

**REVISOR'S REPORT 2023**  
**Chapter 2**

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

**Office of the Revisor of Statutes  
State House Station 7  
Augusta, Maine 04330-0007  
(207) 287-1650**

## PART A

**Sec. A-1. 1 MRSA §1016-C**, as amended by PL 2023, c. 324, §1, is corrected to read:

### **§1016-C. Reports by legislative candidates**

A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who is not required to file a report under section 1016-G shall file a report containing the same information required of Legislators under section 1016-G no later than 5 p.m. on August 15th preceding the general election unless the candidate withdraws from the election in accordance with Title 21-A, section 374-A by that date. A candidate shall file statements electronically as is required of Legislators under section 1016-G, subsection 5. If the candidate fails to file the statement by the August 15th, the commission may assess penalties in accordance with section 1016-G, subsection 3.

### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-2. 2 MRSA §9, sub-§3, ¶H**, as amended by PL 2013, c. 415, §4, is corrected to read:

H. Work with transmission and distribution utilities, state agencies involved in the permitting of energy generation facilities and other relevant entities to negotiate agreements that create value for electricity consumers with developers of renewable generation who are interested in building energy generation facilities or developing or utilizing energy transmission infrastructure in this State. This paragraph does not authorize the director to be a signatory to any such agreement unless that authority is otherwise granted by law.

### EXPLANATION

This section makes a technical correction.

---

**Sec. A-3. 4 MRSA §1806, sub-§3**, as amended by PL 2023, c. 638, §17, is corrected by correcting the first blocked paragraph to read:

Information received by the commission from the Judicial Department under this subsection remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that, if committed by an adult would constitute murder or a Class A, Class B or Class C crime, are not confidential.

### EXPLANATION

This section makes a grammatical change.

---

**Sec. A-4. 4 MRSA §1902, sub-§1**, as enacted by PL 2021, c. 651, Pt. A, §4 and affected by §8, is corrected to read:

**1. Acknowledgement ~~Acknowledgment~~.** "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-5. 4 MRSA §1904, sub-§4**, as enacted by PL 2021, c. 651, Pt. A, §4 and affected by §8, is corrected to read:

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

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-6. 4 MRSA §1905, sub-§1**, as enacted by PL 2021, c. 651, Pt. A, §4 and affected by §8, is corrected to read:

**1. Acknowledgement ~~Acknowledgment~~ of a record.** A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-7. 4 MRSA §1915, sub-§4**, as enacted by PL 2021, c. 651, Pt. A, §4 and affected by §8, is corrected to read:

**4. Remote ~~acknowledgement~~ acknowledgment of tangible record.** A notarial officer located in this State may use communication technology under subsection 3 to take an acknowledgment of a signature on a tangible record physically present before the notarial officer if the record is displayed to and identified by the remotely located individual during the audiovisual recording under subsection 3, paragraph C.

#### **EXPLANATION**

This section corrects a clerical error.

---

**Sec. A-8. 5 MRSA §90-H**, as enacted by PL 2023, c. 569, §1, is reallocated to 5 MRSA §90-I.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2023, chapters 545 and 569, which enacted 2 substantively different provisions with the same section number.

---

**Sec. A-9. 5 MRSA §158**, as enacted by PL 2023, c. 545, §2, is reallocated to 5 MRSA §159.

#### **EXPLANATION**

This section corrects a numbering problem created by Initiated Bill 2023, chapter 1 and Public Law 2023, chapter 545, which enacted 2 substantively different provisions with the same section number.

---

**Sec. A-10. 5 MRSA §285, sub-§2**, as amended by PL 1991, c. 780, Pt. Y, §23, is corrected to read:

**2. Coverage.** Each state employee to whom this section applies is eligible for a group health plan as provided in Title 24-A, sections 2802 to ~~2812~~ 2812-A, including major medical benefits or through a self-funded alternative. The provisions of the group insurance policy or policies or the self-funded alternative must be determined, insofar as the provisions are not inconsistent with terms and conditions contained in collective bargaining agreements negotiated pursuant to Title 26, chapter 9-B, by the State Employee Health Commission as provided in section 285-A. The master policy for the group health plan must be held by the Commissioner of Administrative and Financial Services.

#### **EXPLANATION**

This section corrects a cross-reference.

---

**Sec. A-11. 5 MRSA §285, sub-§12, ¶A**, as enacted by PL 2003, c. 673, Pt. DDDD, §1, is corrected by correcting subparagraph (1) to read:

(1) ~~Section~~ Title 3, section 851, which governs legislative retirement;

**EXPLANATION**

This section corrects a cross-reference.

---

**Sec. A-12. 5 MRSA §1511**, as amended by PL 2023, c. 422, §1, is corrected to read:  
**§1511. Loan Insurance Reserve**

The State Controller may, at the close of each fiscal year, as the next priority after the transfers authorized pursuant to section 1507, transfer from the ~~Unappropriated Surplus~~ unappropriated surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of \$1,000,000 per year after the transfers have been made pursuant to section 1507. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed \$50,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose.

**EXPLANATION**

This section corrects a clerical error.

---

**Sec. A-13. 5 MRSA §12004-I, sub-§6-K**, as enacted by PL 2023, c. 683, Pt. A, §1, is reallocated to 5 MRSA §12004-I, sub-§6-L.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2023, chapters 643 and 683, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-14. 5 MRSA §13302**, as enacted by PL 2023, c. 683, Pt. A, §2, is corrected to read:

**§13302. Social Equity Program Advisory Committee**

The Social Equity Program Advisory Committee, established by section 12004-I, subsection ~~6-K~~ 6-L and referred to in this chapter as "the advisory committee," serves to

advise the department on the development and implementation of the program. The advisory committee has 5 members who are members of impacted communities. Two members of the advisory committee are appointed by the President of the Senate and 3 members are appointed by the Speaker of the House. The first-named member appointed by the Speaker of the House is the chair of the advisory committee. The Commissioner of Economic and Community Development, or the commissioner's designee, shall convene the advisory committee as necessary to carry out its advisory duties.

#### EXPLANATION

This section corrects a cross-reference.

---

**Sec. A-15. 5 MRSA §20058, sub-§6**, as enacted by PL 2023, c. 412, Pt. LLL, §1, is corrected to read:

**6. Rules.** The Maine State Housing Authority may adopt rules to implement this section. 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 cross-reference.

---

**Sec. A-16. 7 MRSA §219-C, sub-§1, ¶A**, as enacted by PL 2023, c. 528, §2, is corrected by correcting subparagraph (3) to read:

(3) Food other than shelf-stable food items as determined by the department by rule.

#### EXPLANATION

This section makes a technical correction.

---

**Sec. A-17. 8 MRSA §1001, sub-§13-B**, as enacted by PL 2023, c. 635, §1, is reallocated to 8 MRSA §1001, sub-§13-C.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 549 and 635, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-18. 10 MRSA §21, sub-§8**, as enacted by PL 2023, c. 616, §3, is corrected to read:

**8. Duties.** The commission shall work to advance bilateral trade and investment between Maine and the island of Ireland; initiate joint action of policy issues of mutual interest to Maine and the island of Ireland; promote business and academic exchanges between Maine and the island of Ireland; encourage mutual economic support between Maine and the island of Ireland; encourage mutual investment in the infrastructure of Maine and the island of Ireland; and address other issues as determined by the commission.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-19. 11 MRSA §9-1338, sub-§(2)**, as repealed and replaced by PL 2023, c. 669, Pt. A, §131 and affected by Pt. E, §1, is corrected to read:

(2). A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and:

(a). In the case of tangible documents, goods, instruments or a security certificate, receives possession or delivery of the collateral ~~and~~; and

(b). In the case of chattel paper, takes possession of each authoritative tangible copy of the record evidencing the chattel paper and obtains control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

#### EXPLANATION

This section makes a technical correction.

---

**Sec. A-20. 12 MRSA §685-C, sub-§8-A**, as enacted by PL 2023, c. 623, §1, is reallocated to 12 MRSA §685-C, sub-§8-B.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 602 and 623, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-21. 12 MRSA §10902, sub-§10, ¶E**, as amended by PL 2019, c. 452, §8, is corrected to read:

E. Failure or refusal to stop an ATV or attempting to elude an officer, as prohibited under section 10651, subsection 1, paragraphs D and E, failure or refusal to stop a snowmobile or attempting to elude an officer, as prohibited under section 10651, subsection ~~1-E~~ 1, paragraph E, or failure or refusal to stop a watercraft or attempting to elude an officer, as prohibited under section 10651, subsection ~~1-E~~ 1, paragraph E.

**EXPLANATION**

This section corrects cross-references.

---

**Sec. A-22. 14 MRSA §158-C, sub-§1, ¶C**, as enacted by PL 2023, c. 351, §2, is corrected to read:

C. "Sexual assault or sexual exploitation of a minor" means any crime described in Title 17-A, ~~chapters~~ chapter 11 or 12 against a minor.

**EXPLANATION**

This section makes a grammatical change.

---

**Sec. A-23. 15 MRSA §714, sub-§1, ¶B**, as enacted by PL 2023, c. 394, Pt. A, §5, is corrected to read:

B. A person who viewed or listened to the intercepted communication and did not immediately discontinue viewing or listening to the communication as soon as the person had sufficient information to determine that the sender or the recipient of the communication was, at the time the communication was made, a resident in a jail or correctional facility and the other ~~part~~ party was an attorney, is disqualified from participating in an investigation of the resident and from appearing as a witness in a criminal proceeding in which the resident is a defendant, including a proceeding under chapter 305-A; and

**EXPLANATION**

This section corrects a clerical error.

---

**Sec. A-24. 15 MRSA §891, sub-§2**, as amended by PL 2021, c. 647, Pt. B, §6 and affected by §65, is corrected to read:

**2. Exceptions.** This section does not apply to the crime or juvenile crime of refusing to submit to arrest or detention as defined by Title 17-A, section ~~751-A~~ 751-B, to any crime or juvenile crime in which the alleged victim is a family or household member as defined in Title 19-A, chapter 103 or to any juvenile who has previously been adjudicated of a juvenile crime or who has previously obtained relief under this section with respect to a juvenile petition.

**EXPLANATION**

This section corrects a cross-reference.

---



**Sec. A-25. 17-A MRSA §1807, sub-§4**, as amended by PL 2021, c. 567, §11, is corrected to read:

**4. Findings or explanation required in certain cases when completion of domestic violence intervention program is not ordered as a condition of probation.** If an individual is convicted of a crime under chapter 9 or 13 or section 758 that the State pleads and proves was committed by the individual against a spouse, domestic partner or sexual partner; a former spouse, domestic partner or sexual partner; a victim with whom the individual is living or lived as a spouse; or a victim who is or was a dating partner of the individual and the court does not order as a condition of probation that the individual complete a domestic violence intervention program certified pursuant to Title 19-A, section 4014 4116, the court shall make findings on the record of the court's reasons for not ordering the individual to complete a certified domestic violence intervention program. If a plea agreement submitted to the court in accordance with Rule 11A(b) of the Maine Rules of Unified Criminal Procedure does not contain a provision ordering the individual to complete a certified domestic violence intervention program, the attorney for the State shall indicate, in a writing submitted to the court, the basis for the plea agreement's not including completion of a certified domestic violence intervention program as a condition of probation. For purposes of this subsection, "dating partner" means a victim currently or formerly involved in dating the individual, whether or not the individual and the victim are or were sexual partners.

#### **EXPLANATION**

This section corrects a cross-reference.

---

**Sec. A-26. 18-C MRSA §1-701, sub-§2, ¶A**, as enacted by PL 2023, c. 560, Pt. A, §1, is reallocated to 18-C MRSA §1-701, sub-§2, ¶C.

#### **EXPLANATION**

This section corrects a lettering problem created by Public Law 2023, chapter 560, which enacted a provision using a letter designation that had been previously allocated.

---

**Sec. A-27. 18-C MRSA §1-701, sub-§2, ¶B**, as enacted by PL 2023, c. 560, Pt. A, §1, is reallocated to 18-C MRSA §1-701, sub-§2, ¶D.

#### **EXPLANATION**

This section corrects a lettering problem created by Public Law 2023, chapter 560, which enacted a provision using a letter designation that had been previously allocated.

---

**Sec. A-28. 20-A MRSA §7209, sub-§4, ¶F**, as amended by PL 2023, c. 643, Pt. W, §15, is corrected by correcting subparagraph (2) to read:

(2) Monthly actual and budgeted expenditures by funding source and by expenditure category for the prior month; and

**EXPLANATION**

This section makes a technical correction.

---

**Sec. A-29. 22 MRSA §2131, sub-§4, ¶C**, as enacted by PL 2023, c. 434, §7, is corrected to read:

C. The department may impose a fine of not less than \$500 and not more than \$10,000 for each violation of this chapter on a person or business entity who operates a temporary nurse agency and who fails to:

- (1) Meet the documentation requirements or make available to the department a record described in ~~section~~ subsection 1-B; or
- (2) Provide an annual report that includes the documentation required by ~~section~~ subsection 1-D.

**EXPLANATION**

This section corrects cross-references.

---

**Sec. A-30. 22 MRSA §2147, sub-§15, ¶B**, as corrected by RR 2023, c. 1, Pt. A, §10, is corrected by correcting subparagraph (3) to read:

- (3) Meet licensing standards consistent with those required by ~~Title 22~~, section 2145, subsections 3 and 4; and

**EXPLANATION**

This section makes a technical correction.

---

**Sec. A-31. 22 MRSA §2421-A, sub-§14, ¶A**, as enacted by PL 2023, c. 679, Pt. A, §3, is corrected to read:

A. Specially designed or constructed to be significantly difficult for a typical child under ~~5-years~~ 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and

**EXPLANATION**

This section corrects a clerical error.

---

**Sec. A-32. 22 MRSA §3174-NNN**, as enacted by PL 2023, c. 597, §15, is reallocated to 22 MRSA §3174-OOO.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 576 and 597, which enacted 2 substantively different provisions with the same section number.

---

**Sec. A-33. 22 MRSA §5404, sub-§2, ¶D**, as enacted by PL 2019, c. 653, Pt. A, §1, is corrected to read:

D. Initially and subsequently as needed assess and report to the joint standing committee of the Legislature having jurisdiction over health insurance coverage matters on the feasibility and cost of the State's using the federal platform as described in 45 Code of Federal Regulations, Section 155.200(f) compared to the State's performing all the functions of a state-based marketplace as described in 45 Code of Federal Regulations, Section 155.200. These reports must consider the availability of federal grants, whether existing user fees are sufficient to create and operate state-run functions and whether use of a state-run platform would improve the accessibility and affordability of health insurance in the State.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-34. 24-A MRSA §601, sub-§2**, as amended by PL 2003, c. 203, §1, is corrected to read:

**2. Charter documents, other than those filed with application for certificate of authority.** The fee: for filing by an insurer for a reservation of a name; in addition to any other fee, a late filing of any information required to be filed by a licensee; registration of a branch location; and filing any amendment to certificate of organization, articles or certificate of incorporation, charter, bylaws, power of attorney, as to reciprocal insurers, and other ~~constituent~~ constituent documents of the insurer may not exceed \$25;

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-35. 24-A MRSA §3411, sub-§2**, as amended by PL 2013, c. 299, §11, is corrected to read:

**2. Directors, other than initial directors named in the insurer's articles of ~~incorporation~~ incorporation**, must be elected by the members or stockholders of a domestic insurer at the annual meeting of stockholders or members. Directors may be elected for terms of not more than 3 years each and until their successors are elected and have qualified; and, if the

directors are to be elected for terms of more than one year, the insurer's bylaws may provide for a staggered term system under which the terms of a proportionate part of the members of the board of directors expire on the date of each annual meeting of stockholders or members. A directorship becoming vacant before expiration of the term may be filled by the board of directors for the remainder of the term.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-36. 24-A MRSA §3473, sub-§1, ¶D**, as amended by PL 2013, c. 299, §15, is corrected to read:

D. The proposed conversion must be approved by affirmative vote of not less than 2/3 of each class of outstanding securities of the insurer having voting rights, at a special meeting of holders of such securities called for the purpose; and at such meeting and by a like vote the certificate of organization or articles of incorporation of the corporation must be amended to remove from the certificate of organization or articles of incorporation the power to transact an insurance business as an insurer, to provide for such new powers and purposes authorized by the general corporation laws of this State as may be consistent with the purposes for which the corporation is thereafter to exist, and to make such further alterations in the certificate of organization or articles of ~~incorporation~~ incorporation as may be required under such general corporation laws of an ordinary business corporation;

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-37. 24-A MRSA §4303, sub-§4, ¶A**, as amended by PL 2023, c. 680, Pt. A, §3 and affected by §10, is corrected by correcting subparagraph (6) to read:

(6) Procedures for a provider actively treating an enrollee to act as an authorized representative of the enrollee within the meaning of section 4301-A, subsection 2, paragraph D and file a grievance on the enrollee's behalf as long as the provider notifies the enrollee in writing at least 14 days prior to filing a grievance and within 7 days after filing a grievance or withdrawing a grievance. The enrollee has the right to affirmatively object to a provider that has filed a grievance at any time, and the enrollee has the right to notify the health carrier at any time that the enrollee intends to take the place of the provider as a party to the grievance.

#### EXPLANATION

This section makes a technical correction.

---

**Sec. A-38. 24-A MRSA §4311, sub-§1-A**, as amended by PL 2019, c. 273, §3, is corrected to read:

**1-A. Access to clinically appropriate prescription drugs.** For plan years beginning on or after ~~the effective date of this subsection~~ March 19, 2019, a carrier must allow an enrollee, the enrollee's designee or the person who has issued a valid prescription for the enrollee to request and gain access to a clinically appropriate drug not otherwise covered by the health plan. The carrier's process must comply with section 4304 and with this subsection. If the carrier approves a request under this subsection for a drug not otherwise covered by the health plan, the carrier must treat the drug as an essential health benefit, including counting any cost sharing toward the plan's annual limit on cost sharing and including it when calculating the plan's actuarial value.

A. The carrier must determine whether it will cover the drug requested and notify the enrollee, the enrollee's designee, if applicable, and the person who has issued the valid prescription for the enrollee of its coverage decision within 72 hours or 2 business days, whichever is less, following receipt of the request. A carrier that grants coverage under this paragraph must provide coverage of the drug for the duration of the prescription, including refills.

B. The carrier must have a process by which an expedited review may be requested in exigent circumstances. Exigent circumstances exist when an enrollee is suffering from a health condition that may seriously jeopardize the enrollee's life, health or ability to regain maximum function or when an enrollee is undergoing a current course of treatment using a nonformulary drug. When an expedited review has been requested, the carrier must determine whether it will cover the drug requested and notify the enrollee, the enrollee's designee, if applicable, and the person who has provided a valid prescription for the enrollee of its coverage decision within 24 hours following receipt of the request. A carrier that grants coverage under this paragraph must provide coverage of the drug for the duration of the exigency.

#### **EXPLANATION**

This section corrects the law to replace a general description of an effective date with the actual effective date.

---

**Sec. A-39. 25 MRSA §1666, sub-§2**, as enacted by PL 1965, c. 435, is corrected to read:

**2. Criminal intelligence bureau.** Establish and maintain a central criminal intelligence bureau to gather, evaluate and disseminate to the appropriate law enforcement officers of the party states information concerning organized crime, its leaders and their associates; and

#### **EXPLANATION**

This section makes a technical correction.

---

**Sec. A-40. 25 MRSA §2015**, as enacted by PL 2023, c. 678, §1, is reallocated to 25 MRSA §2016.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 643 and 678, which enacted 2 substantively different provisions with the same section number.

---

**Sec. A-41. 28-B MRSA §102-A, sub-§27, ¶B**, as enacted by PL 2023, c. 679, Pt. B, §3, is corrected to read:

B. Any employee, independent contractor, professional or other person who has an agreement with the applicant or licensee that provides for the person's attaining any form of equity ownership, except that employee equity ownership vested pursuant to an employee stock ownership program is governed by paragraph ~~E~~ D. If the other equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that other equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee;

#### EXPLANATION

This section corrects a cross-reference.

---

**Sec. A-42. 28-B MRSA §102-A, sub-§27, ¶E**, as enacted by PL 2023, c. 679, Pt. B, §3, is reallocated to 28-B MRSA §102-A, sub-§27, ¶D.

#### EXPLANATION

This section corrects a lettering problem created by Public Law 2023, chapter 679, which enacted a provision using a letter designation that is out of order.

---

**Sec. A-43. 28-B MRSA §503, sub-§3**, as amended by PL 2019, c. 676, §11 and PL 2021, c. 669, §5, is corrected to read:

**3. Compliance with testing protocols, standards and criteria.** A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the ~~department~~ office for the testing of different forms of cannabis and cannabis products; determining batch size; sampling; testing validity; and approval and disapproval of tested cannabis and cannabis products. A testing facility may use a sample collector for the collection of samples for mandatory testing as long as the testing facility's operating plan and standard operating procedures indicate the use of a sample collector for that purpose.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-44. 28-B MRSA §1101, sub-§2, ¶C-1**, as enacted by PL 2023, c. 683, Pt. A, §3, is reallocated to 28-B MRSA §1101, sub-§2, ¶C-2.

#### EXPLANATION

This section corrects a lettering problem created by Public Law 2023, chapters 658 and 683, which enacted 2 substantively different provisions with the same paragraph letter.

---

**Sec. A-45. 28-B MRSA §1101, sub-§2, ¶D**, as amended by PL 2023, c. 658, §3 and c. 683, Pt. A, §4, is corrected to read:

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to ~~C-1~~ C-2 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

#### EXPLANATION

This section corrects a cross-reference.

---

**Sec. A-46. 30-A MRSA §3008, sub-§5, ¶B**, as amended by PL 2023, c. 502, §11, is corrected to read:

B. A line extension policy, which must specify a minimum density requirement of no more than an average of 15 residences per linear strand mile of aerial cable for areas in which the video service provider will make cable television service available to every residence. A strand mile under this paragraph is measured from the end of the current cable system strand installation;

A video service provider may not establish mandatory preconditions to be met by potential subscribers for the construction of a line extension on a municipal public right-of-way including, but not limited to, a requirement that a potential subscriber sign a contract for service in advance of the construction of the line extension. Nothing in this paragraph prohibits a video service provider from requiring payment of cost sharing from potential subscribers prior to construction of a line extension in accordance with a line extension policy required by this paragraph.

#### EXPLANATION

This section makes technical corrections.

---

**Sec. A-47. 32 MRSA §85**, as amended by PL 2023, c. 587, §1 and c. 646, Pt. A, §40, is corrected by correcting the section headnote to read:

**§85. Emergency medical services persons**

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-48. 32 MRSA §7085, sub-§4**, as enacted by PL 2023, c. 674, §1, is corrected to read:

**4. ~~Bachelor's category~~ Bachelor's-category requirements.** An applicant for a bachelor's-category multistate license shall:

- A. Fulfill a competency requirement, which must be satisfied by:
  - (1) Passage of a bachelor's-category qualifying national examination;
  - (2) Licensure of the applicant in the applicant's home state at the bachelor's category, beginning prior to the time a qualifying national examination was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or
  - (3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule; and
- B. Attain at least a bachelor's degree in social work from a program that is:
  - (1) Operated by a college or university recognized by the licensing authority; and
  - (2) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor organization, or the United States Department of Education.

#### EXPLANATION



This section corrects a clerical error.

---

**Sec. A-49. 32 MRSA §13831, sub-§2**, as amended by PL 2023, c. 170, §2, is corrected to read:

**2. Administration of other vaccines.** A pharmacist licensed in this State who meets the qualifications and requirements of section 13832 and rules adopted by the board, in addition to influenza vaccines under subsection 1, may administer vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to a person 18 years of age or older. A pharmacist may administer vaccines licensed by the United States Food and Drug Administration that are recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to a person 3 years of age or older and under 18 years of age according to a valid prescription from a prescriber licensed under ~~chapters~~ chapter 31, 36 or 48. A pharmacist may administer vaccines licensed by the United States Food and Drug Administration that are outside the guidelines recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices, or successor organization, for administration to a person 18 years of age or older according to a valid prescription if the prescription specifically states that the vaccine is medically necessary.

#### EXPLANATION

This section makes a grammatical change and corrects a clerical error.

---

**Sec. A-50. 33 MRSA §173, sub-§6, ¶B**, as amended by PL 2023, c. 585, §2 and c. 602, §4, is corrected to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; ~~and~~

#### EXPLANATION

This section makes a technical correction.

---

**Sec. A-51. 33 MRSA §173, sub-§7, ¶C**, as enacted by PL 2023, c. 585, §3, is corrected by correcting subparagraph (2) to read:

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an

unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a);

#### EXPLANATION

This section makes a technical correction.

---

**Sec. A-52. 33 MRSA §173, sub-§7**, as enacted by PL 2023, c. 602, §5, is reallocated to 33 MRSA §173, sub-§8.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 585 and 602, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-53. 34-B MRSA §1218-A, sub-§1**, as enacted by PL 2023, c. 412, Pt. TTTT, §1, is corrected to read:

**1. Eligibility.** This subsection governs eligibility for therapeutic counseling services under the program. Eligibility is limited to individuals who are former students of the Maine School for the Deaf or the Governor Baxter School for the Deaf and who attended or graduated before July 1, 2001.

#### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-54. 35-A MRSA §310, sub-§3**, as amended by PL 2023, c. 168, §4, is corrected to read:

**3. Exception: Municipal and quasi-municipal water utilities and consumer-owned transmission and distribution utilities.** This section and section 307, subsection 3 ~~does~~ do not apply to:

A. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that elect to proceed pursuant to the terms of section 6104 or 6104-A, unless by the express terms of section 6104 or 6104-A the provisions of this section are made applicable to those corporations;

A-1. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that file a change in a schedule pursuant to section 307 that changes rates, tolls or charges for service other than the provision of water, only if the cumulative revenue impact of all

such changes that become effective within any consecutive 12-month period does not exceed 1% of the utility's total annual revenue; or

B. Consumer-owned transmission and distribution utilities organized in accordance with chapter 35, unless by the express terms of chapter 35 the provisions of this section are made applicable to those districts.

### EXPLANATION

This section corrects a clerical error.

---

**Sec. A-55. 35-A MRSA §3209-C, sub-§1, ¶A**, as enacted by PL 2023, c. 411, §5, is corrected to read:

A. "Benefits of distributed generation under net energy billing" means all benefits determined by the commission to be reasonably attributable to distributed generation projects under ~~section~~ sections 3209-A and 3209-B, including but not limited to:

- (1) Avoided energy and capacity costs. In determining avoided energy and capacity costs, the commission shall use reasonable estimates of energy and capacity market prices and account for transmission and distribution line losses. The commission may determine different avoided costs for different time periods, including, but not limited to, peak and off-peak periods and summer and winter periods;
- (2) Avoided transmission and distribution costs. In determining avoided transmission and distribution costs, the commission shall use estimates of the marginal transmission and distribution costs and may determine different avoided costs for different time periods;
- (3) Avoided fossil fuel costs. The commission shall determine avoided fossil fuel costs based on estimated reductions in oil, gas or other fossil fuel use and estimated market prices for these fuels;
- (4) Avoided transmission and distribution line losses;
- (5) Demand reduction induced price effects;
- (6) Transmission and distribution plant extensions or upgrades funded by net energy billing customers; and
- (7) Any other benefits identified by the commission.

### EXPLANATION

This section makes a grammatical change.

---

**Sec. A-56. 35-A MRSA §10126, sub-§3**, as amended by PL 2023, c. 535, §1, is corrected to read:

**3. Incentive program established; eligibility.** In accordance with the provisions of this section, the trust shall establish and administer a program that provides incentives for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive an incentive for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is a battery electric vehicle or a plug-in hybrid electric vehicle; the vehicle is purchased, or leased for a term of 36 months or more, from an authorized licensee of the original equipment manufacturer or a licensed automobile dealer in the State or from its original equipment manufacturer, wherever located; and, to the extent required by Title 29-A, chapter 5, the vehicle is registered in the State. An automobile, as defined in Title 29-A, section 101, subsection 7, with a gross vehicle weight rating of 6,000 pounds or less is not eligible for the program if it has a manufacturer's suggested retail price greater than \$55,000. To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles and to electric bicycles. Eligibility requirements for the recipient of the incentive must include that the recipient attests to a commitment to maintain a registration in this State to the extent required by Title 29-A, chapter 5, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of an incentive under this section who does not maintain a registration in this State of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the incentive. If the trust extends program eligibility to electric bicycles, the trust shall limit the electric bicycle incentives to recipients who are low-income and moderate-income individuals and to entities that serve those individuals, as determined by the trust. For a recipient to receive a an incentive for the purchase of an electric bicycle under the program, the electric bicycle must serve as the recipient's principal means of commuting, as determined by the trust.

The trust shall establish the incentive amount for each eligible electric vehicle. The trust shall establish incentive amounts that it determines most effectively increase the use of eligible electric vehicles in the State to advance the State's carbon reduction targets and reduce transportation-related energy costs. For each model of an eligible electric vehicle, the trust may establish different incentive amounts based on the size of the vehicle battery. The trust may establish different incentive amounts for the purpose of providing reasonable opportunity for participation in the program across different customer groups and geographic areas. The trust may establish reasonable limits on the number of incentives per vehicle or per person.

#### **EXPLANATION**

This section corrects a clerical error.

---

**Sec. A-57. 38 MRSA §480-E, sub-§16**, as enacted by PL 2023, c. 497, §1, is reallocated to 38 MRSA §480-E, sub-§18.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2023, chapters 497 and 531, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-58. PL 2023, c. 582, §1** is corrected to read:

**Sec. 1. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2024-25 is as follows:

Fiscal Administration - Office of the State Auditor	\$284,273
Education	\$15,658,904
Forest Fire Protection	\$120,000
Human Services - General Assistance	\$55,000
Property Tax Assessment	\$1,430,283
Maine Land Use Planning Commission	\$727,923
<b>TOTAL STATE AGENCIES</b>	<hr/> \$18,276,383
County Reimbursements for Services	
Aroostook	\$2,332,958
Franklin	\$1,432,782
Hancock	\$164,355
Kennebec	\$12,620
Lincoln	\$83,837
Oxford	\$1,854,047
Penobscot	\$1,999,755
Piscataquis	\$1,946,775
Somerset	\$2,724,299
Washington	\$1,589,668
<b>TOTAL COUNTY SERVICES</b>	<hr/> \$14,141,096
<b>COUNTY TAX INCREMENT FINANCING <del>DISTRIBUTIONS</del> DISTRIBUTIONS FROM FUND</b>	
Tax Increment Financing Payments	\$3,189,868
<b>TOTAL REQUIREMENTS</b>	<hr/> \$35,607,347

COMPUTATION OF ASSESSMENT

Requirements	\$35,607,347
Less Revenue Deductions:	
General Revenue	
Municipal Revenue Sharing	\$550,000
Homestead Reimbursement	\$300,000
Miscellaneous Revenue	\$10,000
Use of Unassigned Fund Balance	\$3,699,159
TOTAL GENERAL REVENUE DEDUCTIONS	\$4,559,159
Education Revenue	
Land Reserved Trust Interest	\$110,000
Tuition and School Transportation Charges	\$150,000
Special - Teacher Retirement Funding from State	\$250,000
TOTAL EDUCATION REVENUE DEDUCTIONS	\$510,000
TOTAL REVENUE DEDUCTIONS	\$5,069,159
TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY (Title 36, §1602)	\$30,538,188

**EXPLANATION**

This section corrects a clerical error.

**PART B**

**Sec. B-1. 5 MRSA §7, first ¶**, as repealed and replaced by PL 1969, c. 544, §1, is corrected to read:

The State may provide motor vehicles for the travel of state employees in a number to be determined by the Legislature. Each state department or commission head shall promulgate written policy concerning the use of state-owned motor vehicles, assigned to ~~his~~ that department or commission, ~~which shall~~. The policy must include, but not be limited to, a definition of the use of state-owned motor vehicles which constitute that constitutes use in the conduct of state business and ~~which that~~ distinguishes such use from private use.

**Sec. B-2. 5 MRSA §8-B**, as amended by PL 1977, c. 78, §3-A, is corrected to read:

**§8-B. Housing**

It is the intent of the Legislature to discourage the construction, reconstruction and equipping of new housing facilities for state employees at state institutions and all other areas of State Government and to cause the termination of existing provision of housing facilities to state employees whenever other housing facilities are reasonably available to

such employees and their residence elsewhere will not substantially impair the effective management and operation of the state department or institution by which such persons are employed. The housing facilities of each state department ~~shall~~ must be reviewed periodically by the state department involved, and the provision of any such housing facilities ~~shall~~ must be terminated whenever the above stated criteria are met. Except as otherwise provided, in each instance of the provision of housing facilities by the State, a rental charge ~~shall~~ must be made to cover the total operating cost of any such facility. These costs ~~shall~~ must include, but not be limited to, rates charged to the State, in operating such facility, for water, electricity, heat, telephone and furnishings and any other maintenance costs. Such costs ~~shall~~ may not include charges for telephones used primarily for state business. In determining the feasibility of any such facility, the department shall consider the availability of living facilities for its employees, particularly in the unorganized territory and rural areas of the State. ~~Any~~ A facility used on a seasonal basis ~~shall~~ must be partially exempt from rental charges, at the discretion of the department. ~~No~~ A charge ~~shall~~ may not be made for the provision of housing facilities when the state employee involved is required as a condition of ~~his~~ employment to reside in such housing facilities and when the state employee involved receives a salary less than the salary received by an employee at pay range 23, merit service step E of the compensation plan for classified employees.

**Sec. B-3. 5 MRSA §8-C, 2nd ¶**, as enacted by PL 1973, c. 603, §3, is corrected to read:

~~No~~ A charge ~~shall~~ may not be made for the provision of meals to any state employee who eats such meals within the scope of ~~his~~ employment and in so doing serves a function of ~~his~~ that employment.

**Sec. B-4. 5 MRSA §18, sub-§1, ¶C**, as enacted by PL 1979, c. 734, §2, is corrected to read:

C. "Participate in ~~his~~ an official capacity" means to take part in reaching a decision or recommendation in a proceeding that is within the authority of the position ~~he holds~~ held by an executive employee.

**Sec. B-5. 5 MRSA §18, sub-§2**, as corrected by RR 2001, c. 2, Pt. C, §1 and affected by §7, is corrected to read:

**2. Executive employee.** An executive employee commits a civil violation if ~~he~~ the executive employee personally and substantially participates in ~~his~~ an official capacity in any proceeding in which, to ~~his~~ the executive employee's knowledge, any of the following have a direct and substantial financial interest:

- A. ~~Himself, his~~ The executive employee or the executive employee's spouse or his dependent children;
- B. ~~His~~ The executive employee's partners;
- C. A person or organization with whom ~~he~~ the executive employee is negotiating or has agreed to an arrangement concerning prospective employment;
- D. An organization in which ~~he~~ the executive employee has a direct and substantial financial interest; or

E. ~~Any~~ A person with whom the executive employee has been associated as a partner or a fellow shareholder in a professional service corporation pursuant to Title 13, chapter 22-A; during the preceding year.

**Sec. B-6. 5 MRSA §19, sub-§1, ¶I**, as enacted by PL 1989, c. 561, §14, is corrected to read:

I. "Relative" means an individual who is related to the executive employee or the executive employee's spouse as ~~father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, parent, child, sibling, sibling of a parent or that sibling's spouse, sibling of a grandparent or that sibling's spouse, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister child of a sibling, spouse, grandparent, grandchild, parent-in-law, child-in-law, sibling-in-law, stepparent, stepchild, stepsibling or half sibling, and shall be~~ is deemed to include the ~~fiancee or fiancée~~ betrothed of the executive employee.

**Sec. B-7. 5 MRSA §19, sub-§3, ¶A**, as enacted by PL 1979, c. 734, §2, is corrected to read:

A. An elected executive employee shall file an initial report within 30 days of ~~his~~ the ~~executive employee's~~ election. An appointed executive employee shall file an initial report prior to confirmation by the Legislature.

**Sec. B-8. 5 MRSA §27, sub-§2**, as enacted by PL 1985, c. 167, is corrected to read:

**2. Misrepresentations of state employees.** ~~Any~~ A state employee who represents ~~himself~~ oneself as a ~~spokesman~~ spokesperson or representative of a department or agency without the authorization of the commissioner or director of that organization ~~shall be~~ is not ~~be~~ protected by the provisions of this chapter and ~~shall be~~ is subject to the penalty in subsection 3.

**Sec. B-9. 5 MRSA §28**, as enacted by PL 1985, c. 167, is corrected to read:

**§28. Civil actions for injunctive relief or other remedies**

A state employee who alleges a violation of ~~his~~ that employee's rights under this chapter may bring a civil action, including an action for injunctive relief, within 120 days after the occurrence of that alleged violation. The action may be brought in the Superior Court for the county where the alleged violation occurred, the county where the complainant resides or the county where the person against whom the civil complaint is filed resides.

An employee ~~shall~~ must establish each and every element of ~~his~~ the case by a preponderance of the evidence.

**Sec. B-10. 5 MRSA §45, first ¶**, as amended by PL 1985, c. 779, §9, is corrected to read:

Notwithstanding any other provision of law, the Governor may discontinue the publication of any other annual or biennial report ~~which~~ that duplicates the report material provided for in section 43, except for reports of the constitutional officers elected by the Legislature, and reports of the legislative and judicial branches of government, the



University of Maine System and the Maine Maritime Academy. ~~He~~ The Governor may order the publication of an expanded departmental report, in standard format, in a limited quantity for record purposes.

**Sec. B-11. 5 MRSA §81-A**, as enacted by PL 1983, c. 65, §1, is corrected to read:

**§81-A. Transition period**

In order to provide for an orderly transition following the biennial election of the Secretary of State, the Secretary of State-elect ~~shall~~ may not take the oath of ~~his~~ office or otherwise qualify for the office for a period of no less than 30 days following that election.

**Sec. B-12. 5 MRSA §121-A**, as enacted by PL 1983, c. 65, §2, is corrected to read:

**§121-A. Transition period**

In order to provide for an orderly transition following the biennial election of the Treasurer of State, the Treasurer of State-elect ~~shall~~ may not take the oath of ~~his~~ office or otherwise qualify for the office for a period of no less than 30 days following that election.

**Sec. B-13. 5 MRSA §122**, as amended by PL 1975, c. 771, §35, is corrected to read:

**§122. Conditions of bond; filing**

The condition of the Treasurer of State's bond ~~shall~~ must be for the faithful discharge of all the duties of ~~his~~ the office of the Treasurer of State, and that ~~during his continuance while in office he~~ the Treasurer of State will not engage in trade or commerce, or act as broker, agent or factor for any merchant or trader; and that ~~he~~ the Treasurer of State, or ~~his~~ the Treasurer of State's executors, administrators or sureties, or their executors or administrators, shall render a just and true account of all ~~his~~ agents' and servants' doings and transactions in the office of the Treasurer of State to the Legislature, or to such committee as it appoints, on the first day of each regular session of the Legislature, previous to the choice of a new treasurer, and at any other time when required by the Legislature or the Governor; and that ~~he~~ the Treasurer of State will settle and adjust ~~said that~~ account and faithfully deliver to ~~his~~ the Treasurer of State's successor in office or to such person as the Legislature appoints; all moneys, books, property and appurtenances of ~~said that~~ office, in ~~his, or any of his agents' possession;~~ the possession of the Treasurer of State or any agents to the Treasurer of State and pay over all balances found due on ~~such~~ the adjustment. ~~Such~~ The bond, when approved as the Constitution prescribes, ~~shall~~ must be lodged in the office of the State Auditor.

**Sec. B-14. 5 MRSA §123** is corrected to read:

**§123. Bond premiums to be paid by State**

The premiums necessarily incurred and due and payable on account of any bond given by the Treasurer of State, ~~his~~ by the Treasurer of State's deputy or by any employee in the ~~Treasury Department of the~~ Office of the Treasurer of State ~~shall~~ must be paid out of the State Treasury.

**Sec. B-15. 5 MRSA §124**, as amended by PL 1975, c. 771, §36, is corrected to read:

**§124. Governor may require new bond**

When it appears to the Governor that the Treasurer of State's bond is not sufficient for the full security of the State, ~~they~~ the Governor shall make written demand upon ~~him~~ the

Treasurer of State for a new bond. If ~~he~~ the Treasurer of State neglects for 10 days thereafter to file ~~such~~ the bond to their the Governor's satisfaction, ~~they~~ the Governor shall remove ~~him~~ the Treasurer of State and declare the office vacant.

**Sec. B-16. 5 MRSA §125** is corrected to read:

**§125. Personal use or receipt of money from treasury or credit prohibited**

The Treasurer of State ~~shall~~ may not in any way receive for ~~his~~ the Treasurer of State's own use any interest, premium, gratuity or benefit by reason of any money belonging to the State, or of any loan obtained for the State or for keeping on hand or circulating the bills of any bank; but whatever is so received ~~shall~~ must be accounted for to the State. ~~He~~ The Treasurer of State ~~may~~ may not loan or use in ~~his~~ the Treasurer of State's own business, or for ~~his~~ the Treasurer of State's own benefit, any such money, or permit any other person to do so, unless authorized by law, on pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

**Sec. B-17. 5 MRSA §126** is corrected to read:

**§126. – Attorney General to prosecute violations**

When the Attorney General receives satisfactory information that the Treasurer of State has violated any provision of section 125, ~~he~~ the Attorney General shall cause ~~him~~ the Treasurer of State to be indicted ~~therefor~~ for that violation and shall prosecute ~~such~~ the indictment to final judgment.

**Sec. B-18. 5 MRSA §127**, as amended by PL 1975, c. 771, §37, is corrected to read:

**§127. Governor may hear complaints; removal from office**

Upon written complaint of any person that the Treasurer of State is mentally ill or insolvent, or has absconded or concealed ~~himself~~ the Treasurer of State's identity or person to avoid ~~his~~ the Treasurer of State's creditors, or is absent from the State and neglecting ~~his~~ the duties of the Treasurer of State to the hazard of the trust reposed in ~~him~~ the Treasurer of State, or has violated any provision of section 125, or has failed faithfully to perform the duties of ~~his office~~ the Treasurer of State, the Governor shall ~~forthwith~~ immediately examine into the charges and if any of them is found true, ~~he~~ the Governor shall remove ~~him~~ the Treasurer of State and declare the office vacant.

**Sec. B-19. 5 MRSA §129**, as amended by PL 1969, c. 504, §5-B, is corrected to read:

**§129. Inventory**

When the deputy treasurer of state assumes the office of Treasurer of State under section 121, the State Auditor shall, as soon as practicable, after notice to the sureties of the late Treasurer of State or of the Treasurer of State to be superseded, take a true account and inventory of all moneys, notes, books of account and other property belonging to the State ~~which~~ that were in the hands of ~~such~~ that Treasurer of State or in the hands of any of ~~his~~ that Treasurer of State's agents, and deliver it to the new Treasurer of State, ~~he~~ giving who shall give a receipt ~~therefor~~ for it, which ~~shall~~ must be lodged in the office of the State Auditor.

**Sec. B-20. 5 MRSA §130, first ¶**, as amended by PL 1979, c. 541, Pt. A, §20, is corrected to read:

~~Any~~ A public officer or ~~any~~ a person, firm, association or corporation paying money into the State Treasury may make ~~such~~ the payment by delivering to the Treasurer of State a check, draft, certificate of deposit or money order drawn, ~~indorsed~~ endorsed and payable to the Treasurer of State or ~~his~~ the Treasurer of State's order, or may make ~~such~~ the payment by delivering to the Treasurer of State the proper amount of lawful currency. The Treasurer of State shall keep a record of all drafts, checks, certificates of deposit, money orders and ~~all~~ cash received by ~~him~~ the Treasurer of State and upon receipt thereof shall ~~forthwith~~ immediately cause the same to be placed to the credit of the State ~~of Maine~~ in some state depository. If any check, draft or certificate of deposit ~~shall is~~ is not be paid on presentation, the Treasurer of State shall proceed to collect the amount thereof, with costs, from the person drawing same. The Treasurer of State shall daily transmit to the State Controller a statement of all receipts into the State Treasury, giving such details thereof as the State Controller may require.

**Sec. B-21. 5 MRSA §137**, as amended by PL 1975, c. 771, §40, is corrected to read:

**§137. Purchase of unmaturing bonds of State**

Whenever, from time to time in the judgment of the Treasurer of State, it may be done to the financial advantage of the State, ~~he~~ the Treasurer of State may, with the advice and consent of the Governor, purchase with any funds in the State Treasury not otherwise appropriated and, when so purchased, may cancel any outstanding, unmaturing bonds of the State.

**Sec. B-22. 5 MRSA §143**, as amended by PL 1975, c. 771, §45, is corrected to read:

**§143. Register of investments and Treasurer of State's report**

The Treasurer of State shall keep a register of all investments made under section 142, showing the date, amount and number of each bond, by whom issued and the time when it will mature, and in ~~his~~ the Treasurer of State's annual report to the Governor, ~~he~~ the Treasurer of State shall include an exhibit of the condition of ~~said~~ those sinking funds.

**Sec. B-23. 5 MRSA §145-A, first ¶**, as enacted by PL 1979, c. 560, is corrected to read:

Notwithstanding any other provisions of the laws of this State, whenever the Treasurer of State is authorized to issue and sell bonds for the State, and ~~he~~ the Treasurer of State determines to issue and sell all or a portion of these bonds in denominations of less than \$5,000, minibonds, ~~he~~ the Treasurer of State may issue and sell these minibonds at public or private sale, maturing in such amounts and upon such dates, at such interest rate or rates, payable at such time and in such manner, at discount, with or without disclosure, in bearer or registered form, and upon such other terms and conditions, all as ~~he shall determine~~ the Treasurer of State determines to be in the best interests of the State; ~~provided that except that:~~ Not ~~not~~ more than \$1,000,000 principal amount of minibonds ~~shall may~~ may be sold by the Treasurer of State in any one fiscal year; ~~no~~ a minibond ~~shall may not~~ may not mature more than 5 years after its date; ~~no~~ any one sale to a purchaser of minibonds ~~shall may not~~ may not be in an aggregate principal amount equal to or greater than \$5,000; and each minibond ~~shall must~~ must provide that it ~~shall must~~ must be redeemed by the State upon due presentation by an appropriate person on any business day after one year from its date of sale by the Treasurer of State at such price as the Treasurer of State ~~shall determine~~ determines according to a schedule

established with respect to each issue of minibonds prior to the sale thereof. Section 137 ~~shall~~ does not apply to the issuance of minibonds.

**Sec. B-24. 5 MRSA §145-B, sub-§1**, as enacted by PL 1983, c. 745, is corrected to read:

**1. Issuance.** Notwithstanding any other provisions of the laws of this State, whenever the Treasurer of State is authorized to issue and sell bonds for the State, ~~he may issue~~ the bonds may be issued in registered form.

**Sec. B-25. 5 MRSA §149** is corrected to read:

**§149. Signature of outgoing Treasurer of State valid**

The facsimile signature of the Treasurer of State who is leaving office ~~shall be~~ is valid until new signature plates for the signing of checks have been obtained for ~~his~~ the Treasurer of State's successor.

**Sec. B-26. 5 MRSA §191-A**, as enacted by PL 1981, c. 143, is corrected to read:

**§191-A. Transition period**

In order to provide for an orderly transition following the biennial election of the Attorney General, the Attorney General-elect ~~shall~~ may not take the oath of ~~his~~ office or otherwise qualify for the office for a period of no less than 30 days following that election.

**Sec. B-27. 5 MRSA §193** is corrected to read:

**§193. Prosecution of intruders**

The Attorney General may, if in ~~his~~ the Attorney General's judgment the public interest so requires, prosecute by indictment or complaint any person who intrudes on the land, rights or property of the State, or commits or erects a nuisance thereon.

**Sec. B-28. 5 MRSA §195**, as repealed and replaced by PL 1975, c. 771, §48, is corrected to read:

**§195. Opinions on questions of law**

The Attorney General shall give ~~his~~ a written opinion upon questions of law submitted to ~~him~~ the Attorney General by the Governor, by the head of any state department or any of the state agencies or by either branch of the Legislature or any members of the Legislature on legislative matters.

**Sec. B-29. 5 MRSA §197**, as amended by PL 1985, c. 785, Pt. B, §11, is corrected to read:

**§197. State criminal inspectors; clerks; office expenses**

The Attorney General is authorized to employ in ~~his office~~ the Office of the Attorney General, in addition to the officers named in section 196, state criminal inspectors and additional clerks as the business of ~~his~~ the office may demand, whose appointment and compensation ~~shall be~~ is subject to the Civil Service Law. ~~He~~ The Attorney General may incur a reasonable expense for postage, printing, stationery and other office expenses.

**Sec. B-30. 5 MRSA §200-E**, as repealed and replaced by PL 1985, c. 422, is corrected to read:

## §200-E. Medical records furnished to prosecutor in certain cases

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

A. "Medical records" means all the records of the examination or treatment of a person relating to the alleged criminal act, in whatever medium preserved, including, but not limited to, records ~~which that~~ are made confidential by any other provision of law.

B. "Victim" means a person who is or was the object of an alleged criminal act. ~~It~~ For the purposes of this section, a person who is certified by the prosecutor to be a victim, shall be is considered a victim.

A victim includes, but is not limited to:

- (1) A person certified to be deceased;
- (2) An abused person who has not attained ~~his 18th birthday~~ 18 years of age;
- (3) An abused person who reasonably appears to be incapacitated; or
- (4) An abused person subject to guardianship, public guardianship or temporary guardianship.

**2. Medical examination; criminal proceeding or investigation.** In ~~any a~~ a criminal proceeding or investigation, ~~where in which~~ in which medical examination or treatment has been provided to a victim, upon written request of the Attorney General or any of ~~his~~ the Attorney General's deputies or assistants whom ~~he~~ the Attorney General designates in writing, or the district attorney or ~~his~~ the district attorney's deputy or assistants whom ~~he~~ the district attorney designates in writing, any individual, partnership, association, corporation, institution or governmental entity ~~which that~~ that has rendered the examination or treatment shall immediately provide the authorized person with all medical records pertaining to the medical examination or treatment that are requested by the authorized person. ~~Where~~ If the authorized person knows of circumstances or factors ~~which that~~ that would require production of fewer than all medical records, ~~he~~ the authorized person shall attempt to request the specific medical records believed to be pertinent.

A. Unless otherwise provided by state or federal law, this section on the furnishing of confidential medical records governs.

**3. Medical records; copies.** A person or entity ~~who that~~ that provides copies of medical records ~~shall be~~ is entitled to be paid the reasonable costs of the provision of the copies as agreed upon by the person or entity ~~who that~~ that provides these copies and the authorized person making the request pursuant to this section. If the parties cannot agree, the Superior Court shall order reimbursement at a reasonable rate. The delay occasioned by any negotiations surrounding reimbursement or complaint to the Superior Court ~~shall~~ may not delay the provision of the requested medical records.

**4. Medical records confidential.** Medical records obtained by the authorized person pursuant to this section are confidential and ~~shall~~ may not be disseminated to any person other than by order of court or to a member of the staff of the authorized person, a law enforcement officer specially assigned to the criminal proceeding or investigation, or other person who, by virtue of special knowledge or training, is designated by the authorized person to assist ~~him~~ in the performance of ~~his~~ the authorized person's duty in the criminal proceeding or investigation.

**5. Civil contempt.** ~~Any~~ A person who is required to produce medical records by this section and intentionally or knowingly fails to do so within 20 days of the service of the written request ~~upon him~~, to produce the records may be subject to civil contempt for ~~his~~ failure to comply with the request.

**6. Immunity from liability.** ~~No~~ An individual, partnership, association, corporation, institution or governmental entity or employee or agent of a governmental entity may not be criminally or civilly responsible for furnishing any medical records in compliance with this section.

**Sec. B-31. 5 MRSA §200-F**, as enacted by PL 1981, c. 242, §1, is corrected to read:

**§200-F. Telephone communication by kidnappers**

Whenever the Attorney General has reason to believe that one or more persons have been kidnapped, as defined by Title 17-A, section 301, ~~he shall have the authority to~~ the Attorney General may order a public utility company employee to cut, reroute or divert telephone lines for the purpose of preventing telephone communication by the kidnapper with any person other than a law enforcement officer or a person authorized by a law enforcement officer to receive or transmit those communications.

**Sec. B-32. 5 MRSA §209, first ¶**, as amended by PL 1975, c. 199, is corrected to read:

Whenever the Attorney General has reason to believe that ~~any~~ a person is using or is about to use any method, act or practice declared by section 207 to be unlawful, and that proceedings would be in the public interest, ~~he~~ the Attorney General may bring an action in the name of the State against ~~such~~ the person to restrain by temporary or permanent injunction the use of ~~such~~ the method, act or practice and the court may make such other orders or judgments as may be necessary to restore to any person who has suffered any ascertainable loss by reason of the use or employment of ~~such~~ the unlawful method, act or practice, any moneys or property, real or personal, ~~which that~~ may have been acquired by means of ~~such~~ the method, act or practice. At least 10 days prior to commencement of ~~any~~ an action under this section, the Attorney General shall notify the person of ~~his~~ the intended action, and give the person an opportunity to confer with the Attorney General in person or by counsel or other representative as to the proposed action. Notice ~~shall~~ must be given to the person by mail, postage prepaid, sent to ~~his~~ the person's usual place of business, or if ~~he~~ the person has no usual place of business, to ~~his~~ the person's last known address. The Attorney General may proceed without notice as required by this section upon a showing of facts by affidavit of immediate irreparable harm to the consumers of the State. The action may be brought in the Superior Court of the county in which ~~such~~ the person resides or has ~~his~~ the person's principal place of business, or may be brought in the Superior Court of Kennebec County. ~~The said~~ Those courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of this chapter. ~~Any~~ A district attorney or law enforcement officer, receiving notice of any alleged violation of this chapter, shall immediately forward written notice of the ~~same~~ alleged violation with any other information that ~~he~~ the attorney or officer may have to the office of the Attorney General. ~~Any~~ A person who violates the terms of an injunction issued under this section shall forfeit and pay to the State, to be applied in the carrying out of this chapter, a civil penalty of not more than \$10,000 for each violation. For the purposes of this section, the court issuing ~~such~~ the injunction ~~shall retain~~ retains jurisdiction, and the cause ~~shall~~ must be continued,

and in such cases the Attorney General acting in the name of the State may petition for recovery of ~~such~~ the civil penalty. In any action under this section where a permanent injunction is issued, the court may order the person against whom the permanent injunction has been issued to pay to the State the costs of the investigation of that person by the Attorney General and the costs of the suit, ~~which~~ and the funds shall must accrue to the General Fund.

**Sec. B-33. 5 MRSA §210**, as amended by PL 1973, c. 320, is corrected to read:

**§210. Discontinuance; costs**

In any case where the Attorney General has authority to institute an action or proceeding under section 209, in lieu thereof ~~he~~ the Attorney General may accept an assurance of discontinuance of any method, act or practice in violation of this chapter from any person alleged to be engaged or to have been engaged in ~~such~~ the method, act or practice. ~~Such~~ The assurance may include a stipulation for the voluntary payment by ~~such~~ that person of the costs of investigation, or of an amount to be held in escrow pending the outcome of an action or as restitution to aggrieved buyers, or both. Any such assurance of discontinuance shall must be in writing and be filed with the Superior Court of Kennebec County. Matters thus closed may at any time be reopened by the Attorney General for further proceedings in the public interest. Evidence of a violation of ~~such~~ the assurance shall ~~constitute~~ constitutes prima facie evidence of an act or practice declared to be unlawful by this chapter in any action thereafter brought under this chapter.

**Sec. B-34. 5 MRSA §211, first ¶**, as enacted by PL 1969, c. 577, §1, is corrected to read:

~~The Attorney General, whenever he~~ Whenever the Attorney General believes ~~any~~ a person to be or to have been in violation of this chapter, the Attorney General may examine or cause to be examined for that purpose, any books, records, papers and memoranda of whatever nature relevant to ~~such~~ the alleged violation. The Attorney General may require the attendance of ~~such~~ the person or of any other person having knowledge in the premises at any place in the county where ~~such~~ the person resides or has a place of business or in Kennebec County if ~~such~~ the person is a nonresident or has no place of business within the State, and may take testimony and require proof material for ~~his~~ that person's information, and may administer oaths or take acknowledgement in respect of any book, record, paper or memorandum. The Attorney General shall serve notice of the time, place and cause of ~~such~~ the examination or attendance at least 10 days prior to the date of ~~such~~ the examination.

**Sec. B-35. 5 MRSA §211, sub-§1, ¶C**, as enacted by PL 1969, c. 577, §1, is corrected to read:

C. Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this State or, if ~~said~~ that person ~~has no~~ does not have a place of business in this State, to ~~his~~ the person's principal office or place of business.

**Sec. B-36. 5 MRSA §211, sub-§2, ¶A**, as enacted by PL 1969, c. 577, §1, is corrected to read:

A. State the time and place for taking the examination and the name and address of each person to be examined, if known, and, if the name is not known, a general

description sufficient to identify ~~him~~ the person or the particular class or group to which ~~he~~ the person belongs;

**Sec. B-37. 5 MRSA §212, 2nd ¶**, as enacted by PL 1969, c. 577, §1, is corrected to read:

Whenever ~~any~~ a person fails to comply with any notice served upon ~~him~~ that person under section 211, or whenever satisfactory copying or reproduction of any such material cannot be done and ~~such~~ the person refuses to surrender ~~such~~ the material, the Attorney General may file, in the Superior Court of the county in which ~~such~~ the person resides or has ~~his~~ that person's principal place of business or of Kennebec County, if ~~such~~ the person is a nonresident or ~~has no~~ does not have a principal place of business in this State, and serve upon ~~such~~ the person or in the same manner as provided in section 211 a petition for an order of ~~such~~ the court for the enforcement of this section. Any disobedience of any final order entered under this section by any court ~~shall~~ must be punished as a contempt thereof.

**Sec. B-38. 5 MRSA §245** is corrected to read:

**§245. No ex officio duties**

The State Auditor ~~shall~~ may not serve in an ex officio capacity on any administrative board or commission or have any financial interest in the transactions of any department, institution or agency of the State Government. ~~He shall~~ The State Auditor may not be responsible for the collection of any money belonging to the State or for the handling or custody of any state funds.

**Sec. B-39. 5 MRSA §292, sub-§2**, as enacted by PL 1967, c. 493, is corrected to read:

**2. Placement.** To place each intern in a position of some responsibility where ~~he~~ the intern can contribute ideas, enthusiasm and ingenuity while completing a project under the direction of a responsible state administrator;

**Sec. B-40. 5 MRSA §298, sub-§2**, as repealed and replaced by PL 1979, c. 108, §2, is corrected to read:

**2. Councilman Councilor.** A member of the Augusta City Council to be appointed by the Mayor of Augusta, with the advice and consent of the Augusta City Council, for a term of one year;

**Sec. B-41. 5 MRSA §298, 3rd ¶**, as amended by PL 1983, c. 812, §16, is corrected to read:

Each appointed member ~~shall serve~~ serves for the term of ~~his~~ the member's appointment and thereafter until ~~his~~ the member's successor is appointed and qualified. A vacancy ~~shall~~ must be filled for the unexpired term in the same manner in which the original appointment is made. The members of the commission ~~shall~~ must be compensated as provided in chapter 379.

**Sec. B-42. 5 MRSA §298, 4th ¶**, as amended by PL 1985, c. 785, Pt. B, §20, is corrected to read:

The members of the commission shall elect a ~~chairman~~ chair, who shall preside at all meetings of the commission when present. The commission shall meet at least once every 4 months and in addition, may meet as often as necessary, at such times and places as the



~~chairman~~ chair may designate. Any 3 members constitute a quorum for the exercise of all powers of the commission. The commission may employ, subject to the Civil Service Law, such assistance as may be necessary to properly carry out the duties of the commission.

**Sec. B-43. 5 MRSA §784, sub-§2, ¶C**, as enacted by PL 1975, c. 153, §1, is corrected to read:

C. The contractor will send to each labor union or representative of the workers with which ~~he~~ the contractor has a collective or bargaining agreement, or other contract or understanding, whereby ~~he~~ the contractor is furnished with labor for the performances of ~~his~~ the contract, a notice, to be provided by the contracting department or agency, advising the ~~said~~ labor union or workers' representative of the contractor's commitment under this section and shall post copies of the notice in conspicuous places available to employees and to applicants for employment."

**Sec. B-44. 5 MRSA §903, sub-§1**, as enacted by PL 1981, c. 270, §4, is corrected to read:

**1. Employees in collective bargaining units.** The Governor, or ~~his~~ the Governor's designee who negotiates a collective bargaining agreement, may bargain and conclude agreements, pursuant to Title 26, chapter 9-B, ~~which that~~ include provisions for alternative working hours employment. Notwithstanding any other state law, an agreement with any such provision ~~shall~~ must provide for the proration of any benefits, including retirement benefits, made available to a person employed for job-sharing and part-time employment, ~~provided that such~~ if that proration is not prohibited by federal law.

**Sec. B-45. 5 MRSA §931, sub-§1, ¶F**, as enacted by PL 1983, c. 729, §4, is corrected to read:

F. Officers and enlisted ~~men~~ persons in the National Guard and ~~Naval Militia~~ naval militia of the State;

**Sec. B-46. 5 MRSA §931, sub-§2**, as corrected by RR 1993, c. 1, §8, is corrected to read:

**2. Employees appointed to major ~~policy~~ policy-influencing positions.** Except where a term is otherwise provided by law, the appointing authority of the department or agency in which a major policy-influencing position is located may appoint and remove persons to and from these positions at ~~his~~ the appointing authority's pleasure.

C. ~~Any~~ A person permanently appointed to a classified position who accepts an appointment to a major policy-influencing position ~~shall have~~ has the right, for 12 months subsequent to appointment to the major policy-influencing position, to be restored to the classified position from which ~~he~~ the person was promoted or to a position equivalent ~~thereto~~ to that position in salary grade in any agency without impairment of ~~his~~ the person's personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would entitle ~~him~~ the person.

D. If a person's service in a major policy-influencing position is terminated for cause, ~~his~~ the person's right to be restored to a position pursuant to paragraph C ~~shall~~ must be determined by the State Civil Service Appeals Board.

E. During the 12-month period defined in paragraph C, the appointing authority may temporarily appoint a person to the position under the Civil Service Law, ~~provided that if funds are available for the appointment and that the appointment is consistent with the law.~~

**Sec. B-47. 5 MRSA §1502** is corrected to read:

**§1502. Federal funds**

The Governor and every state officer and department head who ~~shall be intrusted~~ is entrusted with the expenditure of federal funds in this State shall file in the office of the State Controller a detailed report of all disbursements, including the purposes for which such disbursements were made and the persons to whom any money was paid, supported by proper vouchers, ~~said.~~ The report to must be filed within 30 days after the entire fund has been disbursed.

~~Any~~ A state officer excepting the Governor, whether elected or appointed, and ~~any~~ a department head who ~~shall fail or neglect~~ fails or neglects to file ~~such~~ the report as provided ~~shall be~~ is subject to removal from office by authority of the Governor, and if the Governor ~~of the State shall fail or neglect~~ fails or neglects to file ~~such~~ the report, ~~he shall be the Governor~~ is subject to impeachment in the manner provided in the Constitution of Maine, Article IX, ~~section~~ Section 5.

**Sec. B-48. 5 MRSA §1507, 2nd ¶**, as repealed and replaced by PL 1975, c. 771, §67, is corrected to read:

The State Controller shall include in ~~his~~ the official annual financial report at the close of each fiscal year a statement showing all transfers made from the State Contingent Account for the fiscal period.

**Sec. B-49. 5 MRSA §1510-A, sub-§6**, as amended by PL 1987, c. 395, Pt. A, §19, is corrected to read:

**6. Hearings.** Hearings on claims submitted under subsection 2 or appeals made under subsection 3 ~~shall~~ must be held at a time and place ~~which~~ that the State Claims Commission ~~shall determine~~ determines. The ~~chairman~~ chair shall assign either one or 3 members to hear and determine each claim. Hearings on claims under this section ~~which~~ that are properly submitted to the State Claims Commission ~~shall~~ must be held in accordance with ~~the Maine Administrative Procedure Act, chapter 375.~~ The decision of the commission ~~shall~~ must include the reasons for the findings.

**Sec. B-50. 5 MRSA §1542** is corrected to read:

**§1542. Signature of outgoing State Controller valid**

The facsimile signature of the State Controller who is leaving office ~~shall be~~ is valid until new signature plates for the signing of checks have been obtained for ~~his~~ the State Controller's successor.

**Sec. B-51. 5 MRSA §1544, 2nd ¶** is corrected to read:

The State Controller shall include in ~~his~~ the official annual financial report a statement of the Unappropriated Surplus Account reflecting all changes in this account during the fiscal year and the balance of this account at the close of the fiscal period.

**Sec. B-52. 5 MRSA §1548** is corrected to read:

**§1548. Claims and accounts against State or municipalities must be verified**

A person, presenting an account or claim against any town, village, corporation, city, or county or the State for services rendered, articles furnished or expenses incurred, shall cause ~~said~~ that account or claim to be verified by oath, if required by any person whose duty it is to audit the ~~same~~ account or claim. If ~~said~~ the claimant refuses ~~so~~ to verify the account or claim, ~~his the account or claim shall~~ must be rejected.

**Sec. B-53. 5 MRSA §1583, first ¶** is corrected to read:

~~No~~ An agent or officer of the State or any department or agency thereof, whose duty it is to expend money under an appropriation by the Legislature, ~~shall~~ may not contract any obligation on behalf of the State in excess of the appropriation. ~~Whoever exceeds in his expenditure said appropriation shall~~ An agent or officer who in that agent or officer's expenditure exceeds that appropriation may not have any claim for reimbursement.

**Sec. B-54. 5 MRSA §1661, first ¶**, as amended by PL 1987, c. 402, Pt. A, §39, is corrected to read:

The words "Governor-elect," whenever used in this chapter and chapter 145, ~~shall be held to~~ mean the candidate most recently elected to the office of Governor of the State of Maine in the November election for choice of Governor, or ~~his~~ the Governor's successor.

**Sec. B-55. 5 MRSA §1667, 2nd ¶**, as amended by PL 1975, c. 771, §76, is corrected to read:

The head of ~~any~~ a department or agency of the State Government, whenever ~~he~~ shall deem the head determines it necessary by reason of changed conditions, may revise the work program of ~~his~~ the head's department or agency at the beginning of any quarter during the fiscal year, and submit ~~such~~ the revised program to the Bureau of the Budget with ~~his~~ a request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon ~~such re-examination~~ reexamination of the work program, the State Budget Officer, with the approval of the Governor, ~~shall decide~~ decides to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control ~~shall,~~ must be followed as in the making of the original allotments.

**Sec. B-56. 5 MRSA §1706, sub-§1**, as enacted by PL 1977, c. 378, is corrected to read:

**1. Federal grant application.** "Federal grant application" ~~shall mean any~~ means a request or proposal for financial assistance made by a state agency or by an employee of such an agency acting in ~~his~~ the employee's official capacity to the United States Government, whether for a loan, grant, subsidy, augmentation, advance, reimbursement, or any other form where ~~such~~ the financial assistance will be expended by the state agency or employee acting in ~~his~~ the employee's official capacity. ~~The definition shall include~~ "Federal grant application" includes initial requests or proposals and subsequent amendment requests or proposals. ~~The definition shall~~ "Federal grant application" does not include federal pass-through funds ~~which~~ that are received by the State Government and passed directly to local governments in those cases where the State is permitted no discretion with respect to disposition of the funds to local governments under the terms of the grant and federal law.

**Sec. B-57. 5 MRSA §1742, sub-§8**, as amended by PL 1971, c. 542, §4, is corrected to read:

**8. Inspection.** To inspect materials, equipment, methods used and changes in plans in making public improvements, and inspect public improvements during the course of construction or repair, and make such recommendations as may be indicated to the architect or engineer, when employed, to the controlling department or agency head, or to the school administrative unit. The architect or engineer, when employed, shall provide adequate inspection of materials, equipment, methods and changes in plans on all projects under ~~his~~ the architect's or engineer's supervision;

**Sec. B-58. 5 MRSA §1743-B**, as enacted by PL 1973, c. 625, §31, is corrected to read:

**§1743-B. Design of buildings**

On projects for the design of buildings, the State of ~~Maine~~ and all political subdivisions thereof may select, without prejudice and on an equal basis, a prime professional who may be either an engineer or an architect. The professional so retained for a project shall perform only those services for which ~~he~~ the professional is competent and shall utilize the services of other qualified professionals as required to provide a proper and complete professional service to the State or subdivision thereof consistent with applicable law.

**Sec. B-59. 5 MRSA §1746, 3rd ¶**, as enacted by PL 1967, c. 437, is corrected to read:

The Treasurer of State shall collect all interest or income when due on the obligations so deposited and shall pay the same, when and as collected, to the contractor who deposited the obligations. If the deposit is in the form of coupon bonds, the Treasurer of State shall deliver each coupon as it matures to the contractor. The Treasurer of State ~~shall have the power to~~ may enter into a contract or agreement with any national bank, trust company or safe deposit company located in New England or New York City for custodial care and servicing of any securities deposited with ~~him~~ the Treasurer of State pursuant to this section. ~~Such~~ Those services ~~shall~~ must consist of the safekeeping of ~~said~~ those securities and of all services required to effectuate the purposes of this section.

**Sec. B-60. 5 MRSA §1903, 2nd ¶**, as enacted by PL 1975, c. 211, is corrected to read:

Each student must be approved by the institution ~~he~~ the student attends and the agency, department or institution head.

**Sec. B-61. 5 MRSA §2053** is corrected to read:

**§2053. Account of items in writing may be required**

Every officer or other person upon receiving any fees provided for by law, if required by the person paying them, shall make a particular account thereof in writing specifying for what they accrued or ~~he~~ the officer or other person forfeits to ~~such~~ the person treble the sum paid, to be recovered in a civil action.

**Sec. B-62. 5 MRSA §3004, 4th ¶**, as enacted by PL 1967, c. 266, is corrected to read:

~~Any~~ An employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, ~~shall~~ must be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but ~~shall~~ may not receive benefits under that Act for any period for which ~~he~~ the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

**Sec. B-63. 5 MRSA §3006, sub-§4**, as enacted by PL 1967, c. 266, is corrected to read:

**4. Disability or death.** ~~Any~~ An employee of a sending agency assigned in this State who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, ~~shall~~ must be treated for the purpose of the receiving agency's employee compensation program, as an employee, as defined in such Act, who has sustained such injury in the performance of such duty, but ~~shall~~ may not receive benefits under that Act for any period for which ~~he~~ the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

**Sec. B-64. 5 MRSA §4562**, as enacted by PL 1971, c. 501, §1, is corrected to read:

**§4562. Terms of office**

The members of the commission ~~shall~~ must be appointed for terms of 5 years each, except that of those first appointed, the Governor shall designate one whose term ~~shall be~~ is only one year, one whose term ~~shall be~~ is only 2 years, one whose term ~~shall be~~ is only 3 years and one whose term ~~shall be~~ is only 4 years.

~~A member of the commission~~ An individual appointed to fill a vacancy occurring otherwise than by expiration of term ~~shall~~ must be appointed only for the unexpired term of the member whom ~~he shall succeed~~ the individual succeeds.

**Sec. B-65. 5 MRSA §4596**, as amended by PL 2021, c. 366, §17, is corrected to read:

**§4596. Unlawful credit extension discrimination**

It is unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of any one or more of the following factors: age; race; color; sex; sexual orientation or gender identity; marital status; ancestry; religion or national origin in any credit transaction. It is not unlawful credit discrimination to comply with the terms and conditions of any bona fide group credit life, accident and health insurance plan, for a financial institution extending credit to a married person to require both ~~the husband and the wife~~ spouses to sign a note and a mortgage and to deny credit to persons under 18 years of age or to consider a person's age in determining the terms upon which credit will be extended.

**Sec. B-66. 5 MRSA §4597, sub-§3**, as enacted by PL 1973, c. 668, is corrected to read:

**3. Credit sale.** "Credit sale" means ~~any~~ a transaction with respect to which credit is granted or arranged by the seller. The term includes ~~any~~ a contract in the form of a bailment

or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the property and services involved and it is agreed that the bailee or lessee will become the owner of the property upon full compliance with ~~his~~ the bailee's or lessee's obligations under the contract;

**Sec. B-67. 5 MRSA §4660-A, sub-§4, ¶A**, as enacted by PL 1987, c. 695, §4, is corrected to read:

A. Remaining on the scene as long as ~~he~~ the law enforcement officer reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer;

**Sec. B-68. 5 MRSA §4660-A, sub-§4, ¶C**, as enacted by PL 1987, c. 695, §4, is corrected to read:

C. Giving that person written notice of ~~his~~ that person's rights, which ~~shall~~ must include information summarizing the procedures and relief available to victims of harassment; or

**Sec. B-69. 5 MRSA §6201, sub-§1-A**, as enacted by PL 2011, c. 266, Pt. B, §1, is corrected to read:

**1-A. Commercial fisheries business.** "Commercial fisheries business" means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

A. ~~Licensed Persons who fish under a commercial fishermen license~~, aquaculturists and ~~fishermen's cooperatives~~ of persons who fish under a commercial license;

B. Persons providing direct services to ~~commercial fishermen~~ persons who fish commercially, aquaculturists or ~~fishermen's cooperatives~~ of persons who fish under a commercial license, as long as provision of these direct services requires the use of working waterfront property; and

C. Municipal and private piers and wharves operated to provide waterfront access to ~~commercial fishermen~~ persons who fish commercially, aquaculturists or ~~fishermen's cooperatives~~ of persons who fish under a commercial license.

**Sec. B-70. 5 MRSA §7054-B, sub-§1, ¶A**, as enacted by PL 2015, c. 438, §2, is corrected to read:

A. "Gold star spouse" means a ~~widow or widower~~ surviving spouse of a veteran who is eligible to receive a gold star lapel pin under 10 United States Code, Section 1126 (2010).

**Sec. B-71. 5 MRSA §7081, 3rd ¶**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

One member of the appeals board ~~shall~~ must be designated by the Governor as ~~chairman~~ chair. Except as otherwise provided by law, each member ~~shall~~ must be appointed for a term of 4 years and until ~~his~~ the member's successor has been appointed and qualified. Any vacancy ~~shall~~ must be filled for the unexpired portion of the term by the Governor, subject to review by the joint standing committee of the Legislature having

jurisdiction over ~~State Government~~ state government matters and to confirmation by the Legislature.

**Sec. B-72. 5 MRSA §7082, sub-§4**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

**4. Mediate grievances and disputes.** May mediate the final settlement of all grievances and disputes between individual state employees, both classified and unclassified, and their respective state agencies. All complaints between a state employee and the state agency by which ~~he~~ the state employee is employed ~~shall must~~ be made and heard in the manner provided by this chapter for the mediation and settlement of the complaints. During the procedure for settlement, an employee may be represented at each step by ~~his~~ a designated representative. The decision of the appeals board ~~shall be~~ is final and binding upon the state agency and state employees involved in the dispute, and ~~shall supersede~~ supersedes any prior action taken by the state agency with reference to the employment and working conditions of the employees.

A. In the course of ~~any~~ an investigation under this chapter, any member of the appeals board may subpoena and require the attendance of witnesses and the production thereby of books, papers, public records and other documentary evidence pertinent to that investigation. In the case of the refusal of ~~any~~ a person to comply with ~~any~~ a subpoena issued under this subsection or to testify to any matter regarding which ~~he~~ that person may be lawfully interrogated, the Superior Court in any county on application of any one of the members of the board may issue an order requiring that person to comply with the subpoena and to testify. Any failure to obey the order of the court may be punished by the court as a contempt of the court; and

**Sec. B-73. 5 MRSA §7083, first ¶**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

A grievance or dispute between a state employee and the agency of the State by whom ~~he~~ the state employee is employed ~~shall must~~ be entertained by the board upon the application of the employee, ~~provided that~~ as long as there ~~shall have~~ has been compliance with the following requirements:

**Sec. B-74. 5 MRSA §7083, sub-§1**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

**1. Adjust dispute.** That the employee aggrieved or ~~his~~ the employee's representative, or both, ~~shall~~ have attempted to adjust the dispute through oral communication with the employee's immediate supervisor within 7 working days of the time that the employee is aware of the grievable incident. The immediate supervisor is then required to render an oral decision to the employee within 3 working days;

**Sec. B-75. 5 MRSA §7083, sub-§2**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

**2. Grievance in writing.** If the employee is dissatisfied with the oral decision of ~~his~~ the employee's immediate supervisor, ~~he~~ the employee or ~~his~~ the employee's representative, or both, may, before the end of the 10th working day following the day of the oral decision, present the grievance to ~~his~~ the employee's supervisor again, this time in written form. The supervisor is then required to make ~~his~~ a decision in writing and present it to the employee within 10 working days;

**Sec. B-76. 5 MRSA §7083, sub-§3**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

**3. Appeal to the department head.** If the employee is dissatisfied with the supervisor's written decision, ~~he~~ the employee or ~~his~~ the employee's representative, or both, then may, before the end of the 20th working day following receipt of the decision, appeal in writing to the department head. The department head shall meet with the employee or ~~his~~ the employee's designated representative, or both, within 20 working days of receipt of the employee's notice of dissatisfaction and attempt to adjust the dispute. Within 5 working days, the department head shall render a decision in writing to the aggrieved employee and ~~his~~ the employee's representative;

**Sec. B-77. 5 MRSA §7084**, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

**§7084. Extension of time limit**

**1. Application for extension.** The ~~chairman~~ chair of the appeals board may extend any time limit specified in section 7083, subsections 1 to 4, upon written application of either party ~~on condition, as long as~~ as long as the application is submitted within the time provided for in the applicable step. Failure of an employee to pursue a grievance within the prescribed time limits ~~shall constitute~~ constitutes an acceptance of the last response by the department. Failure of the department to respond within the stipulated time limits provided for in the applicable step ~~shall constitute~~ constitutes an automatic waiver of that step and the employee may proceed to the next step as outlined in this section.

A. At least one day prior to the presentation of the employee's grievance to ~~his~~ the employee's supervisor, the employee's representative, if any, ~~shall~~ may have access to the work location of the employee involved during the working hours for the purpose of investigating the grievance.

B. The department head may designate a representative, with authority to take appropriate action, who ~~shall~~ must be at the deputy or assistant department head or labor specialist level to represent ~~him~~ the department head in section 7083, subsections 2 and 3.

**Sec. B-78. 5 MRSA §9001, sub-§1**, as enacted by PL 1977, c. 551, §3, is corrected to read:

**1. Written request.** Upon written request of any interested person, an agency may make an advisory ruling with respect to the applicability of any statute or rule administered by that agency to ~~him~~ the person or ~~his~~ the person's property or actual state of facts.

**Sec. B-79. 5 MRSA §9053, sub-§1**, as enacted by PL 1977, c. 551, §3, is corrected to read:

**1. Responsibility.** Place on any party the responsibility of requesting a hearing if the agency notifies ~~him~~ the party in writing of ~~his~~ the party's right to a hearing, and of ~~his~~ the party's responsibility to request the hearing;

**Sec. B-80. 5 MRSA §9054, sub-§1**, as enacted by PL 1977, c. 551, §3, is corrected to read:



**1. Intervention.** On timely application made pursuant to agency rules, the agency conducting the proceedings shall allow any person showing that ~~he~~ the person is nor may be, or is a member of a class ~~which~~ that is or may be, substantially and directly affected by the proceeding, or any other agency of federal, state or local government, to intervene as a party to the proceeding.

**Sec. B-81. 5 MRSA §9055, sub-§2, ¶B,** as amended by PL 1979, c. 425, §11, is corrected to read:

B. Having the aid or advice of those members of ~~his~~ the agency member's or other presiding officer's own agency staff, counsel or consultants retained by the agency who have not participated and will not participate in the adjudicatory proceeding in an advocate capacity.

**Sec. B-82. 5 MRSA §9061, first ¶,** as enacted by PL 1977, c. 551, §3, is corrected to read:

Every agency decision made at the conclusion of an adjudicatory proceeding ~~shall~~ must be in writing or stated in the record; and ~~shall~~ must include findings of fact sufficient to apprise the parties and any interested member of the public of the basis for the decision. A copy of the decision ~~shall~~ must be delivered or promptly mailed to each party to the proceeding or ~~his~~ the party's representative of record. Written notice of the party's rights to review or appeal of the decision within the agency or review of the decision by the courts, as the case may be, and of the action required and the time within which ~~such~~ the action must be taken in order to exercise the right of review or appeal, ~~shall~~ must be given to each party with the decision.

**Sec. B-83. 5 MRSA §9062, sub-§2,** as enacted by PL 1977, c. 551, §3, is corrected to read:

**2. Substitute officer.** Whenever a presiding officer is disqualified or it becomes impracticable for ~~him~~ the presiding officer to continue the hearing, another presiding officer may be assigned to continue with the hearing; ~~provided, except~~ that, if it is shown substantial prejudice to any party will thereby result, the substitute officer shall commence the hearing anew.

**Sec. B-84. 5 MRSA §9063, sub-§1,** as enacted by PL 1977, c. 551, §3, is corrected to read:

**1. Hearings; impartial.** Hearings ~~shall~~ must be conducted in an impartial manner. Upon the filing in good faith by a party of a timely charge of bias or of personal or financial interest, direct or indirect, of a presiding officer or agency member in the proceeding requesting that ~~that person disqualify himself, that person~~ the presiding officer or agency member be disqualified, that presiding officer or agency member shall determine the matter as a part of the record.

**Sec. B-85. 5 MRSA §11113,** as amended by PL 1985, c. 737, Pt. B, §16, is corrected to read:

**§11113. Committee review**

The executive director shall, upon receipt of an application for review, determine the appropriate joint standing committee of the Legislature responsible for review of the rule in question and send the application and a copy of the rule in question to each member of

the committee. Each member of the committee shall individually review the application to determine whether the applicant is qualified and whether the public interest would be served by a review of the rule in question by the full committee. If a committee member decides that the review should be made, ~~he~~ the committee member shall notify the director within 15 days after notice was sent. If 1/3 or more of the full committee notify the director that a review of the rule should be made, the director shall advise the ~~chairman~~ chair of the committee, who shall schedule a meeting of the committee to review the rule. If the committee votes not to review the rule, a report to that effect ~~shall~~ must be prepared by the director and sent to the applicant and the Legislative Council.

The applicant and the affected agency ~~shall~~ must be notified of a decision to review the rule and ~~shall be permitted to~~ may make expanded statements of their position to the full committee. The committee, in the course of its review, may hold a public hearing, request and obtain opinions of the Attorney General, obtain information from the agency and conduct further investigation approved by the Legislative Council. The committee shall make its determination and report within 90 days of the first notification to the committee ~~chairmen~~ chairs that a review ~~shall~~ should be made.

**Sec. B-86. 5 MRSA §12002, sub-§2**, as amended by PL 1985, c. 295, §4, is corrected to read:

**2. Expenses.** "Expenses" means travel, meals or lodging costs or other necessary costs incurred by a member of a board in the performance of ~~his~~ the member's duties as a member of that board. Noonday meal expenses incurred while in attendance at a board meeting or hearing ~~shall~~ must be ~~deemed~~ considered a reimbursable expense, but ~~shall~~ may not exceed \$5 per meal.

**Sec. B-87. 5 MRSA §12002-A, sub-§1, ¶A**, as repealed and replaced by PL 1985, c. 295, §6, is corrected to read:

A. Actual attendance at meetings called by the ~~chairman~~ chair of the board or a majority of members of the board;

**Sec. B-88. 5 MRSA §12002-B, sub-§1-A, ¶A**, as enacted by PL 1985, c. 295, §8, is corrected to read:

A. The ~~chairman~~ chair of any board who is required by law to prepare and issue a written decision of the board; and

**Sec. B-89. 5 MRSA §12002-B, sub-§2, ¶A**, as enacted by PL 1985, c. 295, §9, is corrected to read:

A. Preparation or review of materials for any meetings or hearings of any board, unless the member is preparing or reviewing materials in ~~his~~ the member's capacity as the assigned hearing examiner in an adjudicatory proceeding;

**Sec. B-90. 5 MRSA §12002-B, sub-§2, ¶E**, as enacted by PL 1985, c. 295, §9, is corrected to read:

E. Any activity for which approval has not been granted by the ~~chairman~~ chair, a person authorized by statute to give approval or ~~by~~ a majority of the board members.

**Sec. B-91. 5 MRSA §12003-A, sub-§4, ¶B**, as enacted by PL 1985, c. 295, §12, is corrected to read:

B. ~~Any~~ A state employee, classified or unclassified, who is a member of a board, who has been appointed at the request of the state employee or because of the personal interest of the state employee in the board's activities and who is not an ex officio member or a representative of a commissioner, director or state agency, ~~shall~~ may not be paid ~~his~~ the state employee's regular wages or salary for attendance at meetings or hearings of the board or for work performed for the board during the normal working hours of the state employee.

**Sec. B-92. 5 MRSA §17001, sub-§4, ¶B**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

B. The average annualized rate of earnable compensation of a member during ~~his~~ the member's entire period of creditable service if that period is less than 3 years.

**Sec. B-93. 5 MRSA §17102, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**2. Chairman Chair.** The board shall elect from its membership a ~~chairman~~ chair.

**Sec. B-94. 5 MRSA §17102, sub-§3, ¶B**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

B. A trustee shall continue to serve after the expiration of ~~his~~ the trustee's term until a successor is appointed and qualified, but the trustee's continuation as a trustee does not change the expiration date of the trustee's term.

**Sec. B-95. 5 MRSA §17105, sub-§1, ¶D**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

D. Whenever the chief executive officer determines that a fraud, attempted fraud or a violation of law in connection with funds administered by the retirement system may have occurred, the chief executive officer shall:

(1) Report in writing all information concerning the fraud or violation to the Attorney General or the Attorney General's designee for such action as ~~he~~ the Attorney General may ~~deem~~ determine appropriate, including civil action for recovery of funds and criminal prosecution by the Attorney General; and

(2) Upon request of the Attorney General and in such a manner as the Attorney General ~~deems~~ determines appropriate, assist in the recovery of funds.

**Sec. B-96. 5 MRSA §17107, sub-§1, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. If the designated actuary is an individual, ~~he~~ the individual must be a Fellow of the Society of Actuaries.

**Sec. B-97. 5 MRSA §17153, sub-§4, ¶B**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

B. Directly or indirectly, for ~~himself~~ that trustee or employee or as an agent, in any manner, use the gains or profits of any investment made by the board except to make whatever current and necessary payments are authorized by the board; or

**Sec. B-98. 5 MRSA §17154, sub-§8**, as enacted by PL 1987, c. 256, §5 and amended by PL 2021, c. 548, §45, is corrected to read:

**8. Transfers among funds.** When considered necessary by the chief executive officer for the efficient administration of the retirement system, ~~he~~ the chief executive officer may make transfers among the various funds of the system set forth in this subchapter in accordance with accepted accounting and actuarial principles.

**Sec. B-99. 5 MRSA §17204, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

~~Any~~ A member in service may make contributions on ~~his~~ the member's own account, in addition to the employee contributions required under this Part, to the Members' Contribution Fund, at a rate not in excess of 10% of earnable compensation for the purpose of increasing the amount of payment of the member's retirement allowance under any service retirement provision of this Part.

**Sec. B-100. 5 MRSA §17657, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**3. Rights and benefits.** ~~Any~~ A person described in subsection 1 is entitled to all the rights and benefits ~~which he~~ that that person could have accrued if ~~he~~ that person had been employed by the State.

**Sec. B-101. 5 MRSA §17658, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**3. Rights and benefits.** ~~Any~~ A person described in subsection 1 is entitled to all the rights and benefits ~~which he~~ that that person could have accrued if ~~he~~ that person had been employed by the State.

**Sec. B-102. 5 MRSA §17703, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

~~Any~~ A former member who withdrew ~~his~~ the member's contributions after termination of service and who again becomes a member may repay ~~his~~ the member's earlier contributions to the Members' Contribution Fund under the following conditions.

**Sec. B-103. 5 MRSA §17752, sub-§1, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. If a member can provide the board with satisfactory evidence that ~~he~~ the member performed any work as a state employee before July 1, 1942; or as a teacher before July 1, 1947, the member ~~shall~~ must be granted one year of service credit for each year in which any work was performed, except that:

- (1) For the first year of service under this paragraph, service credit may be earned only from the date of beginning work to the end of the year; ~~and~~
- (2) During the calendar year 1942, the maximum amount of prior service credit that may be earned for work as a state employee is 1/2 year; and
- (3) Prior service credit for work as a state employee ~~shall~~ must be calculated on the basis of calendar years and for work as a teacher on the basis of school years.

**Sec. B-104. 5 MRSA §17756, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**3. Exceptions.** Leave beyond 90 days may qualify for service credit, up to the maximum number of days of leave, set by personnel rules or by contract, that a person is allowed to accumulate, if:

A. For state employees, the member, before any retirement benefit becomes effective for ~~him~~ the member, pays into the Members' Contribution Fund, a single payment ~~which that~~ that is the actuarial equivalent, at the effective date of the member's retirement benefit, of the portion of ~~his~~ the member's retirement benefit based on the additional creditable service beyond 90 days; and

B. For teachers, the member or the school administrative unit employing the member pays into the Members' Contribution Fund by a single payment the actuarial equivalent, at the effective date of the member's retirement benefit, of the portion of ~~his~~ the member's retirement benefit based on the additional creditable service beyond 90 days. The member and the school administrative unit may determine by contract the portion to be deposited by each to obtain this additional creditable service.

**Sec. B-105. 5 MRSA §17761, sub-§1, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. The person, within 90 days of becoming a non-CETA employee, signified in writing to the retirement system ~~his~~ the person's intention to purchase time credit under section 17707, subsection 4;

**Sec. B-106. 5 MRSA §17761, sub-§1, ¶D**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

D. The person has not received a return of any contributions made under section 17707, subsection 4 or has deposited ~~his~~ the person's contributions within 18 months of obtaining non-CETA employment with the employer under section 17707, subsection 4; and

**Sec. B-107. 5 MRSA §17761, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**2. Retirement benefit effective before completion of payment.** If any retirement benefit becomes effective before the completion of the deposit under section 17707, subsection 4, the person is entitled to credit for that portion of ~~his~~ the person's CETA time ~~which that~~ that the amount of the deposit actually made bears to the total amount ~~which that~~ that would have been required to purchase the person's entire CETA time.

**Sec. B-108. 5 MRSA §17803**, as amended by PL 1987, c. 256, §7 and PL 2021, c. 548, §45, is corrected to read:

**§17803. Election of methods of payment**

**1. Definition.** As used in this article, unless the context otherwise indicates, "qualifying member" means:

- A. A member; or
- B. A former member who is receiving a disability retirement benefit.

**2. Election.** In order to receive a benefit, a qualifying member must elect to have ~~his~~ the qualifying member's service retirement benefit payable under any of the methods in section 17804.

**3. Time and manner of election.** A qualifying member must elect a method of payment before the beginning of payment of a service retirement benefit. This election must be by written notice to the chief executive officer stating the date on which ~~he~~ the qualifying member desires to retire.

**4. Change of election.** A qualifying member may revoke ~~his~~ the qualifying member's election of benefits and may elect another method of payment by giving written notice to the chief executive officer at any time before the first payment of the service retirement benefit.

**Sec. B-109. 5 MRSA §17804, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**2. Option 1.** The qualifying member may elect to have a reduced retirement benefit paid to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the excess, if any, of ~~his~~ the qualifying member's accumulated contributions at the time of retirement over the portion of the total retirement benefit payments actually made to the qualifying member while alive, which is the actuarial equivalent of the accumulated contributions, paid in a lump sum to the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer or, if no one has been nominated as beneficiary, to ~~his~~ the qualifying member's estate.

**Sec. B-110. 5 MRSA §17804, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**3. Option 2.** The qualifying member may elect to have a reduced retirement benefit payable to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the benefit continued in the same amount for the life of the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

**Sec. B-111. 5 MRSA §17804, sub-§4**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**4. Option 3.** The qualifying member may elect to have a reduced retirement benefit payable to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the benefit continued at 1/2 the amount for the life of the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

**Sec. B-112. 5 MRSA §17805, sub-§1**, as amended by PL 1999, c. 744, §10 and affected by §17, is corrected to read:

**1. Election of benefit for new spouse.** The recipient may elect to have the reduced retirement benefit paid under the same option to the new spouse after the recipient's death instead of continuing the original reduced retirement benefit to the recipient during ~~his~~ the recipient's lifetime, under the following conditions:

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4, 5-A or 5-B; and

D. The recipient must have been married to the new spouse for at least 6 months.

**Sec. B-113. 5 MRSA §17806, sub-§1, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. Notwithstanding any other provision of this section, the amount of annual retirement benefit otherwise payable under this Part may not be less than the retired member received on the effective date of ~~his~~ the member's retirement or on July 1, 1977, whichever amount is greater.

**Sec. B-114. 5 MRSA §17809**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**§17809. Incorrect records**

If any error in any record of the retirement system results in a member or beneficiary receiving more or less from the system than ~~he~~ the member or beneficiary would have been entitled to receive had the record been correct, payments ~~shall~~ must, as far as practicable, be adjusted so that the actuarial equivalent of the benefit to which ~~he~~ the member or beneficiary was correctly entitled is paid.

**Sec. B-115. 5 MRSA §17810, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

For purposes of determining benefits under this chapter, the earnable compensation of a member retired with a disability retirement allowance under article 3 is assumed to be continued after ~~his~~ the member's date of termination of service:

**Sec. B-116. 5 MRSA §17812, sub-§1**, as enacted by PL 1987, c. 256, §11, is corrected to read:

**1. One benefit only.** A beneficiary may select only one benefit, regardless of how many benefits ~~he~~ the beneficiary qualifies for.

**Sec. B-117. 5 MRSA §17851, sub-§7**, as amended by PL 1987, c. 739, §§26 and 48, is corrected to read:

**7. Department of Marine Resources commissioner or deputy.** A commissioner or deputy commissioner of the Department of Marine Resources qualifies for a service retirement benefit if ~~he~~ the commissioner or deputy commissioner:

A. Qualifies under subsection 6; and

B. Contributed or had pick-up contributions made by the employer as a law enforcement officer under section 17710, subsection 1.

**Sec. B-118. 5 MRSA §17852, sub-§5, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. The total amount of the service retirement benefit is:

(1) Except as provided in subparagraph (2), 1/2 of ~~his~~ the person's average final compensation and an additional 2% of ~~his~~ the person's average final compensation for each year of membership service not included in determining qualifications under section 17851, subsection 5; or

(2) If his the person's benefit would be greater, the part of his the person's service retirement benefit based upon membership service before July 1, 1976, ~~shall~~ must be determined, on a pro rata basis, on his the person's current annual salary on the date of retirement and the part of his the person's service retirement benefit based upon membership service after June 30, 1976, ~~shall~~ must be determined in accordance with subparagraph (1).

**Sec. B-119. 5 MRSA §17852, sub-§6, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. The total amount of the service retirement benefit is:

(1) Except as provided in subparagraph (2), 1/2 of his the person's average final compensation and an additional 2% of his the person's average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 6 or 7; or

(2) If his the person's benefit would be greater, the part of his the person's service retirement benefit based upon membership service before July 1, 1976, ~~shall~~ must be determined, on a pro rata basis, on his the person's current annual salary on the date of retirement and the part of his the person's service retirement benefit based upon membership service after June 30, 1976, ~~shall~~ must be determined in accordance with subparagraph (1).

**Sec. B-120. 5 MRSA §17852, sub-§7**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**7. Forest rangers.** The total amount of the service retirement benefit for persons qualified under section 17851, subsection 8, ~~shall~~ must be computed as follows:

A. Except as provided in paragraph B, 1/2 of his the person's average final compensation and an additional 2% of his the person's average final compensation for each year of membership service not included in determining qualifications under section 17851, subsection 8; or

B. If his the person's benefit would be greater, the part of his the person's service retirement benefit based upon membership service before July 1, 1976, ~~shall~~ must be determined, on a pro rata basis, on his the person's current annual salary on the date of retirement and the part of his the person's service retirement benefit based upon membership service after June 30, 1976, ~~shall~~ must be determined in accordance with paragraph A.

**Sec. B-121. 5 MRSA §17852, sub-§8, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. ~~1/2~~ One-half of his the member's average final compensation and an additional 2% of his the member's average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 9; or

**Sec. B-122. 5 MRSA §17852, sub-§10, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. For members qualifying under section 17851, subsection 11, paragraph A, 1/2 of his the member's average final compensation and an additional 2% of his the member's



average final compensation for each year of membership service not included in determining qualification under section 17851, subsection 11, paragraph A.

**Sec. B-123. 5 MRSA §17901, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Permanent.** To the extent that it is impossible for a person to perform the duties of his the person's employment position and the incapacity can be expected to be permanent; and

**Sec. B-124. 5 MRSA §17906, sub-§2, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. The disability retirement benefit may not be reduced below the amount of the retirement benefit ~~which~~ that is the actuarial equivalent of the member's accumulated contributions at the time of ~~his~~ the member's retirement.

**Sec. B-125. 5 MRSA §17907, sub-§2, ¶D**, as enacted by PL 1987, c. 256, §18, is corrected to read:

D. A full month's benefit ~~shall~~ must be paid to the beneficiary or estate of the disability retirement recipient for the month in which ~~he~~ the disability retirement recipient dies.

**Sec. B-126. 5 MRSA §17909, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**1. Requirement.** The chief executive officer shall require each beneficiary of a disability retirement benefit to submit, each calendar year, a statement of ~~his~~ the beneficiary's compensation received from engaging in any gainful occupation during that year.

**Sec. B-127. 5 MRSA §17910, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Right to reinstatement.** If the beneficiary of a disability retirement benefit decides that ~~he~~ the beneficiary is no longer incapacitated and is able to perform the duties of ~~his~~ the beneficiary's employment position, the employer for whom ~~he~~ the beneficiary last worked prior to becoming disabled shall reinstate the person to the first available position for which the beneficiary is qualified and that is consistent with the beneficiary's prior work experience. If a collective bargaining agreement applies to such a position, the employer may offer only a position ~~which~~ that the beneficiary could claim by virtue of the seniority accumulated at the time of the disability.

**Sec. B-128. 5 MRSA §17910, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**3. Termination or reduction in benefits.** At the option of the former beneficiary who has returned to an employment position, the disability retirement benefit may be terminated as of the end of the first month ~~he~~ the former beneficiary is reinstated to a position or may be subject to section 17906, subsection 3.

**Sec. B-129. 5 MRSA §18006, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Surviving spouse.** The surviving spouse until ~~he~~ the surviving spouse dies; and

**Sec. B-130. 5 MRSA §18057, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**2. ~~Widow or widower~~ Surviving spouse.** Second, if no beneficiary qualifies under subsection 1, to the ~~widow or widower~~ surviving spouse of the employee.

**Sec. B-131. 5 MRSA §18061, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Separation from service.** The insurance on ~~any an~~ an employee ~~shall~~ must terminate upon ~~his~~ the employee's separation from service, except as extended by:

A. Provisions contained in the policy for waiver of premiums upon total and permanent disability; and

B. Provisions for temporary extension of coverage and conversion to an individual policy of life insurance.

**Sec. B-132. 5 MRSA §18308, sub-§3, ¶B**, as amended by PL 2007, c. 491, §220, is corrected to read:

B. If an employee elects, under section 18361, to purchase ~~his~~ the employee's CETA time for past creditable service, the employee's CETA prime sponsor shall then pay to the applicable retirement program an amount equal to the employer's contribution, plus regular interest, for the employee's CETA time, using only CETA funds.

**Sec. B-133. 5 MRSA §18361, sub-§1, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. The person, within 90 days of becoming a non-CETA employee, signified in writing to the retirement system ~~his~~ the person's intention to purchase time credit under section 18308, subsection 4;

**Sec. B-134. 5 MRSA §18361, sub-§1, ¶D**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

D. The person has not received a return of any contributions made under section 18308, subsection 4 or has deposited ~~his~~ the person's contributions within 18 months of obtaining non-CETA employment with the employer under section 18308, subsection 4; and

**Sec. B-135. 5 MRSA §18361, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**2. Retirement benefit effective before completion of payment.** If any retirement benefit becomes effective before the completion of the deposit under section 18308, subsection 4, the person is entitled to credit for that portion of ~~his~~ the person's CETA time ~~which~~ that the amount of the deposit actually made bears to the total amount ~~which~~ that would have been required to purchase the person's entire CETA time.

**Sec. B-136. 5 MRSA §18403**, as amended by PL 1987, c. 256, §30 and PL 2021, c. 548, §45, is corrected to read:

#### **§18403. Election of methods of payment**

**1. Definition.** As used in this article, unless the context otherwise indicates, the term "qualifying member" means:

A. A member; or

B. A former member who is receiving a disability retirement benefit.

**2. Election.** In order to receive a benefit, a qualifying member must elect to have ~~his~~ the qualifying member's service retirement benefit payable under any of the methods in section 18404.

**3. Time and manner of election.** A qualifying member must elect a method of payment before the beginning of payment of a service retirement benefit. This election must be by written notice to the chief executive officer stating the date on which ~~he~~ the qualifying member desires to retire.

**4. Change of election.** A qualifying member may revoke ~~his~~ the qualifying member's election of benefits and may elect another method of payment by giving written notice to the chief executive officer at any time before the first payment of the service retirement benefit.

**Sec. B-137. 5 MRSA §18404, sub-§2**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**2. Option 1.** The qualifying member may elect to have a reduced retirement benefit payable to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the excess, if any, of ~~his~~ the qualifying member's accumulated contributions at the time of retirement over the portion of the total retirement benefit payments actually made to the qualifying member while alive, which is the actuarial equivalent amount to the accumulated contributions, paid in a lump sum to the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer or, if no one has been nominated as beneficiary, to ~~his~~ the qualifying member's estate. ~~No contributions~~ Contributions deducted from the compensation of a teacher before July 1, 1947; or required of a teacher for service credit before July 1, 1947; may not be included in the accumulated contributions.

**Sec. B-138. 5 MRSA §18404, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**3. Option 2.** The qualifying member may elect to have a reduced retirement benefit payable to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the benefit continued in the same amount for the life of the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

**Sec. B-139. 5 MRSA §18404, sub-§4**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**4. Option 3.** The qualifying member may elect to have a reduced retirement benefit payable to ~~himself~~ the qualifying member while alive and at the qualifying member's death to have the benefit continued at 1/2 the amount for the life of the beneficiary ~~he~~ the qualifying member has nominated by written designation duly acknowledged and filed with the chief executive officer at the time of retirement, if the beneficiary survives the qualifying member.

**Sec. B-140. 5 MRSA §18405, sub-§1**, as amended by PL 2001, c. 118, §9, is corrected to read:

**1. Election of benefit for new spouse.** The recipient may elect to have the reduced retirement benefit paid under the same option to the new spouse after the recipient's death instead of continuing the original reduced retirement benefit to the recipient during ~~his~~ the recipient's lifetime, under the following conditions.

A. The original spouse must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4, 5-A or 5-B; and

D. The recipient ~~shall~~ must have been married to the new spouse for at least 6 months.

**Sec. B-141. 5 MRSA §18407, sub-§4, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. Notwithstanding any other provision of this section, the amount of annual retirement benefit otherwise payable under this Part may not be less than the retired member received on the effective date of ~~his~~ the member's retirement or on July 1, 1977, whichever amount is greater.

**Sec. B-142. 5 MRSA §18408, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**3. Right to benefits.** ~~No~~ A member may not be deprived of ~~his~~ the member's right to any benefits under this section solely because ~~he~~ the member later terminates employment with the participating local district before ~~his~~ the member's service retirement date.

**Sec. B-143. 5 MRSA §18410**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**§18410. Incorrect records**

If any error in any record of the retirement system results in a member or beneficiary receiving more or less from the system than ~~he~~ the member or beneficiary would have been entitled to receive had the record been correct, payments ~~shall~~ must, as far as practicable, be adjusted so that the actuarial equivalent of the benefit to which ~~he~~ the member or beneficiary was correctly entitled is paid.

**Sec. B-144. 5 MRSA §18411, first ¶**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

For purposes of determining benefits under this chapter, the earnable compensation of a member retired with a disability retirement allowance under article 3 is assumed to be continued after ~~his~~ the member's date of termination of service:

**Sec. B-145. 5 MRSA §18412, sub-§1**, as enacted by PL 1987, c. 256, §34, is corrected to read:

**1. One benefit only.** A beneficiary may select only one benefit, regardless of how many benefits ~~he~~ the beneficiary qualifies for; and

**Sec. B-146. 5 MRSA §18452, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Member in service.** The total amount of the service retirement benefit for members qualified under section 18451, subsection 1, equals:

A. ~~1/50~~ One-fiftieth of the member's average final compensation multiplied by the number of years of ~~his~~ membership service; and

B. If the member has prior service, 1/50 of ~~his~~ the member's average final compensation multiplied by the number of years of prior service ~~provided, except~~ that the number of years of prior service used in this computation may not exceed 25 years unless the participating local district has made the election provided under section 18352, subsection 2.

**Sec. B-147. 5 MRSA §18453, sub-§6**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**6. Police Officer Special Plan #1.** A retirement benefit equal to 1/2 of ~~his~~ the member's average final compensation to a police officer, including the chief of a police department, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching age 55 years of age.

**Sec. B-148. 5 MRSA §18453, sub-§7, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. Except as provided under paragraph B, 2/3 of ~~his~~ the police officer's or chief of police's average final compensation; or

**Sec. B-149. 5 MRSA §18456**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**§18456. Minimum benefit**

~~Any A~~ A member who has 10 or more years of creditable service at retirement is entitled to a minimum service retirement benefit of \$100 a month. ~~Any A~~ former participating local district employee who had 10 or more years of creditable service and who is receiving a retirement allowance, including adjustments provided by section 18407, ~~which that~~ is less than \$100 a month, ~~shall~~ must have ~~his~~ that former employee's retirement benefit increased to \$100 a month the first day of the month following adoption of this section by the participating local district.

**Sec. B-150. 5 MRSA §18501, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Permanent.** To the extent that it is impossible for a person to perform the duties of ~~his~~ the person's employment position and the incapacity can be expected to be permanent; and

**Sec. B-151. 5 MRSA §18506, sub-§2, ¶C**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

C. The disability retirement benefit may not be reduced below the amount of the retirement benefit ~~which that~~ is the actuarial equivalent of the member's accumulated contributions at the time of ~~his~~ the member's retirement.

**Sec. B-152. 5 MRSA §18507, sub-§2, ¶D**, as enacted by PL 1987, c. 256, §42, is corrected to read:

D. A full month's benefit ~~shall~~ must be paid to the beneficiary or estate of the disability retirement recipient for the month in which ~~he~~ the disability retirement recipient dies.

**Sec. B-153. 5 MRSA §18509, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7 and amended by PL 2021, c. 548, §45, is corrected to read:

**1. Requirement.** The chief executive officer shall require each beneficiary of a disability retirement benefit to submit, each calendar year, a statement of ~~his~~ the beneficiary's compensation received from engaging in any gainful occupation during that year.

**Sec. B-154. 5 MRSA §18510, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Election.** ~~Any~~ A beneficiary entitled to a disability retirement benefit under section 1122 of the former retirement system law, as in effect immediately before July 1, 1977, may elect to be governed by this article instead of the law applicable to the disability retirement benefit ~~which he~~ that the beneficiary is receiving.

**Sec. B-155. 5 MRSA §18556, sub-§5**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**5. Election of benefit.** In lieu of accepting the benefits under section 18553, the first listed of the beneficiaries under paragraph A or B, whichever applies, may, if living at the death of the qualifying member, elect the benefits in this section, if the deceased qualifying member had 20 years of creditable service at the time of ~~his~~ the qualifying member's death.

A. If a beneficiary was designated under section 18552, the following designated beneficiaries of the deceased are eligible to make the election under this subsection:

- (1) Surviving spouse;
- (2) Dependent child or dependent children; or
- (3) Parent or parents.

B. If no beneficiary was designated under section 18552, the following relatives of the deceased, if any, alive at the qualifying member's death are eligible to make the election under this subsection:

- (1) Surviving spouse;
- (2) Dependent child or dependent children; or
- (3) Parent or parents.

**Sec. B-156. 5 MRSA §18556, sub-§6, ¶A**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

A. The benefit ~~shall~~ must be computed in accordance with section 18452, subsection 1, and ~~shall~~ must be reduced in accordance with section 18452, subsection 3, as if the service retirement of the qualifying member had taken place on the date of ~~his~~ the qualifying member's death.

**Sec. B-157. 5 MRSA §18606, sub-§1**, as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Surviving spouse.** The surviving spouse until ~~he~~ the surviving spouse dies; and

**Sec. B-158. 5 MRSA §18657, sub-§2**, as amended by PL 2009, c. 515, §2 and affected by §3, is corrected to read:

**2. ~~Widow or widower~~ Surviving spouse.** Second, if no beneficiary qualifies under subsection 1, to the ~~widow or widower~~ surviving spouse of the employee.

**Sec. B-159. 5 MRSA §18661, sub-§1,** as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**1. Separation from service.** The insurance on any employee ~~shall~~ must terminate upon ~~his~~ the employee's separation from service, except as extended by:

A. Provisions contained in the policy for waiver of premiums upon total and permanent disability; and

B. Provisions for temporary extension of coverage and conversion to an individual policy of life insurance.

**Sec. B-160. 5 MRSA §19002, sub-§5,** as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

**5. Federal Security Administrator.** The term "Federal Security Administrator" includes ~~any~~ an individual to whom the Federal Security Administrator has delegated any of ~~his~~ the Federal Security Administrator's functions under the Social Security Act with respect to coverage under ~~sueh~~ that Act of employees of states and their political subdivisions.

**Sec. B-161. 5 MRSA §19004, sub-§3, ¶B,** as enacted by PL 1985, c. 801, §§5 and 7, is corrected to read:

B. Each political subdivision required to make payments under paragraph A is authorized, in consideration of the employee's retention in, or entry upon, employment after ~~enactment of this chapter~~ December 31, 1986, to impose upon each of its employees, as to services ~~which~~ that are covered by an approved plan, a contribution with respect to ~~his~~ the employee's wages, as defined in section 19002, not exceeding the amount of tax ~~which~~ that would be imposed by section 1400 of the Federal Insurance Contributions Act if ~~sueh~~ those services constituted employment within the meaning of that ~~aet~~ Act, and to deduct the amount of ~~sueh~~ the contribution from ~~his~~ the employee's wages as and when paid. Contributions so collected ~~shall~~ must be paid into the Contribution Fund in partial discharge of the liability of ~~sueh~~ the political subdivision or instrumentality under paragraph A. Failure to deduct ~~sueh~~ a contribution ~~shall~~ does not relieve the employee or employer of liability therefor.

## EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 5 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

---

## PART C

**Sec. C-1. 10 MRSA §928, first ¶,** as amended by PL 1979, c. 127, §57, is corrected to read:

In order to provide for the initial organization of the foundation, the Governor shall appoint an organizing committee of 14 persons, 7 of whom ~~shall~~ must be eligible to be private sector corporators, 5 of whom ~~shall~~ must be eligible to be public sector corporators and 2 of whom ~~shall~~ must be state department and agency heads from among the list set forth in section 918, subsection 3. The Governor shall designate the ~~chairman~~ chair of the committee. The organizing committee shall solicit individuals and corporations from the private and public sectors as described in this chapter to be corporators of the Maine Development Foundation.

**Sec. C-2. 10 MRSA §928, 2nd ¶**, as enacted by PL 1977, c. 548, §1, is corrected to read:

The committee shall call and hold an initial meeting of the corporators no later than 6 months from ~~the effective date of this Act~~ October 24, 1977. The initial meeting shall must be for the election of directors and officers of the foundation. The committee shall prepare an agenda for and the ~~chairman~~ chair shall chair the initial meeting. The committee shall serve as the nominating committee for the initial election only; and may submit suggested bylaws and procedures for consideration by the corporators.

**Sec. C-3. 10 MRSA §967-A**, as enacted by PL 1985, c. 344, §15, is corrected to read:

**§967-A. Limitation of liability**

~~No~~ A member of the authority, ~~no~~ a member of any board of the authority and ~~no~~ an employee of the authority ~~may be~~ are not subject to any personal liability for having acted within the course and scope of ~~his~~ the membership or employment to carry out any power or duty under this chapter. The authority shall indemnify any member of the authority, any member of any board of the authority and any employee of the authority against expenses actually and necessarily incurred by ~~him~~ the member or employee in connection with the defense of any action or proceeding in which ~~he~~ the member or employee is made a party by reason of past or present association with the authority.

**Sec. C-4. 10 MRSA §968**, as enacted by PL 1983, c. 519, §6, is corrected to read:

**§968. Administration**

The authority shall elect one of its members as ~~chairman~~ chair; one member as ~~vice-chairman~~ vice-chair, who ~~shall serve~~ serves as secretary; ~~and~~ and one member as treasurer; and shall employ a chief executive officer.

**Sec. C-5. 10 MRSA §975-A, sub-§1, ¶F**, as enacted by PL 1985, c. 344, §25, is corrected to read:

F. Information or records specified in a written request signed by the ~~chairmen~~ chairs of a legislative committee shall must be provided to the legislative committee. The information or records may be used only for the lawful purposes of the committee and in any action arising out of any investigation conducted by it; and

**Sec. C-6. 10 MRSA §982, sub-§7**, as enacted by PL 1983, c. 519, §7, is corrected to read:

**7. Improved technical assistance.** To provide a central source for credit information and other financial management training and services to farmers, ~~fishermen~~ persons who



fish commercially and foresters to better enable them to obtain adequate financial assistance from existing sources and to provide similar technical assistance, research and service in marketing products of natural resource enterprises.

**Sec. C-7. 10 MRSA §997, sub-§1, ¶A**, as repealed and replaced by PL 1985, c. 344, §36, is corrected to read:

A. In the case of an applicant who is an individual, the entrant to natural resource enterprises ~~shall~~ must be a resident of the State and ~~shall~~ must have, together with ~~his~~ the individual's spouse and dependent children, an aggregate net worth, as determined by the authority, of \$100,000 or less when an application is made. In the case of an applicant ~~which~~ that is a business organization, the entrant to natural resource enterprises ~~shall~~ must be organized under the laws of the State so that at least 51% of the controlling ownership is held by residents of the State, each of whom has, together with ~~his or her~~ the resident's spouse and dependent children, an aggregate net worth, as determined by the authority, of \$100,000 or less when an application is made.

**Sec. C-8. 10 MRSA §1012, sub-§1**, as enacted by PL 1987, c. 159, §1, is corrected to read:

**1. Purpose.** The authority shall administer the Maine Natural Disaster Business Assistance Program for the purpose of providing assistance to businesses that are victims of natural disasters ~~which~~ that have caused the State or portions of the State to be declared disaster areas by the President of the United States or ~~his~~ the President's authorized representative.

**Sec. C-9. 10 MRSA §1044, sub-§6**, as amended by PL 1985, c. 344, §67, is corrected to read:

**6. Form.** The authority shall determine the form of the securities, including any attached interest coupons, the manner of execution of the securities, the denomination or denominations of the securities and the place or places for payment of principal and interest, which may be at any financial institution within or without the State. Revenue obligation securities ~~shall~~ must be executed in the name of the authority by the manual or facsimile signature of the authorized official or officials. Any attached coupons ~~shall~~ must be executed with the manual or facsimile signature of the authorized official or officials. Signatures and facsimiles of signatures on securities and coupons ~~will be~~ are valid for all purposes even if the authorized official ceases to hold office before delivery of the securities. The securities may be issued in coupon or registered form or both as the authority may determine. Provision 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. In addition to this subsection, the authority may provide for transfer of registration of its registered revenue obligation securities by book entry on the records of the entity designated for that purpose and may enter into such contractual arrangements as may be necessary to accomplish these purposes. In the event a book entry method of transfer is used, principal of and interest on those registered securities ~~shall~~ must be payable to the registered owner shown in the book entry, ~~his~~ the registered owner's legal representatives, successors or transferees.

**Sec. C-10. 10 MRSA §1044, sub-§12, ¶B**, as enacted by PL 1985, c. 344, §71, is corrected to read:

B. Revenue obligation securities of the authority shall ~~may~~ not be issued until the Director of Energy Resources has reviewed and commented upon the project proposal. The director shall make his comments within 30 days after receipt of a notification and copy of the project proposal from the authority. The authority shall take the comments into consideration in its processing of the project.

**Sec. C-11. 10 MRSA §1100-T, sub-§2, ¶E**, as amended by PL 2013, c. 438, §3, is corrected to read:

E. For investments made in tax years beginning before January 1, 2014, the business receiving the investment must have annual gross sales of \$3,000,000 or less. For investments made in tax years beginning on or after January 1, 2014, the business receiving the investment must have annual gross sales of \$5,000,000 or less. The operation of the business must be a substantial professional activity of at least one of the principal owners, as determined by the authority. The principal owner and the principal owner's spouse are not eligible for a credit for investment in that business. A tax credit certificate may not be issued to a parent, ~~brother, sister~~ sibling or child of a principal owner if the parent, ~~brother, sister~~ sibling or child has any existing ownership interest in the business.

**Sec. C-12. 10 MRSA §1100-T, sub-§2-A, ¶E**, as amended by PL 2001, c. 446, §2 and affected by §6, is corrected to read:

E. Each business receiving an investment from a private venture capital fund, ~~which~~ if the investment is used as the basis for the issuance of a tax credit certificate, must have annual gross sales of \$3,000,000 or less and the operation of the business must be the full-time professional activity of the principal owner, as determined by the authority. The principal owner and principal owner's spouse, if any, are not eligible for a credit for investment in that business or for an investment by the private venture capital fund in that business. A tax credit certificate may not be issued to a parent, ~~brother, sister~~ sibling or child of a principal owner if the parent, ~~brother, sister~~ sibling or child has any existing ownership interest in that business or for an investment by the private venture capital fund in that business.

**Sec. C-13. 10 MRSA §1105, sub-§1, ¶A**, as enacted by PL 2005, c. 580, §1, is corrected by correcting subparagraph (1) to read:

(1) Is caused by an event such as a natural or ~~man-made~~ human-made emergency or disaster, whether local or remote; and

**Sec. C-14. 10 MRSA §1171, sub-§1-A**, as enacted by PL 1981, c. 331, §1, is corrected to read:

**1-A. Designated family member.** "Designated family member" means the spouse, child, grandchild, parent, ~~brother or sister~~ or sibling of the owner of a new motor vehicle dealer who, in the case of the owner's death, is entitled to inherit the ownership interest in the new motor vehicle dealer under the terms of the owner's will, or who, in the case of an incapacitated owner of a new motor vehicle dealer, has been appointed by a court as the legal representative of the new motor vehicle dealer's property.

**Sec. C-15. 10 MRSA §1174, sub-§3, ¶Q**, as amended by PL 1997, c. 521, §17, is corrected by correcting subparagraph (4) to read:

(4) The fact that the new motor vehicle dealer sells or transfers ownership of the dealership or sells or transfers capital stock in the dealership to the new motor vehicle dealer's spouse, ~~son or daughter~~ or child and the manufacturer shall give effect to that change in the ownership in the franchise unless the transfer of the new motor vehicle dealer's license is denied or the new owner is unable to license. This paragraph does not authorize any changes in ownership that have the effect of the sale of the franchise without the manufacturer's or distributor's written consent. This consent may not be unreasonably withheld. The burden of establishing the reasonableness is on the manufacturer or distributor; or

**Sec. C-16. 10 MRSA §1174-C, sub-§3**, as enacted by PL 1981, c. 331, §7, is corrected to read:

**3. Written designation of succession unaffected.** This section does not preclude a new motor vehicle dealer from designating any person as ~~his~~ the dealer's successor by written instrument filed with the manufacturer, distributor, factory branch, factory representative or importer.

**Sec. C-17. 10 MRSA §1202, sub-§8** is corrected to read:

**8. Costs to be added.** ~~Where~~ When a retailer sells at retail any merchandise ~~which~~ that is the product of ~~his or its~~ the retailer's own manufacture or ~~which that~~ that has been purchased by ~~him or it~~ the retailer at the purchase price or prices available to wholesalers, in the absence of proof of a lesser cost, both the wholesale markup of 2% and the retail markup of 6% to cover in part the cost of doing business, as provided in subsections 1 and 2, ~~shall~~ must be added in determining the "cost to the retailer" of such merchandise.

**Sec. C-18. 10 MRSA §1205, sub-§1** is corrected to read:

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

**Sec. C-19. 10 MRSA §1205, sub-§2** is corrected to read:

**2. Damages only.** In the event ~~no~~ injunctive relief is not sought or required, ~~any~~ a person injured by a violation of this chapter 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 ~~such~~ that action ~~shall be~~ is the same as prescribed in subsection 1.

**Sec. C-20. 10 MRSA §1208, sub-§1**, as enacted by PL 1981, c. 423, §1, is corrected to read:

**1. Authority.** Whenever the Attorney General reasonably believes that a violation of section 1204-A may be occurring in the sale of motor fuel, ~~he~~ the Attorney General may require by summons the attendance and testimony of witnesses and the production of books

and papers before ~~him~~ the Attorney General relating to any and all costs of operation of any motor fuel retailer or wholesaler.

**Sec. C-21. 10 MRSA §1209, sub-§3**, as enacted by PL 1981, c. 423, §2, is corrected to read:

**3. Penalty.** ~~Any~~ A person who fails to file a report as required by this section ~~shall be~~ is subject to a penalty of not more than \$500 a day for each day after the first 5 business days on which ~~he~~ the person fails to file a report by postmarking it. The penalty ~~shall~~ must be payable to the State and recoverable in a civil action.

**Sec. C-22. 10 MRSA §1210-B, sub-§3**, as amended by PL 2005, c. 65, Pt. C, §6, is corrected to read:

**3. Securities.** A sale by a dealer or agent or ~~salesman~~ salesperson of a dealer registered pursuant to Title 32, chapter 135 of stocks, bonds, debentures or securities representing stocks, bonds or debentures registered pursuant to Title 32, chapter 135 or expressly exempt from registration pursuant to Title 32, chapter 135;

**Sec. C-23. 10 MRSA §1211, sub-§8**, as enacted by PL 1969, c. 503, is corrected to read:

**8. Trade name.** "Trade name" means a work, name, symbol, device or any combination of the foregoing in any form or arrangement used by a person to identify ~~his~~ the person's business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

**Sec. C-24. 10 MRSA §1212, sub-§1**, as amended by PL 1973, c. 625, §53, is corrected to read:

**1. Lists.** A person engages in a deceptive trade practice when, in the course of ~~his~~ the person's business, vocation or occupation, ~~he~~ the person:

- A. Passes off goods or services as those of another;
- B. Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval or certification of goods or services;
- C. Causes likelihood of confusion or of misunderstanding as to affiliation, connection or association with, or certification by, another;
- D. Uses deceptive representations or designations of geographic origin in connection with goods or services;
- E. Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits or quantities that they do not have, or that a person has a sponsorship, approval, status, affiliation or connection that ~~he~~ the person does not have;
- F. Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used or secondhand;
- G. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if they are of another;
- H. Disparages the goods, services or business of another by false or misleading representation of fact;

- I. Advertises goods or services with intent not to sell them as advertised;
- J. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;
- K. Makes false or misleading statements of fact concerning the reasons for, existence of or amounts of, price reductions; or
- L. Engages in any other conduct ~~which~~ that similarly creates a likelihood of confusion or of misunderstanding.

**Sec. C-25. 10 MRSA §1213, 2nd ¶**, as enacted by PL 1969, c. 503, is corrected to read:

The court in exceptional cases may award reasonable ~~attorneys'~~ attorney's fees to the prevailing party. Costs or ~~attorneys'~~ attorney's fees may be assessed against a defendant only if the court finds that ~~he~~ the defendant has willfully engaged in a deceptive trade practice.

**Sec. C-26. 10 MRSA §1372, sub-§5**, as enacted by PL 1989, c. 62, is corrected to read:

**5. Operator.** "Operator" means the owner, operator, lessor or sublessor of a self-service storage facility, an agent or any other person authorized to manage the facility. "Operator" does not mean a ~~warehouseman~~ warehouse operator, unless the operator issues a warehouse receipt, bill of lading or other document of title for the personal property stored.

**Sec. C-27. 10 MRSA §1405**, as enacted by PL 1973, c. 435, is corrected to read:

**§1405. Cumulative remedies; prohibition against waiver**

The warranty under this chapter ~~shall be~~ is in addition to and not in derogation of all other rights and privileges ~~which such~~ that a consumer may have under any other law or instrument. The manufacturer or dealer ~~shall~~ may not require the buyer to waive ~~his~~ the buyer's rights under this chapter and any such waiver ~~shall be deemed~~ is contrary to public policy and ~~shall be~~ is unenforceable and void.

**Sec. C-28. 10 MRSA §1432, sub-§4**, as enacted by PL 1997, c. 427, §2, is corrected to read:

**4. Designated family member.** "Designated family member" means the spouse, child, grandchild, parent, ~~brother or sister~~ or sibling of the owner of a new recreational vehicle dealer who, in the case of the owner's death, is entitled to inherit the ownership interest in the new recreational vehicle dealership under the terms of the owner's will or who, in the case of an incapacitated owner of a new recreational vehicle dealership, has been appointed by a court as the legal representative of the new recreational vehicle dealer's property.

**Sec. C-29. 10 MRSA §1474, sub-§3**, as amended by PL 2013, c. 292, §1 and affected by §2, is corrected to read:

**3. Dealer to furnish certain written statements concerning warranty.** ~~No~~ A dealer may not sell, offer for sale or transfer a used motor vehicle to a person unless ~~he~~ the dealer furnishes to ~~such~~ the person a written statement containing the warranty required by subsection 1. Any other warranty, in addition to that required by subsection 1, that may be

extended or agreed to by the dealer must be set forth in this written statement in accordance with further requirements of this section.

A. Every written statement ~~shall~~ must contain, fully and conspicuously disclosed, the following information:

(1) The name and address of the dealer's place of business; where repairs, replacement of parts and other service under the warranty are to be performed or, if such repairs, replacement of parts and other service under the warranty are not to be performed at ~~such~~ that place of business, the name, address and other identifying information of each facility within a radius of 50 miles of the dealer's place of business to which the vehicle may be brought for repairs, replacement of parts and other service under the warranty; and

(2) The following notice: "If a dealer fails to perform ~~his~~ the dealer's obligation under the warranty, the purchaser shall give the dealer written notice of such failure before the purchaser initiates a civil action in accordance with section 1476." The notice must be sent by registered or certified mail to the dealer's last known business address.

B. In addition, the written statement required by this subsection must contain, fully and conspicuously disclosed, the following information concerning any additional warranty not required by subsection 1:

(1) The date on which the additional warranty begins as well as the date on which or the number of days or mileage at which the warranty will terminate, either handwritten or printed on the statement by the dealer;

(2) The parts or systems of the vehicle that are warranted against mechanical defects, or the parts or systems of the vehicle excluded from the warranty; and

(3) A statement of what the dealer will do in the event of a mechanical defect and at whose expense.

**Sec. C-30. 10 MRSA §1474, sub-§4, ¶A,** as enacted by PL 1985, c. 429, §4, is corrected to read:

A. ~~No~~ A dealer may not sell, negotiate the sale of, offer for sale or transfer any reconstructable motor vehicle to a person other than another dealer unless ~~he~~ the dealer affixes to the vehicle a conspicuous written statement ~~that,~~ which must:

(1) Appear under the following conspicuous caption:

UNSAFE MOTOR VEHICLE

THIS CAR DOES NOT MEET MAINE'S INSPECTION LAWS AND IS UNSAFE TO DRIVE ON THE ROAD. THIS CAR WILL NEED TO BE REBUILT OR REPAIRED IN ORDER TO MEET MAINE'S INSPECTION LAWS AND BE SAFELY DRIVEN ON THE ROAD;

(2) Contain a statement of the components of the motor vehicle ~~which~~ that must be inspected pursuant to Maine's the State's inspection laws and the specific components on ~~this~~ the vehicle ~~which~~ that do not meet those laws;

(3) Contain the following information in the form of an inspection report:

- (a) The make, model, model year and vehicle identification number of the reconstructable motor vehicle;
  - (b) The signature and inspection license number of the inspection mechanic licensed by the State of Maine who performed the inspection; and
  - (c) The date the inspection was performed; and
- (4) A Contain a statement that ~~this~~ the vehicle must be towed from ~~these~~ the premises.

**Sec. C-31. 10 MRSA §1476, sub-§1**, as enacted by PL 1975, c. 770, §57, is corrected to read:

**1. Failure to perform warranty obligations prohibited.** ~~No~~ A dealer ~~shall~~ may not fail to perform ~~his~~ the dealer's obligation under a warranty made in accordance with this chapter. It ~~shall~~ does not constitute a failure to perform such obligations if a dealer refuses to act in accordance with the provisions of that warranty with respect to any mechanical defect that resulted from unreasonable use or maltreatment of that motor vehicle by the purchaser.

**Sec. C-32. 10 MRSA §1476, sub-§2**, as amended by PL 1977, c. 78, §34, is corrected to read:

**2. Conditions deemed considered failure to perform warranty.** A dealer ~~shall~~ must be considered to have failed to perform ~~his~~ the dealer's obligations under warranty made in accordance with this chapter if the dealer:

A. ~~He fails~~ Fails to perform repair or replacement of parts required under the warranty within:

- (1) Five calendar days, excluding Saturday, Sunday and legal holidays, after the date on which the purchaser delivers the motor vehicle to ~~him~~ the dealer for such repair or replacement; ~~or~~
- (2) Thirty-five calendar days after the date on which the purchaser delivers the motor vehicle to ~~him~~ the dealer if necessary parts are not available to the dealer during the period set forth in subparagraph (1); or
- (3) A reasonable period after the period set forth in subparagraph (2) if necessary parts are not available to the dealer because of a strike, natural disaster or other disaster affecting the manufacture, distribution or shipment of parts; ~~or~~

B. ~~He fails~~ Fails to provide the purchaser with the use of an operating motor vehicle at no cost, except gasoline and oil, beginning at the conclusion of the time stated in paragraph A, subparagraphs (1) and (2), and continuing until repairs have been completed; ~~or~~

C. ~~He transfers~~ Transfers ownership of a used motor vehicle ~~which~~ that does not conform to the warranty imposed by section 1474, subsection 1; or

D. ~~He fails~~ Fails in any other material respect to perform an obligation arising out of the warranty within a reasonable time.

**Sec. C-33. 10 MRSA §1476, sub-§3**, as enacted by PL 1975, c. 770, §57, is corrected to read:

**3. Purchaser's rights upon failure of dealer to perform warranty obligations.** If the dealer fails to perform ~~his~~ the dealer's obligations under the warranty, the purchaser, in addition to any other rights ~~he or she may have~~ the purchaser has, ~~shall have~~ has the right to:

A. Rescind the contract of sale and recover the full consideration paid for the motor vehicle, including the fair market value of any property forming part of that consideration, reduced only by:

(1) The amount of damage caused to the motor vehicle by the purchaser, other than damage resulting primarily from a mechanical defect repairable under the warranty; and

(2) With respect to ~~vehicles~~ a vehicle that ~~have~~ has been in possession of the purchaser for more than 30 days, diminution, if any, in the retail fair market value of the motor vehicle attributable to the period during which the consumer has had possession of ~~said~~ the motor vehicle in ~~useable~~ usable condition. Fair market value for the purposes of this subparagraph ~~shall be~~ is measured by the average retail price listed in an authorized used car guide, such as the National Automobile Dealer's ~~Dealers~~ Dealers Association Official Used Car Guide New England Edition, issued next before the sale and next before the rescission; ~~and~~

B. Recover damages in an amount equal to the ~~differences~~ difference between the fair market value of the motor vehicle in its actual condition at the time the dealer fails to perform ~~his~~ the dealer's obligations under the warranty and the fair market value of the motor vehicle had it been as warranted. Such damages may be deducted from any balance due on the contract or recovered by the purchaser in a civil action.

Before initiating a civil action pursuant to this paragraph, the purchaser must give the dealer written notice that the dealer has failed to perform ~~his~~ the dealer's obligations under the warranty. The written notice ~~shall~~ must be given to the dealer by registered or certified mail addressed to ~~his~~ the dealer's usual place of business or ~~to his~~ last known business address.

**Sec. C-34. 10 MRSA §1476, sub-§4**, as enacted by PL 1975, c. 770, §57, is corrected to read:

**4. Attorney's fees.** If the court finds, in ~~any~~ an action commenced under this section, that the dealer failed to perform ~~his~~ the dealer's obligations under the warranty, the petitioner ~~shall~~ must, in addition to other relief provided for by this section and irrespective of the amount in controversy, be awarded reasonable attorney's fees and costs incurred in connection with ~~said~~ the action.

**Sec. C-35. 10 MRSA §1484**, as enacted by PL 1977, c. 660, is corrected to read:

**§1484. Exemption**

This chapter ~~shall~~ does not apply to any person who provides to the owner or the lessee of a residence the labor or material for installing insulation in that residence if that person is not primarily engaged in the business of installing insulation and if that person does not advertise as, solicit as or ~~hold himself out as one~~ present as a person who installs insulation. For the purposes of this section, the term "not primarily engaged in the business of installing insulation" means having gross receipts for the installation of insulation which



do not exceed either \$2,500 for all labor or \$4,500 for all materials in any one calendar year.

**Sec. C-36. 10 MRSA §1489**, as enacted by PL 1987, c. 574, is corrected to read:

**§1489. Exemption**

Parties to a home construction contract may exempt themselves from the requirements of this chapter only if the contractor specifically informs the homeowner or lessee of ~~his~~ the homeowner's or lessee's rights under this chapter and the parties then mutually agree to a contract or change order that does not contain the parts set forth in sections 1487 and 1488.

**Sec. C-37. 10 MRSA §1521, sub-§1**, as enacted by PL 1979, c. 572, §2, is corrected to read:

**1. Applicant.** "Applicant" includes the person filing an application for registration of a mark under this chapter, ~~his and the person's~~ the person's legal representatives, successors or assigns.

**Sec. C-38. 10 MRSA §1521, sub-§7**, as enacted by PL 1979, c. 572, §2, is corrected to read:

**7. Trade name.** "Trade name" means a word, name, symbol, device or any combination thereof used by a person to identify ~~his~~ the person's business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

**Sec. C-39. 10 MRSA §1521, sub-§8**, as enacted by PL 1979, c. 572, §2, is corrected to read:

**8. Trademark.** "Trademark" means ~~any a~~ a word, name, symbol or device or any combination thereof adopted and used by a person to identify goods made or sold by ~~him~~ the person and to distinguish them from goods made or sold by others.

**Sec. C-40. 10 MRSA §1524, 4th ¶**, as enacted by PL 1979, c. 572, §2, is corrected to read:

~~Any A~~ registration in force on ~~the date on which this chapter becomes effective shall expire January 1, 1980~~ expires 10 years from the date of the registration or one year after the effective date of this chapter January 1, 1980, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by ~~him~~ the Secretary of State and paying the renewal fee within 6 months prior to the expiration of the registration.

**Sec. C-41. 10 MRSA §1527, sub-§1, ¶D**, as amended by PL 1981, c. 684, §§6 and 7, is corrected by correcting subparagraph (5) to read:

(5) That the registered mark is so similar, as to be likely to cause confusion or mistake or to deceive, to a mark registered by another person in the United States Patent and Trademark Office prior to the date of the filing of the application for registration by the registrant and not abandoned; ~~provided except that,~~ should the registrant prove that ~~he~~ the registrant is the owner of a concurrent registration of ~~his~~ the registrant's mark in the United States Patent and Trademark Office covering an area including this State, the registration ~~shall~~ may not be cancelled; or

**Sec. C-42. 10 MRSA §1528**, as enacted by PL 1979, c. 572, §2, is corrected to read:

**§1528. Fraudulent registration**

Any ~~A~~ person who shall, for himself, that person or on behalf of any other person, ~~procure~~ procures the filing or registration of any mark in the office of the Secretary of State under this chapter, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, ~~shall be is~~ liable to pay all damages sustained in consequence of the filing or registration, to be recovered by or on behalf of the party injured in any court of competent jurisdiction.

**Sec. C-43. 10 MRSA §1542, sub-§2, ¶B**, as enacted by PL 1987, c. 143, is corrected by correcting subparagraph (2) to read:

(2) At the time of disclosure or use, knew or had reason to know that ~~his~~ the person's knowledge of the trade secret was:

- (i) Derived from or through a person who had utilized improper means to acquire it;
- (ii) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or
- (iii) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

**Sec. C-44. 10 MRSA §1542, sub-§2, ¶B**, as enacted by PL 1987, c. 143, is corrected by correcting subparagraph (3) to read:

(3) Before a material change of ~~his~~ the person's position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

**Sec. C-45. 10 MRSA §1656** is corrected to read:

**§1656. Trade names not imitated**

It ~~shall be is~~ unlawful for any person, firm or corporation to disguise or camouflage ~~his or their~~ the person's, firm's or corporation's own equipment by imitating the design, symbol or trade name of the equipment under which recognized brands of internal combustion engine fuels, lubricating oils and similar products are generally marketed.

**Sec. C-46. 10 MRSA §1902, sub-§3**, as enacted by PL 1979, c. 266, is corrected to read:

**3. Notice to exhibitors.** A distributor shall provide reasonable and uniform notice to exhibitors within the State of all trade screenings of motion pictures ~~he~~ the distributor is distributing.

**Sec. C-47. 10 MRSA §2302, sub-§8**, as repealed and replaced by PL 1973, c. 91, §1, is corrected to read:

**8. Repairman Repairer.** "Repairman" ~~shall mean any~~ "Repairer" means a person engaged in the business of adjusting or repairing weighing or measuring devices in this State or an employee thereof engaged in such business;

**Sec. C-48. 10 MRSA §2365-A, sub-§1**, as enacted by PL 1983, c. 804, §8, is corrected to read:

**1. Applications.** Applications for licenses under this subchapter ~~shall~~ must be made in writing on forms prescribed by the state sealer for each wood scaler. The application ~~shall~~ must include the name and qualifications of the applicant scaler, ~~his qualifications,~~ and other pertinent information as the state sealer ~~shall require~~ requires.

**Sec. C-49. 10 MRSA §2402, sub-§7**, as enacted by PL 1973, c. 91, §5, is corrected to read:

**7. Delegation of responsibility.** Delegate to appropriate personnel any of these responsibilities for the proper administration of ~~his~~ the office of the state sealer;

**Sec. C-50. 10 MRSA §2402, sub-§14**, as amended by PL 1977, c. 694, §178, is corrected to read:

**14. Appropriate measure.** Prescribe, by regulation adopted in a manner consistent with the Maine Administrative Procedure Act, the appropriate term or unit of weight or measure to be used, whenever ~~he~~ the state sealer determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count or any combination thereof does not facilitate value comparisons by consumers or offers an opportunity for consumer confusion;

**Sec. C-51. 10 MRSA §2403, sub-§1**, as enacted by PL 1973, c. 91, §5, is corrected to read:

**1. Entry.** Authorized to enter any commercial premises during normal business hours, except that in the event ~~such~~ the commercial premises are not open to the public, ~~he~~ the state sealer shall first present ~~his~~ the state sealer's credentials and obtain consent before ~~making entry thereto~~ entering the commercial premises, unless a search warrant has previously been obtained;

**Sec. C-52. 10 MRSA §2403, sub-§4**, as enacted by PL 1973, c. 91, §5, is corrected to read:

**4. Stopping vehicles.** Empowered to stop any commercial vehicle and, after presentment of ~~his~~ the state sealer's credentials, inspect the contents, require that the person in charge of that vehicle produce any documents in ~~his~~ that person's possession concerning the contents and require ~~him~~ that person to proceed with the vehicle to some specified place for inspection.

**Sec. C-53. 10 MRSA §2405** is corrected to read:

#### **§2405. Investigations**

The state sealer shall investigate complaints made to ~~him~~ the state sealer concerning violations of this chapter, and shall, upon ~~his~~ the state sealer's own initiative, conduct such investigations as ~~he deems~~ the state sealer considers appropriate and advisable to develop information on prevailing procedures in commercial quantity determination and on possible violations of this chapter and to promote the general objective of accuracy in the determination and representation of quantity in commercial transactions.

**Sec. C-54. 10 MRSA §2504** is corrected to read:

#### **§2504. Action by unlicensed persons**

~~No~~ A person shall ~~may not~~ assume the title "licensed public weighmaster," or any title of similar import, perform the duties or acts to be performed by a licensed public weighmaster, ~~hold himself out present~~ as a licensed public weighmaster, issue any weight certificate, ticket, memorandum or statement for which a fee is charged, or engage in the full-time or part-time business of public weighing, unless ~~he~~ the person holds a valid license as a licensed public weighmaster. "Public weighing," as used in this section, ~~shall mean~~ means the weighing for any person, upon request, of property, produce, commodities or articles other than those ~~which~~ that the weigher or ~~his~~ the weigher's employer, if any, is either buying or selling.

**Sec. C-55. 10 MRSA §2552** is corrected to read:

**§2552. Execution; requirements**

A licensed public weighmaster shall ~~may not~~ enter on a weight certificate issued by ~~him~~ the weighmaster any weight values ~~but such as he~~ except those the weighmaster has personally determined; and ~~he shall~~ may not make ~~no~~ any entries on a weight certificate issued by some other person. A weight certificate shall ~~must~~ be so prepared as to show clearly that weight or weights were actually determined. If the certificate form provides for the entry of gross, tare and net weights, in any case in which only the gross, the tare or the net weight is determined by the weighmaster ~~he,~~ the weighmaster shall strike through or otherwise cancel the printed entries for the weights not determined or computed. If gross and tare weights are shown on a weight certificate and both of these were not determined on the same scale and on the day for which the certificate is dated, the weighmaster shall identify on the certificate the scale used for determining each such weight and the date of each such determination.

**Sec. C-56. 10 MRSA §2553** is corrected to read:

**§2553. Copies preserved and available**

A licensed public weighmaster shall keep and preserve for at least one year, or for ~~such~~ a longer period as may be specified in the regulations authorized to be issued for the enforcement of this chapter, a legible carbon copy of each weight certificate issued by ~~him,~~ which that public weighmaster. The copies shall ~~must~~ be open at all reasonable times for inspection by the state sealer or a sealer.

**Sec. C-57. 10 MRSA §2621**, as enacted by PL 1973, c. 91, §10, is corrected to read:

**§2621. Misrepresentation of quantity**

~~No~~ A person shall ~~may not~~ sell, offer or expose for sale less than the quantity ~~he~~ the person represents, nor take any more than the quantity ~~he~~ the person represents when, as buyer, ~~he~~ the person furnishes the weight or measure by means of which the quantity is determined.

**Sec. C-58. 10 MRSA c. 501, sub-c. 8, headnote** is corrected to read:

**SUBCHAPTER 8**

**DEALERS AND REPAIRMEN REPAIRERS**

**Sec. C-59. 10 MRSA §2651**, as amended by PL 1997, c. 454, §7, is corrected to read:

**§2651. Registration; certificates**

~~Any~~ A person wishing to be registered as a dealer or ~~repairman~~ repairer shall make application to the state sealer upon forms provided by the state sealer, furnishing such pertinent information as may be required, and each application must be accompanied by an annual fee of \$25. Upon approval, the state sealer shall issue to the applicant a registration certificate that expires on December 31st, or in the manner provided in the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, whichever is later, unless sooner suspended or revoked under section 2655. A registration may be issued for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee.

**Sec. C-60. 10 MRSA §2652** is corrected to read:

**§2652. Handling of condemned devices; disposition**

A dealer or ~~repairman~~ repairer who accepts weighing or measuring devices, ~~which that~~ have been condemned by the state sealer in trade for new or used weighing or measuring devices; and ~~which that~~ are intended to be dismantled or destroyed, upon receipt ~~thereof of~~ the weighing or measuring devices, shall remove the condemned tags. ~~Such~~ The condemned tags ~~shall~~ must be returned to the state sealer within 10 days thereafter, with a statement describing the weighing or measuring device, giving the number of the weighing or measuring device, if obtainable, and the name and address of the former owner or user from whom it was received. There ~~shall~~ must be furnished a statement of what disposition has been made of the weighing or measuring device.

**Sec. C-61. 10 MRSA §2653** is corrected to read:

**§2653. Reports to state sealer**

~~Every~~ A dealer or ~~repairman~~ repairer, within 10 days after the making of a repair, ~~an~~ adjustment or the sale and delivery of a new, repaired, rebuilt, exchanged or used weighing or measuring device, shall notify, in writing, the state sealer, giving the name and address of the person, firm, copartnership, corporation or association for whom ~~such~~ the repair has been made, or to whom a repaired, rebuilt, adjusted, exchanged or used weighing or measuring device has been sold or delivered. The dealer or ~~repairman~~ repairer shall make a written statement that the ~~same~~ weighing or measuring device has been so altered, rebuilt or repaired as to conform to the standard specifications and regulations of the state sealer. ~~Every~~ A dealer ~~and repairman~~, or repairer registered pursuant to section 2651, shall submit to the state sealer the name and address of every person, firm, copartnership, corporation or association for whom weighing or measuring devices are adjusted, repaired, or rebuilt or to whom a new, adjusted, repaired, rebuilt, exchanged or used weighing or measuring device has been sold or delivered.

**Sec. C-62. 10 MRSA §2654** is corrected to read:

**§2654. Calibration of testing equipment; certificate**

A dealer or ~~repairman~~ repairer shall submit ~~his~~ the dealer's or repairer's testing equipment at least once a year to the office of the state sealer for comparison and calibration

with the standard maintained by ~~such~~ the state sealer. After comparison and calibration, the state sealer shall issue to such dealer or ~~repairman~~ repairer a certificate of ~~his~~ the state sealer's findings.

**Sec. C-63. 10 MRSA §2654-A**, as enacted by PL 1985, c. 33, §1, is corrected to read:

**§2654-A. Retail vehicle tank metering devices**

A ~~repairman~~ repairer registered and otherwise regulated under this subchapter may test and calibrate retail vehicle tank metering devices for the delivery of petroleum products, ~~provided that as long as~~ the state sealer has determined that the ~~repairman~~ repairer is qualified, on the basis of ~~his~~ the repairer's competency and ~~his~~ the repairer's proper use of correct equipment, to perform those tests and calibrations. The state sealer shall note ~~his~~ the determination of that qualification on the ~~repairman's~~ repairer's registration certificate and shall make a new determination of qualification each time the certificate is renewed.

~~Such a~~ A metering device ~~which that~~ has been tested and, if necessary, calibrated by a ~~repairman~~ repairer in accordance with this section shall ~~shall~~ may not be tested or calibrated by the state sealer within the 12-month period following the date of the testing and calibration unless testing or calibration by the state sealer is requested by the owner or operator of the device, except that the state sealer may test and, if necessary, calibrate any such device for the purpose of evaluating the competency of any ~~repairman~~ repairer or for the purpose of investigation of a complaint. When the state sealer tests or calibrates such a device for those purposes, ~~he shall~~ the state sealer may not charge any fee if the device has been tested and, if necessary, calibrated within the previous 12 months and ~~he~~ the state sealer finds the device to be correct.

**Sec. C-64. 10 MRSA §2655**, as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is corrected to read:

**§2655. Suspension or revocation of registration of dealers or ~~repairmen~~ repairers**

The state sealer is authorized to refuse to renew the certificate of any registered dealer or ~~repairman~~ repairer when ~~he~~ the state sealer is satisfied, after providing notice and opportunity for a hearing in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory hearings, that the registrant has violated this subchapter or is found to be an incompetent, inefficient, unscrupulous or unsuitable person to be engaged as a dealer or ~~repairman~~ repairer. The District Court, upon complaint of the state sealer or the Attorney General, is authorized to suspend or revoke the certificate of any registered dealer or ~~repairman~~ repairer on the same grounds.

**Sec. C-65. 10 MRSA §2656, sub-§2**, as enacted by PL 2003, c. 452, Pt. E, §8 and affected by Pt. X, §2, is corrected to read:

**2. Conducting business without license; first and subsequent offenses.** A person may not conduct a business of dealer or ~~repairman~~ repairer without having a certificate in full force.

A. A person who violates this subsection commits a civil violation for which a fine of not more than \$100 may be adjudged.

B. A person who violates this subsection after having previously violated this subsection commits a civil violation for which a fine of not more than \$200 may be adjudged.

**Sec. C-66. 10 MRSA §2701, 3rd ¶** is corrected to read:

~~No~~ A sealer shall ~~may not~~ charge a fee provided by this section unless ~~he~~ the sealer has adequate equipment to test accurately and ~~which~~ the equipment has been approved to perform the service rendered by the state sealer.

**Sec. C-67. 10 MRSA §2701, 4th ¶**, as amended by PL 1985, c. 33, §2, is corrected to read:

The state sealer or ~~sealers shall~~ a sealer may not charge a fee for testing or calibrating, weighing and measuring devices ~~which that~~ that have been calibrated or tested and approved within a period of 3 months from time of approval, ~~provided the same as long as the devices~~ are found to be correct, except fees for testing or calibrating retail vehicle tank metering devices tested or calibrated by a repairman repairer in accordance with section 2654-A shall ~~must~~ be charged as provided in that section.

**Sec. C-68. 10 MRSA §3252** is corrected to read:

**§3252. Prevention of lien**

If the labor, materials or services were not furnished by a contract with the owner of the property affected, the owner may prevent ~~sueh~~ a lien under section 3251 for labor, materials or services not then performed or furnished, by giving written notice to the person performing or furnishing the ~~same~~ labor, materials or services that he the owner will not be responsible ~~therefor~~ for the performing or furnishing of the labor, materials or services.

**Sec. C-69. 10 MRSA §3254** is corrected to read:

**§3254. Inaccuracy does not void lien if reasonably certain**

~~No~~ An inaccuracy in ~~sueh~~ the statement under section 3253 relating to ~~said~~ the property, if the ~~same~~ property can be reasonably recognized, or in stating the amount due for labor, materials or services ~~invalidates~~ does not invalidate the proceedings, unless it appears that the person making it willfully claims more than ~~his~~ the person's due.

**Sec. C-70. 10 MRSA §3255, sub-§3**, as enacted by PL 1975, c. 734, is corrected by correcting the first blocked paragraph to read:

~~In no case shall the~~ The total amount due from the owner to those performing or furnishing labor, materials or services without a contract with the owner may not exceed the balance due from the owner to the person with whom ~~he~~ the owner has directly contracted at the time of service of process on the owner in a lien action or receipt of the written notice described above, whichever occurs first.

**Sec. C-71. 10 MRSA §3255, sub-§3**, as enacted by PL 1975, c. 734, is corrected by correcting the 2nd blocked paragraph to read:

If the owner does not reside in the place where the property is located, but has a known agent ~~therein~~ in that place, notice may be given to the agent or to the owner at the place where ~~he~~ the owner resides. If the notice provided by this subsection is given, the lien claimant must also comply with the notice requirements of section 3253 and commence the

legal action required by subsection 1 to the extent that this compliance is required in order to preserve ~~his~~ the claimant's lien claim.

**Sec. C-72. 10 MRSA §3256**, as amended by PL 1975, c. 91, §3, is corrected to read:

**§3256. Extension of lien**

When the owner dies, the owner is adjudicated a bankrupt or a warrant in insolvency issues against ~~his~~ the owner's estate within the 120 days and before the commencement of an action, the action may be commenced within 90 days after such adjudication, or after notice given of the election or appointment of the assignee in insolvency, executor or administrator, or the revocation of the warrant. The lien ~~shall~~ must be extended accordingly.

**Sec. C-73. 10 MRSA §3260** is corrected to read:

**§3260. Deficiency; judgment for balance**

If the proceeds of the sale after payment of costs and expenses of sale are insufficient to pay the lien claims and costs in full, the court may render judgment against the debtor in favor of each individual lienor for the balance of ~~his~~ the individual lienor's claim and costs remaining unpaid; and may issue executions ~~therefor~~ for the judgments. If the proceeds of sale, after the payment of costs and expenses of sale, are more than sufficient to pay the lien claims and all costs in full, the balance remaining ~~shall~~ must be paid to the person or persons legally or equitably entitled ~~thereto~~ to the remaining balance.

**Sec. C-74. 10 MRSA §3265** is corrected to read:

**§3265. Sale on execution; several judgments; redemption**

When a judgment is rendered in ~~any~~ an action authorized by chapters 601 to 631 against any house, building or appurtenances, wharf, pier or building ~~thereon~~ on a wharf or pier, and the land on which it stands, or any interest that the owner of such house, building or appurtenances, wharf or pier has in such land, ~~said~~ the property ~~shall~~ must be taken and sold on execution in the same manner that rights of redeeming mortgaged real estate may be taken and sold. If 2 or more such judgments are rendered at the same term of the same court, the court shall direct in writing on which execution the property ~~shall~~ must be sold, and in that event, and in the event that the officer holding any execution recovered under chapters 601 to 631 ~~shall be~~ is notified in writing by any lienor who has caused ~~said~~ the property to be attached or who has filed ~~his~~ the lienor's action claiming a lien as provided, that ~~he~~ the lienor claims a portion of the proceeds of the sale, ~~said~~ that officer, unless all owners of such judgments and all lienors so notifying such officer otherwise direct, shall ~~thereupon~~ sell ~~said~~ the property and, after deducting the fees and expenses of sale, shall return the balance into the court of highest jurisdiction in which any such lien action is pending or in which such a lien judgment has been rendered, and ~~such~~ the court shall distribute ~~such~~ the fund pro rata among the lienors who shall satisfactorily prove their right to share in the same. The court issuing execution on which the sale is made may fix the time within which the owner ~~shall have~~ has the right to redeem the property from such sale. The court distributing the fund may make such decree in regard to costs as is equitable. Any balance not required to pay such lien claims and costs ~~shall~~ must be paid to the person or persons legally or equitably entitled ~~thereto~~ to the balance.



**Sec. C-75. 10 MRSA §3323**, as amended by PL 1977, c. 694, §190, is corrected to read:

**§3323. Producer's lien attached to processed agricultural goods**

Every A producer of potatoes ~~which~~ that the producer grows, harvests and sells to any processor under contract, express or implied, has a lien upon ~~sueh~~ the product and upon all processed or manufactured forms of potatoes for ~~his~~ the producer's labor, care and expense in growing and harvesting the raw product. The producer's lien attached to the finished product ~~shall~~ must be the full extent of the agreed price, if any, or the unpaid balance of the agreed price of the raw product delivered to the processor. If there is no agreed price or a method for determining it ~~which~~ that is agreed upon, the extent of the lien ~~shall~~ must be the full value of the raw product as of the date of delivery and ~~shall~~ must be determined by the commissioner upon notice and opportunity for a hearing, provided in a manner consistent with the provisions as to adjudicatory proceedings of the Maine Administrative Procedure Act.

**Sec. C-76. 10 MRSA §3325, 2nd ¶**, as amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is corrected to read:

If any a financial institution described in this section ~~shall foreclose~~ forecloses upon its lien, the proceeds realized after foreclosure ~~shall~~ must be applied first to satisfy all producers' liens having priority over the lien of the financial institution and then to satisfy the lien of the financial institution. The balance of the proceeds, if any, ~~shall~~ must be remitted to the ~~Commissioner of Agriculture, Conservation and Forestry commissioner~~ or his the commissioner's designee for distribution to producers having liens approved by the commissioner under section 3324 in the order of their priority. Any surplus remaining ~~thereafter shall~~ after the distribution to producers must be remitted to the processor.

**Sec. C-77. 10 MRSA §3327, first ¶**, as enacted by PL 1975, c. 725, is corrected to read:

This chapter does not impair or affect the right of any claimant that possesses a lien to maintain a personal action to recover ~~sueh~~ that debt against a processor, either in an action to foreclose ~~his~~ the claimant's lien or in a separate action. ~~He~~ The claimant is not required to state in ~~his~~ an affidavit to procure an attachment that ~~his~~ the claimant's demand is not secured by a lien.

**Sec. C-78. 10 MRSA §3327, sub-§3**, as enacted by PL 1975, c. 725, is corrected to read:

**3. Presentation of evidence to court.** ~~Sueh~~ The processor may also, on motion duly noticed, introduce evidence to the court before whom any such action is pending to the effect that ~~he~~ the processor has sufficient security or money on deposit with the commissioner to protect the lien or other rights of plaintiff. If ~~he~~ the processor does so, the court may order the release of a portion or the whole ~~or sueh~~ of the product upon which the lien of plaintiff is attached and deny to plaintiff any recovery in ~~sueh~~ that action. Such action by the court does not prejudice any other rights or remedies ~~which~~ that are possessed by the plaintiff.

**Sec. C-79. 10 MRSA §3328**, as enacted by PL 1975, c. 725, is corrected to read:

**§3328. Request for an injunction**

The plaintiff in an action ~~which that~~ is brought to foreclose any of the liens ~~which that~~ are provided for in this chapter may, in a proper case, and upon proper allegations, secure an injunction against the processor to restrain the doing of any acts on the part of ~~such the~~ processor ~~which that~~ are designed to or ~~which that~~ would, in effect, remove any processed product in ~~his the~~ possession ~~of~~ or under ~~his the~~ control ~~of the processor~~ and upon which valid liens exist, beyond the process of the court, to plaintiff's injury.

**Sec. C-80. 10 MRSA §3401** is corrected to read:

**§3401. Cutting**

~~Whoever~~ A person who labors in cutting or harvesting hay has a lien on all the hay cut or harvested by ~~him that person~~ and ~~his that person's~~ co-laborers for the amount due for ~~his that person's~~ personal services and the services performed by ~~his that person's~~ team, which takes precedence of all other claims except liens reserved to the State, continues for 30 days after the last of such services are performed; and may be enforced by attachment.

**Sec. C-81. 10 MRSA §3412**, as enacted by PL 1967, c. 373, is corrected to read:

**§3412. Notice**

~~No such~~ A lien ~~shall may not~~ be perfected unless a written notice containing the name and address of the injured person, as it ~~shall appear~~ appears on the records of the hospital, the date of the accident, the name and location of the hospital; and the name of the person or persons, firm or firms; ~~or~~ corporation or corporations alleged to be liable to the injured party for the injuries received; ~~shall be is~~ filed under the name of the patient and under the name of all persons, firms or corporations liable for damages arising from ~~such those~~ injuries with the clerk of the municipality in which ~~such the~~ hospital is located not later than 10 days after the patient has been discharged from the hospital and prior to the payment of any moneys to ~~such the~~ injured person; ~~his or the injured person's~~ attorneys or legal representatives as compensation for ~~such those~~ injuries; ~~not and unless the hospital shall mail mails~~, registered mail, return receipt requested, a copy of ~~such the~~ notice with a statement of the date of filing ~~thereof of the notice~~ to:

**1. Persons alleged to be liable.** The person or persons, firm or firms; ~~or~~ corporation or corporations; alleged to be liable to the injured patient for the injuries sustained prior to the payment of any moneys to ~~such the~~ injured person; ~~his or the injured person's~~ attorneys or legal representatives, as compensation for ~~such those~~ injuries; and;

**2. Insurance carrier.** ~~To the~~ The home office, or district office handling the carrier's business within the State, of any insurance carrier ~~which that~~ has insured ~~such the~~ person, firm or corporation against such liability. The person or persons, firm or firms; ~~or~~ corporation or corporations alleged to be liable to the injured patient shall upon written request of the hospital disclose the name of ~~his or its the person's, firm's or corporation's~~ insurance carrier ~~which that~~ has insured such person, firm or corporation against such liability.

**3. Hospital records available.** For the purposes of determining the reasonableness of the hospital charges, the hospital shall, at the written request of the person alleged to be liable, or ~~his that person's~~ insurance carrier, make available any hospital records ~~which that~~ may be pertinent to determining the reasonableness of the hospital charge, but in no event ~~shall they may the hospital~~ disclose any other records ~~which that~~ it may have; including,

but not limited to, records or reports with regard to the nature of the injury of the patient, the nature of ~~his~~ the patient's condition or the state of ~~his~~ the patient's recovery.

**Sec. C-82. 10 MRSA §3413**, as enacted by PL 1967, c. 373, is corrected to read:

**§3413. Duration**

~~No~~ A release of such causes of action, or any of them, or of any judgment ~~thereon shall be on such a cause of action is not~~ valid or effectual as against ~~such~~ a lien under this chapter unless ~~such~~ the lien holder ~~shall join therein~~ joins in the action, or ~~execute~~ executes a release of ~~such~~ the lien, and any person or persons, firm or firms, or corporation or corporations, including an insurance carrier, making any payment to ~~such~~ the patient or to ~~his~~ the patient's attorneys or heirs or legal representatives, or to any other person as compensation for the injuries sustained, after the filing and receipt of such notice, without paying to ~~such~~ the hospital the amount of its lien or so much ~~thereof~~ of the amount of its lien as can be satisfied out of the moneys due under any final judgment or compromise or settlement agreement after paying the amount of any prior liens, ~~shall~~ are and remain, for a period of one year from the date of payment to ~~such~~ the patient or ~~his~~ the patient's heirs, attorneys or legal representatives, or other person, as provided, ~~be and remain~~ liable to ~~such~~ the hospital for the amount ~~which~~ such the hospital was entitled to receive; and any such association, corporation or other institution maintaining ~~such~~ the hospital may, within such period, enforce its lien by a civil action against ~~such~~ the person or persons, firm or firms, or corporation or corporations making any such payment. The assertion, claim or filing of such a lien ~~shall~~ may in no way be ~~deemed~~ considered an election on behalf of the hospital, and the hospital ~~shall retain~~ retains all its rights to collect from the patient or from any other person legally liable for care, treatment and maintenance of the injured party.

**Sec. C-83. 10 MRSA §3414**, as amended by PL 1977, c. 51, is corrected to read:

**§3414. Index**

Every A municipal clerk shall, at the expense of the municipality, provide a book or card filing system to be called the hospital lien docket in which, upon the filing of ~~any~~ a lien claim under this chapter, ~~he~~ the clerk shall enter the name of the injured person, the name of the person, firm or corporation alleged to be liable for the injuries, the date of the accident and the name of the hospital or other institution making the claim. The clerk shall make a proper index of the same in the name of the injured person and ~~such~~ the clerk ~~shall~~ be is entitled to be paid a fee of \$5 by the lien claimant for ~~such~~ that filing, which ~~shall~~ must be prepaid.

**Sec. C-84. 10 MRSA §3551** is corrected to read:

**§3551. Wages**

Whoever A person who performs labor in ~~any~~ a tannery where leather of any kind is manufactured completely or partially, whether ~~such~~ that labor is performed directly on the hides and skins or in any capacity in or about the establishment, has a lien for ~~his~~ that person's wages on all leather so manufactured in ~~such~~ the tannery for labor performed by ~~him~~ that person or ~~his~~ that person's co-laborers, which continues for 30 days after ~~such~~ the leather is made and manufactured, and until ~~such~~ the leather is shipped on board a vessel or taken in a car, and may be enforced by attachment within that time.

**Sec. C-85. 10 MRSA §3602** is corrected to read:

**§3602. Boomage paid by officer; lien not defeated by note; notice**

The officer making ~~such~~ the attachment pursuant to section 3601 may pay the boomage thereon, not exceeding the rate per thousand on the quantity actually attached by ~~him~~ the officer, and return the amount paid on the writ of attachment, which ~~shall~~ must be included in the damages recovered. The action or lien is not defeated by taking a note, unless it is taken in discharge of the amount due and of the lien. ~~Such~~ The notice of the action as the court orders ~~shall~~ must be given to the owner of the logs or lumber, and ~~he~~ the owner may be admitted to defend it.

**Sec. C-86. 10 MRSA §3603** is corrected to read:

**§3603. Logs driven by contract**

~~Whoever~~ A person who drives logs or lumber by contract with the owner or with any other person has a lien on ~~said~~ those logs or lumber for the amount payable under ~~said~~ the contract, which takes precedence of all other claims, except liens for labor, for stumpage and for towing, continues for 60 days after the logs or lumber arrive at the place of destination for sale or manufacture and may be enforced by attachment. When the contract is made with any person other than the owner of the logs or lumber, actual notice in writing ~~shall~~ must be given to the owner before work is begun, stating ~~therein~~ the terms of the contract. If the owner, at the time ~~said~~ the notice is given ~~him~~ to the owner or immediately thereafter, notifies ~~said~~ the contractor in writing that ~~he~~ the owner will not be responsible for the amount payable or to become payable under ~~said~~ the contract, ~~then~~ ~~said~~ the contractor ~~shall~~ does not have a lien on ~~said~~ the logs or lumber so driven.

**Sec. C-87. 10 MRSA §3606** is corrected to read:

**§3606. Hemlock bark, cordwood and pulpwood**

~~Whoever~~ A person who labors at cutting, peeling or hauling hemlock bark, or cutting, yarding or hauling cordwood, or cutting, peeling, yarding or hauling pulpwood or any wood used in the manufacture of pulpwood, or at cooking for persons engaged in such labor, has a lien thereon for the amount due for ~~his~~ the person's personal labor and the services performed by ~~his~~ the person's team, which takes precedence of all other claims, continues for 30 days after the contract is completed, and may be enforced by attachment.

**Sec. C-88. 10 MRSA §3607** is corrected to read:

**§3607. Last blocks, shovel handle blocks, railroad ties and ship knees**

~~Whoever~~ A person who labors in the manufacturing of last blocks, shovel handle blocks, railroad ties or ship knees, or is engaged in cooking for persons engaged in such labor, or cuts or furnishes wood for the manufacture of last blocks or shovel handle blocks, or furnishes a team for the hauling of last blocks or shovel handle blocks or the lumber from which they are made, or for the hauling of railroad ties or ship knees, has a lien on ~~said~~ those last blocks, shovel handle blocks, railroad ties and ship knees, as the case may be, for the amount due ~~him~~ the person for ~~his~~ the person's personal labor ~~thereon~~ and for the services of ~~his~~ the person's team and for the amount due for wood so cut or furnished for the manufacture of ~~said~~ those last blocks or shovel handle blocks, which takes precedence of all other claims, except liens reserved to the State, and continues for 30 days after ~~said~~ the last blocks are stored or housed for drying purposes, or for 30 days after ~~said~~ the shovel handle blocks arrive at their destination either for shipment or to be turned, or

for 30 days after ~~said~~ the railroad ties are on the line of a railroad, or for 30 days after ~~said~~ the ship knees are delivered in a shipyard. ~~Sueh~~ The lien may be enforced by attachment.

**Sec. C-89. 10 MRSA §3608**, as amended by PL 1973, c. 625, §58, is corrected to read:

**§3608. Shingles, staves, laths, dowels and spool timber**

~~Whoever~~ A person who labors at cutting, hauling or sawing shingle, stave, lath, dowel or spool timber, or in the manufacture of shingle, stave, lath, dowel or spool timber into shingles, staves, laths, dowels or spool bars, or at piling staves, laths, dowels or spool bars, or at bunching shingles or dowels, or at cooking for persons engaged in such labor, has a lien thereon for the amount due for ~~his~~ the person's personal labor ~~thereon~~ and the services performed by ~~his~~ the person's team, which takes precedence of all other claims and continues for 60 days after such shingles, staves, laths and dowels are manufactured, ~~provided as long as~~ as long as the same have not been sold and shipped, or for 60 days after such spool timber or spool bars arrive at the place of destination for sale or manufacture. ~~Sueh~~ The lien may be enforced by attachment.

**Sec. C-90. 10 MRSA §3651** is corrected to read:

**§3651. Lien for wages; preference**

~~Whoever~~ A person who digs, hauls or furnishes rock for the manufacture of lime has a lien ~~thereon~~ on the lime for ~~his~~ that person's personal service, and on the rock so furnished, for 30 days after ~~sueh~~ the rock is manufactured into lime or until ~~sueh~~ the lime is sold or shipped on board a vessel. ~~Whoever~~ A person who labors in quarrying or cutting and dressing granite in ~~any~~ a quarry has a lien for ~~his~~ that person's wages on all the granite quarried or cut and dressed in the quarry by ~~him~~ that person or ~~his~~ that person's co-laborers for 30 days after ~~sueh~~ the granite is cut and dressed or until ~~sueh~~ the granite is sold or shipped on board a vessel. ~~Whoever~~ A person who labors in mining, quarrying or manufacturing slate in ~~any~~ a quarry has a lien for the wages of ~~his~~ that person's labor on all slate mined, quarried or manufactured in the quarry by ~~him~~ that person or ~~his~~ that person's co-laborers for 30 days after the slate arrives at the port of shipment and until it has been shipped on board a vessel or laden in a car. ~~Sueh~~ The liens take precedence over all other claims and may be enforced by attachment within the times ~~aforesaid~~ in this section.

**Sec. C-91. 10 MRSA §3701** is corrected to read:

**§3701. Contract price; attachment**

~~Whoever~~ A person who, under express contract fixing the price to be paid by the other party ~~thereto~~ to the contract, sells, erects or furnishes any monument, tablet, headstone, vault, posts, curbing or other monumental work has a lien ~~thereon~~ on the monument, tablet, headstone, vault, posts, curbing or other monumental work to secure the payment of ~~sueh~~ the contract price, which continues for 2 years after the completion, delivery or erection of ~~sueh~~ the monument, tablet, headstone, vault, posts, curbing or other monumental work. ~~Sueh~~ The lien may be enforced by an action for damages with an attachment, which ~~shall~~ must be recorded within ~~said 2 years~~ the 2-year period by the clerk of the town in which the property subject to the lien is then situated; or ~~sueh~~ the lien may be enforced by complaint setting forth the names and residences of the parties to the contract, the contract price, the sum due, the description and location of the property on which the lien is claimed and such other facts as are necessary to make it appear that ~~sueh~~ the plaintiff is entitled to

an enforcement of ~~such~~ the lien, and praying for judgment for title and possession of the property ~~therein~~ described. ~~Said~~ The complaint, before service ~~thereof~~ of the complaint and within ~~said 2 years~~ the 2-year period, shall must be recorded by the clerk of the town in which ~~such~~ the property is situated and a certificate of ~~such~~ the record indorsed ~~thereon~~. The sum alleged to be due shall must be ~~deemed~~ considered to be the damage and, after the complaint has been recorded, an action may be commenced upon the complaint in any court of proper venue for a transitory action between the parties. Service shall must be made as in other actions. If the plaintiff prevails, ~~he shall recover~~ the plaintiff recovers judgment for title and possession of the property on which the lien is claimed, and for ~~his~~ the plaintiff's costs, and a possessory execution may issue. By virtue of ~~such~~ the judgment, the judgment creditor, if unopposed, may take possession and remove the property described in ~~his~~ the judgment creditor's execution; otherwise any officer qualified to serve civil process, having ~~said~~ that execution, may take possession of ~~said~~ the property and deliver the same to the judgment creditor, and shall make ~~his~~ the officer's return on ~~said~~ the execution accordingly. ~~Said~~ The lien may be discharged at any time before final judgment by tendering the plaintiff the amount of the debt and costs.

**Sec. C-92. 10 MRSA §3751, first ¶** is corrected to read:

Whenever the amount due for the use of any safe or box in the vaults of any bank or safe deposit company shall ~~has~~ not have been paid for one year, ~~such~~ the bank or company may, at the expiration of ~~such~~ that period, notify the person in whose name ~~such~~ the safe or box stands on its books, by a notice in writing in a securely closed, postpaid, registered letter directed to ~~such~~ that person at ~~his post-office~~ that person's post office address as recorded upon the books of ~~said~~ the bank or company, that if the amount then due for the use of ~~such~~ the safe or box is not paid within 60 days from the date of ~~such~~ the notice, ~~said~~ the bank or company will then cause ~~such~~ the safe or box to be opened in the manner provided. At the expiration of 60 days after the mailing of ~~said~~ the notice, ~~said~~ the bank or company may then cause ~~such~~ the safe or box to be opened in the presence of any officer or branch manager of ~~said~~ the bank or company, and of a notary public not an officer or in the employ of ~~said~~ the bank or company, and the contents of ~~said~~ the safe or box shall must then be sealed up by ~~such~~ the notary public in a package and a certificate of ~~such~~ the sealing shall must be indorsed ~~thereon~~ on the package, signed by ~~such~~ the notary and attested by ~~his~~ the notary's seal, and ~~said~~ the package shall must be distinctly marked with the name and address of the person in whose name ~~such~~ the safe or box stands upon the books of ~~said~~ the bank or company, and the estimated value ~~thereof~~ of the contents of the package. ~~Said~~ The package shall must then be placed in one of the general safes or boxes of ~~said~~ the bank or company, and shall must be held subject to redemption by the owner ~~thereof~~ of the package, who shall ~~be required~~ to pay the rent due for ~~said~~ the safe or box and all costs and damages attending the opening ~~thereof~~ of the safe or box, together with reasonable charges for the custody of ~~said~~ the package by ~~said~~ the bank or company, and ~~said~~ the bank or company shall ~~have~~ has a lien upon ~~said~~ the package to secure the payment of ~~such~~ the rent, damages and charges.

**Sec. C-93. 10 MRSA §3852** is corrected to read:

**§3852. Labor and materials; owners of dry docks or marine railways**

~~Whoever~~ A person who furnishes labor or materials for building a vessel has a lien on it ~~therefor~~ for the labor and materials, which may be enforced by attachment ~~thereof~~ of the

vessel within 4 days after it is launched; but if the labor and materials have been so furnished by virtue of a contract not fully completed at the time of the launching of the vessel, the lien may be enforced within 4 days after ~~such~~ the contract has been completed. ~~He~~ The person has a lien on the materials furnished before they become part of the vessel, which may be enforced by attachment. The owners of ~~any~~ a dry dock or marine railway used for ~~any~~ a vessel have a lien on ~~said~~ the vessel for the use of ~~said~~ the dock or railway, to be enforced by attachment within 4 days after the last day in which the ~~same~~ dock or railway is used or occupied by ~~said~~ the vessel.

**Sec. C-94. 10 MRSA §3853, first ¶** is corrected to read:

The form of writ for enforcing such lien ~~shall~~ must be in substance as follows:

"State of Maine.

....., ss.

To the sheriff of our County of ....., or either of ~~his~~ the sheriff's deputies:

We command you to attach the vessel" (here give such a description of the vessel as will identify it,) "in an action brought by" (name of plaintiff) "of" (plaintiff's place of residence including town and county) "against" (name of defendant) "of" (defendant's place of residence including town and county) "in the Superior Court for ~~said~~ the County of ....., in which action ~~the said~~" (name of plaintiff) "claims a lien on ~~said~~ such vessel for" (here describe briefly the nature of the lien) "to the amount of .... dollars and .... cents, and make due return of this writ with your doings thereon.

.....  
Clerk of ~~said~~ Superior Court

(Seal of the court)

Dated ....."

**Sec. C-95. 10 MRSA §3854** is corrected to read:

**§3854. —~~particulars~~ Particulars; verification**

The plaintiff shall annex to the complaint a just, true and particular account of the demand claimed to be due to ~~him~~ the plaintiff with all just credits, the names of the persons personally liable to ~~him~~ the plaintiff and names of the owners of the vessel if known to ~~him~~ the plaintiff. It ~~shall~~ must be verified by the oath of one plaintiff, or of some person ~~in his~~ on the plaintiff's behalf, that the amount claimed in ~~said~~ the account is justly due from the person named in the complaint and account as owing it, and that ~~he~~ the plaintiff believes that by the law of the State ~~he~~ the plaintiff has a lien on ~~such~~ the vessel for the whole or a part ~~thereof~~ of the vessel.

**Sec. C-96. 10 MRSA §3857** is corrected to read:

**§3857. Subsequent writs to be served by same officer unless disqualified**

On all writs of attachment made after the first attachment and while any lien attachment is pending, the attachment and services ~~shall~~ must be made by the same officer, or, if ~~he~~

that officer is disqualified, by any qualified officer, by ~~his~~ the officer giving notice thereof to the first attaching officer.

**Sec. C-97. 10 MRSA §3858** is corrected to read:

**§3858. Entry of action; who may defend; bond**

The actions shall must be entered on the docket as follows: ~~The~~ the person claiming the lien, as plaintiff, the person alleged to be personally liable, as defendant, and the name or other description of the vessel attached. The owners or mortgagees of the vessel, or any plaintiff in an action ~~wherein in which~~ it is attached for a lien, may appear and defend any action so far as relates to the validity and amount of the lien claim; ~~but no such~~ the plaintiff shall may not so defend until ~~he~~ the plaintiff gives bond, to the satisfaction of the court, to pay the costs awarded against ~~him~~ the plaintiff.

**Sec. C-98. 10 MRSA §3859** is corrected to read:

**§3859. Offer of default; admission of sum due**

The defendant may offer to be defaulted as in other cases. The owners of the vessel may admit, in writing filed with the clerk, that a certain sum is due the plaintiff as a lien on the vessel. If the plaintiff does not recover a greater sum as lien, ~~he~~ the plaintiff recovers no costs against ~~such~~ the owner or the vessel or its proceeds after the admission is filed; ~~but such~~ the owner recovers costs thereafter.

**Sec. C-99. 10 MRSA §3862** is corrected to read:

**§3862. Judgment against defendant**

Upon ascertaining the amount, judgment shall must be rendered in ~~his~~ the plaintiff's favor against the defendant as in other personal actions, for the amount found not to be a lien on the vessel, with such costs as the court awards. A separate judgment shall must be rendered in ~~his~~ the plaintiff's favor against ~~said~~ the defendant and the vessel attached for the amount decided to be a lien, with such costs as the court awards. Separate executions shall must be issued ~~thereon~~ on the judgments.

**Sec. C-100. 10 MRSA §3866** is corrected to read:

**§3866. Vessel under attachment attached on lien claim**

If the vessel has been already attached by a sheriff or ~~his~~ the sheriff's deputy when a writ of attachment is issued for ~~such a~~ lien claim, ~~such~~ the writ of attachment shall must be served by ~~such~~ the officer. If attached by a constable, ~~he~~ the constable shall give up to the officer having the lien writ of attachment the possession and the precept upon which ~~he~~ the constable attached it with ~~his~~ the constable's return of the facts ~~thereon~~. The attachment shall ~~hold~~ holds subject to the legal priorities of the lien claim.

**Sec. C-101. 10 MRSA §4002** is corrected to read:

**§4002. Complaint filed; contents**

~~The~~ A person claiming the lien may file, in the Superior Court in the county where ~~he~~ that person resides, a complaint briefly setting forth the nature and amount of ~~his~~ the claim, a description of the article possessed and the names and residences of its owners, if known to ~~him~~ that person, and a prayer for enforcement of ~~his~~ the lien.

**Sec. C-102. 10 MRSA §4003** is corrected to read:



**§4003. Attachments have precedence; enforcement on death or insolvency**

Actions to enforce any of the liens before named have precedence over attachments and encumbrances made after the lien attached and not made to enforce a lien, and may be maintained although the employer or debtor is dead and ~~his~~ the employer's or debtor's estate has been represented insolvent. ~~His~~ The employer's or debtor's executor or administrator may be summoned and held to answer to an action brought to enforce the lien. The complaint must show that the action is brought to enforce the lien; ~~but all the other forms and proceedings therein shall be~~ are the same as in other actions.

**Sec. C-103. 10 MRSA §4006** is corrected to read:

**§4006. Appearance by owner**

In ~~all a~~ a lien ~~actions~~ action, when the labor or materials were not furnished by a contract with the owner of the property affected, ~~such~~ the owner may voluntarily appear and become a party to the action. If ~~he~~ the owner does not so appear, such notice of the action as the court orders ~~shall~~ must be given ~~him~~ to the owner and ~~he shall~~ the owner then ~~become~~ becomes a party to the action. Any person interested in the article as owner, mortgagee or otherwise may appear and defend. Questions of fact at the instance of either party ~~shall~~ must be submitted to a jury on an issue framed under the direction of the court.

**Sec. C-104. 10 MRSA §4007** is corrected to read:

**§4007. Bond for costs**

If, in the opinion of the court, the article on which the lien is claimed is not of sufficient value to pay the plaintiff's claim with the probable costs of suit, the court may order the defendant to give bond to the plaintiff, with sufficient sureties approved by the court, to pay such costs as are awarded against ~~him~~ the defendant, so far as they are not paid out of the proceeds of the articles on which the lien is claimed.

**Sec. C-105. 10 MRSA §4008** is corrected to read:

**§4008. Sale on court order**

After trial and final adjudication in favor of the plaintiff, the court may order any competent officer to sell the article on which the lien is claimed, as personal property is sold on execution, and out of the proceeds, after deducting ~~his~~ the officer's fees and the expenses of sale, to pay to the plaintiff the amount and costs awarded ~~him~~ the plaintiff, and the balance to the person entitled to it, if ~~he~~ that person is known to the court, otherwise into court.

**Sec. C-106. 10 MRSA §4011** is corrected to read:

**§4011. Discharge**

All liens named herein may be discharged by tender of the sum due made by the debtor or owner of the property or ~~his~~ the debtor's or owner's agents.

**Sec. C-107. 10 MRSA §9022, sub-§1**, as enacted by PL 1977, c. 550, §1, is corrected to read:

**1. Dealers.** ~~Dealers~~ A dealer who ~~are~~ is licensed according to this chapter may install or service, or may have ~~their~~ the dealer's employees install or service, any manufactured housing in compliance with this chapter, and the dealer and ~~his~~ the dealer's employees ~~shall~~

be are exempt from any requirements for trade or mechanic licenses of any other type. The dealer is not exempt from any requirements for a permit ~~which~~ that any state or political subdivision may require.

## EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 10 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

---

## PART D

**Sec. D-1. 15 MRSA §6** is corrected to read:

**§6. Acquittal in part; conviction in part**

When a person, indicted for an offense, is acquitted of a part by verdict of the jury and found guilty of the residue thereof, ~~such~~ the verdict may be received and recorded by the court. ~~He~~ The person may be considered as convicted of the offense, if any, ~~which~~ that is substantially charged by ~~such~~ the residue, and be punished accordingly, although ~~such~~ the offense would not otherwise be within the jurisdiction of ~~said~~ the court.

**Sec. D-2. 15 MRSA §7**, as amended by PL 1977, c. 49, is corrected to read:

**§7. Removal of persons charged with crime in 2 counties**

When a person is imprisoned or held under arrest in one county, a judge of the District Court or ~~any~~ a Justice of the Superior Court, whichever court has jurisdiction over the matter to be heard, may order ~~his~~ the person's removal into another county, when complaint has been made and warrant issued or an indictment has been found, charging the person so arrested or imprisoned with the commission of a crime in ~~such~~ the other county, for examination or trial under ~~said~~ the complaint or indictment; but, before issuing ~~such~~ the order, ~~he shall~~ the judge or justice must be satisfied that the administration of speedy and impartial justice requires it.

**Sec. D-3. 15 MRSA §8** is corrected to read:

**§8. Duties of officer holding prisoner or holding court's order of removal**

The officer holding the person described in the court order shall deliver ~~him~~ the person to the officer presenting ~~it~~ the order, upon receiving an attested copy of the ~~same~~, order and of the complaint and warrant or indictment on which ~~such~~ the order is founded. The officer receiving the accused person shall bring ~~him~~ the accused person before the proper court or judge in the county to which ~~he~~ the accused person is removed, for examination and trial, and make due return of ~~his~~ the accused person's proceedings.

**Sec. D-4. 15 MRSA §101-C, sub-§5**, as enacted by PL 1987, c. 402, Pt. A, §109, is corrected to read:

**5. Failure to produce records.** ~~Any~~ A person who is required to produce records by this section and intentionally or knowingly fails to do so within 20 days of the service of

the written request upon ~~him~~, the person may be subject to civil contempt for ~~his~~ the person's failure to comply with the request.

**Sec. D-5. 15 MRSA §104-A, sub-§4**, as amended by PL 1985, c. 796, §4, is corrected to read:

**4. Return to institution upon commissioner's order.** The commissioner may order any person released under subsection 1, paragraph A, who fails to comply with the conditions of release ordered by the court, as evidenced by the affidavit of any interested person, to return to the institution from which ~~he~~ the person was released. A hearing ~~shall~~ must be held for the purpose of reviewing the order for release within 7 days of the person's return if the person will be detained for 7 or more days. At the hearing, the court shall receive testimony of the psychiatrist who observed or treated the person upon the person's return to the institution, any member of the State Forensic Service who has examined the person upon the person's return, and any other relevant testimony. Following hearing, the court may reissue or modify the previous order of release.

**Sec. D-6. 15 MRSA §104-A, sub-§5**, as amended by PL 1985, c. 796, §4, is corrected to read:

**5. Reinstitutionalization due to likelihood of causing injury.** ~~Any~~ A person released under subsection 1, paragraph A, whose reinstitutionalization, due to the likelihood that ~~he~~ the person will cause injury to ~~himself~~ the person or others due to mental disease or mental defect, is considered necessary, upon the verified petition of any interested person, may be brought before any Justice of the Superior Court upon ~~his~~ the justice's order. A hearing ~~shall~~ must be held for the purpose of reviewing the mental condition of the person and the order for release. The court may order the person detained for observation and treatment, if appropriate, at the institution from which ~~he~~ the person was released pending the hearing, ~~which and that~~ detention shall may not exceed 14 days. The psychiatrist responsible for the observation or treatment of the person shall report to the court prior to the hearing as to the mental condition of the person, indicating specifically whether the person can remain in the community without likelihood that ~~he~~ the person will cause injury to ~~himself~~ the person or others due to mental disease or mental defect. The court shall receive the testimony of the psychiatrist who observed or treated the person during the period of detention, ~~and of~~ any member of the State Forensic Service who has examined the person during the period of detention, and any other relevant testimony. Following the hearing, the court may reissue, modify or rescind the previous order of release.

**Sec. D-7. 15 MRSA §154**, as amended by PL 1987, c. 791, §2, is corrected to read:

**§154. Arrest; exception**

~~Any~~ A member of a duly organized state, county or municipal police unit of another state of the United States, who enters this State in fresh pursuit and continues within this State in ~~such that~~ fresh pursuit of a person in order to arrest ~~him~~ the person on the ground that ~~he~~ the person is believed to have committed a crime punishable by a maximum term of imprisonment equal to or exceeding one year or to have operated a motor vehicle while under the influence of intoxicating liquor or drugs in ~~such that~~ other state, ~~shall have~~ has the same authority to arrest and hold ~~such~~ the person in custody as has any member of any duly organized state, county or municipal police unit of this State to arrest and hold in custody a person on the ground that ~~he~~ the person is believed to have committed such a crime or operated a motor vehicle while under the influence of intoxicating liquor or drugs

in this State. This section ~~shall~~ may not be construed so as to make unlawful any arrest in this State ~~which~~ that would otherwise be lawful.

**Sec. D-8. 15 MRSA §155** is corrected to read:

**§155. Hearing**

If an arrest is made in this State by an officer of another state in accordance with section 154, ~~he~~ the officer shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful, ~~he~~ the magistrate shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this State or admit ~~him~~ the person to bail for ~~such~~ that purpose. If the magistrate determines that the arrest was unlawful, ~~he~~ the magistrate shall discharge the person arrested.

**Sec. D-9. 15 MRSA §201, sub-§4**, as amended by PL 1981, c. 317, §1, is corrected to read:

**4. Fugitive from justice.** "Fugitive from justice" means:

A. ~~Any~~ A person accused of a crime in the demanding state who is not in that state, unless ~~he~~ the person is lawfully absent pursuant to the terms of ~~his~~ the person's bail or other release. ~~This definition shall include~~ "Fugitive from justice" includes both a person who was present in the demanding state at the time of the commission of the alleged crime and thereafter left the demanding state and a person who committed an act in this State or in a 3rd state or elsewhere resulting in or constituting a crime in the demanding state; or

B. ~~Any~~ A person convicted of a crime in the demanding state who is not in that state, unless ~~he~~ the person is lawfully absent pursuant to the terms of ~~his~~ the person's bail or other release, who has not served or completed a sentence imposed pursuant to the conviction. ~~This definition shall include~~ "Fugitive from justice" includes, but is not be limited to, a person who has been released pending appeal or other review of the conviction, the review having been completed; a person who has been serving a sentence in this State; a person who has escaped from confinement in the demanding state; ~~or~~ and a person who has broken the terms of ~~his~~ the person's bail, probation or parole.

**Sec. D-10. 15 MRSA §203, sub-§1, ¶A**, as enacted by PL 1977, c. 671, §5, is corrected to read:

A. An allegation that the accused is a fugitive from justice, as defined in section 201, subsection 4, paragraph A. The allegation ~~shall be~~ is sufficient if it alleges that the accused was present in the demanding state at the time of the commission of the alleged crime and that ~~he~~ the accused thereafter left the demanding state; or that ~~he~~ the accused committed an act in this State or in a 3rd state, or elsewhere, resulting in or constituting a crime in the demanding state; and

**Sec. D-11. 15 MRSA §203, sub-§4**, as enacted by PL 1983, c. 843, §1, is corrected to read:

**4. Showing of substantial prejudice.** Notwithstanding any other provision of law, defects in the written demand of the executive authority of another state or in any

accompanying document or in the application for requisition may not be raised as a defense to extradition, in a petition contesting extradition pursuant to sections 210 and 210-A, unless it is shown by the petitioner that any such defect is substantially prejudicial to ~~him~~ the petitioner.

**Sec. D-12. 15 MRSA §204** is corrected to read:

**§204. Attorney General to investigate at demand of Governor**

When a demand is made upon the Governor of this State by the executive authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this State to investigate or assist in investigating the demand; and to report to ~~him~~ the Governor the situation and circumstances of the person so demanded; and whether ~~he~~ the person ought to be surrendered.

**Sec. D-13. 15 MRSA §205** is corrected to read:

**§205. Extradition of prisoners or those awaiting trial or absent by compulsion**

When it is desired to have returned to this State a person charged in this State with a crime, and ~~such~~ the person is imprisoned or is held under criminal proceedings then pending against ~~him~~ the person in another state, the Governor of this State may agree with the executive authority of ~~such~~ the other state for the extradition of ~~such~~ the person before the conclusion of ~~such~~ those proceedings or ~~his~~ the person's term of sentence in ~~such~~ the other state, upon condition that ~~such~~ the person be returned to ~~such~~ the other state at the expense of this State as soon as the prosecution or imprisonment following conviction in this State is terminated.

The Governor may surrender on demand of the executive authority of any other state any person in this State who is charged in the manner provided in section 223 with having violated the laws of the state whose executive authority is making the demand, even though ~~such~~ the person left the demanding state involuntarily.

**Sec. D-14. 15 MRSA §207**, as amended by PL 1983, c. 843, §2, is corrected to read:

**§207. Governor to issue warrant and deliver to officer**

If the Governor decides that the demand should be complied with, ~~he~~ the Governor shall sign a warrant of arrest, which ~~shall~~ must be sealed with the state seal and be directed to any law enforcement officer or other person whom ~~he~~ the Governor may think fit to entrust with the execution ~~thereof~~ of the warrant. The warrant must substantially recite the facts necessary to the validity of its issue. Notwithstanding any other provision of law, defects in the Governor's warrant may not be raised as a defense to extradition; in a petition contesting extradition pursuant to sections 210 and 210-A, unless it is shown by the petitioner that any such defect is substantially prejudicial to ~~him~~ the petitioner.

**Sec. D-15. 15 MRSA §208**, as amended by PL 1983, c. 843, §3, is corrected to read:

**§208. Warrant to authorize arrest**

Such warrant ~~shall authorize~~ authorizes the officer or other person to whom directed to arrest the accused at any place where ~~he~~ the accused may be found within the State and to command the aid of any law enforcement officer in the execution of the warrant and to deliver the accused, subject to this chapter, to the duly authorized agent of the demanding state. A law enforcement officer may arrest a fugitive from justice pursuant to a warrant

issued by the Governor even if ~~he~~ the law enforcement officer does not have physical possession of it upon the representation of the prosecuting attorney that such a warrant has, in fact, been issued.

**Sec. D-16. 15 MRSA §211**, as amended by PL 1979, c. 663, §89, is corrected to read:

**§211. Disobedience of officer**

~~Any~~ An officer who ~~shall deliver~~ delivers to the agent for extradition of the demanding state a person in ~~his~~ the officer's custody under the Governor's warrant in disobedience of section 210 is guilty of a Class E crime.

**Sec. D-17. 15 MRSA §212** is corrected to read:

**§212. Prisoner confined in jail**

The officer or person executing the Governor's warrant of arrest or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which ~~he~~ the prisoner may pass. The keeper of ~~such~~ the jail ~~must~~ shall receive and safely keep the prisoner until the person having charge of ~~him~~ the prisoner is ready to proceed on ~~his~~ the person's route, such person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in ~~such~~ the other state, and who is passing through this State with such a prisoner for the purpose of immediately returning ~~such~~ the prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which ~~he~~ the prisoner may pass. The keeper of ~~such~~ the jail ~~must~~ shall receive and safely keep the prisoner until the officer or agent having charge of ~~him~~ the prisoner is ready to proceed on ~~his~~ the officer's or agent's route, such officer or agent being chargeable with the expense of keeping. ~~Such~~ The officer or agent shall produce and show to the keeper of ~~such~~ the jail satisfactory written evidence of the fact that ~~he~~ the officer or agent is actually transporting ~~such~~ the prisoner to the demanding state after a requisition by the executive authority of ~~such~~ the demanding state. ~~Such~~ The prisoner ~~shall~~ is not ~~be~~ entitled to demand a new requisition while in this State.

**Sec. D-18. 15 MRSA §213, sub-§1, ¶B**, as enacted by PL 1977, c. 671, §12 and amended by PL 1979, c. 274, §5, is corrected to read:

B. Having been convicted of a crime in another state and with having escaped from confinement or with having broken the terms of ~~his~~ the person's bail, probation or parole.

**Sec. D-19. 15 MRSA §213, sub-§2**, as enacted by PL 1977, c. 671, §12, is corrected to read:

**2. Apprehension by warrant.** A warrant issued by a judge or magistrate pursuant to subsection 1 ~~shall~~ must command the law enforcement officer to whom it is directed to apprehend the person named therein, wherever ~~he~~ the person may be found in this State, and to bring ~~him~~ the person before the same or any other judge or magistrate who may be available in or convenient of access to the place where the arrest may be made, to answer the charge on the complaint and affidavit.

**Sec. D-20. 15 MRSA §214** is corrected to read:

**§214. Arrest without warrant; hearing**

The arrest of a person may be lawfully made by an officer or a private citizen without a warrant, upon reasonable information that the accused stands charged in the courts of another state with a crime punishable by death or imprisonment for a term exceeding one year; but when so arrested, the accused must be taken before a judge or magistrate with all practicable speed, and complaint must be made against ~~him~~ the accused under oath setting forth the ground for the arrest as in section 213. Thereafter ~~his~~ the accused's answer ~~shall~~ must be heard as if ~~he~~ the accused had been arrested on a warrant.

**Sec. D-21. 15 MRSA §215, first ¶**, as enacted by PL 1977, c. 671, §13, is corrected to read:

If, from the examination by the judge or magistrate of the complaint, affidavits in support thereof, formal charging documents or judgments supplied by the demanding state or any other evidence, including reliable hearsay evidence, ~~which~~ that may be presented, it appears that the person held is the person charged with having committed the crime alleged and that there is probable cause to believe that ~~he~~ the person committed the crime, and that ~~he~~ the person is a fugitive from justice, the judge or magistrate shall continue the case and may commit the person to jail, by a warrant specifying the accusation, for any time not exceeding 60 days ~~which will enable~~ that enables the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense.

**Sec. D-22. 15 MRSA §216**, as amended by PL 1979, c. 701, §9, is corrected to read:

**§216. Bail permitted in discretion of court except in certain cases**

Except as otherwise provided, the judge or magistrate may admit the person arrested to bail by bond or undertaking, with sufficient sureties and in such sum as ~~he deems~~ the judge or magistrate determines proper, for ~~his~~ the person's appearance before ~~him~~ the judge or magistrate at a time specified in that bond or undertaking and for ~~his~~ the person's surrender to be arrested upon the warrant of the Governor of this State or waiver of it. The following persons ~~shall~~ may not be admitted to bail pursuant to this section:

**1. Death or life imprisonment sentence.** ~~Any~~ A person charged with an offense for which a sentence of death or life imprisonment is possible under the laws of the demanding state;

**2. Crime of escape.** ~~Any~~ A person who is charged with or has been convicted of the crime of escape in the demanding state; or

**3. Escape status.** ~~Any~~ A person whose extradition is being sought on the ground that ~~he~~ the person has been convicted of a crime in the demanding state and:

A. Has escaped from confinement; or

B. Is under sentence of imprisonment imposed upon the denial of an appeal or other review of a conviction or revocation of probation or parole, the person having been released on bail pending appeal or other review.

**Sec. D-23. 15 MRSA §217**, as amended by PL 1983, c. 843, §7, is corrected to read:

**§217. Extension of time of commitment**

If the accused is not arrested under a warrant of the Governor by the expiration of time specified in the warrant, bond or undertaking, the judge or magistrate may discharge ~~him~~ the accused or may continue the case for any further time not to exceed 60 days. If, after the expiration of any further time specified by the judge or magistrate, the accused has not been arrested under a Governor's warrant, the complaint ~~shall~~ must be dismissed. ~~Nothing in this~~ This section may not be construed to prevent the rearrest of the accused upon a Governor's warrant issued subsequent to the expiration of the time period specified in this section. The court shall grant a reasonable extension of time under this section upon the representation of the prosecuting attorney that a written demand of the executive authority of another state has been issued but has not been received or acted upon by the Governor.

**Sec. D-24. 15 MRSA §218** is corrected to read:

**§218. Failure to appear**

If the prisoner is admitted to bail and fails to appear and surrender ~~himself~~ according to the condition of ~~his~~ the prisoner's bond, the court, by proper order, shall declare the bond forfeited. Recovery may be had thereon in the name of the State as in the case of other bonds or undertakings given by the accused in criminal proceedings within the State.

**Sec. D-25. 15 MRSA §219** is corrected to read:

**§219. Governor may surrender or hold prisoner where proceedings begun in this State**

If a criminal prosecution has been instituted against such person under the laws of this State and is still pending, the Governor at ~~his~~ the Governor's discretion either may surrender ~~him~~ the person on the demand of the executive authority of another state or may hold ~~him~~ the person until ~~he~~ the person has been tried and discharged or convicted and punished in this State.

**Sec. D-26. 15 MRSA §220**, as amended by PL 1977, c. 671, §17, is corrected to read:

**§220. Guilt or innocence not inquired into after extradition demanded**

The guilt or innocence of the accused as to the crime of which ~~he~~ the accused is charged may not be inquired into by the Governor or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as provided ~~shall have~~ has been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime, and except insofar as it may be inquired into for the purpose of establishing probable cause as required by sections 203 and 210-A.

**Sec. D-27. 15 MRSA §221** is corrected to read:

**§221. Warrant for arrest recalled or another issued**

The Governor may recall ~~his~~ the Governor's warrant of arrest or may issue another warrant whenever ~~he deems~~ the Governor considers it proper.

**Sec. D-28. 15 MRSA §222**, as amended by PL 1983, c. 843, §8, is corrected to read:

**§222. Warrant for agent to receive accused from another state**

Whenever the Governor ~~shall demand~~ demands a fugitive from justice, charged with crime or with escaping from confinement or breaking the terms of ~~his~~ the fugitive's bail,



probation or parole in this State, from the executive authority of any other state, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive ~~such~~ the demand under the laws of the United States, ~~he~~ the Governor shall issue a commission under the seal of this State to some agent, commanding ~~him~~ the agent to receive the person so charged, if delivered to ~~him~~ the agent, and convey ~~him~~ the person to the proper officer of the county in this State in which the offense was committed.

**Sec. D-29. 15 MRSA §223, sub-§1**, as repealed and replaced by PL 1977, c. 671, §18, is corrected to read:

**1. Person charged with crime.** When it is required to return to this State a person charged with a crime in this State, the prosecuting attorney shall present to the Governor a written application for a requisition for the return of the person charged. The application ~~shall~~ must state:

- A. The name of the person charged;
- B. The crime with which ~~he~~ the person is charged;
- C. The approximate time, place and circumstances of ~~its~~ the commission of the crime under paragraph B; and
- D. The state in which the accused is believed to be, including ~~his~~ the accused's location therein at the time the application is made.

The prosecuting attorney shall certify in ~~his~~ the application that in ~~his~~ the prosecuting attorney's opinion the ends of justice require the arrest and return of the accused to this State for trial and that the proceeding is not instituted to enforce a private claim.

**Sec. D-30. 15 MRSA §223, sub-§2**, as repealed and replaced by PL 1977, c. 671, §18, is corrected to read:

**2. Person convicted of a crime.** When it is required to return to this State a person who has been convicted of a crime in this State and who has escaped from confinement or broken the terms of ~~his~~ the person's bail, probation or parole, the prosecuting attorney, the State Parole Board, the warden of the institution or the sheriff of the county from which the escape was made shall present to the Governor a written application for a requisition for the return of that person. The application ~~shall~~ must state:

- A. The name of the person;
- B. The crime of which ~~he~~ the person was convicted;
- C. The circumstances of ~~his~~ the person's escape from confinement, or of the breach of the terms of ~~his~~ the person's bail, probation or parole; and
- D. The state in which ~~he~~ the person is believed to be, including ~~his~~ the person's location therein at the time the application is made.

**Sec. D-31. 15 MRSA §223, sub-§3**, as repealed and replaced by PL 1977, c. 671, §18, is corrected to read:

**3. Verification; filing.** The application ~~shall~~ must be verified by affidavit, executed in duplicate and accompanied by 2 certified copies of:

- A. The indictment return;

B. The information filed or the complaint made to the judge or magistrate stating the offense with which the accused is charged, together with the affidavit in support of the information or complaint; or

C. The judgment of conviction.

The prosecuting attorney, State Parole Board, warden or sheriff may attach any further affidavits and other documents ~~which he shall deem~~ that the prosecuting attorney, State Parole Board, warden or sheriff considers proper to be submitted with the application, including affidavits with attached photographs or fingerprints ~~which that~~ that serve to establish that the person named and shown therein is the person for whom a requisition is sought. One copy of the application with the action of the Governor indicated thereon, and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction, or of the sentence ~~shall~~ must be filed in the office of the Secretary of State to remain of record in that office. The other copies of all papers ~~shall~~ must be forwarded with the Governor's requisition.

**Sec. D-32. 15 MRSA §224, sub-§3**, as enacted by PL 1977, c. 66, is corrected to read:

**3. Prosecuting attorney not liable.** A prosecuting attorney ~~shall~~ is not be liable for payment of such expenses unless ~~he~~ the prosecuting attorney has previously consented to ~~such that~~ such rendition in writing.

**Sec. D-33. 15 MRSA §224, sub-§6**, as enacted by PL 1977, c. 66, is corrected to read:

**6. Expense funds advanced.** The treasurer or other appropriate official of the governmental unit responsible for payment of expenses pursuant to this section shall, upon written request of the prosecuting attorney, advance to ~~him~~ the prosecuting attorney or officers designated by ~~him~~ the prosecuting attorney a reasonable sum to defray necessary expenses. A full accounting of all expenses and return of unused funds ~~shall~~ must be made to the issuing official no later than 3 business days from the date of return. All funds returned ~~shall~~ must be credited to the account from which they were paid.

**Sec. D-34. 15 MRSA §225** is corrected to read:

**§225. Extradited persons except from civil process**

A person brought into this State on extradition based on a criminal charge ~~shall~~ is not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which ~~he~~ the person is returned; until ~~he~~ the person has been convicted in the criminal proceeding or, if acquitted, until ~~he~~ the person has had ample opportunity to return to the state from which ~~he~~ the person was extradited.

**Sec. D-35. 15 MRSA §226**, as amended by PL 1983, c. 843, §12, is corrected to read:

**§226. Waiver of extradition**

~~Any~~ A person arrested in this State charged with having committed any crime in another state or alleged to have escaped from confinement; or broken the terms of ~~his~~ the person's bail, probation or parole may waive the issuance and service of the warrant provided for in sections 207 and 208 and all other ~~procedure~~ procedures incidental to

extradition proceedings; by executing or subscribing in the presence of a judge of any court of record within this State a writing ~~which that~~ states that ~~he~~ the person consents to return to the demanding state. Before ~~such~~ a waiver ~~shall be~~ is executed or subscribed by ~~such~~ a person, it ~~shall be~~ is the duty of ~~such~~ the judge to inform ~~such~~ the person of ~~his~~ the person's rights to await the issuance and service of a warrant of extradition and to contest extradition following issuance of the warrant of the Governor as provided for in section 210. Following waiver of extradition, the person ~~shall~~ must be placed in custody without bail to await delivery to the agent of the demanding state. The agent of the demanding state need not be present at the waiver.

If and when such consent has been duly executed, it ~~shall~~ must forthwith be forwarded to the office of the Governor of this State and filed therein. The judge shall direct the officer having ~~such~~ the person in custody to deliver forthwith ~~such~~ the person to the duly accredited agent or agents of the demanding state; and shall deliver or cause to be delivered to ~~such~~ the agent or agents a copy of ~~such~~ the consent. ~~Nothing in this section shall be deemed to~~ This section does not limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor ~~shall this~~ may the waiver procedure be ~~deemed considered~~ to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this State.

Notwithstanding any other provision of law, a law enforcement agency in this State holding a person who is alleged to have broken the terms of ~~his~~ the person's probation, parole, bail or any other release in the demanding state; shall immediately deliver the person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant; if all of the following apply:

**1. Waiver.** The person has signed a prior waiver of extradition as a term of ~~his~~ the person's current probation, parole, bail or other release in the demanding state; and

**2. Authenticated copy.** The law enforcement agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

**Sec. D-36. 15 MRSA §226-A**, as enacted by PL 1983, c. 843, §13, is corrected to read:

**§226-A. Delivery of fugitive to agents**

Whenever a person held as a fugitive in this State has exhausted ~~his~~ the person's remedies under this chapter to challenge ~~his~~ the person's extradition or has waived extradition, the district attorney shall promptly notify the agents of the demanding state that the fugitive is available to be returned to that state. If ~~no an agent appears~~ does not appear within 30 days after ~~such~~ the notification, the fugitive may be discharged from custody, ~~provided except~~ that after the discharge the fugitive may be rearrested and delivered to the agent for return to the demanding state, unless the Governor's warrant has been recalled.

**Sec. D-37. 15 MRSA §228** is corrected to read:

**§228. Trial for crimes other than specified**

After a person has been brought back to this State upon extradition proceedings, ~~he~~ the person may be tried in this State for other crimes ~~which he~~ that the person may be charged

with having committed ~~here~~ in this State as well as that specified in the requisition for ~~his~~ the person's extradition.

**Sec. D-38. 15 MRSA §282** is corrected to read:

**§282. Complaint that offense threatened**

~~Any~~ A judge described in section 281, on complaint that any person threatens to commit an offense against the person or property of another, shall examine, on oath, the complainant and any other witnesses produced, reduce the complaint to writing and cause the complainant to sign it. If on examination of the facts ~~he~~ the judge thinks that there is just cause to fear the commission of ~~such an~~ an offense, ~~he~~ the judge shall issue a warrant reciting the substance of the complaint, and commanding the officer, to whom it is directed, ~~forthwith~~ to arrest forthwith the accused and bring ~~him~~ the accused before ~~such~~ the judge or court.

**Sec. D-39. 15 MRSA §284** is corrected to read:

**§284. Sureties to keep peace; costs; binding over**

When the accused is brought before the judge and ~~his~~ the accused's defense is heard, ~~he~~ the accused may be ordered to recognize, with sufficient sureties, in the sum required by the judge, to keep the peace toward all persons and especially toward the person requiring the security, for a term of less than one year, and to pay the costs of prosecution; but ~~he~~ the accused ~~shall~~ may not be bound over to any court, unless ~~he~~ the accused is charged with some other specific offense requiring it.

**Sec. D-40. 15 MRSA §285** is corrected to read:

**§285. Discharge on compliance; commitment**

If the accused complies with such order, ~~he shall~~ the accused must be discharged. If ~~he~~ the accused does not comply, ~~he shall~~ the accused must be committed to jail for the time for which ~~he~~ the accused was required to find sureties or until ~~he~~ the accused complies with ~~such~~ the order. The judge shall state in the mittimus the cause of commitment and the time and sum for which security was required, and return a copy of the warrant to the next term of the Superior Court in ~~said~~ the county, and ~~such~~ the court shall have cognizance of the case, as if the accused had appealed ~~thereto~~ to that court.

**Sec. D-41. 15 MRSA §286** is corrected to read:

**§286. Appeals**

~~Any~~ A person aggrieved by the order of a judge requiring ~~him~~ the person to recognize as provided in section 284 may, on giving the security required, appeal to the next term of the Superior Court in the county. The judge shall thereupon require such witnesses as ~~he~~ the judge thinks proper to recognize to appear at the appellate court. ~~Such~~ The court may affirm or reverse the order of the judge, require the accused to recognize anew with sufficient sureties and make ~~such an~~ an order as to costs as ~~it deems~~ the court determines reasonable.

**Sec. D-42. 15 MRSA §287** is corrected to read:

**§287. Failure to prosecute appeal**

If the appellant fails to prosecute ~~his~~ the appellant's appeal, ~~his~~ the appellant's recognizance ~~shall~~ must be in force for any breach of its conditions without an affirmation of ~~said~~ the order and ~~shall~~ must stand as security for any costs ~~which he~~ that the appellant is ordered by the court to pay.

**Sec. D-43. 15 MRSA §290** is corrected to read:

**§290. Sureties may surrender principals; new recognizances**

~~Any~~ A surety in a recognizance taken under this chapter may surrender the principal the same as bail in civil cases, and ~~he shall~~ the surety must thereupon be discharged from liability for any subsequent breach of the recognizance. The principal may recognize anew with sufficient sureties for the residue of the term before a judge; and then be discharged.

**Sec. D-44. 15 MRSA §291** is corrected to read:

**§291. Judge on view; sureties without formal complaint**

~~Whoever~~ A person who in the presence of any of the judges aforesaid or of any court of record makes an affray; threatens to kill or beat another or to commit any violence against ~~his~~ another's person or property; or contends with hot and angry words to the disturbance of the peace; may be ordered, without process or other proof, to recognize to keep the peace and be of good behavior for a term not exceeding 3 months; and may be otherwise dealt with as is provided in sections 281 to 290.

**Sec. D-45. 15 MRSA §292** is corrected to read:

**§292. Persons going armed without reasonable cause**

~~Whoever~~ A person who goes armed with any dirk, pistol or other offensive and dangerous weapon, without just cause to fear an assault on ~~himself~~, that person or that person's family or property, may, on complaint of any person having cause to fear an injury or breach of the peace, be required to find sureties to keep the peace for a term of less than one year; and, in case of refusal, may be committed as provided in section 285.

**Sec. D-46. 15 MRSA §703**, as amended by PL 1987, c. 736, §22, is corrected to read:

**§703. Officer's oath to complaint**

When it is the duty of an officer to make complaint before ~~any~~ a judge, clerk or justice of the peace, ~~he~~ the officer may make oath to it according to ~~his~~ the officer's knowledge and belief.

**Sec. D-47. 15 MRSA §704** is corrected to read:

**§704. Arrests without warrant; liability**

~~Every~~ A sheriff, deputy sheriff, constable, city or deputy marshal; or police officer shall arrest and detain persons found violating any law of the State or any legal ordinance or bylaw of a town; until a legal warrant can be obtained and may arrest and detain ~~such~~ those persons against whom a warrant has been issued though the officer does not have the warrant in ~~his~~ the officer's possession at the time of the arrest, and ~~they shall be~~ the officer is entitled to legal fees for ~~such~~ that service; but if, in so doing, ~~he~~ the officer acts wantonly or oppressively, or detains a person without a warrant longer than is necessary to procure it, ~~he shall be~~ the officer is liable to ~~such~~ that person for the damages suffered thereby.

**Sec. D-48. 15 MRSA §705**, as amended by PL 1965, c. 356, §21, is corrected to read:

**§705. Arrests in other counties**

When a person charged with an offense in any county, before or after the issue of the warrant, removes, escapes or is found out of ~~that county~~, the officer having the warrant may pursue and arrest ~~him~~ the person in any other county and command aid as in ~~his~~ the officer's own county.

**Sec. D-49. 15 MRSA §708**, as amended by PL 1987, c. 736, §25, is corrected to read:

**§708. Preparation of complaints**

The clerk may, in the absence or unavailability of a justice of the peace or of a prosecuting attorney or any of ~~his~~ the justice of the peace's or prosecuting attorney's assistants, prepare and draft complaints upon the request of any law enforcement officer, except that ~~no~~ a complaint shall may not issue to any person who is not a law enforcement officer or for any criminal homicide or Class A, B or C crime unless approved by the district attorney or ~~his~~ the district attorney's designee or the Attorney General or ~~his~~ the Attorney General's designee.

Except in prosecutions instituted by the Attorney General or ~~his~~ the Attorney General's designee, the district attorney or ~~his~~ the district attorney's designee shall, whenever practical, prepare all complaints for criminal homicide and Class A, B and C crimes and for all complainants who are not law enforcement officers. ~~No~~ A complaint ~~shall may not~~ be filed nor process issued until such time as the complainant has made oath to the complaint or process before the proper official.

Each district attorney shall establish written guidelines for the approval of issuance of complaints pursuant to this section. In those guidelines, the district attorney may extend the above procedure to Class D and E crimes, ~~provided that~~ as long as the approval of the district attorney ~~shall is~~ not be necessary for any complaint issued with the approval of the Attorney General or ~~his~~ the Attorney General's designee.

Whenever a complaint is not approved for prosecution by the district attorney or ~~his~~ the district attorney's designee; or the Attorney General or ~~his~~ the Attorney General's designee, ~~he~~ the district attorney or the district attorney's designee or the Attorney General or the Attorney General's designee shall, if requested, inform the complainant, orally or in writing, of the reasons ~~therefor~~ the complaint was not approved.

**Sec. D-50. 15 MRSA §710, sub-§3**, as repealed and replaced by PL 1979, c. 663, §97, is corrected to read:

**3. Disclosure, or use of wire or oral communications prohibited.** A person is guilty of a Class C crime if ~~he~~ the person:

A. Intentionally or knowingly discloses or attempts to disclose to any person the contents of any wire or oral communication, knowing that the information was obtained through interception; or

B. Intentionally or knowingly uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception.

**Sec. D-51. 15 MRSA §806**, as amended by PL 1965, c. 356, §28, is corrected to read:

**§806. Complaint adjudged frivolous or malicious; appeal**

If following an examination, it appears that ~~no~~ an offense has not been committed or that there is not probable cause to charge the accused, on motion of the defendant the judge shall render judgment whether or not the complaint is frivolous or malicious. If the judge judges the complaint to be frivolous or malicious, ~~he~~ the judge shall order the complainant to pay the costs of prosecution and shall issue execution in favor of the county and against the complainant for ~~such~~ that sum; and may receive and pay over ~~said~~ those costs to the county treasurer for the use of the county; and, if the ~~same~~ costs are not paid, the judge shall return ~~said~~ the execution to the county commissioners, for the use of the county. The complainant has the same right of appeal as in civil cases.

**Sec. D-52. 15 MRSA §941**, as amended by PL 1965, c. 356, §42, is corrected to read:

**§941. Private claims paid out of forfeited bail**

When the penalty of a bond to prosecute an appeal is paid to the clerk of the court or county treasurer, the court may award to any person therefrom the same sum that ~~he~~ the person would have been entitled to receive from the penalty for the offense, if paid on conviction and not on forfeiture of bail.

**Sec. D-53. 15 MRSA §1253** is corrected to read:

**§1253. Affirmations**

When ~~any~~ a person returned as grand juror is conscientiously scrupulous of taking an oath, ~~he~~ the person may make affirmation, substituting the word "affirm" instead of "swear" and the words "This you do under the pains and penalties of perjury" instead of "So help you God."

**Sec. D-54. 15 MRSA §1258**, as amended by PL 1965, c. 482, §1, is corrected to read:

**§1258. Juries for criminal offenses; challenges**

When a person charged with a criminal offense; who has not waived ~~his~~ the person's right to trial by jury; is put upon ~~his~~ the person's trial, the clerk, under the direction of the court, shall place the names of all the traverse jurors summoned and in attendance in a box upon separate tickets, and the names, after being mixed, ~~shall~~ must be drawn from the box by the clerk, one at a time. The Supreme Judicial Court shall by rule provide the manner of exercising all challenges; and the number and order of peremptory challenges.

Whenever by reason of the prospective length of a criminal trial the court in its discretion ~~shall deem~~ considers it advisable, ~~it~~ the court may direct that jurors in addition to the regular panel be called and impanelled to sit as alternate jurors. ~~Such~~ Those alternate jurors in the order in which they are called ~~shall~~ must replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. ~~Such~~ The alternate jurors ~~shall~~ must be drawn in the same manner, ~~shall~~ must have the same qualifications, ~~shall~~ must be subject to the same examination and challenges, ~~shall~~ must take the same oath and ~~shall~~ must have the same functions, powers, facilities and

privileges and be subject to the same obligations and penalties as jurors on the regular panel. An alternate juror who does not replace a juror on the regular panel ~~shall~~ must be discharged when the jury retires to consider its verdict. The Supreme Judicial Court shall by rule provide the number of alternate jurors, the manner of exercising all challenges to alternate jurors, and the order and number of peremptory challenges to alternate jurors.

**Sec. D-55. 15 MRSA §1313**, as amended by PL 1979, c. 663, §105, is corrected to read:

**§1313. Punishment of state witness for nonattendance**

~~Whoever~~ A person who, having been subpoenaed as a witness ~~in~~ on behalf of the State before any court or grand jury, without reasonable cause fails to appear at the time and place designated in the subpoena, if ~~he~~ the person is not punished therefor as for contempt, is guilty of a Class E crime.

**Sec. D-56. 15 MRSA §1314** is corrected to read:

**§1314. No witness fees until 2nd or 3rd day in continued cases**

~~No fees~~ Fees in criminal cases continued after the first term ~~shall~~ are not be allowed to witnesses on the part of the State until the 2nd day of the term in Hancock, Oxford, Franklin, Piscataquis and Aroostook; nor until the 3rd day in any other county, unless ~~they~~ the witnesses were summoned at an earlier day. In all criminal cases, previous to the determination thereof, the court may allow ~~such~~ the costs for justices, officers, aids, jurors and witnesses, as are provided by law, to be paid from the county treasury; but ~~no~~ a court or judge ~~shall~~ may not allow any charge for aid or other expenses of the officer in serving a warrant, except ~~his~~ the officer's stated fees for service and travel unless, on ~~his~~ the officer's examination upon oath or on other evidence, ~~they find such~~ the court or judge finds the additional charges reasonable.

**Sec. D-57. 15 MRSA §1315**, as amended by PL 1969, c. 333, is corrected to read:

**§1315. Self-incrimination; failure to testify; ~~husband or wife~~ spouse as witness**

In all criminal trials, the accused shall, at ~~his~~ the accused's own request but not otherwise, be a competent witness. ~~He shall~~ The accused may not be compelled to testify on cross-examination to facts that would convict; or furnish evidence to convict ~~him~~ the accused of any other crime than that for which ~~he~~ the accused is on trial. The fact that ~~he~~ the accused does not testify ~~in his~~ on the accused's own behalf ~~shall~~ may not be taken as evidence of ~~his~~ the accused's guilt. The ~~husband or wife~~ spouse of the accused is a competent witness except in regard to marital communications.

**Sec. D-58. 15 MRSA §1320**, as amended by PL 2013, c. 566, §5, is corrected to read:

**§1320. Authorization of payment of witness fees of state witnesses in criminal prosecutions**

In all criminal prosecutions in the Superior Court, payment of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants; and fees and expenses payable on account of the services of police officers in serving criminal process ~~shall~~ must be made upon authorization by the



prosecuting attorney or ~~his~~ the prosecuting attorney's designee. The amount of the fees and expenses ~~shall~~ must be determined in accordance with these statutes.

**1. Payments.** Payments made under this section must be made first from the Extradition and Prosecution Expenses Account established in section 224-A and, if there are insufficient funds in that account, next from the county treasury upon authorization of the prosecuting attorney, unless otherwise expressly directed by law. Payments from the county treasury must be made from the sums set aside in the county budget for the payments on account of Superior Court criminal proceedings.

**2. Expenditures.** In fixing the amount of direct expenditures by the counties in calendar year 1975 for the support of the Superior Court pursuant to Title 4, section 118, the Treasurer of State ~~shall~~ may not consider sums expended in criminal prosecutions in the Superior Court on account of witness fees for state witnesses, fees and expenses payable on account of the services of police officers as witnesses and as complainants; and fees and expenses payable on account of the services of police officers in serving criminal process.

**Sec. D-59. 15 MRSA §1413** is corrected to read:

**§1413. Summons to testify in another state**

If a judge of a court of record in any state, ~~which~~ that by its laws has made provision for commanding persons within that state to attend and testify in this State; certifies under the seal of ~~sueh~~ the court that there is a criminal prosecution pending in ~~sueh~~ the court or that a grand jury investigation has commenced or is about to commence, that a person being within this State is a material witness in ~~sueh~~ that prosecution or grand jury investigation and that ~~his~~ the person's presence will be required for a specified number of days, upon presentation of ~~sueh~~ the certificate to any judge of a court of record in the county in which ~~sueh~~ the person is, ~~sueh~~ the judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state; and that the laws of the state in which the prosecution is pending; or grand jury investigation has commenced or is about to commence; and of any other state through which the witness may be required to pass by ordinary course of travel; will give to ~~him~~ the witness protection from arrest and the service of civil and criminal process, ~~he~~ the judge shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate ~~shall be~~ is prima facie evidence of all the facts stated therein.

If ~~said~~ the certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure ~~his~~ the witness's attendance in the requesting state, ~~sueh~~ the judge may, in lieu of notification of the hearing, direct that ~~sueh~~ the witness be forthwith brought before ~~him~~ the judge for ~~said~~ the hearing. The judge at the hearing being satisfied of the desirability of ~~sueh~~ the custody and delivery, for which determination the certificate ~~shall be~~ is prima facie proof of ~~sueh~~ the desirability, may, in lieu of issuing subpoena or summons, order that ~~said~~ the witness be forthwith taken into custody and delivered to an officer of the requesting state.

If the witness, who is summoned as provided, after being paid or tendered by some properly authorized person the sum of 10¢ a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$5 for each day that ~~he~~ the witness is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, ~~he shall~~ the witness must be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

**Sec. D-60. 15 MRSA §1414** is corrected to read:

**§1414. Summons to testify in this State**

If a person in any state, ~~which that~~ by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this State, is a material witness in a prosecution pending in a court of record in this State or in a grand jury investigation ~~which that~~ has commenced or is about to commence, a judge of ~~such~~ the court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. ~~Said~~ The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this State to ~~assure his~~ ensure the witness's attendance in this State. This certificate ~~shall~~ must be presented to a judge of a court of record within whose territorial jurisdiction the witness is found.

If the witness is summoned to attend and testify in this State, ~~he shall~~ the witness must be tendered the sum of 10¢ a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending and \$15 for each day that ~~he~~ the witness is required to travel and attend as a witness. In addition, ~~such~~ the witness, upon submission of proper vouchers to the court, may be allowed reasonable allowance for meals and lodging at the discretion of the presiding justice. A witness who has appeared in accordance with the summons ~~shall~~ may not be required to remain within this State a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If ~~such~~ the witness, after coming into this State, fails without good cause to attend and testify as directed in the summons, ~~he shall~~ the witness must be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this State.

**Sec. D-61. 15 MRSA §1415** is corrected to read:

**§1415. Exemption from arrest and service of process**

If a person comes into this State in obedience to a summons directing ~~him~~ the person to attend and testify in this State ~~he shall~~, the person may not while in this State pursuant to ~~such~~ the summons be subject to arrest or the service of process, civil or criminal, in connection with matters ~~which that~~ arose before ~~his~~ the person's entrance into this State under the summons.

If a person passes through this State while going to another state in obedience to a summons to attend and testify in that state or while returning ~~therefrom~~ from that state, ~~he shall~~ the person may not while so passing through this State be subject to arrest or the service of process, civil or criminal, in connection with matters ~~which that~~ arose before ~~his~~ the person's entrance into this State under the summons.

**Sec. D-62. 15 MRSA §1462**, as enacted by PL 1967, c. 317, is corrected to read:

**§1462. Summons to testify in another state**

A judge of the state court of record in another state, ~~which~~ that by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this State, may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a penal institution in this State may be a material witness in the proceeding, investigation or action, and that ~~his~~ the person's presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined, and upon notice to the Attorney General, the judge in this State shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before ~~him~~ the judge at the hearing.

**Sec. D-63. 15 MRSA §1463**, as enacted by PL 1967, c. 317, is corrected to read:

**§1463. Court order**

If at the hearing the judge determines that the witness may be material and necessary, that ~~his~~ the witness's attending and testifying are not adverse to the interests of this State or to the health or legal rights of the witness, that the laws of the state in which ~~he~~ the witness is requested to testify will give ~~him~~ the witness protection from arrest and the service of civil and criminal process because of any act committed prior to ~~his~~ the witness's arrival in the state under the order, and that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which ~~he~~ the witness will be required to pass, the judge shall issue an order, with a copy of the certificate attached, directing the witness to attend and testify, directing the person having custody of the witness to produce ~~him~~ the witness, in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order, and prescribing such conditions as the judge ~~shall determine~~ determines.

**Sec. D-64. 15 MRSA §1464**, as enacted by PL 1967, c. 317, is corrected to read:

**§1464. Terms and conditions**

The order to the witness and to the person having custody of the witness ~~shall~~ must provide for the return of the witness at the conclusion of ~~his~~ the witness's testimony, proper safeguards on ~~his~~ the witness's custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the judge thinks proper or necessary. The order ~~shall~~ may not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

**Sec. D-65. 15 MRSA §1466**, as enacted by PL 1967, c. 317, is corrected to read:

**§1466. Summon to testify in this State**

If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this State, a judge of the court may certify that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation or action, and that ~~his~~ the person's presence will be required during a specified

time. The certificate ~~shall~~ must be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined, and a notice ~~shall~~ must be given to the attorney general of the state in which the prisoner is confined.

**Sec. D-66. 15 MRSA §1468**, as enacted by PL 1967, c. 317, is corrected to read:

**§1468. Exemption from arrest and service of process**

If a witness from another state comes into or passes through this State under an order directing ~~him~~ the witness to attend and testify in this State or another state, ~~he shall~~ the witness is not while in this State pursuant to the order ~~be~~ subject to arrest or the service of process, civil or criminal, because of any act committed prior to ~~his~~ the witness's arrival in this State under the order.

**Sec. D-67. 15 MRSA §1706** is corrected to read:

**§1706. Sureties to keep peace for misdemeanor**

In addition to the punishment prescribed by law, the court may require any person convicted of an offense not punishable by imprisonment in the State Prison to recognize to the State, with sufficient sureties, in a reasonable sum, to keep the peace and be of good behavior for a term not exceeding 2 years, and to stand committed until ~~he~~ the person so recognizes.

**Sec. D-68. 15 MRSA §1792** is corrected to read:

**§1792. Alternative sentences to work-jails; authority of inspectors over incorrigible or dangerous convicts**

When a convict is sentenced to imprisonment and labor in any of the work-jails, the court or judge may in addition sentence ~~him~~ the convict to the other punishment provided by law for the same offense, with the condition that if ~~such~~ the convict cannot be received at the work-jail to which ~~he~~ the convict is sentenced, or if at any time before the expiration of ~~said~~ the sentence, in the judgment of the inspectors of jails, ~~he~~ the convict becomes incorrigible or unsafe, they may order that ~~he~~ the convict suffer ~~such~~ the alternative sentence or punishment. If ~~said~~ the alternative sentence is to the State Prison, the sheriff of the county where ~~such~~ the convict is imprisoned shall forthwith, upon receiving the order of ~~said~~ the inspectors, cause ~~said~~ the convict to be conveyed to the State Prison at the expense of the county where ~~he~~ the convict was sentenced.

**Sec. D-69. 15 MRSA §1793** is corrected to read:

**§1793. Sentence to any work-jail nearest county of offense; prison sentence includes labor**

The Superior Court and the District Court, in the county where a work-jail is situated or in any county where there is no work-jail, may, subject to section 1704, sentence any person convicted of an offense punishable by imprisonment to any of the work-jails nearest or most convenient to the county where the offense is committed, and all sentences of imprisonment ~~shall~~ must include labor. The keeper of ~~such~~ the work-jail shall receive and detain ~~such~~ the prisoner in the same manner as if committed by a court sitting in the county where ~~such~~ the work-jail is situated. ~~Any~~ An officer of any county qualified to serve criminal precepts in ~~his~~ the officer's county may serve any precept required by this section

and section 1792, whether ~~such~~ the service is performed in whole or in part in one or more counties, and processes ~~shall~~ must be issued and directed accordingly.

**Sec. D-70. 15 MRSA §1843**, as amended by PL 1965, c. 356, §58, is corrected to read:

**§1843. Removal to State Prison; clothing**

When a convict is sentenced to confinement in the State Prison, the judgment of the court ~~shall~~ must direct the sheriff of the county in which trial was had to cause ~~such~~ the convict, without needless delay, to be removed from the county jail to the State Prison. All sheriffs and jail keepers shall strictly obey the directions of the judgment. The clerk, as soon as may be, shall deliver a certified copy of ~~such~~ the judgment to the sheriff of the county, and ~~he~~ the sheriff shall forthwith deliver it and the convict to ~~said~~ the warden. The sheriff shall provide the convict with comfortable clothing in which to be removed to the State Prison.

**Sec. D-71. 15 MRSA §1941**, as repealed and replaced by PL 1977, c. 114, §29, is corrected to read:

**§1941. Duties of clerks as to certificates of fines**

~~Clerks~~ A clerk of court shall attest triplicate copies of certificates of all fees, fines and bail forfeitures imposed and accruing to the State at such intervals as the Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee may direct, and deliver one of these copies to the State Auditor, and to the Chief Justice or ~~his~~ the Chief Justice's designee and retain one in the clerk's office.

**Sec. D-72. 15 MRSA §1942**, as amended by PL 1973, c. 567, §20, is corrected to read:

**§1942. Duty of clerks to collect fines and costs or to issue process for collection**

~~Each~~ A clerk of court, in default of payment to ~~him~~ the clerk of fines, forfeitures and bills of costs, shall issue warrants of distress, or such other process therefor as the court finds necessary to enforce the execution of any order, sentence or judgment ~~in~~ on behalf of the State, deliver them to the sheriff, or to ~~such~~ a constable as the district attorney directs, and enter of record the name of the officer and the time when they are delivered to ~~him~~ the officer.

**Sec. D-73. 15 MRSA §1981**, as amended by PL 1977, c. 114, §§30 and 31, is corrected to read:

**§1981. Payment over of fines and costs collected**

Sheriffs, jailers and constables who by virtue of their office receive any fines or forfeitures, shall forthwith pay ~~them~~ the fines and forfeitures to the Treasurer of State.

If any such officer neglects to pay over ~~such~~ the fine or forfeiture for 30 days after the receipt ~~thereof~~, of the fine or forfeiture or if ~~he~~ the officer permits any person, sentenced to pay ~~such~~ the fine or forfeiture and committed to ~~his~~ the officer's custody, to go at large without payment, unless by order of court, and does not within 30 days after the escape pay the amount ~~thereof~~ of the fine or forfeiture to the clerk of the court, ~~he~~ the officer forfeits to the State double the amount. The Treasurer of State shall give notice of ~~such~~ that neglect

to the Attorney General, who shall sue therefor in a civil action in the name of ~~such treasurer~~ the Treasurer of State.

All such fines imposed by the District Court ~~shall~~ must be paid over to the District Court.

**Sec. D-74. 15 MRSA §1983**, as amended by PL 1975, c. 383, §18 and c. 408, §33, is corrected to read:

**§1983. Disposal of securities for fines and costs**

~~Each~~ A sheriff, as often as every 3 months, shall deliver to the Treasurer of State all securities taken by ~~him~~ the sheriff for fines and costs, on the liberation of poor convicts from prison pursuant to law.

All such securities taken for fines imposed by the District Court ~~shall~~ must be paid over to the District Court.

**Sec. D-75. 15 MRSA §2032**, as amended by PL 1975, c. 383, §20 and c. 408, §34, is corrected to read:

**§2032. Schedule of securities**

A schedule of all securities with the amount due on each, received by the Treasurer of State from the sheriff pursuant to section 1983, ~~shall~~ must be filed by the sheriff with the clerk. The clerk, from time to time, shall examine ~~such~~ the securities; and, ~~where he deems~~ when the clerk determines it appropriate, shall request that the court order the Attorney General to take such measures for ~~their~~ the collection of the securities as are ~~deemed~~ determined expedient or authorize the ~~treasurer~~ Treasurer of State to compound and cancel them on such terms as may be ordered.

**Sec. D-76. 15 MRSA §2062**, as amended by PL 1973, c. 567, §20, is corrected to read:

**§2062. Delinquent sheriff or other officer summoned before court by district attorney**

When it appears that ~~any~~ a sheriff or other officer is not discharged of any fine, forfeiture or bill of costs committed to ~~him~~ the sheriff or other officer to collect, the district attorney shall cause ~~him~~ the sheriff or other officer to be summoned and brought before the court that imposed ~~such~~ the fine, forfeiture or bill of costs to show a proper discharge or the cause for not collecting the ~~same~~ fine, forfeiture or bill of costs and paying it over. ~~Such~~ The sheriff or other officer shall carry into execution all lawful orders of the court relating to the collection and payment ~~thereof~~, of the fine, forfeiture or bill of costs and shall, by all other means pertaining to ~~his~~ the sheriff's or other officer's office, promote and enforce the same.

**Sec. D-77. 15 MRSA §2116** is corrected to read:

**§2116. Court action after federal court has acted**

Whenever ~~any~~ a federal court finds that a prisoner in any penal institution in this State has been deprived of any of the rights guaranteed to ~~him~~ the prisoner by the ~~Constitution~~ of the United States Constitution before, at or after ~~his~~ the prisoner's trial, so that the judgment or sentence or both are erroneous and ~~said~~ the court holds the case on its docket pending corrective action by the proper state official, the Attorney General may act as follows. ~~He~~ The Attorney General may file a petition in the Superior Court of the county

where the prisoner was tried and convicted in term time or with any justice of ~~said~~ the court in vacation, setting forth the petition of the prisoner to the federal court and the decision of that court, and the Superior Court of conviction or any justice ~~thereof~~ of the court in vacation shall then recall the judgment and sentence held erroneous and order it stricken from the records of ~~said~~ the court and shall set the prisoner down for trial if in term time or bind ~~him~~ the prisoner over to the next criminal term in ~~said~~ the county if in vacation, after setting ~~his~~ the prisoner's bail. If the sentence only is erroneous, the Superior Court of the county of conviction in term time or any justice ~~thereof~~ of the court in vacation, on presentation of the Attorney General's petition, shall recall the erroneous sentence and order it stricken from the records and shall, in term time or in vacation, sentence the prisoner anew in accordance with the indictment against ~~said~~ the prisoner.

**Sec. D-78. 15 MRSA §2117**, as repealed and replaced by PL 1965, c. 356, §64, is corrected to read:

**§2117. Objections in criminal cases**

For all purposes for which an exception has heretofore been necessary in criminal cases, it is sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action ~~which he~~ that the party desires the court to take or ~~his~~ the party's objection to the action of the court and ~~his~~ the party's grounds ~~therefor~~ for that desired action or objection. If a party ~~has no~~ does not have an opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice ~~him~~ the party.

**Sec. D-79. 15 MRSA §2129, sub-§1, ¶B**, as enacted by PL 1981, c. 238, §5, is corrected to read:

B. If the petitioner desires to have counsel appointed, ~~he~~ the petitioner shall file an affidavit of indigency in the form prescribed by the Supreme Judicial Court. If the petitioner is incarcerated, the affidavit ~~shall~~ must be accompanied by a certificate of the appropriate officer of the institution in which the petitioner is incarcerated as to the amount of money or securities on deposit to the petitioner's credit in any account in the institution. The failure to include an affidavit of indigency with the petition does not bar the court from appointing counsel upon a subsequent filing of an affidavit of indigency.

**Sec. D-80. 15 MRSA §2161**, as amended by PL 1987, c. 667, §16, is corrected to read:

**§2161. Notice to district attorney and Attorney General of all petitions for pardon or commutation**

On all petitions to the Governor for pardon or commutation of sentences, written notice thereof ~~shall~~ must be given to the Attorney General and the district attorney for the county where the case was tried at least 4 weeks before the time of the hearing thereon, and 4 weeks' notice in a newspaper of general circulation in ~~said~~ the county. If the crime for which ~~said~~ the pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the district attorney for the county where the case was tried shall, upon the request of the Governor, attend the meeting of the Governor or the Parole Board at which the petition is to be heard and the Governor shall allow ~~said~~ the district attorney ~~his~~ the district attorney's necessary expenses for such attendance and a reasonable compensation for ~~said~~ the district attorney's

services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor may require the judge and prosecuting officer who tried the case to furnish ~~him~~ the Governor or the Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

**Sec. D-81. 15 MRSA §2163**, as amended by PL 1975, c. 771, §161, is corrected to read:

**§2163. Conditional pardons by Governor**

In any case in which the Governor is authorized by the Constitution to grant a pardon, ~~he~~ the Governor may, upon petition of the person convicted, grant it upon such conditions and with such restrictions and under such limitations as ~~he deems~~ the Governor considers proper, and ~~he~~ the Governor may issue ~~his~~ the Governor's warrant to all proper officers to carry ~~such~~ the pardon into effect; ~~which~~ the warrant shall must be obeyed and executed instead of the sentence originally awarded.

**Sec. D-82. 15 MRSA §2164**, as amended by PL 1975, c. 771, §162, is corrected to read:

**§2164. Violations of conditions; rearrest**

When a convict has been pardoned on conditions to be observed and performed by ~~him~~ the convict, and the ~~Warden~~ warden of the State Prison or keeper of the jail where the convict was confined has reason to believe that ~~he~~ the convict has violated ~~the same~~ those conditions, such officer shall forthwith cause ~~him~~ the convict to be arrested and detained until the case can be examined by the Governor, and the officer making the arrest shall forthwith give them notice thereof, in writing.

**Sec. D-83. 15 MRSA §2165**, as amended by PL 1975, c. 771, §163, is corrected to read:

**§2165. Remand to prison on finding of violation**

The Governor shall, upon receiving the notice provided for in section 2164, examine the case of ~~such~~ the convict, and, if it appears by ~~his~~ the convict's own admission or by evidence that ~~he~~ the convict has violated the conditions of ~~his~~ the convict's pardon, the Governor shall order ~~him~~ the convict to be remanded and confined for the unexpired term of the sentence. In computing the period of ~~his~~ the convict's confinement, the time between the pardon and the subsequent arrest shall may not be reckoned as part of the term of ~~his~~ the convict's sentence. If it appears to the Governor that ~~he~~ the convict has not broken the conditions of ~~his~~ the convict's pardon, ~~he shall~~ the convict must be discharged.

**Sec. D-84. 15 MRSA §2166** is corrected to read:

**§2166. Return of warrant for pardon or commutation**

When a convict is pardoned or ~~his~~ the convict's punishment is commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the ~~same~~ warrant, make return thereof, under ~~his~~ the officer's hand, with ~~his~~ the officer's doings thereon, to the office of the Secretary of State. ~~He~~ The officer shall file in the clerk's office of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence.



**Sec. D-85. 15 MRSA §2302, sub-§1, ¶D**, as enacted by PL 1979, c. 303, is corrected to read:

D. Place each mentally disordered offender in a legal status ~~which will facilitate his~~ that facilitates the mentally disordered offender's care, treatment and rehabilitation;

**Sec. D-86. 15 MRSA §2303, sub-§3**, as enacted by PL 1979, c. 303, is corrected to read:

**3. Sending state.** "Sending state" means a state party to this compact in which the mentally disordered offender was convicted; ~~or~~ the state in which ~~he~~ the mentally disordered offender would be subject to trial on or conviction of an offense, except for ~~his~~ the mentally disordered offender's mental condition; or, within the meaning of Article V of this compact, the state whose authorities have filed a petition in connection with an untried indictment, information or complaint.

**Sec. D-87. 15 MRSA §2305, sub-§4**, as enacted by PL 1979, c. 303, is corrected to read:

**4. Reports.** Each receiving state shall provide regular reports to each sending state on the patients of that sending state in facilities pursuant to this compact, including a psychiatric and behavioral record of each patient, and certify that record to the official designated by the sending state, in order that each patient may have the benefit of ~~his or her~~ the patient's record in determining and altering the disposition of that patient in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

**Sec. D-88. 15 MRSA §2305, sub-§8**, as enacted by PL 1979, c. 303, is corrected to read:

**8. Civil process.** ~~Any~~ A patient pursuant to the terms of this compact ~~shall be~~ is subject to civil process and ~~shall have~~ has any and all rights to sue, be sued and participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or ~~his~~ the patient's status changed on account of any action or proceeding in which ~~he~~ the patient could have participated if in any appropriate facility of the sending state or being supervised therefrom, as the case may be, located within such state.

**Sec. D-89. 15 MRSA §2305, sub-§9**, as enacted by PL 1979, c. 303, is corrected to read:

**9. Exercise of power.** The parent, guardian, trustee or other person or persons entitled under the laws of the sending state to act for, advise or otherwise function with respect to any patient ~~shall~~ may not be deprived of or restricted in ~~his~~ the parent's, guardian's, trustee's or other person's or persons' exercise of any power in respect of any patient pursuant to the terms of this compact.

**Sec. D-90. 15 MRSA §2306, sub-§1**, as enacted by PL 1979, c. 303, is corrected to read:

**1. Responsibility.** Whenever the authorities responsible for the care and treatment of a mentally disordered offender, whether convicted or adjudicated in the state or subject to care, aftercare, treatment or rehabilitation pursuant to a contract, are of the opinion that charges based on untried indictments, informations or complaints in another party state present obstacles to the proper care and treatment of a mentally disordered offender or to

the planning or execution of a suitable program for ~~him~~ the mentally disordered offender, ~~such~~ those authorities may petition the appropriate court in the state where the untried indictment, information or complaint is pending for prompt disposition thereof. If the mentally disordered offender is a patient in a receiving state, the appropriate authorities in the receiving state, shall, if they concur in the recommendation, file the petition contemplated by this subsection.

**Sec. D-91. 15 MRSA §2306, sub-§2**, as enacted by PL 1979, c. 303, is corrected to read:

**2. Hearing on petition.** The court shall hold a hearing on the petition within 30 days of the filing thereof. ~~Such~~ The hearing ~~shall~~ must be only to determine whether the proper safeguarding and advancement of the public interest, the condition of the mentally disordered offender, and the prospects for more satisfactory care, treatment and rehabilitation of ~~him~~ the mentally disordered offender warrant disposition of the untried indictment, information or complaint prior to termination of the defendant's status as a mentally disordered offender in the sending state. The prosecuting officer of the jurisdiction from which the untried indictment, information or complaint is pending, the petitioning authorities and such other persons as the court may determine ~~shall be~~ are entitled to be heard.

**Sec. D-92. 15 MRSA §2306, sub-§3**, as enacted by PL 1979, c. 303, is corrected to read:

**3. Adjournment or continuance.** Upon any hearing pursuant to this Article, the court may order such adjournments or continuances as may be necessary for the examination or observation of the mentally disordered offender or for the securing of necessary evidence. In granting or denying any such adjournment or continuance, the court shall give primary consideration to the purposes of this compact and more particularly to the need for expeditious determination of the legal and mental status of a mentally disordered offender so that ~~his~~ the mentally disordered offender's care, treatment and discharge to the community only under conditions ~~which will be~~ that are consonant with the public safety may be implemented.

**Sec. D-93. 15 MRSA §2306, sub-§4**, as enacted by PL 1979, c. 303, is corrected to read:

**4. Petition pending.** The presence of a mentally disordered offender within a state wherein a petition is pending or being heard pursuant to this Article, or ~~his~~ the mentally disordered offender's presence within any other state through which ~~he~~ the mentally disordered offender is being transported in connection with such petition or hearing, ~~shall be~~ is only for the purposes of this compact, and ~~no~~ a court, agency or person ~~shall~~ may not have or obtain jurisdiction over such mentally disordered offender for any other purpose by reason of ~~his~~ the mentally disordered offender's presence pursuant to this Article. The mentally disordered offender ~~shall~~ must, at all times, remain in the custody of the sending state. Any acts of officers, employees or agencies of the receiving state in providing or facilitating detention, housing or transportation for the mentally disordered offender ~~shall be~~ are only as agents for the sending state.

**Sec. D-94. 15 MRSA §2306, sub-§6**, as enacted by PL 1979, c. 303, is corrected to read:

**6. Established or adjudicated.** ~~No~~ A fact or other matter established or adjudicated at any hearing pursuant to this Article, or in connection therewith, ~~shall may not be deemed considered~~ established or adjudicated, nor ~~shall may~~ the same be admissible in evidence, in any subsequent prosecution of the untried indictment, information or complaint concerned in a petition filed pursuant to this Article unless:

A. The defendant or ~~his~~ the defendant's duly empowered legal representative requested or expressly acquiesced in the making of the petition, and was afforded an opportunity to participate in person in the hearing; or

B. The defendant ~~himself~~ personally offers or consents to the introduction of the determination or adjudication of such subsequent proceedings.

**Sec. D-95. 15 MRSA §3501, sub-§9**, as amended by PL 1977, c. 664, §47, is corrected to read:

**9. Interim care, identification of juvenile.** ~~No fingerprints~~ Fingerprints of a juvenile taken into interim care pursuant to this section may not be obtained from the juvenile. Solely for the purpose of restoring a juvenile to ~~his~~ the juvenile's residence, the juvenile's name, address, photograph and other reasonably necessary information may be obtained and transmitted to any appropriate person or agency.

## EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 15 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

---

## PART E

**Sec. E-1. 26 MRSA §6** is corrected to read:

### **§6. Interlocutory appeal**

~~Any~~ A party may appeal to the law court from an interlocutory order granting or denying a preliminary injunction in a case involving or growing out of a labor dispute, but such a preliminary injunction ~~shall may~~ not be stayed by the taking of such an appeal. Any such appeal ~~shall must~~ be heard at the first term of the law court commencing not less than 14 days after the appellant has filed the record on appeal with the clerk of the Superior Court and furnished the required copies of ~~his~~ the appellant's brief to the clerk of the law court. Copies of the briefs of other parties ~~shall must~~ be furnished to the clerk of the law court not more than 10 days after the appellant's brief has been filed. The law court shall affirm, modify or set aside the order with the greatest possible expedition and shall give such proceedings precedence over all other matters except older matters of the same character.

**Sec. E-2. 26 MRSA §44-A**, as enacted by PL 1975, c. 519, §5, is corrected to read:  
**§44-A. Walkaround inspections**

A representative of the employer and an authorized employee representative ~~shall~~ must be given an opportunity to accompany the director or ~~his~~ the director's authorized agent during the physical inspection of the workplace of ~~any an~~ employer, subject to this section, for the purpose of aiding ~~such that~~ inspection. ~~Where~~ When there is no authorized employee representative, the director or ~~his~~ the director's authorized agent shall consult with a reasonable number of employees concerning matters of safety in the workplace. The employee representative ~~shall~~ may not lose any privilege or compensation during or because of ~~his~~ the employee representative's attendance in any such inspection.

**Sec. E-3. 26 MRSA §46, first ¶**, as amended by PL 1971, c. 620, §13, is corrected to read:

~~Whoever~~ A person who, being duly summoned under section 43, willfully neglects or refuses to attend, or refuses to answer any question propounded to ~~him~~ that person concerning the subject of ~~such an~~ examination as provided in ~~said~~ section 43, or ~~whoever~~ a person who, being furnished by the director with a written or printed list of interrogatories, neglects or refuses to answer and return the same under oath, ~~shall~~ must be punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not more than 30 days, or by both. ~~No~~ A witness ~~shall~~ may not be compelled to go outside the county in which ~~he~~ the witness resides to testify.

**Sec. E-4. 26 MRSA §47**, as amended by PL 1971, c. 620, §13, is corrected to read:

**§47. Municipal officers to furnish information**

All state, county, city and town officers are directed to furnish the director, upon ~~his~~ the director's request, ~~such~~ statistical or other information contemplated by sections 42 to 45 ~~as shall be~~ in their possession as ~~such~~ officers.

**Sec. E-5. 26 MRSA §48**, as amended by PL 1981, c. 168, §6, is corrected to read:

**§48. Reports**

All reports to the Bureau of Labor Standards involving deaths, injuries and occupational diseases ~~shall~~ must be available to the injured employee, ~~his and the~~ employee's survivors or representatives upon written request and upon payment of reasonable cost for the copies.

**Sec. E-6. 26 MRSA §50**, as amended by PL 1979, c. 95, §2, is corrected to read:

**§50. Inspections in response to complaint**

~~Any~~ An employee or a representative of an employee of the State, a state agency, county, municipal corporation, school district or other public corporation or political subdivision who believes that a violation of an occupational safety or health standard exists that threatens physical harm or that an imminent danger exists may request an inspection by giving notice to the director or ~~his~~ the director's authorized agent of ~~such the~~ violation or danger. Except in cases of imminent danger, any such notice ~~shall~~ must be in writing, ~~shall~~ set forth with reasonable particularity the grounds for the notice, ~~shall and~~ be signed by the employee or ~~his~~ the employee's representative, and a copy ~~shall~~ must be provided to the employer or ~~his~~ the employer's agent no later than the time of the inspection, except that, upon the request of the person giving such notice, ~~his~~ that person's name and the names of individual employees referred to ~~therein~~ in the notice ~~may~~ not appear in ~~such the~~ copy or upon any record published, released or made available in any other respect. If upon

the receipt of such notification, the director or ~~his~~ the director's authorized agent determines that there are reasonable grounds to believe that ~~such~~ a violation or danger exists, ~~he~~ the director or the director's authorized agent shall make a special inspection as soon as practicable to determine if ~~such~~ a violation or danger exists. If the director or ~~his~~ the director's authorized agent determines that there are no reasonable grounds to believe that a violation or danger exists, ~~he~~ the director or the director's authorized agent shall notify the employee or representative of the employee in writing of ~~such~~ that determination.

**Sec. E-7. 26 MRSA §564, 2nd ¶**, as amended by PL 1975, c. 519, §14, is corrected to read:

The term of office for the appointed members ~~shall be~~ is 4 years. In the first appointment, 3 ~~shall~~ members must be appointed for a term of 2 years, 3 ~~shall~~ members must be appointed for a term of 3 years and 3 ~~shall~~ members must be appointed for a term of 4 years. The ~~chairman shall~~ chair must be elected biennially by the members of the board. Each member ~~shall hold~~ holds office until ~~his~~ that member's successor is duly appointed and qualified.

**Sec. E-8. 26 MRSA §564, 5th ¶**, as amended by PL 1983, c. 812, §159, is corrected to read:

The 9 appointed members of the board ~~shall~~ must be compensated according to the provisions of Title 5, chapter 379. The ~~chairman~~ chair of the board shall approve and countersign all vouchers for expenditures under this section.

**Sec. E-9. 26 MRSA §571, first ¶**, as enacted by PL 1981, c. 15, §2, is corrected to read:

~~Any~~ An affected employer may apply to the director for an order for a variance from a standard promulgated under this chapter. Affected employees ~~shall~~ must be given notice of each application and an opportunity to participate in a hearing. The director shall issue the order if ~~he~~ the director determines on the record, after a hearing and, ~~where~~ when appropriate, an inspection, that the proponent of a variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of ~~his~~ employment to his that employer's employees ~~which~~ that are as safe and healthful as those ~~which~~ that would prevail if ~~he~~ the employer complied with the standard. Such an order may be summarily revoked by the director on ~~his~~ the director's own motion or modified or revoked by the director upon application by an employer or employee in the manner prescribed for its issuance.

**Sec. E-10. 26 MRSA §595, sub-§1, ¶A**, as enacted by PL 1987, c. 558, §1, is corrected to read:

A. The practice of receiving applicants for employment, conducting interviews of job applicants or performing medical examinations of job applicants at the worksite of an employer who is currently engaged in a labor dispute with ~~his~~ that employer's employees tends to incite violence by bringing individuals who may be considered as replacements for workers to the physical focus of the labor dispute and by encouraging a direct confrontation between these individuals and the prior employees; and

**Sec. E-11. 26 MRSA §595, sub-§4**, as enacted by PL 1987, c. 558, §1, is corrected to read:

**4. Hiring off-site permitted.** An employer involved in a labor dispute, strike or lockout may perform hiring activities prohibited under subsection 3 at any site other than ~~his~~ the employer's customary plants, facilities, places of business or worksites where a labor dispute, strike or lockout involving the employees of that employer is in progress.

A. The employer must notify the law enforcement agencies of the county and municipality in which ~~these~~ the hiring activities will be conducted at least 10 days before commencing hiring activities.

B. ~~No~~ An employee of the employer conducting hiring activities under this subsection and who is involved in the labor dispute, strike or lockout may not picket, congregate or in any way protest the hiring ~~activity~~ activities of the employer within 200 feet of the building or structure at which such activities are taking place. Violation of this paragraph is a Class E crime.

**Sec. E-12. 26 MRSA §604**, as enacted by PL 2009, c. 84, §1, is corrected to read:

**§604. Nursing mothers in the workplace**

An employer, as defined in section 603, subsection 1, paragraph A, shall provide adequate unpaid break time or permit an employee to use paid break time or meal time each day to express breast milk for ~~her~~ the employee's nursing child for up to 3 years following childbirth. The employer shall make reasonable efforts to provide a clean room or other location, other than a bathroom, where an employee may express breast milk in privacy. An employer may not discriminate in any way against an employee who chooses to express breast milk in the workplace.

**Sec. E-13. 26 MRSA §611, sub-§1**, as enacted by PL 1985, c. 623, §1, is corrected to read:

**1. Employment agency.** "Employment agency" means ~~any~~ a person who conducts a full-time or part-time service for the purpose of procuring or attempting to procure permanent or temporary employment or engagement for persons seeking employment or engagement; or for giving information about where employment or engagement may be procured when a fee paid by the employee is charged for that service. Employment agencies do not include teachers' agencies, nurses' associations, charitable institutions, arrangers of employment for ~~seamen~~ crew members of vessels and professional or occupational associations ~~which that~~ serve only their own membership and which that charge only a nominal fee; and persons employed by a public or private nonprofit agency.

**Sec. E-14. 26 MRSA §627, first ¶**, as amended by PL 1987, c. 184, §24, is corrected to read:

~~No~~ An assignment of wages is not valid against any other person than the parties ~~thereto, to the assignment~~ unless such the assignment is recorded by the clerk in the office of the Secretary of State. ~~No such~~ An assignment of wages may not be valid against the employer; ~~unless he~~ the employer has actual notice thereof of the assignment.

**Sec. E-15. 26 MRSA §629-A**, as enacted by PL 1977, c. 448, is corrected to read:

**§629-A. Fringe benefits as wages**

Whenever a person ceases to be employed because of the insolvency of ~~his~~ that person's employer, ~~if in claiming and claims~~ from the employer wages earned but not yet paid to

~~him that person~~, the term "wages earned" ~~shall include~~ includes all fringe benefits earned by the employee that were considered in the employment contract, including plans for retirement, insurance, health care and vacations.

**Sec. E-16. 26 MRSA §629-B, sub-§1**, as enacted by PL 1985, c. 660, is corrected to read:

**1. Application.** This section applies to health benefit plans ~~which that~~ that an employer provides or agrees to provide to ~~his~~ the employer's employees. It does not apply to employee health benefit plans separately provided by any employee organization or bargaining agent, regardless of any financial contribution to that plan by the employer.

**Sec. E-17. 26 MRSA §629-B, sub-§2**, as enacted by PL 1985, c. 660, is corrected to read:

**2. Failure to implement a health benefit plan.** If an employer fails to implement a health benefit plan ~~which that~~ that the employer had agreed to provide to ~~his~~ that employer's employees, the employer shall notify the employees of the failure to implement the plan as soon as possible after ~~he~~ the employer knows that ~~he~~ the plan will not ~~implement the plan~~ be implemented. The employer is liable for benefits ~~which that~~ that would have been payable to a covered employee, if the health benefit plan had been in force during the period of time from the date ~~which that~~ that the employer had agreed to implement the health benefit plan, until the employer gives the employee notice of ~~his~~ the employer's failure or inability to provide the health benefit plan.

**Sec. E-18. 26 MRSA §629-B, sub-§7, ¶A**, as enacted by PL 1987, c. 231, is corrected by correcting the first blocked paragraph to read:

The statement must be subscribed and sworn to by the person claiming the lien or by someone on ~~his~~ the person's behalf. Upon the filing of the statement, the amount claimed in the statement ~~shall constitute~~ constitutes a lien upon the property for which the statement is filed.

**Sec. E-19. 26 MRSA §629-B, sub-§7, ¶B**, as enacted by PL 1987, c. 231, is corrected to read:

B. A lien created under this subsection is void 20 days after the date on which the statement described in paragraph A was filed unless, within the 20-day period, the person claiming the lien or someone on ~~his~~ the person's behalf notifies the employer, by certified or registered mail sent to the employer's last known address, of the existence of the lien. The notice must contain the following:

- (1) The fact that a lien has been filed;
- (2) The date and place the lien was filed;
- (3) The amount of the claim on which the lien is based;
- (4) The name of the person making the claim and ~~his~~ the person's attorney, if any, including their addresses; and
- (5) The following statement: "To dissolve this lien, please contact (the person making the claim or ~~his~~ the person's attorney). A bond may be given to the claimant to replace the lien."

**Sec. E-20. 26 MRSA §629-B, sub-§7, ¶D,** as enacted by PL 1987, c. 231, is corrected to read:

D. An employer may, at any time after ~~he receives~~ receiving notice of a lien under paragraph B, give bond, with sufficient sureties, in the amount of the claim to the person claiming the lien. Within 7 days of receipt of the bond, the person claiming the lien or someone on ~~his~~ the person's behalf shall discharge the lien.

**Sec. E-21. 26 MRSA §632, sub-§1,** as amended by PL 1983, c. 172, is corrected to read:

**1. Fund established.** There is established a the Maine Wage Assurance Fund to be used by the Bureau of Labor Standards within the Department of Labor for the purpose of assuring that all former employees of employers within the State receive payment for wages for a maximum of 2 weeks for the work they have performed. The Legislature intends that payment of earned wages from the fund be limited to those cases when the employer has terminated ~~his~~ the employer's business and there are no assets of the employer from which earned wages may be paid; or when the employer has filed under any provision of the Federal Bankruptcy Act. ~~No~~ An officer or director in the case of a corporation, ~~no~~ partner in the case of a partnership ~~and no~~ or owner in the case of a sole proprietorship may not be considered an employee for purposes of this section.

**Sec. E-22. 26 MRSA §633, sub-§1,** as reallocated by PL 1979, c. 663, §158, is corrected to read:

**1. Wage statement.** Every A railroad corporation in the State shall furnish each employee of that corporation with a statement with every payment of wages to that employee, listing accrued total earnings and taxes to date, and further furnish that employee at the same time with a separate listing of ~~his~~ that employee's daily wages and how they were computed.

**Sec. E-23. 26 MRSA §663, sub-§7,** as amended by PL 1967, c. 385, is corrected to read:

**7. Minimum wage for firemen firefighters.** Members of municipal ~~fire fighting~~ firefighting departments, other than volunteer or call-departments, who are paid salaries or regular wages; are deemed to be employees within the meaning of this section and are covered by this subchapter. ~~Firemen's~~ Firefighters' wages may be paid by the municipality based upon the average number of hours worked during any one work cycle, which is may not ~~to~~ exceed 12 weeks in duration. However, 1 1/2 times the hourly rate ~~shall~~ may not be paid for all work done over 48 hours under this subsection;

**Sec. E-24. 26 MRSA §665, sub-§2,** as repealed and replaced by PL 1977, c. 694, §465, is corrected to read:

**2. Rules and regulations.** The director may make and ~~promulgate~~ adopt from time to time, pursuant to Title 5, ~~section 8051 et seq.~~ chapter 375, subchapter 2-A, such rules ~~and regulations~~, not inconsistent with this subchapter, as ~~he may deem~~ the director considers appropriate or necessary for the proper administration and enforcement of this subchapter. The rules ~~and regulations~~ affecting any particular class of employees and employers ~~shall~~ must be made and ~~promulgated~~ adopted only after notice and opportunity to be heard to those employees and employers affected.



**Sec. E-25. 26 MRSA §672**, as enacted by PL 1967, c. 466, §7, is corrected to read:  
**§672. Unfair contracts**

No An employer ~~shall~~ may not by a special contract with an employee or by any other means ~~exempt himself~~ be exempted from this subchapter.

**Sec. E-26. 26 MRSA c. 7, sub-c. 4, headnote** is corrected to read:

#### SUBCHAPTER 4

#### EMPLOYMENT OF ~~WOMEN AND CHILDREN~~

**Sec. E-27. 26 MRSA §783** is corrected to read:

**§783. —~~failure~~ Failure to perform duties of office**

~~Whoever~~ A person who, being authorized to issue a work permit, knowingly fails to perform the duties of his that person's office as required by this subchapter ~~shall~~ must be punished by a fine of not less than \$25 nor more than \$50; for each offense.

**Sec. E-28. 26 MRSA §821**, as amended by PL 1987, c. 402, Pt. A, §154, is corrected to read:

**§821. Person employed in position other than temporary**

~~Any~~ A person, except a person covered under Title 20-A, section 13602, employed in a position other than a temporary position ~~shall~~ must be granted a leave of absence to fulfill the duties of a Legislator, ~~provided that~~ as long as the employee gives written notice to ~~his~~ the employee's employer of ~~his~~ the employee's intent to become a candidate for the Legislature within 10 days after taking action under Title 21-A to place ~~his~~ the employee's name on a primary or general election ballot. Following ~~his~~ the employee's term of service as a Legislator, the employee, if ~~he~~ the employee is still qualified to perform the duties of the position from which ~~he~~ the employee was granted leave, ~~shall be~~ is entitled to be restored to ~~his~~ the employee's previous, or a similar, position with the same status, pay and seniority. This leave of absence ~~shall~~ may, within the discretion of the employer, be with or without pay and ~~shall be~~ is limited to one legislative term of 2 years.

**Sec. E-29. 26 MRSA §823**, as enacted by PL 1983, c. 128, §1, is corrected to read:

**§823. Waiver of right**

An employee who fails to provide the notice to ~~his~~ the employee's employer required by section 821 waives any rights to a leave of absence provided by this subchapter.

**Sec. E-30. 26 MRSA §824, sub-§2**, as enacted by PL 1983, c. 128, §1, is corrected to read:

**2. Proceedings.** The ~~chairman~~ chair of the State Board of Arbitration and Conciliation, or any member of the board designated by the ~~chairman~~ chair, shall serve as an arbitrator of any case appealed under this section. The proceeding ~~shall~~ must provide an opportunity for the employee to respond, orally or in writing, to the allegations contained in the appeal. Within 30 days of receipt of the notice of appeal, the arbitrator shall issue an order, binding on both parties, either affirming or denying the claim of unreasonable

hardship. If the claim is affirmed, the employee is not entitled to a leave of absence under this subchapter. In reaching ~~his~~ a decision, the arbitrator shall consider, but is not limited to, the following factors:

- A. The length of time the employee has been employed by the employer;
- B. The number of employees in the employer's business;
- C. The nature of the employer's business;
- D. The nature of the position held by the employee and the ease or difficulty and cost of temporarily filling the position during the leave of absence; and
- E. Any agreement entered into between the employee and employer as a condition of employment.

**Sec. E-31. 26 MRSA §841** is corrected to read:

**§841. Not subject to rule against perpetuities**

A trust of real or personal property, or real and personal property combined, created by an employer as part of a stock bonus, pension, disability, death benefit or ~~profit-sharing~~ profit-sharing plan for the benefit of some or all of ~~his~~ the employer's employees, to which contributions are made by the employer or employees, or both, for the purpose of distributing to the employees the earnings or the principal, or both earnings and principal, of the fund held in trust, may continue in perpetuity or for such time as may be necessary to accomplish the purpose for which it is created, and ~~shall~~ may not be invalid as violating any rule of law against perpetuities or suspension of the power of alienation of the title to property.

~~No~~ A rule of law against perpetuities or suspension of the power of alienation of the title to property ~~shall~~ may not operate to invalidate any trust created or attempted to be created, prior to August 20, 1951, by an employer as a part of a stock bonus, pension, disability, death benefit or ~~profit-sharing~~ profit-sharing plan for the benefit of some or all of ~~his~~ the employer's employees to which contributions are made by the employer or employees, or both, for the purpose of distributing to the employees earnings or principal, or both earnings and principal, of the fund held in trust, unless the trust is terminated by a court of competent jurisdiction in a civil action instituted within 3 years after August 20, 1951.

**Sec. E-32. 26 MRSA §850, sub-§1**, as amended by PL 2021, c. 647, Pt. B, §59 and affected by §65, is corrected to read:

**1. Required leave.** An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's ~~daughter, son~~ child, parent or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's ~~daughter, son~~ child, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter

11, stalking or any act that would support an order for protection under Title 19-A, chapter 103. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

**Sec. E-33. 26 MRSA §850, sub-§1-A**, as enacted by PL 2001, c. 685, §2, is corrected to read:

**1-A. Definitions.** For purposes of this subchapter, ~~the terms "child" has the same meaning as "daughter," or "son," "parent" and "spouse" have the same meanings as those terms have~~ under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. For purposes of this subchapter, "parent" and "spouse" have the same meanings as under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

**Sec. E-34. 26 MRSA §852**, as enacted by PL 1965, c. 189, is corrected to read:

#### **§852. Employment of replacements prohibited**

~~No~~ A person, partnership, union, agency, firm or corporation or officer, employee or agent thereof ~~shall~~ may not recruit, procure, supply or refer any person for employment who customarily and repeatedly offers ~~himself for to accept~~ employment in place of any employee involved in a labor, strike or lockout in which ~~such that~~ that person, partnership, union, agency, firm or corporation is not directly involved.

**Sec. E-35. 26 MRSA §853**, as enacted by PL 1965, c. 189, is corrected to read:

#### **§853. Arrangements**

~~No~~ A person, partnership, union, firm or corporation involved in a labor, strike or lockout ~~shall~~ may not, directly or indirectly, employ in the place of an employee involved in ~~such that~~ that strike or lockout any person who customarily and repeatedly offers ~~himself for to accept~~ employment in the place of employees involved in a labor strike or lockout; or contract or arrange with any other person, partnership, union, agency, firm or corporation to recruit, procure, supply or refer persons for employment who customarily and repeatedly ~~offers themselves for offer to accept~~ employment in place of employees involved in ~~such a~~ a labor, strike or lockout.

**Sec. E-36. 26 MRSA §854**, as enacted by PL 1965, c. 189, is corrected to read:

#### **§854. Offers**

~~No~~ A person who customarily and repeatedly offers ~~himself for to accept~~ employment in place of employees involved in a labor, strike or lockout ~~shall~~ may not take or offer to take the place of employment of any employee involved in a labor, strike or lockout.

**Sec. E-37. 26 MRSA §855**, as enacted by PL 1965, c. 189, is corrected to read:

#### **§855. Evidence**

~~It shall be~~ is prima facie evidence that a person customarily and repeatedly offers ~~himself for to accept~~ employment in place of employees involved in a labor, strike or lockout, if ~~such the~~ the person ~~shall have~~ has 2 times before offered to take the place of employment of persons involved in labor, strikes or lockouts.

**Sec. E-38. 26 MRSA §872, sub-§2, ¶C**, as amended by PL 2011, c. 620, §1, is corrected to read:

C. The lessor is not an entity owned or controlled by a bond worker or a bond worker's spouse, parent, child, sibling, ~~aunt, uncle~~ or cousin; a sibling of a bond worker's parent; or a person related to a bond worker in the same manner by marriage; or by any combination of a bond worker and the bond worker's family members described in this paragraph;

**Sec. E-39. 26 MRSA §931, 4th ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

The board's responsibility is to further harmonious labor-management relations in this State. It may serve as a board of inquiry or as a board of conciliation in the private sector, or as a board of arbitration in either the public or private sector, ~~provided that as long as~~ the parties appearing before it so agree. ~~Ne~~ A member of the board may not participate in any case in which ~~he~~ the member has a personal interest.

**Sec. E-40. 26 MRSA §932, first ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

The ~~chairman~~ chair of the board or ~~his~~ the chair's alternate may administer oaths and require by subpoena the attendance and testimony of witnesses; and the production of books, records and other evidence relative or pertinent to the matter before ~~it~~ the board.

**Sec. E-41. 26 MRSA §934, first ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

Whenever it appears to the employer or employees concerned in a labor dispute, or when a strike or lockout is threatened, or actually occurs, ~~he~~ the employer or ~~they~~ employees concerned may request the services of the board.

**Sec. E-42. 26 MRSA §935, first ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

In cases of controversy, ~~where~~ when conciliation, mediation or arbitration is refused by one of the parties or the board has ~~deemed~~ determined that those processes have been or will be ineffective, either party may request the board to make inquiry. The application for inquiry may be signed by the employer or by a substantial number of the employees in the department, section or division of the business in which the controversy exists or by their agent or representative or by both parties and, if signed by an agent or representative claiming to represent the employees, the board shall satisfy itself that ~~he~~ the agent or representative is duly authorized to do so.

**Sec. E-43. 26 MRSA §935, 2nd ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

Upon receipt of the application for inquiry, the ~~chairman~~ chair, or in ~~his~~ the chair's absence or disability the alternate ~~chairman~~ chair, through the auspices of the Maine Labor Relations Board, shall give notice of the time and place of hearing and may, at the board's discretion, give public notice by publishing in at least one newspaper the time and place of the hearing.

**Sec. E-44. 26 MRSA §936, 2nd ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

The ~~chairman~~ chair of the board shall immediately, after the filing, give notice of the time and place of the hearing to both parties.

**Sec. E-45. 26 MRSA §937, first ¶**, as enacted by PL 1985, c. 294, §§2 and 3, is corrected to read:

The board may hear grievance arbitration matters referred to it pursuant to a collective bargaining agreement. It may hear any labor dispute jointly referred to it for resolution by arbitration by the representatives of management and labor. In cases of arbitration, the parties concerned must submit in writing to the board, the matters ~~which~~ that they mutually agree to submit to arbitration and such other details pertinent to the issues involved as they may agree upon. When the matter is submitted to arbitration by the board, the board shall investigate the matter in controversy, shall hear all interested persons who come before it and shall make an award and written opinion, which ~~shall~~ must be published by the ~~chairman~~ chair of the board and ~~shall be~~ is binding on the parties who join in the agreement.

**Sec. E-46. 26 MRSA §954** is corrected to read:

**§954. Appointment of arbitrators or umpires**

If in the agreement provision is made for a method of naming or appointing an arbitrator or arbitrators or an umpire, ~~such~~ that method ~~shall~~ must be followed; but if ~~no~~ a method is ~~not~~ not provided ~~therein~~, or if a method is provided and any party ~~thereto shall fail to the agreement fails to avail himself of such~~ follow that method, or if for any other reason there ~~shall be~~ is a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of either party to the controversy the court shall designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the ~~said~~ agreement with the same force and effect as if ~~he or they~~ the arbitrator or arbitrators or umpire had been specifically named ~~therein~~ in the agreement; and unless otherwise provided in the agreement, the arbitration ~~shall~~ must be by a single arbitrator.

**Sec. E-47. 26 MRSA §956** is corrected to read:

**§956. Witnesses before arbitrators; fees; compelling attendance**

The arbitrators selected either as prescribed in this subchapter or otherwise, or a majority of them, may summon in writing any person to attend before them, or any of them, as a witness and in a proper case to bring with ~~him or them~~ that person any book, record, document or paper ~~which~~ that may be deemed material as evidence in the case. The fees for such attendance ~~shall~~ must be the same as the fees of witnesses before the Superior Court. ~~Said~~ The summons ~~shall~~ must issue in the name of the arbitrator or arbitrators, or a majority of them, and ~~shall~~ must be signed by the arbitrators, or a majority of them, and ~~shall~~ must be directed to the ~~said~~ person and ~~shall~~ must be served in the same manner as subpoenas to appear and testify before the Superior Court. If any person or persons so summoned to testify ~~shall~~ refuse or neglect to obey ~~said~~ a summons, upon complaint, any Justice of the Superior Court may compel the attendance of ~~such~~ the person or persons before ~~said~~ the arbitrator or arbitrators, or punish ~~said~~ the person or persons for contempt in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the State ~~of Maine~~.

**Sec. E-48. 26 MRSA §957** is corrected to read:

**§957. Awards; confirmation; jurisdiction; procedure**

If the parties in their collective bargaining contract or written submission agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration, and shall specify the court, then at any time within one year after the award is made any party to the arbitration may apply to the court so specified for an order confirming the award, and ~~thereupon~~ the court must grant such an order unless the award is vacated, modified or corrected as prescribed in sections 958 and 959. In the absence of such a provision in the collective bargaining contract or written submission agreement of the parties, ~~such~~ the application to have judgment entered upon the award may be made to the Superior Court in the county within which ~~such~~ the award was made. Notice of application shall must be served upon the adverse party. If the adverse party is a resident of the State, ~~such~~ service shall must be made upon the adverse party or ~~his~~ the adverse party's attorney as prescribed by law for service of motion in an action in the same court. If the adverse party ~~shall be~~ is a nonresident, then the notice of the application shall must be served in like manner as other process of the court is served upon nonresidents.

**Sec. E-49. 26 MRSA §964, sub-§1, ¶D**, as enacted by PL 1969, c. 424, §1, is corrected to read:

D. Discharging or otherwise discriminating against an employee because ~~he~~ the employee has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

**Sec. E-50. 26 MRSA §964, sub-§2, ¶A**, as enacted by PL 1969, c. 424, §1, is corrected to read:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 963 or a public employer in the selection of ~~his~~ a representative for purposes of collective bargaining or the adjustment of grievances;

**Sec. E-51. 26 MRSA §965, sub-§2, ¶E**, as amended by PL 1979, c. 541, Pt. A, §170, is corrected to read:

E. The Executive Director of the Maine Labor Relations Board shall serve as Executive Director of the Panel of Mediators. ~~He~~ The Executive Director of the Maine Labor Relations Board shall annually, on or before the first day of July, make a report to the Governor. The Executive Director of the Maine Labor Relations Board, upon request of one or both of the parties to a dispute between an employer and its employees, shall, or upon ~~his~~ the Executive Director of the Maine Labor Relations Board's own motion or motion of the Maine Labor Relations Board may, proffer the services of one or more members of the panel to be selected by ~~him~~, the Executive Director of the Maine Labor Relations Board to serve as mediator or mediators in ~~such a~~ the dispute. The member or members so selected shall exert every reasonable effort to encourage the parties to the dispute to settle their differences by conference or other peaceful means. If the mediator or mediators are unable to accomplish this objective and to obtain an amicable settlement of the dispute between the parties, it ~~shall then be~~ is the duty of the mediator or mediators to advise the parties of the services available to assist them in settlement of their dispute. At this time, the mediator or mediators shall submit a written report to

the ~~executive director~~ Executive Director of the Maine Labor Relations Board stating the action or actions that have been taken and the results of their endeavors.

**Sec. E-52. 26 MRSA §965, sub-§3, ¶D**, as amended by PL 1977, c. 696, §204, is corrected to read:

D. If the parties do not agree to follow the fact-finding procedures outlined in paragraph A, they may jointly apply to the executive director or ~~his~~ the executive director's designee to waive fact-finding. The executive director or ~~his~~ the executive director's designee may accept or refuse to accept the parties' agreement to waive fact-finding and ~~his~~ that decision ~~shall~~ is not be reviewable.

**Sec. E-53. 26 MRSA §965, sub-§4**, as amended by PL 1975, c. 564, §18, is corrected by correcting the 3rd blocked paragraph to read:

If the controversy is not resolved by the parties themselves, the arbitrators shall proceed as follows: With respect to a controversy over salaries, pensions and insurance, the arbitrators ~~will~~ shall recommend terms of settlement and may make findings of fact; ~~such~~ those recommendations and findings ~~will be~~ are advisory only and ~~will~~ must be made, if reasonably possible, within 30 days after the selection of the neutral arbitrator; the arbitrators may in their discretion, make ~~such~~ those recommendations and findings public, and either party may make ~~such~~ those recommendations and findings public if agreement is not reached with respect to ~~such~~ those findings and recommendations within 10 days after their receipt from the arbitrators; the arbitrators shall make determinations with respect to a controversy over subjects other than salaries, pensions and insurance, ~~the arbitrators shall make determinations with respect thereto~~ if reasonably possible within 30 days after the selection of the neutral arbitrator; ~~such~~ those determinations may be made public by the arbitrators or either party; and, if made by a majority of the arbitrators, ~~such~~ those determinations ~~will be~~ are binding on both parties and the parties ~~will~~ shall enter an agreement or take whatever other action that may be appropriate to carry out and effectuate ~~such~~ those binding determinations; and ~~such~~ those determinations ~~will be~~ are subject to review by the Superior Court in the manner specified by section 972. The results of all arbitration proceedings, recommendations and awards conducted under this section ~~shall~~ must be filed with the Maine Labor Relations Board at the offices of its executive director simultaneously with the submission of the recommendations and award to the parties. In the event the parties settle their dispute during the arbitration proceeding, the arbitrator or the ~~chairman~~ chair of the arbitration panel ~~will~~ shall submit a report of ~~his~~ the arbitrator's or the chair's activities to the Executive Director of the Maine Labor Relations Board not more than 5 days after the arbitration proceeding has terminated.

**Sec. E-54. 26 MRSA §966, sub-§1**, as amended by PL 1975, c. 697, §1, is corrected to read:

**1. Bargaining unit standards.** In the event of a dispute between the public employer and an employee or employees as to the appropriateness of a unit for purposes of collective bargaining or between the public employer and an employee or employees as to whether a supervisory or other position is included in the bargaining unit, the executive director or ~~his~~ the executive director's designee shall make the determination, except that anyone excepted from the definition of "public employee" under section 962 may not be included in a bargaining unit. The executive director or ~~his~~ the executive director's designee conducting unit determination proceedings ~~shall have~~ has the power to administer oaths

and to require by subpoena the attendance and testimony of witnesses; and the production of books, records and other evidence relative or pertinent to the issues represented to them. In determining whether a supervisory position should be excluded from the proposed bargaining unit, the executive director or ~~his~~ the executive director's designee shall consider, among other criteria, if the principal functions of the position are characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards. ~~Nothing in this~~ This chapter is not intended to require the exclusion of principals, assistant principals; or other supervisory employees from school system bargaining units ~~which~~ that include teachers and nurses in supervisory positions.

**Sec. E-55. 26 MRSA §966, sub-§2**, as repealed and replaced by PL 1975, c. 564, §20, is corrected to read:

**2. Bargaining unit compatibility.** The executive director of the board or ~~his~~ the executive director's designee shall decide in each case whether, in order to ~~insure~~ ensure to employees the fullest freedom in exercising the rights guaranteed by this chapter and in order to ~~insure~~ ensure a clear and identifiable community of interest among employees concerned, the unit appropriate for purposes of collective bargaining ~~shall be~~ is the public employer unit or any subdivision thereof. ~~No~~ A unit ~~shall~~ may not include both professional and nonprofessional employees unless a majority of ~~such~~ the professional employees vote for inclusion in ~~such~~ the unit, except that teachers may be included in a unit consisting of other certificated employees.

**Sec. E-56. 26 MRSA §968, sub-§2**, as amended by PL 1979, c. 663, §160, is corrected to read:

**2. Executive director.** ~~An~~ The Executive Director of the Maine Labor Relations Board ~~shall~~ must be appointed by the board to serve at ~~their~~ the board's will and pleasure. The person ~~so~~ appointed ~~shall~~ must be experienced in the field of labor relations. ~~He~~ The executive director shall perform the duties designated by statute and such other duties as ~~shall~~ may from time to time be assigned to ~~him~~ the executive director by the board. ~~He~~ The executive director shall serve as secretary of the board and shall maintain a record of all proceedings before the board. ~~No~~ A board member ~~shall~~ may not serve as executive director.

The salary of the executive director ~~shall~~ must be established by the board within salary range 86 and may be adjusted periodically by the board within the limits for salary review procedures established in Title 2, section 6, subsection 5.

**Sec. E-57. 26 MRSA §968, sub-§5, ¶B**, as repealed and replaced by PL 1975, c. 697, §4, is corrected to read:

B. ~~Any~~ A public employer, ~~any~~ public employee, ~~any~~ public employee organization or ~~any~~ bargaining agent ~~which~~ that believes that any person, any public employer, any public employee, any public employee organization or any bargaining agent has engaged in or is engaging in ~~any~~ such a prohibited practice may file a complaint with



the executive director of the board stating the charges in that regard. ~~No such~~ A complaint ~~shall~~ may not be filed with the executive director until the complaining party ~~shall have~~ has served a copy ~~thereof of the complaint~~ upon the party complained of. Upon receipt of ~~such the~~ complaint, the executive director or ~~his~~ the executive director's designee shall review the charge to determine whether the facts as alleged ~~may~~ constitute a prohibited act. If it is determined that the facts do not, as a matter of law, constitute a violation, the charge ~~shall~~ must be dismissed by the executive director, subject to review by the board. If a formal hearing is ~~deemed~~ determined necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing before the board, and that notice to must designate the time and place of hearing for the prehearing conference or the hearing, as appropriate, ~~provided except that no a hearing shall may~~ not be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director. The party complained of ~~shall have~~ has the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in the proceeding and to present testimony. ~~Nothing in this~~ This paragraph ~~shall does not~~ restrict the right of the board to require the executive director or ~~his~~ the executive director's designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and ~~taking to take~~ take whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as ~~he may deem~~ the executive director determines appropriate, subject to review by the board.

**Sec. E-58. 26 MRSA §968, sub-§5, ¶C**, as enacted by PL 1971, c. 609, §9, is corrected to read:

C. After hearing and argument, if, upon a preponderance of the evidence received, the board ~~shall be~~ is of the opinion that any party named in the complaint has engaged in or is engaging in ~~any such a~~ prohibited practice, ~~then~~ the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon ~~such the~~ party an order requiring ~~such the~~ party to cease and desist from ~~such the~~ prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. ~~No~~ An order of the board ~~shall may not~~ require the reinstatement of ~~any an~~ individual as an employee who has been suspended or discharged, or the payment to ~~him~~ the individual of any back pay, if ~~such the~~ individual was suspended or discharged for cause.

After hearing and argument, if, upon a preponderance of the evidence received, the board ~~shall is~~ is not be of the opinion that the party named in the complaint has engaged in or is engaging in ~~any such a~~ prohibited practice, ~~then~~ the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue an order dismissing ~~said~~ the complaint.

**Sec. E-59. 26 MRSA §968, sub-§6**, as enacted by PL 1971, c. 609, §9, is corrected by correcting the first blocked paragraph to read:

The ~~chairman shall have~~ chair has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses; and the presentation of books, records and other evidence relative or pertinent to the issues presented to the board for determination. Witnesses subpoenaed by the board ~~shall~~ must be allowed the same fees as are paid to witnesses in the Superior Court. These fees, together with all necessary expenses of the board, ~~shall~~ must be paid by the Treasurer of State on warrants drawn by the State Controller.

**Sec. E-60. 26 MRSA §979-C, sub-§1, ¶D,** as enacted by PL 1973, c. 774, is corrected to read:

D. Discharging or otherwise discriminating against an employee because ~~he~~ the employee has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

**Sec. E-61. 26 MRSA §979-D, sub-§4, ¶B,** as enacted by PL 1973, c. 774, is corrected to read:

B. If the parties have not resolved their controversy by the end of ~~said~~ the 45-day period, either party may petition the board to initiate compulsory final and binding arbitration of the negotiations impasse. On receipt of the petition, the executive director of the board shall investigate to determine if an impasse has been reached. If ~~he~~ the executive director so determines, ~~he~~ the executive director shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators. If the parties within 10 days after the issuance of the order have not selected an arbitrator or a Board of Arbitration, the board shall ~~then~~ order each party to select one arbitrator, and if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the board shall submit a list from which the parties may alternately strike names until a single name is left, ~~who~~ shall and that person must be appointed by the board as arbitrator.

**Sec. E-62. 26 MRSA §979-D, sub-§4, ¶E,** as enacted by PL 1973, c. 774, is corrected to read:

E. The arbitrator ~~shall have~~ has a period of 30 days from the termination of the hearing in which to submit ~~his~~ a report to the parties and to the board, unless the ~~aforsaid~~ 30-day time limitation ~~shall be~~ is extended by the executive director.

**Sec. E-63. 26 MRSA §979-E, sub-§1,** as amended by PL 1975, c. 697, §8, is corrected to read:

**1. Bargaining unit standards.** In the event of a dispute between the public employer and an employee or employees as to the appropriateness of a unit for purposes of collective bargaining or between the public employer and an employee or employees as to whether a supervisory or other position is included in the bargaining unit, the executive director or ~~his~~ the executive director's designee shall make the determination, except that anyone excepted from the definition of "state employee" under section 979-A may not be included in a bargaining unit. The executive director or ~~his~~ the executive director's designee conducting unit determination proceedings ~~shall have~~ has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses; and the production of books, records and other evidence relative or pertinent to the issues represented to them. In determining whether a supervisory position should be excluded from the proposed bargaining unit, the executive director or ~~his~~ the executive director's designee shall

consider, among other criteria, if the principal functions of the position are characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards.

**Sec. E-64. 26 MRSA §979-E, sub-§2**, as amended by PL 1975, c. 612, §1, is corrected to read:

**2. Bargaining unit compatibility.** In order to ~~insure~~ ensure to employees the fullest freedom in exercising the rights guaranteed by this chapter, to ~~insure~~ ensure a clear and identifiable community of interest among employees concerned, and to avoid excessive fragmentation among bargaining units in State Government, the executive director of the board or ~~his~~ the executive director's designee shall decide in each case the unit appropriate for purposes of collective bargaining.

**Sec. E-65. 26 MRSA §979-H, sub-§3**, as amended by PL 1975, c. 623, §39, is corrected to read:

**3. Prohibited practice; board order.** After hearing and argument, if, upon a preponderance of the evidence received, the board ~~shall be~~ is of the opinion that any party named in the complaint has engaged in or is engaging in ~~any~~ a prohibited practice, ~~then~~ the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon ~~such~~ the party an order requiring ~~such~~ the party to cease and desist from ~~such~~ the prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. ~~No~~ An order of the board ~~shall~~ may not require the reinstatement of ~~any~~ an individual as an employee who has been suspended or discharged, or the payment to ~~him~~ the individual of any back pay, if ~~such~~ the individual was suspended or discharged for cause.

**Sec. E-66. 26 MRSA §979-I, sub-§2**, as enacted by PL 1973, c. 774, is corrected to read:

**2. Subpoena power.** The ~~chairman shall have~~ chair has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses; and the presentation of books, records and other evidence relative or pertinent to the issues presented to the board for determination. Witnesses subpoenaed by the board ~~shall~~ must be allowed the same fees as are paid to witnesses in the Superior Court. These fees, together with all necessary expenses of the board, ~~shall~~ must be paid by the Treasurer of State on warrants drawn by the State Controller.

**Sec. E-67. 26 MRSA §979-J, sub-§1**, as amended by PL 1981, c. 168, §8, is corrected to read:

**1. Report; budget.** The board shall annually, on or before the first day of July, make a report to the Governor. The appropriation for the board and the executive director ~~shall~~ must be included in the budget of the Department of Labor and authorization for expenditures ~~shall be~~ is the responsibility of the ~~chairman~~ chair or executive director. The

board shall prepare a biennial budget for submission to the Legislature for appropriations sufficient to carry out its duties. Authorization for expenditures ~~shall be~~ is the responsibility of the board. All expenses of the board and its staff, including all necessary ~~travelling~~ traveling and subsistence expenses, ~~shall must~~ be paid on presentation of itemized vouchers therefor approved by the board or the executive director.

**Sec. E-68. 26 MRSA §1026, sub-§4, ¶B**, as amended by PL 1983, c. 153, §2, is corrected to read:

B. If the controversy is not resolved by the parties themselves, the arbitrators shall proceed as follows: With respect to a controversy over salaries, pensions and insurance, the arbitrators ~~will shall~~ recommend terms of settlement and may make findings of fact; ~~such those~~ recommendations and findings ~~will be~~ are advisory only and ~~will must~~ be made, if reasonably possible, within 60 days after the selection of the neutral arbitrator. The arbitrators may in their discretion make ~~such those~~ recommendations and findings public, and either party may make ~~such those~~ recommendations and findings public if agreement is not reached with respect to ~~such those~~ findings and recommendations within 10 days after their receipt from the arbitrators. ~~With The arbitrators shall make determinations with~~ respect to a controversy over subjects other than salaries, pensions and insurance, ~~the arbitrators shall make determinations with respect thereto~~ if reasonably possible within 60 days after the selection of the neutral arbitrator. ~~Such Those~~ determinations may be made public by the arbitrators or either party and, if made by a majority of the arbitrators, ~~such those~~ determinations ~~will be~~ are binding on both parties and the parties ~~will shall~~ enter an agreement or take whatever other action that may be appropriate to carry out and effectuate ~~such those~~ binding determinations, and ~~such those~~ determinations ~~will be~~ are subject to review by the Superior Court in the manner specified by section 1033. The results of all arbitration proceedings, recommendations and awards conducted under this section ~~shall must~~ be filed with the Maine Labor Relations Board at the offices of its executive director simultaneously with the submission of the recommendations and award to the parties. In the event the parties settle their dispute during the arbitration proceeding, the arbitrator or the ~~chairman chair~~ of the arbitration panel ~~will shall~~ submit a report of ~~his the arbitrator's or the chair's~~ activities to the Executive Director of the Maine Labor Relations Board not more than 5 days after the arbitration proceeding has terminated.

**Sec. E-69. 26 MRSA §1029, sub-§3**, as enacted by PL 1975, c. 603, §1, is corrected to read:

**3. Board action after hearing and argument.** After hearing and argument, if, upon a preponderance of the evidence received, the board ~~shall be~~ is of the opinion that any party named in the complaint has engaged in or is engaging in ~~any~~ a prohibited practice, ~~then~~ the board shall, in writing, state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon ~~such the~~ party an order requiring ~~such the~~ party to cease and desist from ~~such the~~ prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this chapter. ~~No An~~ order of the board ~~shall may not~~ require the reinstatement of ~~any an~~ individual as an employee who has been suspended or dismissed, or the payment to ~~him the individual~~ of any back pay, if ~~such the~~ individual was suspended or dismissed for cause.

**Sec. E-70. 26 MRSA §1030, sub-§2**, as enacted by PL 1975, c. 603, §1, is corrected to read:

**2. Power of chairman chair.** The ~~chairman shall have~~ chair has the power to administer oaths and to require by subpoena the attendance and testimony of witnesses; ~~and~~ the presentation of books, records and other evidence relative or pertinent to the issues presented to the board for determination. Witnesses subpoenaed by the board ~~shall~~ must be allowed the same fees as are paid to witnesses in the Superior Court. These fees, together with all necessary expenses of the board, ~~shall~~ must be paid by the Treasurer of State on warrants drawn by the State Controller.

**Sec. E-71. 26 MRSA §1042** is corrected to read:

**§1042. Policy**

Economic insecurity due to unemployment is a serious menace to the health, morals and welfare of the people of this State. Unemployment is therefore a subject of general interest and concern ~~which~~ that requires appropriate action by the Legislature to prevent its spread and to lighten its burden, which may fall upon the unemployed worker, ~~his~~ the unemployed worker's family and the entire community. The achievement of social security requires protection against this greatest hazard of our economic life. This objective can be furthered by operating free public employment offices in affiliation with a ~~nation-wide~~ nationwide system of public employment services; by devising appropriate methods for reducing the volume of unemployment; and by the systematic accumulation of funds during periods of employment from which benefits may be paid for periods of unemployment, thus maintaining purchasing power, promoting the use of the highest skills of unemployed workers and limiting the serious social consequences of unemployment.

**Sec. E-72. 26 MRSA §1043, sub-§3**, as amended by PL 1973, c. 555, §4, is corrected to read:

**3. Base period.** "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual's benefit year; ~~provided that~~ except that, if the first quarter of the last 5 completed calendar quarters was included in the base period applicable to ~~any~~ an individual's previous benefit year, ~~his~~ that individual's base period ~~shall be~~ is the last 4 completed calendar quarters. In the case of a combined-wage claim pursuant to the arrangement approved by the secretary in accordance with section 1082, subsection 12, the base period ~~shall be~~ is that applicable under the unemployment compensation law of the paying state.

**Sec. E-73. 26 MRSA §1043, sub-§4** is corrected to read:

**4. Benefits.** "Benefits" means the money payments payable to an individual, as provided in this chapter, with respect to ~~his~~ that individual's unemployment.

**Sec. E-74. 26 MRSA §1043, sub-§8, ¶A**, as repealed and replaced by PL 1973, c. 555, §6, is corrected to read:

A. "Contributions" means the money payments required by this chapter to be made into the fund by an employer on account of having individuals performing services for ~~him~~ the employer.

**Sec. E-75. 26 MRSA §1043, sub-§10**, as amended by PL 1977, c. 570, §5, is corrected to read:

**10. Employing unit.** "Employing unit" means ~~any~~ an individual or type of organization, including ~~any~~ a partnership, association, trust, estate, joint stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, ~~which that~~ that has or subsequent to January 1, 1935 had in its employ one or more individuals performing services for it within this State. On and after January 1, 1978, "employing unit" ~~shall also mean~~ includes the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions. All individuals performing services within this State for ~~any~~ an employing unit ~~which that~~ that maintains 2 or more separate establishments within this State ~~shall be~~ are deemed to be employed by a single employing unit for all the purposes of this chapter. Whenever ~~any~~ an employing unit contracts with or has under it ~~any~~ a contractor or subcontractor for ~~any~~ work ~~which that~~ that is part of its usual trade, occupation, profession or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of subsection 9 or section 1222, subsection 3, the employing unit ~~shall~~ is deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which ~~such that~~ such individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer by reason of subsection 9 or section 1222, subsection 3, ~~shall is~~ is alone be liable for the employer's contributions measured by wages to individuals in ~~his the~~ the employer's employ; and except that ~~any~~ an employing unit who ~~shall become~~ becomes liable for and ~~pay~~ pays contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection 9 or section 1222, subsection 3 may recover the same from ~~such the~~ the contractor or subcontractor. Each individual employed to perform or to assist in performing the work of ~~any~~ an agent or employee of an employing unit ~~shall be~~ is deemed to be employed by ~~such the~~ the employing unit for all the purposes of this chapter, whether ~~such the~~ the individual was hired or paid directly by ~~such the~~ the employing unit or by ~~such the~~ the agent or employee, ~~provided as long as~~ provided as long as the employing unit had actual or constructive knowledge of ~~such the~~ the work.

**Sec. E-76. 26 MRSA §1043, sub-§11**, as amended by PL 2023, c. 405, Pt. A, §99, is corrected by correcting the first blocked paragraph to read:

If the services performed during 1/2 or more of any pay period by an individual for the person employing ~~him that individual~~ that individual constitute employment, all the services of ~~such that~~ that individual for ~~such that~~ that period ~~shall be~~ are deemed to be employment; but if the services performed during more than 1/2 of any ~~such~~ pay period by an individual for the person employing ~~him that individual~~ that individual do not constitute employment, then none of the services of ~~such that~~ that individual for ~~such that~~ that period ~~shall be~~ are deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to ~~the~~ an individual by the person employing ~~him that individual~~ that individual. This paragraph ~~shall is~~ is not be applicable with respect to services performed in a pay period by an individual for the person employing ~~him, where that individual when~~ that individual any of such service is excepted by paragraph F, subparagraph (3).

**Sec. E-77. 26 MRSA §1043, sub-§11, ¶A-2**, as amended by PL 1979, c. 127, §159, is corrected by correcting subparagraph (1), division (c), subdivision (ii) to read:

(ii) ~~Such~~ The other person ~~shall~~ must be treated as having paid wages to ~~such~~ the individual in an amount equal to the amount of wages paid to ~~such~~ the individual by the crew leader, either on ~~his~~ the crew leader's own behalf or on behalf of ~~such~~ the other person for the service in agricultural labor performed for ~~such~~ the other person.

**Sec. E-78. 26 MRSA §1043, sub-§11, ¶A-2**, as amended by PL 1979, c. 127, §159, is corrected by correcting subparagraph (1), division (d) to read:

(d) For the purposes of this paragraph, the term "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) Pays either on ~~his~~ the crew leader's own behalf or on behalf of ~~such~~ the other person, the individuals so furnished by ~~him~~ the crew leader for the service in agricultural labor performed by ~~them~~, the individuals; and

(iii) Has not entered into a written agreement with ~~such~~ the other person under which ~~such individual~~ the crew leader is designated as an employee of ~~such~~ the other person.

**Sec. E-79. 26 MRSA §1043, sub-§11, ¶F**, as amended by PL 2021, c. 728, §4, is corrected by correcting subparagraph (7) to read:

(7) Service performed by an individual in the employ of that individual's ~~son,~~ child or spouse and service performed by a child under 18 years of age in the employ of that child's ~~father or mother~~ parent, except for periods of ~~such~~ service for which unemployment insurance contributions are paid;

**Sec. E-80. 26 MRSA §1044, sub-§1**, as amended by PL 1979, c. 515, §6, is corrected to read:

**1. Waiver of rights void; penalty.** Any agreement by an individual to waive, release or commute ~~his~~ that individual's rights to benefits or any other rights under this chapter ~~shall be~~ is void. Any agreement by an individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this chapter from ~~such~~ that employer, ~~shall be~~ is void. ~~No~~ An employer ~~shall~~ may not directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from ~~him~~ the employer, or require or accept any waiver of any right hereunder by ~~any~~ an individual in ~~his~~ the employer's employ.

~~Any~~ An employer or officer or agent of an employer who violates any provision of this subsection ~~shall~~ is, for each offense, ~~be~~ guilty of a Class E crime.

**Sec. E-81. 26 MRSA §1044, sub-§2**, as amended by PL 1979, c. 651, §6, is corrected by correcting the first blocked paragraph to read:

In the event a claimant has retained counsel for the purpose of prosecuting an appeal from a decision of the commission, and the final decision of ~~such~~ the court results in a reversal, in whole or in part, of the decision appealed from, the fees for ~~such~~ the service ~~shall~~ must be paid by the commissioner from ~~his~~ the commissioner's administrative fund.

**Sec. E-82. 26 MRSA §1044, sub-§3** is corrected to read:

**3. No assignment of benefits; exemptions.** Any assignment, pledge or encumbrance of any right to benefits ~~which that~~ are or may become due or payable under this chapter ~~shall be is~~ void. Such rights to benefits ~~shall be~~ are exempt from levy, execution, attachment or any other remedy ~~whatsoever~~ provided for the collection of debt. Benefits received by ~~any an~~ individual, so ~~as~~ long as they are not mingled with other funds of the recipient, ~~shall be are~~ exempt from any remedy ~~whatsoever~~ for the collection of all debts except debts incurred for necessities furnished to ~~such the~~ individual or ~~his the individual's~~ spouse or dependents during the time when ~~such the~~ individual was unemployed. ~~No A~~ waiver of any exemption provided for in this subsection ~~shall be is not~~ valid.

**Sec. E-83. 26 MRSA §1051, sub-§4**, as amended by PL 1979, c. 651, §44, is corrected to read:

**4. Nondisclosure or misrepresentation to receive benefits.** ~~Any A~~ person who, by reason of the nondisclosure or misrepresentation by ~~him that person~~ or by another, of a material fact, ~~and such if that~~ nondisclosure or misrepresentation was known to ~~him that person~~ or ought to have been known by ~~him that person~~ to be fraudulent, has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in ~~his that person's~~ case, or while ~~he that person~~ was disqualified from receiving benefits, ~~shall is~~ either be liable to have ~~such the~~ sum deducted from any future benefits payable to ~~him that person~~ under this chapter or ~~shall be is~~ liable to repay to the bureau for the Unemployment Compensation Fund, a sum equal to the amount so received by ~~him that person~~, and ~~such the~~ sum ~~shall must~~ be collectible in the manner provided in subsection 6.

**Sec. E-84. 26 MRSA §1081, sub-§1**, as amended by PL 1987, c. 641, §1, is corrected to read:

**1. Commission.** The Maine Unemployment Insurance Commission ~~shall consist~~ consists of 3 members, one of whom ~~shall must~~ must be a representative of labor, one of whom ~~shall must~~ must be a representative of employers and one of whom ~~shall must~~ must be a representative of the general public who shall be impartial ~~and, must be~~ an attorney admitted to the practice of law in the State and ~~shall be is~~ the ~~chairman chair~~ of the commission. Except as provided in this subsection, the 3 members and their successors ~~shall must~~ must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Senate, to hold office for a term of 6 years or until a successor has been duly appointed and confirmed, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed ~~shall must~~ must be appointed for the remainder of the term. During a term of membership on the commission, a member ~~shall may~~ may not engage in any other business, vocation or employment, nor serve as an officer or committee member of any political organization.

**Sec. E-85. 26 MRSA §1081, sub-§3**, as amended by PL 1987, c. 641, §2, is corrected to read:

**3. Quorum.** Any 2 members of the commission ~~shall constitute~~ constitutes a quorum. Whenever the commission hears ~~any a~~ case under this chapter and Title 36, chapter 831, the ~~chairman chair~~ shall act alone in the absence or disqualification of any other member, ~~provided except~~ that in the event of illness or extended absence on the part of the ~~chairman chair~~ or in the event of a vacancy in that position, the remaining members may act on



appeals, conduct hearings, and render decisions, ~~provided~~ as long as both members agree. Except as otherwise provided, ~~no~~ a vacancy may not impair the right of the remaining members to exercise all of the powers of the commission. Any action, decision, order, rule or recommendation ~~which~~ that is required by law to be made by the Maine Unemployment Insurance Commission ~~shall~~ may not be made until the commission has held a meeting in the regular course of its business for which all members have been provided with reasonable notice of the meeting and its agenda.

**Sec. E-86. 26 MRSA §1082, sub-§4**, as amended by PL 1985, c. 785, Pt. B, §120, is corrected to read:

**4. Personnel.** Subject to other provisions of this chapter, the ~~Commissioner of Labor~~ commissioner is authorized to appoint and prescribe the duties and powers of, and fix the compensation of, such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of ~~his~~ the commissioner's duties, subject to the Civil Service Law. The commissioner may delegate to any ~~such~~ person so appointed such power and authority as is reasonable and proper for the effective administration of this chapter; and may in ~~his~~ the commissioner's discretion bond any person handling moneys or signing checks under this chapter. On request of the commissioner, the Attorney General shall represent the department, the commission and the State in any court action relating to this chapter or to its administration and enforcement. Special counsel may be retained by the commissioner in accordance with Title 5, section 196, ~~whose~~ and the special counsel's service and expenses ~~shall~~ must be paid from the funds provided for the administration of this chapter. The commissioner ~~shall~~ may not employ or pay any person who is an officer or committee member of any political party organization.

**Sec. E-87. 26 MRSA §1084, sub-§2**, as enacted by PL 1981, c. 648, is corrected by correcting the first blocked paragraph to read:

This subsection ~~shall~~ does not apply if the municipality, official or employee settles the claim without the consent of the State; or if the municipality, official or employee does not notify the State within 30 days after receiving actual written notice of the claim against ~~him~~ the municipality, official or employee or within 15 days after the service of the summons and complaint upon ~~him~~ the municipality, official or employee and if the State is prejudiced ~~thereby~~ by the claim.

**Sec. E-88. 26 MRSA §1191, sub-§5**, as amended by PL 1971, c. 538, §22, is corrected to read:

**5. Minimum amount of benefits.** An individual otherwise eligible for benefits, whether for total or partial unemployment, with respect to any benefit year, ~~shall~~ may not be ~~deemed~~ considered to have exhausted ~~his~~ that individual's benefits in any benefit year; until ~~he~~ that individual has received; in benefits; at least \$300, notwithstanding any other provision in this chapter to the contrary.

**Sec. E-89. 26 MRSA §1192, sub-§4-A**, as enacted by PL 1981, c. 220, is corrected to read:

**4-A. Has served a waiting period.** For each eligible individual establishing a benefit year on or after May 10, 1981, ~~he~~ the eligible individual has served a waiting period of one week of total or partial unemployment. ~~No~~ A week may not be counted as a week of total or partial unemployment for the purpose of this subsection:

- A. If benefits have been paid with respect to that week;
- B. Unless it occurs within the benefit year ~~which~~ that includes the week with respect to which ~~he~~ the individual claims payment of benefits; and
- C. Unless the individual was eligible for benefits with respect to that week, as provided in this section and section 1193, except for the requirements of this subsection;

**Sec. E-90. 26 MRSA §1192, sub-§8**, as enacted by PL 1971, c. 538, §27, is corrected to read:

**8. No denial or reduction of benefits.** Benefits ~~shall~~ may not be denied or reduced to an individual solely because ~~he~~ the individual files a claim in another state, or a contiguous country with which the United States has an agreement with respect to unemployment compensation, or because ~~he~~ the individual resides in another state or contiguous country at the time ~~he~~ the individual files a claim for benefits-;

**Sec. E-91. 26 MRSA §1192, sub-§9**, as enacted by PL 1975, c. 448, is corrected to read:

**9. No denial of benefits for jury service.** Benefits ~~shall~~ may not be denied to an individual solely because ~~he~~ the individual is selected to serve as a juror. ~~Individuals, An individual who receive~~ receives actual earnings for jury service, ~~shall~~ must be paid a partial benefit in an amount equal to ~~his~~ the individual's weekly benefit amount less that amount earned for jury service-;

**Sec. E-92. 26 MRSA §1192, 2nd ¶**, as amended by PL 2017, c. 453, §5, is corrected to read:

For purposes of subsections 2, 3, 12 and 13, "good cause" means the unemployed individual is ill; the presence of the unemployed individual is required due to an illness of the unemployed individual's spouse, children, parents, stepparents, ~~brothers or sisters,~~ siblings or relatives who have been acting in the capacity of a parent of either the unemployed individual or the unemployed individual's spouse; the unemployed individual is in attendance at the funeral of such a relative; the unemployed individual is observing a religious holiday as required by religious conviction; the unemployed individual is performing either a military or civil duty as required by law; or other cause of a necessitous and compelling nature, including child care emergencies and transportation emergencies. If an unemployed individual has completed reemployment services and eligibility assessment with the Department of Labor within the prior 5 years, that individual is considered to have good cause for not participating in reemployment services and eligibility assessment under subsections 12 and 13. "Good cause" does not include incarceration as a result of a conviction for a felony or misdemeanor.

**Sec. E-93. 26 MRSA §1193, sub-§1, ¶B**, as amended by PL 1979, c. 651, §46, is corrected to read:

- B. For the duration of ~~his~~ the individual's unemployment period subsequent to ~~his~~ the individual's having retired; or having been retired from ~~his~~ regular employment as a result of a recognized employer policy or program, under which ~~he~~ the individual is entitled to receive pension payments, if so found by the deputy, and disqualification ~~shall continue~~ continues until the claimant has earned 6 times ~~his~~ the claimant's weekly benefit amount in employment by an employer;

**Sec. E-94. 26 MRSA §1193, sub-§7**, as amended by PL 1985, c. 420, §1, is corrected to read:

**7. Discharged for crime.** For the period of unemployment next ensuing with respect to which ~~he~~ the individual was discharged for conviction of a felony or misdemeanor in connection with ~~his~~ the individual's work. The ineligibility of ~~such~~ the individual ~~shall continue~~ continues for all weeks subsequent until ~~such~~ the individual has thereafter earned \$600 or 8 times ~~his~~ the individual's weekly benefit amount, whichever is greater, in employment by an employer;

**Sec. E-95. 26 MRSA §1195, sub-§1, ¶A**, as amended by PL 1979, c. 515, §17, is corrected to read:

A. ~~Exhaustee.~~ "Exhaustee" means an individual who, with respect to any week of unemployment in ~~his~~ the individual's eligibility period:

(1) Has received, prior to ~~such~~ that week, all of the regular benefits that were available to ~~him~~ the individual under this chapter or any other state law, including dependents' allowances and benefits payable to federal civilian employees and ~~ex-servicemen~~ ex-service members under 5 U.S.C. United States Code, Chapter 85, in ~~his~~ the individual's current benefit year that includes ~~such~~ that week; ~~provided~~ except that for the purposes of this paragraph, an individual ~~shall be~~ is deemed to have received all of the regular benefits that were available to ~~him~~ the individual although as a result of a pending appeal with respect to wages or employment, or both, that were not considered in the original monetary determination in ~~his~~ the individual's benefit year, ~~he~~ the individual may subsequently be determined to be entitled to added regular benefits, or ~~he~~ the individual may be entitled to regular benefits with respect to future weeks of unemployment, but ~~such~~ those benefits are not payable with respect to ~~such~~ that week of unemployment by reason of section 1251;

(2) ~~His~~ The individual's benefit year having expired prior to ~~such~~ that week, has no or insufficient wages or employment, or both, to establish a new benefit year or, subsequent to December 31, 1971, ~~he~~ the individual does not qualify by having sufficient wages or employment, or both, as provided by section 1192, subsection 5, since the beginning of ~~his~~ the individual's prior benefit year; and

(3) ~~Has no~~ Does not have a right to unemployment benefits or allowances, as the case may be, under the federal Railroad Unemployment Insurance Act, or under such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if ~~he~~ the individual is seeking such benefits and the appropriate agency finally determines that ~~he~~ the individual is not entitled to benefits under such law ~~he shall be~~, the individual is considered an exhaustee if the other provisions of this definition are met.

**Sec. E-96. 26 MRSA §1195, sub-§1, ¶B**, as enacted by PL 1971, c. 119, is corrected to read:

B. ~~Eligibility period.~~ "Eligibility period" of an individual means the period consisting of the weeks in ~~his~~ the individual's benefit year ~~which~~ that begin in an extended benefit

period and, if ~~his~~ the individual's benefit year ends within ~~such~~ the extended benefit period, any weeks thereafter ~~which~~ that begin in ~~such~~ the period.

**Sec. E-97. 26 MRSA §1195, sub-§1, ¶D**, as enacted by PL 1971, c. 119, is corrected to read:

D. ~~Extended benefits.~~ "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ~~ex-servicemen~~ ex-service members pursuant to 5 ~~U.S.C.~~ United States Code, Chapter 85, payable to an individual under this section for weeks of unemployment in ~~his~~ the individual's eligibility period.

**Sec. E-98. 26 MRSA §1195, sub-§1, ¶G**, as amended by PL 1981, c. 698, §118, is corrected to read:

G. ~~Rate of insured unemployment.~~ "Rate of insured unemployment," for purposes of paragraphs H and I, means the percentage derived by dividing the average weekly number of individuals filing claims for regular benefits in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the commissioner on the basis of ~~his~~ the commissioner's reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of ~~such~~ the 13-week period. Computations required by this paragraph ~~shall~~ must be made by the commissioner, in accordance with regulations prescribed by the United States Secretary of Labor.

**Sec. E-99. 26 MRSA §1195, sub-§1, ¶J**, as enacted by PL 1971, c. 119, is corrected to read:

J. ~~Regular benefits.~~ "Regular benefits" means benefits payable to an individual under this chapter or under any other state law, including benefits payable to federal civilian employees and to ~~ex-servicemen~~ ex-service members pursuant to 5 ~~U.S.C.~~ United States Code, Chapter 85, other than extended benefits.

**Sec. E-100. 26 MRSA §1195, sub-§3**, as amended by PL 1981, c. 548, §9, is corrected to read:

**3. Eligibility requirements for extended benefits.** An individual ~~shall be~~ is eligible to receive extended benefits with respect to any week of unemployment in ~~his~~ the individual's eligibility period only if the deputy finds that with respect to ~~such~~ that week:

A. ~~He~~ The individual is an "exhaustee" ~~as defined in subsection 1, paragraph A;~~

B. ~~He~~ The individual has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

C. For each individual who files an initial claim for extended benefits after September 25, 1982, ~~he~~ the individual has been paid wages for insured work during ~~his~~ the individual's base period equal to at least 1 1/2 times the wages paid in that calendar quarter of ~~his~~ the individual's base period in which those wages were highest.

**Sec. E-101. 26 MRSA §1195, sub-§3-B**, as enacted by PL 1981, c. 228, is corrected to read:

**3-B. Additional ineligibility.** ~~Any~~ An individual who has been found ineligible for extended benefits for reason of the provisions in subsection 3-A ~~shall~~ must also be denied benefits beginning with the first day of the week following the week in which that failure occurred and until ~~he~~ the individual has been employed in each of 4 subsequent weeks, whether or not consecutive, and has earned remuneration equal to not less than 4 times the extended weekly benefit amount.

**Sec. E-102. 26 MRSA §1195, sub-§3-C, ¶C,** as amended by PL 1983, c. 305, §7, is corrected by correcting subparagraph (3) to read:

(3) The individual furnishes satisfactory evidence to the deputy that ~~his~~ the individual's prospects for obtaining work in ~~his~~ the individual's customary occupation within a reasonably short period are good. If the evidence is ~~deemed~~ determined satisfactory for this purpose, the determination of whether any work is suitable with respect to that individual ~~shall~~ must be made in accordance with the ~~definition~~ description of suitable work for regular benefit claimants in section 1193, subsection 3 without regard to the definition specified by this subsection.

**Sec. E-103. 26 MRSA §1195, sub-§3-E, ¶B,** as enacted by PL 1981, c. 228, is corrected to read:

B. The individual furnishes tangible evidence that ~~he~~ the individual has engaged in that effort during that week.

**Sec. E-104. 26 MRSA §1195, sub-§4,** as enacted by PL 1971, c. 119, is corrected to read:

**4. Weekly extended benefit amount.** The weekly extended benefit amount payable to an individual for a week of total unemployment in ~~his~~ the eligibility period ~~shall be~~ is an amount equal to the weekly benefit amount payable to ~~him~~ the individual during ~~his~~ the applicable benefit year.

**Sec. E-105. 26 MRSA §1195, sub-§5,** as amended by PL 1981, c. 548, §10, is corrected to read:

**5. Total extended benefit amount.** The total extended benefit amount payable to ~~any~~ an eligible individual with respect to ~~his~~ the individual's applicable benefit year ~~shall be~~ is the lesser of the following amounts:

A. Fifty percent of the total amount of regular benefits ~~which that~~ were payable to ~~him~~ the individual under this chapter in ~~his~~ the applicable benefit year; ~~or~~

B. Thirteen times ~~his~~ the individual's weekly benefit amount ~~which that~~ was payable to ~~him~~ the individual under this chapter for a week of total unemployment in the applicable benefit year; ~~or~~ and

C. Thirty-nine times ~~his~~ the individual's weekly benefit amount ~~which that~~ was payable to ~~him~~ the individual under this chapter for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits ~~which that~~ were paid, or deemed paid, to ~~him~~ the individual under this chapter with respect to the benefit year.

Notwithstanding any other provisions of this chapter, if the benefit year of ~~any~~ an individual ends within an extended benefit period, the remaining balance of extended benefits that the

individual would, except for this subsection, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, ~~shall~~ must be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

**Sec. E-106. 26 MRSA §1196, sub-§1, ¶C**, as enacted by PL 1985, c. 591, §5, is corrected to read:

C. An individual who is long-term unemployed and has limited opportunities for employment or reemployment in the same or a similar occupation in the area in which ~~he~~ the individual resides, including any older individual who may have substantial barriers to employment because of ~~his~~ the individual's age.

**Sec. E-107. 26 MRSA §1221, sub-§2**, as amended by PL 1997, c. 745, §2, is corrected to read:

**2. Rate of contribution.** Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay contributions at the rate of 5.4% of the wages paid by ~~him~~ the employer with respect to employment during each calendar year, except as otherwise prescribed in subsection 4.

C. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay, in addition to the contribution rate as prescribed in subsection 4, 7/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1993, 8/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1994 and 4/10 of 1% of the wages paid by the employer with respect to employment during calendar years 1995, 1996, 1997, 1998 and 1999.

**Sec. E-108. 26 MRSA §1221, sub-§3, ¶B**, as amended by PL 1979, c. 541, Pt. A, §184, is corrected to read:

B. The commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their "experience rating records" and shall submit in ~~his~~ the commissioner's annual report to the Governor, the results of the actual experience in payment of contributions on behalf of the individual employers and with respect to benefits charged to their "experience rating records" together with the recommendations relative to the advisability of the continuance of the rates based on benefit experience.

**Sec. E-109. 26 MRSA §1221, sub-§4**, as amended by PL 2017, c. 284, Pt. CCCC, §4, is corrected to read:

**4. Employer's experience classifications.** The commissioner shall compute annually contribution rates for each employer based on ~~his own~~ the employer's experience rating record and shall designate a contribution rate schedule.

A. The standard rate of contributions ~~shall be~~ is 5.4%. ~~No~~ A contributing employer's rate may not be varied from the standard rate, unless and until ~~his~~ the employer's experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to ~~such~~

that year; each contributing employer newly subject to this chapter shall pay contributions at the average contribution rate, rounded to the next higher 1/10 of 1%, on the taxable wages reported by contributing employers for the 12-month period immediately preceding the last computation date, ~~provided such except that the rate~~ may not exceed 3.0% nor be less than 1%; ~~provided and except~~ that, with respect to the rate year beginning January 1, 1986, and each rate year thereafter, the rate ~~shall may~~ not exceed 4.0% nor be less than 1% ~~and~~, until such time as ~~his~~ the employer's experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to ~~such that~~ that year, and for rate years thereafter ~~his~~ the employer's contribution rate ~~shall be is~~ determined in accordance with ~~subsections~~ subsection 3 and 4 this subsection.

B. Subject to paragraph A, each employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio, which is the percent obtained by dividing the amount by which, if any, the employer's contributions credited from the time the employer first or most recently became an employer, whichever date is later, and up to and including June 30th of the preceding year, including any part of the employer's contributions due for that year paid on or before July 31st of that year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the 36-consecutive-month period ending June 30th of the preceding year. The employer's contribution rate is the percent shown on the line of the following table on which in column A there is indicated the employer's reserve ratio and under the schedule within which the reserve multiple falls as of September 30th of each year. The following table applies for each 12-month period commencing January 1st of each year as determined by paragraph C.

EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer Reserve Ratio		When Reserve Multiple is:								
Equal to or more than	Less than	over 2.50	2.37-2.50	2.23-2.36	2.09-2.22	1.95-2.08	1.81-1.94	1.67-1.80	1.53-1.66	
Column A		Schedules								
		A	B	C	D	E	F	G	H	
19.0%	and over	0.5%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.2%
18.0%	19.0%	0.6%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.3%
17.0%	18.0%	0.7%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.4%
16.0%	17.0%	0.8%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.5%
15.0%	16.0%	0.9%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.6%
14.0%	15.0%	1.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.7%
13.0%	14.0%	1.1%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.8%
12.0%	13.0%	1.2%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	1.9%
11.0%	12.0%	1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.0%
10.0%	11.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.1%
9.0%	10.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.2%
8.0%	9.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.3%
7.0%	8.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.4%
6.0%	7.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.5%
5.0%	6.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.6%

4.0%	5.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%
3.0%	4.0%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%
2.0%	3.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%
1.0%	2.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%
.0%	1.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%
-1.0%	.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%
-2.0%	-1.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%
-3.0%	-2.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%
-4.0%	-3.0%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%
-5.0%	-4.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%
-6.0%	-5.0%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%
-7.0%	-6.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%
-8.0%	-7.0%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%
-9.0%	-8.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%
-10.0%	-9.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%
-11.0%	-10.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%
-12.0%	-11.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%
under	-12.0%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%

EMPLOYER'S CONTRIBUTION RATE IN PERCENT OF WAGES

Employer Reserve Ratio		When Reserve Multiple is:							
Equal to or more than	Less than	1.39-1.52	1.25-1.38	1.11-1.24	.97-1.10	.83-.96	.68-.82	.45-.67	under .45
Column A		Schedules							
		I	J	K	L	M	N	O	P
19.0% and over		1.3%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.4%
18.0%	19.0%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.5%
17.0%	18.0%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.6%
16.0%	17.0%	1.6%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.7%
15.0%	16.0%	1.7%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.8%
14.0%	15.0%	1.8%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.9%
13.0%	14.0%	1.9%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	3.0%
12.0%	13.0%	2.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	3.1%
11.0%	12.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	3.2%
10.0%	11.0%	2.2%	2.3%	2.4%	2.5%	2.5%	2.7%	2.8%	3.3%
9.0%	10.0%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.4%
8.0%	9.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.5%
7.0%	8.0%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.6%
6.0%	7.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.7%
5.0%	6.0%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.8%
4.0%	5.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.9%
3.0%	4.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	4.1%
2.0%	3.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	4.3%
1.0%	2.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.5%
.0%	1.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.7%
-1.0%	.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.9%
-2.0%	-1.0%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	5.0%



-3.0%	-2.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	5.1%
-4.0%	-3.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	5.2%
-5.0%	-4.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	5.3%
-6.0%	-5.0%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.4%
-7.0%	-6.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.5%
-8.0%	-7.0%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.6%
-9.0%	-8.0%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.7%
-10.0%	-9.0%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	5.9%
-11.0%	-10.0%	5.0%	5.1%	5.2%	5.3%	5.4%	5.5%	5.6%	6.1%
-12.0%	-11.0%	5.2%	5.3%	5.4%	5.5%	5.6%	5.7%	5.8%	6.3%
under	-12.0%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%	6.4%

C. To designate the contribution rate schedule to be effective for a rate year, a reserve multiple must be determined. The reserve multiple must be determined by dividing the fund reserve ratio by the composite cost rate. The determination date is September 30th of each calendar year, and the schedule of contribution rates to apply for the 12-month period commencing January 1st, is determined by this reserve multiple, except that for the 1998 and 1999 rate years Schedule P is in effect.

D. As used in this section, the words "contributions credited" and "benefits charged" mean the contributions credited to and the benefits paid and chargeable against the "experience rating record" of an employer as provided in subsection 3, including all contributions due and paid on or before July 31st following the computation date and all benefits paid and chargeable on or before the computation date.

E. The commissioner:

(1) Shall promptly notify each employer of ~~his~~ the employer's rate of contributions as determined for the 12-month period commencing January 1st of each year pursuant to this section. The determination ~~shall become~~ becomes conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to ~~his~~ the employer's last known address or in the absence of mailing, within 15 days after the delivery of the notice, the employer files an application for review and redetermination, setting forth ~~his~~ the employer's reasons ~~therefor~~ for filing. If the commission grants the review, the employer ~~shall~~ must be promptly notified thereof and ~~shall~~ must be granted an opportunity for a hearing, but ~~no~~ an employer ~~shall~~ does not have standing, in any proceedings involving ~~his~~ the employer's rate of contributions or contribution liability, to contest the chargeability to ~~his~~ "the employer's experience rating record" of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 1194; except upon the ground that the services on the basis of which these benefits were found to be chargeable did not constitute services performed in employment for ~~him~~ the employer and only in the event that ~~he~~ the employer was not a party to the determination, redetermination or decision or to any other proceedings under this chapter in which the character of these services was determined. The employer ~~shall~~ must be promptly notified of the commission's denial of ~~his~~ the employer's application, or the commission's redetermination, both of which ~~shall be~~ are subject to appeal pursuant to Title 5, ~~section 11001 et seq~~ chapter 375, subchapter 7; and

(2) Shall provide each employer at least monthly with a notification of benefits paid and chargeable to ~~his~~ the employer's experience rating record, and any such

notification, in the absence of an application for redetermination filed in such a manner and within such period as the commission may prescribe, ~~shall become~~ becomes conclusive and binding upon the employer for all purposes. Such a redetermination, made after notice and opportunity for hearing, and the commission's findings of fact in connection ~~therewith~~ with the redetermination, may be introduced in any subsequent administrative or judicial proceedings involving the determination of the rate of contributions of any employer for the 12-month period commencing January 1st of any year and ~~shall be~~ is entitled to the same finality as is provided in this section with respect to the findings of fact made by the commission in proceedings to redetermine the contribution rates of an employer.

F. Notwithstanding any other inconsistent law, ~~any an~~ an employer, who has been notified of the employer's rate of contribution as required by paragraph E, subparagraph (1), for any year commencing January 1st, may voluntarily make payment of additional contributions; and, upon that payment, is entitled to promptly receive a recomputation and renotification of the employer's contribution rate for that year, including in the calculation the additional contributions so made. Any such additional contribution must be made during the 30-day period following the date of the mailing to the employer of the notice of the employer's contribution rate in any year; unless, for good cause, the time of payment has been extended by the commissioner for a period not to exceed an additional 10 days.

**Sec. E-110. 26 MRSA §1221, sub-§10, ¶F**, as amended by PL 1977, c. 570, §30, is corrected to read:

F. ~~Any~~ A nonprofit organization, or governmental entity, ~~which that~~ that has been liable for payments in lieu of contributions whose election to make payments in lieu of contributions terminates under ~~paragraphs~~ paragraph A or C, shall pay contributions at the rate established for employers newly subject to this chapter as provided by subsection 4, paragraph A until such time as ~~his~~ the organization's or entity's experience rating record has been chargeable with benefits throughout the 24-consecutive-calendar-month period ending on the computation date applicable to ~~such that~~ that year, and for rate years thereafter ~~his~~ the organization's or entity's contribution rate ~~shall be~~ is determined in accordance with subsections 3 and 4.

**Sec. E-111. 26 MRSA §1221, sub-§12**, as amended by PL 1983, c. 351, §24, is corrected to read:

**12. Provision of bond or other security.** In the discretion of the commissioner, ~~any~~ an employer who elects to become liable for payments in lieu of contributions ~~shall be~~ is required within 60 days after the effective date of ~~his~~ the employer's election to execute and file with the bureau a surety bond or ~~he~~ the employer may elect to deposit with the bureau money or securities as approved by the commissioner; upon the failure of an employer to comply with this subsection within the time limits imposed, the commissioner may terminate that employer's election to make payments in lieu of contributions, and the termination ~~shall be~~ is effective for the current and next calendar year. This subsection ~~shall~~ does not apply to governmental entities as defined by section 1043, subsection 28, whether they act ~~singularly~~ singly or in group accounts as allowed by subsection 15.

**Sec. E-112. 26 MRSA §1221, sub-§14, ¶A**, as enacted by PL 1971, c. 538, §45, is corrected to read:

A. If benefits paid to an individual are based on wages paid by one or more employers who are liable for payments in lieu of contributions and on wages paid by one or more employers who are liable for contributions, the amount of benefits payable by each employer who is liable for payments in lieu of contributions ~~shall~~ must be an amount ~~which~~ that bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by ~~such~~ the employer bear to the total base period wages paid to the individual by all of ~~his~~ the individual's base period employers.

**Sec. E-113. 26 MRSA §1221, sub-§14, ¶B**, as enacted by PL 1971, c. 538, §45, is corrected to read:

B. If benefits paid to an individual are based on wages paid by 2 or more employers who are liable for payments in lieu of contributions, the amount of benefits payable by each such employer ~~shall~~ must be an amount ~~which~~ that bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by ~~such~~ the employer bear to the total base period wages paid to the individual by all of ~~his~~ the individual's base period employers.

**Sec. E-114. 26 MRSA §1222, sub-§2, ¶B**, as amended by PL 1979, c. 651, §31, is corrected to read:

B. The commissioner may upon ~~his~~ the commissioner's own motion terminate coverage of ~~any~~ an employer, who became an employer under section 1043, subsection 9, paragraph H, when the commissioner finds that there were no 20 different days, each day being in a different week within the preceding calendar year, within which ~~such~~ the employing unit employed 4 or more individuals in employment subject to this chapter; and the commissioner may, upon ~~his~~ the commissioner's own motion terminate the coverage of an employing unit ~~which~~ that had become an employer by virtue of subsection 3, as of January 1st of any calendar year when ~~such~~ the employing unit has, by virtue of approval of its election to become a subject employer, been ~~such~~ a subject employer for the 2 or more preceding calendar years.

**Sec. E-115. 26 MRSA §1222, sub-§2, ¶D**, as amended by PL 1979, c. 651, §32, is corrected to read:

D. The commissioner may upon ~~his~~ the commissioner's own motion terminate coverage of ~~any~~ an employer when the commissioner finds that there were no 20 different weeks within the preceding calendar year; within which ~~such~~ the employing unit employed one or more individuals in employment subject to this chapter and did not pay wages of \$1,500 in any calendar quarters; and the commissioner may upon ~~his~~ the commissioner's own motion terminate the coverage of an employing unit ~~which~~ that had become an employer by virtue of subsection 3, paragraphs A and B, as of January 1st of any calendar year when ~~such~~ the employing unit has, by virtue of approval of its election to become a subject employer, been ~~such~~ a subject employer for the 2 or more preceding calendar years.

**Sec. E-116. 26 MRSA §1227, sub-§1**, as amended by PL 1987, c. 14, §1, is corrected to read:

**1. Form and effect.** Upon the failure of an employer to pay the amount assessed pursuant to section 1225, the commissioner may file in the registry of deeds of any county a certificate under ~~his~~ the commissioner's official seal, stating the name of the employer; ~~his~~ the employer's address; the amount of the contributions and interest or penalties assessed and in default; and that the time in which an appeal is permitted pursuant to section 1226 has expired without the appeal having been taken or that delay will jeopardize collection. When the certificate is duly filed and recorded, the amount of the assessment ~~shall be~~ is a lien upon the entire interest of the employer, legal or equitable, in any real or tangible personal property situated within the jurisdiction of the office in which that certificate was filed. A lien obtained in this manner is a lien for taxes, and the priority of the lien ~~shall be~~ is governed by the laws of this State. The liens ~~shall be~~ are subordinate to any real estate mortgage previously recorded as required by law. ~~No~~ A lien for contributions or interest ~~shall be~~ is not valid against ~~one~~ a person who purchases personal property from the employer in the usual course of ~~his~~ business, in good faith and without actual notice of the lien. The lien may be enforced against any real or personal property by a civil action in the name of the commissioner. The commissioner shall discharge any such lien upon receiving, from any such employer against whose property a lien certificate has been filed, a good and sufficient bond with sureties conditioned upon the payment of the amount of contributions and interest as finally determined, together with any additional amount ~~which~~ that may have become due or may have accrued under this chapter and costs of court, if any.

The foregoing remedies ~~shall be~~ are in addition to all other remedies.

**Sec. E-117. 26 MRSA §1228**, as enacted by PL 1975, c. 462, §9 and amended by PL 1979, c. 651, §§45 and 47, is corrected to read:

**§1228. Liability of successor**

~~Any~~ An individual or organization, including the types of organizations described in section 1043, subsection 10, whether or not an employing unit, ~~which~~ that acquires the organization, trade or business or a substantial part of the assets thereof from an employer, ~~shall be~~ is liable, in an amount not to exceed the reasonable value of the organization, trade, business or assets acquired, for any contributions or interest due or accrued and unpaid by the employer, and the amount of the liability ~~shall~~ must, in addition, be a lien against the property or assets ~~so~~ acquired, which ~~shall~~ must be prior to all other liens. The lien ~~shall~~ may not be valid as against ~~one~~ a person who acquires from the successor any interest in the property or assets in good faith, for value and without notice of the lien. Upon written request made after ~~such~~ the acquisition is completed, the commissioner shall furnish the successor with a written statement of the amount of contributions and interest due or accrued and unpaid by the employer as of the date of the acquisition, and the amount of the liability of the successor or the amount of the lien ~~shall in no event~~ may not exceed the liability disclosed by the statement. The foregoing remedies ~~shall be~~ are in addition to all other existing remedies against the employer or ~~his~~ the employer's successor.

**Sec. E-118. 26 MRSA §1230, sub-§1**, as amended by PL 1983, c. 351, §35, is corrected to read:

**1. Request for warrant.** If any contribution required to be paid and any interest or penalty or both payable to the commissioner under this chapter is not paid when due and has become final as to law and fact under section 1226, the commissioner may, within 3

years thereafter, notify the employer who is liable according to the records of the bureau, specifying the amount due and demanding payment within 12 days after the date the notice is mailed. The notice ~~shall~~ must inform the employer that if ~~he~~ the employer does not make the payment as demanded, the commissioner will certify the amount due for collection by warrant as provided in this section. If the employer does not make payment as demanded within the 12-day period or within an extended period ~~which~~ that the commissioner may allow, the commissioner may certify to the Attorney General the amount due for collection or file in the office of the clerk of the Superior Court of Kennebec County, or any county, a certificate addressed to the clerk specifying the contribution required to be paid, interest and penalties due, the name and address of the liable employer as it appears on the records of the bureau, the facts ~~whereby~~ according to which the amount has become final as to law and fact and the notice given; and requesting that a warrant be issued against the employer for the contribution required to be paid, together with interest and penalties, as set forth in the certificate, and with costs. If the commissioner has reasonable grounds to believe that the employer may abscond within the 12-day period, the commissioner may, without further notice to the employer, certify to the Attorney General the amount due for collection or file in the office of the clerk of the Superior Court a certificate addressed to the clerk; requesting the immediate issuance of a warrant.

**Sec. E-119. 26 MRSA §1230, sub-§3**, as amended by PL 1987, c. 14, §3, is corrected to read:

**3. Warrant effective as lien.** An abstract or copy of the warrant may be filed for record in the ~~register~~ registry of deeds of any county. From the time of the filing, the amount specified in the warrant ~~shall constitute~~ constitutes a lien upon all real property and other tangible assets in the county or town owned by the liable employer or acquired by ~~him~~ the liable employer during the period of the lien. The lien ~~shall have~~ has the force, effect and priority of a judgment lien and ~~shall continue~~ continues for 5 years from the date of recording, unless sooner released or otherwise discharged or extended as prescribed herein. The lien may be extended for an additional 5-year period by filing, for record in the registry of deeds, an abstract or copy of the warrant within the original 5-year period or within 5 years from the date of the last extension of the lien.

**Sec. E-120. 26 MRSA §1230, sub-§4, ¶B**, as amended by PL 1983, c. 351, §36, is corrected to read:

B. Warrants ~~shall~~ must be returnable within one year. New warrants may be issued on any such certificate within 2 years from the return day of the last preceding warrant for sums remaining unsatisfied. Warrants ~~shall~~ must be served by the sheriff of any county, or by any of ~~his~~ the sheriff's deputies, or by any agent of the Commissioner of Labor, in the county where the employer or claimant may be found.

**Sec. E-121. 26 MRSA §1284, sub-§1, ¶D**, as enacted by PL 1983, c. 702, is corrected to read:

D. Discharging or otherwise discriminating against an employee because ~~he~~ the employee has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

**Sec. E-122. 26 MRSA §1285, sub-§4, ¶B**, as enacted by PL 1983, c. 702, is corrected to read:

B. If the parties have not resolved their controversy by the end of that 45-day period, either party may petition the board to initiate compulsory final and binding arbitration of the negotiations' impasse. On receipt of the petition, the executive director of the board shall investigate to determine if an impasse has been reached. If ~~he~~ the executive director so determines, ~~he~~ the executive director shall issue an order requiring arbitration and requesting the parties to select one or more arbitrators. If the parties, within 10 days after the issuance of the order, have not selected an arbitrator or an arbitration panel, the board shall ~~then~~ order each party to select one arbitrator and, if these 2 arbitrators cannot in 5 days select a 3rd neutral arbitrator, the board shall submit a list from which the parties may alternately strike names until a single name is left, ~~who shall~~ and that person must be appointed by the board as arbitrator. In reaching a decision under this paragraph, the arbitrator shall consider the following factors:

- (1) The interests and welfare of the public and the financial ability of State Government to finance the cost items proposed by each party to the impasse;
- (2) Comparison of the wages, hours and working conditions of the employees involved in the arbitration proceeding with the wages, hours and working conditions of other employees performing similar services in the executive and legislative branches of government and in public and private employment in other jurisdictions competing in the same labor market;
- (3) The overall compensation presently received by the employees, including direct wage compensation, vacation, holidays and excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received;
- (4) ~~Such other~~ Other factors not confined to the foregoing, ~~which that~~ are normally and traditionally taken into consideration in the determination of wages, hours and working conditions through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment, including the average Consumer Price Index;
- (5) The need of the Judicial Department for qualified employees;
- (6) Conditions of employment in similar occupations outside State Government;
- (7) The need to maintain appropriate relationships between different occupations in the Judicial Department; and
- (8) The need to establish fair and reasonable conditions in relation to job qualifications and responsibilities.

**Sec. E-123. 26 MRSA §1285, sub-§4**, as enacted by PL 1983, c. 702, is corrected by correcting the 2nd blocked paragraph to read:

~~Any~~ A hearing shall ~~must~~ be informal and the rules of evidence for judicial proceedings shall ~~are~~ not be binding. Any documentary evidence and other information ~~deemed~~ determined relevant by the arbitrator may be received in evidence. The arbitrator may administer oaths and require by subpoena attendance and testimony of witnesses and production of books and records and other evidence relating to the issues presented. The arbitrator ~~shall have~~ has a period of 30 days from the termination of the hearing in which to submit ~~his~~ a report to the parties and to the board, unless that time limitation is extended by the executive director.

**Sec. E-124. 26 MRSA §1285, sub-§5, ¶C,** as enacted by PL 1983, c. 702, is corrected to read:

C. The mediator-arbitrator shall encourage the parties to reach a voluntary settlement of their dispute, but may, after a reasonable period of mediation as ~~he~~ the mediator-arbitrator may determine, initiate an arbitration proceeding by notifying the parties of ~~his~~ the mediator-arbitrator's intention to serve as a single arbitrator.

**Sec. E-125. 26 MRSA §1285, sub-§5, ¶F,** as enacted by PL 1983, c. 702, is corrected to read:

F. The mediator-arbitrator ~~shall have~~ has a period of 30 days from the termination of the hearing in which to submit ~~his~~ a report to the parties and to the board, unless the period is extended by the executive director.

**Sec. E-126. 26 MRSA §1285, sub-§6,** as enacted by PL 1983, c. 702, is corrected to read:

**6. Reports of arbitration.** The results of all arbitration and mediation-arbitration proceedings, recommendations and awards conducted under this section ~~shall~~ must be filed with the ~~Maine Labor Relations Board~~ board at the offices of its executive director simultaneously with the submissions of the recommendations and award to the parties. In the event the parties settle their dispute during the arbitration or mediation-arbitration proceeding, the arbitrator, the ~~chairman~~ chair of the arbitration panel or the mediator-arbitrator shall submit a report of ~~his~~ the arbitrator's, the chair's or the mediator-arbitrator's activities to the ~~Executive Director of the Maine Labor Relations Board~~ executive director not more than 5 days after the proceeding has terminated.

**Sec. E-127. 26 MRSA §1286, sub-§1,** as enacted by PL 1983, c. 702, is corrected to read:

**1. Unit determination.** In the event of a dispute between the public employer and an employee or employees over the appropriateness of a unit for purposes of collective bargaining or between the public employer and an employee or employees over whether a supervisory or other position is included in the bargaining unit, the executive director or ~~his~~ the executive director's designee shall make the determination, except that anyone excepted from the definition of "judicial employee" under section 1282 may not be included in a bargaining unit. The executive director or ~~his~~ the executive director's designee conducting unit determination proceedings may administer oaths and require by subpoena the attendance and testimony of witnesses; and the production of books, records and other evidence relative or pertinent to the issues represented to them.

**Sec. E-128. 26 MRSA §1286, sub-§2,** as enacted by PL 1983, c. 702, is corrected to read:

**2. Criteria.** In determining whether a supervisory position should be excluded from the proposed bargaining unit, the executive director or ~~his~~ the executive director's designee shall consider, among other criteria, if the principal functions of the position are characterized by performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees, or performing such duties as are distinct and dissimilar from those performed by the employees supervised, or exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing a collective bargaining agreement or establishing or

participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards.

**Sec. E-129. 26 MRSA §1286, sub-§3**, as enacted by PL 1983, c. 702, is corrected to read:

**3. Determination of unit appropriateness.** In determining the unit appropriate for purposes of collective bargaining, the executive director or ~~his~~ the executive director's designee shall seek to ~~insure~~ ensure to employees the fullest freedom in exercising the rights guaranteed by this chapter, to ~~insure~~ ensure a clear and identifiable community of interest among employees concerned and to avoid excessive fragmentation among bargaining units.

**Sec. E-130. 26 MRSA §1289, sub-§2**, as enacted by PL 1983, c. 702, is corrected to read:

**2. Complaints.** The public employer, ~~any~~ a judicial employee, ~~any~~ a judicial employee organization or ~~any~~ a bargaining agent ~~which~~ that believes that any person, the public employer, any judicial employee, any judicial employee organization or any bargaining agent has engaged in or is engaging in ~~any~~ such a prohibited practice may file a complaint with the executive director of the board stating the charges in that regard. ~~No~~ such A complaint may not be filed with the executive director until the complaining party has served a copy ~~thereof~~ of the complaint upon the party complained of. Upon receipt of the complaint, the executive director or ~~his~~ the executive director's designee shall review the charge to determine whether the facts as alleged ~~may~~ constitute a prohibited act and shall forthwith cause an investigation to be conducted. The executive director shall attempt to obtain and evaluate sworn affidavits from persons having knowledge of the facts. If it is determined that the sworn facts do not, as a matter of law, constitute a violation, the charge ~~shall~~ must be dismissed by the executive director, subject to review by the board. If it is determined from the sworn facts that the complaint is meritorious, the executive director shall recommend a proposed settlement. The parties have 30 days after the recommendations are made to resolve their dispute. If the parties have not resolved their dispute by the end of the 30-day period, either party or the executive director may make the recommendations public, but not until the expiration of the 30-day period, unless the parties otherwise agree. If a formal hearing is ~~deemed~~ determined necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing before the board, and that notice ~~to~~ must designate the time and place of the hearing for the prehearing conference or the hearing, as appropriate, ~~provided~~ except that a hearing ~~shall~~ may not be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director. The party complained of ~~shall have~~ has the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in that proceeding and to present testimony. ~~Nothing in this~~ This subsection ~~may~~ does not restrict the right of the board to require the executive director or ~~his~~ the executive director's designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and ~~taking~~ to take whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as ~~he~~ the executive director or



~~the executive director's designee may deem~~ determine appropriate, subject to review by the board.

**Sec. E-131. 26 MRSA §1289, sub-§3**, as enacted by PL 1983, c. 702, is corrected to read:

**3. Cease and desist order.** After hearing and argument, if, upon a preponderance of the evidence received, the board ~~shall be~~ is of the opinion that any party named in the complaint has engaged in or is engaging in ~~any~~ such a prohibited practice, the board shall in writing state its findings of fact and the reasons for its conclusions and shall issue and cause to be served upon the party an order requiring the party to cease and desist from that prohibited practice and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of this Act. ~~No~~ An order of the board may not require the reinstatement of ~~any~~ an individual as an employee who has been suspended or discharged, or the payment to ~~him~~ the individual of any back pay, if that individual was suspended or discharged for cause.

**Sec. E-132. 26 MRSA §1290, sub-§2**, as enacted by PL 1983, c. 702, is corrected to read:

**2. Subpoenas; evidence; witness fees.** The ~~chairman~~ chair may administer oaths and require by subpoena the attendance and testimony of witnesses, and the presentation of books, records and other evidence relative or pertinent to the issues presented to the board for determination. Witnesses subpoenaed by the board ~~shall~~ must be allowed the same fees as are paid to witnesses in the Superior Court. These fees, together with all necessary expenses of the board, ~~shall~~ must be paid by the Treasurer of State on warrants drawn by the State Controller.

**Sec. E-133. 26 MRSA §1301, first ¶** is corrected to read:

The State, counties, cities and towns, and every charitable or educational institution ~~which~~ that is supported in whole or in part by aid granted by the State or by any municipality shall, in the awarding of contracts for constructing, altering, repairing, furnishing or equipping its buildings or public works, give preference to ~~workmen~~ workers and to bidders for such contracts who are residents of this State, ~~provided as long as~~ the bids submitted by ~~such~~ those resident bidders are equally favorable with bids submitted by contractors from without the State. This section ~~shall~~ does not apply to construction or repairs amounting to less than \$1,000 or to emergency work or to state road work.

**Sec. E-134. 26 MRSA §2052**, as enacted by PL 1985, c. 346, §2, is corrected to read:

**§2052. Suits by the commissioner**

The commissioner shall bring an action on behalf of one or more employees in any court of competent jurisdiction to challenge any adverse determination on a petition for certification, or part thereof, filed under the Act when ~~he~~ the commissioner believes that determination to be erroneous.

**Sec. E-135. 26 MRSA §2075, sub-§3**, as enacted by PL 1987, c. 327, is corrected to read:

**3. Training to begin within 2 years.** To be entitled for assistance under this Act, an employee must begin ~~his~~ a course of training within 2 years following ~~his~~ the separation from railroad employment as a result of acquisition of a railroad described in section 2072.

#### **EXPLANATION**

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 26 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

---