

LD 2169

BILL
#1

ERRORS BILL § 1

LAW AMENDED: 4 MRSA §1051

General Subject: Legal court holidays

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? NO
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.14.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 1.docx (7/14/2020 11:49:00 AM)

EXPLANATION

PL 2019, c. 59 (LD 179), An Act to Change the Name of Columbus Day to Indigenous People Day amended the statutes to delete references to “Columbus Day” and insert references to “indigenous Peoples Day. Section 1 amended Title 4, section 1051, which delineates court holidays, to make that change and also to delete the apostrophe on Veterans’ Day to make it Veterans Day (recognizing veterans rather than belonging to veterans).

Also, during the First Regular Session of the 129th Legislature, PL 2019, c. 475 (LD 1457), An Act to Make Certain References in the Maine Revised Statutes Gender Neutral, amend 4 §1051 to change a reference to the Chief Justice from “he” and Changed the lead in of the first paragraph to have a positive subject (standard drafting protocol).

Section 1 of the Errors Bill repeals 4 §1051 as amended by both c. 59 and c. 475 and reenacts it incorporating the language of both chapters.



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✓ **Sec. 1. 4 MRSA §1051**, as amended by PL 2019, c. 59, §1 and c. 475, §49, is repealed and the following enacted in its place:

§1051. Legal holidays

Court may not be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Indigenous Peoples Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following must be observed as a holiday, with all the privileges applying to any of the days named in this section.

SUMMARY

Section ?? corrects a conflict created by Public Law 2019, chapters 59 and 475, which affected the same provision of law, by incorporating the changes made by both laws and using the chapter 475 version of the reference to the Chief Justice of the Supreme Judicial Court.

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ERRORS BILL §§ 5-6

LAW AMENDED: 5 MRSA c. 167 and c. 168

General Subject: Maine Prescription Drug Affordability Board
Wholesale Prescription Drug Importation Program

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.14.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 5-6.docx (7/14/2020 12:08:00 PM)

EXPLANATION

PL 2019, c. 471 (LD 1499), An Act to Establish the Maine Prescription Drug Affordability Board, enacted a new chapter 167 in Title 5, establishing the Maine Prescription Drug Affordability Board. The chapter includes §§2041 and 2042.

PL 2019, c. 472 (LD 1272), An Act to Increase Access to Low-cost Prescription Drugs, also enacted a new chapter 167 in Title 5, establishing the Wholesale Prescription Drug Importation Program. The chapter includes §§2041-2044.

Section 5 of the Errors Bill repeals 5 chapter 167 as enacted by both c. 471 and c. 472 and reenacts as 5 chapter 167 the Maine Prescription Drug Affordability Board (the c. 471 version), consisting of §§2041 and 2042.

Section 6 of the Errors Bill enacts Title 5, chapter 168 as the Wholesale Prescription Drug Importation Program (the c. 472 version), consisting of §§2045-2048.

1 ✓ Sec. 5. 5 MRSA c. 167, as enacted by PL 2019, c. 471, §1 and c. 472, §1, is ✓
2 repealed and the following enacted in its place:

3 CHAPTER 167

4 MAINE PRESCRIPTION DRUG AFFORDABILITY BOARD

5 §2041. Maine Prescription Drug Affordability Board established

6 1. Board established. The Maine Prescription Drug Affordability Board, as
7 established in section 12004-G, subsection 14-I and referred to in this chapter as "the
8 board," shall carry out the purposes of this chapter.

9 2. Membership. The board has 5 members with expertise in health care economics
10 or clinical medicine, who may not be affiliated with or represent the interests of a public
11 payor, as that term is defined in section 2042, and who are appointed as follows:

12 A. Two members by the President of the Senate. The President of the Senate shall
13 also appoint one alternate board member who will participate in deliberations of the
14 board in the event a member appointed by the President of the Senate elects to be
15 recused as provided in subsection 7, paragraph B;

16 B. Two members by the Speaker of the House of Representatives. The Speaker of
17 the House of Representatives shall also appoint one alternate board member who will
18 participate in deliberations of the board in the event a member appointed by the
19 Speaker of the House of Representatives elects to be recused as provided in
20 subsection 7, paragraph B; and

21 C. One member by the Governor. The Governor shall also appoint one alternate
22 board member who will participate in deliberations of the board in the event the
23 member appointed by the Governor elects to be recused as provided in subsection 7,
24 paragraph B.

25 3. Terms. Members are appointed to 5-year terms. Of the initial appointees, the
26 member appointed by the Governor serves an initial term of 5 years, one member
27 appointed by the President of the Senate and one member appointed by the Speaker of the
28 House of Representatives serve an initial term of 4 years and one member appointed by
29 the President of the Senate and one member appointed by the Speaker of the House of
30 Representatives serve an initial term of 3 years.

31 4. Quorum. A majority of board members constitutes a quorum.

32 5. Chair. The Governor shall name the chair.

33 6. Meetings. Beginning no later than March 1, 2020, the board shall meet in public
34 session at least every 12 weeks to review prescription drug information and to make
35 recommendations pursuant to section 2042. Meetings may be cancelled or postponed at
36 the discretion of the chair.

37 A. Each public meeting must be announced 2 weeks in advance, and materials for
38 the meeting must be made public at least one week in advance.

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1 B. Each public meeting must provide opportunity for comment from the public in
2 attendance at the meeting, and the board shall provide the opportunity for the public
3 to submit written comments on pending decisions.

4 C. The board may allow expert testimony at public meetings and any meeting
5 conducted in executive session as permitted by paragraph D.

6 D. Notwithstanding the requirements of Title 1, section 405, the board may meet in
7 executive session, except that any decision of the board must be made in public.

8 **7. Conflicts of interest.** The following provisions govern any conflict of interest for
9 a member of the board, a member of the advisory council established pursuant to
10 subsection 10 or any staff member or contractor of the board.

11 A. When appointing a member of the board or the advisory council established
12 pursuant to subsection 10, the appointing authority shall consider any conflict of
13 interest disclosed by the prospective member. A member shall elect to be recused
14 from any board activity in the case in which the member or an immediate family
15 member of the member has a conflict of interest. For the purposes of this paragraph,
16 "conflict of interest" means an association, including a financial or personal
17 association, that has the potential to bias or have the appearance of biasing an
18 individual's decisions in matters related to the board or the conduct of the board's
19 activities.

20 B. A board member or staff or contractor of the board with a conflict of interest shall
21 elect to be recused. For purposes of this paragraph, "conflict of interest" means any
22 instance in which a member of the board or an immediate family member of the
23 member has received or could receive either of the following:

24 (1) A direct financial benefit of any amount deriving from the results or findings
25 of a study or determination by or for the board; or

26 (2) A financial benefit from individuals or companies that own or manufacture
27 prescription drugs, services or items to be studied by the board that in the
28 aggregate exceeds \$5,000 per year. For purposes of this subparagraph, "financial
29 benefit" includes honoraria, fees, stock or other financial benefit and the current
30 value of the member's or immediate family member's already existing stock
31 holdings, in addition to any direct financial benefit deriving from the results or
32 findings conducted under this section.

33 C. A conflict of interest must be disclosed in the following manner:

34 (1) By the board in the employment of board senior staff;

35 (2) By the Governor, President of the Senate or Speaker of the House of
36 Representatives when appointing members to the board and advisory council
37 established pursuant to subsection 10;

38 (3) By the board, describing any recusals as part of any final decision relating to
39 a prescription drug; and

40 (4) By the 5th day after a conflict is identified or, if a public meeting of the
41 board will occur within that 5-day period, in advance of the public meeting.



1 D. Conflicts of interest must be publicly posted on the website of the board. The
2 information disclosed must include the type, nature and magnitude of the interests of
3 the individual involved, except to the extent that the individual elects to be recused
4 from participation in any activity with respect to which the potential conflict exists.

5 E. The board, the advisory council established pursuant to subsection 10, a member
6 of the board or staff or a contractor of the board may not accept gifts, bequests or
7 donations of services or property that suggest a conflict of interest or have the
8 appearance of creating bias in the work of the board or advisory council.

9 F. A member of the advisory council established pursuant to subsection 10 who
10 accepts a gift, bequest or donation of services or property that suggests a conflict of
11 interest or has the appearance of creating bias in the work of the advisory council
12 shall disclose the gift, bequest or donation publicly.

13 8. Staff. The board may employ an executive director, whose salary, to the extent
14 feasible, must comport with state personnel rules and requirements.

15 9. Compensation. A member of the board and a member of the advisory council
16 appointed pursuant to subsection 10, paragraph L are entitled to legislative per diem and
17 reimbursement for expenses as provided in section 12004-G, subsection 14-I.

18 10. Advisory council. A 12-member advisory council is established to advise the
19 board on establishing annual spending targets pursuant to section 2042, subsection 1 and
20 determining methods for meeting those spending targets pursuant to section 2042,
21 subsection 3. The advisory council consists of:

22 A. The Governor or the Governor's designee;

23 B. The Commissioner of Administrative and Financial Services or the
24 commissioner's designee;

25 C. The Commissioner of Corrections or the commissioner's designee;

26 D. The Commissioner of Health and Human Services or the commissioner's
27 designee;

28 E. The Attorney General or the Attorney General's designee;

29 F. The Executive Director of Employee Health and Benefits, within the Department
30 of Administrative and Financial Services, Bureau of Human Resources, or the
31 executive director's designee;

32 G. A representative from the Maine State Employees Association, appointed by the
33 Governor, based on a nomination by the association;

34 H. A representative from the Maine Education Association, appointed by the
35 Governor, based on a nomination by the association;

36 I. A representative from the Maine Municipal Association, appointed by the
37 Governor, based on a nomination by the association;

38 J. A representative from the University of Maine System, appointed by the
39 Governor, based on a nomination by the system;



1 K. A representative from the Maine Community College System, appointed by the
2 Governor, based on a nomination by the system; and

3 L. A representative of consumer interests, appointed by the Governor, who serves a
4 3-year term.

5 11. Funds and grants. The board may apply for and receive funds, grants or
6 contracts from public and private sources.

7 12. Assessment. The board may recommend that a public payor, as defined in
8 section 2042, subsection 1, pay an annual assessment to support the administrative costs
9 of the board.

10 **§2042. Powers and duties of the board**

11 1. Prescription drug spending targets. The board has the following powers and
12 duties. For the purposes of this section, the term "public payor" means any division of
13 state, county or municipal government that administers a health plan for employees of
14 that division of state, county or municipal government or an association of state, county
15 or municipal employers that administers a health plan for its employees, except for the
16 MaineCare program. The board shall:

17 A. Beginning for the year 2021 and in consultation with the advisory council
18 established under section 2041, subsection 10, determine annual spending targets for
19 prescription drugs purchased by public payors based upon a 10-year rolling average
20 of the medical care services component of the United States Department of Labor,
21 Bureau of Labor Statistics Consumer Price Index medical care services index plus a
22 reasonable percentage for inflation and minus a spending target determined by the
23 board for pharmacy savings;

24 B. Determine spending targets on specific prescription drugs that may cause
25 affordability challenges to enrollees in a public payor health plan; and

26 C. Determine which public payors are likely to exceed the spending targets
27 determined under paragraph A.

28 2. Prescription drug spending data. The board may consider the following data to
29 accomplish its duties under this section:

30 A. A public payor's prescription drug spending data, which the 3rd-party
31 administrator or insurer for the public payor's health plan shall provide to the board
32 on behalf of the public payor upon request notwithstanding any provision of law to
33 the contrary, including:

34 (1) Expenditures and utilization data for prescription drugs for each plan offered
35 by a public payor;

36 (2) The formulary for each plan offered by a public payor and prescription drugs
37 common to each formulary;

38 (3) Pharmacy benefit management services and other administrative expenses of
39 the prescription drug benefit for each plan offered by a public payor; and



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(4) Enrollee cost sharing for each plan offered by a public payor; and

B. Data compiled by the Maine Health Data Organization under Title 22, chapter 1683.

Prescription drug spending data provided to the board under this subsection is confidential to the same extent it is confidential while in the custody of the entity that provided the data to the board.

3. Recommendations. Based upon the prescription drug spending data received under subsection 2, the board, in consultation with a representative of each public payor identified under subsection 1, paragraph A, shall determine methods for the public payor to meet the spending targets established under subsection 1. The board shall determine whether the following methods reduce costs to individuals purchasing prescription drugs through a public payor and allow public payors to meet the spending targets established under subsection 1:

A. Negotiating specific rebate amounts on the prescription drugs that contribute most to spending that exceeds the spending targets;

B. Changing a formulary when sufficient rebates cannot be secured under paragraph A;

C. Changing a formulary with respect to all of the prescription drugs of a manufacturer within a formulary when sufficient rebates cannot be secured under paragraph A;

D. Establishing a common prescription drug formulary for all public payors;

E. Prohibiting health insurance carriers in the State from offering on their formularies a prescription drug or any of the prescription drugs manufactured by a particular manufacturer when the methods described in paragraph B or C are implemented;

F. Purchasing prescription drugs in bulk or through a single purchasing agreement for use among public payors;

G. Collaborating with other states and state prescription drug purchasing consortia to purchase prescription drugs in bulk or to jointly negotiate rebates;

H. Allowing health insurance carriers providing coverage to small businesses and individuals in the State to participate in the public payor prescription drug benefit for a fee;

I. Procuring common expert services for public payors, including but not limited to pharmacy benefit management services and actuarial services; and

J. Any other method the board may determine.

4. Report. The board shall report its recommendations, including prescription drug spending targets, and the progress of implementing those recommendations to the joint standing committee of the Legislature having jurisdiction over health coverage and insurance matters no later than October 1, 2020 and on January 30th annually thereafter. The joint standing committee may report out legislation based upon the report.



1 H. Recommend a charge per prescription or another method of financing to ensure
2 that the program is adequately funded in a manner that does not jeopardize significant
3 cost savings to consumers, including adequate funding for the initial start-up costs of
4 the program;

5 I. Apply for and receive funds, grants or contracts from public and private sources;
6 and

7 J. Include an audit function.

8 2. Rules. The Department of Health and Human Services shall adopt rules to design
9 the program in accordance with the requirements of subsection 1 no later than January 1,
10 2020. Rules adopted pursuant to this subsection are major substantive rules as defined in
11 chapter 375, subchapter 2-A.

12 3. Request for federal approval and certification. The Department of Health and
13 Human Services shall submit a request for approval and certification of the program to
14 the United States Department of Health and Human Services no later than May 1, 2020.

15 §2047. Implementation

16 1. Implementation; operation. Upon receipt of federal approval and certification
17 under section 2046, subsection 3, the state agency designated to oversee the program
18 pursuant to this chapter shall implement the program as required in subsection 2. The
19 program must begin operating no later than 6 months following receipt of federal
20 approval and certification.

21 2. Requirements. Prior to operating the program, the state agency designated to
22 oversee the program pursuant to this chapter shall:

23 A. Become a licensed drug wholesaler or enter into a contract with a licensed drug
24 wholesaler in the State;

25 B. Contract with one or more distributors licensed in the State;

26 C. Contract with one or more licensed and regulated prescription drug suppliers in
27 Canada;

28 D. Consult with health insurance carriers, employers, pharmacies, pharmacists,
29 health care providers and consumers;

30 E. Develop a registration process for health insurance carriers, pharmacies and health
31 care providers authorized to prescribe and administer prescription drugs that are
32 willing to participate in the program;

33 F. Create a publicly accessible website for listing the prices of prescription drugs to
34 be imported under the program;

35 G. Create an outreach and marketing plan to generate public awareness of the
36 program;

37 H. Provide a telephone hotline to answer questions and address needs of consumers,
38 employers, health insurance carriers, pharmacies, health care providers and others
39 affected by the program;

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ERRORS BILL § 11

LAW AMENDED: 5 MRSA §12004-C, sub-§7

General Subject: listing of educational policy boards; School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

Type of correction (conflict, reference, other): name cross-reference

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr
Date: 7.14.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 11.docx (7/14/2020 12:39:00 PM)

EXPLANATION

PL 2005, chapter 279 (LD 981), An Act to Add an Organizational Name to the Governor Baxter School for the Deaf, amended several sections of law in which the Governor Baxter School for the Deaf is mentioned to include the additional "Maine Educational Center for the Deaf and Hard of Hearing and the" to each section to refer to the full educational unit. PL 2005, c. 279 amended many sections of law but omitted making the changed to the listing of boards and commissions in Title 5. Title 5, section 12004-C lists education policy boards, and includes the School Board of the Governor Baxter School for the Deaf, cross-referencing 20-A §7406; section 7406 was amended in c. 279 but the same amendment was not made in 5 MRSA §12004-C, sub-§7.

Section 11 of the Errors Bill makes the listing in 5 §12004-C consistent with the board's title in 20-A, section 7406.



1 ✓ Sec. 11. 5 MRSA §12004-C, sub-§7, as enacted by PL 1995, c. 676, §1 and
 2 affected by §13, is amended to read:

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3 7.
 4 School Board of the Maine Legislative Per Diem 20-A MRSA §7406
 5 Educational Center for the and Expenses
 6 Deaf and Hard of Hearing and
 7 the Governor Baxter School for
 8 the Deaf

9 **SUMMARY**
 10 Section ⁽²²⁾ corrects a reference to the Maine Educational Center for the Deaf and
 11 Hard of Hearing and the Governor Baxter School for the Deaf.

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ERRORS BILL § 13

LAW AMENDED: 5 MRSA 13056, sub-§6, ¶B

General Subject: Duties and responsibilities of the Department of Economic and Community Development; economic and community development programs from other offices

Type of correction (conflict, reference, other): cross-reference

Category (technical, substantive): technical

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr
Date: 7.16.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 13.docx (7/14/2020 07:34:00 PM)

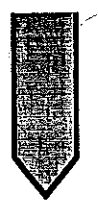
EXPLANATION

Title 5, section 13056 spells out responsibilities of the Department of Economic and Community Development (DECD). Subsection 6 directs the department to implement economic and community development projects that were formerly administered by the programs of the State Development Office and other community and development assistance programs of the State Planning Office.

PL 2011, c. 655, (Supplemental Budget) Part DD eliminated the State Planning Office and distributed its former responsibilities to other agencies and created the Governor's Office of Policy and Management to take over some of those duties.

Section 13 of the Errors Bill amends 5 §13056, sub-§6, ¶B to insert "former" before "State Planning Office."

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1 ✓ Sec. 12. 5 MRSA §13056, sub-§6, ¶B, as amended by PL 2003, c. 159, §2, is
2 further amended to read:

3 B. Other community planning and development assistance programs of the former
4 State Planning Office;

5 SUMMARY

6 Section 77 corrects a reference to the former State Planning Office.

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ERRORS BILL § 14

LAW AMENDED: 9-A MRSA §14-105, sub-§5

General Subject: Student Loan Bill of Rights, annual report by Superintendent of Consumer Credit Protection

Type of correction (conflict, reference, other): delete duplicate language

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 14.docx (7/15/2020 11:22:00 AM)

EXPLANATION

PL 2019, c. 431 (LD 995), An Act to Establish a Student Loan Bill of Rights to License and Regulate Student Loan Servicers includes a section requiring the Superintendent of Consumer Credit Protection to submit an annual report to legislative committees. The bill required that report to include implementation (subsection 1), effectiveness (subsection 2) and additional steps (subsection 3) to gain regulatory control over licensing and enforcement with respect to student loan servicers.

The Committee Amendment adding a report element – funding – as a new subsection 3 and included the “additional steps” as subsection 4.

In the processing of the bill, instead of the subsections 3 and 4 in the committee amendment replacing subsection 3 of the bill, subsections 3 and 4 in the committee amendment were inserted between subsection 2 and subsection 3 of §14-105 in the bill, and the existing subsection was renumbered as subsection 5. The result is that subsections 4 and 5 contain the same language.

Section 14 of the Errors Bill repeals subsection 5.

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✓ Sec. 15. 9-A MRSA §14-105, sub-§5, as enacted by PL 2019, c. 431, §2 and affected by §4, is repealed.

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SUMMARY

Section ?? repeals duplicate language.

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ERRORS BILL § 16

LAW AMENDED: 10 MRSA §1310-H, sub-§3

General Subject: Fair Credit Reporting Act, additional state-specific provisions

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 16.docx (7/22/2020 06:38:00 PM)

EXPLANATION

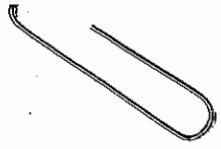
PL 2019, c. 77 (LD 110), An Act Regarding Credit Ratings Related to Overdue Medical Expenses amended the Fair Credit Report Act with regard to overdue medical expenses on a consumer's credit report. Subsection 3 provides that a person is not liable for a violation of the section if the person shows that the person maintained reasonable procedures to ensure compliance with the provisions of existing subsections 1 and 2 and the new subsection 4 (medical expenses).

PL 2019, c. 407 (LD 748), An Act to provide Relief to Survivors of Economic Abuse amended the Fair Credit Reporting Act with regard to debts that result from economic abuse. C. 407 also amended subsection 3 to provide that a person is not liable for a violation of the section if the person shows that the person maintained reasonable procedures to ensure compliance with the provisions of existing subsections 1 and 2 and the new subsection 2-A (economic abuse).

Section 16 of the Errors Bill repeals subsection 3 as amended by both c. 77 and c. 407 and reenacts it incorporating the language from both chapters (subsection 2-A and subsection 4).

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1 **Sec. 18. 10 MRSA §1310-H, sub-§3**, as amended by PL 2019, c. 77, §1 and c.
2 407, §2, is repealed and the following enacted in its place:

3 3. Nonliability. A person may not be held liable for any violation of this section if
4 the person shows by a preponderance of the evidence that at the time of the alleged
5 violation the person maintained reasonable procedures to ensure compliance with the
6 provisions of subsections 1, 2, 2-A and 4.

7 **SUMMARY**

8 Section (??) corrects a conflict created by Public Law 2019, chapters 77 and 407,
9 which affected the same provision of law, by incorporating the changes made by both
10 laws.

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ERRORS BILL §§ 17-20

LAW AMENDED: 10 MRSA §9722, sub-§6, ¶¶G, I, M, N

General Subject: Maine Uniform Building and Energy Code

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr
Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 17-20.docx (7/15/2020 12:03:00 PM)

EXPLANATION

The Maine Uniform Building and Energy Code includes the establishment of the Technical Building Codes and Standards Board in Title 10, section 9722. Subsection 6 describes the responsibilities of the board.

PL 2019, c. 391 (LD 1509), An Act to Amend the Laws Governing the Maine Uniform Building and Energy Code to Ensure It Is Consistent with current Standards and Applies to Small Municipalities, adjusted those responsibilities by amending ¶B, adding ¶B-1 and repealing ¶¶H, J, K, L, M and N. In making those changes, c. 391 amended ¶G to add “and” at the end, as it was now the penultimate paragraph, and ¶I, now the last paragraph, was amended to end with a period (“.”).

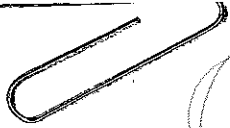
PL 2019, c. 392 (LD 1543), An Act to Amend the Maine Uniform Building and Energy Code also amended 10 §9722, sub-§6, this time to add a new paragraph at the end, ¶O. It amended ¶M to delete “and” and the end and amended ¶N to provide for a new following paragraph.

Section 17 of the Errors Bill amends ¶G (as amended by c. 391) to delete “and” at the end.

Section 18 of the Errors Bill amends ¶I (as amended by c. 391) to prepare for a following paragraph (¶O).

Section 19 of the Errors Bill repeals ¶M (as repealed by c. 391 and amended by c. 392).

Section 20 of the Errors Bill repeals ¶N (as repealed by c. 391 and amended by c. 392)/



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1 ✓ **Sec. 19. 10 MRSA §9722, sub-§6, ¶G**, as amended by PL 2019, c. 391, §4, is
2 further amended to read:

3 G. In accordance with section 9723, ensure that training and certification regarding
4 the Maine Uniform Building and Energy Code is readily available, affordable and
5 accessible to municipal building officials; and

6 **SUMMARY**

7 Section ?? makes a technical correction.

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1 ✓ **Sec. 26. 10 MRSA §9722, sub-§6, ¶I**, as amended by PL 2019, c. 391, §4, is
2 further amended to read:

3 I. Approve methods of energy performance rating for use in generating any
4 consumer information labels that may be required in the marketing and sale of
5 residential and commercial buildings or units within buildings; and

6 **SUMMARY**

7 Section (??) makes a technical correction.

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✓ **Sec. 22. 10 MRSA §9722, sub-§6, ¶M**, as repealed by PL 2019, c. 391, §4 and amended by c. 392, §1, is repealed.

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SUMMARY

Section ?? corrects a conflict created when Public Law 2019, chapter 391 repealed the Maine Revised Statutes, Title 10, section 9722, subsection 6, paragraph M and Public Law 2019, chapter 392 amended the paragraph. This section corrects the conflict by repealing the paragraph.

① Summary
① T&S

② 23

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✓ Sec. 23. 10 MRSA §9722, sub-§6, ¶N, as repealed by PL 2019, c. 391, §4 and amended by c. 392, §2, is repealed.

✓
ms

SUMMARY

Section 21 corrects a conflict created when Public Law 2019, chapter 391 repealed the Maine Revised Statutes, Title 10, section 9722, subsection 6, paragraph N and Public Law 2019, chapter 392 amended the paragraph. This section corrects the conflict by repealing the paragraph.

① some
② T&S

24

ERRORS BILL § 22

LAW AMENDED: 12 MRSA §11154, sub-§2

General Subject: Moose permits; issuance

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? No
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 22.docx (7/15/2020 03:26:00 PM)

EXPLANATION

PL 2019, c. 427 (LD 768), An Act to Simply Nonresident Hunting and Fishing Licenses amended 12 MRSA §11154, sub-§2 to delete the reference to “alien” hunters – leaving the description to be “nonresident” hunters. It did not change the maximum of 10% of permits that could be issued to nonresident hunters.

PL 2019, c. 458 (LD 843), An Act to Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges also amended 12 MRSA §11154, sub-§2. It changed from 10% to 8% the percentage of moose permits that may be awarded to nonresident and alien hunters, and it added a new sentence at the end to provide that hunting outfitters could not issue more than 2% of the permits.

Section 22 of the Errors Bill repeals subsection 2 as amended by both chapters and reenacts it incorporating the language from both c. 427 and c. 458.

✓ C. 427

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1 ~~23~~ ✓ Sec. 28. 12 MRSA §11154, sub-§2, as amended by PL 2017, c. 427, §11 and
2 affected by §19 and amended by c. 458, §1, is repealed and the following enacted in its
3 place: ~ effective date

4 **2. Issuance of moose hunting permits.** In accordance with section 11552, the
5 commissioner may issue moose hunting permits and may establish the number of moose
6 hunting permits to be issued for each wildlife management district established by the
7 commissioner by rule open to moose hunting. No more than 8% of the moose hunting
8 permits may be issued to nonresident hunters. No more than 2% of the moose hunting
9 permits may be issued to hunting outfitters in accordance with subsection 14.

C. 450

C. 427
deleted
"and
Alena"

C. 458
add

10 SUMMARY

11 Section ?? corrects a conflict created by Public Law 2017, chapters 427 and 458,
12 which affected the same provision of law, by incorporating the changes made by both
13 laws.

DMJ
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ERRORS BILL § 23

LAW AMENDED: 19-A MRSA §4012, sub-§5

General Subject: Protection from abuse; law enforcement responsibilities, arrests

Type of correction (conflict, reference, other): clerical error

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 23.docx (7/15/2020 03:50:00 PM)

EXPLANATION

Title 19-A, section 4012, subsection 5 requires law enforcement to make arrests for criminal violations of protection from abuse orders and when certain domestic violence crimes are committed.

PL 2019, c. 412 (LD 18), An Act to Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence amended subsection 5 to specifically list the domestic violence crimes for which an arrest is required if the office has probable cause:

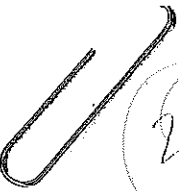
17-A §208-D – Domestic violence aggravated assault;

17-A §208-E – Domestic violence elevated aggravated assault; and

17-A § 208-F – Domestic violence elevated aggravated assault on a pregnant person.

The listing was not correct in that a comma follows 208-E and there is no “and” before 208-F.

Section 23 of the Errors Bill amends §4012, sub-§5 to delete the comma and add “and”.



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✓ Sec. 31. 19-A MRSA §4012, sub-§5, as amended by PL 2019, c. 412, §9, is further amended to read: ✓

5. **Arrest in certain situations.** When a law enforcement officer has probable cause to believe that there has been a criminal violation under section 4011 of a court-approved consent agreement or a protection order issued pursuant to this chapter or Title 15, chapter 12-A, or that a violation of Title 17-A, section 208-D, 208-E, or 208-F has occurred, that enforcement officer shall arrest and take into custody the alleged offender.

SUMMARY

Section ?? corrects a clerical error.

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T&S

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ERRORS BILL §§ 24 and 25

LAW AMENDED: 20-A MRSA §10, sub-§2, ¶¶G and H

General Subject: Education Research Institute, steering committee

Type of correction (conflict, reference, other): punctuation and connectors in a series

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr
Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 24 and 25.docx (7/15/2020 04:57:00 PM)

EXPLANATION

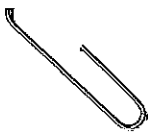
The Education Research Institute is established in Title 20-A, section 10. The membership of the Education Research Institute Steering Committee is listed in subsection 2. Prior to 2019, the membership included the Maine Children's Growth Council in paragraph I.

In the First regular Session of the 129th Legislature, LD 1778, An Act to Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils proposed to eliminate the Maine Children's Growth Council entirely, and, in Sec. 14 of the LD, repealed ¶I, making the appropriate changes to ¶¶G and I to accommodate that change (in Sec. 12 and Sec. 13 of the LD). (LD 1778 created Maine's Children's Cabinet Early Childhood Advisory Council.)

Committee Amendment "A" replaced Sec. 14 of the LD to amend ¶I instead of repealing it, changing a member of the steering committee from the Maine Children's Growth Council to the Maine Children's Cabinet Early Childhood Advisory Council. But the amendment did not undo the changes Sec. 12 and Sec. 13 did in the bill to ¶¶G and H.

Section 24 of the Errors Bill amends 20-A §10, sub-§2, ¶G to delete "and" at the end.

Section 25 of the Errors Bill amends 20-A §10, sub-§2, ¶H to correct the punctuation and add "and" and the end to accommodate the continuing existence of ¶I.



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25

1 ✓ Sec. 31. 20-A MRSA §10, sub-§2, ¶G, as amended by PL 2019, c. 450, §12, is
2 further amended to read:

3 G. The Maine Municipal Association; and

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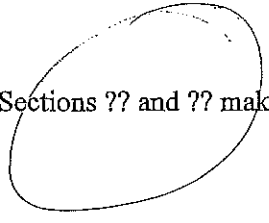
26

4 Sec. 32. 20-A MRSA §10, sub-§2, ¶H, as amended by PL 2019, c. 450, §13, is
5 further amended to read:

6 H. The Maine Principals Association; and

7 **SUMMARY**

8 Sections ?? and ?? make technical corrections.



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① SMC
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ERRORS BILL §§ 26 and 27

LAW AMENDED: 22 MRSA §2422, sub-§4-N and sub-§4-S

General Subject: Maine Medical Use of Marijuana Act, definitions
4-N. Immature marijuana plant
4-S. Marijuana concentrate

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 26 and 27.docx (7/15/2020 06:01:00 PM)

EXPLANATION

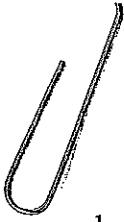
Title 22 MRSA §2422 contains the definitions for the Maine Medical Use of Marijuana Act.

PL 2019, c. 331 (LD 1505), An Act to Amend the Marijuana Laws to Correct Inconsistencies in Recently Enacted Laws (there is irony here ☺) amended subsections 4-n and 4-s, among many other amendments. C. 331 corrected conflicts created by PL 2017, chapters 447 and 452.

PL 2019, c. 528 (LD 1749), An Act to Amend the State's Hemp Laws also corrected conflicts in the definitions section that were created by PL 2017, chapters 447 and 452, but added in the exclusion of hemp.

Section 26 repeals 22 §2422, sub-§4-N as enacted by c. 331 and c. 528 and reenacts it incorporating the language from both chapters.

Section 27 repeals 22 §2422, sub-§4-S as enacted by c.331 and c. 528 and reenacts it incorporating the language from both chapters.



27

1 ✓ Sec. 34. 22 MRSA §2422, sub-§4-N, as enacted by PL 2019, c. 331, §2 and c.
2 528, §16, is repealed and the following enacted in its place:

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SRA

3 4-N. Immature marijuana plant. "Immature marijuana plant" means a
4 nonflowering marijuana plant that measures more than 24 inches from the base of the
5 main plant stalk to the most distant point of the plant's leaf stems or branches. "Immature
6 marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection
7 1-A, paragraph D.

8 SUMMARY

9 Section ?? corrects a conflict created by Public Law 2019, chapters 331 and 528,
10 which affected the same provision of law, by incorporating the changes made by both
11 laws.

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✓ SR

1 ✓ Sec. 35. 22 MRSA §2422, sub-§4-S, as enacted by PL 2019, c. 331, §2 and c.
2 528, §16, is repealed and the following enacted in its place:

3 4-S. Marijuana concentrate. "Marijuana concentrate" means the resin extracted
4 from any part of a marijuana plant and every compound, manufacture, salt, derivative,
5 mixture or preparation from such resin, including, but not limited to, hashish. "Marijuana
6 concentrate" does not include resin extracted from hemp as defined in Title 7, section
7 2231, subsection 1-A, paragraph D or any compound, manufacture, salt, derivative,
8 mixture or preparation therefrom.

9 SUMMARY

10 Section ?? corrects a conflict created by Public Law 2019, chapters 331 and 528,
11 which affected the same provision of law, by incorporating the changes made by both
12 laws.

OTMS
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ERRORS BILL § 28

LAW AMENDED: 22 MRSA §2428, sub-§1-A, ¶F

General Subject: Maine Medical Use of Marijuana Act, registered dispensaries

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.15.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 28.docx (7/15/2020 06:04:00 PM)

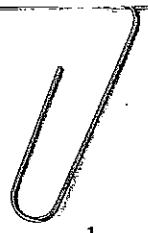
EXPLANATION

Title 22 MRSA §2428 provides for registered dispensaries under the Maine Medical Use of Marijuana Act. Subsection 1-A describes what a registered dispensary may do. Paragraph F contains several subparagraphs and describes authorized transfers and acquisitions by registered dispensaries. Subparagraph (4) addresses transfers to and from registered caregivers or other registered dispensaries.

PL 2019, c. 331 (LD 1505), An Act to Amend the Marijuana Laws to Correct Inconsistencies in Recently Enacted Laws (there is irony here, too ☺) repealed and replaced subsection 1-A, ¶F. Chapter 331 corrected conflicts created by PL 2017, chapters 447 and 452.

PL 2019, c. 354 (LD 1738), An Act Regarding Medical Marijuana also corrected the conflicts but made a substantive change in subparagraph (4) to authorize registered dispensaries to transfer up to 75% of the mature marijuana plants it has grown, including marijuana products or marijuana concentrate manufactured from that 75% of the mature plants. Chapter 331 retained the 30% from the earlier laws.

Section 28 of the Errors Bill repeals 22 §2428, sub-§1-A, ¶F as repealed and replaced by c. 331 and c. 354 and reenacts it with the c. 354 version. The Health and Human Services Committee passed c. 331 to correct conflicts. The purpose of c. 354, although it also addresses conflicts, was to make changes to the medical marijuana program.



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1 **Sec. 36. 22 MRSA §2428, sub-§1-A, ¶F**, as repealed and replaced by PL 2019,
2 c. 331, §24 and c. 354, §7, is repealed and the following enacted in its place:

3 **F. Except as provided in section 2426:**

4 (1) Transfer marijuana plants and harvested marijuana to a qualifying patient and
5 to a caregiver on behalf of a qualifying patient in a retail sale for reasonable
6 compensation;

7 (2) Transfer marijuana plants and harvested marijuana to a qualifying patient,
8 caregiver or dispensary for no remuneration;

9 (3) Acquire marijuana plants and harvested marijuana from another dispensary
10 for no remuneration;

11 (4) Transfer to and accept from a registered caregiver or another dispensary
12 marijuana plants and harvested marijuana in a wholesale transaction in
13 accordance with this paragraph. A dispensary may transfer in wholesale
14 transactions for reasonable compensation or for no remuneration up to 75% of the
15 mature marijuana plants grown by the dispensary over the course of a calendar
16 year, including any marijuana products or marijuana concentrate manufactured
17 from that 75% of the mature marijuana plants grown by the dispensary. A
18 dispensary may transfer to or accept from registered caregivers and dispensaries
19 in wholesale transactions an unlimited amount of immature marijuana plants and
20 seedlings. A dispensary that acquires mature marijuana plants, marijuana
21 products or marijuana concentrate in a wholesale transaction under this
22 subparagraph may not resell the mature marijuana plants, marijuana products or
23 marijuana concentrate except to a qualifying patient or to a caregiver or
24 dispensary to assist a qualifying patient;

25 (5) Transfer harvested marijuana to a manufacturing facility and accept
26 marijuana products and marijuana concentrate from the manufacturing facility
27 that are produced from the harvested marijuana the dispensary provided to the
28 manufacturing facility; and

29 (6) Provide samples to a marijuana testing facility for testing and research
30 purposes;

31 **SUMMARY**

32 Section ?? corrects a conflict created by Public Law 2019, chapters 331 and 354,
33 which affected the same provision of law, by repealing the provision and replacing it with
34 the chapter 354 version.

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D. Small
@T&S

ERRORS BILL § 29

LAW AMENDED: 22 MRSA §3739, sub-§2, ¶G

General Subject: Child Care Services; Child Care Advisory Council

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? No
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.21.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 29.docx (7/21/2020 04:59:00 PM)

EXPLANATION

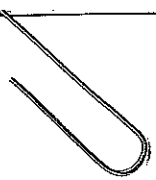
The Child Care Advisory Council was created in 1993 in Title 22, section 3739.

PL 2019, c. 450 (LD 1778), An Act to Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils, repealed 22 §3739. The membership was listed in subsection 2.

PL 2019, c. 524 (LD 1523), An Act to Ensure the Quality and Increase Access to Recovery Residences, in addition to establishing recovery resources, revised the terminology to be "substance use disorder prevention, treatment and recovery" when used in different contexts. 22 §3739 sub-§2, ¶G included a member on the Child Care Advisory Council from a department that provides programs and services for substance use disorder prevention and treatment, and c. 524 amended ¶G to change it to "substance use disorder prevention, and treatment and recovery".

Section 29 of the Errors Bill repeals 22 §3739, sub-§2, ¶G as repealed by c. 450 and amended by c. 524.

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Sec. 38. 22 MRSA §3739, sub-§2, ¶G, as repealed by PL 2019, c. 450, §16 and amended by c. 524, §16, is repealed.

SUMMARY

Section ?? corrects a conflict created by Public Law 2019, chapter 450, which repealed Title 22, section 3739, and chapter 524, which amended section 3739, subsection 2, paragraph G, by repealing paragraph G.

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ERRORS BILL § 30

LAW AMENDED: 24-A MRSA §4316, sub-§4, ¶C

General Subject: Health Plan Improvement Act, Health plan requirements, coverage for telehealth services

Type of correction (conflict, reference, other): clerical

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.21.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 30.docx (7/21/2020 05:00:00 PM)

EXPLANATION

PL 2019, c. 289 (LD 1263), An Act Regarding Telehealth repealed and replaced Title 24-A, section 4316 to clarify coverage for telehealth services and to establish specific requirements. Subsection 4 lists requirements, and paragraph C includes the requirement that the enrollee in the insurance plan (i.e., the patient) is able to operate the devices or has a caregiver will and able to assist. Except c. 289 inadvertently left out the “or” between the patient and the caregiver.

Section 30 of the Errors Bill amends 24-A, §4316, subsection 4, ¶C to insert “or” in the correct place.

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✓ SR

1 **Sec. 42. 24-A MRSA §4316, sub-§4, ¶C**, as enacted by PL 2019, c. 289, §2, is
2 amended to read:

3 C. The enrollee is cognitively and physically capable of operating the mobile health
4 devices or the enrollee has a caregiver willing and able to assist with the mobile
5 health devices; and

6 **SUMMARY**

7 Section ?? corrects a clerical error.

✓ Jomey

39

ERRORS BILL §§ 42 and 43

LAW AMENDED: 30-A MRSA §4312, sub-§3, ¶¶K and M

General Subject: Planning and Land Use Regulation, Growth management program,
Statement of findings, purpose and goals

Type of correction (conflict, reference, other): series

Category (technical, substantive): technical

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr
Date: 7.21.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 42-43.docx (7/21/2020 06:16:00 PM)

EXPLANATION

Title 30-A, section 4312 establishes the purposes and State goals of the growth management program. Subsection 3 lists the State goals. Three Public Law chapters in 2019 amended the list of State goals. Prior to 2019, subsection 3 included paragraphs A through K.

PL 2019, c. 38 (LD 301), An Act to Help Older Adults Age in Place through Comprehensive Planning added a new ¶L (to encourage municipalities to develop policies supporting aging in place). It amended ¶J to delete the “and” at the end and amended ¶K to change the punctuation and add an “and” at the end.

PL 2019, c. 145 (LD 970), An Act to Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements amended §4312, sub-§3 to add a new ¶L (to encourage municipalities to develop policies to provide for accessory dwellings). It amended ¶J to delete the “and” at the end and amended ¶K to change the punctuation and add an “and” at the end.

PL 2019, c. 153 (LD 563), An Act to Help Municipalities Prepare for Sea Level Rise amended §4312, sub-§3 to add a new ¶L (to plan for effects of sea level rise). It amended ¶J to delete the “and” at the end and amended ¶K to change the punctuation and add an “and” at the end.

The Revisor’s Report 2019, c. 1, §A-37 amended §4312, sub-§3, ¶L *as enacted by c. 38* (aging in place) to correct the punctuation for a paragraph that is not the last in a series.

The Revisor’s Report 2019, c. 1, §A-38 reallocated ¶L *as enacted by c. 145* (accessory dwelling units) to be a new ¶M.

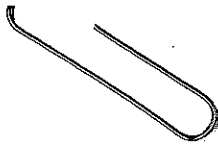
The Revisor’s Report 2019, c. 1, §A-39 reallocated ¶L *as enacted by c. 153* (sea level rise) to be a new ¶N.



The Revisor's Report did not correct the "and" that each of the three chapters added to ¶K, and could not add an "and" at the end of ¶M when reallocating.

Section 42 of the Errors Bill repeals the "and" at the end of §4312, sub-§3, ¶K (as amended by c. 38, c. 145 and c.153).

Section 43 of the Errors Bill amends ¶M as enacted by c. 145 and reallocated by the Revisor's Report to add an "and" at the end.



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1 ✓ **Sec. 56. 30-A MRSA §4312, sub-§3, ¶K**, as amended by PL 2019, c. 38, §3; c.
2 145, §3; and c. 153, §2, is further amended to read:

3 K. To encourage municipalities to develop policies that assess community needs and
4 environmental effects of municipal regulations, lessen the effect of excessive parking
5 requirements for buildings in downtowns and on main streets and provide for
6 alternative approaches for compliance relating to the reuse of upper floors of
7 buildings in downtowns and on main streets; and

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8 ✓ **Sec. 57. 30-A MRSA §4312, sub-§3, ¶M**, as enacted by PL 2019, c. 145, §4 and
9 reallocated by RR 2019, c. 1, Pt. A, §38, is amended to read:

10 M. To encourage municipalities to develop policies that provide for accessory
11 dwelling units; and

SUMMARY

12 Sections ?? and ?? make technical corrections.
13

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ERRORS BILL §§ 46-48

LAW AMENDED: 35-A MRSA §10104, sub-§4, ¶¶F, G and H

General Subject: Efficiency Maine Trust, Duties

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.21.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 46-48.docx (7/21/2020 06:27:00 PM)

EXPLANATION

Title 35-A, section 10104 establishes the duties of the Efficiency Maine Trust. Subsection 4 requires the Efficiency Maine Trust Board to adopt a triennial plan, and each paragraph addresses different components of that plan.

PL 2019, c. 298 (LD 1181), An Act to Reduce Electricity Costs through Nonwires Alternatives amended subsection 4 to add a new paragraph G (for nonwires alternatives)

PL 2019, c. 313 (LD 1757), An Act to Clarify Certain Standards for the Efficiency Maine Trust's Triennial Plan amended subsection 4 to edit the lead-in paragraph as well as to amend paragraphs A, C, D, E and F, and to add paragraph G (avoided energy costs).

PL 2019, c. 476 (LD 1579), An Act to Promote Clean Energy Jobs and to Establish the Maine Climate Council amended §10104, sub-§4, ¶F to correct a cross-reference to a section that c. 476 repeals and replaces.

Section 46 of the Errors Bill repeals ¶F as amended by c. 313 and c. 476 and reenacts it incorporating the language from both chapters.

Section 47 of the Errors Bill repeals ¶G as enacted by c. 298 and c. 313 and reenacts it using the c. 298 version (nonwires).

Section 48 of the Errors Bill enacts as ¶H the version of ¶G originally enacted in c. 313 (avoided energy costs)

46 47

1 Sec. 63. 35-A MRSA §10104, sub-§4, ¶F, as amended by PL 2019, c. 313, §5
2 and c. 476, §4, is repealed and the following enacted in its place:

3 F. It is an objective of the triennial plan to design, coordinate and integrate sustained
4 energy efficiency and weatherization programs that are available to all energy
5 consumers in the State and to users of all fuel types. The plan must set forth the costs
6 and benefits of energy efficiency programs that advance the following goals and
7 funding necessary to meet those goals:

- 8 (1) Reducing energy costs, including residential heating costs;
- 9 (2) Weatherizing substantially all homes whose owners or occupants are willing
10 to participate in and share the costs of cost-effective home weatherization to a
11 minimum standard of weatherization, as defined by the trust, by 2030;
- 12 (3) Reducing peak-load demand for electricity through trust programs by 300
13 megawatts by 2020;
- 14 (4) By 2020, achieving electricity and natural gas program savings of at least
15 20% and heating fuel savings of at least 20%, as defined in and determined
16 pursuant to the performance metrics approved by the commission under section
17 10120;
- 18 (5) Creating stable private sector jobs providing alternative energy and energy
19 efficiency products and services in the State by 2020; and
- 20 (6) Contributing to the effort to reduce greenhouse gas emissions in the State by
21 amounts consistent with the greenhouse gas emission levels established in Title
22 38, section 576-A.

23 As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or
24 #2 heating oil, but does not include fuels when used for industrial or manufacturing
25 processes.

48

26 Sec. 64. 35-A MRSA §10104, sub-§4, ¶G, as enacted by PL 2019, c. 298, §21
27 and c. 313, §5, is repealed and the following enacted in its place:

28 G. In developing the triennial plan, or an annual update plan under subsection 6, the
29 trust may include, as part of its budget for electric efficiency and conservation
30 programs under section 10110, the costs of providing nonwires alternatives in
31 accordance with section 3132-D.

49

32 Sec. 65. 35-A MRSA §10104, sub-§4, ¶H is enacted to read:

33 H. After the triennial plan is approved, the trust or any party to the triennial plan may
34 petition for, or the commission may initiate on its own, consideration of revising the
35 calculations of avoided energy costs used in the determination of maximum
36 achievable cost-effective energy efficiency resources pursuant to section 10110,
37 subsection 4-A or section 10111, subsection 2 upon a showing that, subsequent to the
38 publication of the avoided energy cost study relied upon, changes in price forecasts
39 would result in more than a 25% change in the value of avoided energy cost affecting
40 a significant portion of the program activity in the triennial plan.

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SUMMARY

Section ?? corrects a conflict created by Public Law 2019, chapters 313 and 476, which affected the same provision of law, by repealing the provision and replacing it with the chapter 313 version and corrects a cross-reference.

Sections ?? and ?? correct a lettering problem created by Public Law 2019, chapters 298 and 313, which enacted 2 substantively different provisions with the same paragraph letter.

45

ERRORS BILL § 49

LAW AMENDED: 35-A MRSA §10110, sub-§1, ¶C

General Subject: Efficiency Maine Trust, Electric efficiency and conservation programs

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical?

Is amendment to Errors Bill needed?
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.22.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 49.docx (7/22/2020 02:40:00 PM)

EXPLANATION

Title 35-A, section 10110 provides for electric efficiency and conservation programs administered by the Efficiency Maine Trust. Subsection contains the definitions for terms used in the section. Paragraph C defines “conservation programs.” Prior to 2019, ¶C read: “Conservation programs” means programs developed by the trust pursuant to this section designed to reduce inefficient electricity use.”

PL 2019, c. 306 (LD 1766), An Act to Transform Maine’s Heat Pump Market to Advance Economic Security and Climate Objectives amended ¶C to remove “reduce inefficient” and change it to “increase the efficiency of” electricity use.

PL 2019, c. 365 (LD 1464), An Act to Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment also amended ¶C, but by adding “or to increase the efficiency with which electricity is used” at the end.

Section 49 of the Errors Bill repeals 35-A §10110, sub-§1, ¶C as amended by both c. 306 and c. 365 and reenacts it with the c. 306 version.

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✓
SRA
(KC)
(AL)
3/13/0

1 Sec. 65. 35-A MRSA §10110, sub-§1, ¶C, as amended by PL 2019, c. 306, §4
2 and c. 365, §2, is repealed and the following enacted in its place:

3 C. "Conservation programs" means programs developed by the trust pursuant to this
4 section designed to increase the efficiency of electricity use.

5 SUMMARY

6 Section ?? corrects a conflict created by Public Law 2019, chapters 306 and 365,
7 which affected the same provision of law, by repealing the provision and replacing it with
8 the chapter 306 version.

① SMY
① T&S

47

ERRORS BILL § 50

LAW AMENDED: 36 MRSA §1754-B, sub-§1-B

General Subject: Sales and Use Tax, registration of sellers

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.22.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 50.docx (7/22/2020 03:31:00 PM)

EXPLANATION

Title 36, section 1754-B lists all the persons required to register as sellers under the Sales and Use Tax.

PL 2019, c. 401 (LD 1798), An Act to Amend the Maine Tax Laws enacted a new subsection 1-B (most of it is a reenactment of subsection 1, which c. 401 repealed).

PL 2019, c. 441 (LD 1452), An Act Regarding the Collection of the Sales and Use Tax by Marketplace Facilitators also enacted a new subsection 1-B (also repealed subsection 1).

There are three differences between the subsection 1-B enacted by c. 401 and the subsection 1-B enacted by c. 441.

1. In the lead-in paragraph, the c. 441 version includes a cross-reference to section 1951-C (enacted by c. 441, "Collection of tax by marketplace facilitators and marketplace sellers").
2. In ¶A, sub-¶(1) of the c. 401 version, there is an "and between "retail," and "that maintains" – the "and" is not included in the c. 441 version.
3. The c. 441 version includes ¶K, requiring a marketplace facilitator to register as a seller in certain circumstance.

Section 50 of the Errors Bill repeals §1754-B, sub-§1-B as enacted by c. 401 and c. 441 and reenacts it using the c. 441 version.

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✓ 51

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SRA
(KAC)
(AL)
3/13

1 ✓ **Sec. 66. 36 MRSA §1754-B, sub-§1-B**, as enacted by PL 2019, c. 401, Pt. B,
2 §11 and c. 441, §4, is repealed and the following enacted in its place:

3 **1-B. Persons required to register.** Except as otherwise provided in this section and
4 section 1951-C, the following persons, other than casual sellers, shall register with the
5 assessor and collect and remit taxes in accordance with the provisions of this Part:

6 **A. Every person that has a substantial physical presence in this State and that makes**
7 **sales of tangible personal property or taxable services in this State, including, but not**
8 **limited to:**

9 (1) Every person that makes sales of tangible personal property or taxable
10 services, whether or not at retail, that maintains in this State any office,
11 manufacturing facility, distribution facility, warehouse or storage facility, sales or
12 sample room or other place of business;

13 (2) Every person that makes sales of tangible personal property or taxable
14 services that does not maintain a place of business in this State but makes retail
15 sales in this State or solicits orders, by means of one or more salespeople within
16 this State, for retail sales within this State; and

17 (3) Every lessor engaged in the leasing of tangible personal property located in
18 this State that does not maintain a place of business in this State but makes retail
19 sales to purchasers from this State;

20 **B. Every person that makes sales of tangible personal property or taxable services for**
21 **delivery into this State if:**

22 (1) The person's gross sales from delivery of tangible personal property or
23 taxable services into this State in the previous calendar year or current calendar
24 year exceeds \$100,000; or

25 (2) The person sold tangible personal property or taxable services for delivery
26 into this State in at least 200 separate transactions in the previous calendar year or
27 the current calendar year;

28 **C. Every person that has a substantial physical presence in this State and that makes**
29 **retail sales in this State of tangible personal property or taxable services on behalf of**
30 **a principal that is outside of this State if the principal is not the holder of a valid**
31 **registration certificate;**

32 **D. Every agent, representative, salesperson, solicitor or distributor that has a**
33 **substantial physical presence in this State and that receives compensation by reason**
34 **of sales of tangible personal property or taxable services made outside this State by a**
35 **principal for use, storage or other consumption in this State;**

36 **E. Every person that manages or operates in the regular course of business or on a**
37 **casual basis a hotel, rooming house or tourist or trailer camp in this State or that**
38 **collects or receives rents on behalf of a hotel, rooming house or tourist or trailer camp**
39 **in this State;**

① SMY
① T&S

49

1 F. Every person that operates a transient rental platform and reserves, arranges for,
2 offers, furnishes or collects or receives consideration for the rental of living quarters
3 in this State;

4 G. Every room remarketer;

5 H. Every person that makes retail sales in this State of tangible personal property or
6 taxable services on behalf of the owner of that property or the provider of those
7 services;

8 I. Every person not otherwise required to be registered that sells tangible personal
9 property to the State and is required to register as a condition of doing business with
10 the State pursuant to Title 5, section 1825-B;

11 J. Every person that holds a wine direct shipper license under Title 28-A, section
12 1403-A; and

13 K. A marketplace facilitator if:

14 (1) The marketplace facilitator's gross sales from delivery of tangible personal
15 property or taxable services into this State in the previous calendar year or
16 current calendar year exceeds \$100,000; or

17 (2) The marketplace facilitator sold or facilitated sales of tangible personal
18 property or taxable services for delivery into this State in at least 200 separate
19 transactions in the previous calendar year or the current calendar year.

20 For the purposes of this paragraph, the marketplace facilitator's gross sales and total
21 number of transactions include sales facilitated on behalf of marketplace sellers and
22 any sales of tangible personal property or taxable services made directly by the
23 marketplace facilitator.

24 **SUMMARY**

25 Section ?? corrects a conflict created by Public Law 2019, chapters 401 and 441,
26 which affected the same provision of law, by repealing the provision and replacing it with
27 the chapter 441 version.

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ERRORS BILL § 51

LAW AMENDED: 36 MRS 1817, sub-§5

General Subject: Sales and Use Tax, Taxes on retail marijuana and retail marijuana products

Type of correction (conflict, reference, other): conflict

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.22.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 51.docx (7/22/2020 04:52:00 PM)

EXPLANATION

Title 36, section 1817 was enacted by Initiated Bill 2015, c. 5 and provided for taxes on retail marijuana and retail marijuana products.

PL 2017, c. 409 (LD 1719), An Act to Implement a Regulatory Structure for Adult Use Marijuana repealed §1817 and inserted the taxation language in §1811.

PL 2017, c. 452 (LD 1539), An Act to Amend Maine's Medical Marijuana Laws amend §1817, sub-§5 to update the terminology for registered dispensaries and caregivers.

The taxation of marijuana is now covered by §1811.

Section 51 of the Errors Bill repeals §1817, sub-§5 as repealed by PL 2017, c. 409 and amended by PL 2017, c. 452



51

52

1 **Sec. 67. 36 MRSA §1817, sub-§5**, as repealed by PL 2017, c. 409, Pt. D, §3 and
2 amended by c. 452, §30, is repealed.

✓
SPA
AYKC

3 **SUMMARY**

4 Section ?? corrects a conflict created when Public Law 2017, chapter 409 repealed
5 Title 36, section 1817, subsection 5 and chapter 452 amended the subsection. This
6 section corrects the conflict by repealing Title 36, section 1817, subsection 5.

① zmg
② T&S

52

ERRORS BILL § 52

LAW AMENDED: 37-B MRSA §111

General Subject: Military Bureau, Enlisted personnel

Type of correction (conflict, reference, other): outdated provision regarding gender

Category (technical, substantive): technical

Is amendment to Errors Bill needed? no
(If so, draft/mark up and explain below)

Prepared by: mjr

Date: 7.22.20

File name: G:\COMMITTEES\JUD\Errors Bill 2020\Sec 52.docx (7/22/2020 05:48:00 PM)

EXPLANATION

Title 37-B, section 111 provides that “enlisted man” and “enlisted men” means enlisted personnel, male or female.

PL 2019, c. 475 (LD 1457), An Act to Make Certain References in the Maine Revised Statutes Gender Neutral amended Titles 1 through 4 to remove gender-specific language. Section 52 directed the Revisor of Statutes

Sec. 52. Maine Revised Statutes revisions. The Revisor of Statutes shall review the Maine Revised Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and shall implement these revisions when updating, publishing or republishing the statutes. The Revisor of Statutes shall develop a schedule to change all such gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable. The changes may be made through the preparation and publication of an additional annual revisor's report pursuant to the Maine Revised Statutes, Title 1, section 95 that is dedicated to the correction of gender-specific terms. The Revisor of Statutes shall include in the annual report a report on the progress in carrying out the schedule developed pursuant to this section. When correcting gender-specific references within statutory units in the additional annual revisor's report prepared pursuant to this section, the Revisor of Statutes need not correct those statutory units to incorporate other administrative changes and corrections authorized under Title 1, section 93.

The Revisor's Report 2019, c. 1, Part B updated all of Title 37-B to replace gender-specific language. The term “enlisted man” or “enlisted men” was changed to “enlisted



SP

53

1 ✓ Sec. 68. 37-B MRSA §111, as enacted by PL 1983, c. 460, §3, is repealed.

2 **SUMMARY**

3 Section ?? repeals an outdated provision regarding gender.

DSM
T&S