

# **REVISOR'S REPORT 2015**

## **Chapter 1**

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

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**Sec. 1. 5 MRSA §1826-A, 2nd ¶**, as amended by PL 2003, c. 515, §1, is corrected to read:

In order to assure continued opportunities for persons with disabilities to obtain this employment through work centers, it is the intent of the Legislature to provide reliable and steady income and job opportunities to work centers. It is the purpose of this section and sections 1826-B ~~to 1826-D~~ and 1826-C to ensure that some portion of state purchases for commodities and services be available to work centers.

### EXPLANATION

This section corrects a cross-reference.

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**Sec. 2. 5 MRSA §1826-B, sub-§2**, as amended by PL 2003, c. 515, §§3 and 4, is corrected to read:

**2. Work center.** "Work center" means a program that provides vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement. For the purposes of sections 1826-A ~~to 1826-D~~ and 1826-C, a work center must meet the following conditions:

- B. Has complied with occupational health and safety standards required by the laws of the United States or this State;
- C. Employs during the fiscal year in commodity production or service provision persons with disabilities at a quota of not less than 66% of the total hours of direct labor on all production, whether or not government related; and
- D. Has, is part of or demonstrates a formal relationship for support with an ongoing placement program that includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with the appropriate community services for the placement in the employment of any of its workers who may qualify for that placement.

### EXPLANATION

This section corrects a cross-reference.

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**Sec. 3. 5 MRSA §13058, sub-§3**, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is corrected to read:

**3. Hold hearings and adopt rules.** The commissioner may hold hearings and adopt rules, in accordance with the Maine Administrative ~~Procedures~~ Procedure Act, ~~Title 5, chapter 375~~, with respect to the implementation of authorized programs of the department.

- A. The commissioner may adopt rules to distribute funds or assistance under the United States Housing and Community Development Act of 1974, Title 1, and its subsequent amendments. The rules ~~shall~~ must be consistent with the annual final statement for the State Community Development Program submitted to the Federal Government. The

department shall give notice in writing of any such rules to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 20 days before the hearing, as stipulated in the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, or before the deadline for comments if no hearing is scheduled.

## EXPLANATION

This section corrects a clerical error and a cross-reference and makes a grammatical change.

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**Sec. 4. 10 MRSA §1310, sub-§1-A**, as enacted by PL 2015, c. 139, §3, is corrected to read:

**1-A. Security freeze for a protected consumer.** Beginning October 1, 2015, a person subject to this chapter shall comply with the following provisions regarding a security freeze for a protected consumer.

A. A consumer reporting agency shall place a security freeze for a protected consumer if:

(1) The consumer reporting agency receives a request from the protected consumer's representative for the placement of the security freeze under this subsection; and

(2) The protected consumer's representative:

(a) Submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(b) Provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative;

(c) Provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

(d) Pays to the consumer reporting agency any fee, as provided in paragraph H.

B. If a consumer reporting agency does not have a file pertaining to a protected consumer when the consumer reporting agency receives a request under this subsection, the consumer reporting agency shall create a record for the protected consumer.

This record may not be created or used to consider the protected consumer's ~~credit worthiness~~ creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living for any purpose listed in 15 United States Code, Section 1681b.

C. Within 30 days after receiving a request that meets the requirements of this subsection, a consumer reporting agency shall place a security freeze for the protected consumer on the record created for the protected consumer or on the file pertaining to the protected consumer in the event that the consumer reporting agency already has a file pertaining to the protected consumer.

D. Unless a security freeze for a protected consumer is removed in accordance with this subsection, a consumer reporting agency may not release the protected consumer's consumer report, any information derived from the protected consumer's consumer report, or any record created for the protected consumer.

E. A security freeze for a protected consumer placed under this subsection remains in effect until:

- (1) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with this subsection; or
- (2) The security freeze is removed in accordance with paragraph F or I.

F. If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:

- (1) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;
- (2) Provide to the consumer reporting agency:
  - (a) In the case of a request by the protected consumer:
    - (i) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid or that the protected consumer has attained the age of 16; and
    - (ii) Sufficient proof of identification of the protected consumer; or
  - (b) In the case of a request by the representative of a protected consumer:
    - (i) Sufficient proof of identification of the protected consumer and the representative; and
    - (ii) Sufficient proof of authority to act on behalf of the protected consumer; and
- (3) Pay to the consumer reporting agency any fee authorized in paragraph H.

G. Within 30 days after receiving a request that meets the requirements for removing a security freeze for a protected consumer, the consumer reporting agency shall remove the security freeze.

H. A consumer reporting agency may charge a reasonable fee, not exceeding \$10 for each placement or removal of a security freeze for a protected consumer, except that a consumer reporting agency may not charge a fee for placement or removal of a security freeze for a protected consumer if:

- (1) The protected consumer or the protected consumer's representative:
  - (a) Has obtained a report of alleged identity theft or fraud against the protected consumer; and
  - (b) The representative provides a copy of the report to the consumer reporting agency;
- (2) The consumer reporting agency has a consumer report pertaining to the protected consumer; or
- (3) The protected consumer or the protected consumer's representative:
  - (a) Receives a notice from an information broker or other person of a security breach as required by section 1348; and

(b) Provides a copy of that notice to the consumer reporting agency.

I. A consumer reporting agency shall remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

J. The provisions of this subsection do not apply to the use of a consumer report by:

(1) A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or to which a representative has subscribed on behalf of a protected consumer;

(2) A consumer reporting agency for the sole purpose of providing the protected consumer or the protected consumer's representative a copy of the protected consumer's consumer report upon the request of the protected consumer or the protected consumer's representative;

(3) An entity described in subsection 1, paragraph M, subparagraphs (3), (4), (5) and (10); or

(4) A consumer reporting agency's database or file that consists of information concerning, and used for, one or more of the following: criminal record information, fraud prevention or detection, personal loss history information, and employment, tenant or background screening.

K. A person may not be held liable for any violation of this subsection if the person shows by a preponderance of the evidence that at the time of the alleged violation the person maintained reasonable procedures to ensure compliance with the provisions of this subsection.

For the purposes of this subsection, "record" means a compilation of information that identifies a protected consumer and is created by a consumer reporting agency solely for the purpose of complying with ~~section 1310, subsection 1-A~~ this subsection.

## EXPLANATION

This section corrects a clerical error and an internal reference.

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**Sec. 5. 12 MRSA §6575-L, sub-§1**, as enacted by PL 2015, c. 131, §3, is corrected to read:

**1. Temporary medical transfer requested prior to March 1st.** Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the entire annual quota allocated to that person to another person holding an elver fishing ~~license~~ license issued under section 6505-A if the following criteria are met:

A. The transferor reported elver landings in the prior fishing year;

B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; and

C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 6. 12 MRSA §10260**, as enacted by PL 2007, c. 168, §1 and affected by §8, is corrected to read:

#### **§10260. Black Bear Research Fund**

The Black Bear Research Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding studies related to the management of black bears. Revenue from the nonresident late season bear hunting permit under section 11151-A and the bear trapping permit under section 12260-A must be deposited in the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 7. 12 MRSA §11152, sub-§5**, as amended by PL 2013, c. 322, §1, is corrected to read:

**5. Hunter permit transfers.** A resident may take an antlerless deer if another resident who holds a valid antlerless deer permit transfers the permit to that resident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. A nonresident may take an antlerless deer if another nonresident who holds a valid ~~anterless~~ antlerless deer permit transfers the permit to that nonresident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 8. 12 MRSA §11161**, as enacted by PL 2015, c. 281, Pt. E, §11, is reallocated to 12 MRSA §11162.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2015, chapters 262 and 281, which enacted 2 substantively different provisions with the same section number.

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**Sec. 9. 14 MRSA §7071, sub-§7**, as enacted by PL 2009, c. 245, §6, is corrected to read:

**7. Service and return of writ of possession; contempt.** A writ of possession is returnable within 3 years from the date of issuance. The writ may be served by a sheriff or a constable. When a writ of possession has been served on the defendant by a constable or sheriff, the defendant must put the sheriff or constable into possession of the property within 2 days of the date on which the writ is served upon that defendant or the plaintiff may file a motion to have the defendant held in contempt. A proceeding upon a motion for contempt under this subsection is subject to the Maine Rules of Civil Procedure, Rule 66(d) and for the purposes of this proceeding the entry of the judgment against the defendant creates a rebuttable presumption that the defendant has the ability to put the sheriff or constable into possession of the property. This presumption shifts the burden of production of evidence to the ~~defendent~~ defendant, but the burden of persuasion remains upon the plaintiff in any contempt proceeding.

#### **EXPLANATION**

This section corrects a clerical error.

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**Sec. 10. 17 MRSA §314-A, sub-§3-B**, as enacted by PL 2011, c. 410, §1, is corrected to read:

**3-B. ~~Thirty events~~ Games up to 100 days per year.** An organization licensed under this section other than the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may operate high-stakes beano games up to 100 days per year. A high-stakes beano game licensed under this section and canceled for any reason may be rescheduled at any time, as long as 5 days' prior notice of the new date is given to the Chief of the State Police.

#### **EXPLANATION**

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

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**Sec. 11. 17-A MRSA §1111-A, sub-§1, ¶F**, as amended by PL 1981, c. 531, §2, is corrected to read:

F. ~~Dilutents~~ Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting scheduled drugs;

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 12. 19-A MRSA §1862, sub-§1, ¶E**, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is corrected to read:

E. State that the man signing the ~~acknowledgement~~ acknowledgment believes himself to be the biological father; and

**Sec. 13. 19-A MRSA §1868, sub-§2**, as enacted by PL 2015, c. 296, Pt. A, §1 and affected by Pt. D, §1, is corrected to read:

**2. Challenge by person not a signatory.** If an acknowledgment of paternity has been made in accordance with this subchapter, an individual who is neither the child nor a signatory to the ~~acknowledgement~~ acknowledgment of paternity and who seeks to challenge the validity of the acknowledgment and adjudicate parentage must commence a proceeding not later than 2 years after the effective date of the acknowledgment, as provided in section 1864, unless the individual did not know and could not reasonably have known of the individual's potential genetic parentage on account of material misrepresentation or concealment, in which case the proceeding must be commenced no later than 2 years after discovery.

#### EXPLANATION

These sections correct clerical errors.

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**Sec. 14. 20-A MRSA §4722-A, sub-§5**, as enacted by PL 2015, c. 367, §1, is reallocated to 20-A MRSA §4722-A, sub-§6.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 342 and 367, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 15. 20-A MRSA §15689-A, sub-§25**, as enacted by PL 2015, c. 363, §5, is reallocated to 20-A MRSA §15689-A, sub-§26.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 267 and 363, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 16. 22 MRSA §254-D, sub-§4, ¶H**, as amended by PL 2007, c. 240, Pt. RR, §1, is corrected to read:

H. Payment must be denied for drugs from manufacturers that do not enter into a rebate agreement with the department.

(1) Each agreement must provide that the manufacturer make rebate payments for both the basic and supplemental components of the program to the department according to the following schedule.

(a) From October 1, 1992 to October 1, 1998, the rebate percentage is equal to the percentage recommended by the federal Center for Medicare and Medicaid Services of the manufacturer's wholesale price for the total number of dosage units of each form and strength of a prescription drug that the department reports as reimbursed to providers of prescription drugs, provided payments are not due until 30 days following the manufacturer's receipt of utilization data supplied by the department, including the number of dosage units reimbursed to providers of prescription drugs during the period for which payments are due.

(b) Beginning October 1, 1998, the department shall seek to achieve an aggregate rebate amount from all rebate agreements that is 6 percentage points higher than that required by ~~subdivision~~ division (a), provided such rebates result in a net increase in the rebate revenue available to the elderly low-cost drug program.

(2) Upon receipt of data from the department, the manufacturer shall calculate the quarterly payment.

(a) If a discrepancy is discovered, the department may, at its expense, hire a mutually agreed-upon independent auditor to verify the manufacturer's calculation.

(b) If a discrepancy is still found, the manufacturer shall justify its calculation or make payment to the department for any additional amount due.

(c) The manufacturer may, at its expense, hire a mutually agreed-upon independent auditor to verify the accuracy of the utilization data provided by the department. If a discrepancy is discovered, the department shall justify its data or refund any excess payment to the manufacturer.

(d) If the dispute over the rebate amount is not resolved, a request for a hearing with supporting documentation must be submitted to the department's division of administrative hearings. Failure to resolve the dispute may be cause for terminating the drug rebate agreement and denying payment to the manufacturer for any drugs.

(3) A prescription drug of a manufacturer that does not enter into an agreement pursuant to this paragraph is reimbursable only if the department determines the prescription drug is essential.

(4) All prescription drugs of a manufacturer that enters into an agreement pursuant to this paragraph that appear on the list of approved drugs under the program must be immediately available and the cost of the drugs must be reimbursed except as provided in this paragraph. The commissioner may impose prior authorization requirements on drugs under the program. If the commissioner establishes maximum retail prices for prescription drugs pursuant to section 2693, the department shall adopt rules for the program requiring the use of a drug formulary and prior authorization for the dispensing of certain drugs to be listed on a formulary.

(5) The names of manufacturers who do and do not enter into rebate agreements pursuant to this paragraph are public information. The department shall release this information to health care providers and the public on a regular basis and shall publicize participation by manufacturers that is of particular benefit to the public.

### EXPLANATION

This section corrects a clerical error.

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**Sec. 17. 22 MRSA §1711-C, sub-§6, ¶E-2**, as enacted by PL 2015, c. 218, §1, is corrected to read:

E-2. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the disclosure is required by section ~~1726~~ 1727;

### EXPLANATION

This section corrects a cross-reference. The incorrect cross-reference results from the reallocation of the Maine Revised Statutes, Title 22, section 1726.

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**Sec. 18. 22 MRSA §1726**, as enacted by PL 2015, c. 218, §2, is reallocated to 22 MRSA §1727.

### EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 203 and 218, which enacted 2 substantively different provisions with the same section number.

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**Sec. 19. 22 MRSA §2353, sub-§4**, as enacted by PL 2015, c. 351, §2, is corrected to read:

**4. Community-based drug overdose prevention programs; standing orders for naloxone hydrochloride.** Acting under standing orders from a licensed ~~healthcare~~ health care professional authorized by law to prescribe naloxone hydrochloride, a public health agency that provides services to populations at high risk for a drug overdose may establish an

overdose prevention program in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any other provision of law, an overdose prevention program established under this subsection may store and dispense naloxone hydrochloride without being subject to the provisions of Title 32, chapter 117 as long as these activities are undertaken without charge or compensation.

B. An overdose prevention program established under this subsection may distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a person who has successfully completed training provided by the overdose prevention program that meets the protocols and criteria established by the department, so that the person may possess and administer naloxone hydrochloride to an individual who appears to be experiencing an opioid-related drug overdose.

The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### EXPLANATION

This section corrects a clerical error.

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**Sec. 20. 22 MRSA §3104, sub-§13**, as amended by PL 2009, c. 291, §2, is corrected to read:

**13. Categorical eligibility.** The department shall adopt rules that maximize access to the food supplement program for households in which there is a child who would be a dependent child under the Temporary Assistance for Needy Families program but that do not receive a monthly cash assistance grant from the Temporary Assistance for Needy Families program. Under rules adopted pursuant to this subsection, certain of these families must be authorized to receive referral services provided through the Temporary Assistance ~~to~~ for Needy Families block grant and be categorically eligible for the food supplement program in accordance with federal law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

### EXPLANATION

This section corrects a clerical error.

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**Sec. 21. 22 MRSA §3737, sub-§3**, as amended by PL 2013, c. 559, §1, is corrected to read:

**3. Quality differential.** To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this

subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must establish a 4-step child care quality rating system and must provide for graduated quality differential rates for step 2, step 3 and step 4 child care services.

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance ~~to~~ for Needy Families block grant.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 22. 22 MRSA §3811, sub-§4**, as amended by PL 2011, c. 687, §12, is corrected to read:

**4. Program benefits.** "Program benefits" means money payments or food coupons issued by the department pursuant to an application for benefits made by an individual to Aid to Families with Dependent Children established in former chapter 1053, the food stamp program established in chapter 851 or the Temporary Assistance ~~to~~ for Needy Families program established in chapter 1053-B, or money payments or vouchers issued by a municipal general assistance program established pursuant to chapter 1161, or payments for medical services issued by the department pursuant to the MaineCare program established pursuant to chapter 855.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 23. 22 MRSA §8108**, as enacted by PL 2015, c. 267, Pt. RR, §3, is reallocated to 22 MRSA §8109.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 240 and 267, which enacted 2 substantively different provisions with the same section number.

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**Sec. 24. 23 MRSA §3027-A, sub-§3**, as enacted by PL 1981, c. 683, §3, is corrected to read:

**3. Prior orders.** A person claiming an interest in a proposed unaccepted way vacated under section 3027 prior to the effective date of this section may cause an attested copy of that order to be recorded in the registry of deeds where the subdivision plan describing or showing the way is recorded. That person shall append to the order to be recorded an alphabetical listing of the names of the current subdivision lot owners and their mortgagees of record whose interest in the way may be affected by the order. The register of deeds shall also index the order under the names of the lot owners appearing in the appendix.

Within 20 days of the recording of a prior order, the person causing the order to be recorded shall give notice of ~~his~~ the person's claim to all current owners of lots on the subdivision plan and their mortgagees of record by mailing by the United States Postal Service, postage prepaid, a notice informing them of ~~his~~ the person's claim and advising them that, to preserve any claim adverse to ~~his~~ the person's, they must file a claim and ~~commence~~ commence an action as required by subsection 2. The notice ~~shall~~ must conform in substance to the following form:

#### NOTICE

On \_\_\_\_\_, 19\_\_\_\_, the municipal officers of \_\_\_\_\_ (Name of Town or City) entered an order vacating the following (ways) (way) shown upon a subdivision plan (named) (dated) (and) recorded in the \_\_\_\_\_ Registry of Deeds Book of Plans, Volume \_\_\_\_\_, Page \_\_\_\_\_.

(Herein list vacated ways)

The undersigned claims to own the (ways) (way) described above. A copy of the order of the municipal officers was recorded in the Registry of Deeds on \_\_\_\_\_, 19\_\_\_\_, and any person claiming an interest in (these ways) (this way) adverse to the claims of the undersigned must, within one (1) year of the date of the recording of the above order, file a written claim under oath in the Registry of Deeds and must, within one hundred eighty (180) days thereafter, commence an action in the Superior Court in \_\_\_\_\_ County in accordance with the Revised Statutes, Title 23, section 3027-A.

#### EXPLANATION

This section corrects a clerical error and gender-specific language and makes a grammatical change.

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**Sec. 25. 24 MRSA §2604**, as enacted by PL 1977, c. 492, §3, is corrected to read:

#### **§2604. Records of superintendent**

For the purpose of evaluation of policy provisions, rate structures and the arbitration process and for recommendations of further legislation, the Superintendent of Insurance shall retain the information and maintain the files in the form and for such period as ~~he shall determine~~ the superintendent determines necessary. The superintendent shall maintain the reports filed in accordance with this section, and all data or information derived therefrom that identifies or permits identification of the insured or insureds or the incident or occurrences for which a claim was made, as strictly confidential records. Data and information derived from reports filed in accordance with this section that do not identify or permit identification of the insured or insureds or the incident or occurrence for which a claim was made may be released by the superintendent or otherwise made available to the public. Reports made to the superintendent and records thereof kept by the superintendent ~~shall not be~~ are not subject to discovery and ~~shall not be admissible~~ are not admissible in any trial, civil or criminal, other than proceedings brought before or by the board.

## EXPLANATION

This section corrects a clerical error and gender-specific language and makes grammatical changes.

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**Sec. 26. 24 MRSA §2906, sub-§2**, as enacted by PL 1989, c. 931, §3, is corrected to read:

**2. Collateral source payment reductions.** In all actions for professional negligence, as defined in section 2502, evidence to establish that the plaintiff's expense of medical care, rehabilitation services, loss of earnings, loss of earning capacity or other economic loss was paid or is payable, in whole or in part, by a collateral source is admissible to the court in which the action is brought after a verdict for the plaintiff and before a judgment is entered on the verdict. After notice and opportunity for an evidentiary hearing, if the court determines that all or part of the plaintiff's expense or loss has been paid or is payable by a collateral source and the collateral source has not exercised its right to ~~subrogation~~ subrogation within the time limit set forth in subsection 6, the court shall reduce that portion of the judgment that represents damages paid or payable by a collateral source.

## EXPLANATION

This section corrects a clerical error.

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**Sec. 27. 24-A MRSA §2772, sub-§3**, as enacted by PL 1989, c. 556, Pt. C, §2, is corrected to read:

**3. Accessibility of representatives.** A representative of the licensee must be accessible by telephone to insureds, patients or providers and the superintendent may adopt standards of ~~accessability~~ accessibility by rule.

## EXPLANATION

This section corrects a clerical error.

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**Sec. 28. 24-A MRSA §2912, sub-§3**, as enacted by PL 1973, c. 339, §1, is corrected to read:

**3. Nonpayment of premium.** "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~~ payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

## EXPLANATION

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

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**Sec. 29. 24-A MRSA §3408, sub-§2, ¶A**, as amended by PL 1981, c. 501, §46, is corrected to read:

A. Real property and ~~personal~~ personal property appurtenant thereto lawfully owned by the insurer and located outside this State;

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 30. 24-A MRSA §4120, sub-§1, ¶L**, as enacted by PL 1969, c. 132, §1, is corrected to read:

L. If the constitution or laws of the society provide for ~~expulsion~~ expulsion or suspension of a member, any member so expelled or suspended, except for nonpayment of a premium or within the contestable period for material misrepresentations in such member's application for membership, ~~shall~~ must have the privilege of maintaining ~~his~~ the member's insurance in force by continuing payment of the required premium.

**EXPLANATION**

This section corrects a clerical error and gender-specific language and makes a grammatical change.

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**Sec. 31. 24-A MRSA §6307, sub-§1, ¶D**, as enacted by PL 1989, c. 931, §5, is corrected to read:

D. Practices at least 50% of the time in areas of the State that are underserved areas for obstetrical and prenatal medical services as determined by the Department of Health and Human Services.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 32. 27 MRSA §72, sub-§1, ¶F**, as reallocated by PL 2003, c. 688, Pt. A, §30, is corrected to read:

F. Volume of interlibrary lending and ~~accessability~~ accessibility of collections to the public; and

**EXPLANATION**

This section corrects a clerical error.

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**Sec. 33. 29-A MRSA §2063-A, sub-§9**, as enacted by PL 2001, c. 687, §16, is corrected to read:

**9. Violations.** Beginning 183 days after the effective date of this section, a person who violates this section commits a traffic infraction for which a forfeiture of not more than \$10 may be adjudged for the first offense and a forfeiture of not more than \$25 may be adjudged for the 2nd or subsequent offense. In addition to a forfeiture that may be adjudged, a person who commits a 3rd or subsequent offense may have that person's electric personal ~~mobility~~ assistive mobility device impounded for no more than 30 days.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 34. 29-A MRSA §2354-C, sub-§3**, as enacted by PL 2009, c. 326, §2, is corrected to read:

**3. Overlimit movement permits.** As provided in section 2382, the Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to commercial vehicles at Canadian gross vehicle weight limits operating under the requirements of this section. The Secretary of State shall adopt rules to implement this section in consultation with the Department of Transportation and the Department of Public Safety. Rules adopted pursuant to this ~~paragraph~~ subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

#### EXPLANATION

This section corrects an internal reference.

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**Sec. 35. 30-A MRSA §3106-A**, as enacted by PL 2015, c. 276, §1, is reallocated to 30-A MRSA §3106-B.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 244 and 276, which enacted 2 substantively different provisions with the same section number.

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**Sec. 36. 32 MRSA §3300-D**, as enacted by PL 2015, c. 173, §4, is reallocated to 32 MRSA §3300-E.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 137 and 173, which enacted 2 substantively different provisions with the same section number.

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**Sec. 37. 34-A MRSA c. 5, sub-c. 3 headnote** is corrected to read:

### SUBCHAPTER 3

#### ~~DIVISION~~ ADMINISTRATION OF PROBATION AND PAROLE

## EXPLANATION

This section corrects a subchapter headnote to properly reflect the elimination of the Department of Corrections, Division of Probation and Parole by Public Law 1995, chapter 502, Part F.

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**Sec. 38. 35-A MRSA §3451, sub-§9-A**, as enacted by PL 2015, c. 265, §5 and affected by §10, is reallocated to 35-A MRSA §3451, sub-§9-C.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 190 and 265, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 39. 35-A MRSA §3451, sub-§10-A**, as enacted by PL 2015, c. 190, §3, is reallocated to 35-A MRSA §3451, sub-§10-B.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 190 and 265, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 40. 36 MRSA §5122, sub-§1, ¶HH**, as amended by PL 2015, c. 1, §3, is corrected to read:

HH. For taxable years beginning in 2013:

- (1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-JJ for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-JJ; ~~and~~

**Sec. 41. 36 MRSA §5122, sub-§1, ¶II**, as enacted by PL 2015, c. 1, §4, is corrected to read:

II. For taxable years beginning in 2014:

(1) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property placed in service in the State during the taxable year for which a credit is claimed under section 5219-MM for that taxable year; and

(2) An amount equal to the net increase in depreciation attributable to the depreciation deduction claimed by the taxpayer under the Code, Section 168(k) with respect to property for which a credit is not claimed under section 5219-MM; and

#### EXPLANATION

These sections make technical corrections.

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**Sec. 42. 36 MRSA §5213-A, sub-§6, ¶B**, as enacted by PL 2015, c. 267, Pt. DD, §19, is corrected to read:

B. Individuals who do not qualify as resident individuals because they do not meet the requirements of section 5102, ~~subsection 5102~~, subsection 5, paragraph A.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 43. 37-B MRSA §801, sub-§2**, as enacted by PL 1989, c. 464, §3, is corrected to read:

**2. Fees established.** The director, with the advice of the commission and subject to the Maine Administrative ~~Procedures~~ Procedure Act, Title 5, ~~chapter 375~~, shall promulgate rules to establish a fee schedule for:

- A. Registering facilities, not to exceed \$50 per facility; and
- B. Reporting hazardous materials, on a weight basis per chemical.

#### EXPLANATION

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

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**Sec. 44. 38 MRSA §480-II**, as enacted by PL 2015, c. 365, §1, is reallocated to 38 MRSA §480-JJ.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2015, chapters 264 and 365, which enacted 2 substantively different provisions with the same section number.

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**Sec. 45. PL 2015, c. 21, §2, amending clause** is corrected to read:

**Sec. 2. 37-B MRSA §509, sub-§6** is enacted to read:

## EXPLANATION

This section corrects a clerical error by adding a section number that was erroneously omitted from Public Law 2015, chapter 21.

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**Sec. 46. PL 2015, c. 102, §11** is corrected to read:

**Sec. 11. Transition.** Notwithstanding the Maine Revised Statutes, Title 3, section 162, subsection 6, this ~~Part~~ Act may not be construed to affect the term of a person appointed to a 3-year term as the Executive Director of the Legislative Council, the State Law Librarian or a director of a nonpartisan staff office before October 1, 2015.

## EXPLANATION

This section corrects a clerical error.

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**Sec. 47. PL 2015, c. 365, §2** is corrected to read:

**Sec. 2. Department of Environmental Protection to contract with private organization in 2016 and 2017.** For the years 2016 and 2017, the Department of Environmental Protection shall distribute the funds appropriated in section 3 through a competitive bid process to a private organization to establish and administer the program to reduce erosion and protect lake water quality under the Maine Revised Statutes, Title 38, section ~~480-H~~ 480-JJ. The department shall ensure that any contract entered into with a private organization under this section requires that:

1. The erosion control measures described in Title 38, section ~~480-H~~ 480-JJ, subsection 3 be performed in the summers of 2016 and 2017 with labor provided by a youth conservation corps organized or based in the State;

2. No more than 10% of the funds appropriated by the Legislature for the program in section 3 or received by the contracted organization as matching funding is used for the administration of the program by the contracted organization;

3. The scope of the program as implemented by the contracted organization is determined by the amount of funds appropriated in section 3; and

4. The contracted organization disburses to a youth conservation corps no more than \$1 from the funds appropriated for the program in section 3 for every \$2 in matching funds contributed to the program by that youth conservation corps. Federal and state funds may not be considered matching funds under the program.

#### **EXPLANATION**

This section corrects a cross-reference. The incorrect cross-reference results from the reallocation of the Maine Revised Statutes, Title 38, section 480-II.

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