of the seal of the State. Any tag having the words "inspected" or "certified seed" thereon, attached to the container or package in which certified seed ~~shall~~ be is offered or exposed for sale, ~~shall~~ must be so attached thereto that the whole of said certificate or tag ~~shall be~~ is in full view. Any person who ~~shall~~ knowingly ~~misuse~~ misuses any such tag or certificate or who ~~shall attach~~ attaches to any package or container of seed, which has not been duly inspected and certified, any such tag or certificate ~~which shall~~ have that has printed thereon the words "certified seed" or ~~which that~~ by reason of color, size, shape or otherwise ~~may convey~~ conveys the impression that the seed has been certified by the commissioner, or ~~his~~ the commissioner's agents, commits a civil violation for which a ~~forfeiture~~ fine of \$50 may be adjudged for each violation and ~~shall~~ must be thenceforth denied the privileges of this chapter.

Sec. B-132. 7 MRSA §2103-B, as amended by PL 1985, c. 779, §36, is corrected to read:

§2103-B. Foundation seed potato production areas

The commissioner may, upon the request of potato growers in a specified area and in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, designate "foundation seed potato production areas" and, in consultation with the Seed Potato Board, Cooperative Extensive Service, University of Maine System Agricultural

Experiment Station and appropriate industry organizations, establish within these areas such certified seed production practices as ~~he deems~~ the commissioner considers beneficial to the industry.

Sec. B-133. 7 MRSA §2301, as amended by PL 1979, c. 731, §13, is corrected to read:

§2301. Authority

The commissioner, when ~~he shall find~~ the commissioner finds that there exists within the State, or in any other state, territory, district or part thereof any dangerous plant disease or insect infestation with reference to which the Secretary of Agriculture of the United States has not determined that a quarantine is necessary and has not established such quarantine, is authorized to promulgate and to enforce by appropriate rules and regulations, adopted in a manner consistent with the Maine Administrative Procedure Act, a quarantine prohibiting or restricting the transportation within, into or through the State, or any portion thereof, of any class of nursery stock, plant, fruit, seed or other article of any character whatsoever, capable of carrying such plant disease or insect infestation. The commissioner is authorized to make, in a manner consistent with the Maine Administrative Procedure Act, rules and regulations for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed or other article of any character whatsoever, capable of carrying any plant disease or insect infestation, a quarantine with respect to which ~~shall have~~ has been established by the Secretary of Agriculture of the United States or the commissioner, and ~~which that~~ that exists within, or has been transported to, into or, through this State in violation of such quarantine.

Sec. B-134. 7 MRSA §2316, sub-§5, as enacted by PL 2005, c. 147, §1, is corrected to read:

5. Executive committee. The executive committee is composed of the ~~chairman~~ chair of the governing board and 4 additional members of the governing board chosen by the governing board so that there is one member representing each of 4 geographic groupings of party states. The governing board shall make those geographic groupings. If there is representation of the United States on the governing board, one representative may meet with the executive committee. The chair of the governing board is chair of the executive committee. An action of the executive committee is not binding unless taken at a meeting at which at least 4 members of the committee are present and vote in favor thereof. Necessary expenses of each of the 5 members of the executive committee incurred in attending meetings of the committee, when not held at the same time and place as a meeting of the governing board, are charges against the insurance fund.

Sec. B-135. 7 MRSA §2352, as enacted by PL 1983, c. 565, §8, is corrected to read:

§2352. Responsibility of the commissioner

The commissioner may institute such pest control survey programs as ~~he deems~~ the commissioner considers essential to the welfare of the industry. ~~He~~ The commissioner may, in conjunction with the Maine Agricultural Experiment Station, and other public and private agencies, and in a manner consistent with the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, designate by rule those potato pests and diseases ~~which that~~ that pose a threat to the Maine potato industry, and by rule provide for the inspection, seizure, destruction or other deposition of any seed, plant, culls or other materials within the State

whenever ~~he~~ the commissioner finds such materials to be infested, or are reasonably believed to be infested, with any designated pest or disease, and further provide for the disinfection of any vehicle or other conveyance so infested.

Sec. B-136. 7 MRSA §2805, as enacted by PL 1985, c. 572, is corrected to read:

§2805. Access to apiaries

Inspectors may enter, at all reasonable times, upon the premises of any keeper of bees or hive locations and make the examination of such bees, equipment and appliances found on the premises as ~~he may deem~~ the inspector considers necessary to determine the presence of contagious or infectious diseases or parasites.

Sec. B-137. 7 MRSA §2852, as enacted by PL 1985, c. 572, is corrected to read:

§2852. Damage to hives from bears

Any licensed beekeeper or ~~his~~ a licensed beekeeper's designee may obtain a permit from the Commissioner of Inland Fisheries and Wildlife or ~~his~~ the commissioner's agents to protect hives from damage by bears.

Sec. B-138. 7 MRSA §2951, sub-§4-A, as enacted by PL 1985, c. 717, §2, is corrected to read:

4-A. Integrated operation. "Integrated operation" means a person who is a dealer and who also sells at retail the milk ~~which he~~ that the person handles for sale, shipment, storage or processing within the State.

Sec. B-139. 7 MRSA §2951, sub-§8 is corrected to read:

8. Producer. "Producer" means any person who produces milk and sells ~~his said~~ such milk only to dealers.

Sec. B-140. 7 MRSA §2951, sub-§9 is corrected to read:

9. Producer-dealer. "Producer-dealer" means a dealer who ~~himself~~ produces a part or all of ~~his~~ the dealer's milk or a person who produces milk and sells to a grocery store or dairy products store or similar commercial establishment.

Sec. B-141. 7 MRSA §2951, sub-§12 is corrected to read:

12. Sub-dealer. "Sub-dealer" means any person who does not process milk and who purchases milk from a dealer and sells such milk in the same containers in which ~~he~~ the person purchased it, but ~~shall~~ does not include a store.

Sec. B-142. 7 MRSA §2954-B, sub-§5, as enacted by PL 1985, c. 42, §2, is corrected to read:

5. Select Committee on Milk Pricing. There ~~shall be~~ is a Select Committee on Milk Pricing consisting of 10 members to advise the study panel on the design of the study and on the options and policies to be evaluated. The committee ~~shall be~~ is composed of 3 members of the House of Representatives, appointed by the Speaker of the House of Representatives, one of whom ~~shall~~ must represent each political party; 2 members of the Senate, appointed by the President of the Senate, one of whom ~~shall~~ must be chosen to represent each political party; and 3 members named by the Governor, one of whom ~~shall~~ must be knowledgeable of the dairy processing industry, one of whom ~~shall~~ must be knowledgeable of milk retailing and one milk producer who is knowledgeable of marketing

systems. The Public Advocate or ~~his~~ the Public Advocate's designee shall also serve on the committee, representing consumer interests. The Commissioner of Agriculture, Food and Rural Resources shall serve ex officio as ~~chairman~~ chair of the committee.

Sec. B-143. 7 MRSA §2955, first ¶, as amended by PL 1975, c. 517, §4, is corrected to read:

~~No~~ A dealer ~~shall~~ may not buy milk from producers or others for sale or ~~shall~~ process, distribute, sell or offer to sell milk in any market in the State designated by the commission unless duly licensed by the commission. ~~No~~ A license ~~shall~~ may not be required of any person who produces or sells milk for consumption only on the premises of the producer or seller. Each person, before engaging in the business of a dealer in any market designated by the commission, shall make application to the commission for a license, which the commission is authorized to grant. ~~No~~ A retailer ~~shall~~ may not sell or offer to sell milk in any market in the State ~~which he~~ that the retailer has purchased in Maine from an unlicensed dealer.

Sec. B-144. 7 MRSA §2988, as enacted by PL 1983, c. 484, §2, is corrected to read:

§2988. Civil action by injured person

1. Injunctive relief; damages and costs. Any person damaged or who is threatened with loss or injury by reason of a violation of section 2983 may bring a civil action in the Superior Court in the county where ~~he~~ the person resides, to prevent, restrain or enjoin the violation or threatened violation. If in that action a violation or threatened violation of section 2983 ~~shall be~~ is established, the court may enjoin and restrain or otherwise prohibit the violation or threatened violation. In that action it ~~shall~~ is not be necessary that actual damages to the plaintiff be alleged or proved. In addition to the injunctive relief, the plaintiff in the action ~~shall be~~ is entitled to recover from the defendant 3 times the amount of actual damages sustained by ~~him~~ the plaintiff and the costs of the action, including reasonable attorneys' fees.

2. Damages only. In the event no injunctive relief is sought or required, any person injured by a violation of section 2983 may maintain an action for damages alone in the Superior Court in the county where ~~he~~ the person resides and the measure of damages in the action ~~shall be~~ is the same as prescribed in subsection 1.

Sec. B-145. 7 MRSA §3152, sub-§10, as amended by PL 1985, c. 646, §2, is corrected to read:

10. Producer-dealer. "Producer-dealer" means a dealer who ~~himself~~ produces a part or all of ~~his~~ the dealer's milk or a person who produces milk and sells to a grocery store or dairy products store or similar commercial establishment, and ~~shall include~~ includes an agricultural cooperative comprised solely of dairy farmers that wholly owns and operates its processing facilities, and whose individual members hold a share of that ownership ~~which that~~ is in direct proportion to that individual's share of all milk produced by cooperative members for the cooperative, ~~provided~~ except that such an agricultural cooperative ~~shall be~~ is a "producer-dealer" under this chapter only if it was in existence on January 1, 1986, and had been recognized on or before that date by the commissioner as meeting the criteria established in this subsection.

Sec. B-146. 7 MRSA §3907, sub-§11, as enacted by PL 1987, c. 383, §3 and amended by PL 2011, c. 657, Pt. W, §6, is corrected to read:

11. Commissioner. "Commissioner" means the Commissioner of Agriculture, Conservation and Forestry or ~~his~~ the commissioner's duly authorized agent.

Sec. B-147. 7 MRSA §3907, sub-§18, as enacted by PL 1987, c. 383, §3, is corrected to read:

18. Law enforcement officer. "Law enforcement officer" means any person who, by virtue of ~~his~~ the person's public employment, is vested by law with a duty to maintain public order, enforce any law of this State establishing a civil violation, prosecute offenders or make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

Sec. B-148. 24-A MRSA §201, sub-§3, as amended by PL 1981, c. 359, §6, is corrected to read:

3. The superintendent shall hold ~~his~~ the superintendent's office for 5 years or until ~~his~~ the superintendent's successor has been appointed and has qualified. Any vacancy occurring ~~shall~~ must be filled by appointment for the unexpired portion of the term.

Sec. B-149. 24-A MRSA §202, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§202. Seal

The superintendent ~~shall~~ must have a seal of office of a suitable design, bearing the words "Insurance Superintendent of the State of Maine." The superintendent shall file an impression of the seal, duly certified by ~~him~~ the superintendent under oath, with the Secretary of State.

Sec. B-150. 24-A MRSA §208, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§208. Independent technical, professional services

The superintendent may from time to time contract for such additional actuarial, examination, rating and other technical and professional services as ~~he~~ the superintendent may require for discharge of ~~his~~ the superintendent's duties.

Sec. B-151. 24-A MRSA §209, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. The superintendent, or ~~his~~ the superintendent's deputy, or any examiner or employee of the bureau ~~shall~~ may not be connected with the management or be holder of a material number of shares of any insurer, insurance holding company, insurance agency or broker, or be pecuniarily interested in any insurance transaction, except as a policyholder or claimant under a policy; except that as to matters wherein a conflict of interests does not exist on the part of any such individual, the superintendent may employ and retain from time to time insurance actuaries, examiners, accountants, and other technicians who are independently practicing their professions even though from time to time similarly employed or retained by insurers or others.

Sec. B-152. 24-A MRSA §209, sub-§2, ¶A, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

A. Receipt by any such individual of fully vested commissions or fully vested retirement benefits to which ~~he~~ the individual is entitled by reason of services performed prior to becoming superintendent or prior to employment in the bureau;

Sec. B-153. 24-A MRSA §209, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. The superintendent, or ~~his~~ the superintendent's deputy, or any employee or technician employed or retained by the bureau ~~shall may~~ not be given or receive, directly or indirectly, any fee, compensation, loan, gift or other thing of value in addition to the compensation and expense allowance provided by or pursuant to the law of this State, or by contract with the superintendent, for any service rendered or to be rendered as such superintendent, deputy, assistant, employee or technician, or in connection therewith.

Sec. B-154. 24-A MRSA §210, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. The superintendent may delegate to ~~his~~ the superintendent's deputy, examiner or an employee of the bureau the exercise or discharge in the superintendent's name of any power, duty or function, whether ministerial, discretionary or of whatever character, vested in or imposed upon the superintendent.

Sec. B-155. 24-A MRSA §211, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. The superintendent shall enforce the provisions of, and execute the duties imposed upon ~~him~~ the superintendent by, this Title.

Sec. B-156. 24-A MRSA §211, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent ~~shall have~~ has the powers and authority expressly vested in ~~him~~ the superintendent by or reasonably implied from this Title.

Sec. B-157. 24-A MRSA §213, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Orders and notices of the superintendent ~~shall be~~ are effective only when in writing signed by ~~him~~ the superintendent or by ~~his~~ the superintendent's authority.

Sec. B-158. 24-A MRSA §213, sub-§3, as amended by PL 1977, c. 694, §387, is corrected to read:

3. An order or notice may be given by delivery to the person to be ordered or notified, or by mailing it, postage prepaid, addressed to such person at ~~his~~ the person's principal place of business or residence as last of record in the bureau. The order or notice ~~shall be~~ is deemed to have been given when deposited in a mail depository of the United States post office, and of which the affidavit of the individual who so mailed the order or notice ~~shall be~~ is prima facie evidence. Written notice of the party's rights to review or appeal and of the action required and of the time within which action ~~shall must~~ must be taken in order to appeal ~~shall must~~ must be given to each party with the decision.

Sec. B-159. 24-A MRSA §214, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. The superintendent may, through the Attorney General of this State, invoke the aid of the Superior Court through proceedings instituted in any county of this State to enforce any lawful order made or action taken by ~~him~~ the superintendent. In such proceedings, the Superior Court may make such orders, either preliminary or final, as it ~~deems~~ considers proper under the facts established before it.

Sec. B-160. 24-A MRSA §216, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. The superintendent shall carefully preserve in the bureau and in permanent form a correct account of all ~~his~~ the superintendent's transactions and of all fees and ~~moneys~~ money received by ~~him~~ the superintendent by virtue of ~~his~~ the superintendent's office, together with all financial statements, examination reports, correspondence, filings and documents duly received by the bureau. The superintendent shall hand the same over to ~~his~~ the superintendent's successor in office.

Sec. B-161. 24-A MRSA §217, sub-§1, ¶D, as enacted by PL 1969, c. 132, §1, is corrected to read:

D. Such recommendations as ~~he deems~~ the superintendent considers advisable relative to amendment or supplementation of the insurance laws; and

Sec. B-162. 24-A MRSA §217, sub-§1, ¶E, as enacted by PL 1969, c. 132, §1, is corrected to read:

E. Such other information and matters as ~~he deems~~ the superintendent considers to be in the public interest relative to the insurance business in this State.

Sec. B-163. 24-A MRSA §218, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§218. Publications; price

The superintendent may have the directory of authorized insurers, of licensed insurance representatives, license examination material, insurance laws and related laws and regulations under ~~his~~ the superintendent's administration published in pamphlet form from time to time, and may fix a price for each copy to cover cost of printing and mailing.

Sec. B-164. 24-A MRSA §219, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§219. Interstate cooperation

The superintendent may communicate on request of the insurance supervisory official of any state, province or country any information ~~which~~ that it is ~~his~~ the superintendent's duty by law to ascertain respecting authorized insurers.

Sec. B-165. 24-A MRSA §221-A, sub-§8, ¶B, as enacted by PL 1985, c. 636, is corrected to read:

B. If the accountant, subsequent to the date of the audited financial report required by this section, becomes aware of material subsequent facts ~~which~~ that would have affected ~~his~~ the accountant's report, the accountant shall provide the pertinent information upon ~~his~~ the accountant's determination to the parties identified in this subsection.

Sec. B-166. 24-A MRSA §223, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. If the superintendent or examiner finds any accounts or records to be inadequate, or inadequately kept or posted, the superintendent may employ experts to reconstruct, rewrite, post or balance them at the expense of the person being examined, if such person has failed to maintain, complete or correct such records or accounting after the superintendent or examiner has given ~~him~~ such person written notice and a reasonable opportunity to do so.

Sec. B-167. 24-A MRSA §226, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. The superintendent shall forward to the person examined a copy of the examination report as filed, together with any recommendations or statements relating thereto ~~which he deems that the superintendent considers proper~~.

Sec. B-168. 24-A MRSA §226, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. If the report is as to examination of a domestic insurer, a copy of the report, or a summary thereof approved by the superintendent, when filed in the bureau, together with the recommendations or statements of the superintendent or ~~his~~ the superintendent's examiner, ~~shall must~~ be presented by the insurer's chief executive officer to the insurer's board of directors or similar governing body at a meeting thereof ~~which shall that must~~ be held within 30 days next following receipt of the report in final form by the insurer. A copy of the report ~~shall must~~ also be furnished by the secretary of the insurer, if incorporated, or by the attorney-in-fact, if a reciprocal insurer, to each member of the insurer's board of directors or board of governors, if a reciprocal insurer, and the certificate of the secretary or attorney-in-fact that a copy of the examination report has been so furnished ~~shall must~~ be deemed to constitute knowledge of the contents of the report by each such member.

Sec. B-169. 24-A MRSA §226, sub-§6, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

6. The report when so filed in the bureau ~~shall be is~~ admissible in evidence in any action or proceeding brought by the superintendent against the person examined, or against its officers, employees or agents. In any such action or proceeding, the superintendent or ~~his~~ the superintendent's examiners may at any time testify and offer proper evidence as to information secured or matters discovered during the course of an examination, whether or not a written report of the examination has been either made, furnished or filed in the bureau.

Sec. B-170. 24-A MRSA §228, sub-§1, as amended by PL 1975, c. 356, §2, is corrected to read:

1. The expense of examination of an insurer or of any person regulated under section 222, ~~shall must~~ be borne by the person examined. Such expense ~~shall may~~ include only the reasonable and proper hotel and travel expenses of the superintendent and ~~his~~ the superintendent's examiners and assistants, including expert assistance, and examiners furnished for the purpose by other states in which the insurer is authorized to transact insurance, reasonable compensation as to such examiners and assistants and incidental expenses as necessarily incurred in the examination. As to expense and compensation,

involved in any such examination the superintendent may give due consideration to scales and limitations recommended by the National Association of Insurance Commissioners and outlined in the examination manual sponsored by that association.

Sec. B-171. 24-A MRSA §229, sub-§4, as amended by PL 1977, c. 694, §389, is corrected to read:

4. If the superintendent finds that the application is timely and made in good faith, that the applicant would be so aggrieved if ~~his~~ the applicant's grounds are established and that such grounds otherwise justify the hearing, ~~he~~ the superintendent shall hold the hearing within 30 days after filing of the application, or within 30 days after the application has been sworn to, whichever is the later date, unless in either case the hearing is postponed by mutual consent. The hearing ~~shall~~ must be held in conformity with the provisions contained in the Maine Administrative Procedure Act, ~~Title 5, chapter 375.~~

Sec. B-172. 24-A MRSA §229, sub-§6, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

6. Pending the hearing and decision thereon, the superintendent may suspend or postpone the effective date of ~~his~~ the superintendent's previous action.

Sec. B-173. 24-A MRSA §232, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Every person subpoenaed to appear at any such hearing, examination or investigation shall obey the subpoena, testify truthfully, ~~conduct himself~~ behave with decorum and in no way obstruct the proceeding or purpose thereof.

Sec. B-174. 24-A MRSA §233, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§233. Witnesses; disciplinary proceedings

1. If any individual without reasonable cause fails to appear when summoned as a witness, or refuses to answer a lawful and pertinent question, or refuses to produce documentary evidence when directed to do so by the superintendent, or ~~deports himself~~ behaves in a disrespectful or disorderly manner at the inquiry, or obstructs the proceedings by any means, whether or not in the presence of the superintendent or ~~his~~ the superintendent's designee, ~~he~~ the individual is guilty of contempt and may be dealt with as provided in subsection 2.

2. The superintendent or ~~his~~ the superintendent's designee, as the case may be, may file a complaint in the Superior Court, setting forth under oath the facts constituting the contempt and requesting an order returnable in not less than 2 nor more than 5 days, directing the alleged contemner to show cause before the court why ~~he~~ the alleged contemner should not be punished for contempt. Upon the return of such order, the court shall examine the alleged contemner under oath and the alleged contemner ~~shall have~~ has an opportunity to be heard. If the court determines that the respondent has committed any alleged contempt, the court shall punish the offender as if the contempt had occurred in an action arising in or pending in such court.

Sec. B-175. 24-A MRSA §235, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. In the conduct of hearings under this Title and making ~~his~~ the superintendent's order thereon, the superintendent shall act in a quasi-judicial capacity.

Sec. B-176. 24-A MRSA §235, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. Within 30 days after termination of a hearing, or of any rehearing thereof or reargument thereon, or within such other period as may be specified in this Title as to particular proceedings, or within such further reasonable period as the superintendent for good cause may require, the superintendent shall make ~~his~~ the superintendent's order on hearing covering matters involved in such hearing, and give a copy of the order to each party to the hearing in the same manner as notice of the hearing was given to such party; except that as to hearings held with respect to merger, consolidation, bulk reinsurance, conversion, affiliation or change of control of a domestic insurer as provided in chapter 47 (~~organization and corporate procedures of domestic stock and mutual insurers~~), where when notice of the hearing was given to all stockholders and/or policyholders of an insurer involved, the superintendent is required to give a copy of the order on hearing to the corporation and insurer parties, to intervening parties, to a reasonable number of such stockholders or policyholders as representative of the class, and to other parties only upon written request of such parties.

Sec. B-177. 24-A MRSA §407, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent ~~shall~~ may not grant or continue authority to transact insurance in this State as to any insurer or proposed insurer, any director, officer or other individual materially part of the management of which is found by ~~him~~ the superintendent after investigation or upon reliable information to be incompetent, or dishonest, or untrustworthy, or of unfavorable business repute, or the managers of which are so lacking in insurance company managerial experience in operations of the kind proposed in this State as to make such operation, currently or prospectively, hazardous to, or contrary to the best interests of, the insurance-buying or investing public of this State; or which ~~he~~ the superintendent has good reason to believe is affiliated directly or indirectly through ownership, control, management, reinsurance transactions or other business relations, with any person or persons of unfavorable business repute, or whose business operations in this State or elsewhere are or have been marked, to the injury of insurers, stockholders, policyholders, creditors or the public, by illegality, or by manipulation of assets, or of accounts, or of reinsurance or by bad faith.

Sec. B-178. 24-A MRSA §412, sub-§2, as repealed and replaced by PL 1975, c. 77, is corrected to read:

2. Any admitted foreign insurance company may file with the superintendent a certificate of the insurance supervisory official of such other jurisdiction that ~~he~~ the supervisory official holds in trust and on deposit for benefit of all the policyholders of the company a deposit of not less than \$100,000 in such securities as are required or permitted to be deposited with ~~him~~ that supervisory official by the laws of that jurisdiction. These securities are to be of a character consistent with investment authority in such jurisdiction. Such certificate ~~shall~~ must contain a statement by ~~said~~ the supervisory official that ~~he~~ the supervisory official is satisfied that the actual market value of these securities is of

minimum value of \$100,000. ~~No~~ A deposit ~~shall~~ may not be required to be maintained in this State while such a deposit, if so certified, is retained by ~~said~~ the supervisory official.

Sec. B-179. 24-A MRSA §414, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If upon completion of its application, the superintendent finds that the insurer has met the requirements therefor under this Title, and that the insurer has furnished evidence satisfactory to ~~him~~ the superintendent that its methods of operation are not such as would render its proposed operation hazardous to the public or its policyholders in this State, the superintendent shall issue to the insurer a proper certificate of authority; otherwise, the superintendent shall issue ~~his~~ an order refusing such certificate.

Sec. B-180. 24-A MRSA §416, sub-§2, as amended by PL 1983, c. 419, §1, is corrected to read:

2. Except in case of insolvency or impairment of required capital or surplus, or suspension or revocation by another state as referred to in subsection 1, paragraph D, the superintendent shall give the insurer at least 20 days notice in advance of any such refusal, suspension or revocation under this section and of the particulars of the reasons therefor. If the insurer requests a hearing thereon within the 20 days, the request ~~shall~~ automatically ~~stay~~ stays the superintendent's proposed action until ~~his~~ the superintendent's order is made on that hearing. Hearings held pursuant to this subsection ~~shall~~ must be held in conformity with ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter ~~IV~~ 4.

Sec. B-181. 24-A MRSA §417, sub-§2, as amended by PL 1983, c. 419, §2, is corrected to read:

2. The superintendent shall suspend or revoke an insurer's certificate of authority on any of the following grounds, if ~~he~~ the superintendent finds after a hearing held in conformity with ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter ~~IV~~, 4 that the insurer:

A. Is in unsound condition, or is being fraudulently conducted, or is in such condition or using such methods and practices in the conduct of its business as to render its further transaction of insurance in this State currently or prospectively hazardous or injurious to policyholders or to the public;

B. With such frequency as to indicate its general business practice in this State, has without just cause failed to pay, or delayed payment of, claims arising under its policies, whether the claim is in favor of an insured or is in favor of a ~~third~~ 3rd person; or, with like frequency, without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or an insured to secure full payment or settlement of such claims;

C. Refuses to be examined, or if its directors, officers, employees or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records and files for examination by the superintendent when required, or refuse to perform any legal obligation relative to the examination; or

D. Has failed to pay any final judgment rendered against it in this State upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within 30 days

after the judgment became final or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

Sec. B-182. 24-A MRSA §472, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§472. Rules and regulations

During the period of any insurance emergency described in section 471, the superintendent ~~shall have~~ has power to make, amend or rescind such rules and regulations governing the business of any insurers as ~~he deems~~ the superintendent considers expedient in order to adopt and maintain sound methods of protecting the interests of insurer, insureds, beneficiaries or the public.

Sec. B-183. 24-A MRSA §473, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§473. Insurers regulated; suspended

During any insurance emergency period as described in sections 471 and 472, the superintendent is empowered to suspend for such time or times as ~~he~~ the superintendent may determine the transaction of insurance functions of any authorized insurer, whether domestic or foreign, solvent or otherwise, and to limit its insurance business in volume or character to such particular amounts or classifications and for such time or times as ~~he may deem~~ the superintendent considers advisable.

Sec. B-184. 24-A MRSA §474, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§474. Payments deferred

During any insurance emergency period as described in sections 471 and 472, the superintendent ~~shall have~~ has authority to postpone or defer, by rules or orders made and issued by ~~him~~ the superintendent, for such time or times as ~~he may determine~~ the superintendent determines, the payment of any amount payable under the terms of any policy of insurance, annuity or pure endowment contract, and the payment of judgments, notes, drafts, checks, bills of exchange or other forms of payment of claims due from insurers to any person, firm or corporation, whether such claim is liquidated or unliquidated, due or to become due at a day certain, and defer the payment of premiums on policies affected by such postponements or suspensions and may direct payment in full or in part whenever in ~~his~~ the superintendent's discretion such payment may be safely consummated.

Sec. B-185. 24-A MRSA §478, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§478. Jurisdiction of courts

During any emergency insurance period as described in sections 471 and 472, the superintendent is authorized to issue such directions, rules or orders as in ~~his~~ the superintendent's discretion the circumstances may warrant, and any Justice of the Supreme Judicial or Superior Courts ~~shall have~~ has full jurisdiction to enforce this chapter by appropriate decrees.

Sec. B-186. 24-A MRSA §603, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§603. Record, remittance of fees

The superintendent shall keep a correct account of all fees and moneys received by ~~him~~ the superintendent by virtue of ~~his~~ the superintendent's office, and shall pay the same over to the Treasurer of State forthwith.

Sec. B-187. 24-A MRSA §706, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, gems, precious and semiprecious stones, including any loss while the same are being transported in armored motor vehicles, or by messenger, but not including any other risks of transportation or navigation; also insurance against loss or damage to such an insured's premises or to ~~his~~ the insured's furnishings, fixtures, equipment, safes and vaults therein, caused by burglary, robbery, theft, vandalism or malicious mischief, or any attempt thereat.

Sec. B-188. 24-A MRSA §1114, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. With the superintendent's advance written consent an insurer may acquire and hold the controlling interest in the outstanding voting stock of a stock insurer formed under the laws of this or another state. The superintendent ~~shall~~ may not give ~~his~~ the superintendent consent if ~~he~~ the superintendent finds that such acquisition would not be in the best interests of the insurers involved, or of their respective policyholders or stockholders, or that it would materially tend to lessen competition or to result in any monopoly in the insurance business.

Sec. B-189. 24-A MRSA §1133, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. Upon proof satisfactory to ~~him~~ the superintendent that the interests of the insurer will suffer materially by the forced sale thereof, the superintendent may by order grant a reasonable extension of the period, as specified in such order, within which the insurer shall dispose of any particular parcel of such real estate.

Sec. B-190. 24-A MRSA §1135, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The insurer shall forthwith dispose of any ineligible investment unlawfully acquired by it, and the superintendent shall suspend or revoke the insurer's certificate of authority if the insurer fails to dispose of the investment within such reasonable time as the superintendent may, by ~~his~~ the superintendent's order, specify.

Sec. B-191. 24-A MRSA §1157, sub-§3, as enacted by PL 1987, c. 399, §14, is corrected to read:

3. **Superintendent; order of disposition.** At any time after the acquisition by the insurer of any subsidiary, other than a holding company engaged solely in the ownership or control of other subsidiaries, or a subsidiary referred to in subsection 5, paragraph B,

subparagraphs (1) or (2), the superintendent may order its disposition if ~~he~~ the superintendent finds, after notice and an opportunity to be heard, that its continued retention is materially adverse to the interests of the insurer's policyholders. The insurer ~~shall have~~ has at least 36 months to effect the disposition. If that disposition is not so effected, the subsidiary may not thereafter be allowed as an asset of the insurer.

Sec. B-192. 24-A MRSA §1159, sub-§2, as enacted by PL 1987, c. 399, §14, is corrected to read:

2. Separate accounts. Except with the approval of the superintendent and under such conditions as to investments and other matters as ~~he~~ the superintendent may prescribe, which ~~shall~~ must recognize the guaranteed nature of the benefits provided, ~~no~~ an insurer may not guarantee the value of the assets allocated to a separate account, or any interest in that account, or the investment results of that account, or the income from that account, to a contract holder, without limitation of liability under all those guarantees to the extent of the interest of the contract holder in assets allocated to that separate account, unless:

A. To the extent that the applicable agreements provide that the assets in that separate account ~~shall~~ are not be chargeable with liabilities arising out of any other business of the insurer, the assets allocated to that separate account are invested subject to the requirements and limitations on investments imposed by section 1156, subsection 2, as though the aggregate assets allocated to that separate account were the insurer's total admitted assets; or

B. The assets allocated to that separate account are invested subject to the requirements and limitations on investments imposed by section 1156, subsection 2, as though they were part of the general assets of the insurer.

Sec. B-193. 24-A MRSA §1254, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The Treasurer of State shall furnish the superintendent, for delivery to the depositing insurer, ~~his~~ the Treasurer of State's official certificate identifying the securities deposited, the amount and par value of each, and ~~his~~ the Treasurer of State's opinion of their value.

Sec. B-194. 24-A MRSA §1254, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. The superintendent shall keep a record of the securities comprising the deposit of each insurer, showing as far as practical the amount and market value of each item, and all ~~his~~ the superintendent's transactions relative thereto.

Sec. B-195. 24-A MRSA §1256, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. In lieu of deposit with the Treasurer of State as provided in section 1254, upon the insurer's written request and for its greater convenience, the superintendent may in ~~his~~ the superintendent's discretion permit the insurer to make and maintain the deposit under custodial arrangements with the trust department of an established bank located in Maine.

Sec. B-196. 24-A MRSA §1257, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§1257. Assignment, transfer of securities or assets

All assets deposited by an insurer and not negotiable by delivery ~~shall~~ must be duly assigned or transferred to the superintendent and ~~his~~ the superintendent's successors in office. Upon release of any such security to the insurer, the superintendent shall reassign or transfer the same to the insurer.

Sec. B-197. 24-A MRSA §1258, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§1258. Appraisal

The superintendent may, in ~~his~~ the superintendent's discretion, prior to acceptance for deposit of any particular security, or at any time thereafter while so deposited, have the same appraised or valued by competent appraisers. The reasonable cost of any such appraisal or valuation ~~shall~~ must be borne by the insurer.

Sec. B-198. 24-A MRSA §1259, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If securities deposited by an insurer under this chapter are subject to material fluctuations in market value, the superintendent may, in ~~his~~ the superintendent's discretion, require the insurer to deposit and maintain on deposit additional securities in amount reasonably necessary to assure that the deposit at all times has a market value of not less than the amount specified under the law by which the deposit is required.

Sec. B-199. 24-A MRSA §1263, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. Upon the request of a domestic insurer, the superintendent shall return to the insurer the whole or any portion of the assets and securities of the insurer held on deposit when the superintendent is satisfied that the securities so to be returned are subject to no liability and are not required to be longer held by any provision of law or the purposes of the original deposit. If the insurer has reinsured all its outstanding risks in another insurer or insurers authorized to transact insurance in this State, and if so provided in the reinsurance agreement, the superintendent shall deliver such securities to such insurer or insurers so assuming such risks, upon proof to ~~his~~ the superintendent's satisfaction:

A. That the assuming insurer has assumed and agreed to discharge all liabilities of every kind due and to become due ~~which~~ that the deposit was to secure;

B. That the assuming insurer has on deposit in this State or with a State official in the United States, securities in an amount and value not less than the deposit required of the reinsured insurer and ~~which~~ that will subsist for the security of the obligations of the reinsured insurer so assumed; and

C. That such assets and securities have been duly assigned, transferred and set over to such assuming insurer or insurers.

Sec. B-200. 24-A MRSA §1263, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. ~~No~~ A release of deposited assets ~~shall~~ may not be made except upon application to and the written order of the superintendent. The superintendent ~~shall~~ may have no personal

liability for any release of any such deposit or part thereof so made by ~~him~~ the superintendent in good faith.

Sec. B-201. 24-A MRSA §2101, sub-§2, ¶C, as enacted by PL 1969, c. 132, §1, is corrected to read:

C. A licensed adjuster or attorney at law representing such an insurer from time to time in ~~his~~ the adjuster's or attorney's professional capacity;

Sec. B-202. 24-A MRSA §2104, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§2104. Superintendent process agent

Solicitation, effectuation, or delivery of any insurance contract, by mail or otherwise, within this State by an unauthorized insurer, or the performance within this State of any other service or transaction connected with such insurance by or on behalf of such insurer, ~~shall be~~ is deemed to constitute an appointment by such insurer of the superintendent and ~~his~~ the superintendent's successors in office as its attorney, upon whom may be served all lawful process issued within this State in any action or proceeding against such insurer arising out of any such contract or transaction; and ~~shall be~~ is deemed to signify the insurer's agreement that any such service of process ~~shall have~~ has the same legal effect and validity as personal service of process upon it in this State.

Sec. B-203. 24-A MRSA §2105, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Service of process upon any such insurer pursuant to section 2104 ~~shall~~ must be made by delivering to and leaving with the superintendent or some person in apparent charge of ~~his~~ the superintendent's office 2 copies thereof and the payment to ~~him~~ the superintendent of the fees as prescribed by section 601. The superintendent shall forthwith mail by registered or certified mail one of the copies of such process to the defendant at its principal place of business last known to the superintendent, and shall keep a record of all process so served upon ~~him~~ the defendant. Such service of process is sufficient, ~~provided~~ as long as notice of such service and a copy of the process are sent within 10 days thereafter by registered or certified mail by plaintiff's attorney to the defendant at its last known principal place of business, and the defendant's receipt or receipt issued by the post office with which the letter is registered or certified, showing the name of the sender of the letter and the name and address of the person to whom the letter is addressed, and the affidavit of the plaintiff's attorney showing a compliance herewith are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

Sec. B-204. 24-A MRSA §2105, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. ~~No~~ A plaintiff or complainant ~~shall be~~ is not entitled to a judgment or to have ~~his~~ the plaintiff's or complainant's complaint taken pro confesso under this section until the expiration of 30 days from the date of the filing of the affidavit of compliance.

Sec. B-205. 24-A MRSA §2161, sub-§1, ¶G, as enacted by PL 1969, c. 132, §1, is corrected to read:

G. Allowance to an agent or broker, and receipt by the agent or broker, of commissions with respect to insurance written on ~~himself~~ the agent or broker.

Sec. B-206. 24-A MRSA §2179, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§2179. Inquests into insurance frauds

On application in writing to the superintendent by an officer of any insurer doing business in the State, stating that ~~he~~ the officer has reason to believe and does believe that any person has, by false representations, procured from the insurer an insurance, or that the insurer has sustained a loss by the fraudulent act of the insured or with ~~his~~ the insured's knowledge or consent, and requesting an investigation thereof, the superintendent shall summon and examine, under oath, at a time and place designated by ~~him~~ the superintendent, any persons and require the production of all books and papers necessary for a full investigation of the facts and make report thereof, with the testimony by ~~him~~ the superintendent taken, to the insurer making such application.

Sec. B-207. 24-A MRSA §2404, sub-§1, as enacted by PL 1969, c. 132, §1, is corrected to read:

1. Any individual of competent legal capacity may procure or effect an insurance contract upon ~~his~~ the individual's own life or body for the benefit of any person. But ~~no~~ a person ~~shall~~ may not procure or cause to be procured any insurance contract upon the life or body of another individual unless the benefits under such contract are payable to the individual insured or ~~his~~ the individual insured's personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured.

Sec. B-208. 24-A MRSA §2404, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. If the beneficiary, assignee, or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement, or injury of the individual insured, the individual insured or ~~his~~ the individual insured's executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

Sec. B-209. 24-A MRSA §2407, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Any minor not less than 15 years of age, nearest birthday, may, notwithstanding ~~his~~ the minor's minority, contract for or own annuities, or insurance, or affirm by novation or otherwise preexisting contracts for annuities or insurance upon ~~his~~ the minor's own life, body, health, property, liabilities or other interests, or on the persons of another in whom the minor has an insurable interest. Such a minor ~~shall~~ must, notwithstanding such minority, be deemed competent to exercise all rights and powers with respect to or under any contract for annuity or for insurance upon ~~his~~ the minor's own life, body or health, or any contract such minor effected upon ~~his~~ the minor's own property, liabilities or other interests, or any contract effected or owned by the minor on the person of another, as might be exercised by a person of full legal age, and may at any time surrender ~~his~~ the minor's interest in any such contracts and give valid discharge for any benefit accruing or money payable thereunder. Such a minor ~~shall~~ may not, by reason of ~~his~~ the minor's minority, be

entitled to rescind, avoid or repudiate the contract, nor to rescind, avoid or repudiate any exercise of a right or privilege thereunder, except that such a minor not otherwise emancipated ~~shall~~ may not be bound by any unperformed agreement to pay by promissory note or otherwise, any premium on any such annuity or insurance contract.

Sec. B-210. 24-A MRSA §2407, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. Any annuity contract or policy of life or health insurance procured by or for a minor under subsection 2 ~~shall~~ must be made payable either to the minor or ~~his~~ the minor's estate or to a person having an insurable interest in the life of the minor.

Sec. B-211. 24-A MRSA §2409, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2409. Alteration of application, life and health insurance

~~No~~ An alteration of any written application for any life or health insurance policy or annuity contract ~~shall~~ may not be made by any person other than the applicant without ~~his~~ the applicant's written consent, except that insertions may be made by the insurer, for administrative purposes only, in such manner as to indicate clearly that such insertions are not to be ascribed to the applicant.

Sec. B-212. 24-A MRSA §2412, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. The superintendent may, by order, exempt from the requirements of this section for so long as ~~he deems~~ the superintendent considers proper any insurance document or form or type thereof as specified in such order, to which, in ~~his~~ the superintendent's opinion, this section may not practicably be applied, or the filing and approval of which are, in ~~his~~ the superintendent's opinion, not desirable or necessary for the protection of the public.

Sec. B-213. 24-A MRSA §2414, sub-§1, ¶A, as enacted by PL 1969, c. 132, §1, is corrected to read:

A. ~~He~~ The superintendent finds such provision unnecessary for or unrelated to the protection of the insured and inconsistent with the purposes of the policy; and

Sec. B-214. 24-A MRSA §2414, sub-§1, ¶B, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. The policy is otherwise approved by ~~him~~ the superintendent.

Sec. B-215. 24-A MRSA §2414, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. ~~No~~ A policy ~~shall~~ may not contain any provision inconsistent with or contradictory to any standard or uniform provision used or required to be used, but the superintendent may approve any substitute provision which is, in ~~his~~ the superintendent's opinion, not less favorable in any particular to the insured or beneficiary than the provisions otherwise required.

Sec. B-216. 24-A MRSA §2420, sub-§4, as amended by PL 1973, c. 625, §143, is corrected to read:

4. Any individual insured under a group insurance policy or group annuity contract ~~shall have~~ has the right, unless expressly prohibited under the terms of the policy or contract, to assign to any other person ~~his~~ the individual's rights and benefits under the policy or contract, including, but not limited to, the right to designate the beneficiary or beneficiaries and the rights as to conversion provided for in sections 2621 to 2625, and, subject to the terms of the policy relating to assignments thereunder, any such assignment, made either before or after January 2, 1970, ~~shall be~~ is valid for the purpose of vesting in the assignee all such rights and benefits so assigned. While the assignment is in effect, and whether heretofore or hereafter made, the insurer ~~shall be~~ is entitled to deal with the assignee as the owner of such rights and benefits in accordance with the terms of the assignment; but without prejudice to the insurer on account of any lawful action taken or payment made by it prior to receipt by it at its home office of written notice of the assignment or of the termination thereof.

Sec. B-217. 24-A MRSA §2422, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. The authorized agent of an insurer ~~shall~~ must be regarded as in the place of the insurer in all respects regarding any insurance effected by ~~him~~ the agent. The insurer is bound by ~~his~~ the agent's knowledge of the risk and all matters connected therewith. Omissions and misdescriptions known to the agent ~~shall~~ must be regarded as known to the insurer and waived by it as if noted in the policy.

Sec. B-218. 24-A MRSA §2426, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2426. Advance payments

1. No A payment or payments made by any person, or by ~~his~~ the person's insurer by virtue of an insurance policy, on account of bodily injury or death or damage to or loss of property of another, ~~shall~~ does not constitute an admission of liability or waiver of defense as to such injury, death, loss or damage, or be admissible in evidence in any action brought against the insured person or ~~his~~ the person's insurer for damages, indemnity or benefits arising out of such injury, death, loss or damage unless pleaded as a defense to the action.

2. All such payments ~~shall~~ must be credited upon any settlement with respect to the same damage, expense, or loss made by, or upon any judgment rendered therefor in such an action against, the payor or ~~his~~ the payor's insurer, and in favor of any person to whom or on whose account payment was made.

Sec. B-219. 24-A MRSA §2429, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2429. Exemption of proceeds, health insurance

Except as may otherwise be expressly provided by the policy or contract, the proceeds or avails of all contracts of health insurance and of provisions providing benefits on account of the insured's disability ~~which~~ that are supplemental to life insurance or annuity contracts heretofore or hereafter effected ~~shall be~~ are exempt from all liability for any debt of the insured, and from any debt of the beneficiary existing at the time the proceeds are made available for ~~his~~ the beneficiary's use.

Sec. B-220. 24-A MRSA §2430, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2430. Exemption of proceeds, group insurance

1. A policy of group life insurance or group health insurance or the proceeds thereof payable to the individual insured or to the beneficiary thereunder, ~~shall~~ is not be liable, either before or after payment, to be applied by any legal or equitable process to pay any debt or liability of such insured individual or ~~his~~ the individual's beneficiary or of any other person having a right under the policy.

2. This section ~~shall~~ does not apply to group insurance issued pursuant to this Title to a creditor covering ~~his~~ the creditor's debtors, to the extent that such proceeds are applied to payment of the obligation for the purpose of which the insurance was so issued.

Sec. B-221. 24-A MRSA §2431, sub-§1, ¶B, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which ~~he~~ the annuitant is an annuitant, ~~shall~~ may not at any time exceed \$450 per month for the length of time represented by such installments, and that such periodic payments in excess of \$450 per month ~~shall be~~ are subject to garnishee execution to the same extent as are wages and salaries.

Sec. B-222. 24-A MRSA §2431, sub-§1, ¶C, as enacted by PL 1969, c. 132, §1, is corrected to read:

C. If the total benefits presently due and payable to any annuitant under all annuity contracts under which ~~he~~ the annuitant is an annuitant, ~~shall~~ at any time exceed payment at the rate of \$450 per month, then the court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and ~~his~~ the judgment debtor's family, if dependent upon ~~him~~ the judgment debtor, as well as any payments required to be made by the annuitant to other creditors under prior court orders.

Sec. B-223. 24-A MRSA §2432, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2432. Exemption of employee's interest —; group annuities, pension trusts

If any group annuity contract or pension trust, whether heretofore or hereafter issued, is effected by an employer for the benefit of ~~his~~ the employer's employees, whether or not requiring any contribution toward the cost thereof by such employees, the interest of any employee, beneficiary or joint or contingent annuitant in any policy, certificate or fund in connection therewith and ~~his~~ the interest in any payments or proceeds thereof and in any optional or death benefits ~~shall~~ is not in any way be subject to execution, levy, attachment, garnishment, trustee process or any other legal or equitable process.

Sec. B-224. 24-A MRSA §2443, as enacted by PL 1979, c. 267, §2, is corrected to read:

§2443. Powers of the superintendent

The superintendent may authorize a lower score than the Flesch reading ease score required in section 2441, subsection 1, paragraph A, whenever, in ~~his~~ the superintendent's sole discretion, ~~he~~ the superintendent finds that a lower score will provide a more accurate reflection of the readability of a policy form, or is warranted by the nature of a particular policy form or type or class of policy forms, or is caused by certain policy language ~~which~~ that is drafted to conform to the requirements of any state law, regulation or agency interpretation.

Sec. B-225. 24-A MRSA §2445, sub-§2, as enacted by PL 1979, c. 267, §2, is corrected to read:

2. Dates extended. The superintendent may, in ~~his~~ the superintendent's sole discretion, extend the dates in subsection 1.

Sec. B-226. 24-A MRSA §2537, sub-§8, ¶B, as amended by PL 1973, c. 560, §10 and c. 585, §12, is corrected to read:

B. By a transfer of securities having a readily determinable market value, ~~provided that~~ as long as such transfer of securities is approved by the superintendent. The superintendent may approve other transfers among such accounts if, in ~~his~~ the superintendent's opinion, such transfers would not be inequitable.

Sec. B-227. 24-A MRSA §2615, as amended by PL 1981, c. 150, §§18 and 19, is corrected to read:

§2615. Incontestability

1. The group life insurance policy ~~shall~~ must contain a provision that the validity of the policy ~~shall~~ may not be contested, except for nonpayment of premium, after it has been in force for 2 years from its date of issue; and that no statement made by any person insured under the policy relating to ~~his~~ the person's insurability may be used in contesting the validity of the insurance with respect to which such statement was made after such insurance has been in force prior to the contest for a period of 2 years during such person's lifetime nor unless it is contained in a written instrument signed by ~~him~~ the person; ~~provided, except that~~ no ~~any~~ such provision may not preclude the assertion at any time of defenses based upon provisions in the policy ~~which~~ that relate to eligibility for coverage.

Sec. B-228. 24-A MRSA §2616, as amended by PL 1981, c. 150, §20, is corrected to read:

§2616. Application; statements deemed representations

The group life insurance policy ~~shall~~ must contain a provision that a copy of the application, if any, of the policyholder ~~shall~~ must be attached to the policy when issued, that all statements made by the policyholder or by the persons insured ~~shall be~~ are deemed representations and not warranties and that no statement made by any person insured ~~shall~~ may be used in any contest, unless a copy of the instrument containing the statement is or has been furnished to such person or, in the event of death or incapacity of the insured person, to ~~his~~ the person's beneficiary or personal representative.

Sec. B-229. 24-A MRSA §2617, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2617. Insurability

The group life insurance policy ~~shall~~ must contain a provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of ~~his~~ the individual's coverage.

Sec. B-230. 24-A MRSA §2620, as amended by PL 1981, c. 150, §22, is corrected to read:

§2620. Information as to insurance

The group life insurance policy ~~shall~~ must contain a provision that the insurer will issue to the policyholder for delivery to each person insured printed information as to the insurance protection to which ~~he~~ the person is entitled and the rights and conditions set forth in section 2621, 2622, 2623 and 2628. The insurer shall also provide for distribution by the policyholder to each member of the insured group a statement setting forth to whom the benefits under such policy are payable.

Sec. B-231. 24-A MRSA §2621, first ¶, as amended by PL 1981, c. 150, §23, is corrected to read:

There ~~shall~~ must be a provision that if the insurance, or any portion of it, on a person covered under the policy or on the dependent of a person covered, ceases because of termination of employment or of membership in the class or classes eligible for coverage under the policy, such person ~~shall be~~ is entitled to have issued to ~~him~~ the person by the insurer, without evidence of insurability, an individual policy of life insurance without disability or other supplementary benefits, ~~provided as long as~~ provided as long as application for the individual policy ~~shall be~~ is made, and the first premium paid to the insurer, within 31 days after such termination, and ~~provided further that~~:

Sec. B-232. 24-A MRSA §2621, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. The premium on the individual policy ~~shall~~ must be at the insurer's then customary rate applicable to the form and amount of the individual policy, to the class of risk to which such person then belongs, and to ~~his~~ the person's age attained on the effective date of the individual policy.

Sec. B-233. 24-A MRSA §2622, sub-§1, as amended by PL 1981, c. 150, §26, is corrected to read:

1. The amount of the person's life insurance protection ceasing because of the termination or amendment of the group policy, less the amount of any life insurance for which ~~he~~ the person is or becomes eligible under a group policy issued or reinstated by the same or another insurer within 31 days after such termination; and

Sec. B-234. 24-A MRSA §2622, first ¶, as amended by PL 1981, c. 150, §26, is corrected to read:

The group life insurance policy ~~shall~~ must contain a provision that if the group policy terminates or is amended so as to terminate the insurance of any class of insured persons, every person insured thereunder at the date of such termination whose insurance terminates, including the insured dependent of a covered person, and who has been so insured for at least 5 years prior to such termination date ~~shall be~~ is entitled to have issued to ~~him~~ the person by the insurer an individual policy of life insurance, subject to the same conditions

and limitations as are provided by section 2621, except that the group policy may provide that the amount of such individual policy ~~shall~~ may not exceed the smaller of:

Sec. B-235. 24-A MRSA §2623, as amended by PL 1981, c. 150, §27, is corrected to read:

§2623. Death pending conversion

The group life insurance policy ~~shall~~ must contain a provision that if a person insured under the policy, or the insured dependent of a covered person, dies during the period within which ~~he~~ the person would have been entitled to have an individual policy issued to ~~him~~ the person in accordance with sections 2621 or 2622 and before such an individual policy ~~shall have become~~ becomes effective, the amount of life insurance ~~which he~~ that the person would have been entitled to have issued to ~~him~~ the person under such individual policy ~~shall be~~ is payable as a claim under the group policy, whether or not application for the individual policy or the payment of the first premium therefor has been made.

Sec. B-236. 24-A MRSA §2625, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2625. Notice as to conversion right

If any individual insured under a group life insurance policy hereafter delivered in this State becomes entitled under the terms of such policy to have an individual policy of life insurance issued to ~~him~~ the individual without evidence of insurability, subject to making of application and payment of the first premium within the period specified in such policy, and if such individual is not given notice of the existence of such right at least 15 days prior to the expiration date of such period, then, in such event the individual ~~shall~~ must have an additional period within which to exercise such right, but nothing herein contained ~~shall~~ may be construed to continue any insurance beyond the period provided in such policy. This additional period ~~shall expire~~ expires 15 days next after the individual is given such notice but in no event ~~shall~~ may such additional period extend beyond 60 days next after the expiration date of the period provided in such policy. Written notice presented to the individual or mailed by the policyholder to the last known address of the individual or mailed by the insurer to the last known address of the individual as furnished by the policyholder ~~shall constitute~~ constitutes notice for the purpose of this section.

Sec. B-237. 24-A MRSA §2707, 4th ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

Unless not less than 30 days prior to the premium due date the insurer has delivered to the insured or has mailed to ~~his~~ the insured's last address as shown by the records of the company written notice of its intention not to renew this policy beyond the period for which the premium has been accepted.

Sec. B-238. 24-A MRSA §2709, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. In a policy providing a loss-of-time benefit ~~which~~ that may be payable for at least 2 years, an insurer may at its option insert the following between the first and 2nd sentence of the above provision:

Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least 2 years, ~~he~~ the insured shall,

at least once in every 6 months after having given notice of the claim, give to the insurer notice of continuance of ~~said~~ such disability, except in the event of legal incapacity. The period of 6 months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer ~~shall~~ must be excluded in applying this provision. Delay in the giving of such notice ~~shall~~ does not impair the insured's right to any indemnity ~~which~~ that would otherwise have accrued during the period of ~~six~~ 6 months preceding the date on which such notice is actually given.

Sec. B-239. 24-A MRSA §2719, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2719. Change of occupation

There may be a provision as follows:

Change of occupation: If the insured be injured or contract sickness after having changed ~~his~~ the insured's occupation to one classified by the company as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes ~~his~~ the insured's occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates ~~shall~~ must be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates ~~shall~~ must be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.

Sec. B-240. 24-A MRSA §2721-A, as enacted by PL 1975, c. 121, is corrected to read:

§2721-A. Overinsurance in accident policies —; same insurer

Whenever accident policies are effective immediately upon purchase, including but not limited to those policies purchased through coin-operated machines, there may be a provision included in the policy as follows:

"If an accident policy or policies previously issued by the insurer to the insured be in force concurrently herewith making the aggregate indemnity for (insert type of coverage or coverages) in excess of \$ (insert maximum limit of indemnity or indemnities) the excess ~~shall be~~ is void and all premiums for such excess ~~shall~~ must be returned to the insured or to ~~his~~ the insured's estate."

Sec. B-241. 24-A MRSA §2739, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2739. Lapse of policy, advance notice; limitation of action

No ~~An~~ individual policy of health insurance issued or delivered in this State, except a policy which by its terms is renewable or continuable with the insurer's consent, or except a policy the premiums for which are payable monthly or at shorter intervals, ~~shall~~ may not terminate or lapse for nonpayment of any premium until the expiration of 3 months from the due date of such premium, unless the insurer, within not less than 10 nor more than 45 days prior to ~~said~~ such due date, ~~shall have~~ has mailed, postage prepaid, duly addressed to the insured at ~~his~~ the insured's last address shown by the insurer's records, a notice showing the amount of such premium and its due date. If such a notice is not so sent, the insured may pay the premium in default at any time within such period of 3 months. The affidavit of any officer, clerk or agent of the insurer, or of any other person authorized to mail such notice, that the notice required by this section has been duly mailed by the insurer in the manner required ~~shall be~~ is prima facie evidence that such notice was duly given. No ~~An~~ action ~~shall~~ may not be maintained on any policy to which this section applies and ~~which~~ that has lapsed for nonpayment of any premium unless such action is commenced within 2 years from the due date of such premium.

Sec. B-242. 24-A MRSA §2745, sub-§1, as enacted by PL 1977, c. 470, §2, is corrected to read:

1. Definition of home health care services. "Home health care services" means those health care services rendered in ~~his~~ a covered person's place of residence on a ~~parttime~~ 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 be no~~ may not be a requirement that hospitalization be an antecedent to coverage under the policy.

Sec. B-243. 24-A MRSA §2809-A, sub-§3, ¶A, as enacted by PL 1981, c. 606, §2, is corrected to read:

A. If:

(1) That person is eligible for Medicare; or

(2) That person:

(a) Is covered for similar benefits by any other plan or program;

(b) Is eligible for similar benefits under any group coverage arrangement whether on an insured or uninsured basis; or

(c) Has similar benefits provided for or available to ~~him~~ the person pursuant to requirements of any state or federal law; and

Sec. B-244. 24-A MRSA §2811, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2811. Payment of expenses

Any policy or contract of group health insurance may include provisions for the payment by the insurer of benefits for expenses incurred, by the employee or other member of the insured group, on account of hospitalization or medical or surgical aid for ~~himself~~ the employee, ~~his~~ the employee's spouse, ~~his~~ the employee's child or children, or other persons chiefly dependent upon ~~him~~ the employee for support and maintenance.

Sec. B-245. 24-A MRSA §2814, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2814. Blanket health insurance --; payments; beneficiaries

All benefits under any blanket health insurance policy ~~shall be~~ are payable to the person insured, or to ~~his~~ the person's designated beneficiary or beneficiaries, or to ~~his~~ the person's estate, as ~~shall be~~ are specified in the policy, except that if the person insured be a minor, such benefits may be made payable to ~~his~~ the person's parent, guardian or other person actually supporting ~~him~~ the person, or to a person or persons chiefly dependent upon ~~him~~ the person for support and maintenance.

Sec. B-246. 24-A MRSA §2830, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§2830. Omissions, modifications: superintendent may approve

The superintendent may approve any form of group or blanket health insurance policy, or any form of certificate or printed information to be issued under such policy, ~~which that~~ omits or modifies any of the provisions hereinbefore required, if ~~he deems~~ the superintendent considers such omission or modification suitable for the character of such insurance and not unjust to the persons insured thereunder.

Sec. B-247. 24-A MRSA §2831, as amended by PL 1987, c. 219, is corrected to read:

§2831. Hospital, medical benefits --; direct payment

Any such group or blanket policy may include benefits payable on account of hospital or medical or surgical aid for an employee or other member of the group insured by such policy, ~~his or her~~ the employee's or other member's spouse, child or children or other dependents, and may provide that, at the insured's option, any such benefits be paid by the insurer directly to the hospital, physician, surgeon doctor, nurse or other person furnishing services covered by such provisions of the policy.

Sec. B-248. 24-A MRSA §2833, sub-§2, as enacted by PL 1991, c. 200, Pt. B, §4, is corrected to read:

2. Coverage. All group or blanket health insurance plans issued in accordance with the requirements of section 2832 must provide unmarried women certificate holders with the option of coverage of their children from the date of birth. A certificate holder who, pursuant to the laws of this State or any other state, has been adjudicated or has acknowledged ~~himself~~ the certificate holder to be the father of an illegitimate child must be given the option of coverage for that child from the date of ~~his~~ the certificate holder's adjudication or acknowledgement of paternity. This optional coverage must be the same as that provided the children of a married certificate holder with family or dependent coverage.

Sec. B-249. 24-A MRSA §2837, sub-§1, as enacted by PL 1977, c. 470, §3, is corrected to read:

1. Home health care services. "Home health care services" means those health care services rendered in ~~his~~ a covered person's 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 be no~~ may not be a requirement that hospitalization be an antecedent to coverage under the policy.

Sec. B-250. 24-A MRSA §2858, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. Notice of disapproval; waiting period. If the superintendent notifies the insurer that the form or rates are disapproved, it is unlawful thereafter for such insurer to issue or use such form or rates. In such notice, the superintendent shall specify the reason for ~~his~~ the superintendent's disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer. ~~No~~ Any such policy, certificate of insurance, notice of proposed insurance, or any application, endorsement or rider or rate ~~shall may not~~ be issued or used until the expiration of 30 days after it has been so filed, unless the superintendent ~~shall give his~~ gives prior written approval thereto.

Sec. B-251. 24-A MRSA §2858, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. Approval withdrawn. The superintendent may, at any time after a hearing held not less than 20 days after written notice to the insurer, withdraw ~~his~~ the superintendent's approval of any such form or rate on any ground set forth in subsection 2. The written notice of such hearing ~~shall~~ must state the reason for the proposed withdrawal. The insurer ~~shall~~ may not use a form or rate after withdrawal of approval thereof.

Sec. B-252. 24-A MRSA §2863, as enacted by PL 1969, c. 132, §1, is corrected to read:

§2863. Existing insurance; choice of insurer

When credit life insurance or credit health insurance is required as additional security for any indebtedness, the debtor shall, upon request to the creditor, have the option of furnishing the required amount of insurance through existing policies of insurance owned or controlled by ~~him~~ the debtor or of procuring and furnishing the required coverage through any insurer authorized to transact such insurance within this State.

Sec. B-253. 24-A MRSA §2864, as amended by PL 1977, c. 694, §424, is corrected to read:

§2864. Enforcement

Whenever the superintendent finds that there has been a violation of this chapter or any regulations issued pursuant thereto, and after written notice thereof and hearing given to

the insurer or other person authorized or licensed by the superintendent, such hearing to conform to the provisions of ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter ~~IV~~ 4, ~~he~~ the superintendent shall set forth the details of ~~his~~ the superintendent's findings together with an order for compliance by a specified date. Such order ~~shall be~~ is binding on the insurer and other person authorized or licensed by the superintendent on the date specified unless sooner withdrawn by the superintendent.

Sec. B-254. 24-A MRSA §2904, first ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

Whenever any person, administrator, executor, guardian, recovers a final judgment against any other person for any loss or damage specified in section 2903, the judgment creditor ~~shall be~~ is entitled to have the insurance money applied to the satisfaction of the judgment by bringing a civil action, in ~~his~~ the judgment creditor's own name, against the insurer to reach and apply the insurance money, if when the right of action accrued, the judgment debtor was insured against such liability and if before the recovery of the judgment the insurer had had notice of such accident, injury or damage. The insurer ~~shall have~~ has the right to invoke the defenses described in this section in the proceedings. ~~None of the~~ The provisions of this paragraph and section 2903 ~~shall do not~~ apply:

Sec. B-255. 24-A MRSA §2908, sub-§5, ¶C, as enacted by PL 1985, c. 671, §1, is corrected to read:

C. A post-office certificate of mailing to the named insured at ~~his~~ the named insured's last known address is conclusive proof of receipt of notice on the 3rd calendar day after mailing.

Sec. B-256. 24-A MRSA §2916-B, as enacted by PL 1981, c. 69, is corrected to read:

§2916-B. Exclusion of covered persons under personal automobile policy

In order to avoid cancellation or nonrenewal of an automobile insurance policy, and to allow an insurer to provide or to continue to provide coverage without an unreasonable risk, an insurer and the named insured may agree, by an endorsement to the policy signed by the interested parties, to exclude from coverage as operators of the insured vehicle or vehicles any covered person or persons who commit an act or acts for which the policy could be cancelled under section 2914, subsection 4, or for which the insurer could refuse to renew under section 2916-A subsections 1 and 2. Every endorsement under this section ~~shall~~ must contain the following notice in conspicuous print:

"NOTICE TO POLICYHOLDER IF THE PERSON EXCLUDED FROM COVERAGE BY THIS ENDORSEMENT IS UNDER THE AGE OF 18 YEARS, YOU CAN BE HELD LIABLE UNDER STATE LAW FOR ~~HIS OR HER~~ THE PERSON'S NEGLIGENCE WHEN ~~HE OR SHE~~ THE PERSON OPERATES YOUR VEHICLE WITH YOUR PERMISSION. YOUR POLICY DOES NOT INSURE YOU AGAINST THIS LIABILITY."

Sec. B-257. 24-A MRSA §2921, as enacted by PL 1973, c. 339, §1, is corrected to read:

§2921. Insured told of alternate coverage

When automobile bodily injury and property damage liability coverage is cancelled or not renewed, other than for nonpayment of premium, the insurer shall notify the named insured of ~~his~~ the named insured's possible eligibility for automobile liability insurance through the Maine Automobile Insurance Plan. Such notice ~~shall~~ must accompany the notice of cancellation or intent not to renew.

Sec. B-258. 24-A MRSA §2935, as enacted by PL 1973, c. 625, §146, is corrected to read:

§2935. Compulsory participation prohibited

~~No~~ An insurer ~~shall~~ may not sell insurance pursuant to a mass marketing plan, if it is a condition of employment or of membership in an association, organization or other group that any employee or member purchase insurance pursuant to such plan, or if any employee or member ~~shall be~~ is subject to any penalty by reason of ~~his~~ the employee's or member's nonparticipation.

Sec. B-259. 24-A MRSA §2939, sub-§2, as enacted by PL 1973, c. 625, §146, is corrected to read:

2. The failure of an employer, association, organization or other group to remit premiums when due for any reason, including, but not limited to, interruption or termination of employment or membership, ~~shall~~ may not be regarded as nonpayment of premium by any insured under any such plan providing for remittance of premium by such employer, association, organization or other group, unless such insured ~~shall have~~ has been given written notice of such failure to remit and ~~shall~~ has not ~~himself~~ have paid such premium by the later of 20 days after such notice, or the due date of such premium remittance under the mass marketing plan or pursuant to regulations set forth by the superintendent.

Sec. B-260. 24-A MRSA §2939, sub-§3, as enacted by PL 1973, c. 625, §146, is corrected to read:

3. Upon the termination of employment or membership or upon the discontinuance of the mass marketing plan, such insured member or employee may maintain ~~his~~ the insured member's or employee's policy in force, in the same amount, upon payment of the premium applicable to the class of risk to which ~~he~~ the insured member or employee belongs, on an individual basis.

Sec. B-261. 24-A MRSA §2939, sub-§4, as enacted by PL 1973, c. 625, §146, is corrected to read:

4. Any notice of cancellation or nonrenewal of any policy of any employee or member insured under a mass marketing plan ~~shall~~ must be accompanied by a notice to the employee or member that, at ~~his~~ the employee's or member's request, the insurer will afford the employer, association, organization or other group a reasonable opportunity to consult with the insured and to present facts in opposition to cancellation or nonrenewal.

Sec. B-262. 24-A MRSA §3007, sub-§5, ¶C, as enacted by PL 1985, c. 671, §2, is corrected to read:

C. A post-office certificate of mailing to the named insured at ~~his~~ the named insured's last known address ~~shall be~~ is conclusive proof of receipt of notice on the 3rd calendar day after mailing.

Sec. B-263. 24-A MRSA §3020, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. When an insurer becomes insolvent, the maker of the note is only liable for the equitable proportion thereof ~~which~~ that accrued during the solvency. If the insolvency occurs within 60 days of the date of the note, it is void except for the amount of the maker's claim, if any, on the insurer. ~~No~~ An insured ~~shall~~ may not be held to contribute to any losses or expenses beyond the amount of ~~his~~ the insured's deposit note. At the expiration of ~~his~~ the insured's term of insurance, ~~his~~ the insured's note, on payment of all assessments for which it is liable, ~~shall~~ must be relinquished to ~~him~~ the insured, except as provided in section 3021.

Sec. B-264. 24-A MRSA §3031, as enacted by PL 1969, c. 132, §1, is corrected to read:

§3031. Enforcement of lien

If the mortgagor does not consent as provided for in section 3030, the mortgagee of any real estate may, at any time within 60 days after a loss, and the mortgagee of any personal property may at any time within 30 days after a loss, enforce ~~his~~ the mortgagee's lien by a civil action against the mortgagor, and the insurer as ~~his~~ the mortgagor's trustee, in which judgment may be rendered for what is found due from the insurer upon the policy, notwithstanding the time of payment of the whole sum secured by the mortgage has not arrived, and which action ~~shall~~ must be commenced and service made on the trustee within such 60 or 30 days.

Sec. B-265. 24-A MRSA §3034, as enacted by PL 1969, c. 132, §1, is corrected to read:

§3034. Mortgagee's policy void, unless consented to

When any mortgagee claims the benefit of sections 3030 to 3033, any policy of insurance ~~which he~~ that the mortgagee had procured or subsequently procures on ~~his~~ the mortgagee's interest in the same property by virtue of ~~his~~ the mortgage is void, unless consented to by the insurer insuring the mortgagor's interest.

Sec. B-266. 24-A MRSA §3049, 4th ¶, as enacted by PL 1979, c. 35, is corrected to read:

"Nonpayment of premium" means failure of the named insured to discharge when due any of ~~his~~ the named insured's obligations in connection with the payment of premium on the policy, or any installment of a premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

Sec. B-267. 24-A MRSA §3363, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. A member ~~shall have~~ has the right to vote in person or by ~~his~~ the member's written proxy filed with the corporate secretary not less than 20 days prior to the meeting. ~~No~~ Any such proxy ~~shall~~ may not be made irrevocable, ~~nor~~ or be valid beyond the earlier of the following dates:

- A. The date of expiration set forth in the proxy; or
- B. The date of termination of membership; ~~or~~

C. 5 years from the date of execution of the proxy.

Sec. B-268. 24-A MRSA §3364, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. Termination of the policy of any such member ~~shall~~ does not relieve the member of contingent liability for ~~his~~ the member's proportion of the obligations of the insurer ~~which that~~ accrued while the policy was in force.

Sec. B-269. 24-A MRSA §3365, sub-§4, as enacted by PL 1969, c. 132, §1, is corrected to read:

4. ~~No~~ A member ~~shall~~ may not have an offset or counterclaim against any assessment for which ~~he~~ the member is liable, on account of any claim for unearned premium or loss payable.

Sec. B-270. 24-A MRSA §3366, sub-§1, as enacted by PL 1969, c. 132, §1, is corrected to read:

1. The insurer shall notify each member of the amount of assessment to be paid, and the date ~~—~~, not less than 20 days after mailing date ~~—~~, by which payment is to be made, by written notice mailed to the member at ~~his~~ the member's address last of record with the insurer. Failure of the member to receive the notice so mailed, within the time specified therein for the payment of the assessment or at all, ~~shall be no~~ is not a defense in any action to collect the assessment.

Sec. B-271. 24-A MRSA §3408, sub-§4, ¶A, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

A. Establishing and maintaining regional home offices or branch offices in other states or countries where necessary or convenient to the transaction of its business, and keeping therein the detailed records and assets customary and necessary for the servicing of its insurance in force and affairs in the territory served by such an office, as long as such records and assets are made readily available at such office for examination by the superintendent at ~~his~~ the superintendent's request;

Sec. B-272. 24-A MRSA §3413, sub-§1, as enacted by PL 1969, c. 132, §1, is corrected to read:

1. Any officer or director, or any member of any committee or any employee of a domestic insurer, having the duty or power of investing or handling the insurer's funds, ~~shall may~~ not deposit or invest such funds except in the insurer's name; ~~shall may~~ not borrow the funds of the insurer; or be pecuniarily interested in any loan, pledge, deposit, security, investment, sale, purchase, exchange, reinsurance or other similar transaction or property of the insurer except as a stockholder, member, employee or director, unless the transaction is authorized or approved by the insurer's board of directors, with knowledge and recording of such pecuniary interest, by affirmative vote of not less than 2/3 of the directors; and ~~shall may~~ not take or receive to ~~his~~ the officer's, director's or member's own use any fee, brokerage, commission, gift or other similar consideration for or on account of any such transaction made by or on behalf of the insurer.

Sec. B-273. 24-A MRSA §3413, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. ~~No~~ A director, officer or employee of a domestic insurer ~~shall~~ may not directly or indirectly use for ~~his~~ the director's, officer's or employee's own private pecuniary advantage confidential information concerning the insurer or its past, existing or proposed affairs or transactions acquired by ~~him~~ the director, officer or employee in the course of ~~his~~ the director's, officer's or employee's services as such director, officer or employee. The amount of any financial gain realized directly or indirectly by any such individual and accompanied by violation of this subsection ~~shall belong~~ belongs to the insurer, and ~~shall be~~ is recoverable by the insurer by civil suit. This subsection ~~shall~~ does not apply as to transactions in shares of a stock insurer ~~which~~ that are subject to section 16 of the Securities Exchange Act of 1934, as amended.

Sec. B-274. 24-A MRSA §3413, sub-§4, as enacted by PL 1969, c. 132, §1, is corrected to read:

4. This section ~~shall~~ does not prohibit such a director, officer, member of a committee, or employee from becoming a policyholder of the insurer and enjoying the usual rights of a policyholder or from participating as beneficiary in any pension trust, deferred compensation plan, profit sharing plan, stock option plan or similar plan authorized by the insurer and to which ~~he~~ the director, officer, member of a committee or employee may be eligible; or prohibit any director or member of a committee from receiving a reasonable fee for lawful services actually rendered to the insurer.

Sec. B-275. 24-A MRSA §3414, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. The superintendent shall disapprove any such contract if ~~he~~ the superintendent finds that it:

- A. Subjects the insurer to excessive charges; ~~or~~
- B. Is to extend for an unreasonable length of time; ~~or~~
- C. Does not contain fair and adequate standards of performance; or
- D. Contains any other inequitable provision or provisions ~~which~~ that impair the proper interests of stockholders or members of the insurer.

Sec. B-276. 24-A MRSA §3414, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. The superintendent may, after a hearing held thereon, disapprove any such contract theretofore permitted to become effective, if ~~he~~ the superintendent finds that the contract should be disapproved on any of the grounds referred to in subsection 3.

Sec. B-277. 24-A MRSA §3414, sub-§6, as enacted by PL 1969, c. 132, §1, is corrected to read:

6. This section ~~shall~~ may not be deemed construed to prohibit receipt of commissions on insurance written personally by a director or officer who is duly licensed and regularly engaged in business as an insurance agent or broker; or to prohibit receipt of vested commissions by a director or officer based upon insurance business theretofore written by ~~him~~ the director or officer.

Sec. B-278. 24-A MRSA §3415, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. Any such loan ~~shall be~~ is subject to the superintendent's approval. The insurer shall, in advance of the loan, file with the superintendent a statement of the purpose of the loan and a copy of the proposed loan agreement. The loan and agreement ~~shall~~ must be deemed approved unless within 15 days after date of such filing the insurer is notified of the superintendent's disapproval and the reasons therefor. The superintendent shall disapprove any proposed loan or agreement if ~~he~~ the superintendent finds the loan is unnecessary or excessive for the purpose intended, or that the terms of the loan agreement are not fair and equitable to the parties and to other similar lenders, if any, to the insurer, or that the information so filed by the insurer is inadequate.

Sec. B-279. 24-A MRSA §3419, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent shall approve any such plan unless ~~he~~ the superintendent finds the same not to be within the reasonable financial resources of the insurer or not fair and equitable as between the respective classifications of participants therein.

Sec. B-280. 24-A MRSA §3422, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. For retirement or otherwise of the shares under a plan submitted to and approved in writing by the superintendent. The superintendent ~~shall~~ may not approve a plan unless found by ~~him~~ the superintendent to be reasonable, fair and equitable as to remaining stockholders of the insurer, and not materially adverse to the protection of the insurer's policyholders.

Sec. B-281. 24-A MRSA §3423, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If a domestic stock insurer's paid-in capital stock, as represented by the aggregate par value of its outstanding capital stock, becomes impaired, or the assets of a domestic mutual insurer are less than its liabilities and the minimum amount of basic surplus required to be maintained by it under this Title for authority to transact the kinds of insurance being transacted, the superintendent shall at once determine the amount of deficiency and serve notice upon the insurer to cure the deficiency and file proof thereof with ~~him~~ the insurer within the period specified in the notice, which period ~~shall be not~~ may not be less than 30 nor more than 90 days from the date of the notice. Such notice may be so served by delivery to the insurer, or by mailing to the insurer addressed to its registered office in this State.

Sec. B-282. 24-A MRSA §3424, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. During the existence of impairment of the capital stock or surplus of an insurer, as referred to in section 3423, the superintendent shall require such restriction of, or arrangements as to, operations of the insurer while the impairment exists as ~~he deems~~ the superintendent considers advisable for protection of policyholders, the insurer or the public.

Sec. B-283. 24-A MRSA §3474, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. If the superintendent does not approve the plan or agreement, ~~he~~ the superintendent shall so notify the insurer in writing specifying ~~his~~ the superintendent's reasons therefor.

Sec. B-284. 24-A MRSA §3476, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent ~~shall~~ may not approve the proposed change of control if ~~he~~ the superintendent finds:

A. That the proposed new owners are not qualified by character, experience and financial responsibility to control and operate the insurer, or cause the insurer to be operated, in a lawful and proper manner; or

B. That as a result of the proposed change of control the insurer may not be qualified for a certificate of authority under section 407 (~~ownership, management~~); or

C. That the interests of the insurer or other stockholders of the insurer or policyholder would be impaired through the proposed change of control; or

D. That the proposed change of control would tend materially to lessen competition, or to create any monopoly, in a business of insurance in this State or elsewhere.

Sec. B-285. 24-A MRSA §3476, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. If the superintendent disapproves the proposed change ~~he~~, the superintendent shall give written notice thereof to the parties, setting forth in detail the reasons for disapproval.

Sec. B-286. 24-A MRSA §3477, sub-§2, ¶D, as amended by PL 1985, c. 399, §5, is corrected to read:

D. The plan gives to each member of the insurer as specified in paragraph E, a preemptive right to acquire ~~his~~ the member's proportionate part of all of the proposed capital stock of the insurer, or all of the stock of a proposed parent corporation of the insurer, within a designated reasonable period, as such part is determinable under the plan of conversion, and to apply upon the purchase thereof the amount of ~~his~~ the member's equity in the insurer as determined under paragraph C, except that the plan may provide, subject to the approval of the superintendent, that such preemptive right will not apply to members who reside in jurisdictions in which the issuance of stock is impossible, would involve unreasonable delay or would require the insurer to bear unreasonable costs, ~~provided that as long as~~ as long as any such member ~~shall receive~~ receives 100% of ~~his~~ the member's equity share in the insurer in the form of a cash payment;

Sec. B-287. 24-A MRSA §3477, sub-§2, ¶G, as repealed and replaced by PL 1985, c. 399, §7, is corrected to read:

G. The plan provides for payment to each member of ~~his~~ the member's entire equity share in the insurer, with that payment to be made in cash or to be applied for or upon the purchase of stock to which the member is preemptively entitled, or both, ~~provided~~ except that with respect to each member who is not given the option of receiving ~~his~~ the member's entire equity share in cash, the plan ~~shall~~ must provide that that member ~~shall have~~ has the option to receive a reasonable portion of ~~his~~ the member's equity share, as provided in the plan, but not in excess of 50% of ~~his~~ the member's entire equity, in the form of a cash payment, which payment together with the amount applied to the purchase of stock ~~shall constitute~~ constitutes full payment and discharge of the member's equity or property interest in that mutual insurer; ~~provided further and except~~ that the superintendent may permit an insurer to forego the option of making a cash

payment to members if ~~he~~ the superintendent determines that it would be reasonable not to provide for the cash election, after taking into account all the facts and circumstances, including whether there is expected to be an active market for the stock to be received in the conversion;

Sec. B-288. 24-A MRSA §3480, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent shall approve the plan and agreement unless ~~he~~ the superintendent finds that it:

- A. Is contrary to law; or
- B. Is inequitable to the policyholders of any domestic insurer involved; ~~or~~
- C. Would substantially reduce the security of and service to be rendered to policyholders of the domestic insurer; ~~or~~
- D. Would materially tend to lessen competition in the insurance business in this State or elsewhere as to the kinds of insurance involved, or would materially tend to create a monopoly as to such business; or
- E. Is subject to other material and reasonable objections.

Sec. B-289. 24-A MRSA §3480, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. If the superintendent does not approve the plan and agreement ~~he~~ the superintendent shall so notify the insurers parties thereto in writing, specifying ~~his~~ the superintendent's reasons therefor.

Sec. B-290. 24-A MRSA §3481, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Upon approval by the superintendent as provided in section 3480, the plan and agreement of merger or consolidation ~~shall~~ must be submitted to the Attorney General and be examined by ~~him~~ the Attorney General. If the Attorney General finds the plan and agreement to be properly drawn and signed and otherwise in conformity with the Constitution and laws of this State, ~~he~~ the Attorney General shall so certify thereon in writing.

Sec. B-291. 24-A MRSA §3483, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. A domestic insurer may reinsure, and thereby transfer its direct liability as the insurer with respect to, all or substantially all of its business in force, or all or substantially all of a major class thereof, with another insurer, stock or mutual, by an agreement of bulk reinsurance after compliance with this section. ~~No~~ Any such agreement ~~shall become~~ is not effective unless filed with the superintendent, or if disapproved by ~~him~~ the superintendent.

Sec. B-292. 24-A MRSA §3483, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent shall disapprove such agreement within a reasonable time after filing if ~~he~~ the superintendent finds:

A. That the plan and agreement are unfair and inequitable to any insurer or to policyholders involved; or

B. That the reinsurance, if effectuated, would substantially reduce the protection or service to the policyholders of any domestic insurer involved; or

C. That the agreement does not embody adequate provisions by which the reinsuring insurer becomes liable to the original insureds for any loss or damage occurring under the policies reinsured in accordance with the original terms of such policies; or

D. That the assuming reinsurer is not authorized to transact such insurance in this State, or is not qualified as for such authorization or will not appoint the superintendent and ~~his~~ the superintendent's successors as its irrevocable attorney for service of process, so long as any policy so reinsured or claim thereunder remains in force or outstanding; or

E. That such reinsurance would materially tend to lessen competition in the insurance business in this State or elsewhere as to the kinds of insurance involved, or would materially tend to create a monopoly as to such business; or

F. That the proposed bulk reinsurance is not free of other reasonable objections.

Sec. B-293. 24-A MRSA §3483, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. If the superintendent disapproves the agreement, ~~he~~ the superintendent shall forthwith notify in writing each insurer involved, specifying ~~his~~ the superintendent's reasons therefor.

Sec. B-294. 24-A MRSA §3484, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. The superintendent shall approve the plan unless found by ~~him~~ the superintendent to be unlawful or unfair or inequitable or prejudicial to the interests of any stockholder, policyholder or creditor.

Sec. B-295. 24-A MRSA §3485, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Upon any liquidation of a domestic mutual insurer, its assets remaining after discharge of its indebtedness, policy obligations, repayment of contributed or borrowed surplus, if any, retirement of guaranty fund capital shares and payment of expenses of administration and of the dissolution and liquidation procedure, ~~shall~~ must be distributed to currently existing persons who had been members of the insurer for at least a year and who were its members at any time within 36 months next preceding the date such liquidation was authorized or ordered, or date of last termination of the insurer's certificate of authority, whichever date is the earlier; except, that if the superintendent has reason to believe that those in charge of the insurer's management have caused or encouraged the reduction of the number of members of the insurer, or changed the identity thereof, in anticipation of liquidation and for the purpose of reducing or controlling thereby the number or identity of persons who may be entitled to share in distribution of the insurer's assets, ~~he~~ the superintendent may enlarge the qualification period in such manner as ~~he~~ deems the superintendent considers to be reasonable.

Sec. B-296. 24-A MRSA §3486, sub-§3, as enacted by PL 1977, c. 377, is corrected to read:

3. Upon adoption of the plan, it ~~shall~~ must be duly executed by the president and attested by the secretary, or the executive officers corresponding thereto, under the corporate seal of the parent corporation or the domestic stock insurance company ~~which that~~ that has adopted the plan, as the case may be. Thereupon, a certified copy of the plan, together with a certificate of its adoption subscribed by such officers and affirmed by them as true under the penalties of perjury and under the seal of the parent corporation or the domestic stock insurance company, as the case may be, ~~shall~~ must be submitted to the superintendent for ~~his~~ the superintendent's approval. The superintendent shall thereupon consider the plan and, if satisfied that it complies with this section, is fair and equitable and not inconsistent with law, ~~he~~ the superintendent shall approve the plan. If the superintendent disapproves the plan, notification of ~~his~~ the superintendent's disapproval, assigning the reasons therefor, ~~shall~~ must be given in writing by ~~him~~ the superintendent to the parent corporation or domestic stock insurance company that submitted the plan. ~~No~~ A plan ~~shall~~ does not take effect unless the approval of the superintendent has been obtained.

Sec. B-297. 24-A MRSA §3486, sub-§4, as enacted by PL 1977, c. 377, is corrected to read:

4. If the superintendent approves the plan, the parent corporation or the domestic stock insurance company ~~which that~~ that has adopted the plan shall deliver to each person who, as of the date of delivery, is a holder of record of stock to be acquired pursuant to the plan, a copy of the plan, or a summary thereof approved by the superintendent, in person or by depositing the same in the post office, postage prepaid, addressed to the stockholder at ~~his~~ the stockholder's address of record. On or before the date of acquisition proposed in the plan, the parent corporation or the domestic stock insurance company ~~which that~~ that has adopted the plan shall file with the superintendent a certificate, executed by its president and attested by its secretary, or the executive officers corresponding thereto, and subscribed by such officers and affirmed by them as true under the penalties of perjury, and under the seal of the parent corporation or the domestic stock insurance company, as the case may be, attesting to compliance with this subsection.

Sec. B-298. 24-A MRSA §3486, sub-§5, as enacted by PL 1977, c. 377, is corrected to read:

5. Upon compliance with this section, ownership of the shares to be acquired pursuant to the plan ~~shall vest~~ vests in the parent corporation or the domestic stock insurance company ~~which that~~ that has adopted the plan on the date of acquisition proposed in the plan whether or not the certificates for such shares have been surrendered for exchange. If the plan was adopted by the parent corporation it ~~shall be~~ is entitled to have new certificates registered in its name. If the plan was adopted by the domestic stock insurance company the shares ~~shall~~ must be retired and the capital of the domestic company reduced by the par value of the retired shares. Shareholders whose shares have been so acquired ~~shall~~ thereafter retain only the right either to receive the consideration to be paid in exchange for their shares pursuant to the plan or to dissent to the plan and demand appraisal and receive payment of the fair value of their shares as hereinafter provided. The fair value of shares ~~shall~~ must be determined as of the day prior to the date on which the plan was adopted, excluding any appreciation or depreciation of shares in anticipation of such corporate

action. A shareholder may not dissent as to less than all of the shares registered in ~~his~~ the shareholder's name.

Sec. B-299. 24-A MRSA §3486, sub-§7, as enacted by PL 1977, c. 377, is corrected to read:

7. At the time of filing ~~his~~ the dissenting shareholder's notice and demand for the payment of the fair value of ~~his~~ the dissenting shareholder's shares, or within 20 days thereafter, a dissenting shareholder shall surrender the certificate or certificates representing ~~his~~ the dissenting shareholder's shares to the company ~~which~~ that adopted the plan.

Sec. B-300. 24-A MRSA §3486, sub-§8, as enacted by PL 1977, c. 377, is corrected to read:

8. Within 10 days after the expiration of the period provided in subsection 6 for the shareholder to file ~~his~~ the shareholder's notice and demand, the company ~~which~~ that adopted the plan shall make a written offer to each dissenting shareholder to pay for such shares at a specified price ~~deemed~~ considered by such company to be the fair value thereof. Such offer ~~shall~~ must be made at the same price per share to all dissenting shareholders of the same class. The notice and offer ~~shall~~ must be accompanied by a balance sheet of the corporation, the shares of which the dissenting shareholder holds, as of the latest available date and not more than 12 months prior to the making of such offer and a profit and loss statement of such corporation, for the 12-months' period ended on the date of such balance sheet.

Sec. B-301. 24-A MRSA §3486, sub-§9, as enacted by PL 1977, c. 377, is corrected to read:

9. If, within 20 days after the date by which the company is required by the terms of subsection 8 to make a written offer to each dissenting shareholder to pay for ~~his~~ the dissenting shareholder's shares, the fair value of such shares is agreed upon between any dissenting shareholder and the company, payment therefor ~~shall~~ must be made within 90 days after the date of delivery of the plan or a summary thereof as provided in subsection 4. Upon payment of the agreed value, the dissenting shareholder ~~shall cease~~ ceases to have any interest in such shares.

Sec. B-302. 24-A MRSA §3554, 5th ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

~~No~~ A person prohibited by law or by the charter of a domestic insurance organization from serving as a member of its board ~~shall be~~ is not eligible to serve as an acting director, except that ~~no~~ a person ~~shall be~~ is not disqualified to serve as an acting director by reason of ~~his~~ the person's not being a stockholder, policyholder or member of such insurance organization, by reason of ~~his~~ the person's not being a resident of this State or of a contiguous state, or by reason of the number of directors or acting directors who are officers, acting officers or employees of the insurance organization. Any person may serve as an acting director of a fund who is a director, acting director, officer or acting officer of an organization ~~which~~ that is a party to the agreement creating the fund. ~~No~~ An oath of acting directors ~~shall be~~ is not required.

Sec. B-303. 24-A MRSA §3554, 6th ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

Acting directors elected under this section or appointed under section 3555 ~~shall be~~ are entitled to vote at all meetings of emergency board of directors equally with directors. Acting directors ~~shall~~ are not be entitled to take part in the deliberations or to vote at any meeting of the board ~~which~~ that is duly convened in accordance with the applicable provisions of its charter and of law other than this chapter and at which a quorum is present. Each acting director shall serve until the director or acting director in whose place ~~he~~ the acting director was elected or appointed ~~shall attend~~ attends the meeting of the board or until the director is duly elected to fill the vacancy in which such acting director has been serving, whichever event occurs earlier. An acting director ~~shall be~~ is entitled to the compensation, if any, payable to a director.

Sec. B-304. 24-A MRSA §3554, 7th ¶, as enacted by PL 1969, c. 132, §1, is corrected to read:

Acting officers elected pursuant to this section ~~shall~~ have powers and duties and receive such compensation as may from time to time be determined by the emergency board of directors. Each acting officer shall serve until the officer in whose place ~~he~~ the acting officer was elected ~~shall appear~~ appears and ~~assume his~~ assumes the officer's duties or until ~~his~~ the officer's successor officer or acting officer ~~shall be~~ is elected, whichever event occurs earlier.

Sec. B-305. 24-A MRSA §3555, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. Declare provisions of law operative or inoperative. At any time after an attack, upon ~~his~~ the superintendent's determination that such action will tend to promote certainty as to the powers of insurance organizations or individuals pursuant to this chapter or that such action is desirable to enable insurance organizations to take preparatory precautions prior to the occurrence of an acute emergency, the superintendent ~~shall have~~ has power to declare that any provision of this chapter ~~which he may specify shall be~~ that the superintendent specifies is operative with respect to any domestic insurance organization or to the Maine business of any other insurance organization ~~which he~~ that the superintendent may designate. Upon such declaration such organization and its directors, officers, acting directors and acting officers ~~shall~~ have all powers conferred by this chapter. The failure of the superintendent so to declare ~~shall~~ may not be ~~deemed~~ construed to limit the powers of any organization or its directors, officers, acting directors or acting officers ~~where~~ when an acute emergency exists in fact.

At any time after the commencement of an acute emergency or after the superintendent ~~shall have declared~~ declares any provision of this chapter operative under this subsection upon ~~his~~ the superintendent's determination that an insurance organization is able, in whole or in part, to carry on its business in compliance with its charter and the laws, other than this chapter, the superintendent ~~shall have~~ has power to declare that any provision of this chapter ~~which he may specify shall be~~ that the superintendent specifies is inoperative with respect to any domestic insurance organization or in the Maine business of any other insurance organization ~~which he~~ that the superintendent may designate. Upon such declaration, such organization ~~shall be~~ is governed by its charter and the provisions of law other than this chapter, except insofar as they remain inoperative.

Sec. B-306. 24-A MRSA §3555, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. Possession of business and property. Upon the determination that, as a result of an acute emergency, the business and affairs of an insurance organization cannot otherwise be conducted in a safe and sound manner, the superintendent may forthwith take possession of the business and property of the insurance organization within this State or, if a domestic insurance organization, its business and property wherever situated. This chapter ~~shall be~~ is applicable in any case in which the superintendent takes possession of an insurance organization under this subsection as though the insurance organization were an insurer of which the superintendent had taken possession under this chapter, except that ~~no~~ any such provision ~~shall be~~ is not applicable ~~which that~~ the superintendent ~~shall have~~ has declared inapplicable under this subsection. The superintendent ~~shall have~~ has power to declare inapplicable any such provision upon ~~his~~ the superintendent's determination that the same is inappropriate or unnecessary to protect the interest of the public or the stockholders or creditors of the insurance organization, in view of the acute emergency and the nature of the organization.

Sec. B-307. 24-A MRSA §3555, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. When powers exercised. The powers given the superintendent by subsections 2 and 4 ~~shall may~~ be exercised by ~~him~~ the superintendent only in the event that there is ~~no~~ not a court of competent jurisdiction available to which an application can be made for an order permitting ~~him~~ the superintendent to exercise such powers with respect to a particular insurance organization. The powers conferred by subsection 4 ~~shall may~~ not be exercised in a case of an insurance organization ~~which that~~ is not insolvent within the meaning of this chapter, unless the superintendent finds that such insurance organization lacks personnel able to manage its business in the interest of the public stockholders and policyholders.

Sec. B-308. 24-A MRSA §3557, as enacted by PL 1969, c. 132, §1, is corrected to read:

§3557. Governor's authority; effect of other laws

The Governor of this State, or ~~his~~ the Governor's successor in office, alone ~~shall have~~ has the power to proclaim and declare the fact that a period of "acute emergency" exists at any time or times or has terminated, as such term is defined in this chapter. ~~Nothing in this~~ This chapter ~~shall may not~~ be ~~deemed~~ or construed to affect sections 471 to 479, to the extent that the latter sections may be inconsistent herewith.

Sec. B-309. 24-A MRSA §3616, as enacted by PL 1969, c. 132, §1, is corrected to read:

§3616. Assessment; remedy if not paid

If any lawful assessment is not paid within 30 days after written demand by the insurer or its agent, the directors may declare the policy suspended until the assessment is paid or may at their option sue for and collect the amount due on such assessment. Mailing such demand addressed to the insured at ~~his~~ the insured's address last of record with the insurer, or delivering it to ~~him~~ the insured in hand by an authorized agent or officer of the insurer, ~~shall be deemed~~ is conclusive proof that demand has been duly made.

Sec. B-310. 24-A MRSA §3619, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§3619. —~~proceedings~~ Proceedings before master or auditor

Whenever the court appoints a master or auditor to make the apportionment or calculation for an assessment, such master or auditor shall appoint a time and place to hear all parties interested in the assessment or call, and shall give personal notice thereof, in writing, to the superintendent, and through the post office or in such other manner as the court directs, so far as ~~he~~ the master or auditor is able, to all persons liable upon the assessment or call. The auditor or master shall hear the parties and make report to the court of all ~~his~~ the master's or auditor's doings respecting such assessment or call and all matters connected therewith, and all parties interested in such report or assessment have a right to be heard by the court respecting the same, in the same manner as is provided.

Sec. B-311. 24-A MRSA §3627, as enacted by PL 1969, c. 132, §1, is corrected to read:

§3627. Agents; liability

Any person who solicits insurance on behalf of any insurer or transmits for a person other than ~~himself~~ the person soliciting the insurance an application for, or a policy of, insurance to or from such insurer, or in any manner acts in the negotiation of such insurance, or in the inspection or valuation of the property insured ~~shall~~ must be deemed the agent of the insurer, and except as otherwise provided, ~~shall become~~ is liable to all the duties, requirements, liabilities and penalties to which an agent of any insurer is subject.

Sec. B-312. 24-A MRSA §3860, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Concurrently with the filing of the declaration provided for in section 3856, the attorney of a domestic reciprocal insurer shall file with the superintendent a bond in favor of this State for the benefit of all persons damaged as a result of breach by the attorney of the conditions of ~~his~~ attorney's bond as set forth in subsection 2. The bond ~~shall~~ must be executed by the attorney and by an authorized corporate surety, and ~~shall be~~ is subject to the superintendent's approval.

Sec. B-313. 24-A MRSA §3860, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. The bond ~~shall~~ must be in the penal sum of \$25,000, aggregate in form, conditioned that the attorney will faithfully account for all moneys and other property of the insurer coming into ~~his~~ the attorney's hands, and that ~~he~~ the attorney will not withdraw or appropriate to ~~his~~ the attorney's own use from the funds of the insurer, any moneys or property to which ~~he~~ the attorney is not entitled under the power of attorney.

Sec. B-314. 24-A MRSA §3865, sub-§1, as enacted by PL 1969, c. 132, §1, is corrected to read:

1. ~~He~~ The superintendent shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

Sec. B-315. 24-A MRSA §3868, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Except as to a nonassessable policy, each subscriber ~~shall have~~ has a contingent assessment liability, in the amount provided for in the power of attorney or in the

subscribers' agreement, for payment of actual losses and expenses incurred while ~~his~~ the subscriber's policy was in force. Such contingent liability may be at the rate of not less than one nor more than 10 times the premium or premium deposit stated in the policy, and the maximum aggregate thereof ~~shall~~ must be computed in the manner set forth in section 3872.

Sec. B-316. 24-A MRSA §3869, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Any such judgment ~~shall be~~ is binding upon each subscriber only in such proportion as ~~his~~ the subscriber's interests may appear and in amount not exceeding ~~his~~ the subscriber's contingent liability, if any.

Sec. B-317. 24-A MRSA §3870, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Each subscriber's share of a deficiency for which an assessment is made, but not exceeding in any event ~~his~~ the subscriber's aggregate contingent liability as computed in accordance with section 3872, ~~shall~~ must be computed by applying to the premium earned on the subscriber's policy or policies during the period to be covered by the assessment, the ratio of the total deficiency to the total premiums earned during such period upon all policies subject to the assessment.

Sec. B-318. 24-A MRSA §3870, sub-§4, as enacted by PL 1969, c. 132, §1, is corrected to read:

4. ~~No~~ A subscriber ~~shall~~ may not have an offset against any assessment for which ~~he~~ the subscriber is liable, on account of any claim for unearned premium or losses payable.

Sec. B-319. 24-A MRSA §3871, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§3871. Time limit for assessments

Every subscriber of a domestic reciprocal insurer having contingent liability ~~shall be~~ is liable for, and shall pay ~~his~~ the subscriber's share of any assessment, as computed and limited in accordance with this chapter, if:

1. While ~~his~~ the subscriber's policy is in force or within one year after its termination, ~~he~~ the subscriber is notified by either the attorney or the superintendent of ~~his~~ the superintendent's intentions to levy such assessment; or

2. If an order to show cause why a receiver, conservator, rehabilitator or liquidator of the insurer should not be appointed is issued while ~~his~~ the subscriber's policy is in force or within one year after its termination.

Sec. B-320. 24-A MRSA §3873, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If a reciprocal insurer has a surplus of assets over all liabilities at least equal to the minimum capital stock and surplus required to be maintained by a domestic stock insurer authorized to transact like kinds of insurance, upon application of the attorney and as approved by the subscribers' advisory committee the superintendent shall issue ~~his~~ a certificate authorizing the insurer to extinguish the contingent liability of subscribers under its policies then in force in this State, and to omit provisions imposing contingent liability

in all policies delivered or issued for delivery in this State for so long as all such surplus remains unimpaired.

Sec. B-321. 24-A MRSA §3875, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. The superintendent ~~shall~~ may not approve any plan for such merger or conversion ~~which that~~ is inequitable to subscribers, or ~~which that~~, if for conversion to a stock insurer, does not give each subscriber preferential right to acquire stock of the proposed insurer proportionate to ~~his~~ the subscriber's interest in the reciprocal insurer as determined in accordance with section 3874 and a reasonable length of time within which to exercise such right.

Sec. B-322. 24-A MRSA §3876, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. If the attorney fails to make up such deficiency or to make the assessment within 30 days after the superintendent orders ~~him~~ the attorney to do so or if the deficiency is not fully made up within 60 days after the date the assessment was made, the insurer ~~shall~~ must be deemed insolvent and ~~shall~~ must be proceeded against as authorized by this Title.

Sec. B-323. 24-A MRSA §4104, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. Such articles of incorporation, duly certified copies of the constitution, laws and rules, copies of all proposed forms of certificates, applications therefor, and circulars to be issued by the society and a bond conditioned upon the return to applicants of the advanced payments if the organization is not completed within one year ~~shall~~ must be filed with the superintendent, who may require such further information as ~~he deems~~ the superintendent considers necessary. The bond with sureties approved by the superintendent ~~shall~~ must be in such amount, not less than \$5,000 nor more than \$25,000, as required by the superintendent. All documents filed are to be in the English language. If the purposes of the society conform to the requirements of this chapter and all provisions of law have been complied with, the superintendent shall so certify, retain and file the articles of incorporation and furnish the incorporators a preliminary certificate authorizing the society to solicit members as hereinafter provided.

Sec. B-324. 24-A MRSA §4104, sub-§5, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

5. The superintendent may make such examination and require such further information as ~~he deems~~ the superintendent considers advisable. Upon presentation of satisfactory evidence that the society has complied with all the provisions of law, ~~he~~ the superintendent shall issue to the society a certificate to that effect and that the society is authorized to transact business pursuant to the provisions of this chapter. The certificate ~~shall be~~ is prima facie evidence of the existence of the society at the date of such certificate. The superintendent shall cause a record of such certificate to be made. A certified copy of such record may be given in evidence with like effect as the original certificate.

Sec. B-325. 24-A MRSA §4108, 3rd ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

If the superintendent finds that the contract is in conformity with the provisions of this section, that the financial statements are correct and that the consolidation or merger is just and equitable to the members of each society, ~~he~~ the superintendent shall approve the contract and issue ~~his~~ the superintendent's certificate to such effect. Upon such approval, the contract ~~shall be~~ is in full force and effect unless any society ~~which~~ that is a party to the contract is incorporated under the laws of any other state or territory. In such event the consolidation or merger ~~shall~~ does not become effective unless and until it has been approved as provided by the laws of such state or territory and a certificate of such approval filed with the superintendent or, if the laws of such state or territory contain no such provision, then the consolidation or merger ~~shall~~ does not become effective unless and until it has been approved by the superintendent of such state or territory and a certificate of such approval filed with the superintendent of this State.

Sec. B-326. 24-A MRSA §4109, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4109. Conversion of fraternal benefit society into mutual life insurance company

Any domestic fraternal benefit society may be converted and licensed as a mutual life insurance company by compliance with all the requirements of section 3352 if such plan of conversion has been approved by the superintendent. Such plan ~~shall~~ must be prepared in writing setting forth in full the terms and conditions thereof. The board of directors shall submit such plan to the supreme legislative or governing body of such society at any regular or special meeting thereof by giving a full, true and complete copy of such plan with the notice of such meeting. Such notice ~~shall~~ must be given as provided in the laws of the society for the convocation of a regular or special meeting of such body, as the case may be. The affirmative vote of 2/3 of all members of such body ~~shall be~~ is necessary for the approval of such agreement. ~~No~~ Any such conversion ~~shall~~ does not take effect unless and until approved by the superintendent who may give such approval if ~~he~~ the superintendent finds that the proposed change is in conformity with the requirements of law and not prejudicial to the certificate holders of the society.

Sec. B-327. 24-A MRSA §4111, 2nd ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

~~No~~ An amendment to the articles of incorporation, constitution or laws of any domestic society ~~shall~~ does not take effect unless approved by the superintendent, who shall approve such amendment if ~~he~~ the superintendent finds that it has been duly adopted and is not inconsistent with any requirement of the laws of this State or with the character, objects and purposes of the society. Unless the superintendent ~~shall disapprove~~ disapproves any such amendment within 60 days after the filing of same, such amendment ~~shall~~ must be considered approved. The approval or disapproval of the superintendent ~~shall~~ must be in writing and mailed to the secretary or corresponding officer of the society at its principal office. In case ~~he~~ the superintendent disapproves such amendment, the reasons therefor ~~shall~~ must be stated in such written notice.

Sec. B-328. 24-A MRSA §4120, first ¶, as amended by PL 1983, c. 419, §11, is corrected to read:

~~No~~ A life benefit certificate may not be delivered or issued for delivery in this State unless a copy of the form ~~shall have~~ has been filed with the superintendent and approved by ~~him~~ the superintendent as conforming to the requirements of this section and not

inconsistent with any other provisions of law applicable thereto. For each such form filing, the society shall pay the superintendent a fee ~~which shall~~ that must be the same as for an insurer, as provided in section 601. A certificate ~~shall be~~ is deemed approved unless disapproved by the superintendent within 60 days from the date of that filing.

Sec. B-329. 24-A MRSA §4121, as amended by PL 1983, c. 419, §12, is corrected to read:

§4121. Accident and health insurance and total and permanent disability insurance certificates

~~No~~ A society may not issue or deliver in this State any certificate or other evidence of any contract or accident insurance or health insurance or of any total and permanent disability insurance contract unless and until the form thereof, together with the form of application and all riders or endorsements for use in connection therewith, has been filed with the superintendent and approved by ~~him~~ the superintendent as conforming to reasonable rules from time to time made by ~~him~~ the superintendent and as not inconsistent with any other provisions of law applicable thereto. For each such form filing, the society shall pay the superintendent a fee ~~which shall~~ that must be the same as for an insurer, as provided in section 601. The superintendent shall, within a reasonable time after the filing of any such form, notify the society filing the form either of ~~his~~ the superintendent's approval or of ~~his~~ the superintendent's disapproval of that form. The superintendent may approve any such form ~~which that~~ in his the superintendent's opinion contains provisions on any one or more of the several requirements made by ~~him~~ which the superintendent that are more favorable to the members than the one or ones so required. The superintendent may make, alter and supersede reasonable regulations prescribing the required, optional and prohibited provisions in such contracts, and such regulations ~~shall~~ must conform, as far as practicable, to chapter 33. ~~Where~~ When the superintendent ~~deems~~ considers inapplicable, either in part or in their entirety, the provisions of the foregoing sections, ~~he~~ the superintendent may prescribe the portions or summary thereof of the contract to be printed on the certificate issued to the member. Any filing made under this section ~~shall be~~ is deemed approved unless disapproved within 60 days from the date of such filing. The procedures governing all rules promulgated under authority of this section ~~shall~~ must conform to ~~the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter H~~ 2.

Sec. B-330. 24-A MRSA §4125, sub-§7, as enacted by PL 1969, c. 132, §1, is corrected to read:

7. Such other information as ~~he may deem~~ the superintendent considers necessary; and upon a showing that its assets are invested in accordance with the provisions of this chapter.

Sec. B-331. 24-A MRSA §4126, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. When the superintendent upon investigation finds that a domestic society:
 - A. Has exceeded its powers;
 - B. Has failed to comply with any provision of this chapter;
 - C. Is not fulfilling its contracts in good faith;
 - D. Has a membership of less than 400 after an existence of 1 year or more; or

E. Is conducting business fraudulently or in a manner hazardous to its members, creditors, the public or the business;

~~he~~ the superintendent shall notify the society of such deficiency or deficiencies and state in writing the reasons for ~~his~~ the superintendent's dissatisfaction. ~~He~~ The superintendent shall at once issue a written notice to the society requiring that the deficiency or deficiencies ~~which~~ that exist are corrected. After such notice the society ~~shall have~~ has a 30-day period in which to comply with the superintendent's request for correction, and if the society fails to comply, the superintendent shall notify the society of ~~his~~ the superintendent's findings of noncompliance and require the society to show cause on a date named why it should not be enjoined from carrying on any business until the violation complained of ~~shall have~~ has been corrected, or why an action in quo warranto should not be commenced against the society.

If on such date the society does not present good and sufficient reasons why it should not be so enjoined or why such action should not be commenced, the superintendent may present the facts relating thereto to the Attorney General who shall, if ~~he deems~~ the Attorney General considers the circumstances warrant, commence an action to enjoin the society from transacting business or in quo warranto.

The court shall thereupon notify the officers of the society of a hearing. If after a full hearing it appears that the society should be so enjoined or liquidated or a receiver appointed, the court shall enter the necessary order.

Sec. B-332. 24-A MRSA §4128, sub-§1, as repealed and replaced by PL 1977, c. 446, §1, is corrected to read:

1. Officer devoting substantial time to activities other than solicitation or negotiation of insurance contracts. Any officer, employee or secretary of any such society or of any subordinate lodge or branch thereof who devotes substantially all of ~~his~~ the officer's, employee's or secretary's time to activities other than the solicitation or negotiation of insurance contracts and who receives no commission or other compensation directly dependent upon the number or amount of contracts solicited or negotiated;

Sec. B-333. 24-A MRSA §4128, sub-§2, as repealed and replaced by PL 1977, c. 446, §1, is corrected to read:

2. Agent devoting less than 50% of time to solicitation and procurement of insurance contracts. Any agent or representative of a society who devotes less than 50% of ~~his~~ the agent's or representative's time to the solicitation and procurement of insurance contracts for such society. Any person, who in the preceding calendar year has solicited and procured life insurance in excess of \$200,000, face amount, or, in the case of any other kind or kinds of insurance ~~which~~ that the society may write, on the persons of more than 25 individuals and who has received or will receive a commission or other compensation therefor, ~~shall~~ be is presumed to be devoting 50% of ~~his~~ the person's time to the solicitation or procurement of insurance contracts for such society; or

Sec. B-334. 24-A MRSA §4128, sub-§3, as repealed and replaced by PL 1977, c. 446, §1, is corrected to read:

3. Persons who do not effect insurance. Any member of a society who does not effect insurance and whose solicitation or negotiation is incidental to securing new members for

~~his~~ the member's society and whose only remuneration consists of prizes in the form of merchandise or payments of a nominal amount.

Sec. B-335. 24-A MRSA §4134, sub-§3, as amended by PL 1973, c. 625, §156, is corrected to read:

3. As a part of the annual statement herein required, each society shall, on or before the 1st day of March, file with the superintendent a valuation of its certificates in force on December 31 last preceding, ~~provided~~ except that the superintendent may, in ~~his~~ the superintendent's discretion for cause shown, extend the time for filing such valuation for not more than 2 calendar months. Such report of valuation ~~shall~~ must show, as reserve liabilities, the difference between the present midyear value of the promised benefits provided in the certificates of such society in force and the present midyear value of the future net premiums as the same are in practice actually collected, not including therein any value for the right to make extra assessments and not including any amount by which the present midyear value of future net premiums exceeds the present midyear value of promised benefits on individual certificates. At the option of any society, in lieu of the above, the valuation may show the net tabular value. Such net tabular value as to certificates issued prior to one year after January 1, 1970 ~~shall~~ must be determined in accordance with the provisions of law applicable prior to January 1, 1970 and as to certificates issued on or after one year from January 1, 1970 ~~shall~~ may not be less than the reserves determined according to the superintendent's reserve valuation method as hereinafter defined. If the premium charged is less than the tabular net premium according to the basis of valuation used, an additional reserve equal to the present value of the deficiency in such premiums ~~shall~~ must be set up and maintained as a liability. The reserve liabilities ~~shall~~ must be properly adjusted in the event that the midyear or tabular values are not appropriate.

Sec. B-336. 24-A MRSA §4134, sub-§6, as amended by PL 1987, c. 606, §2, is corrected to read:

6. Such valuation and underlying data ~~shall~~ must be certified by a competent actuary or, at the expense of the society, verified by the actuary of the department of insurance of the state of domicile of the society.

A. The minimum standards of valuation for certificates issued prior to January 1, 1970 ~~shall~~ must be those provided by the law applicable immediately prior to January 1, 1970 but not lower than the standards used in the calculating of rates for such certificates.

B. The minimum standard of valuation for certificates issued after January 1, 1970 ~~shall~~ must be such interest assumptions and tables as authorized for use by domestic life insurers or 3 1/2% interest and the following tables:

(1) For certificates of life insurance: American Men Ultimate Table of Mortality, with Bowerman's or Davis' extension thereof or with the consent of the superintendent, the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table or the Commissioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age more than 3 years younger than the actual age of the insured for female risks;

(2) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates: The 1937 Standard Annuity Mortality Table or the Annuity Mortality Table for 1949, ultimate, or any modification of either of these tables approved by the superintendent;

(3) For total and permanent disability benefits in or supplementary to life insurance certificates: Hunter's Disability Table, or the class III disability table (1926) modified to conform to the contractual waiting period, or the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries with due regard to the type of benefit. Any such table ~~shall~~ must, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates;

(4) For accidental death benefits in or supplementary to life insurance certificates: The Inter-company Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table. Either table ~~shall~~ must be combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(5) For noncancellable accident and health benefits: The class III disability table (1926) with conference modifications or, with the consent of the superintendent, tables based upon the society's own experience.

The superintendent may, in ~~his~~ the superintendent's discretion, accept other standards for valuation if ~~he~~ the superintendent finds that the reserves produced thereby will not be less in the aggregate than reserves computed in accordance with the minimum valuation standard herein prescribed. The superintendent may, in ~~his~~ the superintendent's discretion, vary the standards of mortality applicable to all certificates of insurance on substandard lives or other extra hazardous lives by any society authorized to do business in this State. Whenever the mortality experience under all certificates valued on the same mortality table is in excess of the expected mortality according to such table for a period of 3 consecutive years, the superintendent may require additional reserves when ~~deemed~~ considered necessary in ~~his~~ the superintendent's judgment on account of such certificates.

Any society, with the consent of the insurance supervisory officer of the state of domicile of the society and under such conditions, if any, ~~which he~~ that the insurance supervisory officer may impose, may establish and maintain reserves on its certificates in excess of the reserves required thereunder, but the contractual rights of any insured member ~~shall~~ are not be affected thereby.

Sec. B-337. 24-A MRSA §4135, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4135. Examination of domestic societies

The superintendent, or any person ~~he~~ the superintendent may appoint, ~~shall have~~ has the power of visitation and examination into the affairs of any domestic society and ~~he~~ the superintendent shall make such examination at least once in every 3 years. ~~He~~ The superintendent may employ assistants for the purpose of such examination, and ~~he~~ the superintendent, or any person ~~he~~ the superintendent may appoint, ~~shall have~~ has free access to all books, papers and documents that relate to the business of the society. The minutes of the proceedings of the supreme legislative or governing body and of the board of directors or corresponding body of a society ~~shall~~ must be in the English language. In

making any such examination the superintendent may summon and qualify as witnesses under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society. A summary of the report of the superintendent and such recommendations or statements of the superintendent as may accompany such report ~~shall~~ must be read at the first meeting of the board of directors or corresponding body of the society following the receipt thereof, and if directed so to do by the superintendent, ~~shall~~ must also be read at the first meeting of the supreme legislative or governing body of the society following the receipt thereof. A copy of the report, recommendations and statements of the superintendent ~~shall~~ must be furnished by the society to each member of such board of directors or other governing body. The expense of each examination and of each valuation, including compensation and actual expense of examiners, ~~shall~~ must be paid by the society examined or whose certificates are valued, upon statements furnished by the superintendent.

Sec. B-338. 24-A MRSA §4136, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4136. Examination of foreign and alien societies

The superintendent, or any person whom ~~he~~ the superintendent may appoint, may examine any foreign or alien society transacting or applying for admission to transact business in this State. ~~He~~ The superintendent may employ assistants and ~~he~~ the superintendent, or any person ~~he~~ the superintendent may appoint, ~~shall have~~ has free access to all books, papers and documents that relate to the business of the society. ~~He~~ The superintendent may in ~~his~~ the superintendent's discretion accept, in lieu of such examination, the examination of the insurance department of the state, territory, district, province or country where such society is organized. The compensation and actual expenses of the examiners making any examination or general or special valuation ~~shall~~ must be paid by the society examined or by the society whose certificate obligations have been valued, upon statements furnished by the superintendent.

Sec. B-339. 24-A MRSA §4137, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4137. No adverse publications

Pending, during or after an examination or investigation of a society, either domestic, foreign or alien, the superintendent ~~shall~~ may not make public ~~no~~ any financial statement, report or finding, nor ~~shall he~~ may the superintendent permit to become public any financial statement, report or finding affecting the status, standing or rights of any society, until a copy thereof ~~shall have~~ has been served upon the society at its principal office and the society ~~shall have~~ has been afforded a reasonable opportunity to answer any such financial statement, report or finding and to make such showing in connection therewith as it may desire.

Sec. B-340. 24-A MRSA §4142, 5th ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

The superintendent may require from any society or association, by examination or otherwise, such information as will enable ~~him~~ the superintendent to determine whether such society or association is exempt from this chapter.

Sec. B-341. 24-A MRSA §4203, sub-§3, ¶J, as enacted by PL 1975, c. 503, is corrected to read:

J. A power of attorney duly executed by such applicant, if not domiciled in this State, appointing the superintendent and ~~his~~ the superintendent's successors in office, and duly authorized deputies, as the true and lawful attorney of such applicant in and for this State upon whom all lawful process in any legal action or proceeding against the health maintenance organization on a cause of action arising in this State may be served;

Sec. B-342. 24-A MRSA §4204, sub-§1, ¶B, as amended by PL 1981, c. 501, §49 and PL 2003, c. 689, Pt. B, §6, is corrected to read:

B. The superintendent ~~shall~~ may not take ~~no~~ final action with regard to the application until ~~he~~ the superintendent has been informed by the Department of Health and Human Services whether or not the application for the certificate of need has been approved, denied or ~~deemed~~ determined not to be required. The Department of Health and Human Services shall transmit to the superintendent a copy of its written decision on the application for a certificate of need.

Sec. B-343. 24-A MRSA §4207, sub-§6, as enacted by PL 1975, c. 503, is corrected to read:

6. Such charges may be established in accordance with actuarial principles for various categories of enrollees, ~~provided that~~ as long as charges applicable to an enrollee ~~shall~~ are not ~~be~~ individually determined based on the status of ~~his~~ the enrollee's health. However, the charges ~~shall~~ may not be excessive, inadequate or unfairly discriminatory. A certification, by a qualified actuary, to the appropriateness of the charges, based on reasonable assumptions, ~~shall~~ must accompany the filing along with adequate supporting information.

Sec. B-344. 24-A MRSA §4207, sub-§7, as enacted by PL 1975, c. 503, is corrected to read:

7. The superintendent shall, within a reasonable period, approve any form and any schedule of charges if the requirements of this section are met. It ~~shall be~~ is unlawful to issue such form or to use such schedule of charges until approved. If the superintendent disapproves such filing, ~~he~~ the superintendent shall notify the filer. In the notice, the superintendent shall specify the reasons for ~~his~~ the superintendent's disapproval. A hearing will be granted within 10 days after a request in writing by the person filing. If the superintendent does not disapprove any form or schedule of charges within 30 days of the filing of such form or charges, they ~~shall~~ must be deemed approved.

Sec. B-345. 24-A MRSA §4207, sub-§8, as enacted by PL 1975, c. 503, is corrected to read:

8. The superintendent may require the submission of whatever relevant information ~~he deems~~ the superintendent considers necessary in determining whether to approve or disapprove a filing made pursuant to this section.

Sec. B-346. 24-A MRSA §4215, sub-§2, as enacted by PL 1975, c. 503 and amended by PL 2003, c. 689, Pt. B, §7, is corrected to read:

2. The Commissioner of Health and Human Services may make an examination concerning the quality of health care services of any health maintenance organization as often as ~~he deems~~ the commissioner considers it necessary for the protection of the interests of the people of this State, but not less frequently than once every 3 years.

Sec. B-347. 24-A MRSA §4216, sub-§4, as enacted by PL 1975, c. 503, is corrected to read:

4. When the certificate of authority of a health maintenance organization is revoked, such organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs, and ~~shall may not~~ conduct no further business except as may be essential to the orderly conclusion of the affairs of such organization. It ~~shall may~~ not engage in ~~no~~ further advertising or solicitation whatsoever. The superintendent may, by written order, permit such further operation of the organization as ~~he~~ the superintendent may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage.

Sec. B-348. 24-A MRSA §4217, as enacted by PL 1975, c. 503, is corrected to read:

§4217. Rehabilitation, liquidation or conservation of health maintenance organizations

Any rehabilitation, liquidation or conservation of a health maintenance organization ~~shall must~~ be deemed to be the rehabilitation, liquidation or conservation of an insurance company and ~~shall must~~ be conducted under the supervision of the superintendent pursuant to the laws governing the rehabilitation, liquidation or conservation of insurance companies. The superintendent may institute summary proceedings in the same manner as provided in the laws governing delinquent insurers, and ~~he~~ the superintendent may apply for an order directing ~~him~~ the superintendent to rehabilitate, liquidate or conserve a health maintenance organization when in ~~his~~ the superintendent's opinion the continued operation of the health maintenance organization would be hazardous either to the enrollees or to the people of this State.

Sec. B-349. 24-A MRSA §4221, sub-§1, as amended by PL 1977, c. 694, §437, is corrected to read:

1. The superintendent may levy an administrative penalty in an amount not less than \$100 nor more than \$500, if reasonable notice in writing is given of the intent to levy the penalty and the health maintenance organization has a reasonable time within which to remedy the defect in its operations ~~which~~ that gave rise to the penalty citation. The superintendent may augment this penalty by an amount equal to the sum that ~~he~~ the superintendent calculates to be the damages suffered by enrollees or other members of the public.

Sec. B-350. 24-A MRSA §4221, sub-§4, as enacted by PL 1975, c. 503, is corrected to read:

4. In the case of any violation under this chapter, if the superintendent elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to this section, the superintendent may apply to the Superior Court to issue an injunction restraining the company in whole or in part from proceeding further with its business, or ~~he~~ the superintendent may apply for an order of the court to command

performance consistent with contractual obligations of the health maintenance organization.

Sec. B-351. 24-A MRSA §4225, as amended by PL 1975, c. 293, §4 and enacted by c. 503 and amended by PL 2003, c. 689, Pt. B, §7, is corrected to read:

§4225. Commissioner of Health and Human Services' authority to contract

The Commissioner of Health and Human Services, in carrying out ~~his~~ the commissioner's obligations under sections 4204, subsection 1, paragraph B; section 4215; and section 4216, subsection 1, may contract with qualified persons to make recommendations concerning the determinations required to be made by ~~him~~ the commissioner. Such recommendations may be accepted in full or in part by the Commissioner of Health and Human Services.

Sec. B-352. 24-A MRSA §4356, first ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

The superintendent may petition for an order directing ~~him~~ the superintendent to rehabilitate a domestic insurer or an alien insurer domiciled in this State on any one or more of the following grounds:

Sec. B-353. 24-A MRSA §4357, first ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

The superintendent may apply to the court for an order appointing ~~him~~ the superintendent as receiver, if ~~his~~ the superintendent's appointment as receiver is not then in effect, and directing ~~him~~ the superintendent to liquidate the business of a domestic insurer or of the United States branch of an alien insurer having trusted assets in this State, whether or not there has been a prior order directing ~~him~~ the superintendent to rehabilitate the insurer, upon any one or more of the following grounds:

Sec. B-354. 24-A MRSA §4358, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4358. Ground for conservation, foreign and alien insurers

The superintendent may apply to the court for an order appointing ~~him~~ the superintendent as receiver or ancillary receiver, and directing ~~him~~ the superintendent to conserve the assets within this State, of a foreign or alien insurer upon any of the applicable ground specified in sections 4356 or 4357, or upon the ground that the insurer's property has been sequestered in its domiciliary sovereignty or in any other sovereignty; or, in the case of an alien insurer that the insurer has failed to make good an impairment of its trusted funds within the time required therefor by order of the superintendent.

Sec. B-355. 24-A MRSA §4359, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4359. Grounds for ancillary liquidation, foreign and alien insurers

The superintendent may apply to the court for an order appointing ~~him~~ the superintendent to liquidate the business of a foreign or alien insurer having assets, business or claims in this State upon the appointment in the domiciliary sovereignty of such insurer of a receiver, liquidator, conservator, rehabilitator or other officer by whatever name called for the purpose of liquidating the business of the insurer.

Sec. B-356. 24-A MRSA §4364, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. As a domiciliary receiver, the superintendent ~~shall be~~ is vested by operation of law with the title to all of the property, contracts and rights of action and all of the books and records of the insurer, wherever located, as of the date of entry of the order directing ~~him~~ the superintendent to rehabilitate or liquidate a domestic insurer or to liquidate the United States branch of an alien insurer domiciled in this State, and ~~he shall have~~ the superintendent has the right to recover the same and reduce the same to possession; except that ancillary receivers in reciprocal states ~~shall~~ have, as to assets located in their respective states, the rights and powers ~~which that~~ are herein prescribed for ancillary receivers appointed in this State as to assets located in this State.

Sec. B-357. 24-A MRSA §4364, sub-§4, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

4. The superintendent as domiciliary receiver ~~shall be~~ is responsible for the proper administration of all assets coming into ~~his~~ the superintendent's possession or control. The court may at any time require a bond from ~~him~~ the superintendent or ~~his~~ the superintendent's deputies, if ~~deemed~~ considered desirable for the protection of such assets.

Sec. B-358. 24-A MRSA §4364, sub-§6, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

6. In connection with delinquency proceedings, the superintendent may appoint one or more special deputy superintendents to act for ~~him~~ the superintendent and ~~he~~ the superintendent may employ such counsel, clerks and assistants as ~~he deems~~ the superintendent considers necessary. The compensation of the special deputies, counsel, clerks or assistants and all expenses of taking possession of the insurer and of conducting the proceedings ~~shall be~~ are fixed by the receiver and ~~shall~~ must be paid out of the funds or assets of the insurer. Within the limits of duties imposed upon them, special deputies ~~shall~~ possess all the powers given to and, in the exercise of those powers, ~~shall be~~ are subject to all of the duties imposed upon the receiver with respect to such proceedings.

Sec. B-359. 24-A MRSA §4364, sub-§7, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

7. During such receivership the superintendent shall file in the court, at regular intervals not less frequently than quarterly, ~~his~~ the superintendent's true reports in summary form of the insurer's affairs under the receivership, and of progress being made in accomplishing the objectives of the receivership. All such reports, together with such additional or special reports as the court may reasonably require, ~~shall be~~ are subject to review by the court; and all actions of the receiver therein reported ~~shall be~~ are subject to the court's approval, but the court ~~shall~~ may not withhold approval or disapprove any such action unless found by the court after a hearing thereon in open court to be unlawful, ~~or~~ arbitrary, or capricious.

Sec. B-360. 24-A MRSA §4365, sub-§1, ¶A, as enacted by PL 1969, c. 132, §1, is corrected to read:

A. If ~~he~~ the superintendent finds that there are sufficient assets of the insurer located in this State to justify the appointment of an ancillary receiver; or

Sec. B-361. 24-A MRSA §4365, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. The domiciliary receiver for the purpose of liquidating an insurer domiciled in a reciprocal state ~~shall be~~ is vested by operation of law with the title to all of the property, contracts and rights of action, and all of the books and records of the insurer located in this State and ~~he shall have~~ the domiciliary receiver has the immediate right to recover balances due from local agents and to obtain possession of any books and records of the insurer found in this State. ~~He shall~~ The domiciliary receiver is also ~~be~~ entitled to recover the other assets of the insurer located in this State, except that upon the appointment of an ancillary receiver in this State, the ancillary receiver ~~shall~~ during the ancillary receivership proceedings ~~have~~ has the sole right to recover such other assets. The ancillary receiver shall, as soon as practicable, liquidate from their respective securities those special deposit claims and secured claims ~~which~~ that are proved and allowed in the ancillary proceedings in this State, and shall pay the necessary expenses of the proceedings. All remaining assets ~~he~~ the ancillary receiver shall promptly transfer to the domiciliary receiver. Subject to the foregoing provisions, the ancillary receiver and ~~his~~ the ancillary receiver's deputies ~~shall~~ have the same powers and ~~be~~ are subject to the same duties with respect to the administration of such assets as a receiver of an insurer domiciled in this State.

Sec. B-362. 24-A MRSA §4365, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. The domiciliary receiver of an insurer domiciled in a reciprocal state may sue in this State to recover any assets of such insurer to which ~~he~~ the domiciliary receiver may be entitled under the laws of this State.

Sec. B-363. 24-A MRSA §4366, sub-§2, ¶B, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. If ancillary proceedings have been commenced in such reciprocal states, may be proved in those proceedings. In the event a claimant elects to prove ~~his~~ the claimant's claim in ancillary proceedings, if notice of the claim and opportunity to appear and be heard is afforded the domiciliary receiver of this State, as provided in section 4367 with respect to ancillary proceedings in this State, the final allowance of such claim by the courts in the ancillary state ~~shall~~ must be accepted in this State as conclusive as to its amount and ~~shall~~ must also be accepted as conclusive as to its priority, if any, against special deposits or other security located within the ancillary state.

Sec. B-364. 24-A MRSA §4367, sub-§2, ¶B, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. If ancillary proceedings have been commenced in this State, be proved in those proceedings. In the event that any such claimant elects to prove ~~his~~ a claim in this State, ~~he~~ the claimant shall file ~~his~~ the claim with the ancillary receiver and shall give notice in writing to the receiver in the domiciliary state, either by registered or certified mail or by personal service at least 40 days prior to the date set for hearing. The notice ~~shall~~ must contain a concise statement of the amount of the claim, the facts on which the claim is based and the priorities asserted, if any. If the domiciliary receiver within 30 days after the giving of such notice ~~shall give~~ gives notice in writing to the ancillary receiver and to the claimant, either by registered or certified mail or by personal

service, of ~~his~~ the domiciliary receiver's intention to contest such claim, ~~he shall be the domiciliary receiver~~ is entitled to appear or to be represented in any proceeding in this State involving adjudication of the claim. The final allowance of the claim by the courts of this State ~~shall~~ must be accepted as conclusive as to its amount and ~~shall~~ must also be accepted as conclusive as to its priority, if any, against special deposits or other security located within this State.

Sec. B-365. 24-A MRSA §4368, sub-§1, as enacted by PL 1969, c. 132, §1, is corrected to read:

1. All claims against an insurer against which delinquency proceedings have been begun ~~shall~~ must set forth in reasonable detail the amount of the claim, or the basis upon which such amount can be ascertained, the facts upon which the claim is based, and the priorities asserted, if any. All such claims ~~shall~~ must be verified by the affidavit of the claimant or someone authorized to act on ~~his~~ the claimant's behalf and having knowledge of the facts, and ~~shall~~ must be supported by such documents as may be material thereto.

Sec. B-366. 24-A MRSA §4368, sub-§3, as enacted by PL 1969, c. 132, §1, is corrected to read:

3. Within 10 days of the receipt of any claim, or within such further period as the court may fix for good cause shown, the receiver shall report the claim to the court, specifying in such report ~~his~~ the receiver's recommendation with respect to the action to be taken thereon. Upon receipt of such report, the court shall fix a time for hearing the claim and shall direct that the claimant or the receiver, as the court ~~shall specify~~ specifies, ~~shall~~ must give such notice as the court ~~shall determine~~ determines to such persons as ~~shall~~ must appear to the court to be interested therein. All such notices ~~shall~~ must specify the time and place of the hearing and ~~shall~~ must concisely state the amount and nature of the claim, the priorities asserted, if any, and the recommendation of the receiver with reference thereto.

Sec. B-367. 24-A MRSA §4371, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4371. Deposit of ~~monies~~ money

The ~~monies~~ money collected by the superintendent in a proceeding under this chapter ~~shall~~ must be from time to time deposited in one or more state or national banks, savings banks or trust companies, and in the case of the insolvency or voluntary or involuntary liquidation of any such depository ~~which~~ that is an institution organized and supervised under the laws of this State, such deposits ~~shall be~~ are entitled to priority of payment on an equality with any other priority given by the banking laws of this State. The superintendent may in ~~his~~ the superintendent's discretion deposit such ~~monies~~ money or any part thereof in a national bank or trust company as a trust fund.

Sec. B-368. 24-A MRSA §4372, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4372. Exemption from fees

The superintendent ~~shall~~ may not be required to pay any fee to any public officer in this State for service of process, filing, recording, issuing a transcript or certificate or authenticating any paper or instrument pertaining to the exercise by the superintendent of any of the powers or duties conferred upon ~~him~~ the superintendent under this chapter,

whether or not such paper or instrument be executed by the superintendent or ~~his~~ the superintendent's deputies, employees or attorneys of record and whether or not it is connected with the commencement of any action or proceeding by or against the superintendent, or with the subsequent conduct of such action or proceeding.

Sec. B-369. 24-A MRSA §4373, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4373. Escrowing on pledge of assets

For the purpose of facilitating the rehabilitation, liquidation, conservation or dissolution of an insurer pursuant to this chapter, the superintendent may, subject to the approval of the court, borrow money and execute, acknowledge and deliver notes or other evidences of indebtedness therefor and secure the repayment of the same by the mortgage, pledge, assignment, transfer in trust, or hypothecation of any or all of the property, whether real, personal or mixed, of such insurer, and the superintendent subject to the approval of the court ~~shall have~~ has power to take any and all other action necessary and proper to consummate any such loan and to provide for the repayment thereof. The superintendent ~~shall be~~ is under no obligation personally or in ~~his~~ the superintendent's official capacity to repay any loan made pursuant to this section.

Sec. B-370. 24-A MRSA §4374, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4374. Termination of rehabilitation

If at any time the court finds, after hearing in open court, upon petition of the superintendent or of the insurer or of ~~his~~ the court's own motion, that the objectives of an order to rehabilitate a domestic insurer or an alien insurer domiciled in this State have been accomplished, and that the insurer can be returned to its own management without further jeopardy to the insurer and its creditors or policyholders or stockholders or to the public, the court may, upon a full report and accounting by the superintendent relative to the conduct of the insurer's affairs during the rehabilitation and of the insurer's current financial condition, terminate the rehabilitation and by order return the insurer, its assets and affairs, to the insurer's management.

Sec. B-371. 24-A MRSA §4378, sub-§2, ¶B, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. If such person ~~shall furnish~~ furnishes suitable proof, unless the court for good cause shown ~~shall~~ otherwise ~~direct~~ directs, that no further valid claims against the insurer arising out of ~~his~~ the person's cause of action other than those already presented can be made; and

Sec. B-372. 24-A MRSA §4378, sub-§4, as enacted by PL 1969, c. 132, §1, is corrected to read:

4. ~~No~~ A claim of any secured claimant ~~shall~~ may not be allowed at a sum greater than the difference between the value of the claim without security and the value of the security itself as of the date of the entry of the order of liquidation or such other date set by the court for the fixation of rights and liabilities as provided in section 4376 unless the claimant ~~shall~~ surrender ~~his~~ surrenders the claimant's security to the liquidator and in which event the claim ~~shall~~ must be allowed in the full amount for which it is valued.

Sec. B-373. 24-A MRSA §4379, sub-§6, as enacted by PL 1969, c. 132, §1, is corrected to read:

6. Judgments. Claims based solely on judgments. If a claimant files a claim and bases it both on the judgment and on the underlying facts, the claim ~~shall~~ must be considered by the liquidator who shall give the judgment such weight as ~~he deems~~ the liquidator considers appropriate. The claim as allowed ~~shall~~ must receive the priority it would have received in the absence of the judgment. If the judgment is larger than the allowance on the underlying claim, the remaining portion of the judgment ~~shall~~ must be treated as if it were a claim based solely on a judgment.

Sec. B-374. 24-A MRSA §4380, as enacted by PL 1969, c. 132, §1, is corrected to read:

§4380. Subordination of claims for noncooperation

If an ancillary receiver, by whatever name called, in another state or foreign country fails to transfer to the domiciliary liquidator in this State any assets within ~~his~~ the ancillary receiver's control other than special deposits, diminished only by the expenses, if any, of the ancillary receivership, the claims filed in the ancillary receivership, other than special deposit claims or secured claims, ~~shall~~ must be placed in the class of claims under section 4379, subsection 8.

Sec. B-375. 24-A MRSA §4381, sub-§2, ¶A, as enacted by PL 1969, c. 132, §1, is corrected to read:

A. The obligation of the insurer to such person would not at the date of the entry of any liquidation order or otherwise, as provided in section 4376, entitle ~~him~~ such person to share as a claimant in the assets of the insurer; or

Sec. B-376. 24-A MRSA §4382, first ¶, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

Within 3 years after the date of the entry of an order of rehabilitation or liquidation of a domestic mutual insurer or a domestic reciprocal insurer, the superintendent may make and file ~~his~~ the superintendent's report and petition to the court setting forth:

Sec. B-377. 24-A MRSA §4383, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Upon the filing and reading of the report and petition provided for in section 4382, the court, ex parte, may order the superintendent to assess all members or subscribers of the insurer who may be subject to such an assessment, in such an aggregate amount as the court finds reasonably necessary to pay all valid claims as may be timely filed and proved in the delinquency proceedings, together with the costs and expenses of levying and collecting assessments and the costs and expenses of the delinquency proceedings in full. Any such order ~~shall~~ must require the superintendent to assess each such member or subscriber for ~~his~~ the member's or subscriber's proportion of the aggregate assessment, according to such reasonable classification of such members or subscribers and formula as may be made by the superintendent and approved by the court.

Sec. B-378. 24-A MRSA §4384, sub-§2, as enacted by PL 1969, c. 132, §1, is corrected to read:

2. Each member or subscriber ~~shall~~ must be notified of the amount of assessment to be paid by ~~him~~ the member or subscriber by written notice mailed to the address of the member or subscriber last of record with the insurer. Failure of the member or subscriber to receive the notice so mailed, within the time specified therein or at all, ~~shall be no~~ is not a defense in any proceeding to collect the assessment.

Sec. B-379. 24-A MRSA §4384, sub-§4, as enacted by PL 1969, c. 132, §1, is corrected to read:

4. If the subscriber or member after due service of a copy of the order and petition referred to in subsection 3 is made upon ~~him~~ the subscriber or member:

A. Fails to appear at the time and place specified in the order, judgment ~~shall~~ must be entered against ~~him~~ the subscriber or member as prayed for in the petition; or

B. Appears in the manner and form required by law in response to the order, the court shall hear and determine the matter and enter a judgment in accordance with its decision.

Sec. B-380. 24-A MRSA §4385, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. If ~~he~~ the superintendent is appointed receiver under this section, the superintendent shall comply with requirements necessary to give ~~him~~ the superintendent title to and control over the assets and affairs of the insurer.

Sec. B-381. 24-A MRSA §4401, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If the superintendent determines after a hearing that any insurer has committed or engaged in, or is committing or engaging in, or is about to commit or engage in any act, practice or transaction that would subject it to formal delinquency proceedings under section 4351 to 4407, ~~he~~ the superintendent may make and serve upon the insurer and other persons involved such orders, other than seizure orders under sections 4404 and 4405, as ~~he deems~~ the superintendent considers reasonably necessary to correct, eliminate or remedy such conduct, condition or ground. Orders to cure impairment of capital or surplus of a domestic insurer are subject to sections 3423 and 3424.

Sec. B-382. 24-A MRSA §4401, sub-§2, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

2. If the superintendent believes that irreparable harm to the insurer or its policyholders, creditors or the public may occur unless ~~his~~ the superintendent's order is issued with immediate effect, ~~he~~ the superintendent may make and serve ~~his~~ the superintendent's order without notice and before hearing, and shall simultaneously therewith serve upon the insurer and other persons involved the notice of hearing as required under subsection 3.

Sec. B-383. 24-A MRSA §4404, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. Upon filing by the superintendent in any Superior Court of this State of ~~his~~ the superintendent's verified petition alleging any ground for a formal delinquency proceeding against an insurer under sections 4351 to 4385 and that the interests of the insurer's

policyholders or creditors or the public will be jeopardized by delay, and setting forth the order ~~deemed~~ considered necessary by the superintendent, the court shall, ex parte and without notice or hearing, issue the requested order. The requested order may:

A. Direct the superintendent to take possession and control of all or part of the property, books, accounts and records of the insurer and the premises occupied by it for transaction of its business; and

B. Until further order of court, enjoin the insurer and its officers, managers, agents and employees from removal, concealment or other disposition of its property, and from transaction of its business, except with the superintendent's written consent.

Sec. B-384. 24-A MRSA §4405, sub-§1, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

1. If it appears to the superintendent that the interests of policyholders, creditors or the public will be jeopardized by delay incident to requesting a court seizure order, then on any ground ~~which~~ that would justify a court seizure order under section 4404, and without notice and without applying to the court, the superintendent may issue a seizure order ~~which~~ that must contain a statement verified by ~~him~~ the superintendent of the grounds of ~~his~~ the superintendent's action. As directed by the seizure order, the superintendent's representatives shall forthwith take possession and control of all or part of the property, books, accounts and records of the insurer, and of the premises occupied by the insurer for transaction of its business. The superintendent shall retain possession and control until the order is vacated or is replaced by an order of court pursuant to subsection 2 or pursuant to a formal proceeding under this chapter.

Sec. B-385. 24-A MRSA §4406, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

3. In all summary proceedings and judicial reviews thereof, all records of the insurer, other documents, and all insurance bureau files and court records and papers, so far as they pertain to or are part of the record of the summary proceedings, ~~shall be~~ are and remain confidential except as necessary to obtain compliance therewith, unless the court after hearing arguments by the parties in chambers ~~shall order~~ orders otherwise, or unless the insurer requests that the matter be made public. Until the court otherwise orders, all papers filed with the clerk of court ~~shall~~ must be held by ~~him~~ the clerk of court in a confidential file.

Sec. B-386. 24-A MRSA §4407, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is corrected to read:

§4407. —~~penalty~~ Penalty for refusal to deliver property, etc.

Any person having possession or custody of and refusing to deliver to the superintendent or ~~his~~ the superintendent's representative upon request any of the property, books, accounts, documents or other records of an insurer against which a seizure order or a summary order has been issued by the superintendent or by the court, as provided under sections 4401 to 4406, ~~shall~~ is upon conviction thereof be subject to a fine of not over \$10,000 or imprisonment for less than one year, or by both such fine and imprisonment.

Sec. B-387. 24-A MRSA §4441, sub-§2, ¶C, as enacted by PL 1969, c. 561, is corrected to read:

C. Revoke the designation of any servicing facility if ~~he~~ the superintendent finds claims are being handled unsatisfactorily.

Sec. B-388. 24-A MRSA §4442, first ¶, as enacted by PL 1969, c. 561, is corrected to read:

Any person recovering on a covered claim under this subchapter ~~shall~~ must be deemed to have assigned ~~his~~ the person's rights under the policy to the association to the extent of ~~his~~ the person's recovery from the association. Every insured or claimant seeking the protection of this subchapter shall cooperate with the association to the same extent as such person would have been required to cooperate with the insolvent insurer. The association ~~shall have~~ has no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payment of claims by the association ~~shall~~ does not operate to reduce the liability of insureds to the receiver, liquidator or statutory successor for unpaid assessments.

Sec. B-389. 24-A MRSA §4444, sub-§3, as enacted by PL 1969, c. 561 and amended by PL 1973, c. 585, §12, is corrected to read:

3. Report. The superintendent shall report to the board of directors when ~~he~~ the superintendent has reasonable cause to believe that any member insurer examined or being examined at the request of the board of directors may be insolvent or in a financial condition hazardous to policyholders or the public.

Sec. B-390. 24-A MRSA §4448, as enacted by PL 1969, c. 561 and amended by PL 1973, c. 585, §12, is corrected to read:

§4448. Immunity

There ~~shall be~~ is no liability on the part of and no cause of action of any nature ~~shall arise~~ arises against any member insurer, the association or its agents or employees, the board of directors, or the superintendent or ~~his~~ the superintendent's representatives for any action taken by them in the performance of their powers and duties under this subchapter.

Sec. B-391. 24-A MRSA §4450, as enacted by PL 1969, c. 561 and amended by PL 1973, c. 585, §12, is corrected to read:

§4450. Termination of association

The superintendent shall by order terminate the operation of the association as to any kind of insurance with respect to which ~~he~~ the superintendent has found, after notice and hearing, that there is in effect a statutory plan of the United States Government to avoid excessive delay or financial loss to claimants or policyholders because of insurer insolvency and ~~which~~ that provides for protection and benefits to residents of this State not materially less favorable than provided under this subchapter. Such order for termination ~~shall continue~~ continues the operation of this subchapter with respect to prior insurer insolvencies not covered by such plan. The order ~~shall~~ must also provide for a proportionate distribution of the assets of the association to insurers ~~which~~ that will cease to be members of the association on the effective date of the order.

Sec. B-392. 24-A MRSA §4613, as enacted by PL 1983, c. 846, is corrected to read:

§4613. Appointment of association nominee

The association may recommend a natural person to serve as a special deputy to act for the superintendent and under ~~his~~ the superintendent's supervision in the liquidation, rehabilitation or conservation of any member insurer.

Sec. B-393. 24-A MRSA §6205, sub-§1, as amended by PL 1989, c. 502, Pt. A, §100 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is corrected to read:

1. Complaint to District Court. The superintendent may file a complaint with the District Court seeking the suspension or revocation of any certificate of authority issued to a provider under this chapter if ~~he~~ the superintendent finds, or the department certifies, that any of the following conditions exist:

- A. The provider is operating significantly in contravention of its basic organizational document or in a manner contrary to that described in and reasonably inferred from any other information submitted under this chapter, unless amendments to those submissions have been filed with and approved by the superintendent;
- B. The provider charges an entrance fee, maintenance fee or other amount not consistent with the continuing care contract approved pursuant to section 6206;
- C. The department certifies to the superintendent that the provider is unable to fulfill its obligations to furnish shelter, health care or supportive services;
- D. The provider is no longer financially responsible and may not reasonably be expected to meet its obligations to subscribers or prospective subscribers;
- E. The provider has failed to implement a mechanism affording the subscribers an opportunity to participate in matters of policy and operation;
- F. The provider has failed to implement the complaint system in a manner to reasonably resolve valid complaints;
- G. The provider or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;
- H. The continued operation of the provider will be hazardous to its subscribers;
- I. The provider has submitted false financial statements, organizational statements or documents; or
- J. The provider has otherwise failed to substantially comply with this chapter or any rules issued by the superintendent or the department pursuant to this chapter.

Sec. B-394. 35-A MRSA §106, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§106. ~~Chairman~~ Chair of the Public Utilities Commission

The following provisions apply to the ~~chairman~~ chair of the Public Utilities Commission.

1. Appointment. The Governor shall designate one member of the commission as ~~chairman~~ chair.

2. General duties. The ~~chairman~~ chair shall:

- A. Be the principal executive officer of the commission in carrying out its policies;

B. Preside at meetings of the commission; and

C. Be responsible for the expedient organization of the commission's work.

3. Hearings. For any particular hearing or series of hearings before the commission, the ~~chairman~~ chair may assign ~~himself~~ the chair or another commissioner to attend.

4. Acting ~~chairman~~ chair. When absent one working day or more, the ~~chairman~~ chair shall name another commissioner to act as ~~chairman~~ chair.

Sec. B-395. 35-A MRSA §110, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§110. Removal of commissioner

Any willful violation of this Title by a commissioner ~~shall constitute~~ constitutes sufficient cause for ~~his~~ the commissioner's removal by the Governor, on the address of both branches of the Legislature or by impeachment pursuant to the Constitution of Maine, Article IX, Section 5.

Sec. B-396. 35-A MRSA §112, sub-§3, ¶B, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

B. A person other than a commissioner must produce ~~his~~ that person's authority to make an inspection.

Sec. B-397. 35-A MRSA §1309, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

4. Statute of limitations for complaints brought under this section. Within 2 years after the rendering of any service within the State by a public utility, for which service a rate, toll or charge is made by the utility, a person aggrieved may complain to the commission that the rate, toll or charge exacted for the service is unjustly discriminatory against ~~him~~ that person, either because it is higher than that charged by the same utility for the same service or service of similar value and cost rendered to other users or consumers, or because the utility has failed, without reasonable cause, to make a more favorable rate, toll or charge published by it for the same or similar service applicable to the user or consumer or to the class of users or consumers to which ~~he~~ that person belongs, or at the place at which the service is rendered.

Sec. B-398. 35-A MRSA §1312, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Witnesses. Each witness who is ordered to appear before the commission ~~shall receive~~ receives for ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in the Superior Court. This provision does not apply to the employees, officers, directors, trustees and holders of more than 10% of the common stock of a public utility ~~which~~ that is the subject of the commission's proceeding.

Sec. B-399. 35-A MRSA §1315, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§1315. Self-incrimination; immunity

1. Self-incrimination. In any proceeding before the commission, if a person refuses to answer questions or produce evidence on the ground that ~~he~~ that person may be

incriminated and if the commission staff, in writing, and with the written approval of the Attorney General, requests the commission to order that person to answer the questions or produce the evidence, the commission, after notice to the witness and a hearing, shall so order unless it finds to do so would be clearly contrary to the public interest.

2. Immunity. If, but for this section, the person would have had the right to withhold the answers given or the evidence produced by ~~him~~ that person, ~~he~~ that person may not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction or matter ~~which~~ that concerns the answers ~~he~~ that person gave or the evidence ~~he~~ that person produced in accordance with the order.

3. Failure to comply. If a person fails to answer questions or produce evidence as ordered by the commission, following notice and hearing, ~~he~~ that person is subject to the provisions of section 1502. A person may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt that ~~he~~ that person commits in answering or failing to answer or in producing or failing to produce evidence in accordance with the order.

Sec. B-400. 35-A MRSA §1701, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Staff of the Public Advocate. The staff of the Public Advocate ~~shall consist~~ consists of such other personnel, including staff attorneys, as the Public Advocate determines necessary to represent the using and consuming public, as required by subsection 1702. All ~~such~~ personnel ~~shall~~ under this subsection must be appointed, supervised and directed by the Public Advocate. The Public Advocate is not subject to the supervision, direction or control of the ~~chairman~~ chair or members of the commission.

Sec. B-401. 35-A MRSA §2505, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Assessment of damages. If the owner's property is in any way injuriously affected or lessened in value, whether by occupation of the ground, or air or otherwise by the construction, alteration or location of a line, whether the owner is the owner of the fee in the way or not, ~~he~~ the owner may within 6 months after the construction, alteration or location apply to the municipal officers to assess and appraise the damage.

Sec. B-402. 35-A MRSA §2505, sub-§2, ¶C, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

C. They shall on demand deliver one copy to the applicant and the other to the person constructing the line or ~~his~~ that person's agent.

Sec. B-403. 35-A MRSA §2505, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

4. Failure to pay award and costs. If the award and costs are not paid within 30 days after a written demand for them is served upon the person or any of ~~his~~ the person's agents, the owner of land may bring a civil action to recover the award and costs in the Superior Court for the county in which the land is located. Full costs ~~shall~~ must be allowed.

Sec. B-404. 35-A MRSA §2518, sub-§2, ¶C, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

C. The owner of the poles may recover, in a civil action, from each party using the poles, ~~his~~ the owner's share of the cost and expense or the rental as determined by the municipal officers.

Sec. B-405. 35-A MRSA §2518, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

5. Appeals. A party aggrieved by an order or decision of the municipal officers relating to the joint use of poles; ~~or~~, by any regulation established by the municipal officers relating to the joint use of poles; or by their decision as to ~~his~~ the party's proportionate share of the original cost; ~~the cost of maintaining the joint poles; or the annual rental for the use of the joint poles;~~ may appeal from the order, decision or regulation at any time, within 10 days after service of notice of them, to the Superior Court in the county in which the municipality is located.

A. When an appeal is taken, the appellant shall:

- (1) Include in the complaint a statement setting forth substantially the facts of the case, and the orders, decisions or regulations of the municipal officers from which ~~he~~ the appellant appeals and in what respect ~~he~~ the appellant is aggrieved by them; and
- (2) Give written notice of the appeal with a copy of the complaint to the opposite party.

B. The presiding justice at the first term of the Superior Court shall appoint a committee ~~comprised~~ of 3 disinterested persons, not residents of the municipality named in the complaint, who shall, within 30 days after the appointment, after due notice and hearing:

- (1) Affirm the orders or decisions of the municipal officers;
- (2) Amend or modify the orders or decisions; or
- (3) Make new and further orders, decisions or regulations governing the joint use of poles by any of the parties to the proceedings, or in relation to the proportionate share of the expense to be borne by each party using the joint poles, or the just and fair rental for the use of the poles.

C. The committee's report ~~shall~~ must be filed with the clerk of the Superior Court. Upon being accepted by a Justice of the Superior Court the report is final and binding on all parties to the proceedings, except that questions of law arising under the proceedings may be reserved for decision by the Law Court.

D. A person affected by an order or decision of the municipal officers, who is not joined in the original complaint, may, on motion to the Superior Court, be joined in the complaint at any time before hearing by the committee appointed under this section.

Sec. B-406. 35-A MRSA §2520, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§2520. Affixing wires and structures; consent of building owner required

Every person maintaining or operating a telephone or electrical line; or anyone who in any manner affixes, causes to be affixed or enters upon the property of another for the purpose of affixing a structure, fixture, wire or other apparatus to the building of another

without the consent of the owner of the property or ~~his~~ the owner's lawful agent commits a civil violation for which a ~~forfeiture~~ fine not to exceed \$100 may be adjudged for each offense.

Sec. B-407. 35-A MRSA §2702, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Term. Serve for one year or until another is qualified in ~~his~~ the inspector's stead, at a salary determined by the municipal officers; and

Sec. B-408. 35-A MRSA §2704, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Application for inspection. If a consumer applies in writing to the municipal clerk for the inspection of ~~his~~ that consumer's meter, and deposits with the clerk the fee fixed by the municipal officers for this service, the inspector shall inspect and test the meter.

Sec. B-409. 35-A MRSA §2904, sub-§3, ¶A, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

A. Elect one of its members as ~~chairman~~ chair and one as ~~vice-chairman~~ vice-chair; and

Sec. B-410. 35-A MRSA §2904, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

6. Compensation and expenses. Each member of the board of commissioners ~~shall~~ must receive \$50 per day for the time actually spent in the discharge or performance of ~~his~~ that member's duties as a commissioner in addition to other compensation ~~he~~ that member may receive as a Commissioner of the Maine Municipal Bond Bank.

Each commissioner ~~shall~~ must be reimbursed for ~~his~~ that commissioner's reasonable expenses incurred in carrying out ~~his~~ that commissioner's duties under this chapter. ~~No~~ An officer or employee of the State ~~forfeits his~~ does not forfeit office or employment or any benefits or emoluments of that office or employment by accepting the office of commissioner of the bank or ~~his~~ that officer's or employee's services in the bank.

Sec. B-411. 35-A MRSA §2908, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

6. Signature of officers. If any officer whose signature appears on the bonds, notes or bond coupons ceases to be an officer before the delivery of the bonds, notes or bond coupons, ~~his~~ that officer's signature is valid for all purposes as if ~~he~~ that officer had remained in office.

Sec. B-412. 35-A MRSA §2921, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Officers' signatures on bonds. If any officer whose signature appears on the public utility bonds ceases to be an officer before the delivery of those bonds, ~~his~~ that officer's signature is valid for all purposes; as if ~~he~~ that officer had remained in office.

Sec. B-413. 35-A MRSA §3305, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Use of electricity by the producer or cogenerator. Any small power producer or cogenerator may generate or distribute electricity through ~~his~~ that producer's or cogenerator's private property solely for ~~his~~ that producer's or cogenerator's own use, the use of ~~his~~ that producer's or cogenerator's tenants or the use of, or sale to, ~~his~~ that producer's or cogenerator's associates in a small power production or cogeneration facility and not for the use of or sale to others without approval or regulation by the commission.

Sec. B-414. 35-A MRSA §3710, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Articles filed by Secretary of State. Articles of incorporation, amendment, conversion or dissolution, when executed and acknowledged and accompanied by such affidavits as may be required by this chapter ~~shall~~ must be presented to the Secretary of State for filing in the records of ~~his~~ the office of the Secretary of State. If the Secretary of State determines that the articles presented conform to the requirements of this chapter ~~he~~ the Secretary of State shall, upon the payment of the fees as provided in section 3708, file the articles in the records of ~~his~~ the office of the Secretary of State.

Sec. B-415. 35-A MRSA §3735, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

3. Notice. Except as otherwise provided in this chapter, written or printed notice stating the time and place of each meeting of the members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, ~~shall~~ must be given to each member, either personally or by mail, not less than 10 days nor more than 25 days before the date of the meeting. If mailed, notice ~~shall be~~ is deemed given when deposited in the United States mail with postage prepaid addressed to the member at ~~his~~ the member's address as it appears on the records of the cooperative.

Sec. B-416. 35-A MRSA §3736, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§3736. Waiver of notice

Any person entitled to notice of a meeting may waive the notice in writing either before or after the meeting. If the person attends the meeting, ~~his~~ that person's attendance constitutes a waiver of notice of the meeting, unless the person participates in the meeting solely to object to the transaction of any business because the meeting has not been legally called or convened.

Sec. B-417. 35-A MRSA §3737, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

3. Term of office. The trustees of a cooperative named in the articles of incorporation or conversion ~~shall~~ hold office until the next annual meeting of the members and until their successors are elected and qualify. At each annual meeting or, in case of failure to hold the annual meeting as specified in the bylaws, at a special meeting called for that purpose, the members shall elect trustees to hold office until the next annual meeting of the members, except as otherwise provided in this chapter. Each trustee ~~shall hold~~ holds office for the term for which ~~he~~ that trustee is elected and until ~~his~~ that trustee's successor is elected and qualified.

Sec. B-418. 35-A MRSA §3739, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§3739. Officers

The officers of a cooperative shall consist of a president, vice-president, secretary and treasurer, who shall must be elected annually by and from the board of trustees. When a person holding office ceases to be a trustee, ~~he shall cease~~ that person ceases to hold office. The offices of secretary and of treasurer may be held by the same person. The board of trustees may elect or appoint other officers, agents or employees as it determines necessary or advisable and shall prescribe their powers and duties. Any officer may be removed from office and ~~his~~ a successor elected in the manner prescribed in the bylaws.

Sec. B-419. 35-A MRSA §3906, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

3. Meetings. As soon as convenient after each annual election, the trustees shall hold a meeting at the offices of the district, elect a ~~chairman~~ chair and clerk and adopt a corporate seal. They may choose a treasurer and all other officers and agents for the proper management of the affairs of the district. Other meetings of the trustees may be called by the ~~chairman~~ chair or by any 2 of the trustees. Trustees shall determine their own compensation. The trustees shall, in the bylaws, determine the number constituting a quorum, but in no event less than half of the total number of trustees.

Sec. B-420. 35-A MRSA §3907, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

3. Meetings. As soon as convenient after each annual election, the trustees shall hold a meeting at the offices of the district, elect a ~~chairman~~ chair and clerk and adopt a corporate seal. They may choose a treasurer and all other officers and agents for the proper management of the affairs of the district. Other meetings of the trustees may be called by the ~~chairman~~ chair or by any 3 of the trustees, after prior notice to the public. Trustees shall determine their own compensation, not to exceed \$10 per meeting per trustee. A majority of trustees constitutes a quorum. The trustees shall conduct public hearings whenever they propose matters affecting rates, bylaws, service, an annual budget or their own compensation.

Sec. B-421. 35-A MRSA §4131, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

4. Oath. Each director, before entering upon ~~his~~ that director's duties, shall take and subscribe an oath to perform the duties of office faithfully, impartially and justly to the best of ~~his~~ that director's ability. A record of the oaths shall must be filed in the office of the Secretary of State.

Sec. B-422. 35-A MRSA §4131, sub-§5, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

5. Term. Directors shall serve for terms of 5 years each. The terms shall end on July 1st each year as follows: Two in 1982 and every 5 years thereafter; 2 in 1983 and every 5 years thereafter; 2 in 1984 and every 5 years thereafter; 2 in 1985 and every 5 years thereafter; and the balance if any in 1986 and every 5 years thereafter. Each director shall

~~hold~~ holds office until ~~his~~ that director's successor is appointed and qualified. A director is eligible for reappointment.

Sec. B-423. 35-A MRSA §4131, sub-§10, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

10. Officers. The board of directors shall also elect one of its member directors as ~~chairman~~ chair of the agency and shall also elect a treasurer and secretary who may be, but need not be, directors. It may elect other officers and agents as necessary to perform those acts commonly delegated to the officers and agents of a business corporation and shall set their compensation.

Sec. B-424. 35-A MRSA §4151, sub-§9, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

9. Signature; validity. If any director or executive officer of the agency whose signature appears on any notes, bonds or coupons ceases to be a director or executive officer before the delivery of the notes or bonds, the signature is valid for all purposes; as if ~~he~~ that director or executive officer had remained in office until that delivery.

Sec. B-425. 35-A MRSA §4171, 2nd ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

The State Auditor and ~~his~~ the State Auditor's authorized representatives may at any time examine the accounts and books of the agency, including its receipts, disbursements, contracts, sinking funds, investments and any other matters relating to its financial statements.

Sec. B-426. 35-A MRSA §4354, sub-§2, ¶A, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

A. The Treasurer of State, who shall act as ~~chairman~~ chair;

Sec. B-427. 35-A MRSA §6503, sub-§6, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

6. Satisfaction of judgment. When the owner is entitled to it, ~~he shall~~ the owner must be paid as much of the specie deposited as will satisfy ~~his~~ the owner's judgment. Notes or obligations deposited by the taker ~~shall~~ must be delivered to the officer having a warrant of distress, to sell as personal property is sold on execution, to satisfy the warrant and fees. Any balance ~~shall~~ must be paid to the taker.

Sec. B-428. 35-A MRSA §6506, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

2. Notice of damage award. After the report has been recorded, the county commissioners' clerk shall prepare a notice to each person, stating the amount of damages awarded to ~~him~~ that person. An officer shall serve the notice on those residing in the State. Notice to others ~~shall~~ must be by publication 3 weeks successively in a newspaper printed in the county. If there is no newspaper printed in the county, the notice ~~shall~~ must be published in a newspaper of general circulation in the area where the property is located.

Sec. B-429. 35-A MRSA §6509, sub-§1, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

1. Damages unpaid for more than 30 days. When the damages remain unpaid for more than 30 days after they are due and demanded or the security is not deposited, the owner may file in the Superior Court a complaint praying for an injunction against the use or occupation of ~~his~~ the owner's property taken.

Sec. B-430. 35-A MRSA §6509, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

3. Court may issue an injunction prohibiting use. The court, after summary notice to the taker and upon proof of the facts, may, without any bond filed, issue an injunction prohibiting ~~his~~ the taker's use and occupation until ~~he~~ the taker pays all damages and costs. If payment has not been made within 90 days, the court may issue a permanent injunction and all rights acquired by taking the property cease and the owner may maintain an action for its recovery and protection.

Sec. B-431. 35-A MRSA §6510, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§6510. Service of injunction

1. Injunction may be served on a person who is not a party. An injunction issued against a person may be served on that person whether or not ~~he~~ that person is a party to the action, and ~~he shall be~~ that person is liable to all the penalties and consequences provided for a breach of the injunction.

2. Violation of injunction. The court may order a person who violates the injunction, after service, or who uses the property to show cause at a time fixed why a decree should not be entered and execution issued against ~~him~~ that person and ~~his~~ that person's goods and estate for the damages, interest, costs and ~~for~~ additional damages and costs for breach of the injunction.

3. Court may enter decree. Upon service and return of the order, the court may enter a decree that is just and equitable against the person and issue execution accordingly or may proceed against ~~him~~ the person for breach of injunction.

Sec. B-432. 35-A MRSA §6511, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

§6511. Failure to apply for assessment not a waiver

The property owner's failure to apply for the assessment of damages within 3 years may not be held to be a waiver by ~~him~~ the property owner of compensation for property taken by eminent domain.

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 4, 7, 24-A and 35-A and incorporates certain administrative changes and corrections to those statutory units authorized under Title 1, section 93.